



OSHA ISSUES GENERAL DUTY CLAUSE CITATIONS FOR ALLEGED MEDICAL MISMANAGEMENT OF EMPLOYEE INJURIES

by Lawrence P. Halprin

OSHA is taking a more aggressive enforcement approach toward workplace ergonomic hazards by focusing on the medical management of employee injuries. On April 18, 2023, the agency issued a General Duty Clause (GDC) [citation](#) (Inspection 1610874) to an Amazon fulfillment center that, in effect, alleges medical mismanagement of ten identified employee injuries that caused or was likely to cause additional harm or impair recovery of employees. To paraphrase, the alleged medical mismanagement consisted of:

1. delaying evaluation, care, and/or treatment of injured workers from a medical provider beyond the onsite medical representatives (OMRs), whose performance OSHA alleged was inadequate; and
2. prematurely returning injured workers to their regular jobs, which allegedly resulted in worsening of the injury, exacerbation of pain, and impairing recovery from work-related injuries/illnesses that required medical treatment.

In 2016, OSHA issued a GDC citation to a poultry processor (Inspection: 1122733) based on alleged medical mismanagement of unidentified employee injuries. OSHA withdrew the citation as part of a formal settlement agreement. The Government Accounting Office formally addressed medical mismanagement of employee injuries by employers in a November 2017 [report](#), *Workplace Safety And Health – Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants*. In its April 2023 issue, the AMA Journal of Ethics [published](#) the peer-reviewed article, *Do Clinics in Meat and Poultry Plants Endanger Workers?*

In taking this approach, OSHA apparently believes it has a better chance of sustaining GDC citations based on medical mismanagement of employee injuries than on demonstrating that the underlying job presents a recognized hazard for musculoskeletal disorders. In the long term, OSHA seems to view this initiative as a means of improving workplace medical management practices and reducing the frequency and severity of work-related ergonomic injuries.

Employers who utilize onsite workplace clinics or similar arrangements should ensure its worksites have appropriate medical protocols (developed or reviewed by physicians with adequate knowledge of occupational medicine), which are documented and properly implemented with the required medical supervision and appropriate quality review. If an OSHA inspector hands your site representative a medical access order, it would be prudent to consult legal counsel.

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