

The Heat is On: What Employers Can Do to Protect Employees from Heat-Related Illness

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As a cold winter finally comes to an end, many of us look forward to summertime warmth. But sun and heat can spell danger for workers who are exposed to soaring temperatures and a rising heat index. According to the Occupational Safety and Health Administration (“OSHA”), thousands of workers in the United States get sick from excessive heat exposure while working outdoors each year and more than 30 workers died in 2012 from heat-related illnesses.

Although OSHA has no heat illness prevention standard, Section 5(a)(1) of the Occupational Safety and Health Act of 1970 (“OSH Act”), known as the General Duty Clause, requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. That includes protecting them from heat stroke and other serious heat-related illness. Of the “State-plan” states running their own safety programs under agreements with OSHA, only California, Minnesota, and Washington currently have heat-related illness prevention standards. However, other State-plan states also have general duty clauses in their statutes that may be invoked to address these issues.

The dangers associated with excessive heat exposure and the potential for citations are real. OSHA has stepped up its focus on and enforcement, citing employers for failing to properly protect workers from heat-related illnesses, including issuing willful citations with a proposed penalty of \$70,000 in some cases. California has also made heat prevention a top priority. Changes to its robust heat prevention standard became effective on May 1, 2015. The changes affect potable water, shade requirements, preventive cool-down, high heat procedures, and emergency preparedness.

Employers should evaluate conditions at their worksites and take steps to prevent heat-related illness among their workers. In particular, employers should keep in mind that employees who are required to engage in intense or continuous physical exertion, or who are exposed to high temperatures and humidity or direct sunlight, may be susceptible to heat-related illness. OSHA’s Heat Smartphone App can help employers measure heat stress conditions in direct sunlight that takes into account temperature, humidity, wind speed, sun and cloud cover, and the National Weather Service Heat Index.

Employees who have not previously worked outdoors in high temperature conditions generally are more at risk because they have not built up a tolerance to hot conditions. In fact, OSHA reported, after reviewing 20 federal enforcement cases from 2012-2013, one of the leading causes of heat illness and death among workers in the United States was from a lack of acclimatization — a process by which the body is given time to acclimate to heat and humidity by slowly increasing the amount of time spent working in those conditions over several days. The report concluded that a failure to provide acclimatization of new employees or employees who are returning to work from an absence of more than a week was “the most common deficiency and the factor most clearly associated with death.” The report also concluded that a contributing factor in heat illness and death among workers was a lack of a heat illness prevention program that includes basic requirements, such as water management, shaded rest areas, and work-rest cycles.

Gradually increasing workloads and exposure to the heat and humidity and allowing employees to take frequent breaks for water and rest in the shade can be one of the most effective means of protecting workers. OSHA notes that full acclimatization may take up to 14 days, or longer, depending on factors relating to the individual, such as increased risk of heat illness due to certain medications or medical conditions, or the environment.

Employers should also consider implementing some of the following measures, OSHA suggests, to reduce heat-related illness among their employees:

- Designate a person to oversee a Heat Illness Prevention Program and enforce its requirements.
- Provide air-conditioned or shaded areas close to the work area and schedule frequent rest breaks. Implement more frequent breaks during the first week of work in high-heat conditions and develop a work/rest regimen that establishes how often and when breaks should be taken.
- Provide workers with plenty of cool drinking water in convenient, visible locations close to the work area. Encourage and remind workers to drink water before they become thirsty and about every 15 minutes. One cup every 15 minutes is a good rule of thumb.
- Make work schedule changes as appropriate. Examples include: rescheduling all non-essential outdoor work for days with a reduced heat index; scheduling the more physically demanding work during the cooler times of day and the less physically demanding work during warmer times of the day; rotating workers or using split shifts; and stopping work if essential control methods are inadequate or unavailable when the risk of heat illness is very high.
- Encourage employees to wear or provide employees with light-colored and permeable clothing and consider whether other controls can be implemented.
- Monitor workers for signs and symptoms of heat exposure and encourage employees to report symptoms of any heat-related illnesses. Have workers partner up with each other and watch out for signs of heat-related illness in their co-workers.
- Train workers and supervisors about the hazards leading to heat stress and ways to recognize heat-related illness in themselves and others, ways to prevent heat-related illness, and awareness of first-aid procedures.
- Implement an emergency action plan and know what to do if someone is experiencing symptoms of a heat-related illness.

By limiting employees' time in the heat and implementing safe work practices, employers can help prevent heat-related illness and reduce the chances of receiving a General Duty Clause citation and proposed penalty. Employers should review their heat illness and prevention plans to ensure that

they properly address potable water, shade, preventive cool-down rest periods, acclimation, training, and emergency responses policies and procedures. OSHA has resources to help employers and employees stay safe when working in high-temperature and high-humidity conditions. They are available on OSHA's website at www.osha.gov/SLTC/heatillness/index.html.

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