



What Are the Executive Orders Impacting the Workplace in 2021?

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COVID-19 and Worker safety

Biden asked the Occupational Safety and Health Administration, or OSHA, to update its safety recommendations for businesses, evaluate its own enforcement efforts and decide whether an “emergency temporary standard,” which could penalize noncompliant businesses, is needed during the pandemic,

- Biden has been clear that his first priority as president is getting the coronavirus pandemic under control. Because of this, employers may see stricter safety and sanitation guidelines from OSHA.
- The Biden administration also wants to double the number of OSHA investigators, as well as provide “restart packages,” which will help companies cover the costs of PPE and other safety precautions.
- Industries that rely on hourly workers – such as retail stores and restaurants – will likely be impacted the most, due to tighter restrictions on in-person business. While President Trump’s goal was to keep businesses going, Biden’s focus will be on containing the virus.
- Employers may also see higher penalties for COVID safety violations.

Discrimination

An executive order signed Wednesday says federal prohibitions on sex discrimination will also ban discrimination against LGBTQ people. Alphonso David, president of the Human Rights Campaign, told NBC’s Jo Yurcaba that it’s “the most substantive, wide-ranging executive order concerning sexual orientation and gender identity ever issued by a United States president.”

The order reads, in part: “Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based

stereotypes. People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination.”

Federal Workers

The new Administration to begin the process of instituting a \$15 minimum wage and emergency paid leave for federal workers. The order also encourages union organizing and collective bargaining among federal workers,

It directs federal agencies to review and revise rules so as to match this interpretation.

Diversity & Inclusion Training

Trump had ordered his administration to stop paying for critical race theory diversity training in federal agencies. He said his new order will expand the prohibition on training for the U.S. military, government contractors, and other federal grantees.

The order prohibits all training the administration deems as “divisive.” Federal employees who approve or advance training that promotes one of these divisive concepts may be subject to disciplinary action, while federal contractors that implement such training may be debarred.

The new administration proposes

- Diversity & Inclusion in all Government Agencies and federal contractors
- Promote flexible workplaces for people with disabilities
- Expansion of diversity in Leadership positions

These proposals are expected to trickle down to state legislatures.

Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing

As long-promised, President Biden enacted a series of policies to help control the spread of COVID-19. Effective January 20, 2021, all federal properties, executive departments, and executive agencies must require compliance with CDC guidelines relating to COVID-19, including wearing masks and maintaining physical distancing. The scope of the Order covers all Executive branch employees (including Armed Forces and contractors).

Union

The new administration is pro-union President Biden has been a staunch supporter of organized labor throughout his political career, a fact that was reiterated by Biden's choice for Secretary of Labor, Boston Mayor Marty Walsh.

Walsh, a long-time labor advocate and former union leader, will succeed former corporate employment attorney Eugene Scalia, whom labor unions have often criticized for being too pro-employer.

Walsh's nomination has been applauded by labor and worker-safety advocates, and signals Biden's intention to give workers' interests a prime seat at his policymaking table.

Immigration

- Biden's proposed immigration policies were defined in detail on his campaign website – and they largely seek to reverse most, if not all, of Trump's immigration policies.
- This includes reversing the "Muslim Ban" policy, ending "wall" funding and replacing it with technology-based border security, ceasing controversial border policies such as family separation, and reinstating protections for "Dreamers" and those with Temporary Protected Status.
- We can also expect the Biden administration to review enforcement priorities and actions by federal immigration agencies, create employment options for seasonal and high skilled workers, address gaps in immigrant visa backlogs, and provide microeconomic immigration support for municipalities.
- We can also expect the Biden administration to work with the new Congress to seek long awaited comprehensive immigration reform. This would include modernizing immigration policies to end inefficiencies and backlogs, and moving toward a more market-driven immigration system
- Be prepared that these Executive Orders will impact Employers who hire foreign workers to enhance their competitive status when hiring employees with STEM science, technology engineering and math experience.

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