



Review Article

# Legal Considerations for Human Life in The Workplace During Covid-19

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Abstract	Manuscript Information
<p>The COVID-19 pandemic introduced unprecedented challenges to the workplace, transforming both the legal and operational landscapes for employers and employees alike. This article explores the critical legal considerations that have emerged in response to the pandemic, including workplace safety, remote work policies, employment discrimination, health mandates, and employee rights. It delves into the evolving regulatory frameworks at the federal, state, and local levels, focusing on how businesses navigated new Occupational Safety and Health Administration (OSHA) guidelines, managed the complexities of remote work, and addressing wage and hour concerns. Additionally, the article discusses the implications of vaccination mandates, paid sick leave, and the role of workers' compensation for COVID-19-related claims. It also highlights the surge in mental health issues caused by the pandemic and the legal responsibilities employers face in addressing employee well-being. Ultimately, the pandemic has reshaped how work is conducted; creating a "new normal" that has lasting legal implications. Employers must now adapt to these changes while ensuring compliance with a host of new and evolving legal obligations.</p>	<ul style="list-style-type: none"> <li>▪ ISSN No: 2583-7397</li> <li>▪ Received: 26-07-2024</li> <li>▪ Accepted: 05-09-2024</li> <li>▪ Published: 23-10-2024</li> <li>▪ IJCRM:3(5); 2024: 192-196</li> <li>▪ ©2024, All Rights Reserved</li> <li>▪ Plagiarism Checked: Yes</li> <li>▪ Peer Review Process: Yes</li> </ul> <p><b>How to Cite this Manuscript</b></p> <p>Raju Kumar Bhagat, Prayag Kumar Paswan. Legal Considerations for Human Life in The Workplace During Covid-19. International Journal of Contemporary Research in Multidisciplinary.2024; 3(5):192-196.</p>

**KEYWORDS:** OSHA, Tax Implications, Emergency Temporary Standard, employment discrimination.

**INTRODUCTION**

The COVID-19 pandemic fundamentally reshaped how people work, live, and interact within societies across the globe. As businesses adjusted to the disruptions caused by the virus, the legal landscape surrounding workplace safety, employment rights, and corporate responsibilities evolved dramatically. Employers and employees alike faced new challenges in navigating the "new normal" that blended work-from-home arrangements, strict health guidelines, and increased attention to mental health and well-being. As we delve into the legal considerations impacting human life in the workplace during COVID-19, it's essential to explore the key areas that have shaped the post-pandemic work environment. This article

provides an in-depth look at the legal frameworks guiding workplace safety, remote work policies, employment discrimination, health mandates, and data privacy during the ongoing pandemic and its aftermath. It will examine the laws and regulations that arose in response to COVID-19, how they impact the workplace, and what employers must consider as they move forward into the "new normal".

**1. The Impact of Covid-19 on Workplace Safety Laws**  
**1.1 OSHA and COVID-19: Ensuring Workplace Safety**

The Occupational Safety and Health Administration (OSHA) is the federal agency responsible for enforcing workplace safety standards. The agency's role became increasingly important

during COVID-19 as it began to issue guidelines and standards to protect workers from the virus. In the initial phases of the pandemic, many employers struggled to balance their obligations under the OSHA Act with the novel and rapidly changing understanding of how the virus spread. During the pandemic, OSHA released a variety of temporary guidelines, including recommendations for personal protective equipment (PPE), social distancing, sanitization, and air quality measures. These guidelines became central to the responsibilities of businesses to ensure a safe working environment. However, as these were initially “guidelines” and not regulations, enforcement was complicated. OSHA did eventually use the “General Duty Clause,” which requires employers to provide a workplace free from recognized hazards, as a tool to hold businesses accountable for pandemic-related safety failures.

### 1.2 Evolving State and Local Safety Mandates

In addition to federal guidance from OSHA, state and local governments enacted their own rules and regulations regarding workplace safety during the pandemic. Some states took a more aggressive approach, establishing mask mandates, and social distancing protocols, and even requiring proof of vaccination for certain workplaces. California, for example, created an Emergency Temporary Standard (ETS) for workplace safety about COVID-19, which required businesses to create comprehensive prevention programs addressing testing, masking, quarantine protocols, and more.

