

What steps should employers be taking to assure workplace safety during the current outbreak? Are you subject to new legal obligations arising from the COVID-19 (Coronavirus) pandemic?

The Occupational Safety and Health Administration (“OSHA”) is providing some answers.

On March 12, 2020, OSHA released updated guidance addressing steps companies can take to keep their workplaces safe during the pandemic. The new [“Guidance on Preparing Workplaces for COVID-19”](#) does not create new legal obligations, but employers subject to OSHA oversight remain subject to a “general duty” to provide their employees with a workplace “free from recognized hazards likely to cause death or serious physical harm.”

The new OSHA guidance provides helpful advice on measures and actions employers should take to limit the risk of exposure for their employees, and how to respond if an employee does become ill. It is a good resource for companies who want to check their current plan against OSHA’s advice to identify areas for safety improvement.

The guidance divides workplaces and work operations into four risk zones. These four zones are based on the likelihood of an employee’s occupational exposure to a pandemic, and are helpful in determining the appropriate work practices and precautions an employer should take. The great majority of employers will fall into the “Medium” and “Low” categories. The four zones are:

#### **Very High Exposure Risk:**

- Healthcare employees performing aerosol-generating procedures on known or suspected pandemic patients.
- Healthcare or laboratory personnel collecting or handling specimens from known or suspected pandemic patients.

#### **High Exposure Risk:**

- Healthcare delivery and support staff exposed to known or suspected pandemic patients.
- Medical transport of known or suspected pandemic patients in enclosed vehicles.
- Performing autopsies on known or suspected pandemic patients.

#### **Medium Exposure Risk:**

- Employees with high-frequency contact with the general population (such as schools, high population density work environments, and some high-volume retail).

#### **Lower Exposure Risk (Caution):**

- Employees who have minimal occupational contact with the general public and other coworkers (such as office 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. Such plans should encompass planning for both prevention and response.

## **Planning for Prevention:**

- Any sick employees should be strongly encouraged to remain or go home.
- Appropriate hygiene should be used for sneezing, coughing and hand sanitizing.
- Commonly touched surfaces should be sanitized on a regular basis.
- Non-essential travel should be restricted.

## **Planning for Response:**

- Policies to allow remote working or flexible work hours if possible should be adopted.
- Employees who display signs or symptoms of COVID-19 should be promptly identified and isolated.
- Employees should be kept aware of the steps being taken to protect them and policies to be maintained.
- Communication to provide information on relevant policies such as sick leave and remote work is important.
- In most cases outside the healthcare field, personal protective equipment (such as masks) will not be required or necessarily appropriate.