

OSHA Compliance Guidance for Employers During the COVID-19 Pandemic

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The General Duty Clause of the Occupational Safety and Health Act requires employers to furnish to each worker “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.”

The Occupational Safety and Health Administration (OSHA) has issued guidance, outlining steps employers should take to ensure OSHA requirements are met and to reduce employees’ risk of exposure during the current COVID-19 pandemic. The steps include, but are not limited to:

1. If an employer does not have an Infectious Disease Preparedness and Response Plan in place, one should be developed and adopted. Plans should consider the risk associated with the worksites and job duties of employees. Employers should consider where and how employees must be exposed to COVID-19, as well as the employees’ individual risk factors.
2. Employers should implement basic infection prevention measures in their workplace, such as promoting frequent and thorough hand washing, encouraging sick employees to stay at home, maintain routine cleaning and disinfecting, and considering whether employees can telework.
3. Employers should develop policies and procedures for the prompt identification and, if appropriate, isolation of sick employees. Employees should be encouraged by employers to monitor themselves for symptoms. Employers should develop policies and procedures for employees to report when they are experiencing symptoms of COVID-19.
4. Employers should implement flexible workplace policies and sick leave policies that align with current public health guidance. Flexible policies for employees caring for sick family members are also encouraged.

The OSHA Guidance also provides specific advice for employers depending on their employees’ risk of exposure. The Guidance can be found [here](#).

Employers should also be aware of their OSHA recording duties. COVID-19 may be a recordable illness if an employee is infected while performing his/her job duties.

For assistance with complying with OSHA during COVID-19 pandemic, please contact [Tracy Armstrong](#) or any member of the Wilentz [Employment Law Team](#).

Attorney

- Tracy Armstrong

Practice

- Employment Law