

Coworking Spaces: COVID-19 Considerations

By

December 23, 2021

Related Services

COVID-19

Disability, Leave and Health Management

Real Estate

Workplace Safety and Health

As workplaces are reimagined, employers and operators of coworking spaces need to consider how to operate safely in the age of the COVID-19 pandemic.

Coworking spaces have become an intriguing work alternative for remote employees, hybrid workers, self-employed individuals, independent contractors, and others. Employers and operators of coworking spaces should consider such issues as the security of sensitive company or employee information and compliance with COVID-19 health and safety rules, among others.

Pros of Coworking Spaces

Coworking spaces tend to offer greater social distancing options than traditional offices, making them an attractive alternative to employees who do not feel comfortable returning to their worksites and are looking for an office space outside their home.

The flexibility of short-term contracts has made coworking spaces appealing to individuals and businesses, especially small and mid-sized ones, that need more flexibility and dedicated workspaces to augment employee “work from home” routines.

With many businesses embracing the hybrid work model, there has been a rise of coworking spaces, especially in smaller markets. This shift allows employees and other individuals, who otherwise would travel to large cities, to go to coworking spaces that are closer to home instead.

Best Practices

The growing interest in coworking environments is a part of many companies’ adaptation to the “new normal.” While laws change constantly and enforcing workplace COVID-19 health and safety protocols can be challenging, there are operational protocols that can be put in place to meet safety regulations.

For this reason, companies should consider discussing with employees and other personnel their expectations for working remotely. Working or performing services from a coworking space might create security concerns for businesses and pose questions about how to keep personnel safe and comply with COVID-19 rules, particularly in light of [requirements](#) and [guidance](#) from the Occupational Safety and Health Administration (OSHA). One key is having a strong remote work policy. At a minimum, a remote work policy should meet OSHA’s Emergency Temporary Standard (ETS) requirements, state OSHA requirements, and other state laws, regulations, or executive orders related to COVID-19, address security and confidentiality rules, the scope of what it means to be remote, whether it is only performing services from the person’s residence or from pre-approved locations, technical support options, and job-related expectations. There is no one-size-fits-all remote work policy. Employers and companies should take into consideration their business needs.

Best practices businesses can adapt when implementing a COVID-19 protocol that meets OSHA requirements in the coworking space environment include:

- *COVID-19 Vaccination or Testing:* Generally, the [OSHA ETS](#) requires companies with at least 100 employees to adopt a policy requiring employees be vaccinated or adopt a policy of voluntary vaccination, coupled with testing and masking for those not fully vaccinated. This rule applies to employees who work remotely, if they are going to worksites outside their home, such as a coworking space. Companies will need to maintain a roster of employees, including remote workers, and their vaccination status (whether fully, partial, or unvaccinated). For employees who are fully vaccinated, employers should have a record of an acceptable proof of vaccination, such as an official COVID-19 Vaccination Record Card. For employees who have not yet been fully vaccinated or are partially vaccinated, employers should ensure these employees are complying with weekly testing and masking policies when they are working in remote locations with other people, even if it is not a site the employer controls.
- *Sanitation Stations:* Companies that allow their employees to perform services at coworking spaces should ensure there are cleaning and sanitization materials readily available to all members. The stations should include ample supplies of hand sanitizers and disinfectant wipes. As a precaution, temperature checks and signage encouraging members to go home if they are showing signs of fever are a best practice. In addition, posting signs throughout the workplace may encourage members to sanitize before and after using door handles, workstations, and other items (like commonly used machines, such as printers). Companies allowing their employees to work at coworking spaces should ensure those workplaces comply with local and state requirements for posting specific notices, including relating to location, visibility, and similar requirements.
- *Cleaning and Disinfecting policies:* Sanitation sweeps of frequently used areas should be a priority. If possible, common spaces should be cleaned and disinfected in between desk shifts and room appointments. Common spaces should be cleaned and disinfected daily. Installing touchless and automatic features can be helpful. These can include bathroom fixtures, hands-free soap dispensers, motion sensor lights, and ID badge access or other touchless options for door entry.
- *Proper Ventilation and Spacing:* Companies should ensure coworking spaces being used by their employees or other individuals are well-ventilated, integrate enhanced air filters, and are large enough to accommodate social distancing. Physical barriers may be a solution where social distancing is not feasible. Businesses should also consider whether the coworking space limits the number of people allowed in a room at a given time.
- *Contact Tracing:* Having a contact tracing protocol in place is another approach to fighting the COVID-19 pandemic and efficiently responding to confirmed positive COVID-19 cases. Questionnaires should collect from members their contact information, such as name, address, and phone numbers, and should be securely stored. Further, any notifications of positive cases should protect the confidentiality of the positive individuals. The contact information collected should not be used for marketing purposes.

Other Considerations

In addition to the obligations of businesses that allow their employees to work in shared coworking spaces, companies providing coworking space also may have similar obligations. Coworking companies should continue to regularly monitor the latest federal, state, and

local COVID-19 news and health and safety recommendations. With the anticipated rise in the popularity of coworking spaces, it is critical that new compliance protocols and best practices be swiftly implemented to stay abreast of changing COVID-19 health and safety rules.

Further, pursuant to the Occupational Safety and Health Act of 1970, 21 states and Puerto Rico administer their own occupational safety and health programs, with approval from OSHA. Employers should confirm whether they are expected to follow a state's requirements and whether an OSHA State Plan has adopted the OSHA ETS.

A growing number of states have COVID-19 vaccination laws restricting or prohibiting an employer from mandating vaccinations and may otherwise conflict with the OSHA ETS. Moreover, several cities have implemented rules for vaccination to enter certain indoor facilities.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance regarding COVID-19 safety precautions.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, a member of our [Workplace Safety and Health practice group](#) or any member of our [COVID-19 team](#).

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.