



# Enhesa Regulatory Developments

## COVID-19

### Monthly Updates

December 31, 2020

Ref: Reports from December 1 to December 31, 2020



In this document you will find the newest regulations that our in-house EHS Experts have documented in the last month around the globe.

Measures are still changing rapidly globally in response to the Covid-19 virus and due to every jurisdiction's different circumstances, regulations differ greatly. With most EHS regulatory trends shifting towards gradual relaxation of lock down restrictions and modified requirements for working conditions, it is imperative to stay up to date with new developments as they are released.

We acknowledge how difficult it is for the EHS/SHE community to stay up-to-date and on top of regulations because of this. At Enhesa, staying on top of regulations has always been our priority so in order to support organizations in the best possible way we will continue to distribute **all Covid-19 related Regulatory Forecaster Service content** as broadly as we possibly can within the community.

Below are the last updates on Coronavirus related developments that the Enhesa's EHS Experts have found around the globe. These updates will help you to keep track of the rapidly changing mandatory and voluntary guidance related to this crisis.

**Want to have these updates pushed to your inbox? [Subscribe to our monthly newsletter.](#)**

Keep in mind that information is constantly developing and that employers must continue to check local authorities for the most up to date information. If you want more information on our forecaster service, please contact us below.

**Have questions or want to request our full Regulatory Forecaster Service to keep track of all emerging regulatory issues (laws, proposals, policies) in the jurisdictions you operate in? [Contact us here.](#)**





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## 1. December 7, 2020

### 1.1 The US & Canada

#### 1.1.1 US - ALABAMA Food service establishments must comply with strict social distancing, sanitation, and party size requirements until at least 11 December 2020

**Abstract:** Effective until 11 December 2020, companies that own or operate a restaurant or onsite canteen must ensure that the restaurant limits the party size at tables to 8 or fewer people and maintains at least 6 feet of separation between parties or groups at different tables, booths, chairs, or stools.

**Business Impact:** If the company owns or operates a food service establishment, such as an onsite canteen, it must ensure that the establishment limits the party size at tables to 8 or fewer people; maintains at least 6 feet of separation between parties or groups at different tables, booths, chairs, or stools; and employees wear facial coverings. If the establishment is operating buffets, salad bars, or self-serve drink stations, it must provide hand sanitizer to customers before using the buffet, salad bar, or self-serve drink station.

**Analysis: Actionable requirements** If the facility operates a food service establishment or onsite canteen, it limits the party size at tables to 8 or fewer people.

If the facility operates a food service establishment or onsite canteen, it maintains at least 6 feet of separation between parties or groups at different tables, booths, chairs, or stools.

If the facility operates a food service establishment or onsite canteen, it ensures employees wear facial coverings.

If the facility operates buffets, salad bars, or self-serve drink stations at a food service establishment or onsite canteen, it provides hand sanitizer to customers before using the buffet, salad bar, or self-serve drink station.

**What has changed?** The expiration date of the actionable requirements above has been extended until 5:00 P.M. on 11 December 2020, unless extended, rescinded, or modified before that time. The previous expiration date was 5:00 P.M. on 8 November 2020.

**Additional Information** The above update went into effect on 31 August 2020 and applies to all food service establishments and retail food stores except hospital food service areas and cafeterias operated by educational institutions. This update now remains in effect until 5:00 P.M. on 11 December 2020. The update also encourages food service establishments to:

offer online order and curbside pick-up of food; and

allow games, including pool and darts, to be played if players maintain 6 feet social distancing and do not share game equipment.

Further, all employers are reminded to encourage employees and customers to:

use facial coverings;

maintain 6 feet social distancing;

regularly disinfect items and surfaces;

encourage handwashing;

prevent those who are sick from coming into contact with others; and

minimize travel.



For more information, please see the [Order of the State Health Officer suspending Certain Public Gatherings due to Risk of Infection by COVID-19](#).

### 1.1.2 US - CALIFORNIA CDPH provides definitions and clarifications of “outdoor operations” to assist companies using temporary structures during the COVID-19 state of emergency

**Abstract:** With the continued outbreak of the 2019 novel coronavirus disease (COVID-19), companies that conduct outdoor operations in California should understand how the state classifies indoor and outdoor operations under the California Blueprint for a Safer Economy. The California Department of Public Health (CDPH) issued a guidance document for California employers that use temporary outdoor structures in response to the indoor operations restrictions. Accordingly, companies are advised to review the guidance and ensure that each temporary structure allows sufficient, unrestricted outdoor air movement resulting in cross-ventilation.

**Business Impact:** If the company is conducting temporary outdoor operations during the COVID-19 emergency, it should review the California Department of Public Health’s (CDPH’s) definition of “outdoor operations” and ensure that its outdoor space meets the definition. Generally, the company should set up an outdoor space that provides sufficient airflow to help reduce the concentration of virus in the air and restrict the spread of the virus from an individual to another. For example, the company should limit the use of impermeable walls, such as a tarp or plastic barrier, to no more than 50 percent of the structure’s perimeter.

**Analysis:** On 25 November 2020, the California Department of Public Health (CDPH) published Guidance on Use of Temporary Structures for Outdoor Business Operations to assist employers in complying with the COVID-19 related requirements imposed under the California Blueprint for a Safer Economy. Specifically, CDPH provided a uniform definition of “outdoor operations” used by CDPH and the California Division of Occupational Safety and Health (Cal/OSHA). Accordingly, companies should review the guidance and take necessary procedures in preventing the transmission of COVID-19.

**Definition of “Outdoor Operations”** CDPH defines “outdoor operations” as operations that meet the following: operations are conducted under a tent, canopy, or other sun shelters; no more than 50 percent of the structure’s perimeter has impermeable walls; and such walls are non-adjacent or non-continuous.

An “impermeable wall” is defined as any material type that can reasonably restrict aerosols from passing through. Examples of an impermeable wall include a fabric curtain and a tarp or plastic barrier. CDPH notes that having more than 50 percent of impermeable walls obstructs airflow and confines air. The guidance emphasizes the importance of allowing air to move freely across the structure, creating cross-ventilation that reduces airborne contaminants, such as the virus that causes COVID-19. *Examples of Outdoor Structures* CDPH provides examples of structures classified as indoor and outdoor operations. Under the guidance, the following settings are classified as outdoor operations:

- structure with 50 percent of non-adjacent impermeable walls;
- circular structure with 50 percent of non-continuous impermeable walls; and
- ceilings, roofs, umbrellas, or canopies with no walls.

In contrast, the following settings are considered indoor operations:

- structure with 75 to 100 percent of impermeable walls; and
- structure with 50 percent of adjacent impermeable walls.

**More Information** For additional information, see [CDPH’s Guidance](#) on Use of Temporary Structures for Outdoor Business Operations.



### 1.1.3 US – MAINE Facilities operating during the COVID-19 state of emergency must continue to comply with operating and prevention measures which have been extended through 23 December 2020

**Abstract:** Effective 24 November 2020, Governor Mills issued an executive order extending the COVID-19 state of emergency to 23 December 2020. Companies must continue to comply with all COVID-19 operational requirements until that date, unless the orders are rescinded, modified, or extended. The order will likely be extended again in a future executive proclamation.

**Business Impact:** If the company operates during the COVID-19 state of emergency, it must continue to comply with all applicable COVID-19 restrictions until 23 December 2020 unless they are extended, modified, or rescinded. Previously, the restrictions were set to expire on 27 November 2020.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it restricts the number of people on-site to no more than 50 people, unless it is a retail establishment.

If the facility operates a retail establishment, it restricts the number of people on-site to no more than 5 people per 1,000 square feet of shopping space.

If the facility operates during the COVID-19 state of emergency, it implements the applicable social distancing measures.

If the facility operates a food and beverage establishment during the COVID-19 state of emergency, it implements measures requiring customers to wear face coverings.

If the facility operates a retail facility with 50,000 square feet or more of shopping space, it implements measures requiring customers to wear face coverings.

**What Has Changed** As of 24 November 2020, facilities operating during the COVID-19 state of emergency must continue to comply with the requirements listed above which have been extended through 23 December 2020 unless modified, extended, or rescinded. These requirements were previously set to expire on 27 November 2020.

**Additional Information** For more information, see the [Proclamation by Governor Mills](#) issued on 24 November 2020.

### 1.1.4 US - MASSACHUSETTS The COVID-19 Workplace Safety Regulations are now a permanent regulation rather than a temporary emergency regulation

**Abstract:** Effective 13 November 2020, the COVID-19 Workplace Safety Standards are a permanent regulation rather than an emergency regulation. Companies that own or operate facilities in Massachusetts are not subject to new requirements; however, the regulation is now extended beyond the 90-day life of the emergency regulation.

**Business Impact:** If the company owns or operates a brick-and-mortar facility that is open to workers, customers, vendors, or other members of the public, it must continue to comply with the COVID-19 Workplace Safety Regulations as a permanent regulation. The regulations have been extended beyond the 90-day life of an emergency regulation.

#### **Analysis: Actionable Requirements**

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required COVID-19 social distancing protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required COVID-19 hygiene protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other

members of the public, it trains workers on the COVID-19 social distancing and hygiene protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it develops a written control plan to address workers who become ill from COVID-19 at work, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it follows the required COVID-19 cleaning and disinfecting protocols, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, it brings the workplace into full compliance with all general COVID-19 workplace safety rules and all applicable sector-specific rules, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, before opening, it completes the COVID-19 self-certification on DLS's website, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public, before opening, it posts conspicuously on the premises all applicable public notices and advisories or any applicable sector-specific rules, unless otherwise exempt.

If the facility owns or operates a brick-and-mortar premises that is open to workers, customers, vendors, or other members of the public and it becomes aware of a presumptive case or positive test result for COVID-19 at the workplace, it notifies the applicable Local or Regional Board of Health (LBOH) and assists the LBOH to advise likely contacts to isolate and self-quarantine, unless otherwise exempt.

**What has changed?** The above requirements have not changed; however, the COVID-19 Workplace Safety Regulations are now extended beyond the 90-day life of the emergency regulation and are a permanent regulation in Massachusetts.

**More Information** The full text of the regulation can be found beginning on page 59 of the [13 November 2020 Massachusetts Register](#).

## 1.2 Europe

### 1.2.1 EUROPEAN UNION Companies to be allowed to continue manufacturing and using 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated in medicines and medical devices for the diagnosis, treatment or prevention of COVID-19

**Abstract:** In the future, companies would continue to be allowed to manufacture and use 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated for the research, development and production of medicinal products, medical devices or accessories to medical devices used for the diagnosis, treatment or prevention of the coronavirus disease (COVID-19). The use of 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated for these purposes would only require an authorisation under the REACH Regulation 36 months after the entry into force of a Regulation amending its Annex XIV.

**Business Impact:** If the company manufactures or uses 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated (covering well-defined substances and substances of unknown or variable composition, complex reaction products or biological materials, polymers and homologues) in its operations, it would be allowed to do so for research or development of medical products, medical devices or their accessories to be used in the diagnosis, treatment or prevention of the coronavirus disease (COVID-19) after 4 January 2021. If the company would intend to continue to manufacture or use 4-



(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated for these purposes, it would have to apply for an authorisation up to 18 months after the entry into force of an amendment to the REACH Regulation. If the company would not obtain an authorisation, it would have to cease manufacturing or using 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated for these purposes 36 months after the entry into force of the draft Regulation. As before, as of 4 January 2021, the company can only manufacture or use 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated in its operations other than for the purposes listed above if the company, or its supplier, hold a valid authorisation from the European Commission.

**Analysis:** In November 2020, the European Commission published a [draft Commission Regulation amending Annex XIV to Regulation EU/1907/2006 as regards the substance group 4-\(1,1,3,3-Tetramethylbutyl\)phenol, ethoxylated \(covering well-defined substances and substances of unknown or variable composition, complex reaction products or biological materials, polymers and homologues\)](#). If adopted, the draft Regulation would enter into force the day following its publication in the Official Journal. It would apply to all EU Member states retroactively since 4 July 2019. The draft Regulation would amend entry 42 of Annex XIV to [Regulation EC/ 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH Regulation\)](#) to establish new application and sunset dates for the manufacture and use of 4-(1,1,3,3 Tetramethylbutyl)phenol, ethoxylated: -for research, development and production of medicinal products, medical devices or accessories to medical devices in view of their use for the diagnosis, treatment or prevention of the coronavirus disease (COVID-19); and -in medical devices or accessories to medical devices for the diagnosis, treatment or prevention of COVID-19. Companies intending to manufacture or use 4-(1,1,3,3 Tetramethylbutyl)phenol, ethoxylated for these purposes would have to apply for an authorisation up to 18 months after the entry into force of the draft Regulation, and to cease these activities 36 months after the entry into force of the draft Regulation, unless they (or their supplier) would hold a valid authorisation from the European Commission. As currently, as of 4 January 2021 companies would only be allowed to manufacture or use 4-(1,1,3,3 Tetramethylbutyl)phenol, ethoxylated for any other purposes if they, or their supplier, hold a valid authorisation granted by the European Commission. Companies had to apply for an authorisation by 4 July 2019.

### 1.2.2 GREECE Companies must continue to respect the lockdown measures from 30 November to 7 December 2020 to prevent further spread of Covid-19

**Abstract:** Effective from 30 November till 7 December 2020, companies must continue to follow the total lockdown measures imposed in order to curb the spread of Covid-19 in Greece, including, among others, providing certificates to commuting employees in order to justify their movement. Movement outside the regional units or outside the Attica region continues to be prohibited, with the exception of, amid others, commuting to work. This follows from Ministerial Decision 76629/2020, which was adopted on 28 November 2020.

**Business Impact:** If the company continues to operate in Greece, it must continue to ensure that the total lockdown measures are respected from 30 November to 7 December 2020. These measures continue to include obligatory teleworking to the extent possible, closure of company canteens and a restriction on the amount of persons allowed in meetings. Moreover, if the employees must commute from their home to the workplace, the company must issue a certificate from the Information System "ERGANI", before their commute begins.

**Analysis: Actionable requirements** Following the adoption of Ministerial Decision 76629/2020, the company must continue to ensure that:  
obligatory teleworking is implemented at the maximum possible rate of employees, as long as it is in line with the nature of the employees' duties, regardless of the presence of any vulnerable group  
employees are provided with a certificate for their movement, if they have to commute to work  
meetings are organised with only 7 participants and with the observance of 1,5 meters between the participants



only 1 person in addition to the driver is seated in private vehicles  
the operation of onsite canteens is suspended and take away is only allowed in accordance with the restrictive list of reasons.

**What has changed?** On 28 November 2020, Ministerial Decision 76629/2020 was adopted to replace Ministerial Decision [71342/2020](#). Ministerial Decision 76629/2020 does not impose additional obligations on companies, but rather extends the deadline until when the lockdown measures stay in force.

**Additional Information** Ministerial Decision 76629/2020 "Urgent measures of public health protection against the further spread of Covid-19 in Greece from Monday 30 November till Monday 7 December 2020" is available [online](#) in Greek.

### **1.2.3 IRELAND Companies could fulfil homeworking health and safety requirements through the payment of expenses and providing workstations to employees required to work from home temporarily due to COVID 19 if Bill is adopted**

**Abstract:** Companies operating in Ireland which are required to implement homeworking to prevent COVID 19 would be able to meet certain statutory duties under the Safety, Health and Welfare at Work Act 2005 and associated regulations by providing workstations at the employee's home, and a tax-free flat-rate payment to cover homeworking expenses, if the Working from Home Bill 2020 is adopted. The Bill, which was introduced on 12 November 2020, seeks to establish that, in the case that these requirements are met, the employer would be taken to have complied with their duties for the design, provision and maintenance of a workplace and machinery/other articles in a condition that is safe and without risk to health, among other things.

**Business Impact:** If the company operates a workplace in Ireland which is required to ensure that employees work from home due to COVID-19, it should be aware of the adoption of the Working from Home (Covid-19) Bill 2020. This Bill, if adopted, would mean that if the employer provides/provide for an adequate and appropriate workstation at the employee's home where an employee does not have a workstation and gives the employee a flat-rate payment free of tax (as permitted by the Revenue Commissioners) to meet the additional expenses incurred by the employee in working from home, the employer will be deemed to have complied with certain statutory duties under the Safety, Health and Welfare at Work Act 2005 and associated regulations. These duties include those duties to ensure, as far as is reasonably practicable, the design, provision and maintenance of the workplace in a condition that is safe and without risk to health and machinery or any other articles that are safe and without risk to health, among other things.

**Analysis:** On 12 November 2020, the [Working from Home \(Covid-19\) Bill 2020](#) was introduced before the Dáil Éireann, Ireland's legislative assembly. The Bill, which is currently at the second reading stage before the Dáil, proposes reforms to disapply certain provisions of the [Safety, Health and Welfare at Work Act 2005](#) (the 2005 Act) and associated regulations, in relation to employees who are temporarily required to work from home due to COVID 19 measures, among other things. The provisions in question, which are related to obligations on employers for the provision and maintenance of a workplace and associated machinery/articles, among others things, would be taken to be complied with if the employer provides for adequate and appropriate workstations and makes relevant tax-free payments for homeworking expenses incurred by the employee. *Scope* The proposed amendments are applicable to employees who normally for the purposes of their work makes use of a workstation, and to their employer, during any period when, due to COVID 19 measures, the employee is not working wholly at his or her normal place of work and is instead working wholly or partly from home. Under the proposed Act, a workstation is defined as an assembly comprising of display screen equipment, which may be provided with a keyboard or input device or software, or a combination of the aforementioned, determining the operator



and machine interface, and includes: -a work chair and work desk or work surface; -any optional accessories and peripherals; and -the immediate work environment of the display screen equipment. *Statutory duties under the Act and associated regulations* Currently, employers must meet obligations in relation to the place of work of the employee, including ensuring, as far as is reasonably practicable: -the design, provision and maintenance of the workplace in a condition that is safe and without risk to health; -the design, provision and maintenance of safe means of access to and egress from it; and -the design, provision and maintenance of plant and machinery or any other articles that are safe and without risk to health. The proposed Act also refers broadly to statutory duties under any regulations to give full effect to the above provisions. For example, [Chapter 5 of Part 2 of the Safety, Health and Welfare at Work General Application Regulations 2007](#) (the Regulations) prescribe responsibilities for employers in relation to the use of display screen equipment, including in relation to workstation assessments by employers, among other things. Schedule 4 of the Regulations sets out minimum requirements for display screen equipment, including equipment, environment and computer interface requirements. Under the Regulations, display screen equipment means any alphanumeric or graphic display screen, regardless of the display process involved. Under the proposed Act, these statutory duties placed on the employer would be deemed to have been complied with if: -the employer provides or provides for, in the case of an employee who does not have one, a workstation at the employee's home that is adequate and appropriate in relation to the work of the employee concerned; and -the employer gives to the employee free of deduction of tax, a flat-rate payment, of such an amount as may be approved by the Revenue Commissioners, to meet the additional expenses incurred by the employee in working from home. The proposed Act states that where these requirements are not met, the statutory duties would continue in full force. The fact that the employee is temporarily working wholly or partly from home due to COVID 19 measures would not be grounds for considering that it is not reasonably practicable to ensure compliance with the statutory duties. COVID 19 measures mean measures required to be taken by an employer in order to comply with, or as a consequence of, government policy to prevent, limit, minimise or slow the spread of infection of COVID 19. *Payments to workers* The Irish Revenue Commissioners have recently produced [guidance](#) on e-working, including when employees may qualify as an e-worker. Under this guidance, it is stated that employers may make payments of up to 3.20 EUR per day for e-worker expenses tax-free to cover costs such as additional heating, electricity and broadband. Under the guidance, it is noted that where the Government recommends that employers allow their employees to work from home to support national public health objectives, as in the case of COVID 19, these expenses will be treated as e-working expenses. All COVID 19 risk levels 1-5 under the Irish government's Framework for Restrictive Measures in Response to COVID 19 (the Framework), as part of the [Resilience and Recovery 2020-2021: Plan for Living with COVID-19](#) recommend homeworking for employees in order to prevent the spread of COVID 19, subject to certain exceptions, with some higher Levels mandating homeworking. Ireland has been placed at Level 3 of the Framework since 1 December 2020.

#### **1.2.4 IRELAND Companies operating in Ireland must ensure that they comply with revised mandatory workplace guidance in order to prevent the spread of COVID 19**

**Abstract:** Since 20 November 2020, companies operating workplaces in Ireland must comply with the reissued Work Safely Protocol issued by the Irish government. The Protocol contains mandatory guidance for workplaces aimed at preventing the spread of COVID 19. The reissued Protocol contains updated guidance for employers, including on the use of appropriate hand sanitisers, masks, workplace ventilation and managing outbreaks of COVID 19 in the workplace, among other things. Companies must continue to comply with previous duties which are maintained under the Protocol, including in relation to updating COVID 19 Response Plans and appointing lead worker representatives, among other things.

**Business Impact:** If the company operates a workplace in Ireland it must ensure that it consults the updated Work Safely Protocol (the Protocol) and adheres to the updated workplace public health guidance set out in the Protocol, including in



relation to the use of face coverings and masks, hand sanitisers, workplace ventilation and managing outbreaks of COVID 19 at the workplace, among other things. The company must continue to comply with existing duties under the Protocol, including in relation to the appointment of lead worker representatives, updating COVID 19 Response Plans and updating/reviewing occupational safety and health risk assessments and safety statements, among other things.

**Analysis:** On 20 November 2020, the Irish government published the revised [Work Safely Protocol - COVID-19 National Protocol for Employers and Workers](#) (the Protocol). This mandatory guidance document was jointly issued by the Health and Safety Authority (HSA), Department of Enterprise, Trade and Employment, Health Services Executive (HSE) and the Department of Health, and replaces the previous Return to Work Safely Protocol in order to ensure that the Protocol remains in line with current public health advice for COVID 19, and the Irish government's [Resilience and Recovery 2020-2021: Plan for Living with COVID 19](#). *The Work Safely Protocol* The Protocol sets out guidance for employers on preventing the spread of COVID 19 in the workplace. Under the revised Protocol, employers remain subject to a number of previous duties for COVID 19 prevention, including, among others: -the appointment of lead worker representatives (LWRs); - developing/updating COVID 19 Response Plans; -developing, consulting on, communicating and implementing workplace changes or policies; and -ensuring that any occupational health and safety risk assessments and safety statements are reviewed and updated. The main changes which have been made to the revised Protocol include updated guidance on the management and control of outbreaks of COVID 19, selection of hand sanitisers, wearing of masks, ventilation of workplaces and symptoms of the virus. As was the case with the previous protocol, the Protocol is non-exhaustive and the advice set out in it is subject to change. On foot of its reissue, all businesses and sectors who have specific guidance are required to review and update their guidance in line with the advice contained in the Protocol. *Symptoms and transmission of COVID 19* The Protocol sets out updated information on the symptoms of COVID 19 including in relation to the potential loss of taste or smell. The Protocol also includes advice on what workers must do when symptoms are detected, including undertaking a period of self-isolation and undergoing testing. The Protocol addresses the potential of airborne transmission, which, although rarer, can be avoided by keeping indoor spaces well ventilated by opening windows and doors. It also discusses certain workplaces where it has been observed that transmission is more likely, including closed space settings such as meat processing plants, restaurants and workplaces where people may be speaking or shouting loudly. In high-risk environments such as these, employers (and workers) must ensure greater adherence to the specific public health advice for those settings. *Ventilation* The Protocol discusses the use of cross-ventilation as a form of natural ventilation that can be used to combat COVID 19, involving widely opening windows opposite to each other where possible. Where mechanical ventilation through the use of HVAC (heating, ventilation and air conditioning) systems is used, employers must ensure that there is an adequate supply of fresh air and that recirculation of untreated air is avoided. If the workplace has local exhaust ventilation, the air make up should come from outdoor air rather than adjacent rooms. Under the Protocol, meetings should be conducted remotely as much as possible - however, where face-to-face meetings are necessary, proper ventilation, such as open windows, must be in place. *Hand sanitisers* Employers must provide hand sanitisers (alcohol or non-alcohol based) where washing facilities cannot be accessed. Employers must ensure that, if providing alcohol-based hand sanitisers, the sanitisers contain a minimum of 60% alcohol. Additionally, alcohol-based sanitisers must not be stored or used near heat or a naked flame, due to their highly flammable nature.

