

## Stay OSHA Compliant: Continue COVID-19 Protocols in the Workplace

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An IRMA member was recently sent an *alleged hazard(s) present notification* from ILOSHA regarding potential unmasked employees while visiting local businesses and hosting events within their facilities. The member is responding to this notice with an internal investigation and submitting documents to show adherence to the current COVID-19 mandates by all of its employees.

As a reminder, the Current [Executive Order 2021-22](#) as of September 3, 2021 states that all individuals in Illinois who are age two or over and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in an indoor public place. Illinoisans should also consider wearing a mask in crowded outdoor settings and for activities that involve close contact with others who are not fully vaccinated. Face coverings may be removed temporarily while actively eating or drinking (including in bars or restaurants) and may be removed by workers at workplaces when they can consistently maintain six feet of distance (such as when workers are in their office or cubicle space). All individuals, including those who are fully vaccinated, shall continue to be required to wear a face covering (1) on planes, buses, trains, and other forms of public transportation and in transportation hubs such as airports and train and bus stations; (2) in congregate facilities such as correctional facilities and homeless shelters; and (3) in healthcare settings.

IDPH Further defines indoor public spaces and masking requirements in this [FAQ](#) which states:

- **What is a public indoor place?** Public indoor places refer to indoor events, facilities, or premises in which community/persons visit or work. Public indoor places include but are not limited to businesses, retail establishments, office buildings, entertainment venues, hotel meeting rooms and ballrooms, lobby areas, indoor sports complexes, and other places of leisure.
- **Do I have to wear a face covering indoors if I'm able to maintain six feet of physical distancing some or most of the time?** Yes. Individuals in indoor public places must wear a face covering at all times, unless they can consistently maintain six feet of distance (such as when working in an office or cubicle). All employees in indoor workplaces must wear a face covering.
- **Should an employee wear a face covering while working in an office or cubicle?** Face coverings may be removed by workers at workplaces when they can consistently maintain six feet of distance, such as when workers are in their office or cubicle space.

Also be aware that ILOSHA does have authority over all Illinois public employers [as seen here](#). ILOSHA does have an obligation to respond to complaints and reports of an alleged hazard in the workplace and will provide opportunity to address it without the need for a formal inspection where citations could be issued. If a formal inspection were to occur, they could cite and fine under the OSH Act using the General Duty Clause. If left unaddressed, the violation could be considered willful which incurs higher fines. OSHA defines a willful violation as a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.

It is imperative that all IRMA members remain aware of the current COVID-19 mandates and enforce them appropriately through written policy and adequate training. Policy samples, recent correspondence from IRMA, and other COVID-19 related information can be found [here](#).