

LEGAL UPDATE

OSHA Updates Coronavirus Safety Enforcement Policies

On May 19, 2020, the Occupational Safety and Health Administration (OSHA) announced the following revised policies for enforcing OSHA's requirements with respect to coronavirus:

- [Updated Interim Enforcement Response Plan](#). OSHA will return to in-person inspections in many workplaces now that personal protective equipment potentially needed for inspections is more widely available. OSHA staff will continue to prioritize COVID-19 inspections, and will utilize all enforcement tools as OSHA has historically done.
- [Revised Enforcement Guidance for Recording Cases of COVID-19](#). Under OSHA's recordkeeping requirements, coronavirus is a recordable illness, and employers are responsible for recording confirmed cases of the coronavirus that are work-related and involve general recording criteria, such as medical treatment beyond first aid or days away from work.

Recording COVID-19 Cases

It may be difficult to determine whether a COVID-19 case is work-related. For this reason, OSHA emphasizes that employers must make reasonable efforts, based on the evidence available to the employer, to determine whether a particular case of coronavirus is work-related.

Recording a COVID-19 case does not mean that the employer has violated any OSHA standard. Following existing regulations, employers with ten or fewer employees and certain employers in low-hazard industries have no recording obligations; they need only report work-related coronavirus illnesses that result in a fatality or an employee's in-patient hospitalization, amputation, or loss of an eye.

Source: Occupational Safety and Health Administration

Provided to you by **Wallace Welch & Willingham**

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Important Dates

May 19, 2020

OSHA announced its revised policies for COVID-19-related enforcement

May 26, 2020

OSHA's revised enforcement policies become effective

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