



Department of Consumer & Business Services

August 13, 2021

Workplace Advisory Memo 8.13.21

Employer Enforcement of Facial Covering Requirements in Relation to Customers, Clients, and Other Guests

The Oregon Health Authority has adopted OAR 333-019-1025, "Masking Requirements for Indoor Spaces." In response, Oregon OSHA has revised the provisions of OAR 437-001-0744(3)(b) to require employers whose employees work in such spaces to implement the requirements of the OHA rule.

Paragraph (5) of the OHA rule reads as follows:

(5) A person responsible for an indoor space must:

(a) Ensure that employees, contractors, and volunteers comply with this rule within the indoor space.

(b) Make reasonable efforts to ensure customers, guests, visitors and other individuals comply with this rule within the indoor space.

(c) Post signs at every entrance to the indoor space that face coverings are required as described in this rule.

As a matter of enforcement policy, Oregon OSHA will consider an employer to be making a reasonable effort under paragraph 5(b) if it:

- fully complies with the provisions of (5)(a) and (5)(c),
- if practical, provides an audible reminder of the requirement for customers, guests, visitors and other individuals to wear a face covering regularly using either verbal announcements or an existing intercom system, and
- does not actively contradict or otherwise undercut the rule's requirements; for example, by posting additional signs that a mask need not be worn or otherwise suggesting to customers, guests, visitors, or other individuals they need not wear a mask.