

Paul Plevin & Sullivan LLP

Serving California Employers

Recent
Developments

OSHA ISSUES PAINFUL ERGONOMICS RULES (November 14, 2000)

Summary: On November 13, 2000, the Occupational Safety and Health Administration issued an ergonomics rule that requires virtually all employers to create special programs to protect employees against repetitive stress disorders.

Details: After two years of wrangling, OSHA issued a Final Rule that implemented its Final Ergonomics Program Standard. Under this new standard:

1. Each employer must provide every current and new employee with information about:
 - Common musculoskeletal disorders ("MSDs") and their signs and symptoms;
 - The importance of reporting these disorders and the potential health consequences of failing to do so;
 - How to report these disorders;
 - The kinds of jobs and activities that cause these disorders; and
 - A description of OSHA's new ergonomics program standard.
2. If an employee reports an MSD sign or symptom, the employer then must determine if the employee's symptoms constitute an "MSD incident." If so, the employer then has the additional obligation to screen the job using OSHA's new "Basic Screening Tool" to determine the cause of the disorder and the possible remedies. And:
 - a. If the employee's job meets certain "exposure levels" identified by the Basic Screening Tool, the employer then must determine if that particular job meets OSHA's two-part "Action Trigger."
 - b. If the employee's job meets OSHA's "Action Trigger," the employer must do a "job hazard analysis" to determine whether it poses an "MSD hazard" to employees. If so, the employer must implement a formal ergonomics program that includes management leadership, employee participation, job controls, training and program evaluation in order to remediate the hazard.

These new requirements go into effect on **January 16, 2001**.

What this means:

This is a potentially expensive, onerous new federal requirement. Although it is entirely possible that litigation or congressional action could modify the Final Rule, we strongly recommend that each person responsible for an employer's safety program familiarize himself or herself with OSHA's new

requirements.

If you have any questions about this or any other topic, please contact E. Joseph Connaughton (jconnaughton@paulplevin.com) at (619) 744-3645 at Paul Plevin & Sullivan.

This E-Update is offered as general information to our clients and friends. The Update is not intended as legal advice applicable to any specific situation and should not be taken as such.

Send comments to info@paulplevin.com. Last modified 04/04/00