

## Services

### Workplace Safety and Workers' Compensation

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We understand your commitment to the health and safety of your employees. More than ever before, employers today face growing challenges in compliance with complex and ever-changing workplace safety regulations and employee requests for leave and accommodations.

#### What We Do

Vorys' attorneys draw upon strong experience in subject matter areas such as:

- the Occupational Safety and Health Act (OSHA)
- the Americans with Disabilities Act (ADA)
- the Family and Medical Leave Act (FMLA)
- Ohio workers' compensation

#### Recognition

Many Vorys workplace safety lawyers have been recognized by *The Best Lawyers in America*<sup>®</sup> as among the nation's top attorneys.

#### Disability Law

The last 20 years brought an explosion in claims against employers premised on the contention that an employee became disabled on account of work, the employer did not accommodate an employee's disability, the employer failed to grant the employee legally mandated leave, or all of the above.

Vorys workplace safety team regularly counsels some of the country's largest and most sophisticated employers on how best to avoid these kinds of claims. Likewise, Vorys attorneys regularly defend such claims made against employers.

## OHIO'S WORKERS' COMPENSATION

By adopting best workplace safety practices, employers can decrease claims for medical treatment and compensation related to on-the-job injury. Despite this, claims through Ohio's no-fault workers' compensation system are inevitable, no matter the prevention in place. Vorys has long had Ohio's largest industrial injury defense practice, making our team well suited to tackle these complex matters.

Not only are Vorys attorneys knowledgeable in every aspect of defending state workers' compensation claims, but we also help employers maintain workers' compensation coverage at the lowest possible price, whether the employer is self-insured or a participant in the state fund.

## DISABILITY DISCRIMINATION

Disability discrimination claims threaten and often confound the modern employer. The laws governing the accommodation of disabilities were drafted with a purposeful vagueness, which encourages litigation. Vorys' clients turn to the firm daily for advice on how to structure their employment practices, so as to minimize exposure to claims and put themselves in the best possible position for defending any claim that might be made.

## FMLA

The FMLA is the best known of various federal, state and local laws requiring employers to grant employees leave for medical or other personal reasons. Since the beginning of these types of laws, Vorys attorneys have worked with employers in the drafting of compliant policies, enforcement of these policies and the implementation of attendance control programs. Our lawyers are also experienced and expert at litigating leave-based claims.

## Employment Intentional Tort

Since 1982, Ohio has allowed employees hurt on the job to sue their employers, as well as file workers' compensation claims. This is permitted under the theory that the employer intended the employee's injury. These so-called intentional tort claims expose Ohio employers to significant and unpredictable liability.

The breadth and depth of experience enjoyed by Vorys lawyers in all of these types of claims give the firm's clients the best representation on employment intentional tort allegations. For as long as there have been such claims, Vorys lawyers have been defending employers. In fact, Vorys lawyers played an active role in the crafting of legislation that now regulates these claims. Additionally, Vorys lawyers briefed the major Ohio Supreme Court employment intentional tort cases of the last 25 years.

The legal standards that now apply to these cases often make them suitable for pre-trial judgment in favor of the employer. Because of our experience in defending employment intentional tort claims, Vorys lawyers are able to make early assessments about whether a case can be won through pre-trial motion and what exposures the case presents. When pre-trial judgment or cost-effective settlement are not options, Vorys lawyers provide an effective defense at trial.

## OSHA

While employers uniformly appreciate that a commitment to the safety and health of their employees is a key to success, they equally appreciate the difficulty of dealing with the many regulations governing workplace safety. The Occupational Safety & Health Act presents challenges for all employers.

An employer's preparedness sets the tone for how an unannounced OSHA inspection will proceed and can be the first step toward a satisfactory result. We regularly advise employers regarding regulatory compliance and our multiple office locations permit us to be on the spot when an OSHA inspector arrives or a serious accident occurs. We handle inspections ranging from those that take a day to those that have taken the better part of a year, and all stops in between.

We work extensively with OSHA area offices and the Solicitor's lawyers in contested matters. Often, the most important part of resolving a dispute with OSHA is establishing a plan to economically abate the claimed hazard and allow the employer to continue its business unimpeded. Where such resolutions are not possible, however, our litigators try matters to the judges of the Occupational Safety and Health Review Commission.

