



# The Future of Work for New England Employers - Part 7: OSHA/Employee Safety for Office Employees

Patrick Joyce  
Melissa Ortega  
Adam Young

August 29, 2023

**Seyfarth Shaw LLP**

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# Speakers

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**Patrick Joyce**  
Partner  
Seattle



**Melissa Ortega**  
Associate  
Chicago



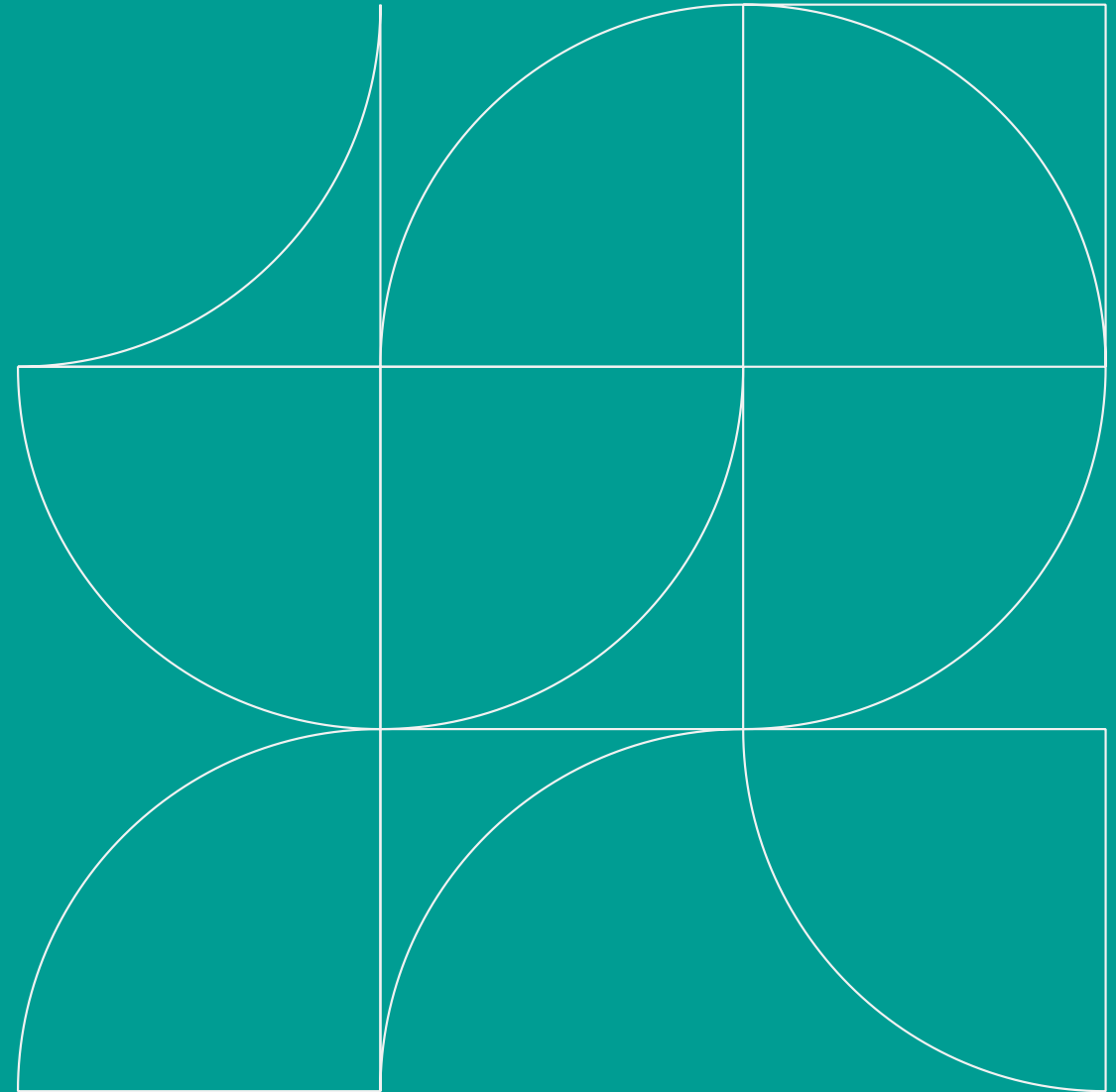
**Adam Young**  
Partner  
Chicago

# Agenda

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- 01** Employee Complaints and Whistleblower Considerations
- 02** Common OSHA Violations
- 03** Work From Home and Travel
- 04** Workplace Violence

# Whistleblower Considerations



# Whistleblower Retaliation Claims

What are they?

