

# WORKER PROTECTIONS FROM COVID-19

Cal/OSHA Emergency Temporary Standard 2020  
CCR Title 8 Sections 3205, 3205.1, 3205.2, 3205.3, 3205.4

On November 30, 2020, the Cal/OSHA Standards Board approved an [emergency temporary standard](#) to prevent the spread of COVID-19 in the workplace. California is now one of the few states with a standard to protect workers from COVID-19. The standard is currently in effect through October 2, 2021, and it could be extended beyond that date.

## WHO IS PROTECTED BY THIS STANDARD?

Most workers under Cal/OSHA's jurisdiction are protected by the new COVID-19 standard.<sup>1</sup> The standard includes specific protections for employers who provide housing and/or transportation to workers. The standard does not apply to workers who are already protected under Cal/OSHA's Aerosol Transmissible Diseases Standard (i.e., those in healthcare, homeless shelters, correctional facilities, etc.), worksites with one worker, or those working at home.

## WHAT ARE EMPLOYERS REQUIRED TO DO?

The standard requires employers to take the following actions:

- **Establish a written COVID-19 Prevention Plan.** The plan must describe all measures employers are taking to reduce exposure to the coronavirus and to address potential causes; the plan must be accessible to all workers and their representatives.
- **Identify and correct COVID-19 hazards in the workplace.** Hazard control methods must include a full range of engineering controls, administrative controls, and personal protective equipment (see next section).
- **Train workers.** Training must include how the coronavirus is transmitted, workplace policies and procedures to prevent the spread of COVID-19, the importance of face coverings and physical distancing, and information about federal, state, and local COVID-19-related benefits.
- **Encourage communication and reporting without fear of retaliation.** Workers should feel safe reporting COVID-19 hazards in the workplace, possible exposures, and test results or COVID-19 symptoms. Employers are prohibited from retaliating against workers for reporting hazards, injuries and illness.

1. Cal/OSHA jurisdiction includes full-time and part-time employees and those hired by temporary employment agencies, regardless of immigration status. Cal/OSHA jurisdiction does not extend to self-employed workers, those hired as independent contractors, or those hired informally to work in residences.

## WHAT MUST EMPLOYERS DO TO PROTECT WORKERS FROM COVID-19?

The standard requires employers to allow for remote work as much as possible. In cases where remote work is not possible, employers must take the following control measures:

### Engineering Controls

- Maximize the amount of outside air in indoor work spaces.
- Find ways for employees to maintain physical distances of 6 feet or more from others as much as possible.
- Install solid cleanable partitions (i.e., plexiglass barriers, etc.) in places where it is not possible for workers to maintain physical distancing.



Photo: Office worker behind plexiglass barrier.

### Administrative Controls

- Regularly clean and disinfect frequently touched surfaces, objects, and work areas.
- Minimize the need to share high-contact items such as handheld tools, equipment, and vehicles.
- Encourage and allow time for frequent hand washing, and provide hand sanitizer.



Photo: Handrails being disinfected.

### Personal Protective Equipment (PPE)

- Provide face coverings to all workers and ensure employees are wearing them over the nose and mouth. Exceptions apply for workers with medical and/or mental health conditions and/or disabilities. Note that face shields are not a replacement for face coverings but they can be worn together.
- Assess the need for other PPE to prevent exposure to COVID-19 hazards – this may include gloves, goggles, face shields, and/or respiratory protection.



Photo: Hotel housekeeper wearing mask and face shield.



Photo: Farmworker, restaurant worker and garment worker wearing masks at their workplaces.

## WHAT HAPPENS IF A WORKER TESTS POSITIVE FOR COVID-19?

If a worker tests positive for COVID-19, employers must:

- **Report information about worker COVID-19 cases** to the local health department whenever required by law.
- **Determine whether other workers may have been exposed** to the individual who tested positive and alert those workers to the exposure within one business day of learning about the positive test results.
- **Offer COVID-19 testing at no cost** to all workers who may have been exposed to the coronavirus in the workplace.
- **Keep workers who test positive and those with COVID-19 exposure out of the workplace** until they are no longer an infection risk and meet certain COVID-19 return-to-work criteria.<sup>2</sup> (Currently, CDPH recommends that workers with COVID-19 exposure remain out of the workplace for 10 days.) Employers must maintain an employee's earnings, seniority, and all other employee rights and benefits while they are away.
- **Investigate workplace conditions** that may have led to workers' exposure to the coronavirus and make changes to reduce exposure.

Names and personal information about workers' COVID-19 test results, health status, related medical services must be kept confidential.

2. To see specifics regarding return-to-work criteria, visit: [bit.ly/2KNXILn](https://bit.ly/2KNXILn)

## WHAT IF THERE ARE MULTIPLE CASES OF COVID-19 INFECTIONS AMONG WORKERS?

In addition to complying with all the requirements described for non-outbreak settings:

- **Outbreak:** If 3 or more workers test positive for COVID-19 in a 14-day period, employers must test all employees when the outbreak is identified, then at least once a week while the outbreak continues. Employers must investigate and correct conditions that may have led to COVID-19 transmission when the outbreak is first identified, then every thirty days while the outbreak continues.
- **Major Outbreak:** If 20 or more workers test positive for COVID-19 in a 30-day period, employers must test all employees when the outbreak is identified, then at least twice a week while the outbreak continues. Employers must introduce air filtration in buildings or structures with mechanical ventilation, and they must determine the need for a respiratory protection program or changes to an existing respiratory protection program. They must also consider whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected. In addition, employers must investigate and correct conditions that may have led to COVID-19 transmission when the outbreak is first identified and while the outbreak continues.

## WHAT DO I DO IF I HAVE CONCERNS AT MY WORKPLACE?

If you have concerns about COVID-19 hazards at your workplace, first talk with your coworkers about raising the concerns with your employer. You can also contact Cal/OSHA with questions and/or file a workplace safety complaint by calling or emailing the district office in your area. Visit: [www.dir.ca.gov/dosh/Complaint.htm](https://www.dir.ca.gov/dosh/Complaint.htm) and type in the city or zip code to find the nearest office.

## FOR MORE COVID-19 RESOURCES, VISIT OUR PAGE: [bit.ly/39dlrsd](https://bit.ly/39dlrsd)

or scan the following code:



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