

OSHA Targets Restaurant Industries for COVID-19 Inspections

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

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Meet the Authors



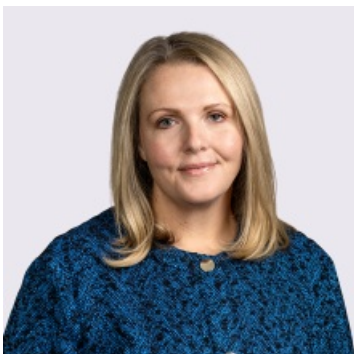
Felice B. Ekelman

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



Amanda A. Simpson

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



Sarah R. Skubas

Principal

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

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

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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.