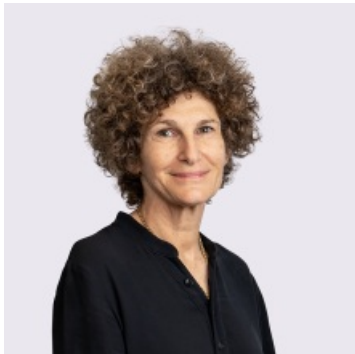


OSHA Targets Restaurant Industries for COVID-19 Inspections

By Felice B. Ekelman, Amanda A. Simpson, Sarah R. Skubas &

May 4, 2021

Meet the Authors



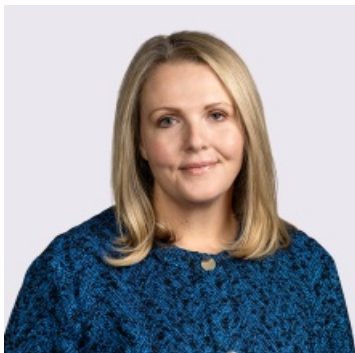
Felice B. Ekelman

Principal
212-545-4005
Felice.Ekelman@jacksonlewis.com



Amanda A. Simpson

Office Managing Principal and
Office Litigation Manager
(407) 246-8408
Amanda.Simpson@jacksonlewis.com



Sarah R. Skubas

Restaurants should be on higher alert for potential inspections from the Occupational Safety and Health Administration (OSHA) in light of the agency's recent [Updated Interim Enforcement Response Plan for COVID-19](#) and [National Emphasis Program – Coronavirus Disease 2019 \(COVID-19\)](#).

In contrast from the past year during which OSHA focused its resources on the healthcare industries, OSHA issued detailed guidance on conducting COVID-19 inspections with the restaurant industry — both full-service and limited-service — specifically on OSHA's target list to conduct programmed inspections. This means OSHA can show up unannounced and declare it will be conducting a COVID-19 inspection of a restaurant if that establishment is on the target list generated by the agency.

Restaurants should proactively prepare for on-site OSHA inspections based on this updated guidance and renewed interest on the industry by doing the following:

- Review all recording and reporting of occupational injuries and illness practices on the OSHA 300 Injury and Illness Log.
- Review the establishment's COVID-19 Risk Assessment and update any COVID-19 prevention policies.
- Review Personal Protective Equipment (PPE) compliance, policies, and documentation of the same.
- Continue to monitor employee exposures and track the same.
- Continue to train and re-train employees on COVID-19 sanitation, PPE, and other related protocols and document this training.
- Ensure sanitation protocols are compliant with local, state, and federal standards. Be sure to confirm sanitation logs are completed timely and accurately.
- Encourage employees to raise concerns internally so any potential issues can be promptly addressed before any OSHA site visit or to preempt any complaints to OSHA. Consider implementing anonymous hotlines for employees to raise concerns.
- In addition to federal OSHA guidance, be sure to review any state safety and health guidance. Employers in some states, like [California](#), [Michigan](#), [Oregon](#), and [Virginia](#), are already subject to COVID-19 rules under occupational safety and health state plans. Employers should continue to consult state and local law for safety guidelines.

With many full-service restaurants returning to indoor dining, along with increased capacity limits and other state-mandated restrictions being lifted, restaurants may see an increased number of patrons and employees returning to the workforce. While such changes are much-needed in an industry hit hard by the pandemic, restaurants should be on heightened alert to ensure COVID-19 workplace safety protocols are in place. The

Principal
(860) 522-0404
Sarah.Skubas@jacksonlewis.com

Related Services

COVID-19

Hospitality

Restaurants

Workplace Safety and Health

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.

longer the pandemic continues, the easier it is to become complacent. OSHA's focus on the industry reminds restaurant employers of the need to renew efforts to ensure all practices and documentation are up to date, should OSHA conduct a routine inspection or in case of investigation based on complaints.

For more information, please contact the Jackson Lewis attorney with whom you normally work or a member of the Workplace Safety and Health Practice Group.