## Workers' Compensation

Workers' compensation is a big-ticket item for Ohio employers. An award of permanent total disability compensation can easily cost a self-insuring employer in excess of \$1 million. A successful claim against a state fund employer can exclude the employer from group rating and cause an enormous increase in workers' compensation premium.

As **one of the largest workers' compensation defense practice in Ohio**, our team is accustomed and equipped to defend employers in these matters. On a daily basis, our lawyers handle administrative hearings at the Industrial Commission of Ohio, where vocational and medical expert evidence is offered, witnesses are questioned and legal arguments made.

Ohio's workers' compensation system also spawns much civil litigation. Our lawyers are skilled trial advocates who successfully present cases throughout the State of Ohio. In addition, our firm often serves as counsel to *amici curiae* in briefing important workers' compensation cases pending before the Ohio Supreme Court.

## News

[News, 12.8.2021](#)

Special Episode of the 'Vorys at Work' Podcast Focuses on the OSHA Vaccine Mandate

[News, 12.7.2021](#)

Shepler Quoted in Article Titled "Some large Ohio Employers Pause Vaccine Requirements Pending Legal Battle Over Biden Rule"

[News, 9.13.2021](#)

Shepler Quoted in *Columbus Business First* Story Titled "Some Central Ohio Employers Mandating Covid-19 Vaccine, Others Waiting For Details on Federal Rule"

[News, 8.20.2020](#)

112 Vorys Attorneys Named to 2021 *Best Lawyers in America* List; 26 Vorys Attorneys Named to Best Lawyers' Inaugural "Ones to Watch" List

[News, 3.3.2020](#)

'Vorys at Work' to Provide Education Resources to HR Pros

[News, 1.2.2019](#)

Vorys Elevates Five to Partner

[News, 11.1.2018](#)

Vorys Receives 77 Tier One Rankings on 2019 *U.S. News* – Best Lawyers "Best Law Firms" List

[News, 9.6.2018](#)

Ford Discusses Workplace Violence with KUHF

[News, 6.15.2018](#)

Ford Talks with Bauer Business Focus About Things Employers Can Do to Prevent Workplace Violence

[News, 6.13.2018](#)

Kaplan Joins WVXU's Cincinnati Edition to Discuss Medical Marijuana's Impact on Employers

[News, 8.17.2017](#)

More Than 100 Vorys Attorneys Named to 2018 The Best Lawyers in America® List

[News, 12.2.2015](#)

More Than 60 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

[News, 12.3.2014](#)

More Than 70 Vorys Attorneys Included on 2015 Ohio Super Lawyers and Rising Stars List

[News, 7.26.2013](#)

Smith Quoted in Story Titled "OSHA Warns of Fracking Sand Danger"

## Publications

[Client alert, 1.25.2022](#)

OSHA Withdraws Vaccine or Testing ETS; Intends to Pursue Permanent Standard

[Client alert, 1.20.2022](#)

New Law Targets California Distribution Centers That Use Quotas

[Client alert, 12.29.2021](#)

Expiration of OSHA's Healthcare ETS and Update on CMS Mandate

[Client alert, 12.23.2021](#)

Federal Vaccine Mandates End-of-Year Roundup

[Client alert, 12.18.2021](#)

OSHA ETS Stay Lifted (For Now)

[Client alert, 12.16.2021](#)

Sixth Circuit Declines to Hear ETS Challenge *En Banc*

[Client alert, 11.24.2021](#)

Sixth Circuit to Decide Whether to Uphold Stay of OSHA ETS

[Client alert, 11.13.2021](#)

Fifth Circuit extends its block on OSHA's Emergency Temporary Standard, but the battle is just beginning

[Client alert, 11.5.2021](#)

OSHA Issues New COVID-19 Emergency Temporary Standard for Large Employers

[Client alert, 11.5.2021](#)

CMS Issues COVID-19 Vaccine Mandate for Health Care Staff

[Client alert, 8.19.2021](#)

OSHA Issues Updated Mask Guidance to Align With CDC Recommendations

[Client alert, 7.27.2021](#)

New York Employers Must Adopt Airborne Infectious Disease Prevention Plans by August 5, 2021

