

Outdoor workers at risk in extreme heat

by April Wilkerson

Published: July 21st, 2011



Crews from Timberlake Construction work to build the new St. Eugene Catholic Church on Hefner Road between Pennsylvania and May avenues. (Photo by Brent Fuchs)

OKLAHOMA CITY – For people whose jobs require them to be outside, nothing has been easy about a month's worth of triple-digit temperatures.

The heat has sparked renewed conversations about employer and employee rights and responsibilities when the outdoor work must go on.

Vic Albert, a partner at Conner & Winters law firm in Oklahoma City, said employers' best approach is "an ounce of prevention versus a pound of cure." Extra breaks, a shift in work hours if possible and a heightened awareness of employees' well-being are all good steps to take, he said. Not doing so poses risks.

"It's a whole lot easier for an employer to give an extra break and some extra mechanisms for employees to cool off than to have an employee get so overcome by the elements that they have to take leave," Albert said. "If they take medical leave because they've gotten heatstroke or

heat exhaustion, and they seek medical attention, then it could trigger a workers' comp claim, an FMLA (Family and Medical Leave Act) leave if severe enough, or it could trigger some form of accommodation under the ADA (Americans with Disabilities Act) if the employee has another health condition."

Employees also may be taking prescription medicines that cause dehydration or have worse side effects when they're exposed to the heat. That too could create a sticky situation around issues of privacy and disclosure, Albert said. Employers may want to know if their employees are taking medicines that could be a bad mix with the heat, he said, but the ADA has specific requirements about what an employer can ask an employee. And an employee may not want his employer to know.

"We recommend to employers that they simply advise their employees to look at the prescriptions they're taking, talk to their doctors or pharmacists about those prescriptions and find out if they have a side effect that could be aggravated by working in the heat," Albert said. "Then, at the employee's option, the employee could provide that information to the employer. That at least puts the employer in a position of trying to know about it, but doesn't put the employer in a strong-handed position of requiring the employee to tell them about every prescription they're taking."

Oklahoma is full of industries that require outdoor work, particularly oil and gas, construction and city and landscaping crews. The Occupational Safety and Health Administration and U.S. Department of Labor have launched campaigns full of training tools for employers and employees.

David Bates, area director for the Oklahoma City office of OSHA, said he speaks to groups about creating a "heat stress plan," and many take advantage of his office's resources. Those that don't could meet OSHA's enforcement arm. When the National Weather Service issues a heat advisory, Bates' 15 compliance officers go into inspection mode for outdoor work activities in the state. They respond to complaints but also make their own checks. So far, his office is investigating only one possible heat-related workplace death this summer, he said.

A particular focus for OSHA this summer is the oil and gas industry, Bates said. Last year, the agency issued a national directive that certain employees must wear fire-retardant clothing.

"This is the first year that they've been wearing them all the time; that adds to heat and stress to the body," he said. "We're trying to watch that industry closely."

Oklahoma City crews have already been taking steps to deal with the heat. Karen Carney, spokeswoman for Will Rogers World Airport, said its 65 or so field maintenance workers – many of them mowing the airport's abundance of grass – have moved to a 6 a.m. to 2:30 p.m. shift instead of coming in at 7:30 a.m. Water and air conditioner-equipped vehicles also are kept nearby.

Utility workers for the city also have received stepped-up training. Jesse Hilley, training and safety specialty

specialist for the utilities department, said supervisors are required to hold training and weekly talks with their employees about care during the heat. So far, there have been no heat-related problems, he said.

"We talk about safety first thing every morning so it stays on everybody's minds throughout the day," he said.

Complete URL: <http://journalrecord.com/2011/07/21/outdoor-workers-at-risk-in-extreme-heat-general-news/>