



Webinar 15 – August 13, 2025

## **A Review of Safety Policies in the Post COVID Era**

### **WEBINAR OUTLINE**

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- The Basics of the OSH Act
- Requirements Under Law
- Employer Responsibilities

#### **END OF NYS COVID-19 SICK LEAVE**

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## INTRO/SETTING THE STAGE

### The Basics of the OSH Act

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act of 1970 (the OSH Act) established the Occupational Safety and Health Administration (OSHA), a regulatory and enforcement agency that promulgates and enforces workplace health and safety standards.

Section 5 of the OSH Act requires that employers:

- provide employees with a place of employment free from recognized hazards that cause or are likely to cause death or serious physical harm; and
- comply with all occupational health and safety standards promulgated under the Act.

## REQUIREMENTS UNDER THE LAW

### Employer Safety Obligations

OSHA - What is the nature and extent of the employer's primary duty to protect workers' health and safety?

Under OSHA, employers must provide a safe and healthy workplace for their employees.

General Duty Clause: Employers have a responsibility to their employees under OSHA's General Duty Clause to provide a workplace that is free from recognized hazards that are causing or are likely to cause death or serious physical harm.

Requirements also typically apply to the work environment, which includes both the workplace and other places where employees are either conducting work activities or at which they are present for work-related purposes.

OSHA -What is the nature and extent of the employer's duty to ensure safe work premises?

- This includes preventing serious recognized hazards, providing adequate safety training and maintaining records of work-related injuries and illnesses, among other requirements.
- Employers must monitor their operations, periodically inspect for safety hazards, communicate with their employees about potential hazards and correct hazards that they identify.

## EMPLOYER RESPONSIBILITIES

**Under the OSH law, employers have a responsibility to provide a safe workplace. This is a short summary of key employer responsibilities:**

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- Examine workplace conditions to make sure they conform to applicable [OSHA standards](#).
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Employers must provide safety training in a language and vocabulary workers can understand.
- Employers with hazardous chemicals in the workplace must develop and implement a written hazard communication program and train employees on the hazards they are exposed to and proper precautions (and a copy of safety data sheets must be readily available).
- Provide medical examinations and training when required by [OSHA standards](#).
- Post, at a prominent location within the workplace, the [OSHA poster](#) (or the state-plan equivalent) informing employees of their rights and responsibilities.
- Report to the nearest [OSHA office](#) all work-related fatalities within 8 hours, and all work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours.
- [Keep records](#) of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this requirement.
- Provide employees, former employees and their representatives access to the Log of Work-Related Injuries and Illnesses ([OSHA Form 300](#)).

- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.
- OSHA encourages all employers to adopt a safety and health program.

## **Recordkeeping Requirements**

Many employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses. (Certain low-risk industries are exempted.) Minor injuries requiring first aid only do not need to be recorded.

### ***How does OSHA define a recordable injury or illness?***

- Any work-related fatality.
- Any work-related injury or illness that results in loss of consciousness, days away from work, restricted work, or transfer to another job.
- Any work-related injury or illness requiring medical treatment beyond first aid.
- Any work-related diagnosed case of cancer, chronic irreversible diseases, fractured or cracked bones or teeth, and punctured eardrums.
- There are also special recording criteria for work-related cases involving: needlesticks and sharps injuries; medical removal; hearing loss; and tuberculosis.

### ***Severe Injury***

- Employers must report any worker fatality within 8 hours and any amputation, loss of an eye, or hospitalization of a worker within 24 hours.

This information helps employers, workers and OSHA evaluate the safety of a workplace, understand industry hazards, and implement worker protections to reduce and eliminate hazards -preventing future workplace injuries and illnesses.

## END OF NYS COVID-19 SICK LEAVE

The New York State COVID-19 paid sick leave law, also known as COVID-19 Paid Emergency Leave, expired on July 31, 2025.

Beginning July 31, 2025, New York employers are no longer required to provide separate leave for COVID-19 quarantines and isolations.

Employees may still use regular sick leave for COVID-19 related absences under existing state and city sick leave laws. The expiration date was established in the 2024-2025 New York State Budget.

## NEW YORK RETAIL WORKER SAFETY ACT

The New York Retail Worker Safety Act, which imposes significant workplace violence prevention requirements on retail employers took effect on June 2, 2025.

Under the new law, covered employers are required to

- (1) implement a written retail workplace violence prevention policy,
- (2) conduct workplace violence prevention training, and
- (3) provide written notice to employees.

In addition, on January 1, 2027, covered employers with 500 or more retail employees in the state of New York will be required to provide their retail employees with access to an emergency “silent response button” at the workplace.

On May 29, 2025, the New York State Department of Labor (“NYSDOL”) published a model workplace violence prevention policy and a model workplace violence prevention training program. Every New York retail employer is now required to either adopt the NYSDOL model policy and training or establish a similar policy and training that equals or exceeds the NYSDOL’s models. The NYSDOL has also released Retail Worker Safety Act Frequently Asked Questions. All of these can be found on the NYSDOL website: <https://dol.ny.gov/retail-worker-safety>.

