***Sample Communication Memo to Employees regarding Covid-19 and the OSHA Emergency Temporary Standard (ETS)***

*The sample memo provided below can be used to communicate the provisions of the ETS to your workforce, as required by the ETS itself. You must use the language and literacy level of your workforce. Delete the brackets and fill in the highlighted yellow areas with your company’s information; remove the highlighting.*

*You may choose to include a copy of your policy OR as company policies differ in length and “readability,” you could choose to summarize your policy in this document to make sure the language/ literacy level is appropriate as required by the ETS. If you do so, the following areas must be covered:*

* *the requirements of §1910.501 and any policies and procedures the employer establishes to implement this ETS. This includes:*
  + *any employer policies under paragraph (d) – mandatory vaccination and associated requirements or testing and masking requirements;*
  + *the process that will be used to determine employee vaccination status, as required under paragraph (e);*
  + *the time and pay/leave they are entitled to for vaccinations and any side effects experienced following vaccinations, as required by paragraph (f);*
  + *the procedures they need to follow to provide notice of a positive COVID-19 test or diagnosis of COVID-19 by a licensed healthcare provider, as required under paragraph (h);*
  + *the procedures to be used for requesting records under paragraph (l).*
  + *additional information for unvaccinated employees, including information about the employer’s policies and procedures for COVID-19 testing and face coverings, as required by paragraphs (g) and (i), respectively.*

*Also include the following documents along with this communication:*

* *COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated (by providing the document, “Key Things to Know About COVID-19 Vaccines,” available at*[*https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html*](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html)*);*
* *the requirements of 29 CFR 1904.35(b)(1)(iv), which prohibits the employer from discharging or in any manner discriminating against an employee for reporting work-related injuries or illness, and Section 11(c) of the OSH Act, which prohibits the employer from discriminating against an employee for exercising rights under, or as a result of actions that are required by, the ETS. Section 11(c) also protects the employee from retaliation for filing an occupational safety or health complaint, reporting a work-related injuries or illness, or otherwise exercising any rights afforded by the OSH Act (fact sheet available in*[*English*](https://www.osha.gov/sites/default/files/publications/OSHA4159.pdf)*and*[*Spanish*](https://www.osha.gov/sites/default/files/publications/OSHA4160.pdf)*); and*
* *the prohibitions of 18 U.S.C. § 1001 and of Section 17(g) of the OSH Act, which provide for criminal penalties associated with knowingly supplying false statements or documentation (fact sheet available in*[*English*](https://www.osha.gov/sites/default/files/publications/OSHA4157.pdf)*and*[*Spanish*](https://www.osha.gov/sites/default/files/publications/OSHA4158.pdf)*).*

***SAMPLE MEMO***

***Memo to All Employees regarding the OSHA Emergency Temporary Standard on COVID-19 Vaccination and Testing***

Date: [date]

From: [name of *company safety officer, HR or other company executive*]

On Nov. 4, 2021, the Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard (ETS) requiring all private employers with 100 or more workers to ensure all employees are either fully vaccinated for COVID-19 or provide a weekly negative test and wear a face covering while working.

In order to comply with this standard, [*Company Name*] is issuing an [*updated or new*] COVID-19 vaccination policy effective [*date*]. The highlights of this policy include:

* + *A requirement to provide proof of vaccination by 1/4/2022 if partially or fully vaccinated (or otherwise be considered unvaccinated), and the types of proof that will be acceptable.*
  + *A requirement that all employees become fully vaccinated by 1/4/2022 [or submit to weekly testing]. (Exceptions will only be made in the case of certain medical/ADA or religious accommodations, and the vaccine requirement may be delayed at times upon the advice of a healthcare provider.)*
  + *The availability of paid time off for certain vaccination-related absences.*
  + *Masking, social distancing and other safety requirements.*
  + *Steps to take in the case of a positive test for COVID-19 or a positive diagnosis by a healthcare provider.*
  + *Consequences of failing to comply with the employer’s policy.*
  + *Consequences of knowingly providing false information.*

These provisions are necessary to comply with OSHA’s ETS and will help to safeguard the health of our employees and their families, our customers and visitors, and the community at large from COVID-19. Implementing these measures can help us to provide a safe workplace and potentially avoid circumstances that could jeopardize our business operations.

Employees are required to provide documentation of vaccination status as described in the attached policy. Please review the attached policy and contact [*name and contact information*] with any questions. Information on [penalties for false statements and records](https://www.osha.gov/sites/default/files/publications/OSHA4157.pdf) is provided by OSHA and attached to this memo.

While we understand that not all employees will agree with these new policy requirements, [*Company Name*] has an obligation to comply with OSHA standards or face stiff penalties for non-compliance as will other employers covered by the ETS. Employees who do not comply with [*Company Name*]’s vaccination policy may be subject to termination for not complying with our safety protocol.

Employees needing an accommodation for religious or medical reasons should complete a request for accommodation form, which can be found at [*location of where employee can obtain the forms*] and submit the form to [*name and contact information*] no later than [*date; forms should be submitted in enough time for you to evaluate and have an answer prior to 1/4/22*].

The Occupational Safety and Health Act prohibits retaliation against employees for exercising their rights guaranteed under the Act, including filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising any rights afforded by the OSH Act. For more information, see the attached OSHA document, [Workers’ Rights under the COVID-19 Vaccination and Testing ETS](https://www.osha.gov/sites/default/files/publications/OSHA4159.pdf).