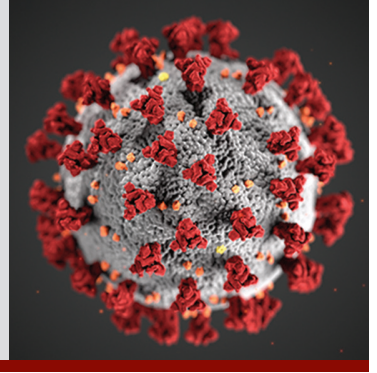


COVID-19 Workplace Safety and Health Requirements:

Governor's Proclamation Overview



On May 21, 2021, Gov. Jay Inslee updated the *Healthy Washington – Roadmap to Recovery Proclamation 20-25.13 et seq.* (www.coronavirus.wa.gov/what-you-need-know/safe-start) for Washington state to continue reopening some businesses safely and allow essential businesses to continue operating. In support of this effort, the Department of Labor & Industries (L&I) updated the following requirements to protect workers in those industries. The most recent updates on June 14 address vaccinated people in the workplace based on new policies from the Centers for Disease Control (CDC), the Washington State Department of Health, and Washington State Governor's Office.

These general safety and health requirements apply to all businesses. They are in addition to any industry-specific requirements developed separately and will be updated as necessary.

All operating businesses must adopt a written procedure for employee safety that is at least as strict as these requirements and complies with the safety and health requirements below.

Safety and Health Requirements

All businesses have a general obligation to keep a safe and healthy work site in accordance with state and federal law and safety and health rules for a variety of workplace hazards. In addition, they must comply with the following COVID-19 work site-specific safety practices as outlined in the Governor's *Healthy Washington – Roadmap to Recovery Proclamation 20-25.13 et seq.*, and in accordance with the updated

L&I *General Requirements and Prevention Ideas for Workplaces* (www.Lni.wa.gov/go/F414-164-000) and the Washington State Department of Health *Workplace and Employer Resources and Recommendations* (www.doh.wa.gov/Coronavirus/workplace).

Employers must specifically ensure operations follow the main L&I COVID-19 requirements to protect workers, including:

- Educate all workers in the language(s) they understand best about the coronavirus and how to prevent transmission, and the employer's current COVID-19 policies.
- Maintain minimum six-foot separation between all employees and customers who are not fully vaccinated or have not verified their vaccination status. Fully vaccinated employees (as defined by the CDC at www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html) do not need to maintain physical distancing except when required by their employer or local health jurisdiction, or when working in the following business categories:
 - Health care (including long-term care, doctor's offices, hospitals)
 - Public transportation (aircraft, train, road vehicles)
 - K-12 schools, childcare facilities, and day camps in locations where children and/or adolescents are present
 - Correctional facilities
 - Homeless shelters



Division of Occupational Safety and Health



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Labor & Industries

- Take other prevention measures when strict physical distancing is required but not feasible for a specific task. Other prevention measures may include use of barriers, minimizing staff or customers in narrow or enclosed areas, and staggering breaks and work shift starts.
- Require employees who are unvaccinated, partially vaccinated, or of unknown vaccination status, and who work or travel with others, to wear personal protective equipment (PPE) such as gloves, goggles, face shields and face masks (i.e., a cloth face covering or non-cloth disposable mask) or respirators, as appropriate or required for the work activity being performed. This PPE must be provided at no cost to employees.
- Understand other circumstances when cloth face coverings are not required,¹ including for workers:
 - Who work alone on the job site (e.g., in a home office or a car), unless their exposure (e.g. lead, silica) dictates a higher level of protection under L&I safety and health rules and guidance.
 - Verified by the employer to be fully vaccinated unless their employer or local health jurisdiction requires mask use regardless of vaccination status or when working in one of the business categories listed above.
 - Who are deaf or hard of hearing and need to communicate with someone who relies on language cues such as facial markers and expression and mouth movements as a part of communication.
 - With a medical condition or disability that makes wearing a facial covering inappropriate; other mitigation efforts for these workers are required.
 - In a job with no in-person interaction.
- Verify vaccination status of fully vaccinated employees who are no longer required by L&I, the employer, or local health jurisdiction to practice social distancing or wear masks around others at work. Alternatively, employers can choose to maintain physical distancing and masking for all employees regardless of vaccination status. Employees who decline to provide verification are not considered fully vaccinated. Employers are not required to verify vaccination status if they choose to maintain physical distancing and masking for all employees in their workplace(s).
- L&I's guidance on vaccination verification methods are from the perspective of the worker safety and health laws. There may be other laws that apply like the Americans with Disabilities Act (ADA) that employers should consider when implementing the verification process. If employers choose to verify employee vaccination status, examples of acceptable verification *methods* include:
 - Creating a log of the names of workers who have been verified as fully vaccinated and the date that the verification was done.
 - Checking vaccination status each day as workers enter a job site.
 - Documented worker attestations of vaccination.
 - Other methods demonstrating that an employer has verified a worker has been fully vaccinated.
 - Employers do not need to save actual copies of employee vaccination cards.
- If employers choose to verify employee vaccination status, acceptable *types* of verification are:
 - A CDC vaccination card (or a printed or electronically-stored photo of the card), documentation of vaccination from a health care provider or state immunization information system record.
 - A hard copy or electronically signed self-attestation of vaccination from the employee.
- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent virus transmission on tools or other items that are shared.
- Establish a housekeeping schedule that includes frequent cleaning and sanitizing with a particular emphasis on daily cleaning of commonly touched surfaces.
 - Cordon off areas where an employee with probable or confirmed COVID-19 illness worked, touched surfaces, etc. until