The Protocol emphasises that hand sanitisers are biocides which are covered by the Biocidal Products Regulation, [Regulation \(EU\) 528/2012](#) and that only biocidal products which are listed on the Department of Agriculture, Food and the Marine register are legally permitted for use in Ireland. Employers must ensure that all sanitisers and disinfectants in the workplace carry a PCS 9xxxx, PCS 1xxxxx, IE/BPA 7xxxx or an EU-000xxx-xx registration number on the label. Products which do not contain any of these number formats must not be purchased or used. Employers can confirm that a particular biocide is legal for use in Ireland by checking the register of products, available [here](#). The DAFM has also provided a consolidated list of hand sanitisers registered for use in Ireland, available [here](#). *Managing outbreaks of COVID 19 in the workplace* According to the Protocol an outbreak COVID-19 is when two or more cases of the disease are linked by time, place or person. Previous obligations on employers in relation to managing outbreaks in the workplace are expanded upon, including that employers must also: -maintain up-to-date information on all workers in the workplace, including as a minimum, the name, address and contact phone number of the worker, to be used by the Department of



Public Health (DPH) in the case of an outbreak; -provide public health advice and information in languages other than English as required; -consider providing a variety of information on TV monitors in prominent locations such as canteens and entry/exit points to enhance uptake of key messages; -provide instruction for workers to follow if they develop signs and symptoms of COVID-19 during work; and -cooperate with the local DPH if a case/outbreak of COVID 19 is confirmed at the workplace, and implement any required follow-up actions. The Protocol notes that while the DPH is responsible for managing outbreaks, employers may need to: -ensure that all infection prevention and control measures such as hand hygiene and physical/social distancing and are strictly followed and follow the steps advised in response to an individual case of COVID 19 during an outbreak; -assign a designated manager/HR staff member to liaise with staff on COVID 19 issues and with the local DPH for advice and support during an outbreak; -communicate and liaise with staff, lead worker representatives and others as required; and -encourage workers to download the HSE COVID 19 tracker [app](#). *Masks and face coverings* The Protocol notes that the use of masks is not a substitute for other safety measures such as physical distancing and handwashing, but that they may be used in addition to those measures, especially where social distancing is difficult. It is stated that visors are not the best method for protection from COVID 19, and that they must only be worn where the wearer has an illness/impairment which prevents them from being able to wear a face covering, among other things. The National Standards Authority of Ireland has advised that face coverings made to the specifications set out in [SWiFT 19](#) or [CEN/CWA 17553](#) should be the preferred option when used in enclosed areas where social distancing is difficult. At present, it is not mandatory to wear face coverings in offices. However, the Protocol notes that consideration should be given to the wearing of face coverings where it may be difficult to achieve or maintain 2-metre physical/social distancing, such as: -when entering or exiting buildings; -public access areas in building such as reception areas; -when moving throughout the building, e.g. to toilets, stairwells, etc.; or -in canteens or kitchens, before and after eating, or when using facilities such as kettles or toasters.

**HSA Resources** The HSA has issued [online courses](#) to help employers to understand the Protocol, which includes a course for LWRs. The HSA has also produced various [checklists and templates](#) in order to help employers to comply with the Protocol and inform workers about COVID 19 prevention. *HSA Implementation* The implementation of the Protocol in workplaces is overseen by the HSA. HSA inspectors may use their powers under the [Safety, Health and Welfare at Work Act \(2005\)](#) including powers of inspection, powers to issue directions for improvement plans, improvement notices, and prohibition notices, which may include ordering shutdowns. Non-compliance with these measures is deemed an offence under the Act, and persons may be made liable of fines of up to 3,000EUR and 6 months imprisonment on summary conviction, or on conviction on indictment, may be liable for fines up to 3,000,000EUR or up to 2 years imprisonment.

### 1.2.5 **POLAND** Companies in Poland face prolonged restrictions combating the spread of COVID-19 until 27 December 2020

**Abstract:** Until 27 December 2020, companies operating in Poland must continue to comply with previously established requirements that aim to prevent the spread of COVID-19. Among others, the measures include providing workers, irrespective of the basis of their employment, with disposable gloves and hand sanitizers. This follows from the adoption of the Ordinance of the Council of Ministers of 26 November 2020 which also extended the state of the epidemic caused by SARS-CoV-2 virus on the whole territory of Poland. and added a new requirement, according to which all employees now must wear protective masks.

**Business Impact:** The facility must continue to comply with all the measures previously introduced in order to curb the spread of the coronavirus (COVID-19) until 27 December 2020, including an obligation for facilities to provide workers, irrespective of the basis of their employment, with disposable gloves and hand sanitizers. In addition, the company must ensure that all workers cover their faces with protective masks in the areas where more than one person is present if the company fails to meet the requirement, it can be subject to a fine of PLN 5 000 to 30 000 (approximately EUR 1 100- EUR 6 800).



**Analysis: Actionable requirements** If the facility has workers present onsite, it provides workers, irrespective of the basis of their employment, with disposable gloves and hand sanitizers. (requirement unchanged)  
If the facility has workers present onsite, it ensures that their workers wear protective masks in the areas where more than one person is present. (new requirement)  
If the facility has a gym onsite, it ensures it is closed until further notice (COVID-19). (requirement unchanged)  
The facility ensures workers which drive in the same car, cover their mouths and noses, for instance with a face mask (COVID-19). (requirement unchanged)  
If the facility has workers present onsite, until further notice, it ensures that the workers keep a distance of at least 1.5 meters between their workplaces. (requirement unchanged)  
If the facility operates a canteen, it ensures that the canteen is opened only for the preparation of food and is only serving food to go (COVID-19). (requirement unchanged)

**What has changed** The above requirements are not new and apply to all facilities operating in Poland. However, with the adoption of [the Ordinance of the Council of Ministers of 26 November 2020 on establishing certain limitations, requirements and prohibitions with regards to the outbreak of the epidemic](#) (the new Ordinance), measures introduced in order to curb the spread of the coronavirus (COVID-19) have been extended until 27 December 2020. The new Ordinance repeals [the Ordinance of the Council of Ministers of 9 October 2020 on setting limitations, prohibitions and requirements related to the outbreak of the epidemic](#) and introduces a requirement for workers to cover their faces with protective masks in the areas where more than one person is present, regardless of whether they are in contact with customers or not. *Background information* The new Ordinance introduced the state of the epidemic caused by SARS-CoV-2 virus on the whole territory of Poland. The country is not divided into red, yellow and green zones anymore. The following additional information is not new and continues to apply together with the requirements.

Masks requirements:

Workers must cover their noses and mouths. It is possible to use clothing or parts of it, a visor or a protective helmet as a substitute for the mask.

The requirement that obliges workers that drive in the same car, cover their mouths and noses, does not apply to drivers on the same driving crew. The new Ordinance does not provide a definition of a driving crew.

Closure of canteens:

The new Ordinance prohibits to consume food in the canteen.

Distance between workstations

Facilities are obliged to ensure that workers keep a distance of at least 1.5 meters between their workplaces unless this is impossible due to the nature of the activities carried out in the facility, and this facility provides personal protective equipment against the spread of infectious diseases. The new Ordinance does not provide further guidelines on the meaning of 'nature of the activities'.

Fines

Facilities that fail to meet the requirements, can be subject to a fine of PLN 5 000 to 30 000 (approximately EUR 1 100- EUR 6 800).

### 1.2.6 SWEDEN Companies not to organise public events of over 8 participants in Sweden

**Abstract:** As of 24 November 2020, companies are not allowed to organise general gatherings and public events with more than 8 participants in Sweden due to the risk of spreading of the coronavirus. However, under certain conditions, a maximum of 300 seated participants is still allowed in such a gathering or event. This follows from an amendment to the temporary Ordinance (SFS 2020:114) on Prohibition to Hold Public Meetings and Public Events published on 21 November 2020.



**Business Impact:** As of 24 November 2020, the company must not organise public gatherings or public events with more than 8 participants due to the risk of spreading of the coronavirus. Before the law allowed 50 participants. This follows from an amendment to the temporary Ordinance (SFS 2020:114) on Prohibition to Hold Public Meetings and Public Events published on 21 November 2020. However, the company can still organise public gatherings and public events with a maximum of 300 participants on the conditions that every participant is assigned a seat with at least a one-meter distance to other participants and social distancing can be respected.

**Analysis: Actionable requirements** The amendment does not impose new requirements on companies but it places a stricter limit on the number of participants in public events and gatherings.

**What has changed** On 20 November 2020, the Swedish Government decided to further limit the number of participants in public events and gatherings to 8 persons due to the deteriorating coronavirus infection situation in Sweden. Before [Ordinance \(SFS 2020:114\) on Prohibition to Hold Public Meetings and Public Events](#) allowed 50 participants. An amendment to Ordinance 2020:114 was published on 21 November 2020 and it entered into force shortly after on 24 November 2020. Despite the new restrictions, public gatherings and public events with a maximum of 300 participants can still be organised on the conditions that every participant is assigned a seat with at least a one-meter distance to other participants and social distancing can be respected.

**Brief analysis** With a view to the sharp rise in infections of the coronavirus in the autumn in Sweden, the Swedish Government has decided to temporarily prohibit organising public gatherings and public events with, as a general rule, more than 8 participants. An exemption still applies to gatherings and events with a maximum of 300 participants if every participant is assigned a seat with at least a one-meter distance to other participants and social distancing can be respected. According to the Government, the current restriction initially applies for 4 weeks. However, if the situation has not improved, the restrictions will likely be extended. The Government will continue to consult the Swedish Public Health Authority when the restrictions can be removed.

## 1.3 Latin America

### 1.3.1 PARAGUAY Companies must ensure the use of masks within their premises during the COVID-19 outbreak

**Abstract:** Since 26 November 2020, companies operating in Paraguay must ensure that workers and visitors wear a mask within their facilities as a protective measure against the COVID-19. This requirement is not compulsory for people who have a duly justified contraindication for health reasons. This follows from Law No. 655 and its requirements are valid while the emergency for the COVID-19 pandemic persists.

**Business Impact:** The company must ensure the use of masks within its premises while the emergency for the COVID-19 pandemic persists.

**Analysis: Actionable requirements (New)** The company ensures that everyone uses masks within its premises during the COVID-19 health emergency.

**What has changed** Law No. 6655 of 2020, establishes for the first time the direct and general obligation for all companies operating in Paraguay, to ensure the use of masks within their premises (by both workers and visitors). The requirement is applicable while the emergency for the COVID-19 pandemic persists.



**Additional Information** Law No. 6655 of 2020 applies to premises (enclosed or open) with more than 5 people, where the minimum physical distance of 1,5 meters (m) cannot be maintained. In addition, it applies to the following areas: enclosed areas where more than 5 people gather for any activity (no matter the distance between them); and open areas where there is no possibility of maintaining a distance of 1,5 m (no matter the number of people). Non-compliance with the requirements contained in this Law is subject to a sanctioning regime could lead to monetary fines and the closure of the site. According to Law No. 6655 of 2020, the use of masks is not required to all people who have a duly justified contraindication for health reasons or persons with disabilities that make their use unfeasible. The Law establishes the Municipalities of the Republic as the authority of application and recipient of the fines, in cooperation with the National Police. [Law No. 6655, which establishes the temporary obligation to use hygienic masks or protective elements that cover the nose, mouth and chin, and compliance with the protection measures against COVID-19 or Coronavirus](#), is available online in Spanish.

## 1.4 Asia & Oceania

### 1.4.1 AUSTRALIA VICTORIA Facilities must adhere to the updated workplace directions issued by the Chief Health Officer

**Abstract:** From 8 November 2020 to 6 December 2020, facilities must adhere to the directions imposed by the Deputy Chief Health Officer, to ensure safe working environments during the COVID-19 pandemic. The directions prescribe requirements and operation limitations to help limit the spread of the COVID-19 virus during the ongoing COVID-19 pandemic. This follows from the publication of the Workplace (Additional Industry Obligations) Directions (No 11), which require for example that an employer must have in place a High-Risk COVID Safe Plan.

**Business Impact:** The company must adhere to the environmental health and safety requirements prescribed under the Workplace (Additional Industry Obligations) Directions (No 11) as the novel coronavirus is still ongoing. In particular, the company must ensure among other requirements that if it is an Additional Obligation Industries Work Premises, it ensures among other requirements that:

- it has a High-Risk COVID-Safe Plan unless it is a manufacturing facility or a facility that hires labour providers;
- it complies with any direction given by the Authorised Officer or WorkSafe Inspector to modify a High Risk COVIDSafe Plan;
- records are kept to demonstrate compliance with the Directions including for example a work premises roster, and time and attendance records;
- it has a personal protective equipment training plan in place;
- it displays a cleaning log in all shared workplaces and publicly accessible areas;
- areas, where workers are, are cleaned daily.

The Workplace (Additional Industry Obligations) Directions (No 11) will be revoked on 6 December 2020.

**Analysis: Actionable Requirements** if the facility is an Additional Obligation Industries Work Premises, it ensures that it has a High-Risk COVID-Safe Plan unless it is a manufacturing facility or a facility that hires labour providers;

if the facility is an Additional Obligation Industries Work Premises, it ensures that it complies with any direction given by the Authorised Officer or WorkSafe Inspector to modify a High Risk COVIDSafe Plan;

if the facility is an Additional Obligation Industries Work Premises, it ensures that records are kept to demonstrate compliance with the Directions including for example a work premises roster, and time and attendance records;

if the facility is an Additional Obligation Industries Work Premises, it ensures that it has a personal protective equipment training plan in place;



if the facility is an Additional Obligation Industries Work Premises, it ensures that it displays a cleaning log in all shared workplaces and publicly accessible areas;

if the facility is an Additional Obligation Industries Work Premises, it ensures that areas, where workers are, are cleaned daily.

**What has changed?** The [Workplace \(Additional Industry Obligations\) Directions \(No 10\)](#) have been revoked and are no longer applicable starting 8 November 2020. The [Workplace \(Additional Industry Obligations\) Directions \(No 11\)](#) commence from 8 November 2020 till 6 December 2020. In addition, the requirements above are not new requirements but are continued requirements from (Additional Industry Obligations) Directions (No 10).

**Additional Information** the personal protective equipment plan should be consistent with best practice training plans and should be provided to workers in multiple formats such as infographics and text as well as be accessible to multilingual workers.

further pieces of information that must be kept in the records to demonstrate compliance with the Directions must include:-- the High Risk COVIDSafe Plan; -- work premises rosters; -- time and attendance records; and -- records of all workers and visitors who attended the Work Premises.

an employer who collects information for the purposes of record-keeping must use reasonable endeavours to protect the personal information from use or disclosure and destroy the information as soon as reasonably practicable unless prohibited by another statutory requirement.

**Definitions Additional Obligation Industries** include warehousing and distribution centres and manufacturing facilities.

#### 1.4.2 INDIA Facilities operating in COVID-19 containment zones must stop operations further until 31 December 2020, while facilities in non-containment zones can continue their operations

**Abstract:** Until 31 December 2020, facilities operating in COVID-19 containment zones must cease their operations/activities. However, facilities carrying out essential activities such as manufacturing and supply of drugs and foods are allowed to be operational in Containment zones. Facilities operating in COVID-19 non-containment zones are not impacted by the Order and can continue with their operations/activities with the condition that they continue to undertake preventive measures at the workplace. This follows from the Order No. 40-3/2020-DM-I(A) of 25 November 2020, which does not make any changes to the previous Order No 40-3/2020-DM-I (A) of 27 October 2020.

**Business Impact:** If the company operates in a COVID-19 containment zone, it must remain shut down until 31 December 2020, unless it carries out essential activities (e.g., manufacturing of drugs and foods).

If the company operates in non-containment zones, it must continue to comply with requirements listed in Annexure I (National Directive for COVID-19 Management) of Order No. 40-3/2020-DM-I(A) of 25 November 2020 ("Order November") to prevent exposure and spread of COVID-19 at the workplace, including

ensuring that all employees wear facemasks;

allowing telework as often as possible;

setting up thermal scanning and provide handwashing and sanitizing facilities at all entry and exit points and common areas of the workplaces ;

undertaking frequent sanitization of the workplace and shared facilities/equipment that come into human contacts, such as door handles; and

ensuring social distancing through adequate distancing between workers, adequate gaps between shifts, and staggered staff lunch breaks.





If the company employs 50 or more workers, it is advised to use the Aarogya Setu Open API Service ("Open API Service") to get the health status of their employees. The Open API Service facilitates employers and employees to return to work in a COVID 19 risk-free environment.

The company must know that any employer that contravenes any measures under Order November is punishable with imprisonment of up to 1 year, or fine, or both.

**Analysis: New actionable requirement** If the facility operates within a COVID-19 containment zone, it must cease its operations/activities until 31 December 2020, unless it carries out essential activities (e.g., manufacturing of drugs and foods).

In addition to the mandatory requirement, Order No. 40-3/2020-DM-I(A) of 25 November 2020 ("Order November") advises facilities with 50 or more workers to use the Aarogya Setu Open API Service, which facilitates employers and employees to return to work in a COVID 19 risk-free environment.

**What has changed** Order No. 40-3/2020-DM-I(A) of 25 November 2020 ("Order November") extends lockdown in COVID-19 containment zones further until 31 December 2020. The Order November does not make any changes to requirements applicable to facilities operating in COVID-19 non-containment zones that were allowed to resume their operations under the previous [Order No 40-3/2020-DM-I \(A\) of 27 October 2020](#) ("Order October").

**Additional information** Facilities operating in COVID-19 non-containment zones must continue to comply with existing requirements under the national directives for COVID-19 management listed in Annexure I of the Order November, including:

- ensuring that all employees wear facemasks;
- allowing telework as frequently as possible;
- practicing frequent sanitization of the entire workplace and common areas;
- practicing thermal scanning, hand washing, making hand sanitizer and hand wash available at all entry and exit points, and common areas; and
- following staggered work schedules.

"COVID-19 containment zone" is an area categorized as a high-risk zone, where the number of coronavirus cases is high. The local authorities are empowered to classify areas as containment zones and notify such classifications by the respective District Collectors and State Governments or Union Territories on their websites.

State Government and Union Territories, based on their assessment of the COVID-19 situation, can prohibit, or restrict certain activities in the non-containment zones. Thus, operations and activities are regulated at the State or Union Territory level.

#### Penalties

Any employer that contravenes any measures under the Order September 2020 is punishable under section 51 to 60 of the [Disaster Management Act 2005](#) ("the Act"). The Act states that any person that violates any Order issued under the Act is punishable with imprisonment of up to 1 year, or a fine, or both). In addition, the employer is liable to punishment under Section 188 of the [Indian Penal Code 1860](#) ("penal Code"). Under the Penal Code, any person that contravenes any Order issued by a public servant to abstain from a certain act is punishable with imprisonment of up to 1 month or a fine or both. [Order No. 40-3/2020-DM-I\(A\) of 25 November 2020](#) is available in English on the Enhesa Knowledgebase.

### **1.4.3 MOSCOW CITY Companies operating in Moscow must maintain the work from home regime for 30% of employees until 15 January 2021 (COVID-19)**

**Abstract:** Until 15 January 2021, companies operating in Moscow must maintain the work from home regime for 30% of employees in order to curb the spread of the coronavirus (COVID-19). This follows from the adoption of Decree No. 114-



UM of 28 November 2020 according to which several measures remain in force until 15 January 2021, including, among others, isolation requirements for employees aged 65 years and above and employees with underlying health conditions.

**Business Impact:** If the company remains operational during COVID-19, it must continue to ensure 30% of its employees work from home, as well as all employees aged 65 and above and employees with underlying health conditions (including, for example, heart issues) until 15 January 2021. Subsequently, the company must report on the number of employees working from home until the above-mentioned date. The company must use this [online tool](#) to report on the number of employees working from home. As a reminder, the company must send a new report every time the number of employees changes or any other information previously submitted through the online tool.

**Analysis: Actionable Requirements** If the facility has employees working on its premises during the COVID-19 crisis, it ensures 30% of the employees, as well as all employees aged 65 and above and those with underlying health conditions work from home. The company reports on the number of employees working from the office and remotely, and updates the information in case it changes (COVID-19).

**What Has Changed** The above requirements are not new. However, with the adoption of [Decree No.114-UM of 28 November 2020](#) amending [Decree No. 68-UM of 8 June 2020](#) the validity period of several measures introduced in order to curb the spread of the coronavirus (COVID-19) in the city of Moscow has been extended until 15 January 2021. Among others, the requirement for companies to transfer (at least) 30% of their employees to work from home, as well as all employees aged 65 and above and employees with underlying health conditions (including, for example, heart issues), remains in force in the city of Moscow until 15 January 2021. Subsequently, companies must continue to report on the number of employees working from the office and remotely, and update the information in case it changes until the above-mentioned date.

**Additional Information** In accordance with [Decree No. 96-UM of 1 October 2020](#), working from home became obligatory for 30% of company's employees, as well as for all employees aged 65 and above, as of 5 October 2020. Consequently, Decree No. 69-UM introduced a requirement for all companies operating in the city of Moscow to report on the number of employees working from the office and the number working from home through an [online tool](#). For submitting the data, companies must download and fill out a form by indicating, among others, the name of the company, the company's INN (идентификационный номер налогоплательщика) (tax number), legal address, and anonymous information about employees who work remotely. Companies can find other useful information on organizing teleworking on a [specially dedicated website](#). *Other requirements and recommendations still in force (the law does not specify until when)* companies unable to ensure social distancing of 1, 5 meter for the 70% of employees working from offices and facilities are recommended to organize work in several shifts; hygienic masks must be worn in crowded places, public transport, taxis, parking lots and elevators at all times (crowded places are defined as a public area or an urban district, or a specially designated area outside the public area or urban district, or a common area in a building, structure or other facility where more than 50 people are present at the same time); and .employers must ensure that employees leaving the Russian Federation are informed on the requirement to conduct the PCR testing for COVID-19 within 3 calendar days upon their return to the Russian Federation. Until the laboratory test is obtained, employees must comply with the self-isolation regime.

## 2. December 15, 2020

### 2.1 The US & Canada

#### 2.1.1 US - CALIFORNIA Non-essential businesses in regions with less than 15 percent intensive care unit (ICU) availability must require employees to work from home

**Abstract:** Companies that are not among the critical infrastructure sectors must note the Regional Stay at Home Order (Order), which requires companies in certain regions to close in-person operations. Specifically, companies located in regions where the adult intensive care unit (ICU) bed availability drops below 15 percent must require employees to work from home. Retail establishments operating in such regions must limit the indoor capacity to 20 percent. Companies located in regions with ICU capacity above or equal to 15 percent must continue to comply with the restrictions under the California Blueprint for a Safer Economy.

**Business Impact:** If the company is not among the essential critical infrastructure sectors, it must review the county's current intensive care unit (ICU) availability to determine whether it is subject to the Regional Stay at Home Order (Order). If the company is in a region with less than 15 percent ICU availability, it must close in-person operations and require employees to work from home for at least 3 weeks and until the region's projected ICU capacity reaches or exceeds 15 percent. If the company is not located in a region with less than 15 percent ICU availability, it must continue to follow the state's Blueprint for a Safer Economy and comply with applicable business restrictions based on the county's tier assignments. The company must closely monitor the region's ICU capacity, as the Order becomes effective the day after the ICU capacity drops below 15 percent.

**Analysis: Actionable Requirements** If the facility engages in non-essential businesses in a region with less than 15 percent ICU capacity, it requires all employees to work from home.

If the facility owns or operates a retail establishment in a region with less than 15 percent ICU capacity, it limits the indoor capacity to no more than 20 percent.

**What Has Changed** On 3 December 2020, the California Department of Public Health (CDPH) issued a Regional Stay at Home Order (Order) to continue protecting the state from the impact of the 2019 novel coronavirus disease (COVID-19). Specifically, the Order directs all individuals living in regions with less than 15 percent intensive care unit (ICU) capacity to stay home or at their place of residence, except as needed to maintain continuity of operations of essential critical infrastructure sectors. Accordingly, depending on the jurisdiction, companies that are not otherwise engaged in critical infrastructure sectors must require employees to work from home and restrict all in-person workforce. The Order took effect on 5 December 2020.

**California's Regional Stay at Home Order** The Order groups counties into the following 5 regions:

Northern California (Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama, Trinity);  
Bay Area (Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma);

Greater Sacramento (Alpine, Amador, Butte, Colusa, El Dorado, Nevada, Placer, Plumas, Sacramento, Sierra, Sutter, Yolo, Yuba);

San Joaquin Valley (Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, San Joaquin, Stanislaus, Tulare,



Tuolumne); and

Southern California (Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura).

For San Joaquin Valley and Southern California regions, the Order restrictions took effect on 6 December 2020 at 11:59 PM. Non-essential companies operating in those 2 regions must comply with the Order for 3 weeks from the effective date. If, after 3 weeks, CDPH projects the region's ICU capacity to be 15 percent or higher, companies will no longer be subject to the Order. However, if the region's ICU capacity continues to project less than 15 percent, companies must continue to close in-person operations. Companies operating in the remaining 3 regions are not subject to the Order. Such companies must continue to follow the restrictions under the state's Blueprint for a Safer Economy. However, if any of the region's ICU capacity falls below 15 percent, companies must close in-person operations the next day at 11:59 PM. Accordingly, companies must continue to track an applicable region's ICU bed availability.

**More Information** For more information, see CDPH's [Regional Stay at Home Order](#) and a [Supplement](#) to the Order. Additional information, including the current ICU bed availability, is available on the [California Coronavirus \(COVID-19\) Response](#) website.

### 2.1.2 US - CALIFORNIA Companies must develop a COVID-19 Prevention Program and provide COVID-19 testing upon outbreaks under the COVID-19 emergency temporary standards

**Abstract:** Effective 30 November 2020, companies that operate in California must establish and implement a written COVID-19 Prevention Program (Program) that includes policies and procedures for identifying, evaluating, and correcting COVID-19 hazards in the workplace. Companies must maintain the written Program and the steps taken to implement the elements of the Program. Further, companies with COVID-19 outbreaks in the workplace must provide COVID-19 testing to applicable employees and notify the local health department. Lastly, companies that offer employer-provided housing or transportation must take appropriate actions to protect residents or passengers from exposure to COVID-19.

**Business Impact:** If the company operates in California, it must establish and implement a site-specific written COVID-19 Prevention Program (Program) that effectively identifies, corrects, and responds to any COVID-19 hazards in the workplace, effective 30 November 2020. For example, in the Program, the company must include procedures for excluding COVID-19 cases and exposed employees and criteria for returning to the workplace. The company must maintain the written Program as a separate document or integrate the elements to its existing Injury and Illness Prevention Program (IIPP). Further, if the company identifies a COVID-19 outbreak or a major COVID-19 outbreak, it must provide COVID-19 testing to all appropriate employees, follow the Program to exclude COVID-19 cases, investigate, review and correct possible COVID-19 hazards, and notify the local health department. Lastly, if the company offers employer-provided housing or transportation, it must take all appropriate COVID-19 prevention measures to protect residents and passengers from COVID-19 exposure. For example, the company must ensure that vehicle windows are kept open for ventilation and provide hand sanitizer in each vehicle.

