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OSHA Alert

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Monkeypox: What employers need to know

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Employers can take steps now to prepare for and prevent potential workplace transmission of monkeypox.



What's the Impact?

- / The monkeypox public health emergency creates a new set of challenges for employers to navigate
- / Employers operating in California must adhere to Cal/OSHA's standards, which may differ from other states

On August 4, 2022, the federal government declared monkeypox a [public health emergency](#), which set off alarm bells for some employers and municipalities. After all, the last public health emergency—COVID-19—led to lockdowns and years-long business and production interruptions that are still impacting the world today. Accordingly, employers should stay informed and be prepared. Here's some information to guide employers on this latest public health emergency:

What is monkeypox?

According to the [CDC](#), the monkeypox virus is part of the same family of viruses as the virus that causes smallpox, and its symptoms are "similar to smallpox symptoms, but milder, and

monkeypox is rarely fatal.”¹ Contrary to some beliefs, monkeypox is not related to chickenpox. The monkeypox virus was discovered in 1958, and the first known human case was recorded in 1970.

How is monkeypox transmitted?

Monkeypox is [transmitted](#) through close, personal, often skin-to-skin contact, including direct contact with the monkeypox rash, bodily fluids, or respiratory secretions from someone with monkeypox and objects, fabrics, or surfaces used by someone with monkeypox. Often direct contact with monkeypox occurs during intimate contact, prolonged face-to-face contact, or by sharing or touching bedding or towels used by someone with monkeypox.

How is monkeypox treated?

The [CDC](#) reports that there is no treatment for monkeypox, but some drugs and vaccines used to treat and prevent smallpox may be effective against monkeypox. Currently, the [CDC](#) advises that people with monkeypox should “stay at home (isolate) . . . until [the] monkeypox rash has healed and a new layer of skin has formed.” The CDC also advises that to prevent the spread of monkeypox via surfaces, those surfaces should be cleaned and disinfected with an EPA-registered disinfectant, and all linens and clothing should be laundered.

What can employers do to prevent workplace transmission of monkeypox?

Although California, New York, and Illinois have also declared states of emergency relating to monkeypox, presently, there are no state or local orders that require businesses to take any monkeypox-specific safety precautions. However, although Fed/OSHA has not released any specific monkeypox guidance, under Fed/OSHA’s [General Duty Clause](#), employees must provide a workplace free from recognized hazards that are or are likely to cause death or serious physical harm. In addition, some occupational safety and health state plan states (like California) have adopted injury and illness prevention plan regulations that require employers to identify, evaluate, train on, and mitigate potential hazards in the workplace. Therefore, employers can (and in some places should) take proactive steps to alleviate potential transmission in the workplace.

- / Keep abreast of CDC, state, and local guidance and advisories on monkeypox
- / Communicate information and resources relating to monkeypox to employees
 - o The CDC regularly updates its monkeypox information and is a resource employers can share with employees
- / Remind employees that they should not report to work when they are ill
- / If an employee reports that they have monkeypox, encourage them to follow medical advice and CDC guidance

¹ Recently, Texas announced the death of a monkeypox patient, although the patient’s cause of death is still under investigation. This is believed to be the first known U.S. death potentially related to monkeypox.

- Consider whether the employee can work remotely
 - Additional PTO/sick/leave time can be made available to allow the employee to isolate at home
 - Keep the employee informed about benefits and leave information and options
- / If home isolation is not possible, the [CDC](#) has provided precautions that employers may take in the workplace, including using a separate workspace, avoiding common workspaces, covering lesions, and wearing a well-fitting mask
- / Train and educate employees regarding anti-discrimination policies and avoiding stereotypes in the workplace
- / If the employer provides items that are shared between employees like uniforms, personal protective equipment, etc., ensure that these items are cleaned in between uses and that employees do not share these items unless they have been cleaned and/or sanitized

What other issues should employers consider vis-à-vis monkeypox?

At this time, [data](#) suggests that monkeypox is often spread through sexual contact. Given this and the potential for discrimination based on gender identity, sexual orientation, and relationship status, employees may be hesitant to report when they have monkeypox for fear of workplace discrimination. Employers should continue to inform and educate employees and supervisors on workplace anti-discrimination policies and consider [diversity, equity, and inclusion training](#) to stem off potential issues and inherent biases/stereotypes that may exist in the workplace.

California specific considerations

As California employers are aware, Cal/OSHA is known for maintaining stricter occupational safety standards than the rest of the country, and monkeypox is no different. Specifically, Cal/OSHA's Aerosol Transmissible Disease Standard (ATD Standard) 8 CCR 5199 (which applies primarily in healthcare and correctional facilities, lists monkeypox in its Appendix A under "Diseases/Pathogens Requiring Airborne Infection Isolation." Accordingly, this requires that in facilities subject to the ATD Standard, employees with occupational exposure to monkeypox will be required to wear respirators and take other airborne precautions. This may perplex employers as Cal/OSHA's characterization of monkeypox as "airborne" under the ATD Standard does not align with most current public health guidance.

In addition, this characterization leaves open the question of whether Cal/OSHA will consider monkeypox as requiring airborne precautions in general industry. Although there is no specific Cal/OSHA standard that regulates monkeypox for general industry, as noted above, Cal/OSHA Injury and Illness Prevention Plan (IIPP) 8 CCR 3203 requires all employers to identify, evaluate, train on, and mitigate potential hazards in the workplace. Thus, much like COVID-19, California employers could be looking at potentially stricter regulations and enforcement measures.

For more information on monkeypox and other occupational safety and health updates, please join us for a virtual presentation on September 22, "[Employer Guide to Preparing for Emergencies and Catastrophic Incidents.](#)"

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