



# **OSHA RECOMMENDATIONS AND REQUIREMENTS:**

## **COVID-19**

# EMPLOYER OBLIGATIONS

- DEVELOP CORRECTIVE ACTION PLANS TO DEAL WITH ANY DEFICIENCIES OR PROBLEMS
- HAVE AN “EMERGENCY ACTION PLAN”
- PROVIDE AND PAY FOR PERSONAL PROTECTIVE EQUIPMENT (PPE)
- PROVIDE SUITABLE WATER IN THE WORKPLACE AND LAVATORY WITH HOT AND COLD RUNNING WATER
- PROVIDE ADEQUATE FIRST AID SUPPLIES
- RESPONSIBILITY TO KEEP RECORDS OF INJURIES AND ILLNESSES THAT HAVE OCCURRED IN THE WORKPLACE

# OSHA GUIDANCE ON CLEANING WORKPLACE DURING CORONAVIRUS

- INCREASE HOUSEKEEPING PRACTICES IN ANY AREA OPEN TO WORKERS
  - ROUTINE CLEANING PROCEDURES **THEN**
  - APPLY EPA-APPROVED DISINFECTANTS
- CONSULT INFORMATION ON EPA-APPROVED DISINFECTANT LABELS WITH CLAIMS AGAINST EMERGING VIRAL PATHOGENS
- FOLLOW THE MANUFACTURER'S INSTRUCTIONS FOR USE OF ALL CLEANING AND DISINFECTION PRODUCTS

# RECOMMENDATIONS: CREATE A CORONAVIRUS TASK FORCE

- MEMBERS SHOULD INCLUDE HR, LEGAL, IT, AND SECURITY
- SCHEDULE FREQUENT MEETINGS
  - RECOMMEND AT LEAST ONCE A WEEK
- REVIEW CURRENT LOCAL, STATE, AND FEDERAL GUIDELINES IN YOUR JURISDICTION
- CREATE POLICIES AND PROCEDURES TO COMPLY WITH ALL GUIDELINES AND LAWS
- DEVELOP AN INFECTIOUS DISEASE **PREPAREDNESS AND RESPONSE PLAN**

# INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE PLAN CONSIDERATIONS

- THE LEVELS OF RISK ASSOCIATED WITH VARIOUS WORKSITES AND JOB TASKS WORKERS PERFORM
  - SCHOOL DISTRICTS ARE CONSIDERED MEDIUM RISK
- ANALYZE WHERE, HOW AND WHAT SOURCES OF COVID-19 WORKERS MAY BE EXPOSED TO:
  - RECOMMEND COMPLETING WORKPLACE HAZARD ASSESSMENT
- WORKERS' INDIVIDUAL RISK FACTORS
  - EXAMPLES: OLDER AGE, PRESENCE OF CHRONIC MEDICAL CONDITIONS, ETC.
- ANALYZE WHAT CONTROLS ARE NECESSARY TO ADDRESS THOSE RISKS
  - ENGINEERING CONTROLS: PHYSICAL BARRIERS (I.E. SNEEZE GUARDS) WHERE FEASIBLE
  - ADMINISTRATIVE CONTROLS: PERSONAL PROTECTIVE EQUIPMENT (PPE)

# WORKPLACE HAZARD ASSESSMENT

- PROVIDE WRITTEN CERTIFICATION INDICATING THE REQUIRED WORKPLACE HAZARD ASSESSMENT HAS BEEN PERFORMED
- CERTIFICATION SHOULD INCLUDE:
  - NAME OF PERSON CERTIFYING THAT THE EVALUATION HAS BEEN PERFORMED
  - THE DATE(S) OF THE HAZARD ASSESSMENT; AND
  - DOCUMENT AS CERTIFICATION OF HAZARD ASSESSMENT

# WORKPLACE HAZARD ASSESSMENT: IF HAZARDS ARE PRESENT

- SELECT THE TYPES OF PPE THAT WILL PROTECT THE AFFECTED EMPLOYEE FROM THE HAZARDS IDENTIFIED IN THE HAZARD ASSESSMENT
- COMMUNICATE SELECTIONS DECISIONS TO EACH AFFECTED EMPLOYEE
- SELECT PPE THAT PROPERLY FITS EACH AFFECTED EMPLOYEE
- HAVE EACH AFFECTED EMPLOYEE USE SELECTED PPE
- **DO NOT USE ANY DAMAGED OR DEFECTIVE PPE**

# OSHA WORKER TRAINING: ANTICIPATED OCCUPATIONAL EXPOSURE

- TRAIN ALL WORKERS WITH REASONABILITY ANTICIPATED OCCUPATIONAL EXPOSURE TO COVID-19 ABOUT:
  - SOURCES OF EXPOSURE TO THE VIRUS
  - HAZARDS ASSOCIATED WITH THAT EXPOSURE
  - INFORMATION ABOUT ISOLATION OF INDIVIDUALS WITH SUSPECTED OR CONFIRMED COVID-19 OR OTHER INFECTIOUS DISEASES
  - REPORTING PROCEDURE FOR POSSIBLE CASES OF COVID-19
- TRAINING MUST BE OFFERED DURING WORK TIMES AT NO EXPENSE TO EMPLOYEE



