

The Heat Is On: Is Your Company in Compliance with State Sun and Heat Worker Protections?

Article By:

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With summer in full swing and heat waves sweeping the country, it is important that employers comply with any state regulations protecting employees who work outdoors from suffering from heat-related illnesses. Just last week, with the National Weather Service issuing excessive heat warnings for California, [Cal/OSHA](#) reminded all employers with outdoor workers to be mindful and to protect their employees by making sure they are in compliance with heat illness regulations.

California's [heat illness prevention regulation](#) requires employers with outdoor employees to help prevent heat illness by:

- Developing and implementing an effective written heat illness prevention plan that includes emergency response procedures
- Training all employees and supervisors on heat illness prevention
- Providing drinking water that is fresh, pure, suitably cool and free of charge so that each worker can drink at least one quart per hour, and encourage workers to do so
- Providing shade when workers request it or when temperatures exceed 80 degrees

California is not only protecting its outdoor workers from excessive heat, but has extended protections to [indoor workers](#) as well. California Gov. Jerry Brown signed a bill, effective January 21, 2017, which directs Cal/OSHA to draft and propose heat illness prevention standards for indoor employees by January 1, 2019. Manufacturing, shipping, and logistics companies, among others, should be aware that the Cal/OSHA board enforces its directives, for example having [upheld citations](#) against a warehouse operator after an employee was hospitalized for heat stroke.

Employers can face penalties in regulatory enforcement actions and could even face individual or class action lawsuits if employees suffer from excessive heat while at work. In 2013, California amended its Labor Code, giving employees exposed to high heat conditions the right to recover penalties against their employer for failure to provide cool-down periods. Employers are likely to face similar penalties if indoor employees are exposed to excessive heat starting in 2019.

While the national OSHA, under the Department of Labor, does not have a specific regulation that requires employers to protect employees in hot working conditions, employers do have a duty to protect employees from recognized hazards under the OSHA Act. Outdoor workers, such as

construction workers, baggage handlers, agricultural workers, and landscaping professionals, can be at risk when the heat index rises. To help employers monitor the heat, OSHA created a heat index [app](#). The app helps employees and supervisors calculate the heat index for the job site. After calculating the heat index, it displays a risk level for outdoor employees.

While California and Cal/OSHA's Heat Illness Prevention program is the first such program in the country, other states also have regulations in place to safeguard employees. In New York, the [New York State Public Employee Sun Safety Law](#) requires state agencies to provide sun safety information to employees who spend more than a total of five hours per week outdoors. Washington state also requires employers to address their [outdoor safety program](#) in their written accident prevention program.

With temperatures at all-time highs throughout the country, make sure your company's outdoor workers policy is up-to-date and in compliance with your state's regulations.

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