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Question of the Day: Face Coverings in the Workplace

Legal Update

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By Emily S. Pontius

Question**What is the latest OSHA guidance on face coverings in the workplace?****Answer**

The Occupational Safety and Health Administration recently updated its information concerning cloth face coverings that are not covered by its standards for Personal Protective Equipment or "PPE." The guidance does not create any new legal obligations for employers, but it does reflect the recommendations from the Centers for Disease Control and Prevention which consider the latest information about transmission of COVID-19.

Here are OSHA's key recommendations and takeaways:

- Cloth face coverings prevent asymptomatic and pre-symptomatic workers from spreading COVID-19 in the workplace.
- OSHA's standards concerning PPE do not regulate cloth face coverings, and OSHA does not require employers to provide cloth face coverings to workers.
- Employers should encourage workers to use cloth face coverings, especially if workers are around other people.
- If cloth face coverings present a hazard, employers may consider providing PPE such as face shields or surgical masks if such equipment does not present the same hazards.
- Employers should encourage social distancing **and** face coverings. These preventive measures are most effective when used in combination.

Employers are free to go beyond encouragement and mandate that employees wear cloth face coverings at work. Keep in mind, however, that some employees may require exceptions from the rule to accommodate medical conditions in accordance with state or federal law or because cloth face coverings interfere with work or make the job hazardous. Requiring cloth face coverings requires some careful planning as

to how the requirement will be implemented. Consider, too, that implementing a face covering requirement means there may be a need to determine how to discipline non-compliance.

Takeaways

OSHA encourages employers to recommend or require face coverings and social distancing in the workplace to slow the spread of COVID-19. These measures are not a substitute for PPE but may be used where PPE is not required. Employers should thoughtfully consider how they will implement and enforce policies related to face coverings. The Fredrikson Employment & Labor Team is here to help with your business' questions about COVID-19 in the workplace.

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