

COVID-19 AND OSHA

OSHA and Workplace Protections

Currently, there is no OSHA standard to deal with COVID-19, nor is there a standard for infectious disease. Because this situation, or something similar, is likely to occur again, the AFL-CIO filed a petition with the Department of Labor several weeks ago to ask for an infectious disease rule, and is currently lobbying for protective legislation.

However, there OSHA standards that are helpful in protecting workers from exposure:

1. Personal Protective Equipment (PPE): Employers are required to furnish proper respiratory and other equipment to avoid exposure.
2. General Duty Clause: Employers are required to furnish a workplace that is free from recognized hazards that are causing, or likely to cause, death or serious physical harm.
3. Bloodborne Pathogens: Although these standards do not typically include respiratory secretions that could transmit COVID-19, these standards can help control employees' exposure to bodily fluids.
4. Environmental Controls: These standards address proper sanitation in the workplace, and also protect employees from harm caused by cleaners and sanitizers.

OSHA's Guidance On Preparing Workplaces For COVID-19 can be found at:
<https://www.osha.gov/Publications/OSHA3990.pdf>.

Thus, whenever an employee believes that an employer is not adequately addressing workplace hazards, or providing proper supplies, and employee should file an OSHA complaint with the Illinois Department of Labor.

Refusal to Work Protections

Employees are protected from retaliation for refusing, under certain circumstances, to perform work that would subject them to serious injury or death arising from the workplace hazard. In order to be protected under this provision, the employee must have a good faith belief that they will suffer serious injury or death based on workplace conditions that actually exist. Employees acting concertedly, as opposed to an individual acting alone, are on stronger ground to receive protection under this provision. However, individuals who meet the standard are also protected.

Additionally, Section 20 of the Illinois Public Labor Relations Act provides that employees who refuse to work in the face of abnormally dangerous conditions are not engaged in an illegal strike.

However, it is advisable to caution employees not to exercise these protections lightly. If employees do not meet the standards, they could be terminated.

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