

PUBLICATION

New OSHA COVID-19 Enforcement Efforts Lead to Substantial Penalties

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Over the last year, OSHA has been criticized for not doing enough to ensure that employers are protecting their employees from coronavirus risks. The March 12, 2021 implementation of a National Emphasis Program (NEP) on coronavirus may quickly be changing that perception. Shortly after the effective date of the NEP, OSHA imposed fines on a tax preparation service due to its failure to protect its employees from COVID-19.

A Massachusetts Liberty Tax Service owner has been fined \$136,532 after a March 17, 2021 inspection by OSHA revealed that the employer was taking no precautions to protect its employees against coronavirus. OSHA issued one citation under Section 5(a)(1) of the OSH Act and found that the tax preparation service:

- Prohibited employees and customers from wearing masks in the workplace, even where such prohibition was in direct contravention of a statewide mask mandate;
- Required employees to work in close proximity to each other and customers for long periods of time;
- Failed to ventilate the workspace adequately; and
- Failed to implement controls such as physical barriers, screening of employees, and enhanced cleaning measures.

OSHA found the employer's actions to be a willful refusal to protect employees from contracting and spreading COVID-19.

This March 17, 2021 inspection came shortly after the launch of OSHA's coronavirus NEP and highlights the need for continued COVID-19 diligence in the workplace. For a discussion of OSHA's most recent guidance on COVID-19 in the workplace, please refer to Baker Donelson's March 8, 2021 OSHA alert found [here](#).

We continue to wait for OSHA's highly anticipated, and overdue, COVID-19 Emergency Temporary Standard. Please be on the lookout for future alerts and guidance from Baker Donelson's OSHA group after the standard is released. If you have any questions, please contact the authors or your Baker Donelson attorney.