**Analysis: Actionable Requirements** The facility establishes and implements a site-specific COVID-19 Prevention Program that addresses COVID-19 health hazards, response and investigation plans, and training instruction. The facility maintains the written COVID-19 Prevention Program and records of the steps taken to implement the Program.

If the facility has a COVID-19 outbreak in the workplace, it provides COVID-19 testing to all employees at the exposed workplace.

If the facility has a COVID-19 outbreak in the workplace, it ensures that COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with its COVID-19 Prevention Program.



If the facility has a COVID-19 outbreak in the workplace, it immediately investigates, reviews, and corrects any factors that contributed to the outbreak in accordance with its COVID-19 Prevention Program.

If the facility has a COVID-19 outbreak in the workplace, it notifies the appropriate local health department within 48 hours of being notified of the outbreak.

If the facility has a major COVID-19 outbreak in the workplace, it provides COVID-19 testing at least twice a week to all employees at the exposed workplace.

If the facility has a major COVID-19 outbreak in the workplace, it implements additional control measures to correct COVID-19 hazards, such as a respiratory protection program.

If the facility offers employer-provided housing, it complies with the COVID-19 prevention requirements, such as housing unit reassignment, to protect resident-employees from exposure to COVID-19.

If the facility offers employer-provided transportation to and from the workplace, it complies with the COVID-19 prevention requirements, such as shared transportation reassignment, to protect passenger-employees from exposure to COVID-19.

**What Has Changed** On 30 November 2020, the California Office of Administrative Law (OAL) approved the California Division of Occupational Safety and Health's (Cal/OSHA's) emergency regulation to continue protecting employees from exposure to the 2019 novel coronavirus disease (COVID-19). Specifically, OAL approved the adoption of an emergency regulation entitled "COVID-19 Prevention," under General Industry Safety Orders, Title 8 of the California Code of Regulations (CCR). Companies are subject to the above-listed actionable requirements for the first time, effective 30 November 2020 to 2 October 2021.

**COVID-19 Emergency Temporary Standards** The emergency regulation under 8 CCR Section 3205 applies to all employees and places of employment, with the following exceptions:

places of employment with one employee who does not have contact with other persons;

employees working from home; and

employees when covered by Cal/OSHA's Aerosol Transmissible Diseases standard ([8 CCR Section 5199](#)).

Further, the emergency regulation defines a "COVID-19 case" as an employee who:

has a positive COVID-19 test;

is subject to a COVID-19 related order to isolate, issued by a local or state health official; or

has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

*The COVID-19 Prevention Program* Under the emergency regulation, companies must develop and implement a site-specific COVID-19 Prevention Program (Program) that includes the following elements:

a COVID-19 communication system;

procedures for identifying and evaluating COVID-19 hazards;

procedures for investigating and responding to COVID-19 cases;

procedures for correcting unsafe or unhealthy conditions, work practices, and policies related to COVID-19 ;

training and instruction on COVID-19 related materials;

policies on physical distancing and face coverings;

other appropriate engineering controls, administrative controls, and personal protective equipment;

reporting, recordkeeping, and access to the Program; and

procedures for excluding COVID-19 cases and criteria for returning to work.

Companies must maintain a written Program as a separate document or integrate the above elements into the preexisting Injury and Illness Prevention Program (IIPP). *COVID-19 Outbreaks and Major COVID-19 Outbreaks* Under the emergency regulation, a COVID-19 outbreak exists when there are 3 or more COVID-19 cases in an exposed workplace within a 14-day period. Further, a major COVID-19 outbreak exists when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period. "Exposed workplace" means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The exposed workplace does not include buildings or facilities not entered by a COVID-19 case.



*Employer-Provided Housing and Transportation* The emergency regulation establishes a subsection that applies to employer-provided housing. Employer-provided housing is housing that is arranged for or provided by an employer or entity to workers, and in some cases to workers and persons in their households, in connection with the workers' employment, whether or not rent or fees are paid or collected. Examples include living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, or other housing accommodations. Further, the emergency regulation establishes a subsection for employer-provided motor vehicle transportation to and from work, which is any transportation of an employee, during the course and scope of employment, provided, arranged for, or secured by an employer. Examples include ride-share vans or shuttle vehicles, car-pools, and private charter buses. Companies providing such housing or transportation must implement appropriate COVID-19 prevention measures, including:

- reassignment of housing units or transportation;
- physical distancing and face coverings;
- cleaning, disinfecting, ventilation, and hygiene;
- COVID-19 screening and testing; and
- isolation of COVID-19 cases and employees with COVID-19 exposure.

**More Information** For the text of the emergency regulation, see [Cal/OSHA's website](#). Additional information, including a model COVID-19 Prevention Program and FAQs, is available on Cal/OSHA's [1 December 2020 News Release](#) and [Publications](#) webpage.

### **2.1.3 US - MASSACHUSETTS All businesses in Massachusetts are back to Phase III, Step 1 of the COVID-19 reopening plan**

**Abstract:** Effective at 12:01 AM on 13 December 2020, all communities in Massachusetts will return to Step 1 of Phase III of the COVID-19 reopening plan. The return to Step 1 will reduce indoor capacities across a broad range of industries and tighten several other workplace restrictions. For example, offices and retail establishments' capacity will be reduced from 50 percent back to 40 percent.

**Business Impact:** If the company owns or operates a fitness center or dining venue on-site, it must return to or remain in the stricter requirements until Phase III, Step 1 of the COVID-19 reopening plan. For example, under Phase III, Step 1 the capacity of fitness centers and offices has been reduced from 50 percent back down to 40 percent. These requirements are effective from 12:01 AM on 13 December 2020 until they are rescinded or until the state of emergency is ended, whichever occurs first.

**Analysis: Actionable Requirements Repealed Requirement** If the facility is located in a lower-risk community and is permitted to be open under Phase III, Step 2 of the COVID-19 reopening plan, it operates its physical workspace according to the Phase III, Step 2 restrictions, such as limited occupancy and sanitation requirements.

#### *Existing Requirements*

If the facility is permitted to be open during Phase III, Step 1 of the COVID-19 reopening plan, it operates its physical workspace according to the Phase III, Step 1 restrictions, such as limited occupancy and sanitation requirements.

If the facility is a Phase III, Step 2 business or a Phase IV business under the COVID-19 reopening plan, it closes its brick-and-mortar facility to workers, customers, and the public until authorized to open.

#### *New Requirements*

If the facility is an office and is permitted to be open during Phase III, Step 1 of the COVID-19 reopening plan, it ensures employees wear masks at their place of work when they are not in their own workspace and are not alone.

If the facility owns or operates a fitness center and is permitted to be open during Phase III, Step 1 of the COVID-19 reopening plan, it ensures patrons wear masks at all times in the fitness center.



If the facility owns or operates a restaurant or seated dining area and is permitted to be open during Phase III, Step 1 of the COVID-19 reopening plan, it ensures patrons wear masks at all times except when eating and drinking.

**What has changed?** Effective 12:01 AM on 13 December 2020, Massachusetts will rollback the reopening plan, which previously allowed some communities to enter Phase III, Step 2. Under Executive COVID-19 Order No. 58 (Order 58), all communities will be set back to Phase III, Step 1 of the reopening plan, which repeals the one above-listed requirement, as it no longer applies to any facility. The order amends the existing requirements listed above by reducing the allowed capacity of fitness centers, retail facilities, and offices to 40 percent rather than 50 percent. Further, it no longer matters if Phase III, Step 2 businesses are located in a lower-risk community or not because Phase III, Step 2 businesses are no longer allowed to be open under Order 58. Finally, Order 58 establishes new requirements, as listed above. For example, office employees must wear masks when they are not in their own workspace and are not alone. Under the order, employers are encouraged, but not required, to close or limit the use of break rooms.

**More Information** The full text of [COVID-19 Order No. 58](#) is available online. The full text of [COVID-19 Order No. 57](#) is also available online, which further outlines the gathering requirements and face-covering requirements.

#### **2.1.4 US - NEW JERSEY Companies must limit all outdoor gatherings to a maximum of 25 attendees**

**Abstract:** Effective 7 December 2020, companies must restrict all outdoor gatherings to 25 people maximum.

**Business Impact:** If the company hosts outdoor gatherings, starting 7 December 2020 it must restrict attendance to those outdoor gatherings to a maximum of 25 attendees.

##### **Analysis: Actionable Requirements**

If the facility operates during the COVID-19 state of emergency, it complies with the occupancy limit for all outdoor gatherings.

**What has changed?** Effective 7 December 2020, the maximum occupancy limit for outdoor gatherings will be reduced from 150 maximum attendees to 25 maximum attendees.

**Additional Information** For more information, see [Executive Order 204: Pausing Indoor Practices and Competitions for Youth and Adult Sports and Lowering Limits on Outdoor Gatherings](#).

## **2.2 Europe**

### **2.2.1 GREECE Companies must continue to respect the lockdown measures from 7 December 2020 to 14 December to prevent further spread of Covid-19**

**Abstract:** Effective from 7 December 2020 to 14 December 2020, companies must continue to follow the total lockdown measures imposed in order to curb the spread of Covid-19 in Greece, including, among others, providing certificates to commuting employees in order to justify their movement. Movement outside the regional units or outside the Attica



region continues to be prohibited, with the exception of, amid others, commuting to work. This follows from Ministerial Decision 78363/2020, which was adopted on 5 December 2020.

**Business Impact:** If the company continues to operate in Greece, it must continue to ensure that the total lockdown measures are respected from 7 December until 14 December 2020. These measures continue to include obligatory teleworking to the extent possible, closure of company canteens and a restriction on the amount of persons allowed in meetings. Moreover, if the employees must commute from their home to the workplace, the company must issue a certificate from the Information System "ERGANI", before their commute begins.

**Analysis: Actionable requirements** Following the adoption of Ministerial Decision 78363/2020, the company must continue to ensure that:

obligatory teleworking is implemented at the maximum possible rate of employees, as long as it is in line with the nature of the employees' duties, regardless of the presence of any vulnerable group  
employees are provided with a certificate for their movement, if they have to commute to work  
meetings are organised with only 7 participants and with the observance of 1,5 meters between the participants  
only 1 person in addition to the driver is seated in private vehicles  
the operation of onsite canteens is suspended and take away is only allowed in accordance with the restrictive list of reasons.

**What has changed?** On 5 December 2020, Ministerial Decision 78363/2020 was adopted to replace Ministerial Decision [76629/2020](#). Ministerial Decision 78363/2020 does not impose additional obligations on companies, but rather extends the deadline until when the lockdown measures stay in force.

**Additional Information** Ministerial Decision 78363/2020 "Urgent measures of public health protection against the further spread of Covid-19 in Greece from Monday 7 December to Monday 14 December 2020" is available [online](#) in Greek.

## 2.2.2 POLAND Companies can decide whether to oblige their employees to wear masks onsite

**Abstract:** As of 2 December, companies operating onsite during COVID-19 can decide whether to oblige their workers to wear protective masks onsite. This follows the adoption of the Ordinance of the Council of Ministers of 1 December 2020 on establishing certain limitations, requirements and prohibitions with regards to the outbreak of the epidemic, according to which the requirement to wear protective masks onsite is no longer obligatory.

**Business Impact:** If the facility continues operations onsite during COVID-19, it needs to be aware that the requirement for employees to wear hygienic masks is no longer compulsory. More specifically, the company can now decide whether its workers should wear protective masks or not.

**Analysis: Actionable requirements** If the facility has workers present onsite, they wear protective masks unless the facility decides otherwise. (requirement changed)

**What has changed** [The Ordinance of the Council of Ministers of 1 December 2020 on establishing certain limitations, requirements and prohibitions with regards to the outbreak of the epidemic](#) (the New Ordinance) amends [the Ordinance of the Council of Ministers of 26 November 2020 on establishing certain limitations, requirements and prohibitions with regards to the outbreak of the epidemic](#) and changes only one previously established requirement that is directly applicable to all companies having workers onsite - wearing protection masks by workers is subject to a decision of facilities. According to the new Ordinance, workers still must wear protective masks at work, however, if the facility



decides otherwise, this obligation does not apply. The new Ordinance does not provide further guidance on this matter. Previously, companies were obliged to ensure all workers wear hygienic masks.

### 2.2.3 PORTUGAL Companies must continue to comply with specific health and safety rules due to the extension of the declaration of the state of emergency in Portugal

**Abstract:** Until 23 December 2020, companies operating in Portugal must continue to comply with the mandatory teleworking, hygiene and social distancing rules for workplaces. Companies can refuse the entry of people who do not allow for the measuring of their body temperature, or who have a body temperature higher than 38.9°C, and the use of face masks continue to be mandatory in every moment, if the social distancing between workers cannot be guaranteed. These measures will continue to be applicable if the state of emergency is renewed after 24 December 2020.

**Business Impact:** If the company resumes its operation during the COVID-19 outbreak, it must continue to comply with all the applicable measures, such as the mandatory teleworking in the very high or extreme risk municipalities listed by the Council of Ministers and hygiene and social distancing rules in the workplaces in the remaining municipalities. The company can also continue to measure the body temperature of any person entering its premises, as long as there is no registration of this data, and refuse entrance of people who do not allow for the measuring of their temperature of who have a body temperature higher than 38.9°C. The use of a face mask continues to be also obligatory in every moment when the distance between workers is not guaranteed.

**Analysis: Actionable Requirements** There are no new direct requirements for companies.

**What has changed?** According to [Decree 11/2020 of 6 December 2020](#), the use of face masks continues to be mandatory in every situation when the social distancing between workers does not allow it (meaning that, when workers are in separate offices or rooms, face masks are not mandatory). The municipalities in the Portuguese territory continue to be divided into 4 groups, regarding its risk of further spread of the COVID-19 pandemic:

- moderate risk (73 municipalities - 8 municipalities were added, such as Mangualde and Vila Viçosa) - less than 240 COVID-19 cases per 100 000 inhabitants in the last 14 calendar days;
- high risk (92 municipalities - 6 municipalities were added, such as Seixal and Vouzela) - number of COVID-19 cases between 240 and 479 per 100 000 inhabitants in the last calendar 14 days;
- very high risk (78 municipalities - several municipalities were removed and others were added, such as Vagos (removed) and Porto (added)) - number of COVID-19 cases between 480 and 959 per 100 000 inhabitants in the last 14 calendar days;
- and
- extreme risk (35 municipalities - 12 municipalities were removed, such as Vila Nova de Gaia and Porto) - more than 960 COVID-19 cases per 100 000 inhabitants in the last 14 calendar days.

Teleworking continues to be mandatory in the municipalities considered to be of very high or extreme risk, with the public authorities carrying out inspections to ensure compliance with this rule. Companies must continue to observe the rules of occupation, permanence, physical distance and making hand sanitizer available in places that are open to the public. Companies must also continue to ensure that people use a face mask or a face shield to access and stay in commercial spaces and establishments and public buildings or buildings of public use.

**Additional information** Decree 11/2020 executes the state of emergency declared by the [Decree of the President of the Republic 61-A/2020 of 4 December 2020](#), that applies to the whole territory of Portugal. The state of emergency applies from 9 to 23 December 2020, and it is likely that it will be renewed after 24 December 2020. If this happens, Decree 11/2020 already extends the applicability of these measures. Companies can continue to measure the body temperature of its workers or people entering the facility, as long as the same conditions are fulfilled - it is done by non-invasive



methods and companies cannot keep this personal data, unless authorized by the impacted person. If the person refuses to have their body temperature measured, or if it is higher than 38.ºC, the person can be denied entrance in buildings. In the case of workers who cannot work because of this, the absence is justified. Failure to comply with the mandatory health and safety rules constitutes a criminal act, punishable by the imposition of fines or even prison, under the relevant Portuguese criminal legislation.

## 2.3 Latin America

### 2.3.1 BRAZIL PARANÁ Companies must respect the curfew between 23 pm and 5 am and prioritize teleworking until 18 December 2020 due to the COVID-19 pandemic

**Abstract:** Until 18 December 2020, companies operating in the State of Paraná must comply with stricter measures to combat the new coronavirus (COVID-19) pandemic, such as: respect the curfew between 23 pm and 5 am (not applicable to companies carrying out essential activities, such as industrial facilities; transport and delivery of goods; and manufacturing, distribution, and commercialization of hygiene products), not hold events with more than 10 people (except if there is no physical contact), and prioritize teleworking.

**Business Impact:** If the company operates in the State of Paraná, it must comply with stricter measures to combat the new coronavirus (COVID-19) pandemic, such as not hold events with more than 10 people (except if there is no physical contact), and prioritize teleworking. Besides, the company must consider adjusting its working hours to respect the curfew between 23 pm and 5 am.

**Analysis: Actionable requirements (New)** If the facility operates in the State of Paraná and is not carrying out essential activities (such as industrial facilities; transport and delivery of goods; and manufacturing, distribution, and commercialization of hygiene products), it respects the curfew between 23 pm and 5 am until 18 December 2020. (New) If the facility operates in the State of Paraná, it does not hold events with more than 10 people until 18 December 2020, except if there is no physical contact. (New) If the facility operates in the State of Paraná, it prioritizes teleworking until 18 December 2020.

**What has changed** The mentioned requirements are new in the State of Paraná and are a reaction to the aggravation of the emergency situation caused by the new coronavirus (COVID-19) pandemic. These measures are in force until 18 December 2020 and can be further extended.

**Analysis** [Decree 6.294 of 3 December 2020](#) provides for new social distancing measures to combat the COVID-19 pandemic. It applies from 3 December 2020 to 18 December 2020. Decree 6.294/2020 establishes a curfew between 23 pm and 5 am, except for essential activities, which are listed in [Decree 4.317 of 21 March 2020](#), such as:

industrial facilities;

transport and delivery of goods; and

manufacturing, distribution, and commercialization of hygiene products.

Decree 6.294/2020 also prohibits all in-person events gathering more than 10 people, except for children below 14 years. Events where there is no physical contact between people, including drive-ins, are allowed. Besides, Decree 6.294/2020 requires all companies to prioritize teleworking, and companies carrying out essential activities to consider adjusting their working hours to respect the mentioned curfew.

### 2.3.2 QUERETARO Work centers must allow inspections to verify compliance of health and safety measures for COVID-19 and report any positive cases

**Abstract:** As of 28 November 2020, work centers and commercial and service establishments must allow any inspections conducted by the Special Anti-COVID-19 Units (*Unidades Especiales Anti-COVID-19*). Additionally, they must provide the necessary information to verify compliance with sanitary safety measures established to mitigate the spread of COVID-19. COVID-19 positive cases must be reported to the Health Services of the State of Queretaro (*Servicios de Salud del Estado de Querétaro*) to follow-up with the cases and identify an outbreak within the company.

**Business Impact:** The company allows inspection visits and inspections conducted by the Special Anti-COVID-19 Units (*Unidades Especiales Anti-COVID-19*) and provides the necessary information to verify compliance with sanitary safety measures established to mitigate the spread of COVID-19. The company must also report the COVID-19 positive cases to the Health Services of the State of Queretaro (*Servicios de Salud del Estado de Querétaro*). If the company intends on organizing an event with more than 50 persons it needs to submit a written notice, 5 days before the event, to the Department of Sanitary Risks Protection (*Dirección de Protección contra Riesgos Sanitarios*) and the competent Civil Protection.

**Analysis: Actionable Requirements** The facility allows visits and inspections conducted by the Special Anti-COVID-19 Units (*Unidades Especiales Anti-COVID-19*).

The facility provides the necessary information to verify compliance with sanitary safety measures established to mitigate the spread of COVID-19 to the Special Anti-COVID-19 Units (*Unidades Especiales Anti-COVID-19*).

The facility reports the COVID-19 positive cases to the Health Services of the State of Queretaro (*Servicios de Salud del Estado de Querétaro*) to follow-up with the cases and identify an outbreak.

If the facility organizes and carries out events with more than 50 persons, it submits a written notice, 5 days before the event, to the Department of Sanitary Risks Protection (*Dirección de Protección contra Riesgos Sanitarios*) and the competent Civil Protection authority to verify compliance with health and safety measures and protocols established during the sanitary emergency caused by COVID-19.

**What Has Changed** The above requirements are newly established, and companies must comply with them for the first time.

**Additional Information** The owners, responsible persons, or persons in charge of the commercial and service establishments and work centers that do not allow the verification visits, inspections, and diligences by the Special Anti-COVID-19 Units will be sanctioned according to the applicable legal provisions. The persons confirmed as positive cases of COVID-19 have to comply with the decreed isolation and have to refrain from their labor activities until they have been discharged or the period of 14 days from the date of confirmation of the positive response has passed. An event must be understood as any private activity, celebration, commemoration, or party carried out in the State of Queretaro. On 16 June 2020, the Agreement establishing the permanent sanitary measures for the performance of economic, productive, and social activities was published in the Official Newspaper of the Government of the State of Queretaro “La Sombra de Arteaga”. The State of Queretaro, during the COVID-19 sanitary emergency, established the sanitary measures that must be incorporated by the residents of the State of Queretaro and other persons for the conduction of economic, productive, and social activities in the State of Queretaro and established the traffic light of the epidemiological risk of the Secretariat of Health. The [Agreement of Collaboration to Establish Anti-COVID-19 Special Units](#) is available online in Spanish.

## 2.4 Asia & Oceania

### 2.4.1 TASMANIA Certain businesses to carry out mandatory contact tracing of persons that enter and remain on their premises for at least 15 minutes

**Abstract:** As of 15 December 2020, certain businesses and events (such as restaurants and gatherings that require an event Covid-19 safety plan) must carry out mandatory contact tracing of persons that enter and remain on their premises for at least 15 minutes. While this does not apply to businesses such as offices and industrial facilities, these must still continue to apply covid-19 safety measures at the workplace and continue to comply with maximum occupancy restrictions of 250 people for an undivided space in indoor premises and 1000 people in an undivided space outdoors.

**Business Impact:** Certain businesses and events (such as restaurants and gatherings that require an event Covid-19 safety plan) must, as of 15 December 2020, carry out mandatory contact tracing of persons that enter and remain on their premises for at least 15 minutes, and keep this information for at least 28 days. Though the above-mentioned requirement does not apply to businesses such as offices and industrial facilities, these must still continue to apply covid-19-related safety measures at the workplace and comply with the maximum occupancy restrictions of 250 people for an undivided space in indoor premises and 1000 people in an undivided space outdoors. Lastly, as of 1 December 2020, companies that intend on organizing a gathering or event that exceeds the gathering limits in the Management of Premises Direction must draw up an Events COVID-19 Safety Plan and implement event-appropriate safety measures corresponding to the risk profile of the event.

**Analysis: Actionable requirements** The company ensures that the number of employees present in the workplace does not exceed 250 people for an undivided indoor space and 1000 people in an undivided outdoor space. (existing requirement)

If the company organizes a gathering or event that exceeds the gathering limits in the Management of Premises Direction, it draws up an Events COVID-19 Safety Plan and implements appropriate safety measures corresponding to the risk profile of the event. (new).

If the company organizes a gathering subject to an 'event Covid safety plan', it collects the contact details of every person who enters and remains on the event premises for at least 15 minutes and keeps this information for at least 28 days. (new)

**What has changed?** Previously, Covid-19 contact tracing was not mandated by law. With the entry into force of the [Direction under section 16 \(Contact tracing - No. 3\)](#), as of 15 December 2020, certain businesses must carry out mandatory contact tracing of persons that enter and remain on their premises for at least 15 minutes. Such businesses include, for example, restaurants, cafes, cinemas, galleries and gatherings which require an event Covid-19 safety plan. Offices and industrial facilities are excluded from the scope of these directions. Moreover, previously, businesses (such as offices and industrial facilities) were required to apply covid-19 safety measures at the workplace and comply with maximum occupancy restrictions of 250 people for an undivided space in indoor premises and 1000 people in an undivided space outdoors. These measures continue to apply under the latest [Direction under section 16 \(Management of premises - No. 9\)](#) which entered into force on 11 December 2020.

**Contact tracing General** From 15 December 2020, Public Health directions require certain businesses to collect contact details of every person who enters and remains on their premises for at least 15 minutes. The contact details must include the: name, contact telephone number and the date and time of entry or attendance. Owners and operators must keep this information for at least 28 days, and provide it as soon as possible if it is requested by the Director of Public Health. Companies can consult the [Current Restrictions webpage at coronavirus.tas.gov.au](#) for:

the full list of businesses that must collect contact details, and full details about contact tracing.

*Managing contact tracing* The [Check In Tas app](#) is a contactless, secure, free and convenient way for customers to sign into a Tasmanian venue. It enables Tasmanian venue operators to easily comply with contact tracing directions by enabling customers to self-check-in at venues and have their information directly stored with the Tasmanian Department of Health for contact tracing (if required). Alternative electronic or paper-based solutions that comply with the Public Health requirements are also acceptable.

[Contact tracing template register](#)

[Contact tracing template for individuals](#)

**Gathering restrictions** The Tasmanian Government has published [A Framework for COVID Safe Events and Activities in Tasmania](#), which supports organisers to plan COVID-safe gatherings from 1 December 2020 that exceed the [gathering limits](#) in the [Management of Premises Direction](#). Depending on the risk profile of the event, it will be classed as Level 1, 2 or 3, and different controls will apply depending on the level. The [Mass Gatherings Direction](#) provides a legal basis for the Framework. The Framework will be reviewed over time as the rules for mass gatherings and events are updated to reflect the changing COVID-19 situation in Tasmania and will enable organisers to apply to hold an event under one of three levels.

