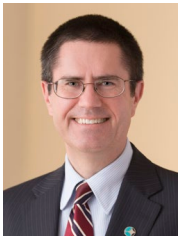


# Mandatory Updates to Injury and Illness Prevention Programs for California Employers

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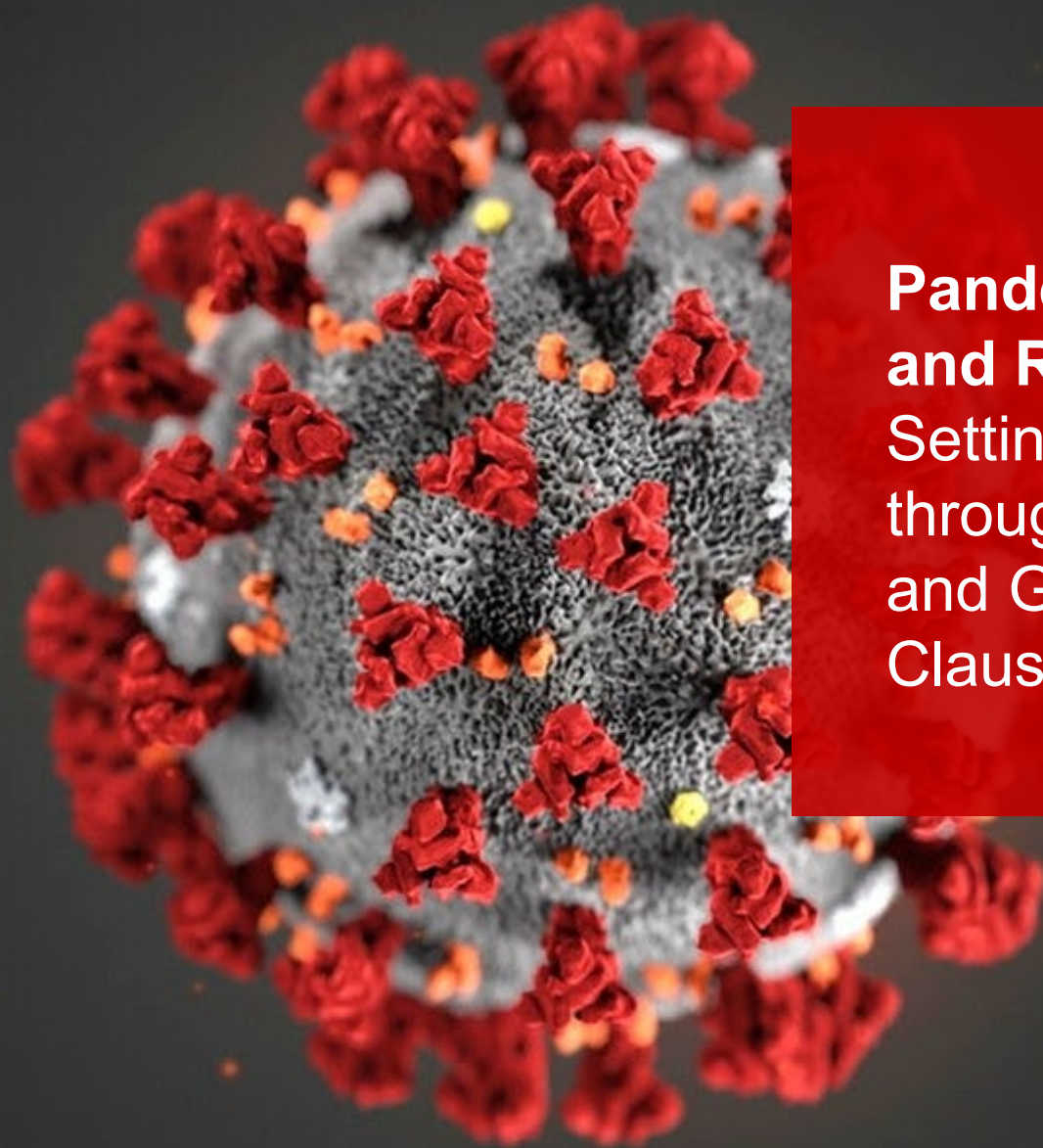
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**Pandemic Plan  
and Response:**  
Setting the stage  
through the IIPP  
and General Duty  
Clause

