



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”

-George Orwell, 1984-

OSHA PROVIDES GUIDANCE FOR RETURNING BACK TO WORK INCLUDING ADVISING WORKERS TO WEAR MASKS

The United States Department of Labor’s (“DOL”) Occupational Safety and Health Administration (“OSHA”) published recommendations for employers to keep their workers safe from COVID-19. OSHA advises that “employers may choose to ensure that cloth face coverings are worn” in the workplace to protect workers from COVID-19 infection.

OSHA also provides guidance for workers who want to report an employer that is not doing enough or that has retaliated against someone for voicing a concern of an unsafe working environment.

The OSHA guidance also states that “employers may consider implementing strategies to reduce risks to the safety and health of workers and workplaces from COVID-19 that include conducting SARS-CoV-2 testing. Neither the OSH Act nor OSHA standards prohibit employer testing for SARS-CoV-2, if applied in a transparent manner applicable to all employees (i.e., non-retaliatory).”

The guidance also states that “because of the limitations of current testing capabilities, employers should act cautiously on negative SARS-CoV-2 test results. Employers should not presume that individuals who test negative for SARS-CoV-2 infection (i.e., the virus that causes COVID-19) present no hazard to others in the workplace. Employers should continue to implement the basic hygiene, social distancing, workplace controls and flexibilities, and employee training described in this guidance in ways that reduce the risk of workplace spread of SARS-CoV-2, including by asymptomatic and pre-symptomatic individuals.”

Moreover, the guidance states “while covered employers are always responsible for complying with all applicable OSHA requirements, the agency’s standards for PPE (29 CFR 1910.132), respiratory protection (29 CFR 1910.134), and sanitation (29 CFR 1910.141) may be especially relevant for preventing the spread of COVID-19. Where there is no OSHA standard specific to SARS-CoV-2, employers have the responsibility to provide a safe and healthful workplace that is free from serious recognized hazards under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970.”

This is a link to the OSHA guidance for returning to work: <https://www.osha.gov/Publications/OSHA4045.pdf>.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**
-Mario M. Cuomo-

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