

# What Offices Need to Know about OSHA



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## What is OSHA and why does it apply to Offices?

The Occupational Safety and Health Administration is a federal government agency responsible for ensuring that safe and healthy working conditions exist for all employees. One of OSHA's duties is to investigate workplaces to make sure employers follow the legal standards articulate in the Occupational Safety and Health Act (OSH Act).

Although most people think of factories, hospitals, warehouses, and private schools when discussing safety and health at work, OSHA does not discriminate against what type of company it investigates, and office settings, including law firms, are no exception. OSHA's Regulations cover all places of employment that have at least one employee.

Several OSHA Standards require compliance if companies have a certain number of employees, such as 11 or more employees for Injury and Illness Recordkeeping. These minimum number standards frequently confuse employers into erroneously thinking that if they don't have the requisite number of employees, they are exempt from OSHA inspections, citations, and penalties.

Employers should place a premium on becoming aware of OSHA's Rules and Regulations. Manufacturing settings that receive the majority of injuries frequently have a full time employee serve as the OSHA compliance officer to ensure that injuries are reduced and compliance is achieved.

Office settings receive far fewer injuries than manufacturers, and OSHA compliance is frequently never discussed or minimally

followed. However, offices can be the target of an investigation just as easily as a manufacturing facility. Therefore, offices need to be prepared when OSHA shows up unannounced and begins investigating. Routine compliance checks will cost the employer less time and money than defending or paying an OSHA penalty for an unknown violation.

At a minimum, office settings and others must have the required OSHA written programs in place that affect its business, such as an Emergency Action Plan, a Hazard Communication (OSHA's most cited standard) and others if the place of employment has machinery or equipment such as a photocopy machine.

Probably the most relevant OSHA issue for office settings deals with ergonomics. Offices must ensure their employees are properly fitted at their work stations. OSHA's website even has a checklist for employers that cover such things as working posture, seating, keyboards, monitors, and other items commonly found in office settings.<sup>1</sup> OSHA will likely soon implement a new ergonomic standard, so routine checks of OSHA's website is prudent.

## OSHA Investigations

OSHA frequently arrives at an office unannounced to begin its investigation. An investigation is conducted for several reasons, including:

A former or current employee made a complaint;

Other government agencies have reason to believe the employer is violating OSHA's Rules and Regulations and informs OSHA of that belief;

Generally scheduled inspection based on the employer's injury and illness data;

The employer is in an industry that OSHA has a national or local emphasis

program for; these programs change each year based on injuries and illnesses.

There was a recent accident or fatality at the work place.

When OSHA visits, the Compliance Safety and Health Officer will show his or her credentials and state the purpose of the visit. The CSHO will then ask to speak to the highest ranking person at the work place.

An opening conference will be held to review any issues and the CSHO will request to review certain items such as: the employer's written programs; OSHA Injury and Illness Records (if required to keep them); and documentation of any previous OSHA-related training. The CSHO will then request to perform an inspection, interview employees in private, take photographs, and document any apparent hazards he or she found.

## Particular to office settings, OSHA compliance officers will want to inspect the following:

The OSHA Poster (to ensure it is appropriately hung)

Fire Extinguishers (to ensure they are properly inspected, maintained, and not blocked)

Emergency Lighting (to ensure they are properly inspected and maintained)

Material Safety Data Sheets, if applicable

Exits signs (to ensure they are lit and visible)

Means of egress (to ensure the exits and a pathway to the exits are not blocked)

Ergonomic issues

Electrical (to ensure proper grounding, no blocked panels or switches, and appropriate use of extension cords)

Housekeeping for such things as water or liquids on floor and trash cans.

To ensure nothing appears to increase the likelihood of employees or visitors slipping, tripping, or falling on the premises

Proper storage of materials in racks or on shelving  
To ensure the First Aid and emergency response kits are appropriately stocked and in place

After the inspection, the CSHO will hold a closing conference to discuss any issues they found and administer citation paperwork, if necessary. The CSHO then asks the employer for abatement dates, meaning by what date OSHA can expect the violations to be remedied. Employers must comply with the abatement dates or seek an extension of time to abate. The failure to abate within the compliance timeframe dramatically increases the violation penalty for each day the violation is not abated.

Employers that do not agree with the citation, abatement dates, or penalties can request a conference at the OSHA Area Office. These conferences are informal, and attorney participation in them is not encouraged but is permitted. Rather, OSHA consultants or in-house OSHA compliance personnel should attend the meetings unrepresented. Requests for informal conferences must be made within 15 government working days after the employer signs the citation. The failure to make this request results in a final order that cannot be appealed.

