

"Phylmar Regulatory Roundtable - Advancing Safety Excellence"

Draft 12– 9/10/20 PRR Recommended Draft Proposal to Protect Workers from COVID-19

Section §XXXX – Workplace Protection from COVID-19.

- (a) The employer shall establish, implement and maintain an effective COVID-19 protection program (Program), in effect so long as the COVID-19 “[Order](#) of the State Public Health Officer” is in effect to mitigate the risk of employee exposure to COVID-19 in the workplace. Exception: Employers covered by the ATD standard, 8 CCR 5199. The Program shall be in writing, specific to identified hazards, and include protective measures specific to the work environment. The written Program, available to all employees, may be incorporated into the written Injury and Illness Prevention Program (IIPP), or maintained as a separate document, and shall include all of the following elements:
- (1) Names or job titles of the person or persons responsible for implementing the Program.
 - (2) Procedures to ensure that supervisory and non-supervisory employees and contractors comply with the Program. Substantial compliance with this provision may include recognition of employees, employee training, disciplinary actions, or any other such means that helps to ensure worker compliance.
 - (3) A system to communicate with workers regarding the risk of COVID-19 in the workplace and the procedures to follow to mitigate the risk, in a form readily understandable by all affected workers, including provisions designed to encourage workers to inform the employer of COVID-19 hazards at the worksite

and require workers who have a laboratory confirmed case of COVID-19 or COVID-19 symptoms to report to the employer if they are scheduled to come into the workplace or have recently been in the workplace, without fear of reprisal. Substantial compliance with this provision may include meetings, training programs, postings, written communications, a system for anonymous notification by workers about hazards, labor/management committees, or any other effective means to communicate with workers.

- (4) Procedures to identify and evaluate potential COVID-19 exposures in the workplace, routes of exposure, and implement protective measures intended to mitigate the hazards identified. This shall include a review of all COVID-19 laboratory confirmed cases that have occurred in the workplace, specific guidance to reduce the risk of COVID-19 in the workplace released by the Centers for Disease Control and Prevention (CDC), California Occupational Safety and Health Division (Cal/OSHA), the California Department of Public Health (CDPH), or an applicable local department of public health, as relevant, to the workplace operations and individual job tasks, the status of active community spread, and level of risk associated with work tasks and work environment, including worker exposure to the public. Identification and evaluation of COVID-19 risks shall occur:
- (A) Initially, when the program is implemented;
 - (B) Whenever the employer recognizes or identifies a new COVID-19 hazard in the workplace; and
 - (C) Whenever relevant laws, orders, and guidance on COVID-19 hazards related to the employer's workplace, are issued or revised by federal, state, or local governmental agencies.

- (5) A process to modify the Program, including protective measures, based on results from evaluations required by subsection (a)(4). Modifications must be effectively communicated to workers impacted by the changes following the requirements in subsection (a)(3).
- (6) Procedures to investigate COVID-19 laboratory confirmed cases that result from workplace exposure.
- (7) Methods and/or procedures for addressing COVID-19 hazards in a timely manner based on the severity of the hazard when observed or discovered.
- (8) Procedures for the employer to accept and respond to reports of all types of COVID-19 hazards and to prohibit retaliation against a worker who makes such a report.
- (9) Effective training on the elements of the employer's Program including potential COVID-19 exposures in the workplace that workers are reasonably anticipated to encounter in their jobs. The employer shall have an effective procedure for obtaining the involvement of workers and their representatives to improve training, and the training material content and vocabulary must be appropriate to the educational level, literacy, and language of workers.
 - (A) Following current federal, state, and local laws, orders, and guidance on COVID-19, training shall include:
 - (i) Signs and symptoms of infection;
 - (ii) Procedures for workers to report symptoms, exposure, and workplace hazards, without fear of retaliation;
 - (iii) Results of the employer's review and evaluation of workplace hazards;
 - (iv) Safe work practices and personal protective measures the employer has put in place to mitigate the risk to the worker and public; and the importance of following established protocol. Examples include cleaning and disinfecting procedures, and use of face

coverings or appropriate personal protective equipment (PPE) used in the workplace;

(v) The importance of not coming to work if the worker has been diagnosed with, is experiencing symptoms of, or has been in close

contact with someone diagnosed with COVID-19;

(vi) Self-isolation/Self-quarantine requirements and return to work

protocols; and

(vii) The importance of proper hygiene and recommended prevention methods during and outside of work. Examples include, but are

not limited to: frequent hand washing, use of hand sanitizer, and

not touching face, eyes, and mouth.

(B) Training shall be delivered:

(i) When the program is first established;

(ii) To all new workers;

(iii) To all workers given new job assignments for which training for

certain COVID-19 hazards has not previously been received; and

(iv) For supervisors to familiarize themselves with the COVID-19

hazards to which workers under their immediate direction and

control may be exposed.

(b) Records of the steps taken to implement and maintain the Program shall include:

(1) Records of reviews required by subsection (a)(4) to identify COVID-19 hazards in the workplace. These records at a minimum shall include the person(s)

conducting the review, the COVID-19 hazards identified, and actions taken to correct them. These records shall be maintained for at least one (1) year; and

(2) Documentation of COVID-19 training required by subsection (a)(9) for each worker, including name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

PRR Sacramento Office
P. O. Box 660912, Sacramento, California 95866
+1.916.425.3270 | www.phylmar.com