When can they come up?

Possible safety concerns for office workers

Elements to a whistleblower complaint

Filing and response procedure

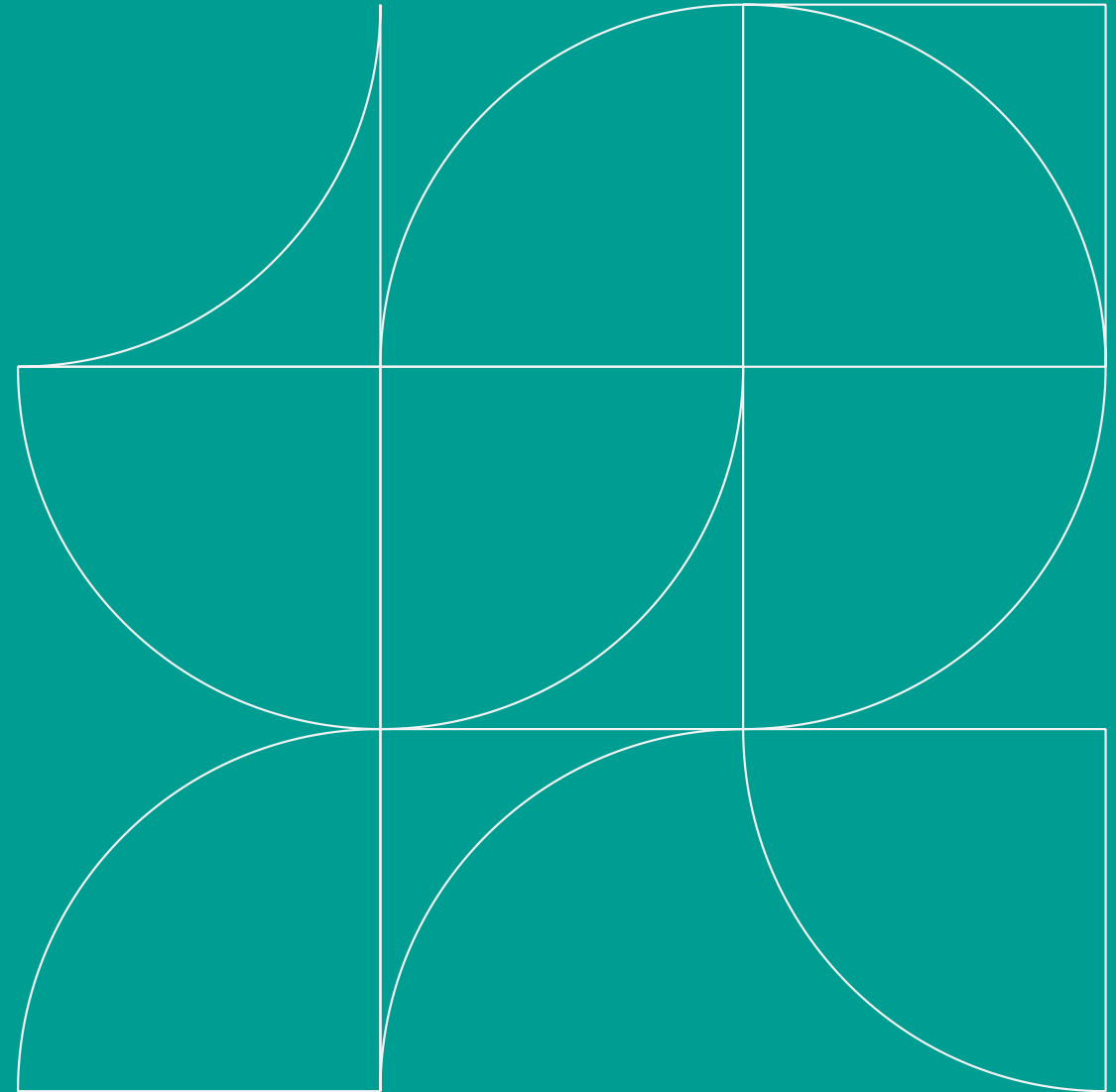
Statute of limitations

# Best Practices

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- **Make employees feel heard**
- **Thank them for their safety-related complaint**
- **Investigate complaint**
- **Document follow up actions**

# Common OSHA Violations for Office Workplaces





# Relevant **General Industry** Regulations

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- Only some General Industry regulations apply to office-based settings:
  - **Hazard Communication**
    - Cleaning chemicals
  - **Slips/Trips/Falls – Walking Working Surfaces**
    - Power cords
    - Flooring
    - Wet surfaces
  - **Emergency Planning**
    - Fire Safety
    - Emergency Action Plans/Evacuation Plans
    - First Aid – 15 minutes
  - **Electrical Safety**
  - **General Duty Clause – 5(a)(1)**
    - Ergonomics
    - Indoor Air Quality

# Recordkeeping: Office-Based Employers

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Most office-based employers are not required to maintain OSHA Log.

