

OSHA REITERATES ONLINE COMPUTER-BASED TRAINING DOES NOT SATISFY REQUIREMENTS

Hodgson Russ OSHA Alert
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For better or worse, the proliferation of computers, the internet, smartphones, and an overall ideological shift to paperless living are shaping the way employers do business, and the way people receive, process and internalize information. Online technology affords ever-increasing efficiencies in the delivery of information in a well-organized, consistent and streamlined manner. Employee training is no exception. Indeed, a simple internet search will yield a plethora of options for DVDs, webcasts and other online or video-based safety training, covering nearly every major OSHA topic, as well as numerous options for 10-hour and 30-hour general industry and construction training courses. Many employers rely heavily upon videos and online training to fulfill ongoing OSHA training requirements for their employees. But is online and video-based training enough to meet an employer's OSHA training obligations? OSHA recently reiterated that the answer is "No."

On July 11, 2019, Patrick J. Kapust, OSHA's Acting Director, Directorate of Enforcement Programs, issued a letter of interpretation that responded to the following question: "Are online training programs acceptable for compliance with OSHA's worker training requirements?" While the response recognized that "online, self-paced computer-based training can be a valuable part of an effective safety and health training program," the letter went on to explain that "the use of online training by itself would not be sufficient to satisfy OSHA training requirements unless that training contains interactive and hands-on components." As further detailed in the letter, a qualified trainer must be available in a "timely manner" to answer questions during the training. "Training with no interaction, or delayed or limited interaction, between the trainer and trainee may halt or negatively affect a trainee's ability to understand and/or retain the training material." OSHA suggested, however, that if the trainer is not personally present, the requirement could be satisfied if the employee were able to call a telephone hotline and reach a qualified trainer to answer questions during the online training. Nevertheless, for training to be adequate, a qualified trainer must supplement and facilitate any appropriate hands-on training or demonstration (e.g., how to use a tool, perform a task, or don appropriate personal protective equipment) as necessary for the employee to learn the safety and operational techniques at issue, and for the trainer to assess the employee's mastery of them.

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Acting Director Kapust's letter of interpretation is, in reality, hardly new. It is largely a regurgitation of a prior, 25-year-old letter of interpretation that answered similar questions regarding Hazardous Waste Operations and Emergency Response (HAZWOPER) computer-based training. That 1994 letter suggested that the questions posed were also relevant to the training requirements for other OSHA standards. The new letter does little more than repeat the old letter's message with a broader brush, while offering no new insights or modernized methods or suggestions for compliance. While online technology has evolved exponentially in 25 years, there is still no web-based substitute for actual hands-on training or the tactile experience of using or handling tools, equipment and personal protective equipment. Perhaps over the next 25 years advances in virtual reality, interactive holographic imagery or robotic android technologies may afford a viable substitute for the way interactive employee training can be delivered. But for now, the letter of interpretation serves as a reminder to employers that some things still need to be done the old fashioned way.

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