These varying standards created a complex legal landscape for businesses operating in multiple states. Employers had to ensure compliance not only with federal guidelines but also with a patchwork of state and local laws, often requiring a nuanced and flexible approach to workforce management.

## 2. Remote Work and Legal Challenges

### 2.1 The Rise of Remote Work: A Paradigm Shift

One of the most significant and lasting changes brought about by the pandemic is the shift towards remote work. As offices shut down due to stay-at-home orders, millions of employees transitioned to working from home. What was initially considered a temporary solution evolved into a widespread and permanent change for many businesses.

While remote work offered flexibility and safety, it also raised a variety of legal issues. These ranged from wage and hour law compliance to the implications of having employees work across state or even international borders.

### 2.2 Wage and Hour Considerations

Remote work has created new challenges for complying with wage and hour laws. Under the Fair Labor Standards Act (FLSA), employers are required to track and compensate non-exempt employees for all hours worked, including overtime. The shift to remote work blurred the boundaries between “work time” and “personal time,” making it difficult for some employers to accurately track hours. In response, businesses had to implement new policies and technologies to ensure they complied with

existing wage and hour laws, including provisions related to overtime pay and rest periods.

The pandemic also prompted questions about reimbursing employees for home office expenses, such as internet access, office supplies, and utilities. While some states have laws that require employers to cover work-related expenses, others do not, leading to varying obligations for employers depending on the location of their remote workforce.

### 2.3 Jurisdictional Challenges and Tax Implications

With remote work untethering employees from traditional office locations, many workers found themselves working in different states or even different countries from where their employer was based. This raised questions about the application of state tax laws, workers’ compensation coverage, and the jurisdiction in which employment disputes should be resolved.

For example, some states have “convenience of the employer” rules, which allow them to tax remote employees who work out of state if they are doing so for their convenience rather than at the request of the employer. Additionally, the question of which state’s employment laws apply became complex, particularly when employees crossed state lines.

### 2.4 Data Privacy and Security in a Remote World

The shift to remote work also heightened concerns about data privacy and security. Employees working from home are often accessing sensitive company information over personal devices and home networks, which may not have the same level of security as office-based systems. This raises the risk of data breaches, cyber-attacks, and unauthorized access to confidential information.

To mitigate these risks, companies needed to implement robust remote work policies addressing data protection, cyber-security training, and the use of secure networks and devices. Many organizations also turned to virtual private networks (VPNs) and multi-factor authentication to ensure the security of their remote workforce.

## 3. Employment Discrimination and Covid-19

### 3.1 Discrimination in the Workplace During the Pandemic

The pandemic introduced new forms of discrimination in the workplace, as employees were impacted differently based on age, race, gender, disability, and health status. Employers were tasked with navigating these issues while complying with existing anti-discrimination laws, such as Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).

### 3.2 Age Discrimination

COVID-19 disproportionately affected older adults, raising concerns about age discrimination in the workplace. Some older workers faced layoffs or furloughs under the assumption that they were at greater risk of severe illness. Employers must be cautious in making decisions based on assumptions about an individual’s health risks due to age, as this could lead to

violations of the ADEA, which prohibits discrimination against employees aged 40 and older.

### 3.3 Disability Accommodations under the ADA

Employees with pre-existing medical conditions that placed them at higher risk of severe illness from COVID-19 often sought accommodations under the ADA. Employers were required to engage in an interactive process with these employees to determine reasonable accommodations, such as allowing remote work or providing additional PPE. Refusing to provide reasonable accommodations or retaliating against employees for requesting them could result in legal claims under the ADA.

### 3.4 Racial and Ethnic Discrimination

The pandemic also saw an increase in racial and ethnic discrimination, particularly against Asian American workers who faced harassment and xenophobia related to the origins of the virus. Employers were responsible for preventing and addressing such discriminatory behavior in the workplace, ensuring compliance with Title VII, which prohibits discrimination based on race, national origin, and ethnicity.

## 4. Health Mandates and Employee Rights

### 4.1 Vaccination Mandates

As COVID-19 vaccines became widely available, many employers implemented vaccination mandates as a condition of employment. While these mandates were aimed at creating a safer work environment, they also sparked legal challenges from employees who objected to vaccination on religious or medical grounds.