#### 2.4.2 THAILAND Companies operating during the Covid-19 emergency situation must continue to comply with prevention and hygiene requirements until 15 January 2021

**Abstract:** Effective 24 November 2020, the emergency situation declaration in all areas of the Kingdom was extended through to 15 January 2021. It was previously set to expire on 30 November 2020. All the orders and administration under the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) are still in effect, including the prevention measures for all business operations. Additionally, all recommended precautionary measures remain in effect, including strict hygiene control, frequent surface and hand sanitization, body temperature screening, and social distancing rules.

**Business Impact:** If the facility operates during the Covid-19 emergency situation, it must continue to comply with the regulations issued to prevent and reduce the spread of the disease. These requirements have been extended as a result of the renewal of the declaration of an emergency situation, which extends the duration of the emergency situation through 15 January 2021.

**Analysis: Actionable Requirements** If the facility operates during the declaration of an emergency situation in response to Covid-19, it sets up temperature/fever checks and screens for any symptoms of coughing, difficulty breathing, sneezes, or colds for service staff and visitors at all business operations.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers clean their hands with alcohol or sanitizer before entering the shop.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers maintain at least 1 metre separation for sitting or standing in waiting and queuing areas.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it ensures customers' chairs are placed clearly apart in the service areas.

If the facility operates during the declaration of an emergency situation in response to Covid-19, it limits the number of customers inside at one time and requires that waiting customers stay outside.

If the facility conducts in-person meetings, seminars, or trainings during the Covid-19 emergency situation, it implements Covid-19 prevention measures such as body temperature screening for attending employees and properly cleaning frequently exposed surfaces.



**What Has Changed** On 24 November 2020, the Cabinet approved the extension of the period of emergency situation declaration in all areas of the Kingdom for 45 days, through 15 January 2021. Previously, the declaration was set to expire on 30 November 2020. This is the eighth extension of the emergency situation. The emergency declaration was first issued on 25 March 2020, in accordance with the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005), and it was in effect from 26 March 2020. As a result, all the orders and regulations under the Emergency Decree remain in effect until 15 January 2021, unless extended, modified, or rescinded by another emergency declaration.

**More Information** For more information, see the [24 November 2020 Order](#) from the Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019, currently only available in Thai.





## 3. December 22, 2020

### 3.1 The US & Canada

#### 3.1.1 US - ARIZONA Companies planning public events of more than 50 people must first be approved by the local city, town, or county

**Abstract:** Effective 3 December 2020, in order to prevent the further spread of COVID-19, companies planning public events involving more than 50 people must first gain approval for the event from the local city, town, or county.

**Business Impact:** If the company plans to host or organize a public event that involves more than 50 people, it must first obtain approval for the event from the local city, town, or county.

**Analysis: Actionable Requirement** If the facility plans to organize or host a public event of more than 50 people, it first obtains approval from the local city, town, or county for the event.

**What Has Changed?** The requirement listed above is introduced for the first time.

**Additional Information** For more information, see [Executive Order 2020-59: Further Mitigation Requirements for Events](#).

#### 3.1.2 US - MAINE All businesses operating during the COVID-19 state of emergency must enforce mandatory face-covering requirements, previously only required in food and large retail establishments

**Abstract:** As of 11 December 2020, all businesses operating during the COVID-19 state of emergency in Maine must enforce face-covering requirements for all employees and members of the public on-site and indoors. Previously, businesses were only required to enforce such requirements in food and beverage establishments and retail establishments with 50,000 square feet or more of shopping space.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must require that all employees and members of the public in indoor publicly accessible areas wear face-coverings. The facility must not require face-coverings for children under 2 years of age and those with certain face-covering-related disabilities. However, any reasonable accommodation to persons with a disability excepting them from the face-covering requirements may not include entry on-site without a face-covering. Previously, businesses were required to enforce these requirements only in food service facilities and large retail establishments.

**Analysis: Actionable Requirements** *Repealed requirements* If the facility operates a food and beverage establishment during the COVID-19 state of emergency, it implements measures requiring customers to wear face coverings. If the facility operates a retail facility with 50,000 square feet or more of shopping space, it implements measures requiring customers to wear face coverings.

*New requirements*



If the facility operates during the COVID-19 state of emergency, it requires that all persons wear face-coverings when in publicly accessible indoor areas.

**What Has Changed** Effective 11 December 2020, businesses operating during the COVID-19 state of emergency must comply with updated face-covering requirements under a new executive order from Governor Mills. The executive order replaced existing face-covering requirements on food establishments (such as workplace canteens) and large retail facilities with a simplified face-covering obligation on all businesses with in-person indoor activities. As a result, all businesses must enforce face-covering requirements for both employees and customers for the first time.

**Analysis** *Exceptions to face-covering requirements* Businesses must not require face-coverings for:

anyone under the age of 2;

anyone who has trouble breathing or has a breathing-related medical condition;

anyone who is unable to put on or remove a mask without assistance; or

anyone with a developmental issue that is complicated or irritated by a face covering.

Businesses must make reasonable accommodations for those with disabilities. However, the updated requirements require that no accommodation may make it permissible for any person, regardless of disability, to enter or remain in any indoor public setting without a face covering. *Face-coverings defined* The updated executive order does not include a definition for face coverings. However, earlier orders defined face coverings as protections with multiple layers of fabric that cover the mouth and nose and:

fit snugly against the face;

are secured with ties or ear loops;

allow for breathing without restriction; and

may be laundered and machine dried without damage or change to its shape.

Face coverings also include face shields that extend below the chin and cover the ears as well as disposable face coverings that provide similar protection, despite not meeting the established definition of face coverings.

**More Information** For additional information, see the [11 December 2020 Executive Order](#) issued by Governor Mills.

### 3.1.3 US - NEW YORK Companies to continue complying with the existing social distancing measures, reopening requirements, and cluster-based restrictions, as the state disaster emergency period is extended to 1 January 2021

**Abstract:** Companies that operate in New York State must note that the state disaster emergency declared for the outbreak of COVID-19 has been extended until 1 January 2021. Accordingly, companies must remain in compliance with all applicable COVID-19 related requirements imposed under Executive Orders and other regulations through 1 January 2021, unless otherwise amended.

**Business Impact:** The New York State Governor Andrew Cuomo's Executive Order (EO) Number 202.79 does not impose any additional requirements on the company. However, if the company conducts in-person operations in New York State, it must continue implementing all applicable social distancing measures mandated under the Governor's Executive Orders. For example, if the company is located in COVID-19 hot spots, it must continue to follow the cluster-based mitigation measures enforced under EO No. 202.68. Further, the company must continue to comply with the COVID-19 Emergency Regulations provisions, such as business operations restrictions. The company must comply with any such COVID-19 related requirements until 1 January 2021, unless otherwise amended.



**Analysis: Actionable Requirements** If the facility is located in COVID-19 hot spots, it complies with the applicable business operations restrictions under the state’s cluster action initiative.

If the facility owns or operates food establishments, it complies with the reopening requirements, such as the maximum indoor occupancy limits.

If the facility owns or operates any gym or fitness center, it complies with the reopening requirements, such as the maximum indoor occupancy limits.

If the facility is not permitted to conduct in-person operations under the state's phased reopening plan, it requires all employees to work from home.

If the facility conducts in-person operations during the COVID-19 public health emergency, it ensures that employees practice social distancing at the workplace.

If the facility conducts in-person operations during the COVID-19 public health emergency, it ensures that all employees who may interact with the public wear face-coverings and provides the face-coverings as necessary.

If the facility conducts in-person operations under the state's phased reopening plan, it reviews and implements all applicable preventive measures provided in the state's industry-specific reopening guidance.

If the facility conducts in-person operations under the state's phased reopening plan, it affirms business compliance to the state's industry-specific reopening guidance.

If the facility conducts in-person operations under the state's phased reopening plan, it develops a site-specific COVID-19 Reopening Safety Plan.

If the facility conducts in-person operations under the state's phased reopening plan, it conspicuously posts its COVID-19 Reopening Safety Plan.

If the facility has any individuals entering its premises, including the members of the public, it ensures that they comply with the face-coverings requirement, such as by denying entry of individuals without face-coverings.

If the facility has any individuals entering its premises, including the members of the public, it implements health screening practices, such as conducting temperature checks at entrances.

**What Has Changed** On 2 December 2020, the New York State Governor Andrew Cuomo issued Executive Order (EO) Number 202.79 as a continued effort to slow the spread of the 2019 novel coronavirus disease (COVID-19). EO No. 202.79 does not impose any new or additional requirements on companies. Instead, it continues to require companies to comply with the provisions enforced under previously issued Executive Orders and the COVID-19 emergency regulations.

**Executive Order No. 202.79** Under the previously issued EO No. 202.72, the state disaster emergency for the outbreak of COVID-19 in New York State was declared to last until 3 December 2020. EO No. 202.79 extends the state disaster emergency from 3 December 2020 to 1 January 2021. Accordingly, companies must continue to comply with the requirements imposed under other executive orders made during the state disaster emergency until 1 January 2021, unless further extended. Further, companies must ensure continued compliance with the COVID-19 Emergency Regulations at 10 NYCRR Subpart 66-3, which is valid for the duration of the state disaster emergency.

**More Information** For more information, see the Office of the Governor website for [EO No. 202.79](#). Additional information, including the most current COVID-19 status in New York State, is available on [DOH’s website](#).

### **3.1.4 US - NORTH DAKOTA Companies operating during the COVID-19 state of emergency must continue to comply with face covering and occupancy requirements which have been extended through January**

**Abstract:** As of 10 December 2020, companies that operate during the COVID-19 state of emergency must continue to comply with existing face covering and operating requirements which have been extended into January 2021. The face-



covering requirements have been extended to 18 January 2021 and were originally set to expire on 14 December 2020. The operating requirements have been extended to 8 January 2021 and were originally set to expire on 13 December 2020.

**Business Impact:** If the company operates during the COVID-19 state of emergency, it must continue to comply with face-covering and occupancy restrictions until 8 January 2021 (for occupancy restrictions) and 18 January 2021 (for face-covering restrictions) unless they are extended, modified, or rescinded. Previously, the occupancy restrictions were set to expire on 13 December 2020. The face-covering restrictions were set to expire on 14 December 2020.

**Analysis: Actionable Requirements Extended through 18 January 2021** If the facility operates during the COVID-19 state of emergency, it requires face coverings in all indoor areas and when waiting outdoors to enter, unless an exemption applies.  
*Extended through 8 January 2021*

If the facility operates during the COVID-19 state of emergency, it conspicuously displays signs instructing employees and guests to wear face coverings, socially distance, and stay at home if they display symptoms of COVID-19.

If the facility operates during the COVID-19 state of emergency, it operates at no more than the applicable maximum occupancy based on the county in which it is located.

If the facility operates a food establishment during the COVID-19 state of emergency, it limits occupancy to no more than 50 percent of its licensed seating capacity, up to 150 patrons.

If the facility operates a food establishment during the COVID-19 state of emergency, it complies with the applicable physical distancing requirements.

If the facility operates during the COVID-19 state of emergency, it operates at no more than the applicable maximum occupancy based on the county in which it is located.

**What Has Changed** On 9 December 2020, the North Dakota Department of Health issued an order extending existing face-covering requirements through 18 January 2021. Previously these requirements were set to expire on 14 December 2020. On 10 December 2020, Governor Burgum issued an executive order extending the existing occupancy restrictions through 8 January 2021. Previously these restrictions were set to expire on 13 December 2020. Both the occupancy restrictions and the face-covering requirements have been extended without changes.

**More Information** For additional information, see the [9 December 2020 State Health Officer Order](#) and the [10 December 2020 Executive Order](#).

### 3.1.5 US - WEST VIRGINIA Companies operating during the COVID-19 state of emergency would need to comply with updated emergency health standards, which would include DHHR-enforceable face-covering requirements

**Abstract:** On 15 December 2020, the West Virginia Department of Health and Human Resources (DHHR) published a proposed emergency rule establishing public health standards for businesses operating during the COVID-19 state of emergency. The rule would amend existing emergency public health standards by defining retail businesses and making existing face-covering requirements enforceable by the DHHR.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it would be subject to enforcement by the West Virginia Department of Health and Human Resources for any mandatory face-covering requirements for the first time, in addition to existing penalties for noncompliance. The rule would also clarify the scope of existing occupancy restrictions based on customer floor space as applying only to retail businesses. If the proposed rule is adopted, the facility would need to determine whether it operated a retail business and comply with any applicable occupancy limits.



**Analysis:** On 15 December 2020, the West Virginia Department of Health and Human Resources (DHHR) published a proposed emergency rule amending the existing emergency public health standards for businesses with in-person operations during the COVID-19 state of emergency. The proposal would update existing requirements on all businesses, include a clarifying definition for retail businesses and requiring that all businesses operating during the state of emergency encourage the wearing of cloth face-coverings to the greatest extent practicable. As a proposed emergency rule, the requirements will come into effect either:  
after approval from the Secretary of State;  
after approval from the Attorney General; or  
42 days after the filing of the rule (in this case, 26 January 2021), unless rejected by the Secretary of State or the Attorney General.

**Proposed Rule *Face-coverings requirement*** If the proposed rule is approved or otherwise comes into effect, businesses would be required to encourage, to the greatest extent practicable, the wearing of cloth face coverings in accordance with "current public health guidance" for employees and members of the public allowed on-site. While the rule would not, itself, require that facilities implement and enforce mandatory face-covering requirements, businesses should note that they are already required to enforce indoor face-covering requirements under [an earlier executive order](#) issued by Governor Justice. As a result, the proposed rule would allow DHHR to enforce the face-covering requirements with a fine between 25 and 200 USD, in addition to the penalty for violating the executive order. *Requirements for retail businesses* Under the proposed rule, a retail business would be defined as any business that is primarily engaged in retail sales. Additionally, the scope of the existing occupancy restrictions based on customer floor space would be clarified to apply only to retail businesses. As a result, non-retail businesses that allow members of the public on-site would no longer be subject to the DHHR occupancy restrictions based on customer floor space.

**More Information** For more information, see the [15 December 2020 notice of proposed emergency rule amendment](#) issued by DHHR.

### 3.1.6 CANADA – ALBERTA Facilities to comply with mandatory wearing of masks and working from home requirements

**Abstract:** Effective 8 December 2020, facilities must ensure all employees are wearing a face mask at the workplace to reduce the spread of the novel coronavirus (COVID-19). Furthermore, effective 13 December 2020, facilities must comply with the mandatory working from home measures, unless the employer determines that physical presence is required for the operational effectiveness. These measures apply provincewide and are in place at least until 12 January 2021.

**Business Impact:** If the facility operates in the Province of Alberta, it must ensure, as of 8 December 2020, that all employees are wearing a face mask at the workplace to reduce the spread of the novel coronavirus (COVID-19) at least until 12 January 2021. Furthermore, the facility must comply with the mandatory working from home measures, as of 13 December 2020, unless the employer determines that physical presence is required for the operational effectiveness.

**Analysis: Actionable requirements** Effective 8 December 2020: The facility ensures all employees are wearing a facemask at the workplace.

Effective 13 December 2020:

The facility requires all employees to work from home, unless the employee's physical presence at the workplace is required to effectively operate the workplace.

**What has changed?** On 8 December 2020, the Public Health officials published [new expanded mandatory measures](#) for social gatherings, mandatory masking and work from home. Effective 8 December 2020: all indoor and outdoor social gatherings (public and private) are prohibited; and mandatory indoor public masking applies to all public spaces and indoor and workplaces and facilitates outside the home. Effective 13 December 2020; mandatory work from home measures enter into force, unless the employer determines that physical presence is required for the operational effectiveness. These measures apply provincewide and are in place at least until 12 January 2021.

**Additional information** [Masks](#) are mandatory in all indoor public spaces and workplaces as of 8 December 2020 under the [Order 41-2020](#). The facility must ensure all employees wear a mask, unless; when working alone in an office or safely distanced cubicle or a barrier is in place. This workplace requirement: applies to all employees, customers, visitors, delivery personnel and contractors; includes any location where employees are present in-person; and includes all workplaces where masks do not pose a safety risk. Additional information on mask requirements can be found [online](#).

### 3.1.7 CANADA – SASKATCHEWAN Companies must adopt preventive measures at the workplace when opening their facilities after COVID-19 closure

**Abstract:** Effective 11 December 2020, companies must comply with the "Re-Open Saskatchewan: A plan to re-open the provincial economy" and its guidelines, including implementing working from home whenever possible; ensuring a distance of 2 metres is kept; and developing a workplace illness policy and an exposure control plan to prevent the spread of the novel coronavirus (COVID-19).

**Business Impact:** If the company operates during the COVID-19 Pandemic in the Province of Saskatchewan, it must comply with the Re-Open Saskatchewan: A plan to re-open the provincial economy and its guidelines, including implementing working from home whenever possible; ensuring a distance of 2 metres is kept; and developing a workplace illness policy and an exposure control plan.

**Analysis: Actionable requirements** [Existing](#): If the company is allowed to continue working during the declared Covid-19 health emergency, it exercises physical distancing at the workplace. If workers are required to handle, use or produce an infectious material or organism or are likely to be exposed at a place of employment, the facility has developed and implemented a written exposure control plan.

**New:**

If the company has employees, it develops a workplace illness policy.

If the company is allowed to continue working during the declared Covid-19 health emergency, it ensures commonly touched areas and shared equipment are cleaned at least twice a day.

If the company has employees, it ensures employees wear a facemask in public indoor places.

**What has changed?** Effective 11 December 2020, the [Disease Control Regulations](#) adopts the [Re-Open Saskatchewan: A plan to re-open the provincial economy](#) (the Plan). All companies operating during the novel coronavirus (COVID-19) pandemic must comply with the Plan and the guidelines which include: implementing working from home whenever possible; ensuring a distance of 2 metres is kept;



ensuring all employees self-monitor for symptoms and use the self-assessment tool;  
developing a workplace illness policy;  
developing and implementing an exposure control plan; and  
ensuring employees wear a facemask in public indoor places (such as lobbies).

**Additional information** Physical distancing Practising physical distancing at work includes:

remaining 2 metres apart from others;  
avoiding large crowds; and  
avoiding handshakes and any other physical contact with others.

If exercising physical distancing at the workplace is not possible, for reasons such as safety reasons, transport situations or production lines, the company must ensure employees wash their hands as often as possible and practise good hygiene etiquette. In addition, companies must conduct business remotely whenever possible. Workplace illness policy The company must include the following in their workplace illness policy:

sick employees must stay home or be sent home from work;  
for employees housed in workplace accommodations, sick employees must be confined to their rooms until cleared for re-entry into the workplace;  
sick employees must use the Government of Saskatchewan's [self-assessment tool](#) for COVID-19 and follow the subsequent directions; and  
when employees go home sick, their work areas must be cleaned and disinfected.

Cleaning and disinfecting The company must clean and disinfect commonly touched areas and equipment at least twice a day, including:

light switches;  
door handles;  
toilets;  
taps;  
mobile devices; and  
keyboards.

Most common household and commercial disinfectant products destroy the COVID-19 virus. Some disinfectants have an 8-digit Drug Identification Number (DIN) which are approved for use by Health Canada. Many of the chemicals used for COVID-19 cleaning and disinfecting are classified under the [Workplace Hazardous Materials Information System \(WHMIS\) 2015](#). Additional information on COVID-19 cleaning and disinfecting can be found [online](#). Facemasks in indoor public places "Face covering" is defined as a medical or non-medical mask or other face-covering that fully covers the nose, mouth and chin, but does not include a face shield or visor. Companies must ensure employees wear a facemask in indoor public places, including:

retail businesses;  
common areas of office buildings (such as lobbies, elevators and hallways); and  
service businesses (such as mechanics, insurance agencies and professional services).

Exemptions for not wearing a mask include:

people with a medical condition;  
short-term removal of the mask; and  
while in an area of enclosed setting.

Additional information on indoor mandatory masking requirements can be found [online](#).



## 3.2 Europe

### 3.2.1 BELGIUM FEDERAL Facilities must take prevention measures when employees are working with biological agent SARS-CoV-2 (COVID-19)

**Abstract:** As of 6 December 2020, facilities must protect employees exposed (or likely to be exposed) to the ‘severe acute respiratory syndrome coronavirus 2’ (SARS-CoV-2) and take appropriate prevention measures such as health surveillance and the provision of specific protective equipment (for example masks for respiratory protection, gloves and aprons). This follows the inclusion of SARS-CoV-2 in the list of biological agents group 3 in the Codex on well-being at work.

**Business Impact:** If the facility has employees who are or can be exposed to the SARS-CoV-2 as a result of their work, it is required, among other things, to:

- assess workers' health and safety risks from exposure to SARS-CoV-2 in the workplace;
- avoid workers' exposure (if possible) or minimise the number of workers exposed;
- put in place appropriate preventive and hygienic measures;

This follows the amended Book VII, Title 1 on biological agents of the Codex well-being at work including SARS-CoV-2 in the list of group 3 biological agents.

**Analysis: Actionable requirements** Appropriate measures have been taken to prevent or reduce exposure to biological agents. (*existing*)

The facility assesses the nature, duration and degree of exposure of employees to biological agents. (*existing*)

Employees who are likely to be exposed to biological agents, as well as members of the H&S Committee, have received appropriate training with regard to the risks of exposure to biological agents and prevention measures, etc. (*existing*)

Workers are prohibited from eating or drinking in areas where there is a risk of exposure to biological agents. (*existing*)

**What has changed?** The above-mentioned actionable requirements are not new. The Royal Order of 23 November 2020 amending Book VII, Title 1 on biological agents of the Codex on well-being at work (available in [French](#) and in [Dutch](#)) (the Royal Order) classifies the ‘severe acute respiratory syndrome coronavirus 2’ (SARS-CoV-2) as a group 3 biological agent. Group 3 biological agents includes agents that can cause a serious illness for humans and pose a serious danger to employees, with a chance of spreading to the population, for which there is usually effective prophylaxis or treatment.

The adoption of the Royal Order follows the implementation of [Commission Directive \(EU\) 2020/739 amending Annex III to the Biological Agents Directive 2000/54/EC](#) as regards the inclusion of SARS-CoV-2 in the list of biological agents. The provisions regarding biological agents of the Codex on well-being at work apply to employees who are (likely to be) exposed to biological agents such as viruses as a result of their work. In the [advice of 21 August 2020 of High Council for Prevention and Protection at Work](#) regarding the adoption of the Royal Order, the High Council states that due to the manner and the extent of the spread of the virus, exposure to SARS-CoV-2 is possible in all sectors. This means that the employer must apply the provisions of the Codex on well-being at work regarding biological agents when workers are or can be exposed to the virus in the course of their work. The source of exposure is irrelevant. Following the inclusion of SARS-CoV-2 to the list of biological agents, employers are required, among other things, to:

- assess workers' health and safety risks from exposure to SARS-CoV-2 in the workplace;
- avoid workers' exposure (if possible) or minimise the number of workers exposed;
- put in place appropriate preventive and hygienic measures;

- provide protective clothing or equipment to workers (such as protective masks and gloves); and

- provide workers with information on risks and precautions as well as training.

### 3.2.2 ENGLAND Companies must abide by Coronavirus Improvement Notices, Coronavirus Restriction Notices or Coronavirus Immediate Restriction Notices

**Abstract:** As of the 2 December 2020, companies must adhere to Coronavirus Improvement Notices, Coronavirus Restriction Notices or Coronavirus Immediate Restriction Notices, if the local authorities have issued them with such a notice.

**Business Impact:** The company is not directly impacted by the powers granted to local authorities to enforce coronavirus restrictions, however, it must continue to implement measures in the workplace to combat the spread of coronavirus in order to avoid being issued with an enforcement notice. If the company, has been issued with either a coronavirus improvement, immediate restriction or restriction notice, it must adhere to the instructions issued by the local officer and as such, also take the necessary actions to ensure that it is no longer in contravention with the pre-existing coronavirus measures.

**Analysis: Actionable requirements** If the company has been issued with a Coronavirus Improvement, Immediate Restriction or Restriction Notice, it follows the directions issued by the local authority.

**What has changed?** Under the [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#), local authorities can issue notices to companies that are in contravention with the current coronavirus obligations, such as, the social distancing measures, closure requirements, opening hour restrictions and the requirement to obtain and hold personal details of individuals. After the 2 May 2021, local authorities will no longer have the power to issue such notices. If a company has been issued with an **Improvement Notice**, the designated local authority officer will stipulate a requirement(s) that the company must meet, in order to no longer be in contravention with the law. In the case of an **Immediate Restriction Notices** or **Restriction Notice**, companies will be required to close part or all of their premises and must make necessary adjustments to ensure they end their contravention. The notices shall contain the reasons behind why the company has been issued with a notice, the actions the company must take, the date and time at which the notice ceases to have effect and what the consequences are of non-compliance, which will be a fine exceeding no more than GBP 4,0000. **Additional Information** If companies contravene the below Regulations, local officers can find grounds to issue a Notice.

[Health Protection \(Coronavirus, Restrictions\) \(All Tiers\)\(England\) Regulations 2020](#)

[Obligations of Undertakings Regulations](#)

[Collection of Contact Details Regulations](#)

[Self-Isolation Regulations.](#)

The additional powers granted to local authorities are so that the enforcement of safety measures in businesses continue to proceed, so that further spreading of the coronavirus is contained.

