

OSHA ADVISORY

New COVID-19 Guidance Released



February 2, 2021

On January 29, 2021, OSHA posted updated [Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#). This guidance is just that: guidance. OSHA is separately considering whether to issue an Emergency Temporary Standard related to COVID-19. However, the guidance is a step closer to more stringent federal enforcement of safety requirements related to COVID-19. It supplements industry-specific COVID-19 guidance issued throughout 2020.

The purpose of this updated guidance is to help employers and workers identify risks of exposure and contraction of COVID-19, and to determine appropriate control measures for implementation. Jim Frederick, principal deputy assistant secretary for the Occupational Safety and Health Administration, stated in OSHA's [National News Release on Friday](#): "OSHA is updating its guidance to reduce the risk of transmission of the coronavirus and improve worker protections so businesses can operate safely and employees can stay safe and working."

The guidance conveys clear and simple necessary steps and elements that OSHA recommends for an effective COVID-19 prevention program. These elements boil down to the following:

1. Assigning a workplace coordinator
2. Identifying where and how workers might be exposed to COVID-19 at work
3. Identifying a combination of measures that will limit the spread of COVID-19 in the workplace, in line with the principles of the hierarchy of controls
4. Considering protections for workers at higher risk for severe illness through supportive policies and practices
5. Establishing a system for communicating effectively with workers—and in a language they understand
6. Educating and training workers on COVID-19 policies and procedures while using accessible formats and a language they understand
7. Instructing workers who are infected or potentially infected to stay home and isolate or quarantine
8. Minimizing the negative impact of quarantine and isolation on workers
9. Isolating workers who show symptoms at work



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10. Performing enhanced cleaning and disinfection after people with suspected or confirmed COVID-19 have been in the facility
11. Providing guidance on screening and testing
12. Recording and reporting COVID-19 infections and deaths
13. Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards
14. Making a COVID-19 vaccine or vaccination series available at no cost to all eligible employees
15. Not distinguishing between workers who are vaccinated and those who are not—all should continue to follow protective measures
16. Complying with other applicable OSHA standards

These measures are followed up with additional detailed guidance for limiting the spread of the virus. This information includes helpful links to more detailed OSHA guidance, OSHA standards, as well as specific CDC recommendations.

Again, OSHA's most recent guidelines are still only best practices and, frankly, do not suggest any measures of which employers are not already aware and are implementing. However, the agency could rely upon them when examining an employer's overall COVID-19 response and possibly in enforcing the General Duty Clause of the Act, which, to this point, has been the most common method of COVID-19 enforcement by OSHA. The Biden administration continues to hint at OSHA's implementation of emergency standards in the near future. Any such standards are to be put out by March 15, 2021.

QUESTIONS

Sherman & Howard will continue to keep you apprised of updated guidelines and any emergency standards. If you have any questions, please contact a member of our [Workplace Safety](#) team.

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