[Client alert, 6.14.2021](#)

California Division of Occupational Safety and Health Amends COVID-19 Prevention Emergency Temporary Standards

[Client alert, 6.11.2021](#)

OSHA Adopts Emergency Temporary Standard for Health Care Settings

[Authored article, Spring 2021](#)

Eye on the Horizon: Top Five Labor and Employment Law Changes to Watch from the Biden Administration

[Authored article, Columbus Bar Association, 10.2.2020](#)

Mandatory COVID Vaccinations: There is No Vaccine Against Legal Risk

[Client alert, 9.15.2020](#)

Ohio Enacts Broad COVID-19 Immunity Legislation

[Client alert, 6.24.2020](#)

Refusing to Return to Work May Not Make Ohio Employees Ineligible for Unemployment Compensation

[Client alert, 6.19.2020](#)

Ohio General Assembly Enacts Sweeping Changes to Workers' Compensation Law

[Client alert, 6.8.2020](#)

Pending Ohio Legislation Provides Immunity from COVID-19 Claims and Presumptions of Employee Injury from COVID-19

[Client alert, 5.22.2020](#)

OSHA Issues New Guidance on Recording Cases of COVID-19

[Client alert, 3.25.2020](#)

For Ohio Employers: Ohio Workers' Compensation COVID-19 Update

[Client alert, 3.13.2020](#)

Managing OSHA Issues in the Age of the Coronavirus Pandemic

[Client alert, 3.13.2020](#)

Ohio Industrial Commission Suspends Workers' Compensation Hearings, Transitions to Conference Calls

[Client alert, 2.27.2019](#)

*Labor and Employment Alert:* OSHA Rescinds Key Portion of Its Electronic Injury Submission Rule

[Authored article, 6.1.2018](#)

How to Prepare and Protect Your Office From an Active Shooter

[Client alert, 11.5.2015](#)

*Labor and Employment Alert:* OSHA's Final Rule May Prohibit Safety Incentive Programs

[Authored article, \*Crain's Cleveland Business\*, 12.30.2014](#)

Workers' Compensation Fraud Investigations: Old School Meets New Tools

[Client alert, 12.22.2014](#)

*Labor and Employment Alert:* OSHA Updates Recordkeeping Rule for Reporting Fatalities and Severe Injuries

[Client alert, 10.17.2014](#)

*Client Alert:* Issues for Employers to Consider in Confronting Ebola

[Authored article, \*Crain's Cleveland Business\*, 8.12.2014](#)

Everything you Wanted to Know About the BWC Settlement But Were Afraid to Ask

[Client alert, 7.24.2013](#)

*Client Alert:* NIOSH Studies Worker Exposure to Silica During Hydraulic Fracturing and Issues An Alert

Client alert, 12.7.2012

*Labor and Employment Alert:* Ohio Supreme Court Decides Intentional Tort Cases In Favor of Ohio Employers

Client alert, 7.25.2012

*Labor and Employment Alert:* Ohio Industrial Commission Issues Policy Changing Hearing Continuance Process

Authored article, 5.17.2012

Keep Workers' Compensation Claim Costs in Check

Client alert, 12.2007

*Labor and Employment Law E-Alert:* New Ohio Supreme Court Decision Sharply Limits *Coolidge* Case - Workers' Compensation Claimants Not Immune from Absenteeism Policies

Authored article, *Business First*, 11.30.2007

"Make Sure Your Company is Prepared if and When Disaster Strikes."

Authored article, *Business First*, 5.25.2007

"Business Planning for Pandemic Flu Raise Variety of Legal Questions"

## Speaking Engagements

11.8.2021

OSHA's Private-Sector Vaccination/Testing Mandate

2.3.2021

House Bill 606: a Vaccine for COVID-Related Lawsuits

4.28.2020

COVID-19 and Employment Law: Quarantining Your Employment-Related Legal Risks

4.18.2019

2019 Cincinnati Labor and Employment Law Update

9.7.2018

Workers' Compensation Annual Client Briefing

8.22.2018

Lessons Learned from Harvey: Compassionate Compliance in Disaster Response

8.14.2018

Lessons Learned from Harvey: Compassionate Compliance in Disaster Response