

# OSHA Releases Guidance on Mitigating and Preventing Spread of COVID-19 in Workplaces

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On Jan. 29, 2021, the Occupational Safety and Health Administration (OSHA) released updated guidance regarding mitigating and preventing the spread of COVID-19 in the workplace. Important highlights are as follows.

First, the guidance emphasizes that employers should implement a COVID-19 prevention program for the workplace. The program should involve employee input and include the following key elements:

- Conducting a hazard assessment;
- Identifying measures that will limit the spread of COVID-19 in the workplace;
- Adopting measures to ensure employees who are infected or potentially infected are separated and removed from the workplace;
- Training employees, and
- Implementing anti-retaliation protections for employees who raise COVID-19 concerns.

Second, the guidance provides additional detail on key measures designed to limit the spread of COVID-19, specifically:

- Implementing physical distancing;
- Installing barriers when physical distancing cannot be maintained;
- Proper use of masks in the workplace;
- Proper use of PPE (when necessary);
- Improving ventilation;

- Providing proper supplies for good hygiene, and
- Routine cleaning and disinfecting.

Third, the guidance highlights the importance of employee involvement in mitigating and preventing the spread of COVID-19 in the workplace. Specifically, the guidance provides that employees should be actively involved in designing and implementing the COVID-19 prevention program. Also, employees should be informed of all mitigation and prevention efforts, including removing any language barriers to that information. Further, policies should be adopted specifically designed to encourage reporting of COVID-19 safety concerns, including a strong anti-retaliation policy and an anonymous reporting process.

Fourth, the guidance provides an increased emphasis on the use of face coverings to prevent the spread of COVID-19. Included in this part of the guidance are recommendations that masks be provided at no cost; employers discuss reasonable accommodations for those with difficulties wearing masks because of a disability; requiring visitors to wear masks; and providing alternative face coverings when standard masks are not feasible or sufficient.

As with all OSHA guidances, this guidance is permissive and not mandatory, and the recommendations are advisory in nature. However, the guidance reiterates employers must comply with OSHA's general duty clause Section 5(a)(1) to protect employees from recognized hazards in the workplace. Since COVID-19 is a recognized workplace hazard, taking appropriate measures to protect workers from COVID-19 in the workplace is necessary, and this guidance provides OSHA's recommendations that are designed to protect employees from this recognized workplace hazard.

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