



# INDIANA

## DEPARTMENT OF LABOR

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## STATE ANALYSIS: Indiana Employers Made Diligent Efforts to Protect Employees During Pandemic

*As federal government considers new regulations, State gives analysis of employers' COVID response*

INDIANAPOLIS (Sept. 16, 2022) – As the federal government currently considers proposing new infectious-disease workplace health and safety standards, the Indiana Department of Labor's Occupational Safety and Health Administration has completed its own analysis of how Hoosier employers fared in protecting employees during the pandemic.

"Given there were no federal OSHA standards that existed for a pandemic or COVID-19 specifically, save for one temporary standard for healthcare workers that came into play in June 2021, the vast majority of employers who were brought to our attention strove to adhere to the CDC guidelines and existing OSHA provisions that could be applicable in a pandemic situation," said Michelle Ellison, IOSHA deputy commissioner.

In 2020, the agency proactively began running information on its website homepage and social media encouraging Hoosier employees to report any concerns they encountered with how their employer managed pandemic precautions relevant to worker safety.

"The complaint process worked; it gave employees an official and actionable avenue to share their concerns, employers a chance to respond to those concerns, and IOSHA the opportunity to verify on employees' behalf and inspect if necessary," said Ellison.

The agency received more than 6,700 complaints across 2020 and 2021 that fell within IOSHA's legal authority to address. The agency, prior to the pandemic, received about 1,200 complaints on average each year. Most complaints received in 2020 and 2021 were nonformal, meaning they could be filed with IOSHA anonymously. Complainants were also protected under the State's whistleblower law, and provided with an avenue to challenge the outcome of IOSHA's findings.

The Indiana Department of Labor's INSafe division and IOSHA also teamed up to provide guidance to a variety of industry associations in Indiana, and INSafe provided consultation directly to employers and responded to their questions to address workplace safety during the pandemic.

While IOSHA by statute is not permitted to enforce beyond existing federal OSHA standards, IOSHA required employers to demonstrate they were following both Centers for Disease Control business COVID guidelines as part of general duty and any guidance federal OSHA recommended.

IOSHA collected and reviewed thousands of documents that employers were required to submit in response to complaints.

Employers submitted proof of providing protective measures, including Plexiglass barriers, masks and gloves, portable sanitation sinks, hand sanitizer stations, floor directional signage for social distancing, staggered work shifts, daily health screenings, temperature checks, etc. Employers also provided photographs to show how protective measures were actually implemented in the workplace. They also provided thousands of pages of documentation with protocols and policies they had implemented, and verification of various training so employees were properly informed. Additionally, IOSHA conducted staff interviews to verify documentation, and made onsite visits as warranted.

IOSHA officials said the vast majority of Hoosier employers who were identified in a complaint “were appropriately innovative” in following CDC and OSHA guidance, such as reconfiguring shift staffing, allowing people to work remotely when possible, holding meetings only by phone or video conferencing, adopting touchless technology, reconfiguring breakroom set ups and foot-traffic flow in plants and warehouses, providing personal protective equipment dispensing machines and so forth.

“Employers demonstrated a range of innovative thinking in the face of shifting circumstances and supply-chain and staffing challenges,” said Ellison

IOSHA conducted more than 120 workplace inspections in response to reports of COVID-related fatalities and hospitalizations, and when complaint responses were not satisfactory. Federal OSHA provided guidance for conducting remote inspections to help protect government and private-sector employees. In addition, IOSHA issued citations for violations of workplace safety and health standards as appropriate and the inspections provided an opportunity for the employer to improve their overall safety and health programs.

[Click here](#) for audio files and image of IOSHA Deputy Commissioner Michelle Ellison.

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**About the Indiana Department of Labor:**

The mission of the Indiana Department of Labor is to advance the safety, health and prosperity of Hoosiers in the workplace. In order to make significant strides, we emphasize both enforcement and voluntary compliance by employers. Follow the Indiana Department of Labor on Twitter at [@INDeptofLabor](#).