

Employer's Response and Advice Regarding the Coronavirus Outbreak



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As U.S. officials encourage the American public and companies to prepare for the continued spread of the coronavirus (COVID-19), employers will need to keep in mind the current state of applicable employment laws when deciding how to respond.

A company's response to the coronavirus outbreak brings into consideration several areas of employment law, including occupational health and safety regulations, employee leave laws, anti-discrimination laws, employee privacy and other areas of the law such as immigration.

The Occupational Safety and Health Act (OSHA) requires that employers maintain a safe work environment "free from recognized hazards likely to cause death or serious physical harm." Please refer to OSHA's webpage www.osha.gov/sltc/covid-19/ for applicable standards and general precautions applicable to certain employers. OSHA requires employers to be proactive to limit employees' risk of exposure to unsafe conditions and recognized hazards. With COVID-19, as with any other infectious outbreak, employers should permit work from home when employees are ill, review whether travel restrictions should be implemented, and provide information to employees regarding general best practices to avoid contamination such as the following tips:

- Wash their hands often with soap and water using the 20-second rule
- Use an alcohol-based hand sanitizer if soap and water are unavailable
- Avoid touching their eyes, nose, and mouth with unwashed hands
- Avoid close contact with people who are sick
- Stay home when feeling sick
- Cover coughs or sneezes with a tissue (then throw the tissue in the trash)
- When a tissue is not available, cough or sneeze into elbow/crook of arm
- Clean and disinfect frequently touched objects and surfaces

Employers might consider providing disinfectant wipes and personal hand sanitizer to employees to promote cleanliness.

Employers should consider developing an OSHA (and other applicable health and safety law/regulation) infectious disease protocol, if they do not already have one included in emergency or safety plans. The protocol should cover the following:

- The name of the designated contact regarding the plan

- Information regarding how information will be communicated to employees
- Availability of leave benefits and procedures for use
- When an employee may be sent home due to illness
- Under what circumstances the employee may return to work
- When an employee should disclose potential exposure and how such disclosure will be treated
- Guidance regarding when use of face masks or gloves (or other personal protective equipment) may be implemented

There are many best practices for employers to implement in response to the potential risks of the coronavirus outbreak. Employers are encouraged to seek advice from counsel regarding any significant changes in policy or guidance on implementation of protocols.