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## UTAH LABOR COMMISSION PUBLISHES GUIDANCE TO EMPLOYERS TO PROTECT HIGH RISK EMPLOYEES FROM COVID-19.

OSHA and the CDC have provided step-by-step instructions for employers on how to implement appropriate infection prevention measures. OSHA has published an employer [Guidance on Preparing Workplaces for COVID-19](#), which outlines the specific steps it believes all employers should take to reduce workers' risk of exposure to COVID-19. And the CDC has published a [Workplace Decision Tree](#), that walks employers through all the issues they should consider as they implement and monitor appropriate health and safety measures.

Joining these federal agencies, the Utah Labor Commission has now published its own employer guidance, entitled [Protecting High-Risk Individuals; Recommendations for the Workplace](#). The thrust of this Labor Commission guidance is on identifying and protecting high-risk employees, which it defines as people who are aged 65 or older, people with underlying medical issues, such as chronic lung disease, moderate to severe asthma, serious heart conditions, and employees who are immunocompromised, obese, or pregnant. For such high-risk employees, the Labor Commission advises employers to provide reasonable accommodations by changing their "work duties or environment." The Labor Commission provides a series of safety checklists including general instructions for all workplaces. The Labor Commission also includes industry specific checklists for restaurants, retail, hospitality, events and entertainment, personal services, home repair, gyms, construction, manufacturing, and day care. Although the Labor Commission recommends Personal Protective Equipment (PPE), other controls, such as elimination of hazards and implementation of engineering and administrative controls, are preferred over PPE.

My last legal alert, which addressed the [Top Ten Questions an Employer Should Ask Before Returning Employees to Work](#), answered this question: **May an employee who contracts COVID-19 at work sue his or her employer?** In short, employees likely cannot sue their employer in court if they contract COVID-19 at work, absent a showing that their employer acted intentionally to harm them. Employers hoping to avoid such lawsuits would do well to closely follow the recommendations of OSHA, CDC, and our own Utah Labor Commission.

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