How to Open the Workplace Safely and Within Workplace Compliance?

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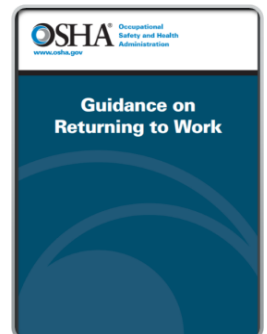August 2020

COVID-19 & OSHA

Interim Guidance for Businesses and Employers

The following interim guidance may help prevent workplace exposures to acute respiratory illnesses, including COVID-19, in non-healthcare settings. The guidance also provides planning considerations if there are more widespread, community outbreaks of COVID-19. https://www.osha.gov/Publications/OSHA4045.pdf

However, Guidance is Not Enforcement!

Although OSHA's guidance is not enforcement, the Guidance on Returning to Work is an effective tool that Employers should have as part of their COVID-19 Compliance Resources.

- Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.
- Ensure that your sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.

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- Talk with companies that provide your business with contract or temporary employees about the importance of sick employees staying home and encourage them to develop non-punitive leave policies.
- Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
- Employers should maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that more employees may need to stay at home to care for sick children or other sick family members than is usual.
- Given the current COVID-19 Pandemic, Employers are more than ever looking towards the regulatory agencies for guidance to be able to have their employees return to the workforce safely. According to The Occupational Safety and Health Act (OSHA) is responsible "To assure safe and healthful working conditions for working men and women;
- by authorizing enforcement of the standards developed under the Act;
- by assisting and encouraging the States in their efforts to assure safe and healthful working conditions;
- by providing for research, information, education, and training in the field of occupational safety and health."
- With the mixed messages from the medical, political and regulatory agencies, Employers are now confused and have mixed feelings about transitioning their workforce to the new normal.

Employers are recommended to follow five steps:

1. Continue to encourage remote work and telework whenever possible and feasible with business operations.

2. If possible, return to work in phases.

3. Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols.

4. Minimize non-essential business travel and adhere to CDC guidelines regarding isolation following travel.

5. Strongly consider special accommodations for workers who are members of a vulnerable population. For purposes of this guidance, these include elderly individuals and those with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

Employers Next Step: Prepare for Recovery

Get COVID-19 Information from the Sources with the most accurate information like the CDC, WHO and also check your state regulatory agencies for local updates that impact your state

Ensure you collaborate with your HR professionals. Even if Your leadership sends communications out, include HR since employees are more likely to reach out to HR for questions

Communicate regularly with your employees especially if they are telecommuting-You don't want the out of site out of mind syndrome that some employees might feel if they are not used to telecommuting

Telecommuting is a good practice during this crisis but remember, not all employees are used to telecommuting and need guidance

Train managers who may not be used to managing remote employees

Instead of creating a specific policy for telecommuting (unless you have one already) create a work arrangement agreement that is flexible.

Create a Communication Plan

As part of those communications, we recommend that employers provide employees with additional resources so that they may learn more about the situation as it develops.

For example, the Centers for Disease Control ("CDC") has a detailed website, presently available in English, Spanish and simplified Chinese, that provides up-to-date information about the coronavirus.

The CDC's website includes details about, among other things, coronavirus symptoms, prevention and treatment, geographic updates, and frequently asked questions.

The CDC's website also includes links to posters that employers can download and place in restrooms and other areas of the workplace where they are likely to be seen.

The World Health Organization ("WHO") similarly has developed a website with useful materials for employers and employees.
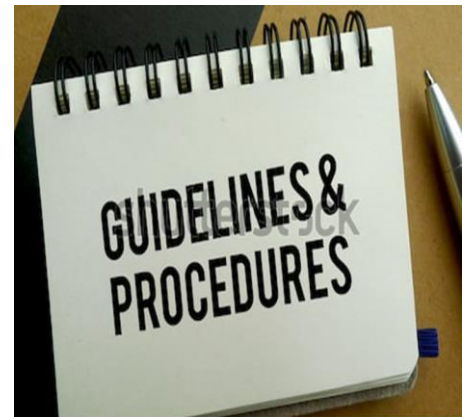
Appoint a Cross-Functional Emergency Management Team

- Unlike weather-related crises, which often permit businesses to engage in some level of advance preparation, the coronavirus has the power to disrupt business operations significantly and without any warning. Employers need to be prepared to act quickly if the coronavirus enters their specific workplace.