However, must report in the following **work-related** situations:

- Fatality
- Loss of an eye
- Amputation
- In-patient hospitalization

# Work From Home and Travel

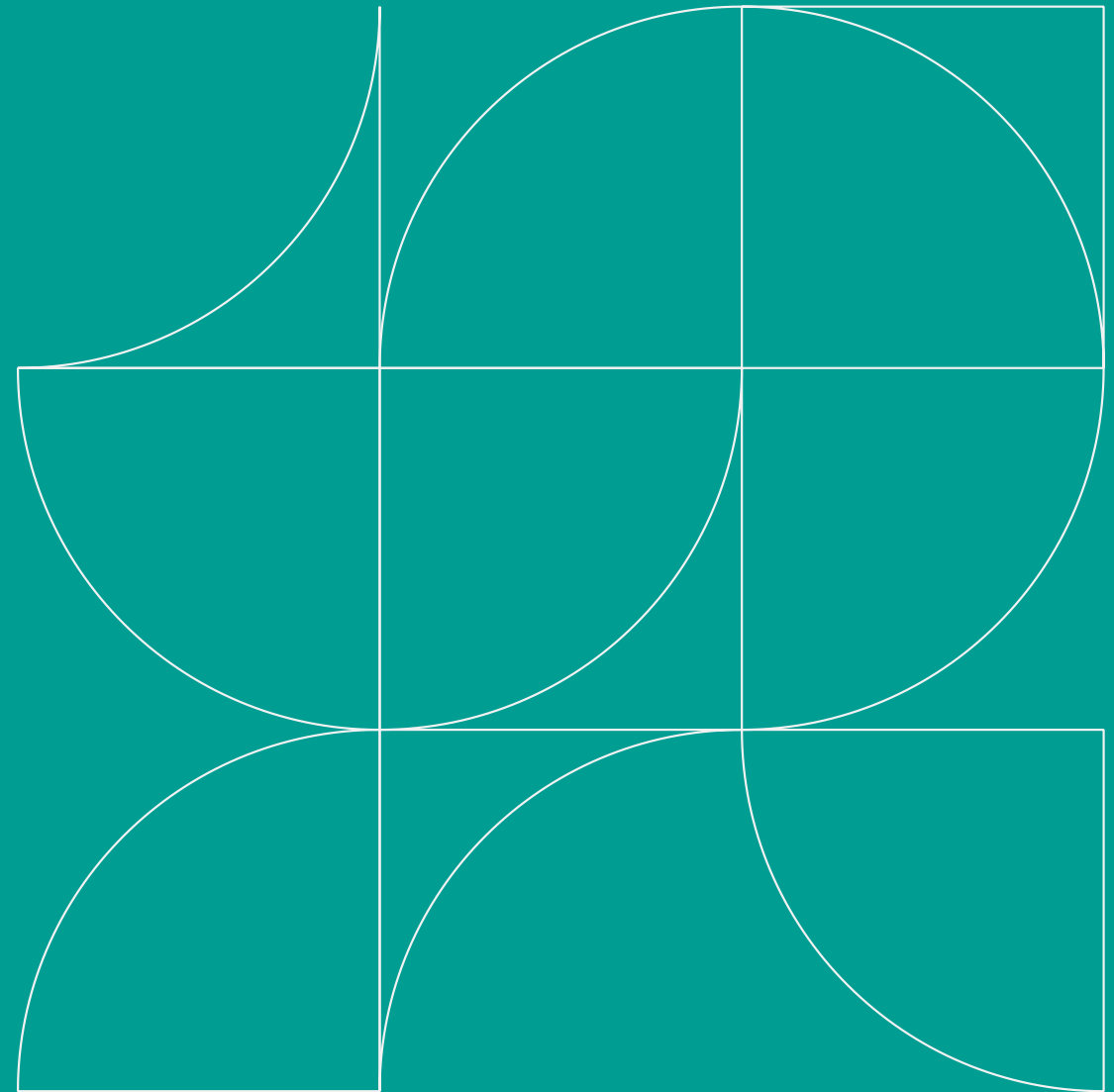
## Work from Home

- Safe working environment:
  - Right tools to do the job safely
- As a matter of policy, OSHA does not inspect employees' home offices.
- What about severe injuries at home while working?
  - Tasks related to job: may be reportable.
  - Tasks unrelated to job: not reportable.