### 3.2.3 ENGLAND Companies must adhere to the governments 3 Tier system which imposes restrictions on businesses, services and gatherings

**Abstract:** As of 2 December 2020, companies must adhere to the relevant Tier restrictions, with areas that fall within Tier 1 being subject to the least strict measures whilst those that are located in Tier 3, being subject to the most stringent measures. Throughout Tier 1, 2 and 3, workplace canteens must comply with opening hour restrictions and social distancing measures, and gatherings must be held in accordance with government guidance. The Tier system shall cease to have effect on 2 February 2021.



**Business Impact:** If the company holds a workplace gathering, it must follow government guidance, issue a risk assessment and ensure that 'qualifying groups', do not mingle with other qualifying groups during the gathering. If the company operates a workplace canteen with Tier 1 or Tier 2, it ensures it remains shut between 23:00 and 05:00, unless there is no other alternative way for works to obtain food or drink, and makes adjustments that ensure that their workers remain seated throughout the duration of their meal. If the canteen is situated in Tier 3, it must remain shut unless there is no alternative way for workers to obtain food or drink.

**Analysis: Actionable Requirements** The company's employees remain seated when they eat or drink in the workplace cafes and canteens.

The company has social distancing measures in place to prevent the spread of COVID-19.

The company has followed government guidance on how best to continue business during COVID-19 and how to adequately organise gatherings.

The company has issued a risk assessment before it proceeds with organising a work gathering.

The workplace canteen is shut between 23:00 and 05:00 when situated in Tier 1 and Tier 2.

The workplace canteen remains shut if it is situated in Tier 3.

The company ensures that when workplace gatherings take place, workers stay within their 'qualifying group'.

**What has changed?** The above actionable requirements reinstate coronavirus measures, that were previously introduced under the Coronavirus Local Alert, [Medium](#), [High](#) and [Very High](#) 2020 Regulations. The reemergence of this 3 Tier system, is to ensure that continued action is taken to prevent further spreading of COVID-19. The restrictions and requirements of the different Tier's shall be laid out below: **Tier 1** Under **Tier 1**, organised **work gatherings** are permitted, so long as the company has:

carried out a risk assessment that would satisfy [regulation 3](#) of the [Management of Health and Safety at Work Regulations 1990](#);

followed government guidance pertaining to gatherings; and

indicated that it is necessary, for instance, for training purposes.

Gatherings can only be held if individuals form, and stick, to their 'qualifying groups'. This entails either:

a group of 6 persons;

consists only of persons who are members of the same household; or

consists only of persons who are members of two households but are regarded as 'linked households'.

Under no circumstances, may one qualifying group mingle with another qualifying group at a work-related event.

**Workplace canteens** must not accept, between the hours 22:00 and 05:00, any orders for food or drink, and must remain shut between 23:00 and 05:00. If there are no other practical means for workers to obtain food, the workplace canteen may serve food and drinks (but no alcohol) between the hours of 23:00 and 05:00 and accept orders on or after 22:00. Moreover, if workers are warranted to consume food and drink at the canteen, the company must ensure that individuals remain seated throughout the duration of their meal. This also applies to areas adjacent to premises, that is used to consume food or drinks. **Tier 2** Under this Tier, the same requirements laid out in Tier 1, concerning work gatherings and workplace canteens, are applicable. **Tier 3** Under Tier 3, the requirements referring to gatherings mirror that of Tier 1. However, workplace canteens that are situated within Tier 3, must remain shut and cease providing food or drink, unless there is no alternative way for workers to obtain the latter. In this instance, the seating requirement and ban on providing alcohol, as laid out in Tier 1, are also applicable.

**Penalties** If the company is found in contravention with the requirements, the first fixed penalty they will be issued with will amount to GBP 1,000, the second to GBP 2,000, the third to GBP 4,000 and the fourth and subsequent one, equating to GBP 10,000. Moreover, if any fixed penalty has been issued under any of the regulations below, this will account for a second fixed penalty and vice versa:

[Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\)](#).

[Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(High\) \(England\) Regulations 2020](#).



[Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Very High\) \(England\) Regulations 2020.](#)  
[Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) Regulations 2020.](#)  
[Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020.](#)  
[Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 4\) Regulations 2020.](#)  
[Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020.](#)  
[Health Protection \(Coronavirus, Restrictions\) \(Obligations of Undertakings\) \(England\) Regulations 2020.](#)

**Additional information** Due to the rising number of COVID-19 in England, the three levels of restrictions have been introduced to counteract the continued spreading of the coronavirus. The Tiers shall be adjusted accordingly, so that they correctly correspond to areas with higher or lower rates of transmission.

### 3.2.4 GB-ENG Facilities can now refer to the guidance on providing adequate ventilation and air conditioning during the coronavirus pandemic

**Abstract:** As of 3 December 2020, facilities can now refer to the guidance on providing adequate ventilation and air conditioning during the ongoing novel coronavirus of 2019. This follows from the publication of 'Ventilation and air conditioning during the coronavirus (COVID-19) pandemic' ("the Guidance") by the Health and Safety Executive. The Guidance will further help facilities identify poorly ventilated areas of the workplace and provide steps that can be taken to improve ventilation.

**Business Impact:** As a company the guidance on 'Ventilation and air conditioning during the coronavirus (COVID-19) pandemic' ("the Guidance") provides no environmental health and safety requirements. However, the Guidance suggests ways through which the company can provide adequate ventilation in the workplace. For example, the Guidance suggests that the company can:

- look for areas where there is no mechanical or natural ventilation such as a vent or window;
- check that mechanical systems such as local air conditioners, provide outdoor air, temperature control, or both as recirculation can result in poorly ventilated areas;
- identify areas that feel stuffy or smell badly; and
- use carbon dioxide (CO<sub>2</sub>) monitors to identify the CO<sub>2</sub> levels to help decide the level of ventilation requires in that area.

**Analysis:** The Health and Safety Executive on 3 December 2020 published the article '[Ventilation and air conditioning during the coronavirus \(COVID-19\) pandemic](#)' ("the Guidance") to assist facilities to ensure an adequate supply of fresh air is continuously provided in the workplace. According to the Guidance, good ventilation, together with social distancing, frequently cleaning the workplace and frequent hand washing can help reduce the risk of the spread of the coronavirus. As such, the guidance helps facilities identify poorly ventilated areas of the workplace and provides steps that can be taken to improve ventilation. *Identifying poorly ventilated areas* According to the Guidance, where the workplace or parts of it are poorly ventilated, the facility will need to improve such ventilation in order to reduce the risk of airborne transmission. In order to achieve this, the company can:

- look for areas where there is no mechanical or natural ventilation such as a vent or window;
- check that mechanical systems such as local air conditioners, provide outdoor air, temperature control, or both as recirculation can result in poorly ventilated areas;
- identify areas that feel stuffy or smell badly; and
- use carbon dioxide (CO<sub>2</sub>) monitors to identify the CO<sub>2</sub> levels to help decide the level of ventilation requires in that area.

*Ways of improving ventilation* The Guidance suggests that facilities can improve ventilation through:  
natural ventilation which can be provided through open windows, or through other means such as vents. However, facilities should ensure fire doors should not be propped open;  
switching ventilation systems on and set to draw fresh air in while employees are in a company vehicle.



mechanical ventilation (including air conditioning) which maximise fresh air and minimise recirculation; and fans and air cleaning units such as desk and ceiling fans which can be used provided the area is well ventilated. In addition, local air cleaning and filtration units can be used to reduce airborne transmission where it is impossible to maintain adequate ventilation. Further information on ventilation can be accessed on the [Health and Safety Executive website](#).

### **3.2.5 GREECE Companies must continue to respect the total lockdown measures from 13 December 2020 to 7 January 2021 to prevent further spread of Covid-19**

**Abstract:** Effective from 13 December 2020 to 7 January 2021, companies must continue to follow the total lockdown measures imposed in order to curb the spread of Covid-19 in Greece, including, among others, providing certificates to commuting employees in order to justify their movement. Movement outside the regional units or outside the Attica region continues to be prohibited, with the exception of, among others, commuting to work. This follows from Ministerial Decision 80189/2020, which was adopted on 12 December 2020.

**Business Impact:** If the company continues to operate in Greece, it must continue to ensure that the total lockdown measures are respected from 13 December 2020 to 7 January 2021. These measures continue to include obligatory teleworking to the extent possible, closure of company canteens and a restriction on the amount of persons allowed in meetings. Moreover, if the employees must commute from their home to the workplace, the company must issue a certificate from the Information System "ERGANI", before their commute begins.

**Analysis: Actionable requirements** Following the adoption of Ministerial Decision 80189/2020, the company must continue to ensure that:

- obligatory teleworking is implemented at the maximum possible rate of employees, as long as it is in line with the nature of the employees' duties, regardless of the presence of any vulnerable group
- employees are provided with a certificate for their movement, if they have to commute to work
- meetings are organised with only 7 participants and with the observance of 1,5 meters between the participants
- only 1 person in addition to the driver is seated in private vehicles
- the operation of onsite canteens is suspended and take away is only allowed in accordance with the restrictive list of reasons.

**What has changed?** On 12 December 2020, Ministerial Decision 80189/2020 was adopted to replace Ministerial Decision [78363/2020](#). Ministerial Decision 80189/2020 does not impose additional obligations on companies, but rather extends the deadline until when the lockdown measures stay in force. Moreover, the time for the exceptional movement of citizens has changed from 5.00-21.00 to 5.00-22.00.

**Additional Information** Ministerial Decision 80189/2020 "Urgent measures of public health protection against the further spread of Covid-19 in Greece from Sunday 13 December 2020 to Thursday 7 January 2021" is available [online](#) in Greek.



### 3.2.6 MALTA Facilities employing workers exposed to SARS-CoV-2 required to adopt precautionary measures against biological agents at work

**Abstract:** As of 24 November 2020, all facilities, whose workers are or can be exposed to SARS-CoV-2 must take precautionary measures also with regards to this agent, for instance by adopting protective measures to ensure that exposure is avoided by drawing up of plans to deal with accidents involving biological agents. This follows the adoption of Protection of Workers from risks related to Exposure to Biological Agents at Work (Amendment) Regulations, 2020.

**Business Impact:** If the facility employs workers, who are or can be exposed to SARS-CoV-2, it just be aware that the latter has been added to the list of Schedule III to the Old Regulations. This means that the facility must take precautionary measures with regards to this agent, for instance:  
draw up plans to deal with accidents involving biological agents; and  
ensure that workers and/or their representative have been trained and receive sufficient and appropriate information and instructions in relation to the risks to which they are exposed and measures to be taken to protect them.

**Analysis: Actionable requirements** The [Protection of Workers from risks related to Exposure to Biological Agents at Work \(Amendment\) Regulations, 2020](#) does not introduce any direct requirements for facilities.

**What has changed** [Protection of Workers from risks related to Exposure to Biological Agents at Work \(Amendment\) Regulations, 2020](#) (the Amending Regulations) entered into force on 24 November 2020 and amended [Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations, 2003](#) (the Old Regulations). The Amending regulations add severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in the list of Schedule III to the Old Regulations. More specifically, SARS-CoV-2 has been classified in group 2 of the biological agent classification and is considered as an agent that can cause human disease and might be a hazard to workers, that is unlikely to spread to the community and there is usually effective prophylaxis or treatment available with regards to it.

**Additional information** The Amending Regulations transpose the Commission Directive (EU) 2020/739 of 3 June 2020 amending Annex III to Directive 2000/54/EC of the European Parliament and of the Council as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans and amending the commission Directive (EU) 2019/1833. All facilities, whose workers are or can be exposed to SARS-CoV-2 must take precautionary measures prescribed by the Old Regulation, which include, for instance:  
conducting non-propagative laboratory works involving SARS-CoV-2 using procedures equivalent to at least containment level 2, which has been described in the schedule V to the Old Regulations, for example adopting disinfection procedures;  
conducting propagative laboratory works involving SARS-CoV-2 using procedures equivalent to at least containment level 3, which has been described in the schedule V to the Old Regulations, for instance adopting an efficient vector control;  
making available to the Occupational Health and Safety Authority upon request, information in relation to any accident which might occur, the results of the assessment of risks, exposed workers, measures that have been implemented;  
adopting protective measures to ensure that exposure is avoided, for instance by drawing up plans to deal with accidents involving biological agents; and  
ensuring that workers and/or their representative have been trained and receive sufficient and appropriate information and instructions in relation to the risks to which they are exposed and measures to be taken to protect them.

### 3.2.7 SPAIN NATIONAL SARS and MERS coronaviruses classified as group 3 biological agents

**Abstract:** As of 11 December 2020, employers of workers exposed or likely to be exposed to coronaviruses (such as SARS-CoV-2) at the workplace are required to assess the risks and implement all necessary preventive and protective measures



to avoid or reduce employees' exposure (or likely exposure). This follows from the adoption of Order TES/1180/2020 reviewing the list of classified biological agents under Royal Decree 664/1997 (on the protection of workers against the risk of exposure to biological agents at work) to include additional coronaviruses.

**Business Impact:** If the company employs workers exposed or likely to be exposed to certain coronaviruses (such as the severe acute respiratory syndrome coronavirus 2 - SARS-CoV-2) at work, it must comply with additional obligations to protect workers from such exposure as of 11 December 2020 following the entry into force of Order TES/1180/2020. In practice, the company has, among other things, to:

- assess workers' health and safety risks from exposure to such coronaviruses in the workplace;
- avoid workers' exposure (if possible) or minimise the number of workers exposed;
- put in place appropriate preventive and hygienic measures;
- provide protective clothing or equipment to workers; and
- provide workers with information on risks and precautions as well as training.

In addition, if the company carries out non-propagative diagnostic laboratory work (such as sequencing) involving SARS-CoV-2, it must use procedures equivalent to at least containment level 2 (such as specified disinfection procedures). If the company carries out propagative work involving SARS-CoV-2 (including handling or manipulating samples of the virus) it must now conduct them at a containment level 3 (for instance, in a laboratory with air pressure negative to atmosphere).

**Analysis: Actionable requirements (Existing)** If the facility has workers who are or are likely to be exposed to biological agents at work, the facility assesses any risk to workers' health and safety on a regular basis and whenever any change in the conditions of workers may affect the exposure to biological agents;

(Existing) If the facility has workers who are or are likely to be exposed to biological agents at work, the employer implemented hygiene and protection measures to protect the health and safety of employees in all activities involving the use of biological agents;

(Existing) If workers are or are likely to be exposed to biological agents at work, the employer implements the necessary preventive and protective measures to ensure that exposure is avoided or, if this is not technically feasible, to reduce the risk of exposure to the lowest level possible;

(Existing) If workers are or are likely to be exposed to biological agents at work, the facility replaces the use of harmful biological agents by those which, under the condition of use, are not hazardous or less hazardous;

(Existing) If workers are or are likely to be exposed to biological agents at work, the employer makes available to the labour or health authorities, upon request, information in relation to any accident which might occur, the results of the assessment of risks, exposed workers, measures that have been implemented, among others;

(Existing) If workers are or are likely to be exposed to biological agents at work, the employer provides them with suitable training and information on exposure to biological agents and the prevention and control measures required to be implemented during their work.

(Existing) If the facility has workers exposed to group 3 and group 4 biological agents, the employer has established a list of exposed workers indicating the type of work and the biological agent to which they have been exposed and keeps the list for at least 10 years after the end of exposure and, in certain cases, for up to 40 years after the last known exposure.

**What has changed** On 10 December 2020, the Ministry of Labour and Social Economy (*Ministerio de Trabajo y Economía Social*) issued [Order TES/1180/2020](#) in order to adapt to technical progress [Royal Decree 664/1997 on the protection of workers against the risk of exposure to biological agents at work](#), as well as to transpose the following amendments to [Directive 2000/54/EC](#) (the "Biological Agents Directive"): [Directive \(EU\) 2019/1833 amending Annexes I, III, V and VI as regards purely technical adjustments](#) (partial transposition); and [Directive \(EU\) 2020/739 amending Annex III as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans](#).

Order TES/1180/2020 reviews the list of classified biological agents (contained in Annex II to Royal Decree 664/1997) to include the following betacoronaviruses:



severe acute respiratory syndrome coronavirus (SARS-CoV): classified as risk group 3;  
severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2): classified as risk group 3;  
middle east respiratory syndrome coronavirus (MERS-CoV): classified as risk group 3; and  
a generic reference to other "*coronaviridae*" known to be pathogenic: classified as risk group 2.  
Order TES/1180/2020 also updates Annex IV to Royal Decree 664/1997 to include "showers of personnel before leaving the contained area" as a "recommended" containment measure for containment levels 3 and 4. In addition, the containment measures previously listed as "optional" under Annex V are now considered as "recommended" (meaning that the measures should in principle be applied unless the results of the assessment indicate otherwise). However, companies should note that the above changes to Annexes IV and V apply:  
as of 11 December 2020: with regard to exposure to "*coronaviridae*"; and  
as of 19 November 2021: with regard to the rest of biological agents.  
Finally, the adopted Order establishes that facilities conducting non-propagative diagnostic laboratory work (such as sequencing) involving SARS-CoV-2 must use procedures equivalent to at least containment level 2 (including specified disinfection procedures), while propagative work involving SARS-CoV-2 (like handling or manipulating samples of the virus) must be conducted at a containment level 3 (for instance, in a laboratory with air pressure negative to atmosphere).

**Additional information** The review of the classified list of biological agents means, in practice, that employers are required to comply with, among others, the following existing requirements as regards workers' exposure to the above-mentioned coronaviruses (such as SARS-CoV-2):  
assess workers' health and safety risks from exposure to these coronaviruses in the workplace;  
avoid workers' exposure (if possible) to these coronaviruses or minimise the number of workers exposed;  
put in place appropriate preventive and hygienic measures;  
provide protective clothing or equipment to workers; and  
provide workers with information on risks and precautions as well as training.

### **3.2.8 THE NETHERLANDS Facilities must take adequate hygienic measures to protect their employees from COVID-19 at the workplace**

**Abstract:** As of 2 December 2020, facilities must comply with temporary additional requirements concerning the setup of workplaces following the control of the Covid-19 epidemic, such as the observance of adequate hygienic measures and the provision of effective information and training to workers on preventing the coronavirus SARS-CoV-2 at the workplace.

**Business Impact:** If the facility has employees working on its premises during the COVID-19 pandemic, it must take the necessary measures and provisions, in order to prevent or reduce the risk of the coronavirus SARS-CoV-2 contaminating employees and third parties in the workplace. This includes installing adequate hygienic measures, providing effective information and education for workers on combating SARS-CoV-2 at the workplace, and ensuring adequate monitoring of compliance with the measures and provisions. This follows Decision of 25 November 2020 which temporarily amends the Working Conditions Decision.

**Analysis: Actionable requirements** If the facility has employees working on its premises during the COVID-19 health crisis, it implements all the necessary measures and provisions to prevent or reduce the risk of infection with the coronavirus SARS-CoV-2 at the workplace (such as observing adequate hygienic measures at the workplace). (*new*)

**What has changed?** On 1 December 2020, the Dutch Government published the [Decision of 25 November 2020](#) which temporarily amends the [Working Conditions Decision](#) in relation to the control of the coronavirus SARS-CoV-2. The actionable requirement mentioned above is a new requirement imposed on facilities, however, this requirement only has



a temporary effect (until further notice by the Dutch Government). The amended Working Conditions Decision adds a new (temporary) provision to the "general requirements of the employer chapter", to help control the epidemic of covid-19, caused by the virus SARS-CoV-2, or a direct threat thereof. In order to prevent or limit the risk of infection of employees and third parties with SARS-CoV-2, the employer must take the necessary measures and provisions at workplaces, taking into account [Chapter Va of the Public Health Act](#) (which includes provisions regarding the safety distance, events, hygienic measures) as well as the state of science and professional services. The necessary measures and provisions must at least include the following:

the observance of sufficient hygienic provisions;

the provision of effective information and training to workers on the control of SARS-CoV-2 at the workplace; and  
the adequate monitoring of compliance with the necessary measures and provisions.

The amended Working Conditions Decision states that further regulation for the implementation of information and education obligation and monitoring obligation for employers can be provided by Ministerial Rules. In establishing such rules, a distinction can be made between different activities of companies or establishments.

**Background information** Taking measures or making provisions to prevent or limit the risk of contamination arises from the employer's general duty of care for the safety and health of employees. Protection against SARS-CoV-2 obliges the employer to take necessary measures or provisions at the workplace. The new temporary requirement explained above is an elaboration of this and forms the basis for the employer's obligations when taking measures or provisions. What the measures or provisions are, depends on what is considered necessary for the protection of employees in workplaces. Additionally, the state of science and professional services also apply insofar as they also protect the employee. This relates in particular to keeping a safe distance and other rules of conduct laid down in the Public Health Act or measures that, based on the state of the art or professional services, offer sufficient protection to employees. These include government measures to combat SARS-CoV-2, such as washing hands and avoiding crowds. Furthermore, employers can take other types of measures to reduce the risk of infection with the virus, such as placing screens, indicating walking routes, limiting the number of people in the workplace, ventilating rooms, disinfecting the workplace, disinfecting tools or wearing face protection.

## 3.3 Latin America

### 3.3.1 BRAZIL FEDERAL Supreme Federal Court recognizes the concurrent legislative competence between Brazilian states, the Federal District, and municipalities to establish restrictive measures during the COVID-19 pandemic

**Abstract:** On 13 October 2020, companies must continue complying with all federal, state, and municipal restrictive measures, such as isolation, quarantine, and limitations to operate during the new coronavirus (COVID-19) pandemic. This follows from the decision of the Brazilian Supreme Federal Court (*Supremo Tribunal Federal*- STF) on the allegation of disobedience of fundamental precept (*arguição de descumprimento de preceito fundamental*- ADPF) 672, which recognized that Brazilian states, the Federal District, and municipalities have concurrent competence (*competência concorrente*) to legislate on restrictive measures during the COVID-19 pandemic.

**Business Impact:** The company must be aware that the Brazilian Supreme Federal Court (*Supremo Tribunal Federal*- STF) confirmed that Brazilian states, the Federal District, and municipalities have concurrent competence (*competência concorrente*) to legislate on restrictive measures during the new coronavirus (COVID-19) pandemic. This means that the



company must continue complying with all federal, state, and municipal restrictive measures, such as isolation, quarantine, and limitations to operate during the pandemic.

**Analysis:** On 13 October 2020, the Brazilian Supreme Federal Court (*Supremo Tribunal Federal*- STF) recognized on the [allegation of disobedience of fundamental precept \(arguição de descumprimento de preceito fundamental - ADPF\) 672](#) that Brazilian states, the Federal District, and municipalities have concurrent competence (*competência concorrente*) to legislate on restrictive measures during the new coronavirus (COVID-19) pandemic. The decision was published on 29 October 2020. The STF confirmed that Brazilian states, the Federal District, and municipalities have the competence to adopt sanitary measures established by [Federal Law 13.979 of 6 February 2020](#), such as:  
social distancing or isolation;  
quarantine;  
suspension of teaching activities;  
restrictions to the operation of commercial and cultural activities;  
restrictions on the circulation of people; and  
other effective actions to reduce the number of infected people and death.

Because of the shared competences constitutionally established, the existence of Law 13.979/2020 does not prevent the Brazilian states, the Federal District, and municipalities to enact their own norms, applicable at their territory. This decision does not establish practical changes for companies, which must continue complying with all federal, state, and municipal requirements during the new coronavirus (COVID-19) pandemic.

**Understanding the decision** The STF based its decision on the severity of the emergency situation caused by the new coronavirus pandemic, which requires Brazilian authorities at all levels to:  
implement concrete measures to protect the public health; and  
adopt all possible and technical actions to support public health activities' maintenance, provided that constitutional provisions of independence between the powers are respected.

The decision clarifies that the [Brazilian Federal Constitution of 1988](#) establishes:  
the common administrative competence (*competência comum*) between federal, state, district, and municipal levels for the protection of public health;  
the concurrent legislative competence between federal, state, and district levels to legislate on the protection of health, while allowing municipalities to complement federal and state legislation on the local interest; and  
the administrative and political decentralization of the public health system with consequent decentralization of sanitary surveillance and epidemiological activities, according to [Law 8.080 of 19 September 1990](#).

Therefore, the STF confirmed its precautionary measure (*medida cautelar*) to recognize that Brazilian states, the Federal District, and municipalities can legislate on the adoption and maintenance of restrictive measures during the new coronavirus pandemic, in addition to restrictive federal ones adopted in the whole Brazilian territory.

### **3.3.2 BRAZIL FEDERAL Companies placing ethyl alcohol packaging on the market are exempted from certifying the packaging during the public health emergency caused by the new coronavirus (COVID-19)**

**Abstract:** From 24 November 2020 and while the public health emergency situation remains, companies placing ethyl alcohol packaging on the market are exempted from certifying the packaging. However, companies choosing not to certify the ethyl alcohol packaging must still comply with technical safety requirements (such as the packaging must resist without any leakage from a free fall of 1.20 meters) and keep records of the testing proving compliance with them.

**Analysis: Actionable requirements** (Existing) If the company packs ethyl alcohol, it only places the product on the market when the packaging is certified by the National Institute of Metrology, Quality and Technology (*Instituto Nacional de Metrologia, Qualidade e Tecnologia* - INMETRO). (Existing) If the company distributes or retails ethyl alcohol packaging, it only places the packaging on the market which is certified by the National Institute of Metrology, Quality and Technology (*Instituto Nacional de Metrologia, Qualidade e Tecnologia* - INMETRO).

