

OSHA Launches Program to Address COVID-19 Safety

PUBLISHED ON

March 17, 2021

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has taken several steps to increase inspection and enforcement activities to curb the risk of COVID-19 exposure in the workplace.

OSHA launched the [National Emphasis Program](#) to ensure that employees in high-hazard industries are protected from contracting COVID-19. Under the new program, OSHA will be targeting specific, high-hazard industries and activities and increasing its focus on whistleblower protection. The program follows President Joe Biden's executive order in January directing the agency to create a national COVID-19 safety enforcement program, and it is scheduled to remain in place for up to a year.

One of the biggest items provides for programmed inspections pulled from a master list of companies in high-risk industries, including health care institutions, assisted living facilities, meat and poultry processing plants, supermarkets, correctional institutions, and restaurants. Priority is given to COVID-19 fatalities, complaints and referrals, and OSHA's area offices are also free to schedule follow-up inspections of worksites reviewed last year. Though programmed inspections typically occur at least 90 days after OSHA's initial outreach to a site, the new program accelerates that timeline to two weeks.

The program also increases OSHA's emphasis on whistleblower protection, instructing enforcement efforts to focus on employers who engage in retaliation against employees who complain about safety hazards. The program also ensures that OSHA's enforcement arm makes prompt referrals to the Whistleblower Protection Program, where appropriate.

OSHA also updated its [Interim Enforcement Response Plan](#), which provides detailed guidance on how inspections will be handled to minimize risks of COVID-19 exposure. The plan seeks to prioritize onsite workplace inspections "where practical" rather than default to remote methods. The updated plan goes into effect March 18.

Employers in high-risk industries who still do not have a written, comprehensive COVID-19 prevention plan or series of protocols should strongly consider creating one now, following previous non-binding OSHA guidance. Employers should also continue to enforce mask requirements, social distancing and other mitigation efforts to minimize COVID-19 risks. With the increased focus on inspections and whistleblower protection, employers will also want to ensure that supervisors are adequately trained in how to address and respond to safety complaints from employees and that they are familiar with company safety policies.

The Barley Snyder Employment Practice Group can assist you in creating or evaluating COVID-19 protocols or consulting on specific cases. If you have any questions or concerns, please [reach out to anyone in the group](#).

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