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CAL/OSHA HAS BEGUN CITING EMPLOYERS FOR COVID-19 VIOLATIONS

Cal/OSHA recently issued citations to eleven employers for alleged failures to protect employees from COVID-19 exposure. No construction industry citations have been issued yet, but the food processing, meatpacking, healthcare, agriculture, and retail industries have now all been targeted by Cal/OSHA.

The citations carried penalties up to \$51,190. Each of the citations followed either inspections after notification of serious illnesses, complaints of workplace hazards, or proactive joint-enforcement efforts involving Cal/OSHA and other government entities.

Because there is no safety standard specifically addressing COVID-19, Cal/OSHA is using the Injury and Illness Prevention Program standard which requires employers to identify, evaluate, and correct workplace hazards, as well as to train employees on those hazards. Under this standard, employers have been cited for putting their employees at risk of COVID-19 by such things as:

- Failing to update workplace safety plans and train employees;
- Failing to ensure workers are physically distanced;
- Failing to provide emergency eyewash facilities;
- Failing to install plexiglass or other barriers between workers;
- Failing to implement health screening procedures for employees and visitors; and

- Failing to take appropriate measures when employees exhibit virus symptoms at work.

Healthcare employees have also been cited under the aerosol transmissible disease standard for failing to ensure employees wear respirators when transporting patients infected, or suspected to be infected, with the virus.

CONTINUED ENFORCEMENT MEASURES EXPECTED

Cal/OSHA states that it intends to issue more citations in the coming months. Therefore, all California employers should thoroughly review and follow the state's and their locality's COVID-19 workplace safety and health guidance to avoid and/or minimize potential liability. Visit the COVID-19 portal on our firm's website for easy access to more information. ■

Finch, Thornton & Baird, LLP is here for you as the impact of Coronavirus is felt throughout your business. For more information, please contact Chad T. Wishchuk, Esq. at (858) 737-3100.

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