Under the Equal Employment Opportunity Commission (EEOC) guidelines, employers are permitted to require vaccines as long as they provide reasonable accommodations for employees with legitimate religious or medical objections, as required by Title VII and the ADA. However, determining what constitutes a "reasonable" accommodation can be complex. For example, if an unvaccinated employee poses a direct threat to the health and safety of others, employers may argue that accommodations such as remote work are not feasible, leading to potential legal disputes.

### 4.2 Paid Sick Leave and COVID-19

The Families First Coronavirus Response Act (FFCRA) provided employees with paid sick leave for COVID-19-related absences, including time off to quarantine, recover from illness, or care for a sick family member. This law applied to employers with fewer than 500 employees and provided up to two weeks of paid sick leave. Although the FFCRA expired at the end of 2020, many states and local governments implemented their sick leave laws in response to the pandemic. Employers were required to navigate the varying paid leave requirements across different jurisdictions, ensuring that they complied with both state and federal laws. Failure to provide required paid leave could result in fines, penalties, and lawsuits from employees.

### 4.3 Workers' Compensation for COVID-19

The question of whether COVID-19 should be considered a workplace injury for purposes of workers' compensation claims became a contentious issue during the pandemic. Typically, workers' compensation covers injuries or illnesses that arise out of and in the course of employment. However, proving that an employee contracted COVID-19 at work rather than in the community posed significant challenges.

Some states implemented presumption laws, which assume that certain workers, such as healthcare employees and first responders, contracted COVID-19 at work if they tested positive. This shifted the burden of proof to employers to demonstrate that the illness was not work-related.

## 5. Mental Health And Well-Being in The Workplace

### 5.1 The Mental Health Crisis

The pandemic took a significant toll on the mental health and well-being of workers, with increased levels of stress, anxiety, and burnout becoming commonplace. Employers were tasked with addressing these mental health challenges while ensuring compliance with applicable laws, such as the ADA, which covers mental health conditions.

### 5.2 Legal Considerations for a COVID-free workplace in Back-to-Office

The COVID-19 pandemic has brought unprecedented challenges to the workplace, raising complex legal questions and concerns. Employers must navigate a rapidly evolving landscape to ensure compliance with relevant laws and regulations while prioritizing employee safety and well-being.

While offices are bound to reopen in due course, employers have an obligation of duty of care towards their employees to provide for a safe and healthy workplace. Even with one case of COVID-19-infected employee, the entire workplace and their families can be at risk. Several employers, especially in the IT/ITES sector have had a positive work-from-home (WFH) experience. However, as the second wave and related lockdown ends in several parts of the country, employers would be keen to require their employees to return to the office. Apple has recently announced that its staff will be required to work at least three days a week at their desks. Similarly, Amazon is expecting its employees in the U.S., U.K., and other countries to resume working on-site, for at least three days a week. HR managers have already started to plan to return to offices. For an initial phase, employers are likely to prefer employees who are vaccinated, as they have a lower risk of being infected with the COVID-19 virus. With the vaccination drive being in overtime mode in India and thanks to the introduction of the Liberalised Pricing and Accelerated National COVID-19 Vaccination Strategy of the government, a majority of the employees are likely to be vaccinated in the next few months. India administered more than 8 million COVID-19 vaccine doses on June 21, 2021, which is the highest single-day number of jabs in the world. We are listing below certain legal considerations for HR managers in order to build a Covid-free workplace:

