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Question of the Day: New OSHA Alert on Worker Safety

Legal Update

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Question

I am bringing employees back to the workplace. What safety measures should I have in place?

Answer

As non-critical businesses plan to return employees to the workplace, business leaders will be faced with how to implement social distancing measures and manage worker reports about workplace safety.

On May 28, 2020, OSHA issued an alert outlining safety measures employers can implement to increase social distancing. The alert focused on three key areas which are becoming common themes in the management of COVID-19 in the workplace – managing illness, restructuring worksites and reporting safety concerns.

These safety measures should be included in your return to work plan as well as any new policies you implement to better manage social distancing. Recommendations include:

Managing Illness

- Encourage workers to stay home if they are sick.
- Isolate any worker who begins to exhibit symptoms until they can either go home or leave to seek medical care.

Restructuring Worksites

- Establish flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), if feasible.
- Stagger breaks and rearrange seating in common break areas to maintain physical distance between workers.

- Move or reposition workstations to create more distance, and install plexiglass partitions.
- In workplaces where customers are present, mark six-foot distances with floor tape in areas where lines form, use drive-through windows or curbside pickup, and limit the number of customers allowed at one time.

Encouraging Reports of Safety Concerns

- Encourage workers to bring any safety and health concerns to the employers' attention.

In response to increased reports of COVID-19 related safety concerns by workers as non-critical businesses begin to reopen, OSHA has indicated its intent to increase in-person inspections. If you are subject to an OSHA COVID-19 inspection, you should be prepared to present or articulate your COVID-19 plan, as well as the steps you took, prior to bringing workers back, to implement safety measures to manage COVID-19 in the workplace.

Additionally, businesses should be prepared to monitor workers, customers or visitors to ensure they are following those safety measures and to respond promptly to safety concerns raised by workers.

When in doubt about what safety measures your business should be implementing, contact one of the attorneys in our Employment & Labor Group.

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