



COVID-19 Update

March 2020

OSHA Issues COVID-19 Guidance for Employers

The Occupational Health and Safety Administration (OSHA) recently issued [guidance to employers](#) concerning their regulatory obligations to keep workplaces safe during the current COVID-19 pandemic. OSHA's guidance includes information on the ways COVID-19 can spread, which includes between people who are in close contact (within about 6 feet) and through respiratory droplets produced when an infected person coughs or sneezes.

OSHA has classified different types of jobs as very high, high, medium or lower exposure risk, with employers' responsibilities depending upon the category of risk consistent with applicable regulations. Generally, the OSHA standards that may apply include:

- *The General Duty Clause*, Section 5(a)(1) of the Occupational Safety and Health Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each worker "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm."
 - *OSHA's Personal Protective Equipment standards* (in general industry, 29 CFR 1910 Subpart I), which require using gloves, eye and face protection, and respiratory protection as may be appropriate to protect employee exposure. When respirators are necessary to protect workers, employers must implement a comprehensive respiratory protection program in accordance with the Respiratory Protection standard (29 CFR 1910.134).
 - *OSHA's Sanitation standard*, in 29 CFR 1910 Subpart J, which governs sanitation in the workplace.
 - *OSHA's Toxic and Hazardous Substances standard*, as found in 29 CFR 1910 Subpart Z and as relating to access to employee exposure and medical records, bloodborne pathogens and hazard communication, among others.
- OSHA's guidance also recommends potential engineering controls, administrative controls, safe work practices and personal protective equipment for employers to consider, including:
- *Promoting basic infection prevention procedures.* Encourage employees to wash their hands frequently and thoroughly, stay home if they are sick, cover their coughs and sneezes, and not to use other employees' office equipment (phones, desks, tools) when possible.
 - *Minimizing social interaction.* Consider adjusting current workplace policies and procedures to minimize social interaction where reasonably possible, such as:
 - Promoting teleworking
 - Replacing face-to-face meetings with virtual communications or conference calls
 - Reducing the number of employees at the worksite at any given time by staggering shifts or creating alternate work days/new shifts
 - Ensuring flexible leave policies
 - Discontinuing nonessential travel to locations with ongoing COVID-19 outbreaks
 - Reducing customer and vendor visits to worksites
 - *Installing protective devices.* Where necessary, install devices that may further reduce the spread of the virus, including sneeze guards and other physical barriers, or high-efficiency air filters.
 - *Educating employees.* Educate employees on COVID-19, its risk factors, techniques to prevent further spread, and how to use appropriate personal protective equipment as may be appropriate.

- *Taking additional precautions for employees with high risk of exposure.* Where employees may be at very high or high risk of exposure of COVID-19, such as at health care facilities, consider taking additional measures, such as offering enhanced medical monitoring of those employees, grouping COVID-19 patients together when single rooms are not available, and wearing respirators.

“Mini-OSHA” laws in 28 states may have more stringent requirements than federal OSHA regulations. For example, California’s Aerosol Transmissible Diseases standard is aimed at preventing worker illness from infectious diseases that can be transmitted by inhaling air that contains viruses, bacteria, etc. While this standard is only mandatory for certain health care employers in California, OSHA states that “it may provide useful guidance for protecting other workers exposed to COVID-19.”

Additional Resources

We have assembled a firmwide multidisciplinary task force to address clients’ business and legal concerns and needs related to the COVID-19 pandemic. Please see our [COVID-19 Task Force](#) page for additional information and resources.

FOR MORE INFORMATION

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