

Coronavirus and OSHA Compliance

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The spread of the coronavirus (COVID-19) has had an unprecedented impact on printing operations ranging from interrupting business flow, disrupting supply and delivery chains, upsetting financial markets, disrupting travel plans, and forcing the cancellation of meetings and events. It has also impacted employees causing absenteeism and forcing many into teleworking.

In response to growing concerns regarding COVID-19, the Occupational Safety and Health Administration (OSHA) recently issued [guidance to employers](#) concerning their regulatory obligations to keep workplaces safe during the current COVID-19 pandemic. OSHA's guidance includes information on the ways COVID-19 can spread, which includes between people who are in close contact (within about 6 feet) and through respiratory droplets produced when an infected person coughs or sneezes.

OSHA Requirements

OSHA does not have a specific regulation addressing COVID-19. This does not mean that printing operations are exempt from OSHA compliance in the face of the COVID-19 outbreak. OSHA has identified several regulations that would apply due to the risk and presence of coronavirus in the workplace and they include:

- General Duty Clause [Section 5(a)(1) of the OSH Act, 29 U.S.C. § 654(a)(1)] This requires employers to provide each worker "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." OSHA may cite an employer under the general duty clause if the employer allows or directs a known infected employee to come to work and expose other employees to the risk of infection.
- Personal Protective Equipment (29 CFR 1910.132) These standards may require using gloves, eye and face protection, and respiratory protection, among other things, in appropriate circumstances. Use of N95 or other respirators require implementation of a comprehensive program including a written program, medical evaluation, fit testing, maintenance, employee training etc.
- Hazard Communication Standard (29 CFR 1910.1200) This standard requires employers to provide training on chemical hazards, safe handling, and protection measures for employees exposed to hazardous chemicals such as those being used for cleaning and disinfection.
- Sanitation (29 CFR 1910.141) This standard requires all places of employment to be kept clean to the extent that the nature of the work allows.
- Bloodborne Pathogens Standard (29 CFR 1910.1030) This standard applies occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may transmit COVID-19. However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.

Recording and Reporting COVID-19 Incidents

Under OSHA's recordkeeping regulations printing operations are required to record certain illnesses on OSHA Form 300. While the recordkeeping regulations generally exempt the "common cold and flu," COVID-19 is not considered a common cold or flu. However, OSHA's current guidance states "COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties." OSHA has indicated that employers are only responsible for recording cases of COVID-19 if all of the following are met:

- The case is a confirmed case of COVID-19
- The case is work-related as defined by OSHA regulations
- The case involves one or more of OSHA's general recording criteria such as days away from work, job transfer, and medical treatment.

Generally, an illness is work-related for OSHA purposes if it is more likely than not that a factor or exposure in the workplace caused or contributed to the illness. For example, an employee who contracts a confirmed case of COVID-19 from outside the workplace has not experienced a “work-related” injury. However, if that same employee then comes into work and infects a co-worker, the co-worker may be considered to have experienced a work-related illness, which would need to be included on the employer’s Form 300 log if they miss work or have to receive medical treatment.

OSHA also requires all employers to report any workplace incident that results in a fatality within 8 hours or an in-patient hospitalization within 24 hours. Only formal admissions to the in-patient service of a hospital or clinic for care or treatment are reportable. Therefore, there may be an instance where a work-related infection could require reporting.

Remote Workers

Many printing operations are allowing or encouraging employees to telecommute, and OSHA does have requirements for home-based workers. OSHA does distinguish between home offices, areas of an employee’s home in which an employee conducts office work activities such as answering phone calls, research, reading, and writing, and home-based worksites, areas of an employee’s home where the employee “performs work of the employer” such as home manufacturing operations.

Since home offices are the more typical current telework scenario, OSHA has reiterated its policy that it will not conduct at-home workplace inspections and that it will generally not hold employers liable for at-home safety issues. However, employers’ other health and safety obligations remain intact, even for remote employees. Employers also retain responsibility for hazards caused by materials, equipment, or work processes the employer provides or requires to be used in an employee’s home.

In the case of an injury sustained at home, OSHA will consider an injury “work-related” if it both occurs while the employee is performing work for pay in their home and is directly related to the performance of work, rather than to the general home environment or setting. Employers are thus required to keep records of work-related injuries (and update their OSHA Form 300 logs) that otherwise meet the recordability criteria suffered by remote workers. So, employers should encourage all remote employees to report workplace injuries and unsafe working conditions and notify them of the procedures to do so.

Anti-Retaliation

Due to the constant influx of news and information and occasional misinformation that employees may be hearing, reading, or discussing, employers should keep in mind the OSH Act’s anti-retaliation provision. This provision prohibits employers from retaliating against workers for raising concerns about safety and health conditions. OSHA’s current position is that most workers remain at a low risk for exposure. Therefore, maintaining a calm presence in the face of employee concerns will help alleviate anxiety and provide reassurances to worried workers helping to avoid a potential retaliation claim.

Workplace Actions

Given the broad scope of the general duty clause and other regulations, OSHA’s COVID-19 Guidance provides a suite of recommendations to assist employers in assessing risk and determining appropriate planning, prevention, and control measures in the workplace.

While each printing operation must tailor their response to their specific workplace, the following are actions that should be implemented:

- Encourage all employees who are experiencing COVID-19 symptoms to inform their supervisor.
- Create a policy to prevent employees infected with COVID-19 to stay away from work until they are no longer infected.
- Have employees practice social distancing, defined as being 6 feet away from each other, while at work.
- Encourage employees to frequently wash their hands and provide information on proper hand washing. “Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.”
- Encourage employees to not touch their face eyes, nose or mouth.
- Provide hand sanitizer and encourage employees to use it when they can’t wash their hands.
- Provide tissues, trash receptacles or other hygiene products.
- Provide information on how to properly cover their cough or sneeze with a tissue or use the inside of your elbow, then throw the tissue in the trash followed by washing their hands.
- Discourage employees from shaking hands, hugging or engaging in other personal contact.
- Prepare and hang posters that encourage proper hygiene practices.
- Clean and disinfect frequently touched objects and surfaces using EPA identified disinfectant sprays or wipes.

As printing operations implement their COVID-19 response plans and policies, additional examples provided in the COVID-19 OSHA Guidance may be helpful. Employers also should consider and incorporate guidance from other agencies such as the [CDC](#), which has best practices for employers to mitigate and handle exposure to COVID-19 in the workplace and state and local health agencies.

Summary and Conclusion

The events of the past several weeks have shown that COVID-19 is impacting printing operations and its workforce. Printing companies that are continuing operations must implement policies and procedures designed to protect employees from contracting COVID-19 in the workplace. OSHA’s COVID-19 Guidance is a useful tool to design approaches to mitigate the current situation and to protect the safety of its employees.