- Interim Guidelines do not impose new legal obligations on employers, but provides information for preventing exposure to the COVID-19 virus. Will still guide Cal/OSHA review of IIPP compliance and effectiveness.
- Applicable Cal/OSHA Standards:
  - Injury and Illness Prevention Program (IIPP) (Title 8 [section 3203](#))
  - Personal Protective Equipment (PPE) (Title 8 [section 3380](#))
  - Sanitation (Title 8 sections [1527](#), [3366](#), [3457](#) and [8397.4](#))
  - Recordkeeping
- (Primary) Applicable Guidance:
  - CDC, [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)
  - CDC, [Coronavirus Disease 2019 \(COVID-19\): How to Protect Yourself & Others](#)
  - Others listed in the Guidelines
- **“For most California workplaces, adopting changes to their IIPP is mandatory since COVID-19 is widespread in the community.”**



# What is an Injury and Illness Prevention Program (IIPP)?

The IIPP is a basic written workplace safety program that is meant to protect employees.

- Required for every employer in California, regardless of size or industry
- An effective IIPP improves the safety and health in a workplace and reduces costs by good management and employee involvement.
- Cal/OSHA enforces the IIPP requirements



- “Catch-all” provision that requires employers to furnish to each worker ***“employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.”***
  
- Specific OSHA Regulations
  - Personal protective equipment (PPE), generally
  - Eye and face protection
  - Respiratory protection
  - Sanitation
  - Accident prevention signs and tags
  - Medical records and recordkeeping



# 8 Required IIPP Elements

1. Responsibility
2. Compliance
3. Communication
4. Hazard assessment
5. Accident/exposure investigation
6. Hazard correction
7. Training and instruction
8. Record keeping



*Even if you have a general safety and health program, Cal/OSHA may say it's not an IIPP unless it's a written program that explicitly covers the 8 elements.*

# To Be Effective, an IIPP Must:

- Fully involve all employees, supervisors, and management
- Identify the specific workplace hazards employees are exposed to
- Correct identified hazards in an appropriate and timely manner
- Provide effective training.





# California General Regulations on Occupational Safety and Health

Employers must establish, implement and maintain an effective IIPP to protect employees from workplace hazards. A key component of this is a thorough **hazard assessment**.

