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LATEST COVID-19 DEVELOPMENT: EMERGENCY REGULATIONS TO BE CONSIDERED

BY: SCOTT A. O'MARA

The California Division of Occupational Safety & Health Standards Board is on calendar for 11/19/20, to vote on emergency COVID-19 regulations which would establish a prevention program requiring employers to make assessments of COVID-19 exposures in the workplace and develop methodologies to minimize those exposures. Consistent with other mandates pursuant to the Labor Code, businesses/employers would need to identify and notify all employees who may have been exposed by co-workers or others who have tested positive for the COVID-19 virus. This element and other elements are set forth in the 11/16/20 press release by California Attorney General Xavier Becerra, wherein he reiterates the mandate of employers to conduct a hazard assessment of their workplace and create a written program for the avoidance of COVID-19.

It is of interest that Attorney General Becerra indicates that employees should be involved in the creation of this program. A very important element is providing *free-of-charge* testing for all workers potentially exposed in the workplace. Employees also should be trained regarding COVID-19 prevention, with reinforcement of the mandate to wear protective devices, such as face coverings, in the workplace. When needed, personal protective equipment should be provided *free of charge*. Also, safety measures should be implemented for all employer-provided housing and transportation.

The California Division of Occupational Safety & Health Standards will meet and review the recommendations noted and also give great consideration to what Attorney General Becerra has articulated. A public hearing on this matter will commence on Thursday, 11/19/20, at 10:00 a.m. *(See the attached enclosures regarding the Teleconference Agenda.)* This hearing will allow individuals, associations and unions to participate. As the Attorney General has stated, employees should be involved in this process as the goal is to provide them maximum protection against COVID-19.

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