



## Oregon OSHA COVID-19 Workplace Advisory Memo (6.27d)

### ***Business/Employer Enforcement of the Oregon Health Authority "Statewide Mask, Face Shield, Face Covering Guidance"***

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/1e2288K.pdf>

The State of Oregon recognizes the challenges created by the guidance that directs businesses and others responsible for both indoor and outdoor public spaces to require employees, contractors, volunteers, customers and visitors to wear a mask, face shield, or face covering. In implementing the requirement as it relates to customers or visitors who are not wearing a mask, face shield, or facial covering, Oregon OSHA expects a business or other responsible for indoor and outdoor public spaces to take the following measures:

- If an employee or other representative of the employer encounters a customer or visitor without a mask, face shield or facial covering, they should politely draw the customer or visitor's attention to the public health requirement to wear a mask, face shield, or face covering.

**Best Practice:** Arrange to greet customers upon entry so that the issue can be addressed as they enter the store.

**Best Practice:** Keep a supply of inexpensive disposable face coverings to offer customers or guests who do not have one.

- If an individual declines to wear a mask, face shield or face covering, the employer (or their representative) should politely inquire as to whether the person has a medical condition or disability that prevents them from wearing a mask.
  - If the individual indicates they have a medical condition or disability that prohibits them from wearing a mask, face shield or face covering, the employer may offer them an accommodation – an alternative method of service that would still protect others in the indoor or outdoor space for which the employer is responsible (such as curbside pickup if practical, shopping from a catalog, etc.), or ask them if a face shield would be a suitable option. Such accommodation should not involve simply allowing the individual to enter the space without a face covering and without taking other protective measures.

**Best Practice:** Keep a supply of face shields that can be loaned and then sanitized between uses.

- If the individual indicates that they do *not* have a relevant medical condition or disability (or refuses to answer) but refuses to wear a mask, face shield or face covering, they should be politely told that the employer cannot serve them and that they need to leave the premises. Under no circumstances should the employer or their representative attempt to physically block an individual from entering or physically remove them from the premises. If the individual refuses to leave, the business or other organization should follow whatever procedures would normally be employed – up to and including contacting local law enforcement – whenever an individual insists on staying when asked to leave.

**Best Practice:** Offer the same options to shop outside the business to individuals who choose not to wear a mask, face shield or face covering as you would to someone with a disability or medical condition.

Best Practice: Make sure employees know that, if an individual indicates they have difficulty hearing or understanding others wearing a mask or face covering it is appropriate to step farther away, then to lift or remove the mask or face covering.