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President Biden Issues Executive Order on Protecting Worker Health and Safety

On January 21, 2021, President Biden signed a new [Executive Order](#) aimed at ensuring the health and safety of American workers during the COVID-19 pandemic. The Executive Order's stated objective is to take "swift action to reduce the risk that workers may contract COVID-19 in the workplace."

In furtherance of that mission, President Biden tasked the Secretary of Labor, through the U.S. Occupational Safety and Health Administration ("OSHA"), with issuing revised employer guidance on worker health and safety requirements. OSHA must issue this revised guidance within two weeks from the date of the Executive Order, or by **February 4, 2021**.

The Executive Order also requires a determination of whether emergency temporary standards on COVID-19, including with respect to masks in the workplace, are necessary. Many states already have such [emergency temporary standards](#) in place. If federal emergency temporary standards are likewise determined necessary, such standards must be issued by **March 15, 2021**.

The Secretary of Labor will also review the enforcement efforts of OSHA related to COVID-19 and identify any short-, medium- and long-term changes that could be made to protect workers better and ensure equity in enforcement. Additionally, the Executive Order requires the Secretary of Labor to launch a national program to focus OSHA enforcement efforts on the most serious violations or anti-retaliation offenses and to coordinate with all regional OSHA offices to conduct a multilingual outreach campaign.

OSHA will also work with states that have state-sponsored OSHA plans to ensure workers covered by such plans are adequately protected from COVID-19, consistent with any revised guidance or emergency temporary standards issued by OSHA at a federal level.

We will continue to keep you advised as further OSHA guidance or emergency temporary standards are issued. Please contact your Kutak Rock attorney or any of the attorneys in the [OSHA Compliance & Defense Practice Group](#) or [Employment Law Group](#) if you would like to discuss further. You may also visit us at www.KutakRock.com.

