

Client Alert: OSHA Guidance on COVID-19 in the Workplace

8 Apr 2020

[David L. Kelleher](#)

As businesses deemed essential continue to operate during the coronavirus outbreak and other businesses make plans to reopen when conditions allow, it is important for employers to keep in mind the Occupational Safety and Health Administration's recently issued *Guidance on Preparing Workplaces for COVID-19*, available [here](#) or at www.osha.gov.

The guidance is not a standard or regulation. It creates no new legal obligation. Instead, it provides practical guidance all employers can follow to address the potential health risks in the workplace from the coronavirus.

The guidance also reminds all employers of their statutory duty under the General Duty Clause of the Occupational Safety and Health Act to provide workers with a place of employment "free from recognized hazards that are causing or likely to cause death or serious physical harm." In effect, the guidance serves as a roadmap by which employers can document their efforts to comply with this statutory duty.

OSHA's Step 1 for every employer is the development of an individualized infectious disease preparedness and response plan. The plan serves as the foundation for effective preventative and remedial measures. The plan should assess levels of exposure by worksite and job duties. The plan should analyze where, how and to what extent workers might be exposed from co-workers, customers, clients and the general public. The plan also should identify potential individual risk factors, such as age or underlying health concerns.

Step 2 is the development of measures to address the risks identified in Step 1. For most employers this begins with basic infection prevention measures such as promotion of frequent handwashing, encouraging respiratory etiquette, and encouraging sick workers to stay home. OSHA offers a menu of additional measures which may be appropriate depending on the work environment, such as:

- using high-efficiency air filters;
- increasing ventilation rates;
- installing physical barriers, such as plastic sneeze guards; and
- discouraging workers from using other workers' phones, desks and office supplies.

OSHA also recommends employers develop a plan to identify and isolate potentially infectious individuals, as well as flexible personnel and staffing policies to address worker concerns.

There is no one-size-fits-all plan. Employers should develop plans tailored to their worksites and their workers. Employers also will need to revisit their plans from time to time to meet the needs of changing infection rates, as well as to follow the recommendations and requirements of federal, state and local government agencies.

Finally, OSHA reminds employers that existing OSHA standards and regulations are not altered by the guidance or the pandemic. In addition to the General Duty Clause, specific standards potentially applicable to the coronavirus, such as OSHA's recordkeeping requirement for workplace injuries and illnesses, 29 C.F.R. 1904, and OSHA's personal protective equipment standard, 29 C.F.R. 1910 Part I, for general industry, remain in effect.

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TAGGED: COVID-19, OSHA, Guidance On Preparing Workplaces For COVID-19, Occupational Safety and Health Act