

# 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*

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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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