

COMPLIANCE BULLETIN

OSHA Guidance on COVID-19

The [Occupational Safety and Health Act](#) (the Act) was enacted to regulate workplace safety and health. The Act is administered by the [Occupational Safety and Health Administration](#) (OSHA).

The Act and its accompanying regulations identify a significant number of recognized hazards and establish safety and health standards to address them. However, even when no standard specific to a recognized hazard applies, the Act requires employers to look after their employees' general safety and health.

For this reason, from time to time OSHA has published guidance for employers on dealing with various general health concerns, including epidemics and infectious diseases. This Compliance Bulletin provides OSHA's guidance on how employers can prepare for and deal with COVID-19.

Action Steps

Employers subject to OSHA should become familiar with OSHA's interim guidance on COVID-19.

In addition, these employers should also:

- Continue to monitor COVID-19 developments;
- Review their workplace safety reporting and recording policies to ensure they are ready to respond to COVID-19 workplace issues;
- Determine whether and how remote work policies may affect their obligation to provide employees with a safe and healthy work environment; and
- Review employee anti-retaliation protections for reporting workplace hazards and concerns.

Highlights

- OSHA considers COVID-19 infections to be a recordable illness when a worker is infected on the job.
- Employers should consider whether their workers may encounter someone infected with COVID-19 in the course of their employment.
- Employers must determine whether to train their employees about virus exposure, hazard recognition and appropriate protocols for preventing or reducing the likelihood of exposure.

Affected Standards May Include:

- Personal protective equipment (respirators)
- General duty clause
- Bloodborne pathogens
- Exposure to hazardous chemicals used for cleaning and disinfection
- Recordkeeping and reporting

Lawley

COMPLIANCE BULLETIN



Overview

The evolving coronavirus outbreak was first identified in Wuhan City, Hubei Province, China. Since its identification, this virus has spread to a growing number of other [countries](#), including the United States. The latest situation summary updates are available on CDC's [COVID-19 webpage](#).

At this time, the U.S. Centers for Disease Control and Prevention (CDC) is emphasizing that the risk to individuals is dependent on exposure. Because of their proximity to infected individuals, workers in certain industries are at a higher risk for contracting COVID-19. A higher exposure risk also exists for individuals who travel to areas where the virus is spreading. According to OSHA, industries posing an elevated risk of worker exposure to COVID-19 (and other infectious or communicable diseases) include:

- Health care
- Death care
- Laboratories
- Airline operations
- Border protection
- Solid waste and wastewater management

In addition to OSHA's guidance, employers and workers should consult [CDC guidance](#) specific to COVID-19. The CDC also provides tips on [what the general public should do](#) during the ongoing outbreak.

OSHA Interim Guidance

OSHA's interim guidance on COVID-19 includes information on:

- [Hazard recognition](#);
- [Affected OSHA standards](#);
- [Control and prevention tips](#); and
- A list of [additional resources](#) employers may use to understand, prepare for and deal with COVID-19.

Employers are encouraged to visit and review this information often to stay up to date with developments on this global concern. The sections below provide a high overview of the information mentioned above.

Hazard Recognition

According to the CDC, the risk of COVID-19 infection for [most people in the United States](#) is currently low. However, workers in the industries mentioned above may be at a higher risk of exposure to COVID-19. Employers in these industries should take additional steps to protect their employees.

The hazard recognition section provides practical advice and tips employers can use to detect possible workplace outbreaks and identify affected individuals.

Affected OSHA Standards

This section highlights OSHA standards, directives (instructions for compliance officers) and other related information that may apply to worker exposure to COVID-19.

While there is no specific OSHA standard covering COVID-19, some OSHA requirements may apply to preventing occupational exposure to COVID-19. Among the most relevant are OSHA's personal protective equipment standards and the general duty clause. Employers should visit OSHA's COVID-19 website to review a [table of affected federal OSHA standards](#).

COMPLIANCE BULLETIN



State Standards

There are 28 [OSHA-approved State Plans](#), operating state-wide occupational safety and health programs. State Plans are required to have standards and enforcement programs that are at least as effective as OSHA's, and may have different or more stringent requirements.

Employers affected by an approved OSHA state plan should check with their local OSHA offices for updates on how state-specific standards may be affected by COVID-19.

Control and Prevention

This section addresses measures for protecting workers from exposure to, and infection with, the novel coronavirus, COVID-19. To prevent worker exposure to COVID-19, OSHA recommends that employers adopt infection control strategies based on a thorough [hazard assessment](#), using appropriate combinations of:

- ☑ Engineering and administrative controls;
- ☑ Safe work practices; and
- ☑ Personal protective equipment.

Some OSHA standards that apply to preventing occupational exposure to COVID-19 may also require employers to train workers on elements of infection prevention, including personal protective equipment.

Workers' Rights and Employers' Responsibilities

The Act [prohibits](#) employers from retaliating against workers for raising concerns about safety and health conditions.

In addition, OSHA's Whistleblower Protection Program enforces the provisions of more than 20 industry-specific federal laws protecting employees from retaliation for raising or reporting concerns about hazards or violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, securities, and tax laws.

OSHA encourages workers who suffer such retaliation to [submit a complaint to OSHA](#) as soon as possible in order to file their complaint within the legal time limits, some of which may be as short as 30 days from the date they learned of or experienced retaliation. An employee can file a complaint with OSHA by visiting or calling his or her local OSHA office; sending a written complaint via fax, mail, or email to the closest OSHA office; or filing a complaint online. No particular form is required and complaints may be submitted in any language.

OSHA provides recommendations intended to assist employers in creating workplaces that are free of retaliation and guidance to employers on how to properly respond to workers who may complain about workplace hazards or potential violations of federal laws. OSHA urges employers to review its publication: [Recommended Practices for Anti-Retaliation Programs](#) (OSHA 3905 - 2017).