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## Cal/OSHA Standards Board unanimously approves Emergency COVID-19 Workplace Safety Regulation

By Benjamin Kim, Rachel Conn, and Andrea Chavez

On November 19, 2020, the California Occupational Safety and Health Standards Board (Standards Board) voted and approved an [Emergency COVID-19 Workplace Safety Regulation](#) (Emergency COVID-19 Regulation) applying to “all employees and places of employment.”

The Standards Board heard about eight and a half hours of public comment from a range of interested parties, including agricultural and restaurant employees, teacher associations, labor coalitions, attorneys, employers, and many others. Employee advocates were requesting the immediate adoption of the Emergency COVID-19 Regulation. Employers, on the other hand, were largely concerned with the process and lack of shareholder input, jurisdiction issues, duplicities and inconsistencies with existing standards and local, state, and federal laws, and compliance difficulties for smaller employers.

After hearing over 100 public comments, the Standards Board unanimously voted to pass the Emergency COVID-19 Regulation with no revisions. To address the many concerns, the Standards Board indicated an advisory committee would convene as early as December 2020 to review the Emergency COVID-19 Regulation. Cal/OSHA also promised to release FAQs and a template COVID-19 Prevention Program to assist employers with compliance.

Some actions employers should begin to take include:

- Incorporate a written COVID-19 prevention program into company Injury and Illness Prevention Program (IIPP) or as a standalone policy.
- Create procedures alongside employees and their representatives to identify, evaluate, and control COVID-19.
- Investigate, respond, and notify employees of COVID-19 cases and potential exposure
- Report COVID-19 cases to local health authorities when required.
- Exclude employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to COVID-19—during this time, employers must continue to maintain an employee’s earnings, seniority, and all other employee rights and benefits.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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