

LEGAL UPDATE

President Biden Issues Executive Order on Protecting Worker Health and Safety

On Jan. 21, 2021, President Biden issued an [executive order](#) on the health and safety of workers during the coronavirus pandemic. The order directs the Department of Labor (DOL) and OSHA to protect workers from COVID-19 under the OSH Act and to protect other categories of workers.

Protecting Workers From COVID-19 Under the OSH Act

The order directs the DOL and OSHA to take the following actions:

- Issue revised guidance for employers on workplace safety during the COVID-19 pandemic within two weeks of the date of the order.
- Issue any necessary emergency temporary standards on COVID-19, including with respect to masks in the workplace, by March 15, 2021.
- Identify any short-, medium- and long-term changes that could be made to OSHA enforcement efforts related to COVID-19, to better protect workers and ensure equity in enforcement.
- 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.
- Conduct a multilingual outreach campaign to inform workers and their representatives of their rights under applicable law.

Protecting Other Categories of Workers From COVID-19

The DOL and OSHA must also:

- Work with OSHA-approved state plans 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.
- Work with state and local governments, and other agencies, to ensure that workers not covered by the OSH Act are protected by adequate safety standards.

Action Items for Employers

- Continue to follow the current OSHA guidelines until there are any changes.
- Stay informed of any changes that occur in the coming weeks.
- Be prepared to implement any changes to OSHA requirements by the applicable effective dates.

Emergency temporary standards, if necessary, will be issued by March 15, 2021.