- Accordingly, employers should appoint a central point of contact and cross-functional emergency management team ("EMT") to address all of the issues arising from the coronavirus outbreak in the workplace, including employee health and safety; internal and external messaging; medical and sick leaves; workers' compensation; short-term disability; the interactive process and potential accommodations under the ADA; confidentiality and privacy protections; technology support; and legal compliance.

- Where feasible, the EMT likely should include, at minimum, representatives of the HR, communications, IT, and legal departments.

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- Follow the CDC data

- Follow the WHO Data

- Follow OSHA Guidelines

- Follow EEOC Pandemic Guidelines

- Follow the Federal State and Local Regulation

- Use the Medical Data for your state

Create Sanitizing Stations

- Create prominent hand sanitizing stations, complete with cleaning supplies

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- Hand sanitizer might be your newest line item on your profit and loss statement (P&L).

- Businesses are going to need to invest in safety equipment of both their workers and patrons to keep the confidence of consumers coming back.

- If your shop feels risky, shoppers might not return.

- So make a point to buy 60% or more alcohol per volume hand sanitizers and make them freely available across your business or office space.

Get rid of common "gathering" areas

- In accordance with the step above, reconfigure your water cooler hang out spots, too. Can you reallocate these communal gathering places for open-air conferences space or more roomy desk arrangements?
- Before COVID-19 workers liked to share kitchenettes, breakrooms, and staff lounges, but we might not be able to afford such on-the-job luxury spaces.
- Where can you minimize hang-out spaces and maximize 6-foot distances?
- Do you have common gathering areas?
- How do your employees naturally hang out? And where?
- While not eliminating employee camaraderie, what's the best approach to minimize staff exposure to one another?

Reorganize your floor plan

- What can you do to your work space that will maximize 6-foot distance between workers, customers, and visitors? Can you stagger workspaces? Adjust desks to point towards walls or office partitions?
- What are the essential needs for space for my business?
- What are areas that are underutilized today?
- Are there any superfluous areas now that folks need 6-feet barriers, and how can I reimagine those spaces to make room for today's needs?
- What are we using _____, _____, _____ space for?
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Limit the number of people in a closed room

- ☐ Host the discussion in a large enough room to give each attendee a 6-foot space between one another, or

- ☐ Host the meeting virtually, wherein each participant may be under the same roof, but the meeting still takes place via a web conferencing tool online, to minimize direct exposure.

- ☐ As a general rule, post the number of people each room can accommodate, and make sure to update room booking software accordingly. For instance, if your conference rooms were bookable for 10 people before coronavirus, and now it is deemed that the space can actually only host 3 to 4 people, update the preferences so that employees aren't making inadvertent errors in booking meetings.

- ☐ How many conference rooms do you have / do you need?

- ☐ Are there any ways to conduct business virtually?

- ☐ How many people can safely fit in your conference rooms now?

- ☐ Are there adequate cleaning supplies and ventilation systems to prevent the transmission of COVID in these spaces?

- ☐ Do you feel comfortable with your workers using these spaces for group discussions?

Workplace Cleaning!

Ensure you have your offices cleaned by external cleaning company and then maintain it to have employees feel confident to return to work safely!

Virtual Meeting Options

Training of Managers on compliance in the workplace is a "good legal defense" for Employers

- Best Practice: Have Your HR Professionals and Managers Attend Workplace Compliance Seminars/Webinars

- Compliance Training is the most low-cost & effective option to reduce risk and fines, penalties and criminal sanctions

- This can be a good line of defense for future audits, allegations of discrimination, harassment and sexual harassment!

For more information about the impact of Workplace Compliance Regulations, please subscribe to my website at www.hrcompliance.biz and receive updated compliance alerts, webinar notices, and information on compliance resources!
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