

OSHA to Issue Updated Guidance on COVID-19 Pandemic; Stricter Standards to Come.

President Joe Biden signed an [Executive Order](#) (the “Order”) directing the Occupational Safety and Health Administration (“OSHA”) to issue new guidance on employer work-place safety obligations during the COVID-19 pandemic. The Order also directs the Department of Labor to explore new ways to protect employees otherwise not covered by the Occupational Safety and Health Act.

President Biden also [asked Congress](#) to pass legislation strengthening and expanding OSHA's authority to cover public sector workers in states where they are not protected by the Department of Labor's safety standards.

Per the Order, OSHA released their [updated guidance](#) (“Guidance”) on January 29, 2021. The Guidance recommends employers provide workers with face coverings, free vaccinations, and when applicable, paid sick leave under the [Families First Coronavirus Response Act](#). The Guidance also recommends providing information to employees on screening and testing in the workplace. The Guidance discourages employers from distinguishing between vaccinated and unvaccinated employees when implementing safety measures such as social distancing or workplace sanitizations.

Employers are also encouraged to assign a workplace coordinator to manage COVID-19 issues on their behalf. Workplace coordinators would be charged with hazard assessments to identify potential COVID-19 workplace hazards. They would also establish systems to

communicate with employees about COVID-19 symptoms and exposures. Finally, they would educate and train employees on workplace COVID-19 policies and procedures.

OSHA guidelines do not have the same legal effect as official OSHA standards. However, if OSHA issues a temporary emergency standard by March 15, 2021, this Guidance offers insight on what employers should expect.

Employer Takeaways

Much of the Guidance suggests measures that CCM clients have already been doing. Nevertheless, employers should expect increased enforcement of COVID-19 rules and review their safety rules. CCM will keep you informed of any new administrative standards or executive orders pertaining to COVID-19 obligations as they arise. Hopefully, these guidelines will become a thing of the past as more and more of the U.S. workforce is vaccinated against this terrible plague.

Ross I. Molho
Iman Eikram
Clingen Callow & McLean, LLC
2300 Cabot Drive, Suite 500
Lisle, Illinois 60532
www.ccmlawyer.com
[630-871-2600]

The author, publisher, and distributor of this CCM Alert is not rendering legal or other professional advice or opinions on specific facts or matters. Under applicable rules of professional conduct, this communication may constitute Attorney Advertising.

© 2020 Clingen Callow & McLean, LLC. All rights reserved.

ccmlawyer.com