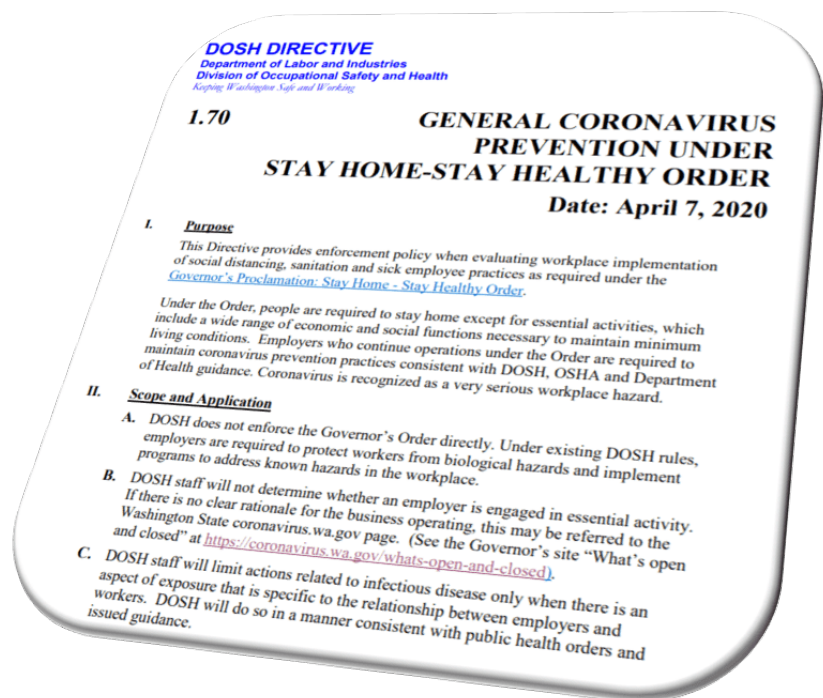


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Washington DLI/DOSH Issues Directive on Governor's Stay Home-Stay Healthy Order

By Conn Maciel Carey's [COVID-19 Task Force](#)

On April 7, 2020, Washington Department of Labor and Industries' Division of Occupational Safety and Health ("WA DLI/DOSH") issued a Directive entitled [General Coronavirus Prevention Under Stay Home – Stay Healthy Order](#) that describes in detail what employers are expected to do in order to comply with the Order. According to the Directive, there are four basic categories of prevention elements that WA DLI/DOSH will look for during any investigation, whether in response to a hazard alert letter or an on-site visit—WA employers must:



1. Ensure social distancing practices for employees (and control customer flow, if applicable);
2. Ensure frequent and adequate employee handwashing and surface sanitation (with focus on high-touch areas/items);
3. Ensure sick employees stay home or go home if ill; and
4. Provide basic workplace hazard education about coronavirus and how to prevent transmission in the language best understood by the employee.

The last element is best accomplished through posting notices and virtual modes of communication such as videos, text messages, emails or announcements during the day since in-person training meetings are discouraged.

The Directive lays out in outline format the basic/essential elements of a compliant COVID-19 prevention program, including (1) educating workers and customers about COVID-19; (2) maintaining at least 6 feet of spacing at all times; (3) regular cleaning of work areas and frequent cleaning of common- or high-touch surfaces; (4) ensuring workers have facilities for frequent handwashing readily available; and (5) having sick employee and post-employee illness procedures. Included in the Directive are a series of detailed suggestions intended to support social distancing, including:

- Workers may go to a central point one-at-a-time to drop off or pick up items that transfer between workers.
- Workers may have mailboxes, bins, or other surfaces at the periphery of their workspace where materials are left for them by other workers.
- Provisions should be made to clean objects handled extensively by more than one worker when the items are transferred. Physically wiping the object so it is visibly clean (no obvious soiling, smearing, or streaks) is sufficient.
- Social distancing is maintained during breaks and at shift start and end, while workers are at the employer's worksite.
- Meetings with workers are limited to less than 10 and maintain 6 foot spacing of all in attendance.

Acknowledging that some industries may have challenges with the basic/essential elements outlined above, the Directive encourages employers to consider a number of alternative strategies aimed at achieving social distancing, preventing transmission at work and keeping sick employees out of the workplace. For example, the Directive encourages employers to consider engineering controls that may provide an effective distancing of employees when it is not feasible to fully separate them, such as barriers that block direct pathways from face to face contact between individuals, covers on common touch surfaces that cannot be easily cleaned or something that can be changed out between individuals, and ventilation that provides a clean air supply to a worker's breathing zone. The Directive also suggests modifying certain jobs to facilitate appropriate social distancing, explaining that while an operation may be overall part of an essential industry or service, there may be portions of the work which can be deferred until a later time. This could mean reorganizing the position to break up tasks in a manner that facilitates social distancing or other protective measures. Also included in the Directive are suggestions relating to the use of face coverings (to prevent community spread), face shields (to prevent direct exposure to expelled droplets) and other PPE.

Last but not least, the Directives discusses the safety and health standards under which employers are most likely to be cited as a result of COVID-19-related inspections. While Washington employers are not expected to have comprehensive COVID-19 prevention programs yet, inspectors will be expected to evaluate all documents used by an employer to communicate with workers about their overall program. If strict social distancing is not implemented, DOSH will require that the employer clearly communicate its prevention expectations to employees. Employers can expect to receive citations under WAC 296-800-140, Accident Prevention Program, if they fail to communicate workplace-specific expectations to workers or if they do not effectively implement those expectations. Not surprisingly, serious violations will be considered if an employer adopts practices or policies that clearly contradict the goals of coronavirus prevention practices published by DOSH, OSHA or other

public health recommendations. DOSH will also consider citations under WAC 296-800-22005, where a workplace is not being cleaned and kept sanitary per public health guidance; under 296-800-23025 whenever workers do not have basic handwashing facilities available at all or they are grossly inadequate in either number or maintenance; and, in those instances where DOSH believes it has found workplace conditions which have a direct potential for worker exposure to the COVID-19 virus, it may issue citations under WAC 296-800-11045, which requires employers to protect employees from biological agents.

If you have operations in Washington State, now is the time to ensure that your organization is taking all the steps necessary to prevent transmission of COVID-19 in the workplace.