



DEBORAH BUYER LAW
FOR THE BETTER

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OSHA's Updated COVID-19 Guidance for Employers

The Occupational Safety and Health Administration (OSHA) recently issued [updated guidance](#) for employers in responding to COVID-19.

Under the Occupational Safety and Health Act, employers are responsible for providing a safe and healthy workplace free from recognized hazards likely to cause death or serious physical harm. The new OSHA guidance acknowledges the effectiveness of the COVID-19 vaccines and adopts the [CDC's guidance](#) that fully vaccinated individuals no longer need to wear face coverings or practice social distancing in most settings, except where required by federal, state, local, tribal, or territorial laws, rules and regulations, including local business and workplace guidance. As a result, OSHA now advises that most employers no longer need to take steps to protect their workers from COVID-19 exposure in the workplace (or well-defined portions of a workplace) where all employees are fully vaccinated.

However, unlike [NYS's recent guidance](#), which places the burden on unvaccinated individuals to protect themselves, OSHA's guidance recommends that employers should still take steps to protect unvaccinated or otherwise at-risk workers in their workplaces (or well-defined portions of workplaces).

OSHA's more specific recommendations for employers include:

1. Granting paid time off for employees to get vaccinated;
2. Instructing any workers who are infected, unvaccinated workers who have had close contact with someone who tested positive for COVID-19, and all workers with COVID-19 symptoms to stay home from work;
3. Implementing physical distancing for unvaccinated and otherwise at-risk workers in all communal work areas;
4. Providing unvaccinated and otherwise at-risk workers with face coverings or surgical masks;
5. Educating and training workers on workplace COVID-19 policies and procedures using accessible formats and in language they understand;
6. Suggesting that unvaccinated customers, visitors, or guests wear face coverings;
7. Maintaining ventilation systems;
8. Performing routine cleaning and disinfection;



July 2021

Page 2

9. Recording and reporting work-related COVID-19 infections and deaths as required by OSHA recordkeeping standards;
10. Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards; and
11. Following all other applicable mandatory OSHA standards, which include requirements for PPE, respiratory protection and protection from bloodborne pathogens.

The new OSHA guidance also recommends that employers should take additional steps for higher risk workplaces with mixed vaccination status workers. For example, where unvaccinated or otherwise at-risk workers work in close contact or have prolonged closeness to co-workers, additional steps are recommended.

This alert is for general information purposes and should not be construed as legal advice. If you would like information about this alert, please contact one of the firm's attorneys:

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