

Legal Update Article

Puerto Rico: Employers Must Develop a Contingency Plan against COVID-19 Exposure

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The Puerto Rico Secretary of Labor and Human Resources, Hon. Briseida Torres-Reyes, has issued a memorandum that provides recommendations to ensure a safe and healthy work environment for employees and requires employers to develop and implement a contingency plan against COVID-19 exposure in the workplace.

The Secretary stated that, in the current public health emergency crisis, now more than ever, employers must ensure employees work in a safe and healthy environment. Accordingly, the Secretary has directed all employers to develop and implement a written contingency plan for their workplace to protect employees against COVID-19 exposure.

The written contingency plan must include the following:

1. General information about COVID-19 (definition, transmission modes, symptoms, and so on) and recommendations issued by local, national, and international health agencies on how to avoid the spread of COVID-19;
2. Detail the monitoring and screening process of personnel prior to entering the workplace, and the procedures to be followed in the event of detection of an employee with symptoms or who tested positive to COVID-19;
3. Indicate the number of employees to work per day and whether they will be working on rotating shifts (the Secretary recommends working with limited staff), and indicate the control measures that will be taken to achieve the recommended distance between employees;
4. Methods that are being implemented for the cleaning and disinfection of the establishment, including an inventory of the cleaning and disinfection products to be used by maintenance personnel and the frequency of cleaning and disinfection of work areas;
5. Details of hygiene methods for employees, such as the areas designated for hand washing, use and distribution of hand sanitizer (provided by the employer), alcohol, antibacterial soap, and so on;
6. Evidence of personal protective equipment determined necessary for employees' use and that will be provided by the employer free of cost;
7. Evidence of employee training on the proper use, limitations, and disposal of personal protective equipment;
8. Identification of the person designated to constantly evaluate the work areas to monitor the development of new risk areas and needs regarding the COVID-19 pandemic; and
9. Evidence of the contingency plan discussion with employees.

In addition, the Secretary encourages employers to consider the indoor air quality of buildings that have been closed or in partial operation for long periods of time. According to the Secretary, the ongoing efforts to prevent COVID-19 in the workplace can be overshadowed by the "sick building syndrome" that can arise due to poor maintenance of the building ventilation system during a total or partial closure.

Jackson Lewis attorneys and the dedicated COVID-19 Task Force are ready to assist with any questions on this and other legal developments.

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