## OSHA HEAT ILLNESS PREVENTION AND SAFETY RULE

OSHA’s proposed standard is a comprehensive framework designed to protect approximately 36 million workers in both indoor and outdoor settings. The rule applies to all employers and activates when the heat index hits 80°F for more than 15 minutes during any 60-minute period — termed the “initial heat trigger.” At 90°F, the “high heat trigger” introduces additional requirements. Here’s a snapshot of what employers would need to do:

- **Written Heat Injury and Illness Prevention Plan (HIIPP):** Employers must develop and implement a tailored, written plan to evaluate and control heat hazards. This includes designating a heat safety coordinator to oversee compliance.
- **Temperature Monitoring:** Outdoor employers must monitor temperatures frequently to assess heat exposure accurately. Indoor employers need to identify areas where the heat index may reach 80°F and incorporate a monitoring plan into their HIIPP.
- **Mandatory Breaks and Cool-Down Areas:** At the initial heat trigger, employers must provide access to drinking water and break areas. At the high heat trigger, mandatory 15-minute breaks every two hours and observation systems (similar to buddy systems) to monitor for heat illness symptoms are required.
- **Training and Acclimatization:** Employees must receive training on heat hazards, emergency responses, and acclimatization protocols to gradually build tolerance to higher temperatures, especially for new or returning workers.
- **Hazard Alerts and Signage:** Employers must issue heat hazard alerts before shifts or when high heat is recognized, using accessible communication methods that are easily understood by all employees. For indoor areas frequently exceeding 120°F, warning signs are mandatory.

The informal public hearing on OSHA's Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings proposed rule concluded on July 2, 2025. Individuals who submitted a Notice of Intention to Appear (NOITA) can participate in the post-hearing comment period, which is open until September 30, 2025.

*Note: Recent Supreme Court decisions, such as Loper Bright Enterprises v. Raimondo, have raised questions about the authority of federal agencies, potentially impacting OSHA's rulemaking. Additionally, the Trump administration's "Regulatory Freeze Pending Review," issued on January 20, 2025, could delay or alter the rule's trajectory, though its impact on ongoing rulemaking remains unclear. The hearing will be a critical moment to gauge the rule's momentum and OSHA's response to these dynamics.*

## OSHA'S DEREGULATION INITIATIVE

On July 1, 2025, the Occupational Safety and Health Administration (OSHA) announced a comprehensive deregulatory initiative, proposing to eliminate or revise numerous workplace safety and health regulations deemed outdated, duplicative, or unnecessarily inflexible.

### Key Proposals

#### Reinterpretation of the General Duty Clause

A central element of OSHA's deregulatory package is a reinterpretation of Section 5(a)(1) of the Occupational Safety and Health Act, commonly known as the General Duty Clause. Historically, this provision has served as a catch-all enforcement tool for recognized workplace hazards not specifically addressed by OSHA standards. Under the

new proposal, OSHA seeks to codify a narrower interpretation of the clause, excluding from enforcement those hazards that are inherent and inseparable from the core nature of a professional activity or performance.

OSHA notes that this shift aligns with the dissenting opinion of then-Judge Brett Kavanaugh in the 2014 *SeaWorld of Florida, LLC v. Perez* decision, and reflects OSHA's reassessment of its authority in light of recent administrative and constitutional developments.

Construction Illumination: Proposal to remove minimum illumination requirements for construction sites, finding that the standard does not significantly reduce worker risk.

Safety Color Code: Proposal to eliminate certain safety color code requirements, asserting that relevant hazards are adequately addressed by other federal, state, and local regulations.

COVID-19 Emergency Temporary Standard (ETS): Proposal to formally remove the ETS and associated recordkeeping provisions from the Code of Federal Regulations. OSHA ceased enforcement of the ETS at the end of 2021, and the Biden Administration subsequently abandoned plans for a permanent COVID-19 rule.

Withdrawal of Musculoskeletal Disorder Recordkeeping: Withdrawal of a longstanding proposal to amend the OSHA 300 Log to include a column for work-related musculoskeletal disorders, citing resource constraints and competing regulatory priorities, despite recommendations from the Government Accountability Office to improve injury data collection.



Employers must familiarize themselves with the updated OSHA standards and modify their workplace policies and training programs accordingly.

**Investment in Safety Infrastructure:** With the heightened focus on various aspects of safety, investing in the necessary infrastructure and training is crucial.

**Proactive Compliance:** Regularly reviewing and updating safety protocols to align with OSHA's changes will be essential for avoiding penalties and ensuring employee safety.

Employers should be proactive and prepare by doing the following:

- Develop and implement appropriate training to ensure employee safety promptly
- Provide training in a timely manner, tailored to the work environment and in the employee's primary language
- Establish a reporting system for employees to document incidents for future reference
- Maintain records of all workplace violence incident reports