



## Is OSHA knocking at your door more often? Here's why.

May 22, 2020

The U.S. Department of Labor's workplace safety office is stepping up its in-person inspections in areas where COVID-19 infections have decreased. The Occupational Safety and Health Administration (OSHA) has issued [new enforcement instructions](#) directing its state and regional offices to return to the pre-COVID-19 playbook after ceasing most in-person inspections at the height of the pandemic in previous months.

OSHA is also requiring most employers to:

- disclose when workers contract COVID-19;
- track workplace COVID-19 cases;
- record workplace COVID-19 cases.

The tracking and recording requirements replace an [earlier policy](#) from April 10, 2020, that excused all but health care, corrections and first response employers from that duty. Under OSHA's recordkeeping requirements, employers are responsible for recording cases of COVID-19 if:

- the case is confirmed as a COVID-19 illness;
- it is work-related; and,
- it involves one or more of the [general recording criteria](#), such as medical treatment beyond first aid or days away from work.

Additionally, keeping the new enforcement instructions focused on high-risk employers, regional officials are now given

discretion over how to investigate complaints. Officials may decide whether to investigate the complaint remotely or in-person. For complaints such as lack of personal protective equipment, if resources are insufficient for an in-person inspection of a fatality or imminent danger event, investigators are permitted to begin the investigation remotely and move to an in-person investigation only if needed.

Employers should note that the new enforcement instructions do not change [existing regulations](#) which exclude employers with 10 or fewer employees and certain employers in low-hazard industries from recording obligations. These employers still need only to report work-related COVID-19 cases that result in a fatality or an employee's in-patient hospitalization, amputation, or loss of an eye.

# Authors

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**Sue A. Roudebush**

Partner

Columbus

614.227.7744

[sroudebush@bricker.com](mailto:sroudebush@bricker.com)