

UPDATE: OSHA Announces Second Delay In Enforcement Of Non-Discrimination Provisions

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As we noted [on the blog in July](#), OSHA announced that it would delay the enforcement of the controversial non-discrimination provisions of its [electronic recordkeeping rules](#) until Nov. 1, 2016. The original effective date was Aug. 10, 2016. We previously mentioned that the first delay appeared to be in response to a lawsuit and motion for preliminary injunction challenging the legality of the regulations filed in the Northern District of Texas (*Texo ABC/AGC, Inc. et al v. Dept. of Labor, et al.*, Civil Action No. 3:16-cv-1998). Last week, in response to a request from the judge, OSHA agreed to extend the deadline for enforcement of the non-discrimination provisions until Dec. 1, 2016, to permit supplemental briefing on the two issues: 1) whether a nationwide injunction is warranted in this case; and 2) whether such an injunction can be lawfully imposed by the court. The judge's proposed questions appear to signal a positive development for employers hoping for a further delay of the non-discrimination provisions. Stay tuned for further developments.

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