

# Workplace Safety and COVID-19: California and Federal OSHA Issue Employer Guidelines

In response to the outbreak of COVID-19, the Occupational Safety and Health Administration (OSHA) and the California Department of Occupational Safety and Health (Cal/OSHA) have issued guidance for employers. The guidelines provide guidance on how to determine if COVID-19 is a hazard in the workplace and employer obligations.

## Is COVID-19 a Workplace Hazard?

Employers should determine if COVID-19 infection is a hazard in their workplace.

According to the Fed/OSHA guidelines regarding hazard assessment, "most employers remain at low risk of exposure." However, in assessing potential hazards, employers should consider whether or not their workers may encounter someone infected with COVID-19 in the course of their duties or if workers could be exposed to environments or materials contaminated with the virus.

Employers may also rely on identification of sick individuals who have signs, symptoms, and/or a history of travel to COVID-19-affected areas that indicate potential infection with the virus, in order to help identify exposure risks for workers and implement appropriate control measures.

## Requirements Applicable To All Employers

Some employers including, but not limited to, healthcare and laboratory facilities, are subject to more rigorous standards, including Cal/OSHA's Aerosol Transmissible Diseases (ATD) standard. However, there are also regulations that apply to all employers.

All employers regardless of size, are required to maintain an effective Injury and Illness Prevention Program ("IIPP"), which contains the employer's policies and procedures for protecting employees from workplace hazards. If an employer determines that COVID-19 is a workplace hazard, it must implement measures to reduce infection risk and provide training to employees on COVID-19 infection prevention methods.



by Amanda M. Osowski

All employers must also protect employees from inhalation exposures that can result in injury, illness, disease, impairment, or loss of function. According to Cal/OSHA, COVID-19 is a harmful exposure if there is an increased risk of infection at the workplace. If an employer determines there is an increased risk of infection, it must implement engineering controls where feasible and administrative controls where practicable, or provide respiratory protection where engineering and administrative controls cannot protect employees during emergencies. This stance is significant because it suggests that employers may have to provide respirators, such as N95 masks. Yet, employers cannot distribute these masks without implementing procedures, such as: medical clearance, fit testing, and employee training.

Finally, all employers are required to provide employees access to washing facilities that have an adequate supply of suitable cleansing agents, water, and single-use towels or hand dryers.

### **Takeaway**

Employers should commence an analysis of whether COVID-19 presents a workplace hazard or whether there is risk of serious exposure to COVID-19 in the workplace.

Regardless of whether an employer has any documented instances of COVID-19 in its workplace, both Cal and Fed/OSHA's guidelines reinforce the employer's duty to maintain a safe workplace. In light of that ongoing obligation, employers should review their existing health and safety policies and procedures as well as the relevant Cal/Fed OSHA guidelines.

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