

On August 13, 2021 the Occupational Safety and Health Administration (OSHA) published additional guidelines intended to protect employees from COVID-19. The publication can be found at this link: <https://www.osha.gov/coronavirus/safework>

This document summarizes OSHA's new guidelines.

This guidance is intended to help employers and workers NOT covered by the OSHA's COVID-19 Emergency Temporary Standard (ETS) for Healthcare.

NOTE: These OSHA guidelines are advisory in nature and informational in content and are intended to assist employers in providing a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.

Summary of changes published on August 13, 2021:

- OSHA guidelines now reflect the July 27, 2021 Centers for Disease Control and Prevention mask and testing recommendations **for fully vaccinated people.**
- Reorganize Appendix recommendations for Manufacturing, Meat and Poultry Processing, Seafood Processing, and Agricultural Processing Industries.
- Add links to guidance with the most up-to-date content.

The OSHA document linked above also contains some additional industry specific guidelines.

This guidance is designed to help employers protect workers who are unvaccinated (including people who are not fully vaccinated) or otherwise at-risk, including if they are immunocompromised, **and also implement new guidance involving workers who are fully vaccinated but located in areas of substantial or high community transmission.**

HOW TO DETERMINE AREAS OF SUBSTANTIAL OR HIGH COMMUNITY TRANSMISSION –

Employers and workers can easily determine if they are in [areas of substantial or high community transmission](#), (that link takes you to the CDC page that identifies areas by community transmission rates). Once you have clicked on that link, and you are on the CDC page, you select the state and the county to determine areas of substantial or high community transmission. **In any areas that are classified as substantial or high community transmission OSHA recommends that all employees (whether fully vaccinated or not) wear a proper face covering.**

Further, OSHA now also recommends that employers take additional steps to prevent exposure and infection regardless of vaccination status. Such additional steps can be found here - [Interim Public Health Recommendations for Fully Vaccinated People](#)

Several of these health recommendations include:

- Wearing a mask in public indoor settings in areas of substantial or high transmission

- Choosing to wear a mask regardless of level of transmission, particularly if individuals are at risk or have someone in their household who is at increased risk of severe disease or not fully vaccinated.
- Getting tested 3-5 days following a known exposure to someone with suspected or confirmed COVID-19 and wearing a mask in public indoor settings for 14 days after exposure or until a negative test result.

Vaccines

OSHA emphasizes that vaccination is the most effective way to protect against severe illness or death from COVID-19. OSHA strongly encourages employers to provide paid time off to workers for the time it takes for them to get vaccinated and recover from any side effects. Employers should also consider working with local public health authorities to provide vaccinations for unvaccinated workers in the workplace. Finally, **OSHA suggests that employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing – in addition to mask wearing and physical distancing – if they remain unvaccinated.**

Education

The CDC has also updated its guidance for COVID-19 prevention in K-12 schools to recommend universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status.

At-Risk Workers

Some conditions, such as a prior transplant, as well as prolonged use of corticosteroids or other immune-weakening medications, may affect workers' ability to have a full immune response to vaccination. To understand more about these conditions, see the CDC's page describing [Vaccines for People with Underlying Medical Conditions](#) and further definition of [People with Certain Medical Conditions](#). Under the Americans with Disabilities Act (ADA), workers with disabilities may be [legally entitled](#) to reasonable accommodations that protect them from the risk of contracting COVID-19 if, for example, they cannot be protected through vaccination, cannot be vaccinated, or cannot use face coverings. Employers should consider taking steps to protect these at-risk workers as they would unvaccinated workers, regardless of their vaccination status.

Workplace Key Controls

OSHA also continues to recommend implementing multiple layers of controls (e.g. mask wearing, distancing, and increased ventilation). Along with vaccination, key controls to help protect unvaccinated and other at-risk workers include the following:

1. Removing from the workplace all infected people, all people [experiencing COVID symptoms](#), and any people who are not fully vaccinated who [have had close contact](#) with someone with COVID-19 and have not tested negative for COVID-19 immediately if symptoms develop and again at least 5 days after the contact (in which case they may return 7 days after contact).
2. Fully vaccinated people who have had close contact should get tested for COVID-19 3-5 days after exposure and be required to wear face coverings for 14 days after their contact unless they test negative for COVID-19.
3. **Fully vaccinated people in areas of substantial or high transmission should be required to wear face coverings inside (or other appropriate PPE and respiratory protection) as well.**

NOTE: Employees may request reasonable accommodations, absent an undue hardship, if they are unable to comply with safety requirements due to a disability. For more information, see the Equal Employment Opportunity Commission's (EEOC's) [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#).

