

COVID-19 Compliance in California Workplaces

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On November 30, 2020, the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) implemented emergency COVID-19 Workplace Safety and Prevention regulations that apply to nearly all California businesses. The emergency regulations took effect immediately, requiring California businesses to implement extensive new workplace safety and health measures to protect workers against COVID-19.

The emergency regulations—which amended California Code of Regulations, Title 8, section 3205 and added several other sections—are in effect until October 2, 2021, unless otherwise indicated by Cal/OSHA. They require, among other things, an extensive written COVID-19 Prevention Program, which may be incorporated into an existing Injury and Illness Prevention Program (IIPP) or be written as a separate document.

The regulations provide definitions for several important COVID-19 terms such as “exposure,” “workplace outbreak,” “high-risk period,” “symptoms,” and “tests.”

The law also requires employers to implement the following components of the written COVID-19 Prevention Program:

- **System for Communicating** Describes methods by which employees must report COVID-19 information, including potential workplace hazards, and states how important information, such as potential exposures, will be communicated by the employer.
- **Identification and Evaluation of COVID-19 Hazards** Requires the employer to develop and implement a process for screening employees for COVID-19 symptoms and for periodically evaluating the workplace for potential COVID-19 hazards. This includes a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that pose a threat.
- **Investigating and Responding to COVID-19 Cases in the Workplace** Outlines the steps the employer must take to gather specified information about COVID-19 cases or potential exposures and respond accordingly. The employer must follow a step-by-step action protocol to properly identify potentially exposed individuals, notifying them while keeping identifying information of other persons confidential, with stated exceptions.

- **Correction of COVID-19 Hazards** Indicates how the employer will implement effective policies and procedures for correcting unsafe or unhealthy workplace conditions or practices in response to identified hazards.
- **Training and Instruction** Mandates the employer to train and instruct workers on COVID-19 policies and procedures, available COVID-19 benefits, COVID-19 modes of infection, symptoms, methods of physical distancing, the importance of hand-washing, and use of face coverings.
- **Physical Distancing** Establishes a six-foot minimum distance between all persons in the workplace, with exceptions, and lists methods to facilitate effective distancing.
- **Face Coverings** Requires the employer to provide face coverings and ensure that they are properly worn by employees, with listed exceptions. For employees who cannot wear a face covering, the employer must put other controls in place to minimize potential COVID-19 exposure.
- **Other Engineering and Administrative Controls** Indicates how the employer will reduce transmission of COVID-19 through engineering controls, cleaning and disinfecting protocols, physical barriers, and use of other personal protective equipment.
- **Reporting, Recordkeeping, and Access** Declares the circumstances under which the employer must report COVID-19 cases to health authorities and to other employees, and outlines recordkeeping requirements including what information must be retained and who may access it.
- **Exclusion of COVID-19 Cases** Sets criteria by which the employer must exclude COVID-19 cases, including exposed individuals, from the workplace. This section also requires employers to continue and maintain the excluded employee's earnings, seniority, and other rights and benefits during the exclusion period. This section also lists exceptions to workplace exclusions and their associated protections.
- **Return to Work Criteria** Establishes timelines for the employer to follow when allowing employees who have had COVID-19 symptoms or who have tested positive for COVID-19 to return to work.

Governor Gavin Newsom issued a declaration in 2020 stating that all workers not working from home who file a workers' compensation claim for COVID-19 illness will be assumed to have contracted COVID-19 from the workplace. To protect employees, fight the spread of COVID-19, and to avoid costly workplace illnesses, employers should comply with the law and implement a COVID-19 safety and prevention program immediately. ■

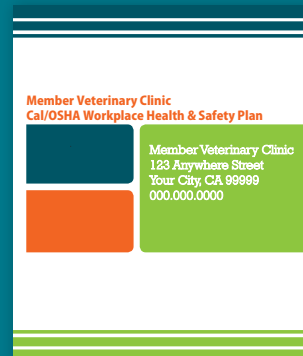
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CAL/OSHA Requires Employers to Provide COVID-19 Worker Protection

The California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has implemented emergency COVID-19 workplace prevention regulations which require California businesses to immediately implement extensive new workplace safety and health measures. They include a written COVID-19 Protection Program policy as part of the Injury and Illness Prevention Program (IIPP). The *CVMA Guide to Cal/OSHA Compliance* has recently been updated to include the required COVID-19 component.

The *CVMA Guide to Cal/OSHA Compliance* is available only to CVMA members. The online subscription-only guide can be accessed and updated at anytime.

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