- i. Track, familiarise and comply with the government stipulated guidelines and orders for office re-opening. Central and state governments have issued several guidelines on a periodic basis and the updated guidance can be put up on the office entrance and notice board for greater awareness and compliance.
- ii. Implement a policy on prevention and management of COVID-19 positive cases in the workplaces in accordance with the standard operating procedures prescribed by Ministry of Health and Family Welfare (MoHFW). The policy should include cleaning and disinfection measures, social-distancing in office premises and cafeteria, measures on organising an office meeting, infection reporting and response plan, management of close contacts of the person showing COVID-19 symptoms and precautions while returning back home, etc.
- iii. Effectively and clearly communicate to employees regarding the employer's protocols around COVID-19 preventive measures, testing, and vaccination, and encourage the employees to provide their full cooperation in complying with them to help maintain a Covid-free workplace. Organize awareness and sensitization sessions regularly on the precautions to be taken while in the office and during transit.
- iv. Re-open the offices in a phase-wise manner such that all employees are not together in the office at the same time. For example, allow employees to work in shifts and under staggered hours scheme. Employers can categorize the employees based on their roles or duties and allow flexibility in choosing the shift timings including for breaks and rest intervals. Shift working may help avoid the rush hour traffic, especially if the employees use public transport.
- v. Perform regular disinfection and sanitisation of the entire office, at the entrance, common facilities and commonly touched surfaces at the workplace for example door handles etc. The frequently touched surfaces may be disinfected using a solution or spray containing 1% sodium hypochlorite cleaning product referred to in the standard operating procedures for offices.
- vi. Depending on the type of work and level of employees, some employees may be asked to continue to work remotely and visit office occasionally, for example on a weekly basis or on alternate days. This arrangement is already being considered by several employers as part of their hybrid work policy.
- vii. For non-employees like contractors, customers, vendors, and other visitors who may need to visit the workplace, put in place an attestation form which contains a checklist to be followed before entering office premises, along with an acknowledgement and waiver form.
- viii. Provide for temperature checks & screening and hand wash or sanitizer at all entry points and at canteen. Make workplace related adjustments of the seating arrangements at office desks and cafeterias to ensure a distance of at least 6 feet between employees.
- ix. Appoint a vigilance officer at each office who is responsible to oversee and ensure that all the requirements under the policy as well as government guidelines to avoid the spread of COVID-19 are being followed. The vigilance officer can also help implement some of best practices which will evolve over time.
- x. Tie-up with hospitals and medical centers to conduct regular / periodic COVID-19 testing for the employees and their family members. Several employers have already encouraged and organised vaccination drives for the employees and their dependents in accordance with the COVID-19 workplace vaccination guidelines prescribed by the MoHFW in April 2021, and subsequent clarifications. They are now focusing on helping coordinate the second dose of the vaccine.
- xi. Encourage employees to self-monitor their health and report to the HR/vigilance officer immediately whenever they feel sick or have any symptoms of COVID-19, so that the management can take immediate measures to handle the situation.

Many white-collared workers are expected to return to office in September-October 2021 unless there is a third wave. While some employees may resist, there is definitely significant value of working in an office. Unlike being pushed instantly to work from home in March 2020, returning to office is likely to be gradual and take some time to settle.

Employers will need to implement preventive steps to promote a return to the office and provide confidence to employees. While best practices will continue to evolve over time, it is important that the employees understand that it is a joint action plan - both employers and employees would need to fully cooperate with each other to truly make a Covid-free workplace.

### CONCLUSION

The COVID-19 pandemic has forever altered the nature of work and the legal frameworks that govern it. Employers are now required to navigate a complex and ever-changing landscape of health and safety regulations, remote work policies, and employment rights in order to protect their employees while ensuring legal compliance. The rise of remote work has introduced new legal challenges around wage and hour laws, data privacy, and jurisdictional issues, while the implementation of vaccination mandates and paid sick leave have required careful consideration of employee rights under federal and state laws.

Additionally, the pandemic has amplified issues of discrimination, especially against older employees, those with disabilities, and minority groups. Employers must be vigilant in enforcing anti-discrimination policies and ensuring equal access to workplace protections for all employees. The mental health toll of the pandemic has also brought to the forefront the need for businesses to consider the well-being of their workforce, particularly as mental health conditions are increasingly covered under the Americans with Disabilities Act (ADA). As the world continues to adapt to life during and after COVID-19, businesses will need to remain agile, staying informed of evolving legal



requirements and proactively addressing the unique challenges posed by the “new normal”. Employers that prioritize compliance, employee well-being, and flexibility will be better positioned to thrive in this changed environment, while those that fail to adapt may face legal and financial consequences. The lessons learned from the pandemic will not only inform future health crises but also shape the future of work itself, making it more flexible, inclusive, and resilient.

This article provides a foundational understanding of the legal considerations surrounding human life in the workplace during COVID-19. The subsequent articles will delve deeper into specific aspects of employment law, health and safety regulations, and emerging trends.

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