



DEPARTMENT OF INDUSTRIAL RELATIONS ESTABLISHES COVID-19 PREVENTION PROGRAM

By Scott A. O'Mara

The Department of Industrial Relations has posted COVID-19 information in the form of videos, posters, educational materials and fact sheets. In addition, they have set forth a model COVID-19 Prevention Program (CPP). This program provides information for all California employers and workers as to methodologies to minimize, contain and control COVID-19 hazards. (*Department of Industrial Relations – COVID-19 Guidance and Resources*)

Under the CPP, a person of authority and responsibility is to be designated for the posting and implementation of this program in the workplace. The establishment of the CPP must be reviewed by unions and associations representing workers, and they must be willing to participate if they feel that additional steps not identified by the employer should be taken.

The first element of the program is the *IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS*. The evaluation of hazards is necessary because of the exposures faced by everyone who enters the workplace, whether it be co-workers or the general public. This evaluation should identify prevention and control measures to minimize COVID-19 hazards for all who enter into the workplace.

Under “Identification and Evaluation of COVID-19 Hazards”, the following statement appears:

Employees and their authorized employees’ representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards . . .

It is important for the unions and associations which represent workers to review and possibly add to the potential COVID-19 hazards.

The “Identification and Evaluation of COVID-19 Hazards” also addresses the need for temperature measurement of workers through the use of a non-contact thermometer. This practice should be extended so that all individuals who enter the worksite have their temperature checked, whether they are co-workers or outside individuals.

Continuing on the first page of the COVID-19 Prevention Program is a section entitled “Correction of COVID-19 Hazards”. This clearly will be unique for each place of employment. Again, the participation of unions and associations representing workers will help to minimize COVID-19 hazards because of the particular knowledge these groups have separate from the employer.

Under “Control of COVID-19 Hazards”, the COVID-19 Prevention Program talks about the importance of physical distancing, face coverings and engineering controls which may be a necessity. As we know, many places of employment have installed plastic see-through dividers to separate workers from the general public. The installation of these dividers is probably a necessity, and their effectiveness should be studied.

The next element discussed under “Control of COVID-19 Hazards” is the importance of cleaning and disinfecting frequently-touched surfaces, especially in places where the public enters and exits, and where co-workers share a common space and touch the same items, such as a computer, a railing, restroom facilities, etc. In such areas, *cleaning and disinfecting is a necessity*. This also would apply to shared tools and equipment, such as headsets, desks, keyboards and writing materials. Simply put, any items you work with which are also handled by one or more other people should be cleaned before and after each use.

The same applies to vehicles which are shared. All items frequently touched — such as the steering wheel, door handles, seat belt buckles, armrests, etc. — should be disinfected between their use by different workers.

Hand sanitizers are another necessity. These items should be made available for their use in bathroom areas, by sinks, near doors entering into kitchen areas, etc.

Page 3 of the CPP also discusses the value of such items as gloves, goggles and face shields.

The ideas presented by the CPP relate to commonplace situations. But certain worksites clearly present greater COVID-19 hazards than others, and some may well require additional steps not discussed in the CPP. Therefore, the individual evaluations of unions and associations can be very helpful in providing the most accurate and realistic perspective of what is needed to reduce the hazards in each individual workplace.

Page 4 of the CPP discusses the importance of effective two-way communication between employers and workers. Employees need to know the person to whom they should report COVID-19 hazards, and such reporting should always be made freely without any fear of reprisal.

If testing for COVID-19 is not required and is merely voluntary, the employer should provide the opportunity for testing through their employee health plan or local testing centers. The goal is for employees to have access to testing when they have COVID-19 symptoms so as to minimize the spreading of the virus to other people, particularly their co-workers.

If there is an outbreak of COVID-19 affecting a number of employees, these workers likely will be provided COVID-19 testing at the expense of the employer because of the number of employees who are represented by unions and associations. Effective training and instruction regarding COVID-19 procedures and details should be provided to all workers. CPP also has on their website videos which can be utilized.

The protocol established by Cal-OSHA is an overall view, but it provides a tool which unions and associations can review to ensure that employers are aware of the COVID-19 situation and are prepared to educate and protect their employees, and minimize the exposures their employees and the general public have in their workplace.

It should be anticipated that additional information will be forthcoming via the Cal-OSHA website to provide further assistance and direction regarding the COVID-19 pandemic.

One of the major risk factors — besides sharing tools and equipment — is the public exposure involved in transportation of the public, and cohabitation of employees who spend long days working together and sharing restrooms and showers, and possibly even sleeping in the same area. Proactivity can minimize COVID-19 exposures and keep workers in better health, thereby lowering costs for employers by preventing serious COVID-19 outbreaks.



LAW1199.COM NEWSLETTER™

THE LAW OFFICES OF
SCOTT A. O'MARA

2370 Fifth Ave.
San Diego, CA 92101

4200 Latham St. – Ste. B
Riverside, CA 92501-1766

1-800-LAW-1199
(1-800-529-1199)

619-583-1199

951-276-1199

www.law1199.com

**BOBBITT, PINCKARD
& FIELDS, A.P.C.**

8388 Vickers St.
San Diego, CA 92111

4200 Latham St. – Ste. B
Riverside, CA 92501-1766

858-467-1199

www.coplaw.org

NOTICE: *Making a false or fraudulent Workers' Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.*

