



## How OSHA and the BWC recommend employers manage COVID-19 and the need for personal protective equipment in the workplace

March 20, 2020

Per the [U.S. Department of Labor](#), there is no specific Occupational Health and Safety Administration (OSHA) standard covering COVID-19 (coronavirus). So, how should employers prepare to protect their workforce against the spread of COVID-19?

Under OSHA, employers must furnish workers with “a place of employment, which is free from recognized hazards that are causing or are likely to cause death or serious physical harm.” They must provide gloves, eye and face protection, and respiratory protection a hazard of exposure exists in the workplace. If respirators are necessary to protect workers, employers must implement a comprehensive respiratory protection program in accordance with the respiratory protection standard.

Recently, OSHA issued “[Guidance on Preparing Workplaces for COVID-19](#),” which classifies employees into very high, high, medium or low exposure risk and provides personal protective equipment (PPE) recommendations specific to each class, based on their potential for exposure to known or suspected sources of COVID-19.

Very high risk workers are those with high potential for exposure to known or suspected sources of COVID-19 (*i.e.*, during medical, postmortem or laboratory procedures). This includes health care workers performing aerosol-generating procedures (*i.e.*, intubation, cough induction procedures, bronchoscopies, dental procedures or invasive specimen collection) or who come into contact with known or suspected COVID-19 patients or specimens. Those workers categorized as high risk include health care delivery and support staff (*e.g.*, doctors, nurses and other hospital staff who must enter patients’ rooms) exposed to known or suspected COVID-19 patients and medical transport workers (*e.g.*, ambulance vehicle operators) moving known or suspected

COVID-19 patients. OSHA advises that most workers at high or very high exposure risk likely need to wear gloves, a gown, a face shield or goggles, and either a face mask or a respirator.

Medium exposure risk jobs include those that require frequent and/or close contact (*i.e.*, within six feet) with people who may be infected or ill but who are not known COVID-19 patients. Workers in this risk group may have frequent contact with travelers who may return from international locations with widespread COVID-19 transmission. OSHA advises that medium risk workers may need to wear some combination of gloves, a gown, a face mask and/or a face shield or goggles. If a medium risk worker requests PPE in excess of what he or she normally utilizes in their job, employers must determine the necessity of the PPE to the specific work task, as well as the COVID-19 hazards and risk of exposure posed. If the job is not one that has a high or very high risk of exposure to COVID-19, OSHA does not require the worker be furnished with a PPE. Furthermore, should the hazard assessment reveal few or no health hazards in the workplace, OSHA does not require an employee be furnished with a PPE.

Lower exposure risk jobs are those that do not require contact or frequent close contact (*i.e.*, within six feet) with people known to be, or suspected of being, infected. Importantly, OSHA does not recommend additional PPE for lower risk workers. Workers should continue to use the PPE, if any, that they would ordinarily use.

Compliance with OSHA alone, however, is not enough. Employers must also think about the specific safety requirements of the Bureau of Workers' Compensation (BWC). The specific safety requirements standard for PPE states that employers must provide PPE in sanitary and proper working order, so it effectively protects against the hazard. If employees provide their own PPE, it must provide equal or greater protection than the employer's PPE. Importantly, the VSSR standard requires respiratory protection where there are air contaminants, such as dust, mist, fume, gas or vapor but makes no mention of illnesses or viruses like COVID-19. Therefore, the VSSR standard for PPE does not obligate employers to provide workers with PPE beyond that which their job normally requires.

# Authors

---

Copyright © 2023 Bricker & Eckler LLP. All rights reserved.