**What has changed** INMETRO Ordinance 353 of 12 November 2020 does not introduce new requirements on companies. It exempts companies from complying with the compulsory certification of ethyl alcohol packaging while the public health emergency caused by the new coronavirus (COVID-19) remains.

**Analysis** INMETRO Ordinance 353/2020 amends INMETRO Ordinance 270 of 5 August 2008 to suspend the compulsory certification of ethyl alcohol packaging. It applies from 24 November 2020 and while the public health emergency caused by the new coronavirus remains (there is no predicted end deadline). Under INMETRO Ordinance 353/2020, the certification of alcohol packaging becomes voluntary during the public health emergency. However, suppliers must still comply with safety requirements for ethyl alcohol packaging established by INMETRO Ordinance 269 of 5 August 2008 and INMETRO Ordinance 270/2008, such as the packaging must resist without any leakage from a free fall of 1.20 meters. In case the supplier chooses not to certify the product, it must keep records of the testing proving compliance with the mentioned technical safety requirements. INMETRO Ordinance 353/2020 also establishes that infraction notices drawn up after 7 February 2020 concerning ethyl alcohol packaging placed on the market without the conformity identification seal (*selo de identificação da conformidade*) by INMETRO must be disregarded (*considerados insubsistentes*).

**Additional information** INMETRO Ordinance 270/2008 approves the conformity assessment regulation for ethyl alcohol packaging of 0.1 to 5 liters and its lid, including alcohol gel, establishing the compulsory certification for such products. Under INMETRO Ordinance 270/2008, the conformity assessment requirements do not apply to ethyl alcohol: in the form of pressed liquid (*líquido premido*); alcohol gel in the form of sachet packaging; and glass packaging for pro-analysis alcohol (*próanálise* - P.A.).

### 3.3.3 BRAZIL – GOIÁS Public hearings within environmental licensing processes can be carried out virtually during the COVID-19 pandemic

**Abstract:** From 6 November 2020, public hearings within the environmental licensing process conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*) can be carried out virtually, due to the COVID-19 pandemic. Besides, facilities with ongoing environmental processes with public hearings must comply with publishing and marketing requirements, such as publish the act calling the public hearing 15 calendar days in advance and to ensure that the public hearing is recorded.

**Business Impact:** If the facility has an ongoing environmental licensing process that has public hearings conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*), it must be aware that it can be carried out virtually during the COVID-19 pandemic, except if concerning traditional communities, among others. Besides, regardless if the public hearing is virtual or in-person, the facility must publish the act calling the public hearing (*ato convocatório para a audiência pública*) in its website and social media, and in a newspaper with large circulation in the State of Goiás at least 15 calendar days before the public hearing; advertise the public hearing throughout the 5 working days before its date through a public hearing

notice (*aviso de audiência pública*); in radios, sound cars and others; and ensure that the public hearing is recorded (audio and video).

**Analysis: Actionable requirements (New)** If the facility has an ongoing environmental licensing process that has a public hearing, it has published the act calling the public hearing (*ato convocatório para a audiência pública*) in its website and social media, and in a newspaper of large circulation in the State of Goiás, at least 15 calendar days before the public hearing.

(New) If the facility has an ongoing environmental licensing process that has a public hearing, it has advertised it throughout the 5 calendar days preceding it.

(New) If the facility has an ongoing environmental licensing process that has a public hearing, it ensures that the public hearing is recorded (audio and video).

**What has changed?** The actionable requirements mentioned above are new. [SEMAD Normative Instruction 6 of 6 November 2020](#) also establishes the possibility of carrying out virtual public hearings within the environmental licensing process conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*), during the COVID-19 pandemic. This measure can be further extended to other similar sanitary situations. Furthermore, facilities must ensure that there is at least 1 virtual access point in each community that is directly impacted by the enterprise, complying with the sanitary restrictions that are in place (not specified).

**Additional information** SEMAD Normative Instruction 6/2020 is part of SEMAD's measures to deal with the COVID-19 pandemic. It applies since 6 November 2020. The call for the public hearing must be made through the public hearing notice (*aviso de audiência pública*), that must contain all the relevant information, such as:

description of the topic and the process under discussion;

date and hour of the public hearing; and

link where interested parties can access to participate in it.

Companies must publish this notice, regulation and assessments regarding the public hearing on the website of [SEMAD](#) at least 15 days before the public hearing. As before, the opinions, suggestions, criticisms and information collected during the public hearing are advisory and non-binding, and aim to help SEMAD's decisions on environmental licensing processes.

**Virtual hearings** An exception regarding the public hearings carried out virtually applies if it concerns:

the interest of traditional communities;

rural settlements; and

communities without access to the internet and to the necessary equipment to participate in the hearing.

These hearings must continue to be carried out when the restrictions imposed to combat the further spread of the COVID-19 are no longer in force or when the official bodies allow it, with compliance with security protocols. In any case, these hearings must continue to be live-streamed, so that interest parties can participate.

**Scope of the environmental licensing in the State of Goiás** In the State of Goiás, the environmental licensing is necessary for facilities carrying out activities such as agriculture and livestock, mining, industrial activities (food, cosmetic, pharmaceutical, chemical, fuel), transport, energy, solid waste, leisure enterprises, among others, as established in the single Annex of [Decree 9.710 of 3 September 2020](#). A public hearing is carried out when:

the enterprise is subject to an environmental impact assessment (*Estudo de Impacto Ambiental - EIA*) and to its environmental impact report (*Relatório de Impacto Ambiental - RIMA*);

the enterprise is not subject to an EIA/RIMA, but the environmental body decides it is necessary;

the enterprise is not subject to an EIA/RIMA, but at least 50 citizens of an affected community or the Federal or State Public Ministry have requested it;

the enterprise is not subject to an EIA/RIMA, but the State Environmental Council (*Conselho Estadual do Meio Ambiente - CEMAM*) deems it necessary; and

it is necessary to appreciate the environmental repercussions of State, regional and municipal governmental programs. Finally, facilities with an ongoing environmental licensing process that has a public hearing must pay for all the expenses connected to the virtual public hearing (including the renting of the space, access to the online platform and internet access), as it was already established in [Resolution 22/2002 of 19 February 2003, providing for environmental public hearings](#).

### **3.3.4 BRAZIL - MINAS GERAIS Public hearings within environmental licensing processes can be carried out virtually during the COVID-19 pandemic**

**Abstract:** From 11 November 2020, public hearings within the environmental licensing process in the State of Minas Gerais conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*) can be carried out virtually, due to the COVID-19 pandemic. Besides, facilities with ongoing environmental processes with virtual public hearings must present the technical procedures, the platform and the communication plan to the licensing authority.

**Business Impact:** If the facility has an ongoing environmental licensing process that has public hearings conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*), it must be aware that it can be carried out virtually during the COVID-19 pandemic. SEMAD Resolution 3.018/2020 does not establish the situations where the public hearing cannot be held in-person. The facility must present to the licensing authority the technical procedures, the virtual platform that is going to be used, the way that it intends to guarantee that every interested party has access to the virtual public hearing and the communication plan.

**Analysis: Actionable requirements (New)** If the facility has an ongoing environmental licensing process that has a public hearing that is going to be held virtually, it has presented to the licensing authority the technical procedures, the virtual platform to be used, the way of guaranteeing that every interested party will have virtual access and the communication plan.

**What has changed?** The requirement mentioned above is a new one. [SEMAD Resolution 3.018 of 9 November 2020](#) also establishes the possibility of carrying out virtual public hearings within the environmental licensing process conducted by the State Secretariat of the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*), for as long as [Decree with Special Numbering 113 of 12 March 2020](#) is in force. SEMAD Resolution 3.018/2020 does not establish the situations where the public hearing cannot be held in-person. Furthermore, the communication plan must include:  
the general instructions of registration and use of the virtual platform;  
the instructions for the prior registration in order to participate in the public hearing; and  
the instructions for the prior registration in order to submit an oral or written participation.

**Additional information** SEMAD Resolution 3.018/2020 is part of SEMAD'S measures to deal with the COVID-19 pandemic. It applies since 11 November 2020. SEMAD Resolution 3.018/2020 states that, in order to ensure the participation of every interested party, the facility must:  
ensure that all parties that are directly affected for the enterprise have the possibility to participate in the public hearing, including by ensuring that there is at least 1 virtual point of access, complying with the sanitary restriction that are in place (not specified);  
ensure that the technology that is used allows the transmission in real time; and  
if a big number of people wish to participate, ensure that they are able to do it via several mediums, such as radio or telephone.

If the licensing body decides so, there can be further measures to ensure the fair participation of the interested parties, as long as the sanitary measures that are in place are complied with. SEMAD Resolution 3.018/2020 states that the communication plan presented by the facilities must continue to comply with the requirements set in [COPAM Normative Deliberation 225 of 25 July 2018](#). These are the following:

define the place, time and local to carry out the public hearing, together with the competent environmental body;

release the information of the public hearing in newspapers, websites, radio shows, among others, at least 15 calendar days before the public hearing; and

make a copy of the environmental impact report (*relatório de impacto ambiental - RIMA*) available in the town hall.

The public notice of the public hearing (*edital de convocação da audiência pública remota*) must contain the informations mentioned in COPAM Normative Deliberation 225/2018 (such as the location of the activity or enterprise, the number of the process, and the location, date and time of the public hearing) and also the link to remotely access the public hearing.

As before, the opinions, suggestions, criticisms and information collected during the public hearing are advisory and non-binding, and aim to help SEMAD's decisions on environmental licensing processes.

**Scope of the environmental licensing in the State of Minas Gerais** In the State of Minas Gerais, the environmental licensing is necessary for facilities carrying out activities such as mining activities, oil extraction and refining, manufacture of glass, sugar, military equipment, cigars, batteries and accumulators, transport of dangerous products, fuel storage, recycling of batteries and accumulators, waste incineration, landfills and petrol stations, among others, as established in the single Annex of [COPAM Normative Deliberation 217 of 6 December 2017](#). A public hearing is carried out when: the mayor of the municipality where the activity will be carried out, the Public Prosecution, the operator, civil entities or groups of more than 50 people have requested it; the enterprise is subject to an environmental impact assessment (*Estudo de Impacto Ambiental - EIA*) and to its environmental impact report (*Relatório de Impacto Ambiental - RIMA*); and the State Environmental Policy Council (*Conselho Estadual de Política Ambiental - COPAM*) has established it

### 3.3.5 BRAZIL - MINAS GERAIS Deadlines for the renewal of environmental licensing and other administrative procedures are suspended while the state of emergency is in place

**Abstract:** As of 24 June 2020, companies must be aware that some administrative deadlines have been suspended, such as for the request for the renewal of environmental licensing, water use permit, for the extension of authorization for environmental intervention, for the communication of changes to forestry registration, among others. This follows from SEMAD/FEAM/IEF/IGAM/ARSAE Joint Resolution 2.975/2020 which suspends the deadlines due to the emergency state established in Minas Gerais. The deadlines will resume by the end of the emergency state.

**Business Impact:** The company must be aware that the deadline to renew its environmental licensing, water use permit, to require an extension of authorization for environmental intervention, communicate changes to forestry registration, as well as the entry into force of obligations regarding construction waste, delivery of a pollution load statement, and a contaminated areas management study in the state of Minas Gerais is suspended during the health emergency situation declared in the state. After the end of the emergency state, the deadlines will be resumed in 2 patterns: either fully resumed from the 1st working day after the end of the emergency state; or resumed up to 10 working days after the end of the state of emergency.

**Analysis:** The State Secretariat for the Environment and Sustainable Development (*Secretaria de Estado de Meio Ambiente e Desenvolvimento Sustentável - SEMAD*), the State Environment Foundation (*Fundação Estadual do Meio Ambiente - FEAM*), the State Forestry Institute (*Instituto Estadual de Florestas - IEF*), the Minas Gerais Water Management Institute

(*Instituto Mineiro de Gestão das Águas - IGAM*) and the Minas Gerais Water Supply and Sewage Regulatory Agency (*Agência Reguladora de Serviços de Abastecimento de Água e de Esgotamento Sanitário de Minas Gerais - ARSAE*)'s [Joint Resolution 2.975 of 19 June 2020](#) establishes hypotheses of interruption of the terms of certain administrative procedures, such as the request for renewal of environmental licensing and water use permit, the extension of environmental interventions, and other procedures during the validity of the emergency situation. SEMAD/FEAM/IEF/IGAM/ARSAE Joint Resolution 2.975/2020 came into force on 24 June 2020.

**Scope** SEMAD/FEAM/IEF/IGAM/ARSAE Joint Resolution 2.975/2020 (hereafter "the Resolution") applies to companies that are required to renew their environmental licensing and water use permit, or that need to require an extension of the authorization for environmental intervention, or communicate changes to forestry registration, or deliver a pollution load statement and a contaminated areas management study as part of their environmental licensing procedure, among others.

**What is new?** The following administrative procedures had their deadlines suspended until the end of the emergency state declared by [Decree 113 of 12 March 2020](#) due to the COVID-19 pandemic:  
request for the renewal of environmental licensing (*licenciamento ambiental*);  
request for the renewal of the water use permit (*outorga de recursos hídricos*);  
request for the extension of the authorization for environmental intervention (*autorização para intervenção ambiental*);  
the communication of changes to the registration of forestry activities (*registro de atividades florestais*) and for the term of license transfer (*termo de transferência da licença de porte*) for the eventual transfer and sale of equipment, such as chainsaws, tractors, and others;  
delivery of the polluting load statement (*declaração de carga poluidora*); and  
delivery of studies related to the management of contaminated areas; among others.  
Furthermore, the Resolution also delayed entry into force of the obligations determined by art.19 of [COPAM Normative Resolution 232/2019](#) regarding construction waste (*resíduos da construção civil*).

**Restitution of deadlines** According to the Resolution, once the emergency state is declared over, the deadlines will be resumed observing the following:  
*resumed from the 1st working day following the end of the state of emergency:* this applies to the suspension of the communication of changes to the registration of forestry activities and for the eventual transfer and sale of equipment; to the delivery of the polluting load statement, the delivery of studies related to the management of contaminated areas; and the period for the entry into force of the obligations determined by the [COPAM Normative Resolution 232/2019](#) for construction waste. Moreover, it applies to the suspension of the request of the renewal of environmental licensing and request for extension of authorization for environmental intervention (as long as the minimum of 120 calendar days for the license to expire happens after 16 March 2020).  
*resumed up to the 10th working day after the end of the state of emergency:* this applies to the suspension of the request for the renewal of the water use permit; and to the request the renewal of environmental licensing (if the minimum of 120 calendar days for the license to expire happened before 16 March 2020).

**Activities not affected by the Resolution** The fulfillment of obligations related to environmental accidents, precautionary and emergency measures and any other material obligations is not suspended by the Resolution.

### 3.3.6 BRAZIL - MINAS GERAIS Deadlines for certain administrative procedures resumed

**Abstract:** As of 15 September 2020, companies must be aware that the deadlines for certain executive power administrative procedures have been resumed, including the processing of environmental infringement procedures and requests for environmental licenses and their renovations. The deadlines had been suspended on 19 March 2020 due to



the COVID-19 situation. The resumption of the deadlines does not apply to administrative procedures in the field of taxation, such as those regarding the Minas Gerais State Environmental Control and Inspection Fee (*Taxa de Controle e Fiscalização Ambiental do Estado de Minas Gerais - TFAMG*), nor to physically submitted procedures.

**Business Impact:** If the company is involved in an executive power administrative procedure (such as processing of environmental infringing acts, environmental license requests or renewals, and the water use permit request or renewal), they must be aware that the deadlines have been resumed as of 15 September 2020. The deadlines had been suspended on 19 March 2020 due to the COVID-19 situation. The resumption of the deadlines does not apply for administrative procedures in the field of taxation (such as administrative procedures regarding the Minas Gerais State Environmental Control and Inspection Fee) nor to physically submitted procedures, which remain suspended until a proper act is published.

**Analysis: Actionable requirements:** [Decree 48.031 of 31 August 2020](#) (hereinafter "the Decree") does not impose direct requirements on companies.

**What has changed:** The Decree determines that, as of 15 September 2020, the executive power deadlines for administrative procedures are resumed. This includes environmental procedures such as environmental licensing requests, the processing of environmental infringement procedures, and the delivery of the polluting load statement (*declaração de carga poluidora*).

**Additional information:** The proceedings had been suspended on 19 March 2020 due to the COVID-19 situation by the [Decree 47.890 of 19 March 2020](#). According to the Decree, the resumption of deadlines does not apply to administrative procedures in the field of taxation, such as those regarding the Minas Gerais State Environmental Control and Inspection Fee (*Taxa de Controle e Fiscalização Ambiental do Estado de Minas Gerais - TFAMG*), nor to physically submitted procedures. For those, the Decree foresees a specific regulation to be published by 14 September 2020 but, as of 30 October 2020, no further regulations have been published.

### 3.3.7 BRAZIL - MINAS GERAIS less stringent measures for events held in the context of COVID19 prevention measures

**Abstract:** Companies face less stringent measures to host events in the context of COVID19. Events - in open or closed spaces - with over 250 people are suspended, while previously, the limit was 30 participants. Moreover, events with a maximum of 250 people can only be hosted in a venue that supports a rate of 1 person per 4 square meters at least. Events can only be held in municipalities located in the green area in the COVID19 prevention plan and with the authorization of the relevant municipality. This does not apply to excursions or courses, whose limit remains 30 people, nor to internal operational activities of the company - which can occur with any number of participants (workers) so long social distancing and sanitary measures are respected.

**Business Impact:** If the company hosts events, the number of participants allowed has risen from 30 to 250 people, so long the venue can host people at a rate of 1 person per 4 square meters, is located in a green zone of the COVID19 prevention plan, and with the authorization of the relevant municipality. This applies to events held in both closed and/or open spaces. It does not apply to excursions or courses, whose limit remains 30 people. Internal operational activities of the company remain possible to occur with any number of participants (workers) so long social distancing and sanitary measures are respected.



**Analysis: Actionable Requirements** (existing) If the company carries out essential activities in the state of Minas Gerais, it adopts measures to avoid contamination with the new coronavirus, such as systems of shift rotation to reduce flows, contact, and agglomeration of workers.

**What has changed** [Deliberation 110 of 10 December 2020](#) relaxes restrictions to events held in the context of COVID19 prevention established by [COVID-19 Extraordinary Committee Resolution 17 of 22 March 2020](#). The number of participants allowed per event has risen from 30 to 250 people. This applies to events held in both closed and/or open spaces, so long the venue can host people at a rate of 1 person per 4 square meters. Furthermore, the event must be held in a municipality located in the green zone in the covid-19 prevention plan (which can be seen on the [Minas Consciente Plan website](#), in Portuguese). Finally, authorization from the relevant municipality is required. The relaxation of the measures does not apply to excursions or courses, whose limit remains 30 people. Internal operational activities of the company remain possible to occur with any number of participants (workers) so long social distancing and sanitary measures are respected. The event limit was risen to 500 people briefly in November, by [COVID-19 Extraordinary Committee Resolution 97 of 28 October 2020](#), but this number no longer applies.

### **3.3.8 COLOMBIA Companies operating in Colombia can face selective lockdowns, as the selective and responsible lockdown has been extended until 16 January 2021**

**Abstract:** Until 16 January 2021, companies can be subject to selective and temporary lockdowns and must continue to prioritize teleworking where possible. This follows from Decree 1550 of 2020, which extends the selective lockdown under similar conditions as before.

**Business Impact:** The company must be aware that until 16 January 2021, Colombia continues to be under a selective lockdown. Therefore, if the company operates in a municipality where the number of COVID-19 cases continues to increase, the local authority can reimpose the lockdown for preventing the contagion. In addition, the company must continue to strictly comply with the sanitary protocols, and promote and implement teleworking among the employees whose presence is not essential in the facility.

**Analysis: Actionable requirements** If the company operates in a region or municipality, where a selective lockdown has been imposed by the local authority, and its activity is not exempted from it, it remains shut down until 16 January 2021, or continues its operations remotely.

If the company has resumed activities, it complies with the applicable sanitary protocols.

The company promotes and implements teleworking as much as possible during COVID-19 pandemic.

**What has change?** The above-listed requirements for companies are not new. Decree 1550 of 2020, extending the selective lockdown until 16 January 2021 extends the applicability period of Decree 1168 of 2020, on the selective and responsible lockdown, until 16 January 2021. During the selective lockdown most of activities are allowed and local authorities can decide to impose temporary lockdowns in their territories, if the number of COVID-19 cases increases leading to an outbreak.

**Additional information** On 28 November 2020, the presidency of Colombia published Decree 1408 of 2020, which extends the responsible and selective lockdown until 16 January 2021, under the exact same conditions as before. The following activities continue to be forbidden countrywide:

public and private events involving crowds; and  
bars, and night clubs.

In addition, the country continues to have closed land and water borders with:



Venezuela;  
Panama;  
Peru;  
Ecuador; and  
Brazil.

## 3.4 Asia & Oceania

### 3.4.1 AUSTRALIAN CAPITAL TERRITORY Easing of Covid-19 restrictions under Stage 4 of the Recovery Plan comes into effect in the Australian Capital Territory

**Abstract:** As of 3 December 2020, companies located in the Australian Capital Territory can expect to see further relaxation of Covid-19 restrictions. These include looser occupancy limits for amusement venues and the introduction of a contact tracing application (mandatory for non-essential businesses). Furthermore, as of 16 December 2020, companies located in the Australian Capital Territory must continue to comply with the gathering restrictions for organized public events, meaning that, if they plan on organizing a public event, they must ensure it is not attended by more than 500 persons and submit a Covid-19 Safety Plan to ACT Health if the event is attended by more than 200 persons.

**Business Impact:** Companies located in the Australian Capital Territory can expect to see further relaxation of Covid-19 restrictions as of 3 December 2020. These include looser occupancy limits for amusement venues and the introduction of a contact tracing application (mandatory for non-essential businesses). Furthermore, companies located in the Australian Capital Territory must, as of 16 December 2020, continue to comply with the gathering restrictions for organized public events, meaning that, if they plan on organizing a public event, they must ensure it is not attended by more than 500 persons and submit a Covid-19 Safety Plan to ACT Health if the event is attended by more than 200 persons.

**Analysis: Actionable requirements:** The company does not organize public gatherings of more than 500 people and observes all relevant Covid-19 related gathering recommendations.

**What has changed?** On 3 December 2020, the Australian Capital Territory [announced](#) a further loosening of Covid-19 related restrictions as part of Stage 4 of the Recovery plan. The main changes largely pertain amusement and food venues and are as follows:

Businesses wishing to have more than 25 people across their venue can apply the one person per two square metres of usable space rule in both indoor and outdoor spaces, provided they use the [Check-In CBR app](#) to collect patron contact details.

Patrons can consume food standing up in both indoor and outdoor spaces but must continue to be seated when consuming alcohol in indoor spaces.

Events up to 8,000 people can be considered for exemptions under the [COVID Safe Event Protocol](#), up from 5,000. Any events or gatherings in the ACT above 500 people continue to require an exemption under the protocol.

Moreover, as of 16 December 2020, the [Public Health \(Restricted Activities –Gatherings, Business or undertakings\) Emergency Direction 2020 \(No 16\)](#) entered into force, repealing its almost identical predecessor, the [Public Health \(Restricted Activities –Gatherings, Business or undertakings\) Emergency Direction 2020 \(No 15\)](#). Under the new Directions, the maximum number of persons at a public gathering remains to be 500. Nonetheless, the new Directions still introduce novel provisions on contact tracing via the new CBR Check-in App which must be used by non-essential businesses and



undertakings. These businesses do not include offices, workplace factory or construction sites and warehouses and data centres.

**Gathering restrictions** 'Gathering', except where otherwise provided in the Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2020 (No 16), means a group of 2 or more people occupying a single usable indoor space or usable outdoor space at the same time, but does not include a gathering at an office building, workplace factory or construction site (or any other workplace that is not excluded from operation by Part 2 of this Direction), that is necessary for the normal operation of those premises. All outdoor and indoor gatherings can have a maximum of 500 people where one person per two square metres can be observed. If people wish to hold gatherings of greater than 500 people, they must seek an exemption in accordance with the [COVID Safe Event Protocol](#). Persons organising events should see the COVID Safe Event Protocol:

Organisers for events for between 201 and 500 people are required to notify ACT Health and submit their COVID Safe plan (via the online form), and

Events over 500 will need an exemption in accordance with the COVID Safe Event Protocol.

Risk mitigation guidance to be taken into consideration for gatherings of more than 2 people is provided in Attachment B to the Direction 2020 (No 16) and recommends the following:

Hand hygiene products and suitable waste receptacles should be available, to allow for frequent cleaning and waste disposal,

Wherever possible promote physical distancing of at least 1.5 metres between groups of people not known to each other, and physical contact should be avoided wherever possible, taking reasonable steps to require this when patrons are queuing outside a venue; and

The occupancy allowance should be displayed at the entrance of each venue or space.

**CBR Check-in app** The Check-In CBR app is a contactless, secure and convenient way for customers to sign into a Canberra venue, the use of which is mandatory for all non-essential businesses and undertakings. These do not include offices, workplace factory or construction sites and warehouses and data centres. The app enables individuals to check-in to venues and has this data stored securely with ACT Health in the event contact tracing is needed due to a confirmed case of COVID-19 in the community. Businesses and venues with the app will be allowed to have 1 person per 2 square metres of usable space in both indoor and outdoor areas. On the other hand, businesses and venues not using the app will need to continue to have 1 person per 4 square metres indoors and 1 person per 2 square metres outdoors. Additional information on the registration and use of the CBR Check-in app is available [online](#).

