

Keep the Face Coverings On: Safe Workplace Considerations Remain as Mask Mandates Lifted

Alert

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On March 1, Texas Governor Greg Abbott [rescinded the state-wide executive orders](#) requiring face coverings and creating business operational restrictions. Effective March 10, 2021, the mask mandate will be lifted and businesses will be allowed to open at full capacity. [Mississippi](#) quickly followed suit indicating that it would end all mask mandates and limitations on business capacity effective March 3, 2021. These actions are contrary to local health official and CDC recommendations and/or requirements which advise against easing COVID-related restrictions. The CDC continues to recommend the use of face coverings and social distancing, particularly in light of the emerging variants of the virus.

While Texas and Mississippi have lifted their state-wide orders and other states may follow suit, businesses should not be too quick to change their workplace policies. OSHA requires employers to provide a safe and healthful work environment. The agency is in the process of evaluating the need for an Emergency Temporary Standard to protect workers from COVID-19 which is widely expected to include face covering requirements. In the meantime, OSHA has developed guidance [documents](#) which state that all workers should be provided with face coverings to suppress the spread of COVID-19 in the workplace.

In short, to avoid potential liability under OSHA and to avoid the spread of COVID-19 in the workplace, face covering policies should remain in place regardless of employee vaccine status and regardless of the presence (or absence) of state/local orders requiring face coverings. Many state and local health agencies have similar recommendations or requirements that should also be considered.

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