Last week, the Occupational Safety and Health Administration ("OSHA") released updated guidance addressing steps companies can take to keep their workplaces safe during the COVID-19 pandemic. This Guidance on Preparing Workplaces for COVID-19 does not create new legal obligations, but it provides helpful information and advice on measures employers can take to limit the risk of exposure and infection for their employees, and how to respond if an employee does become ill. It is a good resource for companies preparing a plan for handling the COVID-19 pandemic, or those who want to check their current plan against OSHA’s advice to identify areas for improvement.

The guidance outlines detailed suggestions for workplace practices and policies depending on the risk exposure level of your employees. Four levels of risk exposure...
are identified, ranging from Very High – for those employees with a high potential for exposure, such as doctors or healthcare personnel who have direct contact with COVID-19 patients – to Lower Exposure Risk – workplaces which do not involve frequent contact with the public or COVID-19 patients. For each level of risk exposure, OSHA details the physical and administrative controls and other practices employers can implement to best manage the risk of exposure and protect their employees.

At a minimum, OSHA recommends that all employers develop an infectious disease preparedness and response plan, and stay informed of the latest guidance to keep the plan up to date. Employees should be encouraged to practice good hygiene practices such as thorough and frequent hand-washing, and covering coughs and sneezes. Sick employees should be strongly encouraged to remain or go home. Employers’ preparation should include appropriate policies to allow remote working or flexible work hours if possible, and prompt identification and isolation of employees who display signs or symptoms of COVID-19. In addition, OSHA advises employers to keep their employees apprised as to the steps being taken to protect them, and to provide information on relevant policies such as sick leave and remote work. For higher levels of exposure risk, OSHA provides more specific guidance on appropriate personal protective equipment, engineering and administrative controls, and safe work practices that can be used to protect at-risk workplaces.

While OSHA’s guidance is not mandatory, it is a valuable resource for employers looking to prepare and best position their workplaces to handle the COVID-19 outbreak.

©1994-2020 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. All Rights Reserved.