

# OSHA Updates COVID-19 Guidance

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## Article

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On August 13, 2021, OSHA updated its COVID-19 guidance applicable to employers not covered by its recent healthcare emergency temporary standard (ETS). The update includes general statements intended to reflect the CDC's July 27, 2021 recommendation for fully-vaccinated people to resume wearing masks in "public indoor settings" if they are in an area of "substantial or high community transmission." At the same time, OSHA stated that the new CDC recommendations do not require changes to the ETS.

The updated guidance does not mandate vaccinations for workers. Instead, it states, "OSHA suggests that employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing—in addition to mask wearing and physical distancing—if they remain unvaccinated." OSHA encourages employers to give paid time off for employees to get vaccinated and to recover from any side effects of the vaccine. OSHA also encourages employers to work with local public health authorities to provide vaccinations in the workplace.

Concerning masks, the updated OSHA guidance states, "Fully vaccinated people in areas of substantial or high transmission should be required to wear face coverings inside." The guidance also advises employers to provide all workers, including those who are fully vaccinated, with face coverings or surgical masks at no cost as appropriate, unless their work task requires a respirator or other PPE. The guidance includes recommendations regarding masks and physical distancing specific to higher-risk workplaces with mixed-vaccination status workers, such as manufacturing; meat, poultry, and seafood processing; and high volume retail and grocery.

The August 31 update and the rest of OSHA's COVID-19 guidance, while mostly general in nature, provides practical information for employers on how to meet their "general duty" to maintain a safe and healthy workplace free from recognized hazards. As the COVID-19 pandemic continues to evolve, more guidance can be expected. If you have questions about workplace safety and health requirements and best practices, please contact the Nexsen Pruet Employment and Labor Law team.

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