## COVID-19 IS A WORKPLACE HAZARD





**Control and  
Prevention  
Measures:** Stop  
the Spread, Stop  
the Hazard

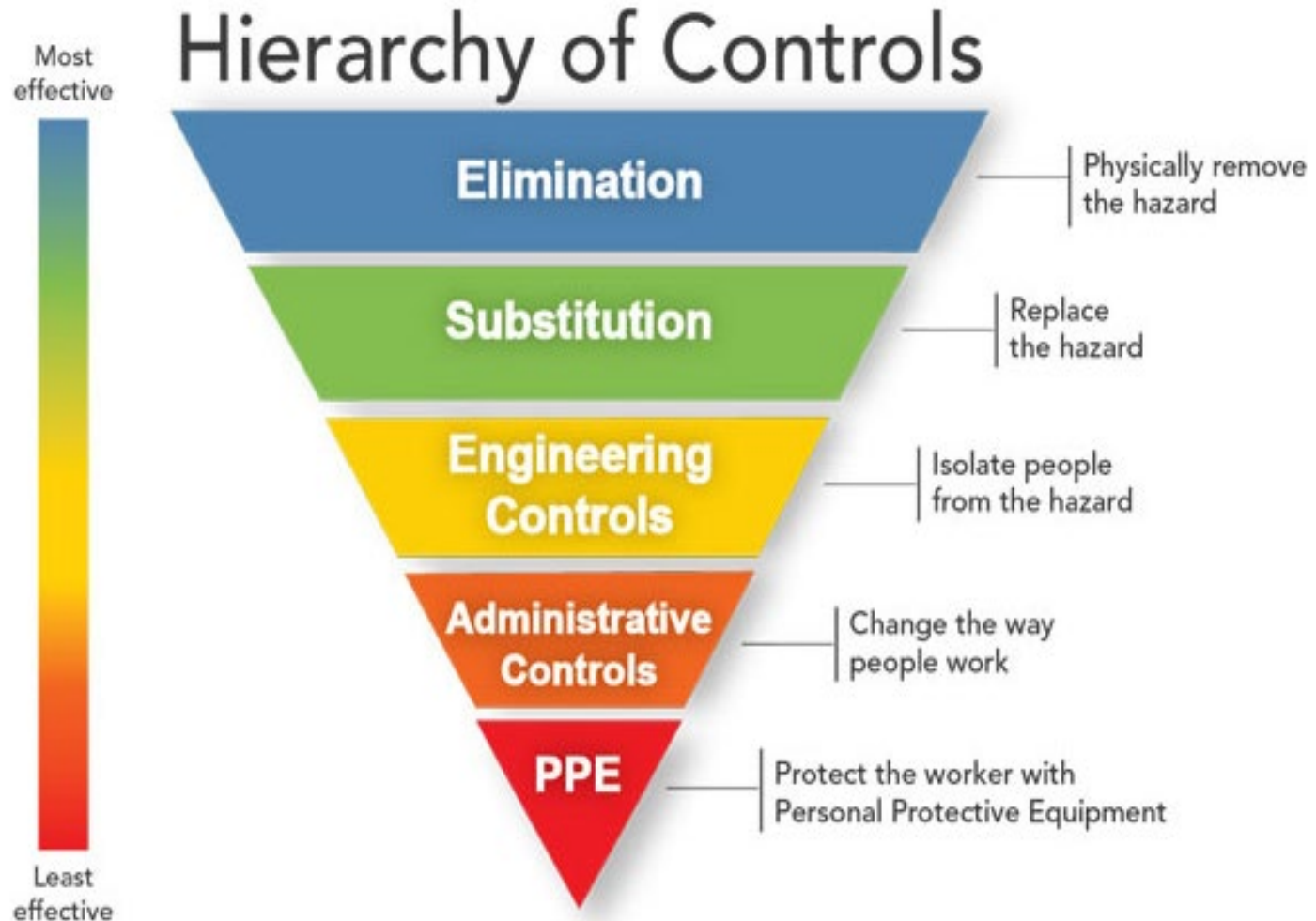
## Four-Tier Risk Levels

- **Low**: Do not require contact with people known or suspected to be infected with COVID-19, nor frequent contact (6-ft) with general public
- **Medium**: Require frequent/close contact (6-ft) with people who may be infected but are not known to have COVID-19 (*frequent contact with general public or international travelers*)
- **High**: High potential for exposure to known or suspected sources of COVID-19, including healthcare delivery, support state, medical transport, mortuary
- **Very High**: Very high potential for exposure to known or suspected sources of COVID-19, including healthcare, laboratory, and postmortem workers



Categorization based on nature of employer and specific duties

# Control and Prevention: NIOSH Hierarchy



## ■ Elimination

- Actively encourage sick employees to stay home.
- Immediately send employees home or to medical care, as needed, if they have COVID-19 symptoms, including a frequent cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, or recent loss of taste or smell.





## ■ Elimination (cont'd)

- Ensure employees who are out ill with fever or acute respiratory symptoms do not return to work until both of the following occur:
  - At least three full days pass with no fever (without the use of fever-reducing medications) and no acute respiratory illness symptoms; and
  - At least 10 days pass since the symptoms first appeared.
- Provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 if required to by the [Families First Coronavirus Response Act](#).
- Ensure employees that return to work following an illness promptly report any recurrence of symptoms.
- Encourage employees to telework from home when possible.



