

ATTACHMENT E: MARCH 1, 2022 DRAFT GUIDANCE DOCUMENT:  
GUIDANCE FOR EMPLOYERS TO MITIGATE THE RISK OF COVID-  
19 TO WORKERS

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**DISCLAIMER:**

THIS GUIDANCE DOCUMENT WILL NOT TAKE EFFECT UNTIL THE VIRGINIA STANDARD FOR INFECTIOUS DISEASE PREVENTION OF THE SARS-COV-2 VIRUS THAT CAUSES COVID19, 16VAC25-220, (VIRGINIA STANDARD) IS NO LONGER IN EFFECT.

NOTHING IN THIS DOCUMENT SHALL BE CONSTRUED TO IN ANY WAY LIMIT VOSH'S ABILITY TO ENFORCE ITS LAWS, STANDARDS AND REGULATIONS. FOR MORE INFORMATION, PLEASE REFER TO THIS LINK TO VOSH WORKPLACE SAFETY RULES AND REGULATIONS.

FOR MORE INFORMATION ABOUT THE VIRGINIA STANDARD, SEE:  
<https://www.doli.virginia.gov/virginia-standard-for-infectiousdisease-prevention-of-covid-19/>

REGARDLESS OF ANY INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT, EMPLOYERS HAVE THE LEGAL RIGHT TO ADOPT SAFETY AND HEALTH WORKPLACE RULES FOR EMPLOYEES THAT ARE MORE STRINGENT THAN THIS GUIDANCE. § 40.1-51.1. Duties of Employers  
<https://law.lis.virginia.gov/vacode/40.1-51.1/>

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**VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY**  
**Virginia Occupational Safety and Health Programs**

**Guidance for Employers to Mitigate the Risk of COVID-19 to Workers**

Purpose

As current COVID-19 infections decline and vaccinations and natural immunity increase within the general population, Virginia is on a path toward normalcy. This guidance is designed to help employers provide appropriate information for workers to mitigate the risk of COVID-19 transmission in the workplace and to help establish a workplace framework for future organizational and individual expectations and responsibilities.

The Commonwealth of Virginia and the Department of Labor and Industry believe that fully approved COVID-19 vaccines and boosters mitigate the individual health risk from contracting the COVID-

19 virus, and we encourage all people to consider the benefits of vaccines and boosters in reducing the impact of COVID-19.

Immunity is conferred either after contracting an infection from the COVID-19 virus or from a COVID-19 vaccine. The Commonwealth of Virginia and the Department of Labor and Industry recognize that natural immunity, after recovery from COVID-19 infection, likely provides significant protection against COVID-19 for some time. COVID-19 “immunity” does not mean that a person will not contract the COVID-19 virus in the future – rather, a person with “immunity” may not get seriously symptomatic or hospitalized with COVID-19.

As the population of vaccinated and natural immunity increase, the level of transmission and health risks in our community is reduced. This increased level of community immunity is an important step on Virginia’s path to normalcy.

During this transition period of near normalcy, the Commonwealth of Virginia and the Department of Labor and Industry support and respect the rights of individuals to choose whether to wear masks or to not wear masks in non-federally mandated environments, unless required by law or as medically appropriate in cases of acute illness or in certain healthcare environments.

The Commonwealth of Virginia and the Department of Labor and Industry will not allow or condone illegal discrimination based on wearing or not wearing masks, and people should not be fired or terminated for not wearing a mask, except as noted above, or unless required by federal law.

Because the COVID-19 vaccine and booster reduces the risk of hospitalization and death from the COVID-19 virus, this guidance specifically recommends, but does not mandate, COVID-19 vaccinations and boosters for workers and encourages employers to permit workers and customers the choice of whether to wear a mask, except as otherwise required by their employer or VOSH pursuant to Va. Code §40.1-51.1.A.

The Department of Labor and Industry relies on the current data and guidance received from the Virginia Department of Health and the expertise of the Governor’s Medical Advisory Committee regarding the COVID-19 Omicron variant and the disease in general. Employers and workers may also find information on the revised CDC guidelines as listed below.

