

Employers Need to Address Heat-Related Hazards

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Earlier this year the Occupational Safety and Health Administration (“OSHA”) [issued a new National Emphasis Program](#) (“NEP”) designed to protect employees from heat-related hazards and possible heat-related injuries and illnesses in indoor and outdoor workplaces. As the heat of the Oklahoma summer stretches on, GableGotwals’ Employment Team wants to ensure our clients understand implications for employers and identify next steps to ensure compliance with this new program.

What’s New?

In the interest of President Biden’s heat illness initiative, OSHA issued a new NEP regarding indoor and outdoor heat-related hazards. The NEP applies to all industries, but primarily focuses on industries directly exposed to the heat such as manufacturers, wholesalers, transportation, and construction sites.

With the extreme heat this Summer, OSHA will undoubtedly be conducting what they call “programmed inspections” or “unprogrammed inspections.” During these inspections, OSHA employees will be checking facilities to ensure precautions are being taken by employers to protect their employees from the extreme heat. Programmed inspections will be conducted by a compliance safety and health officer (“CSHO”) when the National Weather Service announces a heat warning or advisory in the area. These heat warnings will likely be announced when the heat index is 80°F or higher. An unprogrammed inspection will be conducted when an OSHA employee suspects a hazardous heat condition while initially inspecting for other purposes.

What’s Next?

Considering the NEP, employers should take extra precautions to ensure their employees are adapting to the heat. If precautions are not being taken when a programmed or unprogrammed inspection occurs, a citation will be issued. Some precautions employers should take are as follows:

- provide access to cold drinking water at all times;
- schedule rest and rehydration breaks throughout the day;
- monitor extreme heat conditions;
- limit heat exposure as much as possible;
- implement a “buddy” system for hot days;
- provide training on heat illness signs, how to report signs and symptoms, and first aid.

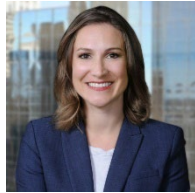
Takeaways for Employers

Provided below are some examples employers can take to mitigate their liability of an OSHA citation:

- Employers ***must*** implement a ***written heat illness and injury program***. This program allows employers to properly teach employees about the dangers of heat illness and injury. It also serves as a safeguard to an employer's liability.
- Employers should provide employees with ***proper training*** regarding heat illness and injury. Employees should also be trained in the importance of hydration and taking regular breaks.
- Employers should inform workers of the health conditions that may increase the likelihood of a heat-related illness or injury (pregnancy, obesity, heart disease).
- Employers should ensure that all the previously mentioned ***precautions*** are being taken to keep their employees safe.

Our **Employment & Labor team** is committed to helping employers navigate changes in the legal landscape. Please contact any member of the team for further assistance.

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