

OSHA's Latest COVID-19 Guidance

Labor & Employment Law Update

By Matthew Horn on February 10, 2021



In response to an executive order signed by President Biden, OSHA recently issued updated COVID-19 guidance recommending that all employers adopt a formal COVID-19 prevention plan, incorporating the following activities and elements:

- Conducting a hazard assessment relating to COVID-19 exposure;
- Identifying control measures to limit the spread of COVID-19 (such as distancing, masks, barriers,

work-from-home, staggered shifts, etc.);

- Adopting policies that encourage sick workers to stay home and not come into work;
- Communicating and training employees on the policies and procedures implemented (in their native languages); and
- Implementing protections from retaliation for workers who raise COVID-19 related concerns and issues.

Also note that the updated guidance advises employers to continue to require all employees — even those who have been vaccinated — to comply with all control measures, including the wearing of masks and social distancing, stating “there is no evidence that COVID-19 vaccines prevent transmission of the virus from person-to-person.”

While OSHA rightfully acknowledges that these recommendations do not create new standards or regulations, employers should comply with them nonetheless, with the expectation that OSHA will enforce these recommendations by way of the OSHA General Duty Clause or some other, existing standard. Further, these recommendations will likely become standards within the next thirty days, given

the recent executive order directing OSHA to issue any emergency COVID-19 standards by March 15, 2021. We will continue to update you on all developments as that deadline approaches.

OSHA's Latest COVID-19 Guidance