# OSHA WORKER TRAINING: PERSONAL PROTECTIVE EQUIPMENT (PPE)

- EMPLOYEES REQUIRED TO USE PPE **MUST** BE TRAINED ON PROPER USE OF PPE
- TRAINING MUST INCLUDE:
  - WHEN TO USE PPE
  - WHAT PPE IS NECESSARY IN DIFFERENT SITUATIONS
  - HOW TO PROPERLY DON (PUT ON), USE, AND DOFF (TAKE OFF) PPE
  - METHODS TO INSPECT FOR DAMAGE
  - METHODS TO MAINTAIN PPE
  - METHODS TO PROPERLY DISPOSE OF OR DISINFECT PPE

# OSHA REPORTING RESPONSIBILITIES

- REPORT EACH INCIDENT THAT HOSPITALIZES 3 OR MORE WORKERS / EACH DEATH
- MAINTAIN INJURY AND ILLNESS RECORDS
- INFORM WORKERS HOW TO REPORT AN INJURY OR ILLNESS TO EMPLOYER
- CLEARLY INDICATE PROPER CONTACT PERSON FOR REPORTING INJURIES OR ILLNESSES
- MAKE RECORDS AVAILABLE TO ALL WORKERS
- ALLOW OSHA TO HAVE ACCESS TO ALL RECORDS
- POST ANNUAL SUMMARY OF INJURIES AND ILLNESSES

# OSHA RECORDKEEPING REQUIREMENTS

- COVID-19 **IS** A RECORDABLE ILLNESS UNDER OSHA'S RECORDKEEPING REQUIREMENTS
- EMPLOYERS ARE RESPONSIBLE FOR RECORDING CASES OF COVID-19, IF THE CASE:
  - IS CONFIRMED AS A COVID-19 ILLNESS,
  - IS WORK-RELATED,
  - INVOLVES MEDICAL TREATMENT BEYOND FIRST AID OR DAYS AWAY FROM WORK

# OSHA: EXERCISING ENFORCEMENT DISCRETION

- OSHA IS EXERCISING ENFORCEMENT DISCRETION TO ASSESS EMPLOYER'S EFFORTS IN MAKING WORK-RELATED DETERMINATIONS
- RECOMMENDED TO APPLY THE FOLLOWING CONSIDERATIONS:
  - THE REASONABLENESS OF THE EMPLOYER'S INVESTIGATION INTO WORK-RELATEDNESS
  - THE EVIDENCE AVAILABLE TO THE EMPLOYER
  - THE EVIDENCE THAT A COVID-19 ILLNESS WAS CONTRACTED AT WORK

# EXAMPLES OF LIKELY WORK-RELATEDNESS

- WHEN SEVERAL CASES DEVELOP AMONG WORKERS WHO WORK CLOSELY TOGETHER AND THERE IS NO ALTERNATIVE EXPLANATION
- IF CONTRACTED SHORTLY AFTER LENGTHY, CLOSE EXPOSURE TO A PARTICULAR CUSTOMER OR CO-WORKER WHO HAS A CONFIRMED CASE OF COVID-19 AND THERE IS NO ALTERNATIVE EXPLANATION
- IF JOB DUTIES INCLUDE HAVING FREQUENT, CLOSE EXPOSURE TO THE GENERAL PUBLIC IN A LOCALITY WITH ONGOING COMMUNITY TRANSMISSION AND THERE IS NO ALTERNATIVE EXPLANATION

# EXAMPLES OF NOT LIKELY WORK-RELATEDNESS

- IF EMPLOYEE IS THE ONLY WORKER TO CONTRACT COVID-19 IN THEIR VICINITY AND THE JOB DUTIES DO NOT INCLUDE HAVING FREQUENT CONTACT WITH THE GENERAL PUBLIC (REGARDLESS OF COMMUNITY TRANSMISSION)
- IF EMPLOYEE, OUTSIDE THE WORKPLACE, CLOSELY AND FREQUENTLY ASSOCIATES WITH SOMEONE WHO
  - 1) HAS COVID-19
  - 2) IS NOT A CO-WORKER
  - 3) EXPOSES THE EMPLOYEE DURING THE PERIOD IN WHICH THE INDIVIDUAL IS LIKELY INFECTIOUS.

