



# OSHA CORNERSTONES

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## OSHA Reveals Increase in Whistleblower Complaints in the Midst of COVID-19

As the COVID-19 pandemic continues on, employee health and safety remains a top priority. Specifically, a key topic of concern has been whether workers who reported potential violations (e.g., a lack of social distancing or inadequate personal protective equipment) are being properly protected from employer [retaliation](#).

In response, the Department of Labor (DOL) recently performed an audit on the Occupational Safety and Health Administration's (OSHA) handling of whistleblower complaints since the emergence of the pandemic. The DOL's audit revealed that there has been an increase in both the number of whistleblower complaints and the amount of time taken to investigate such complaints. In fact, [OSHA's Whistleblower Protection Program](#) recorded 30% more complaints between February and June of this year than during the same time frame in the previous year.

Throughout those initial four months of the pandemic, OSHA's Whistleblower Protection Program received over 4,000 complaints—with nearly 40% of these complaints being coronavirus-related.

With this startling data in mind, it's important for employers to implement effective workplace health and safety measures to help keep their staff adequately protected from COVID-19—namely, the enforcement of social distancing protocols and provision of any necessary personal protective equipment.

In addition, employers must remember that, under Section 11 (c) of the Occupational Safety and Health Act, whistleblowers cannot be retaliated against for voicing their concerns about workplace health and safety measures. In the event that an employee does experience retaliation for whistleblowing, they may be entitled to significant compensation at the cost of their employer.

For additional information regarding whistleblowing compliance, [click here](#).

## National Safety Stand-down Event Officially Rescheduled to September

According to the U.S. Bureau of Labor Statistics, falls account for more than 30% of workplace fatalities in the construction industry. In an effort to raise awareness of this recurring hazard and help construction employers keep their staff safe, the National Safety Stand-down was created. This annual event—which is sponsored by OSHA—was initially scheduled for May 4-8, but was postponed due to the ongoing COVID-19 pandemic. The event will now take place from Sept. 14-18.

The purpose of this event is to reinforce the importance of fall prevention by encouraging construction employers to host safety talks, conduct equipment inspections, develop rescue plans and discuss job-specific hazards. Organizations do not need to register to participate. All they need to do is hold a stand-down event of their choosing. They can then download a certificate of participation from the National Safety Stand-down [website](#) and submit any feedback they have on their event to OSHA.

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## OSHA Amends Beryllium Standard

On July 14, 2020, OSHA published a final rule to amend certain provisions of its beryllium standard for the general industry. The new rule becomes effective on Sept. 14, 2020.

The current standard was adopted in 2017, though enforcement of a few portions was delayed until March 2020.

### Affected Areas

OSHA says it amended the beryllium standard to simplify and improve compliance, and it believes the changes will further enhance worker safety and health protections. Affected provisions include:

- Key definitions (beryllium sensitization, beryllium work area, CBD diagnostic center, chronic beryllium disease, confirmed positive and dermal contact with beryllium);
- Compliance methods (changes to the written exposure control plan);
- Personal protective equipment (removal, storage, cleaning and replacement);
- Hygiene areas and practices (skin contact and contaminated areas);
- Disposal, recycling and reuse practices;
- Medical surveillance (timing, frequency and location for evaluation);
- Communication of hazards (labeling, and employee information and training); and
- Recordkeeping (eliminating requirement to include Social Security numbers in some records).

### Next Steps

Employers subject to the beryllium standard should become familiar with this new rule and be ready to comply with its requirements by Sept. 14, 2020.

## OSHA and FDA Create New Checklist to Protect Food Industry Staff During the COVID-19 Pandemic

The Food and Drug Administration (FDA) and OSHA recently created a [new checklist](#) for food manufacturers to utilize in the process of continuing, resuming or reevaluating operations during the COVID-19 pandemic.

This checklist can be useful for organizations that grow, harvest, pack, manufacture, process or hold both human and animal food regulated by the FDA. At a glance, the checklist focuses on the following important considerations:

- Maintaining a health and safe work environment for employees
- Investigating potential coronavirus exposures in the workplace and determining when an employee should be tested for COVID-19
- Configuring the workplace to help reduce the risk of spreading COVID-19 between staff

Employers should follow this checklist in conjunction with other industry-specific guidance and regulations. For more COVID-19 updates from OSHA, [click here](#).