

# Electronic Alert

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## New OSHA Emergency Temporary Standard for Healthcare Workers

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On June 10, 2021, the federal (not Oregon) Occupational Safety and Health Administration (OSHA) released its COVID-19 Emergency Temporary Standard to protect healthcare workers from COVID-19.

The Emergency Temporary Standard applies in workplaces where any employee provides healthcare services or healthcare support services. In those workplaces, employers are required to:

- Develop and implement a COVID-19 plan for each workplace;
- Designate one or more workplace COVID-19 safety coordinators to implement and monitor the plan;
- Conduct a workplace-specific hazard assessment to identify potential workplace hazards related to COVID-19;
- Seek the input and involvement of non-managerial employees and their representatives, if any, in the hazard assessment and the development and implementation of the COVID-19 plan;
- Monitor each workplace to ensure the ongoing effectiveness of the COVID-19 plan and update it as needed; and
- Inform employees of their rights to the protections required by OSHA's standards and that the employer will not retaliate against employees for exercising their rights under the Emergency Temporary Standard.

If the employer has more than 10 employees, the COVID-19 plan must be written. Additionally, the COVID-19 plan must address hazards identified by the hazard assessment, and include policies and procedures to:

- Minimize the risk of transmission of COVID-19 for each employee;
- Effectively communicate and coordinate with other employers; and
- Protect employees who in the course of their employment enter private residences or other physical locations controlled by a person not covered by the OSHA Act (e.g., homeowners, sole proprietors).

The Emergency Temporary Standard also includes detailed requirements for patient screening and management, standard and transmission-based precautions, respirators and personal protective equipment (PPE), aerosol-generating procedures on a person with suspected or confirmed COVID-19, physical distancing, physical barriers, cleaning and disinfection, ventilation, health screening of employees and patients, medical removal and return to work, employee training, and recordkeeping.

Last, the Emergency Temporary Standard requires employers to support COVID-19 vaccination by providing reasonable time and paid leave (e.g., paid sick leave, administrative leave) to each employee for vaccination and any side effects experienced following vaccination.

Employers have 14 days from the date the rules were published to comply with most of its requirements. However, employers have 30 days from the date of OSHA's publication to meet the physical barriers, ventilation, and employee training requirements. OSHA also prepared several [FAQs](#) to help employers understand their obligations under these new rules.

#### Oregon Employers:

Oregon employers that provide healthcare services or healthcare support services must adhere to OSHA's Emergency Temporary Standard in addition to complying with state and local rules that may be stricter, such as those issued by the Oregon Health Authority and Oregon OSHA (a different agency than the federal OSHA). All Oregon employers should remain aware of [Oregon OSHA's permanent rule](#) released May 4, 2021, addressing COVID-19 in all Oregon workplaces.

Employers should ensure compliance with federal and state rules regarding COVID-19 in the workplace and reach out to counsel with any questions or concerns regarding these rules.

*For questions related to recent guidance or navigating COVID-19 in the workplace, contact Nicole Elgin or Natalie Pattison at 503-228-0500, or at [nelgin@barran.com](mailto:nelgin@barran.com) or [npattison@barran.com](mailto:npattison@barran.com).*