**Analysis: Actionable requirements:** If the company intends to organize a public event of more than 500 people, it completes and submits a COVID-19 Event safety plan to the Chief Health Officer before holding the event and designates a person to implement the COVID-19 event safety plan. (existing requirement)

**What has changed?** Starting with 30 November 2020, both the [COVID-19 Directions \(No. 57\) 2020: Directions for Major Public Events](#) and the [COVID-19 Directions \(No. 56\) 2020: Safety Measures for Places, Businesses, Activities, Services and Premises](#) entered into force. Pursuant to the latest COVID-19 Directions (No. 57) 2020, organizers of public events of more than 500 persons must designate a person to implement the COVID-19 event safety plan (and any relevant COVID-19 Directions). Previously, organizers were only required to draw up and receive approval for their COVID-19 event safety plan. Moreover, according to the latest COVID-19 Directions (No. 56) 2020, the obligation to draw up and implement a Covid-19 Safety Plan no longer applies to offices, industrial facilities and warehouses or datacentres. That is, the new Directions only apply to businesses listed in its Schedule, such as hotels, restaurants and amusement venues.

**Public event planning** Pursuant to the COVID-19 Directions (No. 57) 2020: Directions for Major Public Events, companies that plan on organizing a public event of more than 500 people must:

complete and submit a [COVID-19 event safety plan](#) to the Chief Health Officer before holding the event, and designate a person to implement the COVID-19 event safety plan.

The company organizing the event must also ensure that the designated person has the skills and knowledge necessary to

implement the COVID-19 event safety plan. In some cases, if so requested by an authorized officer, the company must be able to submit evidence of the skills and knowledge of the COVID-19 safety supervisor.

**The Territory Check-in App** The [Territory Check-In app](#) is a contactless, secure and easy way for customers and visitors to sign into businesses and venues. The app enables individuals to check-in to venues and has this data stored securely by NT Health for 28 days so contact tracing can be quickly undertaken if required. It also allows persons to check-in friends and family, who might not have their own device, using their app. Customers must provide their name and phone number or email, home address or other means that they can be contacted on, as well as the date and time of entry into the venue. Registration and use of the app are free of charge. Under the latest COVID-19 Directions (No. 56) 2020, businesses required to carry out contact tracing are listed in Division 1 of its Schedule and include, among others:

hotels,  
amusement venues, and  
cafes and restaurants.

These businesses are encouraged to also have an alternative check-in method available, such as a [paper-based template](#) or manual check-in with a staff member, for customers unable to use a QR Code. The Directions do not list offices, industrial facilities nor warehouses and data centres as businesses required to collect contact information.

### 3.4.2 AUWA Facilities must continue to adhere to COVID-19 restrictions imposed by the Commissioner of Police and State Emergency Coordinator

**Abstract:** Beginning 5 December 2020, facilities must continue to adhere to COVID-19 restrictions imposed by the Commissioner of Police and State Emergency Coordinator. This follows from the promulgation of the Closure and Restriction (Limit the Spread) Directions (No 9) ("the Directions"). In particular, the Directions prohibit certain gatherings and activities and give further directions to prevent, control, or abate the risks associated with the COVID-19 virus.

**Business Impact:** As a company, if the company owns, controls, or operates a set of premises in the State of Western Australia, it must adhere to the requirements prescribed under the Closure and Restriction (Limit the Spread) Directions (No 9). For example, the company must ensure that it does not:

- allow a prohibited gathering to occur or be organised on its premises;
- allow a prohibited activity to occur or be held on its premises;
- engage in or attend a prohibited activity; and
- allow a gathering of 2 or more patrons in a single undivided indoor space or a single undivided outdoor space at the same time where there is not at least 2 square metres of space for each patron.

**Analysis: Actionable Requirements** If the facility owns controls or operates premises, it ensures that it does not allow a prohibited gathering such as in an office canteen to occur or be organised on its premises.  
If the facility owns controls or operates premises, it ensures that it does not allow a prohibited activity such as an event that has not been registered on the Events Register to occur or be held on its premises.  
If the facility owns controls or operates premises, it ensures that it does not engage in or attend a prohibited activity.  
If the facility owns controls or operates a formerly affected place, it ensures that it does not open such premises to the public unless re-opening requirements have been complied with.  
If the facility owns controls or operates a formerly affected place, it ensures that it does not allow a gathering of 2 or more patrons in a single undivided indoor space or a single undivided outdoor space at the same time where there is not at least 2 square metres of space for each patron.  
If the facility occupies or is in charge of a Schedule 1 place such as a gym, it ensures that it requests contact information



from each person entering such a place.

If the facility occupies or is in charge of a Schedule 1 place such as a gym, it ensures that contact information collected from each person is kept for at least 28 days.

**What has changed?** The [Closure and Restriction \(Limit the Spread\) Directions \(No 9\)](#) ("the Directions"), adopted under the [Emergency Management Act 2005](#) ("the Act"), came into force on 5 December 2020. The Directions revoked the previous [Closure and Restriction \(Limit the Spread\) Directions \(No 8\)](#). The Directions continue to enforce previous restrictions on gatherings and place re-opening requirements on formerly affected places, including requirements on the proper collection of information by facilities. The Directions set out separate gathering restrictions for formerly affected places such as a gym. These requirements are applicable to the owner, occupier or person apparently in charge of the venue and as such do not apply to companies. The State of Western Australia continues to be under a State of Emergency Declaration (SED) under the Act, the most recent [extension](#) of which has extended the SED until 24 December 2020.

**Additional Information** An occupier or other person apparently in charge of a Schedule 1 place is not required to request a person to provide the person's contact information if:

the person is or appears to be younger than 16 years old;

the person enters the schedule 1 place solely for the purpose of collecting food or drink to be consumed off the premises;

the person enters the schedule 1 place for medical or emergency purposes; or

the schedule 1 place is being used for an event for which there is an approved COVID Event Plan that does not require the occupier or other person apparently in charge of the place to keep a record of contact information.

Information collected from persons entering a Schedule 1 place can either be provided:

directly to the occupier or other person apparently in charge of the schedule 1 place; or

by electronically recording the person's contact information by means of the app known as 'Safe WA.'

**Definitions** **A prohibited gathering** means a gathering of 2 or more persons in a single undivided indoor space or a single undivided outdoor space at the same time (whether or not the space is a public place), where there is not at least 2 square metres of space for each person at the gathering. **A prohibited activity** means any of the following activities whether undertaken or engaged in on a for-profit or not-for-profit basis: an event, unless the organiser, or the person who owns, controls or operates the premises at which the event will be held:

has registered the event on the Events Register; and

has an approved COVID Event Plan; and

holds or conducts the event in accordance with the approved COVID Event Plan.

**COVID Event Plan** means a plan in writing that:

is prepared by or on behalf of the organiser of an event;

for the purposes of preventing the spread of COVID-19, sets out the measures the organiser of the event proposes to put in place to address and mitigate any risks of the spread of COVID-19 that the event presents; and

is approved in writing, including, for the avoidance of doubt, under any of the former directions, by the Commissioner of Police and State Emergency Coordinator.

**Formerly affected place** means, for example, any one of the following, whether operated on a for-profit or not-for-profit basis:

a gym, indoor sporting centre, wellness centre, health club or fitness centre (including a centre offering yoga, barre, pilates, aerobics, dancing or spin facilities) or boot camp;

an entertainment venue of any other kind; or

a play centre, whether indoors or outdoors.

**Patron** means a person who is not staff (and for the avoidance of doubt includes spectators). **Schedule 1 place** means a place described in any one or more items in Schedule 1 to these directions such as a restaurant, cafe, or other places of business selling food or drink.



## 4. December 31, 2020

### 4.1 The US & Canada

#### 4.1.1 CANADA - BRITISH COLUMBIA Facilities to comply with additional COVID-19 workplace safety measures

**Abstract:** Effective 16 December 2020, facilities must ensure that every employee conducts a daily health check before entering the workplace. Furthermore, the facility must ensure that the self-assessment has taken place using methods such as a written or verbal health check declaration completed by the employee before entry. These measures have been introduced to ensure that employees with symptoms of COVID-19 are prohibited from entering the workplace.

**Analysis: Actionable requirements** New If the facility has employees in the workplace, it ensures the employees carry out a daily health check and confirm it with the employer. Existing The company develops a COVID-19 Safety Plan by outlining the procedures it has put in place to reduce the risk of COVID-19 transmissions (such as physical distancing, increased cleaning, and work from home policy) and reviews it regularly.

**What has changed?** On 16 December 2020, the Provincial Health Officer issued a [Workplace Safety Order](#). The Order introduces a novel requirement that obliges all employers to ensure that every employee performs a daily health check before entering the workplace. Health checks are mandatory self-assessments conducted by employees and includes confirming with the employer either in a written or verbal format, that they have reviewed and completed the [list of entry requirements](#). These measures have been introduced to ensure that employees with symptoms of COVID-19 are prohibited from entering the workplace.

**Additional information** Employee health checks "Health check" means reviewing the questions that can be found [online](#) on WorkSafeBC website, such as:

Have you travelled outside of Canada within the last 14 days?;

Have you been identified by Public Health as a close contact of someone with COVID-19?;

Have you been told to isolate by Public Health?; and

Are you displaying any symptoms of COVID-19 such as fever, cough, or sore throat?

The employers can use the following methods to confirm that the self-assessment has taken place:

a written health check declaration completed by the employee before entry;

an online health check form completed by an employee before entry; and

a verbal check in.

Additionally, facilities must review their COVID-19 safety plans to ensure that the plan is adequately protecting employees from the transmission to COVID-19 in the workplace.

#### 4.1.2 UNITED STATES PHMSA to continue exercising enforcement discretion on companies offering to transport hand sanitizers manufactured and packaged before 31 October 2020

**Abstract:** Companies that offer to transport hand sanitizer products by highway or rail should note the enforcement discretion policy issued by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA). Effective until 31 March 2021, PHMSA will continue to take no enforcement actions against companies offering to transport hand sanitizers manufactured and packaged before 31 October 2020. Companies offering to transport hand sanitizers manufactured and packaged after 31 October 2020 must comply with all applicable Hazardous Materials Regulations to avoid any potential enforcement actions by PHMSA.

**Business Impact:** The U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration's (PHMSA's) enforcement discretion policy imposes no direct requirements on the company. However, if the company offers to transport hand sanitizer products by highway or rail, it should note that PHMSA will take no enforcement actions against the transportation of such products manufactured and packaged before 31 October 2020. To be covered under this policy, the company should ensure compliance with previous notices issued by PHMSA on 10 April 2020 and 24 June 2020. The company should comply with all applicable Hazardous Materials Regulations (HMR) when the policy terminates on 31 March 2021. If the company offers to transport hand sanitizer products manufactured and packaged after 31 October 2020, it should continue to comply with all applicable HMR requirements. Failure to comply may lead to potential enforcement actions, as well as severe consequences to the environment, worker safety, and public health.

**Analysis:** On 7 December 2020, the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a Notice of Reinstatement and Extension of Enforcement Policy (Notice of Reinstatement) regarding the transportation of hand sanitizer products. To maximize the distribution of critical healthcare resources during the coronavirus disease 2019 (COVID-19) public health emergency, PHMSA reinstated and extended the enforcement discretion granted to companies that offer to transport hand sanitizers manufactured and packaged before 31 October 2020. Such companies are subject to PHMSA's enforcement discretion policy until 31 March 2021.

**Background** On 10 April 2020, PHMSA issued a notice titled "Temporary Policy for the Transportation of Certain Alcohol-Based Hand Sanitizer Products During the Public Health Emergency (COVID-19)" ([10 April 2020 Notice](#)). The 10 April 2020 Notice provided temporary relief to companies transporting or offering to transport hand sanitizers by highway transportation. Such companies were subject to relaxed requirements under the Hazardous Materials Regulations (HMR) at 49 CFR Parts 171 to 180, provided that certain criteria were met. On 24 June 2020, PHMSA issued a notice titled "Notice of Extension of Temporary Policy for the Transportation of Certain Alcohol-Based Hand Sanitizer Products During the COVID-19 Public Health Emergency" ([24 June 2020 Notice](#)). The 24 June 2020 Notice extended the temporary relief to 31 October 2020. Further, it expanded the scope of enforcement discretion to include companies that offer to transport hand sanitizers by rail.

**Notice of Reinstatement** The Notice of Reinstatement states that companies manufacturing hand sanitizers must comply with all applicable HMR requirements and are no longer subject to the relaxed standards. However, it acknowledges that some hand sanitizers manufactured and packaged before 31 October 2020 have not yet been delivered to end-users. Accordingly, the Notice of Reinstatement provides that PHMSA will not take enforcement actions against companies that offer to transport hand sanitizers manufactured and packaged before 31 October 2020, provided that such companies comply with the 10 April 2020 and 24 June 2020 Notices.

**More Information** Additional information, including the Notice of Reinstatement, is available on [PHMSA's website](#).



#### **4.1.3 US - CALIFORNIA** Companies may allow employees with COVID-19 exposure to return to work after a 10-day quarantine period, instead of a 14-day quarantine period as previously required

**Abstract:** Companies that operate in California must note the amended quarantine requirement for employees with COVID-19 exposure that went into effect on 14 December 2020. Previously, companies were required to exclude employees with COVID-19 exposure from the workplace for 14 days. The amended requirement shortens the quarantine period to 10 days, allowing employees to return to work after 10 days from the last known exposure to COVID-19 unless otherwise directed by local health departments.

**Business Impact:** If the company has COVID-19 cases in the workplace and excludes employees with COVID-19 exposure from the workplace, it must require such employees to quarantine for at least 10 days, effective 14 December 2020. The company may allow employees with COVID-19 exposure to return to work after 10 days from the last known COVID-19 exposure. However, if a local health department (LDH) otherwise directs for a longer quarantine period, the company must strictly adhere to LDH's directive and require the employee to return only upon the termination of the specified quarantine period.

**Analysis: Actionable Requirements** If the facility has COVID-19 cases in the workplace, it excludes employees with COVID-19 exposure from the workplace for 10 days after the last known COVID-19 exposure.

**What Has Changed** On 14 December 2020, California Governor Gavin Newsom issued an Executive Order (EO) N-84-20 to amend the return-to-work criteria under the California Division of Occupational Safety and Health (Cal/OSHA) COVID-19 emergency regulation. Specifically, EO N-84-20 shortens the quarantine periods from 14 days to 10 days. Accordingly, companies may allow employees with COVID-19 exposure to return to work after 10 days from the last exposure, effective 14 December 2020.

**Executive Order N-84-20** Previously, Cal/OSHA's COVID-19 Emergency Temporary Standards required employees with COVID-19 exposure to quarantine for 14 days after their last known exposure to an infected individual. On 14 December 2020, the California Department of Public Health (CDPH) issued a [COVID-19 Quarantine Guidance](#), allowing asymptomatic close contacts to discontinue quarantine after 10 days from the date of last exposure. "Asymptomatic close contacts" are individuals who came within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period. Governor Newsom's EO N-84-20 aligns Cal/OSHA's requirements with the CDPH's COVID-19 Quarantine Guidance. Cal/OSHA's return-to-work criteria, as amended by EO N-84-20, now requires employees with COVID-19 exposure to quarantine for 10 days unless a local health order directs a quarantine period longer than 10 days.

**More Information** For more information, see [EO N-84-20](#) and the [14 December 2020 Press Release](#) from the Governor's Newsroom. Additional information on the COVID-19 Emergency Temporary Standards is available on the [Cal/OSHA's website](#).



#### 4.1.4 US - CALIFORNIA Non-essential businesses in Tier 1 counties and retail establishments in regions with less than 15 percent ICU availability to stop in-person operations from 10 PM to 5 AM

**Abstract:** As of 22 December 2020, companies located in Tier 1 counties that are not otherwise considered critical infrastructure must continue to cease all in-person operations from 10 PM to 5 AM. Further, companies operating non-essential retail establishments in regions where the adult intensive care unit (ICU) bed availability is below 15 percent must also cease in-person operations from 10 PM to 5 AM. Companies must comply with the operating hour restrictions until the Regional Stay at Home Order terminates in all regions of the state.

**Business Impact:** If the company is not among the essential critical infrastructure sectors and is located in a Tier 1 county under California's Blueprint for a Safer Economy, it must continue to close in-person operations from 10 PM to 5 AM. The company must remain in compliance with the operating hour restriction until the Regional Stay at Home Order terminates in all regions of the state. However, if the company is subject to more restrictive measures under the Regional Stay at Home Order, it must comply with such restrictions.

##### **Analysis: Actionable Requirements**

If the facility engages in non-essential businesses in Tier 1 counties, it ceases in-person operations from 10 PM to 5 AM. If the facility owns or operates a non-essential retail establishment in a region with less than 15 percent ICU capacity, it ceases in-person operations from 10 PM to 5 AM.

**What Has Changed** On 22 December 2020, the California Department of Public Health (CDPH) issued a Supplemental Order to the 19 November 2020 Limited Stay at Home Order to continue protecting the state from the 2019 novel coronavirus disease (COVID-19). The Supplemental Order further extends the operating hour restrictions on non-essential operations in Tier 1 of California's Blueprint for a Safer Economy (Blueprint). Further, it establishes operating hour restrictions on non-essential retail establishments in regions with less than 15 percent intensive care unit (ICU) capacity.

**Supplement to the Limited Stay at Home Order** The [19 November 2020 Limited Stay at Home Order](#) required non-essential business in Tier 1 counties to close between 10 PM to 5 AM until 21 December 2020. The Supplemental Order extends the operating hour restrictions in effect until the [Regional Stay at Home Order](#) has terminated in all regions of the state. As of the date the Supplemental Order took effect, all counties, except for Mariposa, Sierra, and Alpine counties, have been assigned to Tier 1 (purple tier) under the Blueprint. Accordingly, non-essential businesses in counties other than Mariposa, Sierra, and Alpine must close in-person operations from 10 PM to 5 AM, if not already subject to more restrictive measures under the Regional Stay at Home Order. Further, the Supplemental Order imposes operating hour restrictions on non-essential retail establishments in regions with less than 15 percent ICU availability. As of the date the Supplemental Order took effect, all regions, except for the Northern California region, are subject to the Regional Stay at Home Order for having less than 15 percent ICU availability. Accordingly, companies that own or operate non-essential retail establishments in regions other than Northern California must cease in-person operations from 10 PM to 5 AM daily.

**More Information** For more information, see CDPH's [Supplement to Limited Stay at Home Order](#). Additional information, including the current tier assignments and ICU bed availability, is available on the [California Coronavirus \(COVID-19\) Response](#) website.

#### 4.1.5 US – HAWAII Companies must continue to implement COVID-19 safe practices and comply with the statewide face coverings requirement as the COVID-19 emergency period is extended through 14 February 2021

**Abstract:** Companies that conduct in-person operations in Hawaii must continue to comply with physical distancing requirements and any other applicable industry and regulatory COVID-19 guidelines issued by the federal, state, and local agencies. Further, companies must continue to ensure that employees and any other individuals on the premises cover their nose and mouth with face coverings in compliance with the statewide mask mandate. High-risk companies must continue to cease in-person operations until 14 February 2021, unless otherwise amended.

**Business Impact:** If the company is conducting in-person operations, it must continue implementing safe practices at its workplaces, including physical distancing, sanitization, and face-coverings requirements, until 14 February 2021, unless otherwise amended. The company must continue to follow any guidelines issued by the county and adhere to industry-specific guidance issued by federal, state, or local agencies and industry organizations. If the company is considered a high-risk business or not otherwise permitted to conduct in-person operations under the county's reopening status, it must continue to require all employees to stay home and work from home or cease operation.

**Analysis: Actionable Requirements** If the facility engages in a non-essential high-risk business, it requires all employees to work from home.

If the facility conducts in-person operations during the COVID-19 emergency period, it implements safe practices in the workplace, such as providing sanitizing products.

If the facility conducts in-person operations during the COVID-19 emergency period, it ensures that all employees who may interact with the public wear face coverings.

If the facility conducts in-person operations during the COVID-19 emergency period, it ensures that all individuals on the premises, including its employees and any visitors, comply with the statewide mask mandate, such as by denying entry of individuals without face coverings.

**What Has Changed** On 16 December 2020, the Hawaii State Governor David Y. Ige issued the Seventeenth Supplementary Proclamation (Proclamation) to continue protecting the state from the 2019 novel coronavirus disease (COVID-19). The Proclamation continues to allow non-essential medium-risk businesses to conduct in-person operations and require non-essential high-risk businesses to remain closed. Further, it continues to require all persons to wear face coverings in compliance with the statewide mask mandate.

**Seventeenth Supplementary Proclamation** The Proclamation extends the COVID-19 emergency period to 14 February 2021. Accordingly, companies must continue to comply with county-specific reopening guidance, safe practices under the Proclamation, and any applicable industry-specific standards published at the county, state, and federal levels until 14 February 2021, unless further amended.

**More Information** For more information, see the Office of the Governor website for the [Seventeenth Supplementary Proclamation](#). Additional information on the current reopening status in Hawaii, including county-specific and industry-specific reopening guidelines, is available on the [Hawaii Recovery Navigator](#) website.



#### 4.1.6 US – MAINE Facilities operating during the COVID-19 state of emergency must continue to comply with operating and prevention measures which have been extended through 20 January 2021

**Abstract:** Effective 22 December 2020, Governor Mills issued an executive order extending the COVID-19 state of emergency to 20 January 2021. Companies must continue to comply with all COVID-19 operational requirements until that date, unless the orders are rescinded, modified, or extended. The order will likely be extended again in a future executive proclamation.

**Business Impact:** If the company operates during the COVID-19 state of emergency, it must continue to comply with all applicable COVID-19 restrictions until 20 January 2021 unless they are extended, modified, or rescinded. Previously, the restrictions were set to expire on 23 December 2020.

##### **Analysis: Actionable Requirements**

If the facility operates during the COVID-19 state of emergency, it restricts the number of people on-site to no more than 50 people, unless it is a retail establishment.

If the facility operates a retail establishment, it restricts the number of people on-site to no more than 5 people per 1,000 square feet of shopping space.

If the facility operates during the COVID-19 state of emergency, it implements the applicable social distancing measures.

If the facility operates a food and beverage establishment during the COVID-19 state of emergency, it implements measures requiring customers to wear face coverings.

If the facility operates a retail facility with 50,000 square feet or more of shopping space, it implements measures requiring customers to wear face coverings.

**What Has Changed** As of 22 December 2020, facilities operating during the COVID-19 state of emergency must continue to comply with the requirements listed above which have been extended through 20 January 2021 unless modified, extended, or rescinded. These requirements were previously set to expire on 23 December 2020.

**Additional Information** For more information, see the [Proclamation by Governor Mills](#) issued on 22 December 2020.

#### 4.1.7 US - MASSACHUSETTS Temporary COVID-19 capacity limits for certain establishments are further restricted

**Abstract:** Effective 26 December 2020, companies that own or operate a restaurant, office space, retail businesses, or fitness center must adhere to the 25 percent capacity limit. This capacity limitation will remain in effect until noon on 10 January 2021.

**Business Impact:** If the company owns or operates a restaurant, fitness center, or office space, it must reduce its capacity limit to 25 percent effective 26 December 2020.

**Analysis: Actionable Requirements** If the facility is permitted to be open during Phase III, Step 1 of the COVID-19 reopening plan, it operates its physical workspace according to the Phase III, Step 1 restrictions, such as limited occupancy and sanitation requirements.



**What has changed?** Effective at 12:01 AM on 26 December 2020, the capacity limit is reduced to 25 percent for restaurants, office spaces, retail businesses, and fitness centers. Workers and staff do not count towards the occupancy count for restaurants or retail businesses.

**More Information** The full text of [COVID-19 Order No. 59](#) can be found online. The [press release](#) announcing the new order can be found online.

#### 4.1.8 US - NEW JERSEY Governor extends the COVID-19 state of emergency to 20 January 2021

**Abstract:** On 21 December 2020, the Governor of New Jersey issued an executive order that extended the COVID-19 state of emergency to 20 January 2021. Effective 21 December 2020, companies must continue to comply with all COVID-19 operational requirements until 20 January 2021. This date may be extended or cut short by another executive order.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it permits employees to work from home whenever possible.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the minimum cleaning requirements in Executive Order 122.

If the facility owns or operates dining facilities, it complies with all applicable COVID-19 prevention requirements, including complying with physical distancing, sanitation, and facial covering requirements.

If the facility owns or operates retail facilities, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

If the facility owns or operates fitness facilities during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including occupancy limits, facial covering requirements, physical distancing requirements, and sanitation measures.

If the facility operates during the COVID-19 state of emergency, it requires that all attendees to an indoor gathering wear facial coverings.

If the facility operates during the COVID-19 state of emergency, it complies with the occupancy limit for all indoor gatherings.

If the facility operates during the COVID-19 state of emergency, it complies with the occupancy limit for all outdoor gatherings.

If the facility operates during the COVID-19 state of emergency, it ensures that all attendees to indoor gatherings maintain 6 feet of distance from each other and comply with other social distancing requirements.

If the facility operates during the COVID-19 state of emergency, it ensures that all physical items and equipment present at indoor gatherings are not shared between attendees unless the item is sanitized between use by different individuals.

If the facility operates during the COVID-19 state of emergency, it offers contactless options for pre-payment or donations for all indoor gatherings that require pre-payment or seek donations.

