



Reduce harmful work stressors.
Improve job quality and health.

Healthy Work Strategies

Reducing COVID-19-related work stressors

III. Laws

Laws and regulations are a widely-used strategy for reducing sources of stress at work, whether due to understaffing, mandatory overtime, shift work, bullying, harassment, job insecurity, safety and health hazards or work/family imbalance. They are one important strategy to reduce work-related stresses due to COVID-19.

OSHA. The government agency responsible for workplace safety and health nationally is the Occupational Safety and Health Administration (OSHA). Various worker advocacy groups have called upon OSHA to pass an “emergency temporary standard (ETS)” (possibly for a 6-month period) to reduce worker exposure to SARS-CoV-2, to insist upon appropriate workplace controls and practices, and to fine employers who are allowing workers to be exposed to the virus. However, there are no OSHA standards directly responsible for protecting workers from airborne or aerosol transmission of diseases transmitted by airborne droplets.¹ Though it is the responsibility of employers to ensure safe and healthy workplaces, employers are more likely to implement proper controls if they are mandated by a government agency. As of Dec. 20, 2020, OSHA and the Centers for Disease Control (CDC) have issued “unenforceable recommendations for worker protection”.²

While over 200 US meatpacking plant workers had died as of Sept. 13, 2020 due to COVID-19, OSHA had not fined any meatpacking employers until September, 2020. OSHA issued \$29,000 fines to two meat packing plants, Smithfield Foods in South Dakota and JBS in Colorado. However, such relatively minor fines are not likely to provide a financial incentive to meatpacking companies to enforce proper safety and health procedures. Hundreds of other meatpacking plants have yet to face fines for failure to protect workers from SARS-CoV-2.³

U.S. States. In the absence of OSHA standard setting, various states have taken the initiative to protect workers through executive orders or their own state OSHA plans.^{3,4} Virginia issued the first “Emergency Temporary Standard” aimed at worker protection,

and many states' executive orders, including Virginia, require employers to protect workers by:⁴

- Ensuring social distancing
- Requiring protective face coverings to be worn when social distancing cannot be maintained
- Providing necessary personal protective equipment (PPE)
- Providing regular access to hand soap and sanitizer
- In the event that someone tests COVID-19 positive, deep cleaning the workplace, and notifying all workers

Michigan OSHA (MIOSHA) also implemented [emergency rules](#)⁵ for protection of workers from COVID-19. They required basic infection control measures, such as cleaning, disinfecting, health surveillance upon entry and required PPE. Employers are required to train employees about SARS-CoV-2 and COVID-19 and steps employees should take to report unsafe working conditions. Employers are also required to categorize jobs into risk categories and create a COVID-19 preparedness guide.

In **California**, the Cal/OSHA Standards board unanimously voted to enact the COVID-19 Prevention [Emergency Temporary Standard](#), which went into effect December 1, 2020.^{6,7} It covers workers that are not currently covered by Cal/OSHA's Aerosol Transmissible Diseases Standard, which mainly applies to healthcare facilities. Employers must have a written prevention plan that details the ways the virus may be spread and protections in place. There must be a system in which employees can report unsafe conditions without fear of retaliation, and policies for identifying an exposure and responding immediately. Proper PPE and social distancing measures are also required.

New Jersey implemented A Worker Protection [Executive Order](#) (EO) that went into effect November 5, 2020, that has similar provisions to protect workers from unsafe working conditions due to potential exposure to SARS-CoV-2 and applies to all public and private sector NJ workers. Proper PPE, social distancing measures, mandatory handwashing times and sanitizing the workplace are required, Workers must be notified if anyone at work tests positive for COVID-19. The NJ Department of Labor will have a webpage on the EO and a place where workers can file complaints.⁸

U.S. cities. **Philadelphia** was the first U.S. city to issue a citywide ordinance that protects workers who raise concerns about working in unsafe conditions related to COVID-19, as well as protecting workers if they refuse to work if they feel unsafe.

International. A policy brief by the Organization for Economic Co-operation and Development (OECD), which represents many industrialized countries, on July 2, 2020 called on governments to recognize COVID-19 as an occupational disease, and to expand paid sick leave, a crucial aspect of protecting workers' income, health and job during the pandemic. The brief also argues for paid sick leave reforms that include:⁹

- Permanently improving paid sick leave access to the whole workforce
- A need for illness prevention as well as the return to work for employees who have recovered from COVID-19
- Improving the adaptability of paid sick leave policy to protect against future pandemics

Evaluating impact of laws and regulations

COVID-19-related laws and regulations need to be evaluated for their impact on reducing work-related stressors and COVID-19 illness experienced by workers. We plan to update this page as further COVID-19-related laws and regulations are enacted. Please share new information about laws and regulations on COVID-19 with us at contact@healthywork.org, so that we can discuss them here.

References:

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