

Construction Industry Workplace Law Update – Summer 2021

By Dion Y. Kohler

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OSHA Standard Changes That Will Impact Construction

The U.S. Department of Labor's regulatory agenda for spring 2021 lists regulations the agency will focus on for the next six months, including 26 Occupational Safety and Health Administration regulations, six of which are in the final rule stage and the rest are in the proposed or pre-rule stage. Many of them will directly affect the construction industry.

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What OSHA's Proposed Changes to Hazard Communication Standard Mean for Construction Employers

The Occupational Safety and Health Administration's proposed amendments to the Hazard Communication Standard, in 29 CFR 1910.1200, to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals Revision 7 are substantial and would have broad implications. Specific to the construction industry, construction employers may have new compliance obligations from some materials now being classified as "hazardous" or managed in a different hazard class, resulting in new program, training, and communication obligations.

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Despite Potential Confusion, NLRB Declined to Change Representation Case Contract Bar Doctrine

Despite concerns over potential employee confusion about when they must exercise their right to petition for an election to decertify their union representative, in an April 21, 2021, decision, the National Labor Relations Board chose to retain the contract bar doctrine as it exists.

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Exercise Caution With Mandated Construction Project Labor Agreements

A project labor agreement (PLA) is a type of collective bargaining agreement that covers multiple unionized trades working on a single defined project. While advocates emphasize the advantages of PLAs, construction owners and contractors should be aware of the drawbacks.

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Tips for Updating Employee Handbooks in 2021

There are numerous reasons why employers should take the time to update their handbooks on an annual basis, at a minimum. However, many employers, including those in the construction industry, undervalue the benefits a current, legally compliant handbook can have, and unfortunately, having an out-of-date handbook can be just as risky as having no handbook at all.

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Please contact a Jackson Lewis attorney if you have any questions about these developments.

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