

OSHA—What To Do if An Employer Believes A Worker May Have Been Exposed to COVID-19

AUTHOR: TIMM SCHOWALTER

CONTRIBUTOR: JOHN GILBERT, PHILIP GRAHAM, NARCISA PRZULJ

With the ongoing complexities of responding to COVID-19, employers should remain mindful of their obligations under the OSH Act's general duty clause to provide employees with a workplace free from recognized hazards likely to cause death or serious physical harm. To assist employers' understandings of their safety and health obligations and preventive measures, OSHA has released an informational guidance titled "Guidance on Preparing Workplaces for COVID-19," describing "lower exposure," "medium exposure," and "high or very high exposure" risk occupations and what precautions employers can take with respect to protect employees at each level. The guidance is advisory and is not a standard or a regulation, and it does not create new legal obligations nor alters existing obligations.

Generally, in cases of suspected employee exposure to COVID-19, OSHA advises as following:

- Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately.
- Take steps to limit the spread of the potentially infectious individual's respiratory secretions, including by providing a facemask.
- In healthcare and other situations where non-employees may be suspected of having the
- COVID-19, isolate those individuals from those with confirmed cases of the virus to prevent further transmission.

- Restrict the number of personnel entering isolation areas, including the room of a patient with suspected/confirmed COVID-19.
- Protect employees who must work in close contact with an actual or suspected infected person by using additional engineering and administrative controls, safe work practices and PPE.

For more information on how to evaluate employee requests for time off or remote working situations, please contact your labor and employment counsel.