

Key Takeaways from the Coronavirus (COVID-19) Prevention and Preparedness for Employers Webinar

On March 11, 2020, Rob Duston and Lisa Koblin of Saul Ewing Arnstein & Lehr presented the Coronavirus (COVID-19) Prevention and Preparedness for Employers webinar that addressed potential labor and employment scenarios and how they should be handled.

High Level Summary

There are various federal and state laws that will control specific issues, such as leave rights under the ADA and FMLA; non-discrimination; state paid leave laws; FLSA and state wage laws regarding workers telecommuting; protections under employment contracts and collective bargaining agreements; OSHA reporting requirements; and workers' compensation laws. The WHO, CDC and other public health officials continue to provide best practices and recommendations.

An increasing number of state and local governments are taking actions to increase social isolation as a means of containment or "flattening the curve" of the COVID-19 Pandemic. These efforts may directly affect business operations in some areas.

How employers approach these safety and public health issues, in a rapidly changing environment, will often be an employee-relations and business decision. Many of the questions being asked by our clients are what they should do, not simply what the law says they can or cannot do.

OSHA General Duty Clause

In addition to various other laws, all employers need to be mindful of the OSHA general duty clause. Each employer must:

1. Provide all employees with a place of employment that is free from recognized hazards that are causing or are likely to cause death or serious physical harm.
2. Comply with OSHA standards.

An employer may violate the General Duty Clause if:

- The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed.
- The hazard was recognized.
- The hazard was causing or was likely to cause death or serious physical harm.
- There was a feasible and useful method to correct the hazard.

Resources

Click [here](#) for Saul Ewing Arnstein & Lehr's Coronavirus (COVID-19) Resource Page that includes links to internal and external resources, FAQs and alerts on major developments.

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