

# OSHA Provides Updated COVID-19 Guidance and Recommendations for Employers

On January 21, 2020, President Joe Biden ordered OSHA to issue revised guidance to employers on workplace safety during the COVID-19 pandemic. On January 29, 2020, OSHA provided [guidance](#) entitled "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace." This guidance is directed to employers outside of health care and emergency response settings.

The guidance reiterates the need for employers to implement a comprehensive COVID-19 Prevention Program. To assist employers with determining whether the procedures and policies they have in place are sufficient, OSHA's guidance includes a list of 16 elements that should be in a COVID-19 Prevention Program. Examples of those elements are:

- Designating an individual or team responsible for handling COVID-19 issues.
- Identifying where and how employees might be exposed to COVID-19 in the workplace. This should be a worksite specific hazard assessment.
- Identifying measures that will limit the spread of COVID-19, including but not limited to:
  - Social distancing and the installation of physical barriers where social distancing is not feasible;
  - Use of face coverings and/or other applicable personal protective equipment to protect workers from exposure;
  - Improving ventilation; and
  - Routine (potentially increased) cleaning and disinfection.
- Consideration of protections, accommodations and modifications for workers at higher risk for severe illness.
- Have a clear plan in place for suspected or confirmed cases of COVID-19 in the workplace, including enhanced cleaning and disinfection, internal contact tracing and communication with employees that may be been exposed.

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- Procedures for recording and reporting COVID-19 infections and deaths as required by OSHA.

OSHA's guidance also provides that an employer's plan should include "[m]aking a COVID-19 vaccine or vaccination series available at no cost to all eligible employees." For most employers outside of health care, employees may not be currently eligible for the vaccination unless they are over the age of 65. However, employers should begin assessing how they will address vaccines within their workplace and should, at a minimum, provide information and training on the benefits and safety of vaccinations from reputable sources such as the Centers for Disease Control or the Wisconsin Department of Health Services.

While OSHA's guidance does not create obligations and is a series of recommendations, President Biden has pushed OSHA to consider whether any emergency temporary standards on COVID-19 are necessary. If such standards are necessary, President Biden's Executive Order provided that they should be issued by March 15, 2021. In the event that OSHA issues emergency temporary standards related to COVID-19, we will provide an update with the substance of those standards.

If you have questions about your current procedures related to COVID-19 or need assistance putting together a COVID-19 preparedness plan, please contact Brittany Lopez Naleid, [Shannon Toole](#) or your Reinhart attorney.

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