

LEGAL UPDATES

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Services

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Delta Variant: New OSHA Guidance to Mitigate COVID-19 in the Workplace

On August 13, 2021, the Occupational Safety and Health Administration (OSHA) published updated guidance for the mitigation of COVID-19 in the workplace. This guidance is for workers not covered by OSHA's COVID-19 Emergency Temporary Standard for Healthcare. The guidance adopts recommendations analogous with guidance from The Centers for Disease Control and Prevention (CDC) in response to the spread of the Delta variant.

The guidance states, "Fully vaccinated people in areas of substantial or high transmission should be required to wear face coverings inside (or other appropriate PPE and respiratory protection) as well." A link to the CDC website is provided which contains a map of the U.S. and the levels of community transmission by county.

OSHA emphasized that "vaccination is the most effective way to protect against severe illness or death from COVID-19. OSHA strongly encourages employers to provide paid time off to workers for the time it takes for them to get vaccinated and recover from any side effects." OSHA also suggests that employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing, in addition to mask wearing and physical distancing (if they remain unvaccinated).

The guidance contains additional recommendations for workers in meat, poultry, and seafood processing facilities, high-volume retail, and grocery and agricultural processing settings. In these settings, OSHA recommends additional steps to mitigate the spread of COVID-19. These include requiring unvaccinated or otherwise at-risk workers—and also fully vaccinated workers in areas of substantial or high community transmission—to wear masks

whenever possible, and encouraging and consider requiring customers and other visitors to do the same.

What this means to you

Employers should review and revise their internal policies so they are consistent with the new OSHA guidance. If revisions to your policies are required, training and/or communication to team members should be quickly initiated.

Contact us

If you have questions about OSHA's updated guidance for the mitigation of COVID-19 in the workplace, contact Donna Pryor or your Husch Blackwell attorney.

Your comprehensive COVID-19 legal resource

Since the pandemic's onset, Husch Blackwell has continually monitored state-by-state orders regarding capacity, masking, vaccines, and more. We regularly address your FAQs and provide you with easy-to-use COVID-19 tools about returning to work and navigating federal programs. Contact our industry-specific legal teams or your Husch Blackwell attorney to plan through and beyond the pandemic.