1. For additional details, refer to Washington Coronavirus Hazard Considerations for Employers (except COVID-19 care in hospitals and clinics) Face Coverings, Masks, and Respirator Choices (www.Lni.wa.gov/MaskConsiderations) and *Which Mask for Which Task?* (www.Lni.wa.gov/go/F414-168-000). Cloth face coverings are described in the Department of Health guidance (www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf).

the area and equipment is cleaned and sanitized. Follow the cleaning guidelines (www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html) set by the Centers for Disease Control to deep clean and sanitize.

- Screen employees for signs/symptoms of COVID-19 at the start of their shift and make sure sick employees stay home or immediately go home if they feel or appear sick.
 - Designate a site-specific COVID-19 supervisor at each job site to monitor the health of employees and enforce the COVID-19 job site safety plan.
 - Notify all employees and the employees of subcontracted employers of any potential exposure to COVID-19.
- Post a sign at the entrance to the business reminding customers who are not fully vaccinated to wear a cloth face covering. Businesses can assume that any customer who enters a business without a face covering is fully vaccinated and refrain from inquiring about the customer's vaccination status. Businesses also have the option to choose to engage with customers who enter a business without wearing a face covering.²

A worker may refuse to perform unsafe work, including hazards created by COVID-19. It is unlawful for an employer to take adverse action against a worker who has engaged in safety-protected activities under the law if the individual's work refusal meets certain requirements.

Information is available in these publications: *Safety and Health Discrimination in the Workplace* brochure (www.Lni.wa.gov/go/F417-244-000) and Spanish *Safety and Health Discrimination in the Workplace* brochure (www.Lni.wa.gov/go/F417-244-999).

2. More information on this option is at *Updated COVID-19 Facial Covering Guidance for Employers and Business* (www.governor.wa.gov/sites/default/files/COVID19%20Facial%20Coverings%20Guidance.pdf).

This right also applies to employees seeking accommodation due to age or an underlying health condition that puts them at high risk for severe illness (as defined by the CDC) from COVID-19. The employer has the right to ask high-risk employees to verify their medical status, but such verification must not disclose any diagnosis or other medical information about the employee

Employees who choose to remove themselves from a work site because they do not believe it is safe to work due to the risk of COVID-19 exposure may have access to certain leave or unemployment benefits. Other employees may have access to unemployment benefits or access to other paid time off depending on the circumstances.

Additional information is available at Novel Coronavirus Outbreak (COVID-19) Resources (www.Lni.wa.gov/agency/outreach/novel-coronavirus-outbreak-covid-19-resources) and Paid Leave under the Washington Family Care Act (www.Lni.wa.gov/CoronavirusPaidLeave).

All issues regarding worker safety and health are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH).

- Employers can request COVID-19 prevention advice and help from DOSH: www.Lni.wa.gov/DOSHConsultation.
- Employee workplace safety and health complaints may be submitted to the DOSH Call Center: 1-800-423-7233 or via email to Erlinda.Adame@Lni.wa.gov.
- General questions about how to comply with the agreement practices can be submitted to the state's Business Response Center at www.coronavirus.wa.gov/how-you-can-help-covid-19-business-and-worker-inquiries.
- All other possible violations related to Proclamation 20-25.12 et seq. can be submitted at www.coronavirus.wa.gov/report-safe-start-violation.

Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employer.