



## Steps D.C. Employers Must Take to Keep Employees Safe in the Workplace During the COVID-19 Pandemic

On July 28, 2020, the D.C. Council passed the [Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020](#) (the Act), which is expected to be signed by the Mayor and enacted shortly. The Act supports previous Mayor's Orders and focuses on protecting the health, safety, and job stability of employees in D.C.

First, the Act sets forth mandatory workplace safety requirements. Employers in D.C. must implement social distancing and worker protection measures in line with current Mayor's Orders on mask wearing. Mayor's Orders can be found [online](#).

Further, the Act allows employers to create policies requiring employees that test positive for COVID-19 to report this to the employer. However, the Act also makes clear that the identity of the employee that tests positive can only be disclosed to the Department of Health or other D.C. or federal agencies tasked with contact tracing and containing the spread of COVID-19. This means that employers cannot disclose the identity of an employee who has tested positive to other employees. When deciding whether to establish a policy requiring employees to disclose a positive test, employers should consider how they will safeguard this information.

Next, the Act permits employers to require that, before returning to work, employees

that tested positive receive medical clearance to return to work or complete a quarantine for the time recommended by the Department of Health or U.S. Centers for Disease Control and Prevention.

Lastly, the Act prohibits employers from retaliating— taking adverse employment actions— against an employee for specified reasons related to COVID-19. This includes if an employee refuses to serve a client or work with a co-worker who does not follow protocols to prevent transmission like standing six feet away or wearing face masks. Employers cannot take an adverse action against employees for not returning to the workplace after learning they are positive for COVID-19, for quarantining after exposure to someone with COVID-19, for awaiting COVID-19 test results while sick, or for caring for somebody sick with COVID-19 or quarantined. Also, an employer cannot retaliate against employees for asserting their rights under the Act or preventing a violation of the Act.

In addition, the Act establishes a grant program for eligible small businesses to receive up to \$1,000 for the purchase of eligible personal protective equipment after July 28, 2020. It is important to note the grant program is subject to fund availability and no grants will be issued before October 1, 2020.

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**Additional information for nonprofits and small businesses impacted by the coronavirus pandemic is at the D.C. Bar Pro Bono Center's Coronavirus Legal Resources section at [www.probono.center/NPSB](http://www.probono.center/NPSB).**

**If you have questions about these programs or other legal issues, feel free to contact us at [cedinfo@dcbbar.org](mailto:cedinfo@dcbbar.org).**

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