

## Blog Post

# Time to Update (or Implement!) Your COVID-19 Safety Plan

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By Melissa L. Cizmorris

Do you have a COVID-19 Safety Plan in place? If not, you better get started.

The U.S. Centers for Disease Control (CDC) and the Occupational Safety and Health Administration (OSHA) have *recommended* having such a plan since the beginning of the pandemic, and have recently updated their guidance to spell out exactly what such plans should address. In some cases, such guidance is detailed and specific to certain industries. Importantly, some states, such as New York, *require* having such a plan, and even provide an online fill-in-the-blank template for creating one.

Both to minimize the spread of COVID-19, and to maximize the ability to defend a workplace safety claim, all businesses should have a COVID-19 Safety Plan in place. And they should monitor federal and state guidance regularly, and keep their workforce informed as the plan changes.

So, what's in a COVID-19 plan? OSHA's "[Guidance on Returning to Work](#)" is a great starting point. OSHA recommends companies start with a hazard assessment for each job category at each worksite, assessing when, where, how, and to what sources workers are likely to be exposed to COVID-19 in the course of their job duties. This should include any potential exposure from members of the public with

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whom employees interact and should also take into consideration any conditions in the outside community.

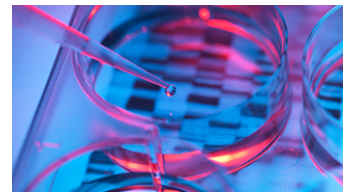
After conducting a hazard assessment, employers should carefully craft and implement a plan that includes strategies that are appropriate for the specific workplace and phase of reopening. OSHA suggests that such plans should address:

- Hygiene;
- Social distancing;
- Identification and isolation of sick employees;
- Standards for Return to Work after illness or exposure;
- Engineering and/or administrative controls;
- Workplace flexibilities;
- Training; and
- Anti-retaliation.

The CDC updated its guidance on reopening July 22, recognizing new information on how the virus is transmitted and offering new guidance on when employees who have been exposed or tested positive can return to work; [see our blog here](#). The CDC also offers general business re-opening guidance covering the same topics as OSHA guidance. In addition, the CDC has specific guidance for a myriad of businesses including restaurants and bars, schools, child care center facilities, recreational facilities, congregate living facilities, and more.

And keep in mind that in many places, state and local orders are far more restrictive and may actually require more stringent or different procedures than the CDC and OSHA recommend.

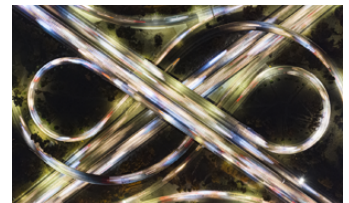
The bottom line for businesses: be sure you have a COVID-19 plan that includes:



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## The Akerman Return to Work Resources Guide

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- Assessing employees' potential exposure to COVID-19 and strategies for dealing with that;
- The identification of a COVID-19 monitor to monitor guidance and address workplace safety issues as they arise;
- Policies around workplace flexibility, including permitting telework and sick leave whenever possible;
- Hand hygiene and respiratory etiquette, such as sneezing and coughing etiquette;
- Cleaning and disinfection, particularly in areas with high touch or high-traffic or that are open to customers or visitors;
- Social distancing of at least six feet between people, including reconfiguring spaces, directing traffic and limiting occupancy and access to ensure that distancing;
- The importance of wearing face coverings, especially where social distancing cannot be maintained;
- A system for identifying and isolating sick employees;
- Management of persons exhibiting symptoms in the workplace, including keeping records of how and where a sick person was isolated, cleaning and disinfecting any spaces occupied by the sick employee, and a system for identifying contacts to be traced;
- The latest guidance on returning to work following illness or exposure;
- Engineering and administrative controls, such as physical barriers or shields or enhanced ventilation;
- Safe work practices, and personal protective equipment (PPE) tailored to the worksite and/or each job duty;
- Training for employees on how to identify the signs, symptoms, and risks of COVID-19, including how they can be exposed in the

workplace, how they can work to minimize its spread, and safety protocols;

- Training on proper usage of PPE or the use of cloth face coverings;
- Anti-retaliation policies to ensure no adverse or retaliatory action is taken against an employee who raises workplace safety and health concerns; and
- Strategies for preventing, monitoring for, and responding to the emergence or resurgence of COVID-19 in the workplace or community.

Regardless of where you are in the opening or re-opening process, Akerman attorneys are standing by to assist companies with guidance, including developing or updating COVID-19 plans, policies, and training for staff to ensure businesses are protecting both the workforces and their bottom lines. Check out our [Return to Work Resource Guide](#) for additional topics of interest.

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