Important Safety Issues for Contractors in the Age of COVID-19
Primary OSHA Standards Implicated by COVID-19

■ OSHA’s Personal Protective Equipment (PPE) Standards – requires using gloves, eye and face protection and respiratory protection when job hazards require it.

■ The General Duty Clause – requires employers to furnish each worker “employment and place of employment, which are free of recognized hazards that are causing or are likely to cause death or serious physical harm.”

■ OSHA Section 11(c) – prohibits employers from retaliating against workers for raising concerns about safety and health conditions.
OSHA COVID-19 Construction Guidance

Tips to Reduce the Risk of Exposure

■ Encourage workers to stay home if they are sick.

■ Allow workers to wear masks over their nose and mouth to prevent them from spreading the virus.

■ Continue to use other normal control measures, including personal protective equipment (PPE), necessary to protect workers from other job hazards associated with construction activities.
Tips cont.

■ Advise workers to avoid physical contact with others and direct employees/contractors/visitors to increase personal space to at least six feet, where possible. When work trailers are used, all workers should maintain social distancing while inside trailers.

■ Train workers how to properly put on, use/wear and take off protective clothing and equipment.

■ Encourage respiratory etiquette, including covering coughs and sneezes.
Tips cont.

- Promote personal hygiene. If workers do not have immediate access to soap and water for handwashing, provide alcohol-based hand rubs containing at least 60 percent alcohol.

- To the extent tools or equipment must be shared, provide and instruct workers to use alcohol-based wipes to clean tools before and after use.
Tips cont.

■ Keep in-person meetings (including tool box talks and safety meetings) as short as possible, limit the number of employees in attendance, and use social distancing practices.

■ Encourage workers to report safety and health concerns. And don’t retaliate against employees for doing so.
Employees’ Refusal to Work

Pursuant to OSHA, an employee has the right to refuse to do a task if all of the following conditions are met:

- Where possible, the employee has asked employer to eliminate the danger, and employer failed to do so;
- Employee refused to work in “good faith.” This means that employee must genuinely believe that imminent danger exists;
- A reasonable person would agree that there is a real danger of death or serious injury; and
- There isn’t enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.
Key Takeaways

- Flexibility is key! The work environment is constantly changing and evolving because of COVID-19, and it is important for contractors to be able to adapt to the changes.

- Document all measures taken to protect the health and safety of employees. This could be used to show an employee is being unreasonable in his or her refusal to work.

- Do not retaliate against employees for raising health and safety concerns.
QUESTIONS

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