

## Working From Home Post-COVID: What Employers Need to Know

### OSHA

Under OSHA's "general duty" provision, Employers must furnish to each a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The duty applies irrespective of location. For decades, the Occupational and Health Administration bounced back and forth over what obligations Employers had to assure a safe workplace for employees working from home. In 1999, OSHA issued guidance that suggested Employers had significant duties to assure that home offices complied with OSHA safety obligations. This resulted in significant pushback by Employers. Currently, OSHA takes the position that for home offices where the employee performs typical office work, such as filing, computer work, reading, writing or telephone duties, Employers have little responsibility. It has stated that it:

- will not conduct inspections of employees' home offices;
- will not hold Employers liable for employees' home offices; and
- does not expect Employers to inspect an employee's home office.

As to home-based manufacturing, OSHA will conduct an inspection only if a complaint has been filed and the complaint indicates that a violation of a safety or health standard exists that threatens physical harm or poses an imminent danger. Inspection will be limited to the employee's work activities, not the entire home. Employers remain responsible for hazards caused by materials, equipment, or work processes the Employer provides or requires to be used in an employee's home. Employers, who are required to keep records of work-related injuries and illnesses must do so even if the injury or illness occurs in an employee's home. In other words, no exception exists for work-related injuries or illnesses that occur at home but for the injury to be considered "work-related" it must have occurred while the employee is being paid to work and be directly related to the performance of the employee's duties as opposed to the home generally.

***If you have any questions, or would like additional information, please contact Bob Small, Partner in Reger Rizzo & Darnall's Employment Practices Group, at 215.495.6541, or via email at [rsmall@regerlaw.com](mailto:rsmall@regerlaw.com).***

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