

Face Coverings at Work: OSHA Considerations
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In mid-April, the CDC [recommended](#) Americans wear cloth face coverings in public. Several jurisdictions followed suit, including Rhode Island and Connecticut, requiring individuals to cover their mouth and nose in public *and* in the workplace. We anticipate these state and local mandates will increase as states prepare to allow employees to return to their workplaces. The EEOC has [advised](#) that employers may require employees to wear personal protective equipment (“PPE”) to reduce the transmission of COVID-19. This article focuses on mandatory face coverings in workplaces with medium and low exposure risk, such as retail operations, schools, and other businesses with office settings. We offer no opinion as to the medical efficacy of face coverings or masks, which is beyond our area of expertise.

First, let’s distinguish “face masks” from “cloth face coverings.” Face masks are specialized equipment reserved for health care workers and first responders, including N95 and surgical masks. Face masks in the workplace are generally considered PPE. On the other hand, cloth face coverings include bandanas or other house hold material that covers an individual’s mouth and nose. The CDC states cloth face coverings should fit snugly, be secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and be laundered routinely.

All employers have a general duty to provide safe workplaces and protect employees’ health. While OSHA has not addressed whether cloth face coverings qualify as Personal Protective Equipment (“PPE”), employers requiring face coverings at work would be wise to follow the PPE standards established by OSHA. Thus, before mandating that employees wear face coverings, employers should: 1) perform a hazard assessment- determine whether COVID-19 is a hazard in the workplace, the types of PPE needed to protect employees, and certify findings of their assessment; 2) consider alternative options to protect employees, such as social distancing and installing plexiglass between employees and customers, 3) identify and provide appropriate PPE for employees, and 4) train employees on proper use, cleaning and maintenance of PPE, and educate employees on the limitations of the PPE. Employers must bear the costs of providing PPE. If employees provide their own protective equipment, employers must “assure its adequacy.”

Some employees may refuse to wear face coverings based on medical, religious, or other legitimate concerns. In this context, employers should consider reasonable accommodations. Absent a medical, religious, or otherwise protected objection, employees refusing to wear face coverings may be excluded from the workplace and subject to discipline.

Depending on the industry, employers should also consider if cloth face coverings will introduce new hazards into the workplace. For example, in a manufacturing setting, loose face coverings may get caught in machinery. Likewise, face coverings may cause an employee's glasses or safety glasses to fog up, presenting different workplace hazards. To date, large companies such as Starbucks, Walmart, and Sam's Club are requiring employees to wear face coverings in the workplace. Here in Maine, the shipyard Bath Iron Works began strongly encouraging their employees to wear face coverings.

We recommend that businesses with medium to low risk of COVID-19 transmission who require the use of face coverings in the workplace follow OSHA's PPE standard. Carefully evaluate exceptions for medical, religious, or other protected reasons, and determine whether cloth face coverings will present new risks in your work environment. As employers roll out this new requirement they should ideally draft a policy on face coverings, communicate expectations to employees, and develop a procedure to address objections and concerns.