



**NATIONAL COUNCIL FOR
OCCUPATIONAL SAFETY AND HEALTH**
CONSEJO NACIONAL DE SALUD Y SEGURIDAD OCUACIONAL



Fact Sheet:

OSHA's Guidance for Preventing the Spread of COVID-19 in the Workplace – Covering Non-Healthcare Workplaces

Update issued June 10, 2021; Revised August 13, 2021

On August 13, 2021, OSHA updated its [COVID-19 guidance](#) for workplaces not covered by its COVID-19 Emergency Temporary Standard that covers healthcare workplaces. The most recent updates are noted in **bold blue**.

The OSHA guidance includes a reminder that COVID-19 is a highly infectious disease that can be spread by “aerosol transmission” – when an infected person exhales, talks, sings, sneezes or coughs; infected particles can travel in the air for more than six feet; and people infected with COVID-19 may have no symptoms and be unaware that they are infected.

The OSHA guidance focuses on protecting those most at risk for being infected with COVID-19, including unvaccinated workers, workers who have had an organ transplant, and those who use medicines that weaken the immune system.

While this OSHA guidance isn't a standard, regulation or law; OSHA reminds employers that they are required under OSHA's “General Duty Clause” [Section 5(a)1 of the Occupational Safety and Health Act] to provide safe and healthful workplaces free from recognized hazards that are causing or likely to cause death or serious physical harm. Employers are required to protect workers from infectious diseases such as COVID 19. OSHA can use its General Duty Clause to require employers to protect workers from COVID-19 infection in the workplace.

The OSHA guidance recommends employers provide a multi-layered approach to protecting workers, in the categories below:

Vaccines:

1. Make it easier for workers to get vaccinated.

Grant paid time off for workers to get vaccinated and to recover from any vaccine side-effects.

Workers who are infected, have symptoms, or have had close contacts with someone with COVID-19

2. Instruct workers who are infected, or have COVID-19 symptoms and unvaccinated workers who have had close contact with someone who tested positive for the virus to stay home from work.

Eliminate policies that punish workers who stay home or encourage workers to come to work sick.

OSHA notes that the American Rescue Plan Act provides tax credits to employers that have paid time off for workers who are infected, or have COVID-19 symptoms and unvaccinated workers who have had close contact with someone who tested positive for the virus to stay home from work (until September 30, 2021).

Physical Distancing

3. Keep people, both workers and customers, at least 6 feet apart if they are unvaccinated or otherwise at-risk.

Limit the number of at-risk workers working together by using telework, staggering shifts, delivering services remotely, or holding meetings on Zoom.

Install plastic shields or other barriers when people can't keep 6 feet apart, but do so without harming enhanced ventilation.

Face Coverings

4. Have workers wear face coverings or surgical masks if they are working indoors and not vaccinated. **Fully vaccinated people should wear masks in public indoor settings in areas of substantial or high transmission; fully vaccinated people may choose to wear masks in these settings regardless of community level of transmission..** OSHA recommends masks with at least two layers of a tightly woven breathable fabric that fit without gaps.

Provide face coverings to unvaccinated or otherwise at-risk workers at no cost to the workers.

If work tasks require a respirator such as an N95, employers must comply with relevant OSHA respiratory protection standards.

Support all workers who choose to wear face coverings or who voluntarily choose to bring and wear their own respirators.

Education and Training

5. Train workers on the employers' COVID-19 policies in a way the workers understand, in workers' own languages. The training should include:

- A. Basic facts about COVID-19, including how it is spread and the importance of physical distancing (including remote work), ventilation, vaccination, use of face coverings, and hand hygiene.
- B. The employer's workplace policies to protect workers from COVID-19 hazards.
- C. Human resources policies that relate to COVID-19.
- D. The right to a safe and healthful work environment, whom to contact with questions or concerns about workplace safety and health, and their right to raise workplace safety and health concerns free from retaliation.

Face Coverings For Non-Workers Entering Workplaces

- 6. Suggest **or require** unvaccinated customers, visitors, and guests wear face coverings, and that all customers, visitors, or guests wear face coverings in public, indoor settings in areas of substantial or high transmission (**deleted: if there are unvaccinated or otherwise at-risk workers in the workplace,**) and post a notice about this.

Ventilation Systems

- 7. Improve ventilation by running building ventilation systems the way the manufacturers designed them, maximize the amount of outside air the systems bring in, increase filtration by using a MERV 13 or higher filter if possible, open windows and doors in building without HVAC systems when conditions allow and consider using portable HEPA air cleaners.

Cleaning/Disinfecting

- 8. Perform routine cleaning and disinfection.

Recording/Reporting Work-Related COVID-19 Infections

- 9. Record and report COVID-19 work-related infections and deaths on employers' injury and illness logs.

Report outbreaks to health departments as required and support their contact tracing efforts.

Be aware that OSHA prohibits discrimination against workers for speaking out about unsafe working conditions or for reporting an infection or exposure to COVID-19.

Protection for Workers Against Retaliation

- 10. Set up an anonymous process for workers to voice concerns about COVID-19-related hazards

Establish policies that prevent retaliation against workers for raising concerns about workplace infection control to an employer, other workers, a government agency, or the public through print, on-line, social or any other media; or against workers who voluntarily provide and wear their own PPE such as respirators.

