

OSHA Releases COVID-19 Workplace Health and Safety Guidance

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On January 29, 2021, the Occupational Safety and Health Administration (“OSHA”) issued detailed health and safety [guidance](#) to inform employers and employees of recommended strategies to mitigate the risk of exposure to COVID-19 in the workplace. The guidance comes on the heels of President Joe Biden’s [Executive Order on Protecting Worker Health and Safety](#), which called for the Labor Department to coordinate with other appropriate agencies and issue updated health and safety guidance for employers. The guidance and accompanying recommendations apply to employers in sectors other than healthcare or emergency response.

OSHA’s guidance provides important recommendations for employers in several areas with respect to COVID-19:

- The guidance reaffirms basic health and safety information that employees should know about protecting themselves from COVID-19 at work, including practicing social distancing, employing good personal hygiene, using face coverings at all times, and monitoring themselves for any symptoms of the virus.
- The guidance recommends that employers implement a workplace COVID-19 prevention program. Such a program should include designating a workplace program coordinator and conducting a hazard assessment to identify where and how workers might be exposed to COVID-19 in the workplace.
- Employers are advised to implement policies and procedures to protect workers, including separating and sending home workers who are infected, implementing physical distancing in work areas (or using physical barriers where physical distancing is not possible), providing supplies for proper worker hygiene, performing routine disinfection, improving ventilation in work areas, and providing workers with appropriate personal protective equipment (PPE) and face coverings.
- The guidance recommends that employers implement policies that protect employees who are considered high-risk for serious COVID-19 symptoms, including workers with disabilities or older employees. Where feasible, employers are encouraged to allow for reasonable modifications to job duties for high-risk employees, including allowing these workers to work from home or in lower-traffic, more well-ventilated areas. Employers also are encouraged to mitigate the negative impact of an employee’s need to isolate or quarantine, including allowing such employees to work remotely or use paid sick leave, and implementing a paid leave policy that can be used for this purpose if one does not exist.
- OSHA advises that employers should educate and train workers on the health and safety protocols in accessible formats, and in a language that employees understand. The guidance also emphasizes the importance of anti-retaliation practices so employees may raise any health and safety concerns without fear of reprisal.
- The guidance provides that employers should record and report COVID-19 infections and deaths if the case is confirmed to be work-related and meets OSHA’s other general reporting criteria, meaning that the case resulted in a death, days away from work, restricted work, medical treatment beyond first aid, or significant injury or illness. Notably, the guidance suggests that employers should inform employees of state or local testing guidance, and even consider providing COVID-19 vaccines to eligible employees at no cost.

OSHA’s guidance provides an important framework of reasonable steps that employers should take in order to mitigate the spread of COVID-19 and protect employees. While the guidance is not legally binding, employers should review and make efforts to comply with OSHA’s recommendations so that they can demonstrate to workers and regulators that they are taking all necessary steps to prevent or limit the spread of COVID-19 in the workplace.

Foley Hoag has formed a firm-wide, multi-disciplinary [task force](#) dedicated to client matters related to the novel coronavirus (COVID-19). For more guidance on your COVID-19 issues, visit our [Resource Portal](#) or contact your Foley Hoag attorney.

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