## Travel

- What about severe injuries on the road?
  - May be reportable if traveling on behalf of employer and:
    - Not at hotel (“home away from home”)
    - Not on a public road
    - Other exceptions

# Hazard of Workplace Violence for Office Workers



# The Hazard of Workplace Violence for Office Workers

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“Violence” means the attempted, threatened, or actual conduct that causes and/or is likely to cause injury, including any threatening statement or behavior which gives an employee reasonable cause to believe that he/she or another worker is at risk of injury.

Active Shooter  
Homicide  
Battery  
Assault  
Fighting  
Sexual Assault  
Intimidation  
Bullying  
Threats  
Gestures

# Types of Violent Actors

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## Type 1

Individual with no connection to the workplace commits a crime

## Type 2

Violent act by an individual directed to an employee at the workplace by a customer or client

## Type 3

Violent act by a current or former employee directed at another employee

## Type 4

Violent act at the workplace by another person who has a relationship with an employee

# OSHA Enforcement on Workplace Violence

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- General Duty Clause
  - Requires an employer to furnish to its employees: "**employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees**"
  - Elements
    - Recognized Hazard
    - Likely to cause death or serious physical harm
    - Feasible Means of Abatement

# Workplace Incident Assessment

- Level 1 – Lower Threat
- Level 2 – Moderate Threat
- Level 3 – High Threat But Unclear
- Level 4 – High Threat and Imminent Danger

**OSHA FACT Sheet**

## Workplace Violence

**What is workplace violence?**

Workplace violence is a broad term that encompasses a wide range of behaviors, from simple verbal abuse to physical assault and homicide. It can occur in any workplace, regardless of the industry or the size of the organization. Workplace violence is a serious problem that can cause significant harm to employees and the organization as a whole.

**What are the signs of workplace violence?**

There are several signs that may indicate a potential workplace violence incident. These signs include: a person who is making threats, a person who is displaying weapons, a person who is acting in a hostile or aggressive manner, a person who is displaying signs of mental illness, and a person who is displaying signs of substance abuse. If you notice any of these signs, you should report them to your supervisor or the appropriate authorities.

**What are the consequences of workplace violence?**

Workplace violence can have serious consequences for both the individual and the organization. For the individual, it can result in physical injury, emotional trauma, and loss of employment. For the organization, it can result in lost productivity, increased costs, and damage to the organization's reputation.

**How can employers prevent workplace violence?**

Employers can take several steps to help prevent workplace violence. These steps include: conducting background checks on new hires, providing training on workplace violence prevention, establishing a clear policy on workplace violence, and creating a safe and supportive work environment. Employers should also encourage employees to report any signs of workplace violence to their supervisor or the appropriate authorities.

**What are the responsibilities of employers regarding workplace violence?**

Employers have a legal responsibility to provide a safe and healthy work environment for their employees. This responsibility includes taking steps to prevent workplace violence. Employers should also provide training and resources to help employees recognize and respond to workplace violence. Additionally, employers should have a clear policy on workplace violence and should ensure that this policy is enforced.

**What are the responsibilities of employees regarding workplace violence?**

Employees have a responsibility to report any signs of workplace violence to their supervisor or the appropriate authorities. Employees should also be aware of the workplace violence prevention policy and should follow the instructions provided in this policy. Additionally, employees should be respectful and courteous to their colleagues and should avoid any behavior that could be considered harassing or abusive.



# Threat Notification

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- Mandatory safety concern reporting
  - Hotline
- Mandatory injury reporting
  - As soon as reasonably aware
- Responding to employee complaints
- Assigning to team and investigator
- Conducting an investigation
- Alerting security about concerned party



# Thank You

**For more information please  
contact:**

**Patrick Joyce**

Email: [pjoyce@seyfarth.com](mailto:pjoyce@seyfarth.com)

Phone: (206) 946-4935

**Melissa Ortega**

Email: [maortega@seyfarth.com](mailto:maortega@seyfarth.com)

Phone: (312) 460-5250

**Adam Young**

Email: [ayoung@seyfarth.com](mailto:ayoung@seyfarth.com)

Phone: (312) 460-5538