Labor & Employment Law Daily Wrap Up, OSHA NEWS—OSHA touts 37 COVID-19 citations without detail of how employees were affected, (Oct. 5, 2020)

Labor & Employment Law Daily Wrap Up

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A single employer was cited for violations at three establishments in July, and one establishment was cited in August; the other 33 citations were issued in September.

Late Friday evening, October 2, OSHA announced that since the start of the COVID-19 pandemic, the agency has cited 37 establishments (although some were operated by the same employer) for coronavirus-related violations, resulting in proposed penalties totaling $484,069. OSHA provided no detail, however, as to employees who may have been affected by these violations, such as the number of work-related infections, hospitalizations, or deaths that may have prompted an investigation or that inspectors may have attributed to any of those violations.

Less detail available to the public. OSHA recently departed from its long-standing practice of linking to the actual citations issued and appears to be providing little detail surrounding COVID-19-related inspections and citations. The October 2 announcement, however, did link to a database that provides the specific standard violated without further detail. OSHA also noted that, as to the 37 establishments that have been cited for coronavirus-related violations, the agency has issued nine press releases.

Database information. A review of the database shows that the first citations were issued on July 13, several months after COVID-19 began to take its toll in workplace across the United States. In July, the agency cited three different Ohio establishments operated by the same employer, and in August, OSHA cited only one establishment. The rest of the citations were issued in September.

Coronavirus-related citations. The federal health and safety agency pointed out that coronavirus-related inspections have resulted in citations to employers for violations including failures to:

- Implement a written respiratory protection program;
- Provide a medical evaluation, respirator fit test, training on the proper use of a respirator, and personal protective equipment;
- Report an injury, illness, or fatality;
- Record an injury or illness on OSHA recordkeeping forms; and
- Comply with General Duty Clause of the Occupational Safety and Health Act of 1970

According to OSHA’s database, the largest fine so far—$28,070—was proposed on September 4, against Hackensack Meridian Health Residential Care Inc., The Harborage, in North Bergen, New Jersey. On September 19, Hackensack Meridian Health System in North Bergen was also fined to $25,061, and Hackensack Meridian Health, Inc., in Edison, New Jersey, was fined $25,061.