# OSHA: COVID-19 RECORDKEEPING

- IF, AFTER THE REASONABLE AND GOOD FAITH INQUIRY, THE EMPLOYER CANNOT DETERMINE WHETHER IT IS MORE LIKELY THAN NOT THAT THE EXPOSURE IN THE WORKPLACE PLAYED A CASUAL ROLE WITH RESPECT TO A PARTICULAR CASE OF COVID-19, **THE EMPLOYER DOES NOT NEED TO RECORD THAT COVID-19 ILLNESS.**
- IN ALL EVENTS, IT IS IMPORTANT FOR EMPLOYERS TO EXAMINE COVID-19 CASES AMONG WORKERS AND RESPOND APPROPRIATELY TO PROTECT WORKERS, **REGARDLESS OF WHETHER A CASE IS ULTIMATELY DETERMINED TO BE WORK-RELATED.**

# EMPLOYEE RIGHTS

- WORK IN A SAFE AND HEALTHY WORKPLACE
- BE PROVIDED WITH KNOWLEDGE ABOUT HAZARDOUS CHEMICALS
- BE PROVIDED WITH INFORMATION ABOUT INJURIES AND ILLNESSES IN YOUR WORKPLACE
- COMPLAIN OR REQUEST HAZARD CORRECTIONS FROM EMPLOYER
- BE PROVIDED WITH TRAINING
- FILE A COMPLAINT WITH OSHA
- PARTICIPATE IN AN OSHA INSPECTION
- BE PROTECTED FROM RETALIATION FOR EXERCISING SAFETY AND HEALTH RIGHTS



# CAN AN EMPLOYEE LEAVE WORK IF IT IS UNSAFE?

- IF EMPLOYEE BELIEVES THE WORKING CONDITIONS ARE UNSAFE OR UNHEALTHFUL, THEY NEED TO CALL EMPLOYER'S ATTENTION TO THE PROBLEM.
- THEN, IF EMPLOYER DOES NOT CORRECT THE HAZARD OR DISAGREES WITH EMPLOYEE ABOUT THE EXTENT OF THE HAZARD, EMPLOYEE MAY ALSO FILE A COMPLAINT WITH OSHA
- REFUSING TO DO A JOB BECAUSE OF **POTENTIALLY UNSAFE WORKPLACE CONDITIONS** IS **NOT** AN EMPLOYEE RIGHT UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.
- **REFUSING TO WORK MAY RESULT IN DISCIPLINARY ACTION BY AN EMPLOYER.**

# EMPLOYEES RIGHT TO REFUSE TO DO A JOB

- EMPLOYEE HAS ASKED EMPLOYER TO ELIMINATE THE DANGER, AND THE EMPLOYER FAILED TO DO SO; **AND**
- EMPLOYEE REFUSED TO WORK IN “**GOOD FAITH**”; **AND**
  - GOOD FAITH MEANS EVEN IF AN IMMINENT DANGER IS NOT FOUND TO EXIST, THE WORKER HAD REASONABLE GROUNDS TO BELIEVE THAT IT DID EXIST
- A REASONABLE PERSON WOULD AGREE THAT THERE IS A REAL DANGER OF **DEATH OR SERIOUS INJURY**; **AND**
- THERE ISN'T ENOUGH TIME, DUE TO THE URGENCY OF THE HAZARD, TO GET IT CORRECTED THROUGH REGULAR ENFORCEMENT CHANNELS
  - I.E. REQUESTING AN OSHA INSPECTION

# WHEN REFUSING TO DO A JOB, EMPLOYEES CAN:

- ASK EMPLOYER TO **CORRECT** THE HAZARD
- ASK EMPLOYER FOR **OTHER** WORK
- TELL EMPLOYER THAT WON'T PERFORM THE WORK UNLESS AND UNTIL THE HAZARD IS CORRECTED; AND
- **REMAIN AT THE WORKSITE** UNTIL ORDERED TO LEAVE BY EMPLOYER
- **IF EMPLOYER DISCRIMINATES AGAINST EMPLOYEE FOR REFUSING TO PERFORM THE DANGEROUS WORK, EMPLOYEE CAN CONTACT OSHA IMMEDIATELY.**

# ADDITIONAL RESOURCES

- OSHA WEBSITE
  - [HTTPS://WWW.OSHA.GOV/](https://www.osha.gov/)
- OSHA GUIDANCE ON PREPARING WORKPLACES FOR COVID-19
  - [HTTPS://WWW.OSHA.GOV/PUBLICATIONS/OSHA3990.PDF](https://www.osha.gov/publications/osha3990.pdf)
- OSHA WORKER EXPOSURE RISK TO COVID-19
  - [HTTPS://WWW.OSHA.GOV/PUBLICATIONS/OSHA3993.PDF](https://www.osha.gov/publications/osha3993.pdf)
- OSHA ENFORCEMENT GUIDANCE FOR RECORDING CASES OF COVID-19
  - [HTTPS://WWW.OSHA.GOV/MEMOS/2020-04-10/ENFORCEMENT-GUIDANCE-RECORDING-CASES-CORONAVIRUS-DISEASE-2019-COVID-19](https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19)