This guidance provides general COVID-19 recommendations that may be implemented in the workplace. Nevertheless, employers should adhere to the VOSH mandatory safety and health standards that may apply to their specific industries or workplaces.

All recommendations are intended to assist employers in providing a safe and healthy workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.

## **General Guidance for Employers**

Under the OSH Act and Va. Code §40.1-51.1.A, employers are responsible for providing a safe and healthy workplace free from recognized hazards likely to cause death or serious physical harm.

Employers should engage with workers to mitigate COVID-19 transmission and the impact of contracting the virus, including:

- Facilitate employees getting vaccinated and boosted;
- Encourage any workers with COVID-19 symptoms to stay home from work and seek advice on testing and treatment from their physician;
- Require all workers infected with COVID-19 virus to stay home;
- Provide workers with face coverings or surgical masks, as appropriate;
- Encourage good sanitary work habits such as frequent hand washing;
- Educate workers on your COVID-19 policies and procedures using accessible formats and in languages they understand;
- Operate and maintain ventilation systems in accordance to manufacturers specifications to achieve optimal performance;
- Record and report COVID-19 infections and deaths which are mandatory under VOSH regulations part 1904; and,
- Follow other applicable mandatory VOSH standards.

All of VOSH's standards that apply to protecting workers from infection remain in place.

These **mandatory VOSH standards** include: requirements for PPE (part 1910, Subpart I (e.g., 1910.132 and 133)), respiratory protection (1910.134), sanitation (1910.141), protection from blood borne pathogens (1910.1030), VOSH's requirements for employee access to medical and exposure records (1910.1020), and requirements in the VOSH Administrative Regulations Manual.

Employers are also required by the General Duty Clause, Va. Code 40.1-51.1.A, to provide a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.

See the OSHA COVID-19 guidance for more information on how to protect workers from potential exposures, according to their exposure risk.

## **Additional Resources**

For more information to mitigate COVID-19 transmission among employees, reduce the impact of contracting the disease, maintain healthy business operations, and maintain a healthy work environment, please see the informational resources. They are provided as educational information regarding additional practices that businesses and individuals may choose to implement to plan, prepare, prevent and respond.

### **Virginia Department of Health (VDH)**

COVID-19 in Virginia

<https://www.vdh.virginia.gov/coronavirus/>

COVID-19 Data in Virginia

<https://www.vdh.virginia.gov/coronavirus/see-the-numbers/covid-19-in-virginia/>

Latest Guidance for Health Professionals

<https://www.vdh.virginia.gov/coronavirus/get-the-latest-guidance/health-professionals/>

Schools, Workplaces & Community Locations

<https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/>

### **Occupational Safety and Health Administration (OSHA)**

Coronavirus Disease (COVID-19)

<https://www.osha.gov/coronavirus>

Guidance by Industry

<https://www.osha.gov/coronavirus/guidance/industry>

Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace

<https://www.osha.gov/coronavirus/safework>

### **Centers for Disease Control and Prevention (CDC)**

Centers for Disease Control and Prevention

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

Guidance by Audience (e.g., Employers, Business Owners and Community Leaders; Health Care Professionals; State and Local Government; etc.)

<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance.html>

How to Protect Yourself & Others

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

Activities and Gatherings

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/index.html>

Science Brief: COVID-19 Vaccines and Vaccination

<https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/>

Vaccines for People with Underlying Medical Conditions

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

People with Certain Medical Conditions

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

COVID-19 Workplace Prevention Strategies

<https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>

## **Federal Emergency Management Agency**

Exercise Starter Kit for Workshop on Reconstituting Operations

<https://www.fema.gov/disaster/coronavirus/best-practices/exercise-starter-kit-workshop-reconstituting-operations>

## **Equal Employment Opportunity Commission**

What You Should Know About COVID-19, the ADA, the Rehabilitation Act, & Other EEO Laws

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>