## ■ Elimination (cont'd)

- If an employee is confirmed to have COVID-19 infection:
  - Inform employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
    - Please [see further information](#) on protecting the privacy of persons with COVID-19 from the California Department of Fair Employment and Housing.
  - Temporarily close the general area where the infected employee worked until cleaning is completed.
  - Conduct deep cleaning of the entire general area where the infected employee worked and may have been, including breakrooms, restrooms and travel areas, with a cleaning agent approved for use by the EPA against coronavirus. It should ideally be performed by a professional cleaning service.
    - Any person cleaning the area should be equipped with the proper PPE for COVID-19 disinfection (disposable gown, gloves, eye protection, mask, or respirator if required) in addition to PPE required for cleaning products. See below for further information on PPE.

## ■ Engineering

- (Retail and Sales) Protect cashiers and other workers who have frequent interaction with the public with engineering controls such as Plexiglas screens or other physical barriers, or spatial barriers of at least six feet, if feasible.
- Additional possibilities (not explicitly in Cal/OSHA guidelines):
  - Physical barriers or partitions between work areas, personnel, and public to keep individuals six-plus feet away from each other and to prevent face-to-face interaction if six-foot distance is not possible
  - Modify usage of common areas by rearranging furniture
  - Clearly mark six-foot distances on the ground throughout the workplace
  - Upgraded ventilation systems

## ■ Administrative – Social Distancing

- Practice physical distancing by cancelling in-person meetings, using video or telephonic meetings, and maintaining a distance of at least 6 feet between persons at the workplace when possible.
- Avoid shared workspaces (desks, offices, and cubicles) and work items (phones, computers, other work tools, and equipment) when possible.
  - If they must be shared, clean and disinfect shared workspaces and work items before and after use.
- Advise employees to avoid non-essential travel if possible and check [CDC's Traveler's Health Notices](#) prior to travel.



## ■ Administrative – Sanitization

- Establish procedures to routinely clean and disinfect commonly touched objects and surfaces such as elevator buttons, handrails, copy machines, faucets, and doorknobs. Surfaces should be cleaned with soap and water prior to disinfection. These procedures should include:
  - Using disinfectants that are [EPA-approved](#) for use against the virus that causes COVID-19.
  - Providing EPA-registered disposable wipes for employees to wipe down commonly used surfaces before use.
  - Following the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, PPE, concentration, contact time).
  - Ensuring there are adequate supplies to support cleaning and disinfection practices.
- Regardless of COVID-19 risk, all employers must provide washing facilities that have an adequate supply of suitable cleansing agents, water, and single-use towels or blowers (title 8 sections [1527](#), [3366](#), [3457](#) and [8397.4](#))



## ■ Administrative – Basic Hygiene

- Cough and sneeze etiquette (cover mouth with tissue or elbow)
- Washing hands with soap and water for at least 20 seconds, after interacting with other persons and after contacting shared surfaces or objects.
  - As noted above, [Executive Order N-51-20](#) requires that employees working in food facilities (as defined by the [California Retail Food Code](#)) must be permitted to wash their hands every 30 minutes and additionally, as needed.
- Avoiding touching eyes, nose, and mouth with unwashed hands.
- Avoiding sharing personal items with co-workers (i.e., dishes, cups, utensils, towels).
- Providing tissues, no-touch disposal trash cans and hand sanitizer for use by employees.