Additional specific workplace controls

- a) Face Coverings Employees: **Wearing a mask in public indoor settings in areas of substantial or high transmission.** Provide [workers with face coverings](#) or surgical masks, as appropriate, unless their work task requires a respirator or other PPE. Workers should wear a [face covering](#) that covers the nose and mouth to contain the wearer's respiratory droplets and to help protect others and potentially [themselves](#). Face coverings should be made of at least two layers of a tightly woven breathable fabric, such as cotton, and should not have exhalation valves or vents. They should fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face.
- b) Face Coverings Guests: Suggest or require that unvaccinated customers, visitors, or guests wear face coverings in public-facing workplaces such as retail establishments, and that **all customers, visitors, or guests wear face coverings in public, indoor settings in areas of substantial or high transmission.**
- c) Vaccinations: Facilitate employees getting vaccinated. Employers should grant paid time off for employees to get vaccinated and recover from any side effects. Employers should also consider working with local public health authorities to provide vaccinations in the workplace for unvaccinated workers. Finally, **OSHA suggests that employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing – in addition to mask wearing and physical distancing – if they remain unvaccinated.**
- d) Infections / Exposures: Instruct any workers who are infected, unvaccinated workers who have had close contact with someone who [tested positive for SARS-CoV-2](#), and all workers with COVID-19 symptoms to stay home from work.
- e) Physical Distancing: Implement physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers.

- f) Training: Educate and train workers on your COVID-19 policies and procedures using accessible formats and in [languages](#) they understand.
- g) Ventilation Systems: Some measures to improve ventilation are discussed in [CDC's Ventilation in Buildings](#) and in the [OSHA Alert: COVID-19 Guidance on Ventilation in the Workplace](#). These recommendations are based on American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance for [Building Operations](#) and [Industrial Settings](#) during the COVID-19 Pandemic.
- h) Routine cleaning and disinfection: If someone who has been in the facility within 24 hours is [suspected of having or confirmed to have COVID-19](#), follow the [CDC cleaning and disinfection recommendations](#). Follow requirements in mandatory OSHA standards [29 CFR 1910.1200](#) and [1910.132](#), [133](#), and [138](#) for hazard communication and PPE appropriate for exposure to cleaning chemicals.
- i) Record and Report COVID-19 Infections and Deaths: Under **mandatory** OSHA rules in 29 CFR part 1904, employers are required to record work-related cases of COVID-19 illness on OSHA's [Form 300 logs](#) if the following requirements are met: (1) the case is a confirmed case of COVID-19; (2) the case is [work-related](#) (as defined by [29 CFR 1904.5](#)); and (3) the case involves one or more [relevant recording criteria](#) (set forth in [29 CFR 1904.7](#)) (e.g., medical treatment, days away from work). Employers must follow the requirements in [29 CFR part 1904](#) when [reporting COVID-19 fatalities and hospitalizations to OSHA](#).
- j) Non-Retaliation: **Implement protections from retaliation and set up an anonymous process for workers to voice concerns about COVID-19-related hazards.** [Section 11\(c\) of the OSH Act](#) prohibits discharging or in any other way discriminating against an employee for engaging in various occupational safety and health activities. Examples of violations of Section 11(c) could include discriminating against employees for raising a reasonable concern about infection control related to COVID-19 to the employer, the employer's agent, other employees, a government agency, or to the public, such as through print, online, social, or any other media; or against an employee for voluntarily providing and safely wearing their own PPE, such as a respirator, face shield, gloves, or surgical mask.
- k) Hazard Reporting: In addition to notifying workers of their rights to a safe and healthful work environment, **ensure that workers know whom to contact with questions or concerns about workplace safety and health, and that there are prohibitions against retaliation for raising workplace safety and health concerns or engaging in other protected occupational safety and health activities** (see [educating and training workers about COVID-19 policies and procedures](#), above); also consider using a hotline or other method for workers to voice concerns anonymously.