Notify workers of their rights to a safe and healthful work environment and their rights to be protected against retaliation.

Follow Other Related OSHA Standards

11. Comply with all OSHA standards that relate to protecting workers from infection (such as respiratory protection, sanitation and employee access to medical and exposure records).

OSHA also included an Appendix with Additional Recommendations for “High Risk” Workplaces.

“High Risk” workplaces include manufacturing, meat and poultry-processing, large retail and grocery stores and seafood processing where unvaccinated workers are present.

Employers in these workplaces should implement all of the recommendations above, and take the following additional steps:

- Stagger break times or provide temporary break areas and restrooms to make sure workers are at least 6 feet apart.
- Stagger the times that workers arrive at and leave work so workers can stay apart in the parking lot, locker rooms and time clocks
- Provide signs and other visual clues for staying at least 6 feet apart
- Improve ventilation
- For assembly lines and food processing facilities: implement proper spacing so workers aren’t working next to or across from each other, or use appropriate barriers if proper spacing is not possible.
- For retail workplaces:
 - Suggest **or require** masks for (~~deleted: unvaccinated~~) customers
 - Maintain physical distancing between customers and workers (or use barriers if distancing is not possible)
 - Move payment terminals/credit card readers farther away from workers
 - Schedule stocking activities in off-peak or after-hours.
- For workers traveling to and from work in employer-provided buses and vans:
 - Notify workers of the risks
 - Limit the number of workers in each vehicle
 - Make sure unvaccinated or other at-risk workers in vehicles wear face coverings.

Additional protections to demand from your employer

Employers are required by law to provide safe and healthy workplaces. Employers can better protect workers if they follow these additional recommendations.

1. Provide paid time off to workers who have COVID, unvaccinated workers who have had close contact with someone who tested positive for the virus that causes COVID, or have COVID symptoms.
2. Change any policies that encourage sick workers to come to work.
3. Use effective training techniques, allow questions and answers and repeat the training as needed. All workers should be trained including managers and supervisors. Employers should make sure workers understand the training.
4. Require all non-vaccinated visitors, customers and contractors to wear masks when they are on the jobsite. Employers should post signs about the requirement at every entrance. Proof of vaccination must be verified.
5. Along with vaccinations and respirators, good ventilation is key to prevention. But very few buildings have ventilation systems that are adequate to protect anyone from the SARS-CoV-2 virus. However, often there are minor changes that would improve them.

The fundamentals of good ventilation are non-contaminated air and plenty of it. To get non-contaminated air you either take it from outside or you do a good job of filtering the air. Outside air won't have the virus in any significant concentration unless it is being drawn from an area close to where people congregate. Most building air intakes are high up on a wall or on a roof. But you need to make sure! Unfortunately, outside air needs to be heated and cooled. That uses energy and costs money. So, buildings generally recirculate most of the air. In fact, the recirculating equipment is called an economizer. During COVID the economizer should be set to bring in as much outside air as possible. In addition to bringing in outside air, the other tool is filtering the recirculated air. Many buildings use filters that not effective enough to capture small virus particles. Those filters are designed to protect the ventilation equipment. Filters are rated MERV 1-20. (MERV stands for minimum efficiency reporting values). Recommended filters are rated MERV 13 and above capture significant amounts of viruses. The highest rated filter should be used to provide the most protection possible. If the employer claims they cannot use MERV 13 or higher, demand they show documentation from the equipment supplier that the system can't use the recommended protective filtration.

It's important to get enough clean air: A person with COVID 19 releases virus particles with every breath. The ventilation system has to wash them out of the workplace.

The recommendation is for 6 – 12 air changes per hour (ACH). One air change is the amount of air equal to the volume of the space. Using portable air cleaners with High Efficiency Particulate Air (HEPA) filters will add additional clean air changes in a space if they are properly sized and positioned in the room. Do not use cleaners that are ionizers, use ultra-violet light (UV) or create ozone. Those products are unproven to be effective and may produce dangerous air contaminants themselves.

Air needs to be circulated evenly but not from one person to another. The best way to do that would be to blow air into the room from the ceiling and take it out through the floor. That rarely happens. If the supply and the exhaust are on the same surface (wall, ceiling or floor) you are probably going to have most of the air going directly between them and skipping much of the space. You can use smoke to see where the air is going.

6. Cleaning and disinfecting are less important as a protective measure related to COVID 19. It turns out it is very hard to get infected with COVID 19 by touching surfaces. Additionally, cleaning and disinfecting introduces many unnecessary chemicals into the environment that can make people sick.
7. Employers are already required to record work-related illness on OSHA's Form 300 logs. They must also call OSHA when these sick employees are hospitalized or die.
8. It is illegal to discriminate against an employee for raising reasonable concerns about infection control to the employer, other employees, a government agency, or to the public or for voluntarily providing and safely wearing their own PPE.

Workers who have a union can bargain these changes so they become enforceable parts of their contract and company policy. You don't have to wait until you bargain for a new contract. The union can start the process anytime by formally requesting to meet with management about the COVID 19 protection plan or filing a "demand to bargain."

Workers without a union can work together to assert their right to improved conditions.

The National Council for Occupational Safety and Health has additional information and resources [here](#).

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