



e-Alert

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OSHA Updates Guidance for Mitigating and Preventing Spread of COVID-19 in the Workplace

Background

On June 10, 2021, the Occupational Safety and Health Administration (OSHA) released updated guidance on preventing the spread of COVID-19 among unvaccinated or otherwise at-risk individuals in the workplace.

Summary

The Centers for Disease Control and Prevention ([CDC](#)) most recently recommended that in most cases, fully vaccinated individuals do not need to take the same precautions that unvaccinated people should take. In other words, fully vaccinated people can resume normal activities without wearing masks or physically distancing unless otherwise stated by local, state, or federal ordinances as well as rules and regulations identified in workplace policies.

The OSHA recommendations are intended to direct employers on how to specifically

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keep unvaccinated or otherwise at-risk employees from spreading COVID-19.

How Employers Should be Responding to Updated and Current COVID-19 Hazards:

Employers should take the necessary steps to protect unvaccinated or otherwise at-risk employees in their respective workspaces. Please see some of these preventative steps below and reference [OSHA COVID-19 Safe-work](#) for additional details,

1. Grant time off for employees to get vaccinated:

- Businesses with 500 or less employees [are eligible for tax credits](#)
- Some states, for example, [Chicago](#) are now requiring time off for vaccinations

2. Instruct employees who are infected, symptomatic, or who are unvaccinated and have had close contact with someone who tested positive for COVID-19 to stay home from work:

- Ensure that absenteeism policies are nonpunitive
- Revise policies to state that employees who are sick or unvaccinated and have been exposed should not come into work
- Businesses with 500 or less employees may be eligible for tax credits

3. Implement physical distancing in communal work areas:

- Physically distance employees at least six feet apart or more, although not a guarantee of safety
- Limit the number of employees in a defined workspace at any given time
- Install barriers such as glass shields in areas where maintaining six feet of distance is not possible

4. Provide workers with face coverings or surgical masks unless a respirator or other personal protective equipment (PPE) are required:

- Face coverings should cover the nose and mouth to eliminate possible infection from respiratory droplets
- Face coverings should be provided free of charge to employees

5. Educate and train employees on organizational policies and procedures:

- Clearly communicate policies and procedures regarding a supportive and healthy workspace
- Provide training or education frequently via multiple communication channels, such as written policies, emails, postings, and in-person or computer-based

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training.

6. **If in a public-facing environment, suggest that unvaccinated customers wear masks:**
 - Post a notification for the unvaccinated to wear face masks
 - Anyone under two years of age or consuming food and beverages does not need to wear a face mask
7. **Maintain Ventilation Systems:**
 - Ensure adequate building ventilation via HVAC Inspection [COVID-19 Building Ventilation Informational](#)
8. **Record and report deaths and infections due to COVID-19:**
 - Report infections and deaths via [OSHA Form 300 Log](#)
9. **Perform routine cleaning using disinfectant:**
 - Follow the [CDC Cleaning and Disinfecting Recommendations](#) if an individual is suspected of having or is confirmed to have COVID-19 in the last 24 hours
10. **Implement protections from retaliation:**
 - Ensure that workspace policies prohibit discharging or discriminating against employees who express complaints and/or concerns regarding COVID-19 processes or engage in OSHA activities
11. **Follow other applicable OSHA standards as outlined:**
 - OSHA standards remain in place to ensure that employees are protected from infection
 - Protection requirements such as providing PPE, respiratory protection, sanitation, and protection from blood-borne pathogens still apply

High-Risk Work Environments: Employers with high-risk workspaces where the risk for infection is heightened due to the following factors involving unvaccinated and otherwise at-risk individuals, should take additional measures to ensure safety.

- Close Contact – Working close to one another
- Duration of Contact – Having prolonged closeness to one another
- Contact Type – Exposed via respiratory droplets (Example: Employee in factory setting who has the virus coughs or sneezes)
- Other distinctive factors such as employer-provided ride-sharing transportation, frequent contact with unvaccinated or otherwise at-risk individuals in community

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settings.

- Other types of high-risk workspaces include manufacturing; meat, seafood, and poultry processing; and high-volume retail and grocery

Preventative Measures Appropriate for High-Risk Workspaces

- Stagger break times to mitigate the forming of crowds in high-population workspaces
- Stagger the arrival and departure times to mitigate large congregations
- Provide visual cues such as floor markings and signs as reminders of physical distancing
- Implement strategies for improving ventilation in the workspace

Note: Exposure to COVID-19 could occur from contact with contaminated surfaces which could include objects, workstations or equipment, tools, break-room furniture, etc.

Employer Next Steps

- If you have not already done so download our [Employer's Guide to Returning to the Workplace](#).
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policies or have additional questions regarding this e-Alert, please [email us](#).

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