

On Thursday, January 21, President Joe Biden signed an [Executive Order](#) that directed the Occupational Safety and Health Administration (OSHA) to issue guidance to employers on protecting workers from COVID-19. The key provisions of this order are as follows:

Protecting Workers From COVID-19 Under the Occupational Safety and Health Act

The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall:

- a) Issue, within two weeks of the date of this order and in conjunction or consultation with the heads of any other appropriate executive departments and agencies (agencies), revised guidance to employers on workplace safety during the COVID-19 pandemic.
- b) Consider whether any emergency temporary standards on COVID-19, including with respect to masks in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021.
- c) Review the enforcement efforts of OSHA related to COVID-19 and identify any short-, medium- and long-term changes that could be made to better protect workers and ensure equity in enforcement.
- d) Launch a national program to focus OSHA enforcement efforts related to COVID-19 on violations that put the largest number of workers at serious risk or are contrary to anti-retaliation principles.
- e) Coordinate with the Department of Labor's Office of Public Affairs and Office of Public Engagement and all regional OSHA offices to conduct, consistent with applicable law, a multilingual outreach campaign to inform workers and their representatives of their rights under applicable law. This campaign shall include engagement with labor unions, community organizations and industries, and place a special emphasis on communities hit hardest by the pandemic.

Protecting Other Categories of Workers From COVID-19

- a) The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health and consistent with applicable law, shall:
 - I. Coordinate with states that have occupational safety and health plans approved under section 18 of the Occupational Safety and Health Act (Act) (29 U.S.C. 667) to seek to ensure that workers covered by such plans are adequately protected from COVID-19, consistent with any revised guidance or emergency temporary standards issued by OSHA
 - II. In states that do not have such plans, consult with state and local government entities with responsibility for public employee safety and health and with public employee unions to bolster protection from COVID-19 for public sector workers
- b) The Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation and the Secretary of Energy, in consultation with the heads of any other appropriate agencies, shall, consistent with applicable law, explore mechanisms to protect workers not protected under the Act so that they remain healthy and safe on the job during the COVID-19 pandemic.
- c) The Secretary of Labor, acting through the Assistant Secretary of Labor for Mine Safety and Health, shall consider whether any emergency temporary standards on COVID-19 applicable to coal and metal or non-metal mines are necessary, and if such standards are determined to be necessary and consistent with applicable law, issue them as soon as practicable.

Your Health and Safety Contacts

Should you have any questions regarding the Executive Order or other health and safety matters, please contact one of the lawyers listed below.

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