

# COVID-19: Oregon OSHA Enforcement & Consultation

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# Oregon OSHA Enforcement of “Stay Home/Stay Safe”

Oregon OSHA is applying the Oregon Safe Employment Act, so our enforcement jurisdiction remains limited to the workplace

Oregon OSHA is enforcing guidance in the various Governor’s Executive Orders, general by applying general rules related to employer obligations to provide a safe and healthful workplace, such as the following:

- PPE
- Health Hazard Controls
- Supervision and Training
- Extraordinary Hazards

# Oregon OSHA COVID Complaint Activity

Data current as of April 27, 2020

Complaint Intake Date	Number
Thru March 22	68
March 23-March 29	1,266
March 30-April 5	1,084
April 6-April 12	456
April 7-April 19	1,084
April 20-April 26	312
April 27-May 8 (3-week total)	691

# Breakdown by Industry/Activity Type

Most Frequent Industry/Activity Types	Number	% COVID Complaints
Manufacturing (other than Food and Forest Products)	404	12%
Retail (not otherwise listed)	404	12%
Service (not otherwise listed)	341	10%
Health Care (not otherwise listed)	213	6%
Restaurants and Food Service	208	6%
Grocery Store	204	6%
Construction	188	5.5%
Offices (including Call Centers)	174	5%
Forest Products Manufacturing	100	3%
Agriculture and/or Food Processing/Manufacturing	98	3%

# Source of COVID-19 Complaints

Based on analysis of data through 4/17

Of the complaints Oregon OSHA has received related to COVID-19...

- nearly 37 percent of them are from current employees
- another 13 percent of them are from former employees or employee representatives
- more than 29 percent of them were from unknown complainants
- the remaining roughly 21 percent were from other concerned individuals

# The Nature of the Complaints

Most into one of several broad categories:

- the business is not enforcing social distancing;
- the business (particularly those involving offices) is not maximizing telework opportunities;
- the business is not closed or is requiring employees to work even though the business is “not essential;”
- the business is failing to act appropriately or to share information about one or more people the complainant believes have COVID-19

# Complaint Results

In the overwhelming majority of the cases, the employer has taken some steps to address COVID-19, but the complainant either indicates that the rules are not being enforced or that the employer's response is inadequate or was tardy.

# Resolving the Cases

Oregon OSHA has been able to resolve many of the complaints by communicating with the employer - as well as communicating with the complainant about what is and is not expected.

The most challenging cases are those that involve group transport of workers to another location and/or providing services (such as cleaning) in another site, as well as those who work in a location controlled by someone other than the employer (again, cleaning is the clearest example).



# Responding to Complaints

- Oregon OSHA's formal onsite enforcement activity continues to be limited; we have initiated fewer than 30 inspections and no citations have yet been issued (although several are in process).
- Consultants have provided “abatement assistance” in the context of complaint responses, which is not our standard practice
- Consultants have done more than 125 coronavirus intakes and have completed more than a dozen related to enforcement complaints and about three dozen other “virtual” coronavirus consultations

# Use of non-inspection “spot checks”

“Spot check” visits do not involve presenting one’s credentials and initiating a formal inspection.

Use time more efficiently, use additional available staff from throughout the division, and minimize unnecessary contact within the place of employment.

More than 1500 such visits (overwhelming majority determined employer was taking reasonably effective steps to maximize social distancing, limit interpersonal contact, and maximize cleaning/sanitation).

# Next steps .... in addressing COVID-19 in the workplace

We will be enforcing Phase 1 Reopening Guidance using the same basic approach

We will continue to be the primary intake on a statewide level for COVID-19 enforcement; we will be referring public health complaints to others rather than simply taking no action on them

We will be referring issues where employer-employee relationship is not explicitly implicated or is uncertain to other enforcement agencies with jurisdiction when possible.