

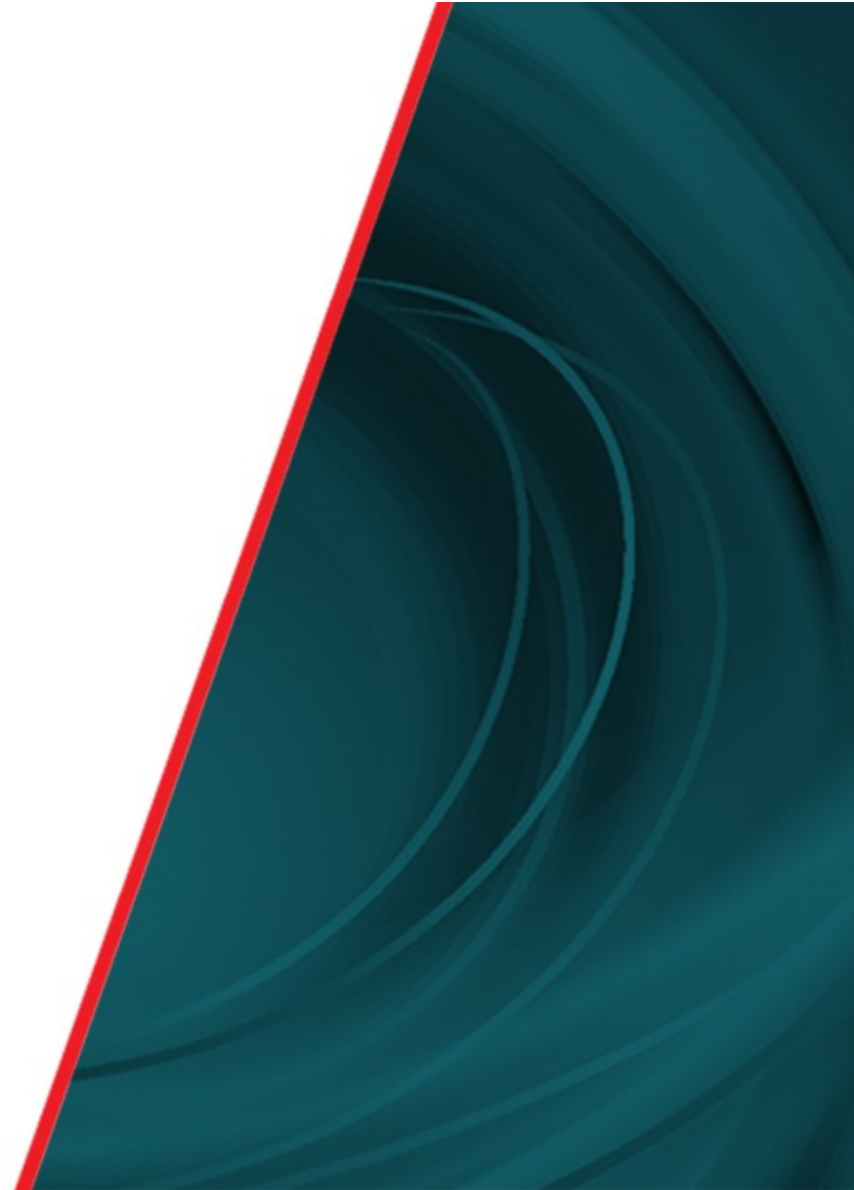


# COVID-19 and the Workplace: Staying Out of Trouble



Stephen T. Parascandola  
October 15, 2020

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# Introduction to OSHA and its Role in Reopening America

- Primary Law Governing Worker Safety
- Federal Program and Approved State Programs

- Standards and Rules
- Guidance (including CDC Guidance)
- “General Duty Clause”



# The “General Duty Clause” under OSHA

- Section 5(c)(1) of the OSH Act
- Vague Yet All-Encompassing
- What it Means During the Pandemic




# The Role of the CDC and COVID-19 Guidance

- National Institute for Occupational Safety and Health
- Interplay Between OSHA and CDC
- CDC Guidance



## Applicable CDC Guidance

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- General Guidance for Employers Responding to COVID-19
  - Industry-Specific Guidance for COVID-19 Risks
  - Guidance for Cleaning and Disinfecting Workplaces



## Specific OSHA Standards and Rules Relating to COVID-19 and the Workplace

- COVID-19 is Somewhat Novel OSHA Issue
- Look to Existing OSHA Standards and Rules for Framework
- Hazard Assessments, PPE, and Preparedness and Response Plans are Good Examples

# Hazard Assessments

- Check the Workplace for Hazards
- Consider Engineering and Administrative Controls
- Hierarchy of Controls





# Personal Protective Equipment

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- Determine Appropriate PPE
  - Provide Appropriate PPE
  - Train Employees on PPE



# Infectious Disease Preparedness and Response Plan


- Sanitary Practices (Hand-Washing and Respiratory Etiquette)
- Employment Policies (Stay at Home, Flexible Hours, Isolating Potentially Infected Employees)
- Housekeeping Practices (Cleaning Equipment and Surfaces)

# Best Practices

- Local Governments
- Industry Guidance
- Role of Best Practices and the General Duty Clause




# Communications with Employees

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- More is Better
  - Show the Company Cares and Knows the Guidance
  - Keep Complaints Down



# Multi-Employer Workplaces

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- Multi-Employer Liability Under OSHA
  - Multi-Workplace Buildings
  - Contractors, Vendors, and Shared Spaces

# Dealing with Employee Complaints

- Types of Complaints
- Responding to Complaints
- Responding to Inspections Arising from Complaints



# Coronavirus Reporting and Recordkeeping Requirements under OSHA

- Reporting Coronavirus Incidents
- Coronavirus Recordkeeping Requirements




## Dealing with Enforcement Action During the Pandemic

- How to Respond
- Steps to Take to Ward Off Enforcement Action





# Enforcement Trending

- 
- Whistleblower Complaints Trending Up Again
  - Citations on the Rise
  - Six Months to Bring Enforcement Action in NC



## Look for Individual State COVID-19 Standards

- Virginia Emergency Temporary Standard
- California Aerosol Transmissible Diseases Standard



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