Employers not satisfied with the outcome of the informal conference can file a Notice of Contest within 15 government working days from the informal conference. It is advisable that attorneys are consulted before a Notice of Contest is filed.

As you can tell, OSHA compliance is not just limited to factories, hospitals, warehouses and private schools. Office settings must also comply with OSHA or face the same sanctions and penalties for non-compliance as other work places. These penalties can be severe, and once a work place has been cited for a violation, the likelihood of a repeat, unannounced investigation is increased.

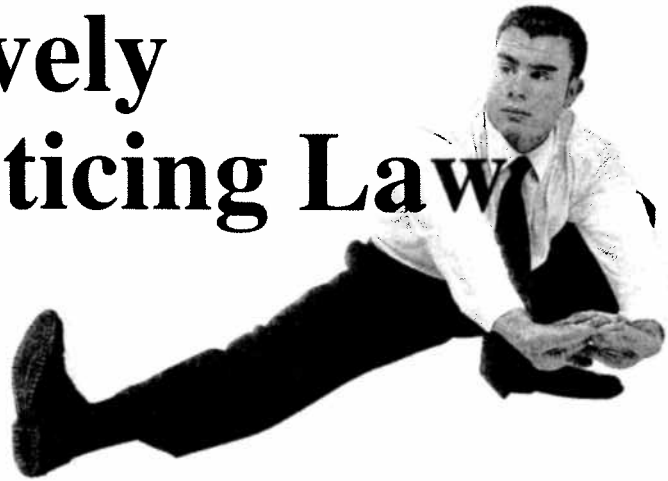
<sup>1</sup> That web page can be found at:  
[www.osha.gov/SLTC/etools/computerworkstations/checklist.html](http://www.osha.gov/SLTC/etools/computerworkstations/checklist.html)

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# Actively Practicing Law



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During my second year of practice, I developed extreme chronic back pain. As I consulted with several doctors to no avail, I grew concerned that I might be facing a serious condition. I was finally referred to a physical therapist who offered me a simple solution to apply to my work day – “learn to stretch and get moving.”

Transitioning from law school to the practice of law can be a major adjustment, even physically. Combine long hours and short deadlines and it is easy to fall into a sedentary routine. Sitting at a computer for eight plus hours a day, however, is not good for the body. In fact, even if you routinely engage in moderate or vigorous exercise in the mornings or evenings, studies have shown that sitting for prolonged periods of time can lead to chronic neck, back or joint pain and can increase an individual's risk for lifestyle-related diseases.

In addition to carving out time for extended exercise and creating a healthy diet, there are simple things that can be done throughout the work day to promote a healthy lifestyle:

**Take a Stand:** You burn more calories by standing, so look for opportunities to stand during the day. For example, stand while talking on the phone or when proof reading documents.

**Step Right Up:** Try ditching the elevator and taking the stairs. This “green activity” not only builds leg strength but increases aerobic capacity.

**Walk More.** A good habit I learned from one of my early mentors is to look for small ways to walk more during the day. For example, walk to the court house or to out of office meetings when possible. Instead of using the phone or e-mail to deliver a message to a co-worker, walk to their office. If you drive to work, park at the far end of the parking lot or garage.

**Stretch:** Learn how to properly perform minor stretches that can be done in your office. It can be something as simple as turning from left to right a few times every hour to stretch your back, which has helped

me tremendously to relieve my own back pain.

**Stay Upright:** One of the worst things you can do for your body is sit slouched and stationary for hours at a time. Force yourself to sit up straight and remember your posture throughout the day. In addition to looking more professional, sitting up straight can help you avoid back pain, headaches, and fatigue.

**Become a Fan of the Water cooler:** Try to take in more water throughout the day. Your body will benefit from the water you consume and from the walks to the water cooler.

**Be Aware:** While it is easy to lose track of time during a busy work day, try to budget a few minutes to get out of your chair to stand, stretch or walk down the hall.

Practicing law can be rewarding, but it can also be stressful and time consuming. You might think there is simply not enough time to make these types of minor adjustments, but studies have shown that adding just a little movement to your life can reduce the risk of heart disease, stroke and diabetes, improve joint stability, increase and improve range of movement, improve mood, increase concentration and memory, and reduce stress. Additionally, I have personally found that “actively practicing law” throughout the day makes me more focused and effective.

The thoughts and opinions in this article are based on my experiences and research. They have not been evaluated or endorsed by a medical professional or by the Ohio Department of Health. It is always best to consult with a health care professional before starting any exercise routine.



Lisa Kathumbi