

e-Alert

09.23.21

OSHA Issues New COVID-19 Guidance for Non-Healthcare Employers

Background

Earlier this year, OSHA released [guidance for healthcare workers and employers](#), a how-to guide on handling the continuation of the COVID-19 pandemic. OSHA has now published additional guidance to support employers in dealing with another wave of the pandemic. **This new guidance is specific to non-healthcare employers.**

Summary

OSHA is strongly urging that employers mandate all their employees to be vaccinated against COVID-19. If an employee is not vaccinated, they should undergo routine testing for the virus. This guidance comes with the recommendation for employers to provide paid-time-off to help incentivize employees to receive their vaccines.

Face Coverings and Social Distancing Guidance:

OSHA urges all employees to wear a face covering and to practice social distancing while in the workplace. The face-covering recommendation applies to all employees, regardless of their vaccination status. All outside visitors to an employer's workplace

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should be encouraged or required to wear a face covering as an added safeguard for employees. Employers should have a supply of face masks, at no cost to employees, to provide to all individuals entering the workplace.

Social distancing should apply uniformly to all employees; however, OSHA is specifically recommending that unvaccinated employees should be careful to distance themselves from employees with high-risk health conditions at a minimum of six feet.

Confirmed Case of COVID-19 Guidance:

Positive COVID-19 test results have had a significant uptick over the past several weeks. OSHA has provided the following guidance to employers who encounter a positive case:

- Vaccinated employees:
 - Should get tested 3 – 5 days after the encounter.
 - Should wear a face covering while indoors for 14 days after the encounter, or until they get a negative result.
- Unvaccinated employees:
 - Should get tested immediately after the encounter.
 - If they test negative, they should be tested again 5 – 7 days after the encounter.

Education and Training:

Employers should provide managers with training on the company's COVID-19 policies. Trainings and communications around the company's policies should be routine and frequent. These trainings and policies should be provided to employees in simple terms and be available in additional formats such as Spanish and American Sign Language.

Employers should establish an outlet for employees to voice their concerns about workplace health and safety around COVID-19. This outlet should allow employees to feel safe sharing their concerns without fear of retaliation. Employers are prohibited from discriminating or taking adverse action against employees who come forth with these concerns. As with all employee feedback, employers should address these concerns in a timely manner.

OSHA strongly recommends that employers take attendance during trainings as well as log all recipients of any methods of communication around policies. Should an employee miss a communication and/or training, employers will need to do their due diligence to ensure 100% of their workforce is aware of the company policies and procedures around COVID-19. Some suggested acts of due diligence are:

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- Incorporating COVID-19 policies into the onboarding and orientation checklist to educate new hires.
- Providing multiple date and time options for company-wide trainings, should an employee be out on PTO or have a schedule conflict.

Sanitization Guidance:

Employers should continue to follow OSHA's strict guidance on [maintaining ventilation systems](#) in the workplace to help prevent and/or limit the spread of COVID-19.

OSHA aligns with the [CDC's guidance](#) on routine cleaning procedures within the workplace.

Employers should execute [additional cleaning regimes](#) in the workplace when they have a confirmed positive case. If an employer encounters a severe or fatal case of COVID-19 among their employees, they should continue to follow [OSHA requirements for reporting](#) such cases. Within 24 hours of the employer's awareness of the severe case or fatality, they must contact OSHA with details in one of the following ways:

- Calling the [nearest](#) OSHA office,
- Calling the OSHA 24-hour hotline at 1-800-321-6742, or
- Submitting OSHA's [online form](#).

It is important to note that *all* employers must follow the criteria for reporting when it comes to COVID-19 cases, not just those who are subject to OSHA reporting standards.

Employer Next Steps

- Provide personal protective equipment (PPE) and sanitation products to employees.
- Ensure trainings have been scheduled for your workforce to go over pertinent COVID-19 policies and procedures.
- Establish a routine for swapping out filters in your ventilation systems to prevent airborne pathogens of COVID-19 from spreading throughout the workplace.
- Continue reporting all severe or fatal COVID-19 cases as outlined above.
- Establish a COVID-19 policy. If you are a Full-Service or Virtual HR client and would like our assistance with creating or updating your COVID-19 policy, please [email us](#).

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