

Employment Law Update: Occupational Safety and Health Administration Issues Updated COVID-19 Guidance

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On January 29, 2021, the Occupational Safety and Health Administration (OSHA) released updated guidance on mitigating and preventing the exposure and spread of COVID-19 in the workplace.

The Guidance recommends that employers take the following actions:

- Designate a workplace coordinator who is responsible for COVID-19 issues in the workplace.
- Identify where and how employers could be exposed to COVID-19 in the workplace.
- Identify measures that will limit the spread of COVID-19 in the workplace, such as “engineering controls, workplace administrative policies, personal protective equipment (PPE), and other measures.”
- Consider protections for workers at higher risk for severe illness through supportive policies and practices.
- Establish a system for employees to clearly communicate “COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace,” without fear of reprisal. Employers should also clearly communicate “all policies and procedures implemented for responding to sick and exposed workers in the workplace.”
- Educate and train employees on the employer’s “COVID-19 policies and procedures using accessible formats and in a language they understand.”
- Advise infected or potentially infected employees “to stay home and isolate or quarantine to prevent or reduce the risk of transmission of COVID-19.”
- Reduce “the negative impact of quarantine and isolation on workers” by allowing them to work from home when possible.
- “Isolate workers who show symptoms at work. Workers who appear to have symptoms upon arrival at work or who develop symptoms during their work shift should immediately be separated from other workers, customers, and visitors sent home, and encouraged to seek medical attention.”
- Complete “enhanced cleaning and disinfection after people with suspected or confirmed COVID-19 have been in the facility.”
- Provide employees with “guidance on screening and testing: Follow state or local guidance and priorities for screening and viral testing in workplaces.”
- Record and/or report COVID-19 infections and deaths when required.
- Establish “protections from retaliation and set-up an anonymous process for workers to voice concerns about COVID-19-related hazards.”
- Make COVID-19 vaccinations “available at no cost to all eligible employees. Provide information and training on the benefits and safety of vaccinations.”
- Do not differentiate “between workers who are vaccinated and those who are not: Workers who are vaccinated must continue to follow protective measures, such as wearing a face covering and remaining physically distant, because, at this time, there is no evidence that COVID-19 vaccines prevent transmission of the virus from person-to-person. The CDC explains that experts need to understand more about the protection that COVID-19 vaccines provide before deciding to change recommendations on steps everyone should take to slow the spread of the virus that causes COVID-19.”

The Guidance also reminds employers that all applicable OSHA standards regarding protecting workers from infection are still in place.

Lastly, the Guidance emphasizes the standard protections that employers are already familiar with such as social distancing, installing barriers where distancing is difficult, improving ventilation, providing hygiene supplies, and requiring face masks (the Guidance recommends providing all workers with face masks at no charge).

The updated Guidance can be found at: <https://www.osha.gov/coronavirus/safework>

If you are an employer with a question about this legal alert or have another employment law concern, please contact [Tracy Armstrong](#) or another member of the Wilentz [Employment Law](#) team.

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