

COVID-19: Best Practices for the Workplace

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As the COVID-19 pandemic continues to develop, the attorneys at Bailey Glasser have been closely monitoring the potential legal issues that have come from the fallout related to COVID-19.

One area that could be particularly hard hit is employer/employee relations. Our employment lawyers have assembled the following general guidance and are happy to answer your questions during this difficult and unprecedented time.

As an initial consideration, employers should refer to the Occupational Safety and Health Administration's (OSHA) recently-published "Guidance in Preparing Workforces for COVID-19." That publication details measures employers can and likely should take to protect their workforce.

The OSHA guidance aptly divides workplaces into four risk zones based on the nature of the work performed and the likelihood of the workforce's occupational exposure to the virus.

Employers are encouraged to review the publication to determine which risk zone is most applicable to their business and examine the attendant courses of action to combat the spread of COVID-19.

Next, there are numerous factors employers must consider and measures they should take in dealing with this pandemic. The information presented here is in no way exhaustive, but merely highlights some basics.

Accordingly, a few overarching matters employers should seriously consider during the pendency of the pandemic include, without limitation:

- If at all possible, adopt a workplace policy that promotes social distancing (i.e., mandating that staff work remotely)
- Remind employees of their rights to sick leave if they or a family member is diagnosed with COVID-19
- Consider amending sick leave policies to assist employees who have been diagnosed with COVID-19

If social distancing is a challenge or is inapplicable to the entire workforce:

- Consider amending sick leave policies to encourage sick employees to seek appropriate medical treatment and avoid coming into contact with the workforce
- Limit social interactions in the workplace (i.e., limit common area availability and encourage solo dining)
- Consider staggering work times for employees to further minimize social interaction
- Publish safety precautions for combating the spread of COVID-19 in the workplace and make available ample washing areas and soap/cleaning supplies
- Ask employees who appear ill to get tested by an appropriate medical professional for COVID-19
- Send home employees who work closely with an individual diagnosed with or reasonably suspected of having COVID-19 for at least a 14-day period
- Communicate with clients/customers who have had contact with an infected employee
- Given the pandemic designation, employers can and must require employees to report to their supervisors the fact of their confirmed diagnosis of COVID-19
- Perhaps most importantly, openly communicate with the workforce and clients/customers about expectations and concerns relating to the pandemic

Please contact Bailey Glasser if you need counseling on employment matters by completing our contact form or contacting me directly below.

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