## ■ Administrative – Training

- General description of COVID-19, symptoms, when to seek medical attention, how to prevent spread, and employer's procedures for preventing spread at the workplace.
- How an infected person can spread COVID-19 to others even if they are not sick.
- How to prevent the spread of COVID-19 by using cloth face covers, including:
  - [CDC guidelines](#) that everyone should use cloth face covers when around other persons.
  - How cloth face covers can help protect persons around the user when combined with physical distancing and frequent hand washing.
  - Information that cloth face covers are not protective equipment and do not protect the person wearing a cloth face cover from COVID-19.
  - Instructions on washing and sanitizing hands before and after using face coverings, which should be washed after each shift.
- Safely using cleaners and disinfectants, which includes:
  - The hazards of the cleaners and disinfectants used at the worksite.
  - Wearing PPE (such as gloves).
  - Ensuring cleaners and disinfectants are used in a manner that does not endanger employees.
- Hygiene and sanitation measures above

## ■ Personal Protective Equipment

- Hazard assessment to determine if any PPE is needed:
  - Gloves
  - Gowns
  - Eye protection
  - Face masks
  - Respirators (N95s)
- Face coverings
  - Provide employees with cloth face covers or encourage employees to use their own face covers for use whenever employees may be in workplaces with other persons.
  - Cloth face coverings are not personal protective equipment (PPE), but combined with physical distancing of at least six feet, they may help prevent infected persons without symptoms from unknowingly spreading COVID-19.
- CDC recommends that the general public not use surgical masks or N-95 respirators, so that these critical supplies are available to health care workers and first responders.



## ■ Communications Plan and Training

- The success of any return to work plan will rest on successful integration of good policies, consistent practices, and a dedicated safety and health culture.
- None of this will work unless all components are clearly communicated to all workers, **and** all workers are adequately trained on how to implement each aspect.
- Just one slip up can jeopardize entire Plan.

- Retail and Service (frequent contact with Public)
  - Conduct even more frequent cleaning and disinfection of surfaces touched by the public such as credit card machines, touch screens, shopping carts and doors.
  - Protect cashiers and other workers who have frequent interaction with the public with engineering controls such as Plexiglas screens or other physical barriers, or spatial barriers of at least six feet, if feasible.
  - If exposures to the general public cannot be eliminated with engineering controls, require or encourage customers to wear face coverings, which are mandatory in some jurisdictions.
  - Schedule work to allow frequent hand washing by employees handling items (cash, credit cards, merchandise, etc.) touched by members of the public. Notably, [Executive Order N-51-20](#) requires that employees working in food facilities (as defined by the [California Retail Food Code](#)) must be permitted to wash their hands every 30 minutes and additionally, as needed.
  - Enforce physical distancing by limiting the number of customers in retail space.
  - Ask customers to take precautions such as only touching items they intend to purchase, and provide hand sanitizer stations.
  - Provide workers handling items touched by the public with PPE (i.e., disposable gloves).



- Additional requirements on employers to protect employees from airborne infectious diseases such as COVID-19 and pathogens transmitted by aerosols (California Code of Regulations, title 8, [section 5199](#)).
- Applicable to:
  1. Hospitals, skilled nursing facilities, clinics, medical offices, outpatient medical facilities, home health care, long-term health care facilities, hospices, medical outreach services, medical transport and emergency medical services.
  2. Certain laboratories, public health services and police services that are reasonably anticipated to expose employees to an aerosol transmissible disease.
  3. Correctional facilities, homeless shelters, and drug treatment programs.
  4. Coroner's offices, mortuaries, funeral homes, and other facilities that perform aerosol generating procedures on cadavers.
  5. Any other locations when Cal/OSHA informs employers in writing that they must comply with the ATD Standard.



• **Enforcement and Liability:** Citations, Lawsuits, Workers' Compensation and More

- Agency Enforcement
- Worker's compensation coverage
- Intentional torts
  - State order compliance and creation of “standard of care”
- Legislative immunity (currently in the works)

# Cal/OSHA Citations for Non-Compliance

- The IIPP requirement has been around since 1991, but many California employers still do not have an IIPP.
- Cal/OSHA issues more citations under the IIPP standard than any other standard – thousands each year – many of them for a complete failure to have an IIPP.
- During Cal/OSHA inspection, one of the first documents asked for is the IIPP, and failure to have one can carry a penalty of up to \$25,000.



# Q & A

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