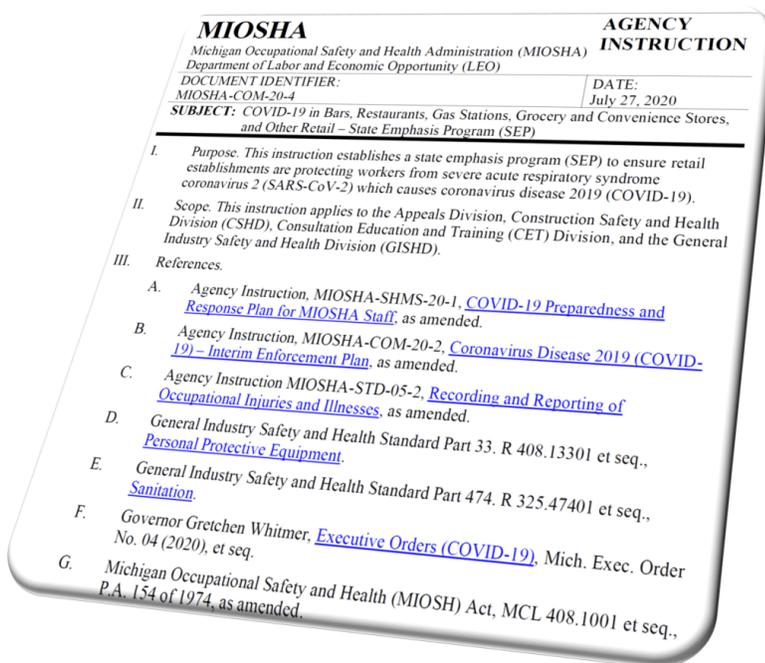


AUGUST 21, 2020 | NATIONAL, REGIONAL & LOCAL EMPHASIS PROGRAMS (LEPS)

Michigan OSHA Launches COVID-19 Enforcement Emphasis Program Targeting Retail and Restaurants

By Conn Maciel Carey's [COVID-19 Task Force](#)

Over the course of the last month, several of our retail clients have been visited by Michigan OSHA (MIOSHA) for COVID-19 enforcement inspections in circumstances without an employee complaint or any self-reported work-related COVID-19 hospitalization or death. The reason for these inspections, it turns out, is MIOSHA has launched a [State Emphasis Program \(SEP\) on COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail](#). We got our hands on the [Directive for the Emphasis Program](#). Here's a summary of what Michigan employers in those industries need to know about MIOSHA's new enforcement strategy.



The Directive lays out MIOSHA's approach for selecting various retail and hospitality workplaces for programmed inspections about COVID-19 infection control.

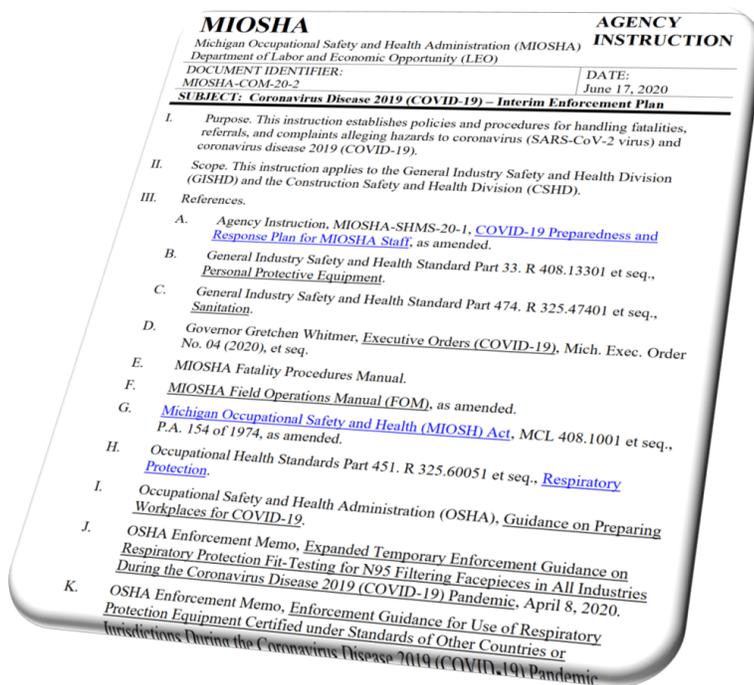
The stated purposes of the Emphasis Program is to “increase MIOSHA’s presence in retail establishments to ensure workers are protected from SARS-CoV-2,” because “employees who come in contact with large numbers of people as a result of their employment [like in retail] are at elevated risk of infection.”

The inspections are evaluating the employer’s adherence to [Governor Whitmer’s Executive Orders for COVID-19](#), OSHA Guidance on Preparing Workplaces for COVID-19, and applicable CDC guidance for COVID-19.

The agency has created a targeting list of retail/hospitality businesses broken down as follows:

- Restaurants and bars – 40%
- Gas stations and convenience stores – 20%
- Grocery stores – 20%
- Other retail – 20%

The scope of inspections conducted pursuant to this Directive is “partial,” focusing only on COVID-19 and the risk of exposure to workers only (i.e., they are not supposed to evaluate infection control as it relates to customers and the general public. The inspections will likely include an on-site visit, a review of the establishment’s COVID-19 written preparedness and response plan, and employee interviews and, according to the directive, “shall ensure interviews are comprised of employees from all shifts.”



The compliance officers are expected to follow the citation procedures outlined in [MIOSHA’s COVID-19 Interim Enforcement Plan](#).

Citations can be issued for a violation of the general duty clause of the MIOSH Act and applicable MIOSHA

standards such as [G.I. Part 33, Personal Protective Equipment](#), [G.I. Part 474, Sanitation](#), and [G.I. Part 451, Respiratory Protection](#). The inspections will also evaluate whether work-related COVID-19 cases involving employees are being recorded on the 300 Log as necessary. As the law requires, MIOSHA is expressly following [Federal OSHA's guidance on COVID-19 recordkeeping and reporting](#).



For additional resources on issues related to COVID-19, please visit Conn Maciel Carey's [COVID-19 Resource Page](#) for an [extensive index of frequently asked questions](#) with our answers about HR, employment law, and OSHA regulatory related developments and guidance, as well as COVID-19 recordkeeping and reporting flow charts.

Likewise, subscribe to our [Employer Defense Report](#) blog and [OSHA Defense Report](#) blog for regular updates about the Labor and Employment Law or OSHA implications of COVID-19 in the workplace. Conn Maciel Carey's COVID-19 Task Force is monitoring federal, state, and local developments closely and is continuously updating these blogs and the FAQ page with the latest news and resources for employers.