If the facility requires or permits its workforce to be physically present at a worksite, it complies with all applicable COVID-19 operational requirements, including social distancing, face mask, sanitization, health checking, and quarantine requirements.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 20 January 2021. Before this order, Executive Order 210: Extending the Public Health Emergency in New Jersey, the state's operational requirements were set to expire on 22 December 2020. The COVID-19 requirements may be extended or cut short by another executive order.

**Additional Information** For more information, see [Executive Order 210: Extending the Public Health Emergency in New Jersey](#).

#### 4.1.9 US - NEW JERSEY Facilities that are retail premises are subject to new COVID-19 spread prevention measures

**Abstract:** Until 6 January 2021, all facilities that are retail premises and operate during COVID-19 must ensure that all visitors and workers cover their mouths and noses with a protective mask, as well as maintain a distance of at least 2metres between people. This follows the adoption of three regulations COVID-19 (Workplace Restrictions) (Amendment no.4) (Jersey) Order 2020, COVID-19 (Workplace Restrictions) (Amendment no.5) (Jersey) Order 2020, and COVID-19 (Workplace - Sixteenth Extension) (Jersey) Order 2020.

**Business Impact:** If the facility is a retail premise and operates during COVID-19, it must ensure that all visitors and workers cover their mouths and noses with a protective mask, as well as ensure people maintain a distance of at least 2metres between the people on the premises.

**Analysis:** (New) If the facility is a retail premise and remains open during COVID-19 pandemic, it ensures all visitors and workers cover their mouths and noses with a protective mask. (New) If the facility is a retail premise and remains open during COVID-19 pandemic, it ensures people maintain a distance of at least 2metres between them.

**What has changed** COVID-19 (Workplace Restrictions) (Jersey) Order 2020 has been amended with the following legal acts: [COVID-19 \(Workplace Restrictions\) \(Amendment no.4\) \(Jersey\) Order 2020](#), [COVID-19 \(Workplace Restrictions\) \(Amendment no.5\) \(Jersey\) Order 2020](#), and [COVID-19 \(Workplace - Sixteenth Extension\) \(Jersey\) Order 2020](#). The amendments introduce new requirements, which aim to curb the spread of the coronavirus (COVID-19) *COVID-19 (Workplace Restrictions) (Amendment no.4) (Jersey) Order 2020* As of 1 December 2020, according to COVID-19 (Workplace Restrictions) (Amendment no.4) (Jersey) Order 2020, all visitors aged 12 or older, as well as all workers must wear a mask covering their mouths and noses while in retail premises, where goods are sold or rented to visitors. In addition, such facilities can operate only if the above requirement is satisfied. *COVID-19 (Workplace Restrictions) (Amendment no.5) (Jersey) Order 2020* As of 4 December 2020, under COVID-19 (Workplace Restrictions) (Amendment no.5) (Jersey) Order 2020 retail premises must ensure people maintain a distance of at least 2metres between them. *COVID-19 (Workplace - Sixteenth Extension) (Jersey) Order 2020* In accordance with COVID-19 (Workplace - Sixteenth Extension) (Jersey) Order 2020 all the requirements listed above apply at least until 6 January 2021.

**Additional information Visitors** A visitor is a person who does not live in the workplace and is in the workplace for a purpose other than carrying out work

A visitor is exempted from an obligation to wear a mask if:

- has a physical or mental disability or illness that renders the visit or unable to put on a mask, or unable to take a mask off;
- has a respiratory or other physical condition, other than symptoms of Covid-19, that would involve a significant risk of harm to any person if the visitor wore a mask;
- has a psychological condition, or other fear or distress, that would involve a significant risk of harm to any person if the visitor wore a mask;
- is a carer of another visitor;
- is receiving a service, such as dentistry or diagnosis, that has to be delivered by touching or inspecting the visitor's mouth or nose; or
- is receiving a service that briefly requires the person providing the service to see the visitor's face for the identification or similar purposes.

**Workers** The worker is not required to wear a mask when:

- interacting with a visitor who has a psychological condition that would involve a significant risk of harm to any person if the worker wore a mask; or
- communicating with a visitor who needs to see the worker's mouth or full face, whether for lipreading or other reasons.

The obligation to maintain at least 2 metres distance from people at the facility does not apply if both are workers.

Nevertheless, where it is not practicable for people to maintain a distance of at least 2metres from each other, the facility



must take alternative steps that are reasonable to assist in controlling the spread of Covid-19. No further guidance has been provided in this field.

#### **4.1.10 US - NEW YORK Companies to remain in compliance with the operating hour restrictions and face-coverings requirement, as existing obligations are codified under the COVID-19 emergency regulation**

**Abstract:** Companies that own or operate food service establishments and gyms or fitness centers must note that the operating hour restrictions and face coverings-requirement imposed through Executive Orders are now adopted under the COVID-19 Emergency Regulations. Accordingly, companies that own or operate food service establishments and gyms or fitness centers must continue to cease operation from 10 PM to 5 AM daily, until otherwise permitted. Further, companies that own or operate food service establishments must continue to ensure that the employees wear face-coverings at all times.

**Business Impact:** The New York State Department of Health's (DOH's) amendment of the COVID-19 Emergency Regulations does not impose any additional requirements on the company. However, if the company owns or operates food service establishments or gyms or fitness centers, it must remain in compliance with all applicable COVID-19 prevention measures mandated under the New York State Governor's Executive Orders. Most notably, the company must continue to close in-person operations from 10 PM to 5 AM daily. Further, if the company owns or operates food service establishments, it must continue to require its employees to wear a mask or face-covering at all times while at their place of work.

**Analysis: Actionable Requirements** If the facility owns or operates food establishments, it ensures that its employees wear a mask or face-covering at all times while at their place of work.

If the facility owns or operates food establishments, it ensures that no food or beverage is served for on-premises consumption from 10 PM to 5 AM.

If the facility owns or operates any gym or fitness center, it ceases operation from 10 PM to 5 AM.

**What Has Changed** On 16 December 2020, the New York State Department of Health (DOH) adopted amendments to its COVID-19 Emergency Regulations (10 NYCRR Subpart 66-3). The adopted amendments do not impose any new or additional requirements on companies. Instead, the above-listed existing requirements under the New York State Governor Andrew Cuomo's Executive Orders are adopted into DOH's regulations, effective 27 November 2020.

**Adopted Amendments** The adopted amendments clarify that food service establishments' employees must wear a mask or face-covering at all times while at their place of work. Companies that own or operate food service establishments have been subject to this requirement under the state's industry-specific reopening guidance. Accordingly, such companies must ensure that the employees continue to comply with the face coverings requirement, which has been codified under the COVID-19 Emergency Regulations.

**More Information** DOH's Notice of Emergency Rulemaking is available on page 21 of the [16 December 2020 New York State Register](#). Additional information, including the most current COVID-19 status in New York State, is available on [DOH's website](#).





#### **4.1.11 US - NEW YORK Food establishments and gyms or fitness centers to continue to close operations from 10 PM to 5 AM and gyms or fitness centers to operate at 25 percent if located in COVID-19 "orange zone" hot spots**

**Abstract:** Companies that own or operate food-service establishments and gyms or fitness centers must continue to cease all on-premises services from 10 PM to 5 AM. The operating hour restrictions are now in effect until 10 January 2021, unless otherwise amended. Further, companies that own or operate gyms or fitness centers in areas designated as “orange zones” under the state’s cluster action initiative are permitted to operate at 25 percent capacity.

**Business Impact:** If the company owns or operates any food-service establishment, such as a business cafeteria or onsite canteen, it must continue to prohibit in-person dining from 10 PM to 5 AM. The company is permitted to continue providing food and beverage for off-premises consumption, for example, through curbside takeout and delivery service. Further, if the company owns or operates a gym or fitness center in its building, it must continue to cease the operation from 10 PM to 5 AM. The company must comply with these additional COVID-19 restrictions until 10 January 2021, unless otherwise amended. Lastly, if the company owns or operates a gym or fitness center in COVID-19 “orange zone” hot spots, it is permitted to resume operation at 25 percent capacity, effective 14 December 2020. Previously, the company was required to close the gym or fitness center.

**Analysis: Actionable Requirements** If the facility owns or operates food establishments, it ensures that no food or beverage is served for on-premises consumption from 10 PM to 5 AM.

If the facility owns or operates any gym or fitness center, it ceases operation from 10 PM to 5 AM.

If the facility is located in COVID-19 hot spots, it complies with the applicable business operations restrictions under the state’s cluster action initiative.

**What Has Changed** On 11 December 2020, the New York State Governor Andrew Cuomo issued Executive Order (EO) Number 202.81 as a continued effort to slow the spread of the 2019 novel coronavirus disease (COVID-19). Specifically, EO No. 202.81 extends the operating hour restrictions imposed on food-service establishments and gyms or fitness centers through 10 January 2021. Further, it allows gyms and fitness centers located in COVID-19 “orange zone” hot spots to operate at 25 percent capacity, effective 14 December 2020.

**Executive Order No. 202.81** EO No. 202.81 amends the previously issued EO No. 202.68 and EO No. 202.74. On 6 October 2020, [EO No. 202.68](#) established a cluster action initiative that imposes business operations restrictions based on COVID-19 hot spots, which required gyms and fitness centers in “orange zones” to close the in-person operations. EO No. 202.81 modifies this operation prohibition to allow gyms and fitness centers to operate at 25 percent capacity. Further, on 12 November 2020, [EO No. 202.74](#) was issued to require all food-service establishments and gyms or fitness centers in New York State to cease in-person service from 10 PM to 5 AM daily, effective until 12 December 2020. EO No. 202.81 extends the operating hour restrictions through 10 January 2021.

**More Information** For more information, see the Office of the Governor website for [EO No. 202.81](#). Additional information, including the most current COVID-19 status in New York State, is available on [DOH’s website](#).

#### 4.1.12 US - VERMONT Companies must continue complying with COVID-19 State of Emergency requirements until 15 January 2021

**Abstract:** Effective 15 December 2020, the Governor of Vermont issued an executive order that extended the COVID-19 state of emergency to 15 January 2021. Companies must continue to comply with all COVID-19 operational requirements until 15 January 2021. This date may be extended or cut short by another executive order.

**Business Impact:** If the company operates during the COVID-19 state of emergency, then it must continue to comply with all applicable COVID-19 restrictions until 15 January 2021. This date may be extended or cut short by another executive order.

**Analysis: Actionable Requirements** If the facility operates during the COVID-19 state of emergency, it complies with all sanitation, social distancing, and occupancy requirements issued by the Vermont Agency of Commerce and Community Development (ACCD).

If the facility operates during the COVID-19 state of emergency, it (1) implements measures to notify all customers and clients that they must wear masks or cloth facial coverings and (2) denies entry or service to customers or clients who decline to wear mask or cloth facial coverings.

If the facility hosts nonessential activities, it maintains an easily accessible, legible log of all employees, customers, and guests on-site, including their contact information, and provides that information to the Vermont Department of Health on request.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 15 January 2021. Before this order, which is titled Addendum 9 to Amended and Restated Executive Order 01-20: Extension of State of Emergency Declared March 13, 2020, the state's operational requirements were set to expire on 15 December 2020.

**Additional Information** For more information, see [Addendum 9 to Amended and Restated Executive Order 01-20: Extension of State of Emergency Declared March 13, 2020](#).

#### 4.1.13 US - VIRGINIA DOLI proposed a revised permanent COVID-19 safety standard for workplaces

**Abstract:** Companies may have to comply with permanent workplace safety requirements related to COVID-19 if the Virginia Department of Labor and Industry's (DOLI's) proposal is adopted. Notably, the revised permanent standard amends and adds definitions, clarifies when enforcement action would not be brought against a facility for failure to provide personal protective equipment (PPE), and amends several mandatory requirements that are applicable to all employers. Comments can be submitted through 9 January 2021.

**Business Impact:** If the company is subject to the emergency COVID-19 standard, it may be required to comply with a revised permanent standard that imposes new and amended requirements to prevent the spread of COVID-19 in the workplace, if the proposed amendments are adopted. For example, when the nature of an employee's work or the work area does not allow for physical distancing between employees or other persons, and until adequate supplies of respiratory protection and/or personal protective equipment (PPE) become readily available, the company would have to provide and employees would have to wear face coverings. Companies with very high, high, or medium risk hazards or job tasks that are required to develop and implement an infectious disease preparedness and response plan would have to consider situations where employees work during higher-risk activities involving potentially large numbers of people or



enclosed work areas when determining the disease risk associated with the various hazards and job tasks, if the proposal is adopted. The Virginia Department of Labor and Industry (DOLI) is accepting public comments until 9 January 2021.

**Analysis:** On 10 December 2020, the Virginia Department of Labor and Industry (DOLI) proposed a revised permanent standard related to preventing the spread of SARS-CoV-2, the virus that causes COVID-19 (the Revised Permanent Standard). The Revised Permanent Standard includes new and amended requirements for all workplaces and workplaces classified as very high, high, or medium risk. **Applicability, enforcement, and definitions** *Applicability and enforcement* Under the Revised Permanent Standard, when determining exposure risk level, facilities would have to specifically consider exposure to respiratory droplets for the first time in addition to the potential exposure to the airborne transmission of the SARS-CoV-2 virus. Under the Revised Permanent Standard, DOLI specifies that it would take no enforcement action against a facility for failing to provide personal protective equipment (PPE) as required, if PPE is not readily available on commercially reasonable terms and the facility makes a good faith effort to acquire or provide PPE. Further, DOLI would consult with the Virginia Department of Health (VDH) as to the availability of PPE and, if there are limited supplies of PPE, whether such supplies are being allocated to high-risk or very high-risk workplaces. *Definitions* DOLI updated several definitions in the Revised Permanent Standard. For example, the definition of **face covering** was changed to mean "an item made of two or more layers of washable, breathable fabric that fits snugly against the sides of the face without any gaps, completely covering the nose and mouth and fitting securely under the chin. Neck gaiters made of two or more layers of washable, breathable fabric, or folded to make two such layers are considered acceptable face coverings." Under the proposed definition, face coverings must not have exhalation valves or vents that allow virus particles to escape and must not be made of a material that makes it hard to breathe. Further, the definition of **face shield** was updated to clarify that it is a form of PPE made of transparent impermeable materials that is primarily used for eye protection and is not a substitute for a face covering, a surgical/medical procedure mask, or a respirator. DOLI also added to the definition of **physical distancing** to include that if employees are separated by a permanent, solid, floor-to-ceiling wall (e.g., an office), that would constitute physical distancing if 6 feet of physical distance is maintained from others around the edges or sides of the wall. DOLI also added definitions for new terms including, for example, the following: - **minimal occupational contact**, which would mean no or very limited, brief, and infrequent contact with employees or other persons at the place of employment; - **severely immunocompromised**, which would mean being on chemotherapy for cancer, being within one year out from receiving a hematopoietic stem cell or solid organ transplant, untreated HIV infection with CD4 T lymphocyte count < 200, combined primary immunodeficiency disorder, and receipt of prednisone >20mg/day for more than 14 days; and - **symptoms of COVID-19**, which would mean abnormalities that are subjective to the person and not observable to others, and may include chills, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, nausea, congestion or runny nose, diarrhea, etc.

**Requirements for all facilities** *Notification of positive tests* Currently, employers must establish a system to receive reports of positive SARS-CoV-2 tests by employees, subcontractors, contract employees, and temporary employees present at the place of employment and notify appropriate entities. Under the Revised Permanent Standard, DOLI clarified the timeframe of when the person would have been at the place of employment. Specifically, employees, subcontractors, contract employees, and temporary employees present at the place of employment 2 days prior to symptom onset (or positive test if asymptomatic) and until 10 days after onset (or positive test). Also, under the Revised Permanent Standard, employers must only notify VDH of these positive tests during a declaration of emergency and when the worksite has had 2 or more confirmed cases of COVID-19. Currently, employers must notify VDH within 24 hours of the discovery of a positive case. *Return to work policy* The Revised Permanent Standard would simplify the requirement to have a return to work policy by removing the language about using a symptom-based or test-based strategy. The Revised Permanent Standard would also amend the requirements for symptomatic employees to return to work. Under the amendments, symptomatic employees would be excluded from returning to work until the employee is fever-free for at least 24 hours (rather than 72 hours as is currently required) in addition to the current requirements that respiratory symptoms improve and 10 days have passed since symptoms first appeared. *Multiple employees occupying a vehicle for work purposes* Under the current regulations, when multiple employees occupy a vehicle for work purposes, the employer must ensure compliance with respiratory protection and PPE standards applicable to the employer's industry. The Revised Permanent



Standard would add the following requirements: - until adequate supplies of respiratory protection and/or PPE become readily available for non-medical and non-first responder employers and employees, employers must provide and employees must wear face coverings while occupying a work vehicle with other employees or persons; - employers must ensure there is access to fresh air ventilation (e.g., open windows, do not recirculate cabin air); and - where physical distancing cannot be maintained, employers must establish procedures to maximize separation between employees during travel. *Additional face mask requirements* Under the Revised Permanent Standard, when the nature of an employee's work or the work area does not allow for physical distancing between employees or other persons, and until adequate supplies of respiratory protection and/or PPE become readily available for non-medical and non-first responder employers and employees, employers must provide and employees must wear face coverings. Also, when it is necessary for employees solely exposed to lower risk hazards or job tasks to have brief contact with others inside 6 feet (e.g., passing another person in a hallway that does not allow physical distancing of 6 feet), a face covering would be required. All required face coverings must be worn over the wearer's nose and mouth and extend under the chin. *Sanitization and disinfecting requirements* In addition to the current sanitation and disinfecting requirements, under the Revised Permanent Standard, employers would have to ensure all common spaces, including bathrooms, frequently touched surfaces, and doors are cleaned at least once during the shift. Currently, those areas must be cleaned at the end of each shift. Further, the Revised Permanent Standard would impose a new requirement that where there are multiple shifts, those areas would have to be cleaned and disinfected no less than once every 12 hours.

**Requirements for very high, high, or medium risk hazards or job tasks** *Engineering Controls* The Revised Permanent Standard would require engineering controls, where feasible, to be utilized to: - increase total airflow supply to occupied spaces provided that a greater hazard is not created; - inspect filter housing and racks to ensure appropriate filter fit and check for ways to minimize filter bypass; - increase air filtration to as high as possible in a manner that will still enable the system to provide airflow rates as the system design requires; - generate clean-to-less-clean air movements by re-evaluating the positioning of supply and exhaust air diffusers and/or dampers and adjusting zone supply and exhaust flow rates to establish measurable pressure differentials; - have staff work in "clean" ventilation zones that do not include higher-risk areas such as visitor reception or exercise facilities (if open); - ensure exhaust fans in restroom facilities are functional and operating continuously when the building is occupied; - if the system's design can accommodate such an adjustment and is allowed by the air handler manufacturer's installation instructions and listing, improve central air filtration to MERV-13 and seal edges of the filter to limit bypass; and - check filters to ensure they are within service life and appropriately installed. *Infectious disease preparedness and response plan* Facilities that are required to develop and implement an infectious disease preparedness and response plan under the current regulations would be required to consider situations where employees work during higher risk activities involving potentially large numbers of people or enclosed work areas (e.g., large social gatherings, parties, restaurants, hotels, sporting events, concerts, rest stops, airports, bus stations, train stations) when determining the disease risk associated with the various hazards and job tasks, if the Revised Permanent Standard is adopted.

**More information** The full text of the proposed [Revised Permanent Standard](#) can be found online. DOLI is accepting public comments until 9 January 2021. Comments can be submitted online using the 30 Day Comment Forum, which can be found on [the Virginia Regulatory Town Hall](#) website.

#### **4.1.14 US – VIRGINIA Employers can now report COVID-19 cases to VDH after 2 or more cases are discovered**

**Abstract:** Effective 8 December 2020, companies must report to the Virginia Department of Health (VDH) within 24 hours of discovering 2 or more of their employees present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during those 14 days. Previously, companies had to report a single positive case to VDH.



**Business Impact:** If the company discovers that 2 or more of its own employees present at the place of employment within a 14-day period tested positive for COVID-19 during that 14-day time period, it must report the outbreak to the Virginia Department of Health (VDH). Previously, the company had to report a single positive case of COVID-19 to VDH. This amendment does not change the requirement that the company must notify the Virginia Department of Labor and Industry (DOLI) within 24 hours of the discovery of 3 or more employees testing positive for COVID-19.

**Analysis: What has changed?** Effective 8 December 2020, the Virginia Department of Labor and Industry (DOLI) and the Virginia Department of Health (VDH) amended the Emergency Temporary Standard (ETS) so companies now must report to VDH within 24 hours of the discovery of 2 or more of its own employees present at the place of employment within a 14-day period testing positive for COVID-19 during that 14-day time period. Previously, companies had to report a single case to VDH. Further, after the initial report of an outbreak (2 or more cases), companies must continue to report all cases to VDH until the local health department notifies the business that the outbreak has been closed.

**More Information** The [Important Notice](#) can be found on DOLI's COVID-19 reporting website.

## 4.2 Europe

### 4.2.1 CATALONIA Companies should be aware that the prevention and hygiene measures due to the COVID-19 outbreak have been extended until 11 January 2021

**Abstract:** Until 11 January 2021, companies operating in Catalonia must continue to take stricter prevention and hygiene measures within their facilities (such as the compulsory adoption of telework when possible and providing workers with appropriate protective equipment) due to the COVID-19 outbreak. This follows from Resolution SLT/2546/2020 of 15 October 2020 whose measures have been subsequently extended, being Resolution SLT/3354/2020 the last extension. These measures are likely to be further extended.

**Business Impact:** The company must continue to comply with the hygienic and prevention measures (such as implementing telework when possible, providing workers with appropriate protective equipment and ensuring the use of masks) until 11 January 2021, to prevent the COVID-19 contagion.

**Analysis: Actionable requirements** - *(existing)* The company implements telework to limit the labour mobility of workers as much as possible during the COVID-19 health crisis or, where this is not possible, it staggers the entrance and exit times, sets out flexible working hours or other similar measures; - *(existing)* The company ensures that the minimum interpersonal safety distance of 1,5metres is maintained within their facilities to prevent infection with COVID-19; - *(existing)* The company provides workers with personal protective equipment to protect workers from exposure to COVID-19 at the workplace which is appropriate to the level of risk (such as masks); - *(existing)* The company adopts cleaning and disinfection measures to protect workers from COVID-19; - *(existing)* The company ensures the ventilation of its premises, restricts or staggers their access to avoid crowds, intensifies the cleaning of surfaces, ensures that the rest areas allow a safety distance between people and sets differentiated entry and exit areas to prevent the risk of COVID-19 infection. - *(existing)* The company provides workers with water and soap, or hydroalcoholic gels or disinfectants with authorized viricidal activity for cleaning their hands to protect them from COVID-19; and - *(existing)* The company ensures that everyone uses masks in the work environment when the workspace is for public use or open to the public or when there

are movements inside the workplace (in the case of workspaces closed to the public, once the worker is at his desk or performing tasks that do not involve mobility, its use is not mandatory).

**What has changed** [Resolution SLT/3354/2020](#) extends the prevention and hygiene measures to prevent the spread of the COVID-19 outbreak in companies that were originally established in [Resolution SLT / 2546/2020](#), until 11 January 2020. These measures include, among others, the mandatory use of masks, the implementation of social distancing measures, and disinfecting the workplace and apply to all companies operating in Catalonia. Many of the mentioned requirements have already been implemented at the Spanish national level following the national [Royal Decree-law 21/2020](#).

**Additional Information** On 16 October 2020 Resolution SLT/2546/2020 was published, since then, the validity of its measures has been subsequently extended by [Resolution SLT/2700/2020](#), [Resolution SLT/2875/2020](#), [Resolution SLT/2983/2020](#), [Resolution SLT/3177/2020](#), [Resolution SLT/3268/2020](#) and Resolution SLT/3354/2020 until 11 January 2021. Resolution SLT/3354/2020 concludes that given that the epidemiological situation of the COVID-19 outbreak is in full swing, it is necessary to keep extending the measures for the control of the emergency. Non-compliance with the requirements contained in this Resolution is subject to a sanctioning regime set in [Legislative Decree 30/2020 of 4 August 2020](#), which establishes fines of up to 600.000 Euros and complementary measures such as the closure of the facility. [Resolution SLT/3354/2020, of 19 December, extending and modifying public health measures to contain the epidemic outbreak of the COVID-19 pandemic in the territory of Catalonia](#), is available online in Spanish and [Catalan](#).

#### 4.2.2 GREECE Companies must continue to respect the total lockdown measures from 3 January 2021 to 11 January 2021 to prevent further spread of Covid-19

**Abstract:** Effective from 3 January 2021 to 11 January 2021, companies must continue to follow the total lockdown measures imposed in order to curb the spread of Covid-19 in Greece, including, among others, providing certificates to commuting employees in order to justify their movement. Movement outside the regional units or outside the Attica region continues to be prohibited, with the exception of, amid others, commuting to work. This follows from Ministerial Decision Δ1α/ΓΠ.οικ. 2, which was adopted on 2 January 2021.

**Business Impact:** If the company continues to operate in Greece, it must continue to ensure that the total lockdown measures are respected from 3 January 2021 to 11 January 2021. These measures continue to include obligatory teleworking to the extent possible, closure of company canteens and a restriction on the amount of persons allowed in meetings. Moreover, if the employees must commute from their home to the workplace, the company must issue a certificate from the Information System "ERGANI", before their commute begins.

**Analysis: Actionable requirements** Following the adoption of Ministerial Decision Δ1α/ΓΠ.οικ.2, the company must continue to ensure that:  
obligatory teleworking is implemented at the maximum possible rate of employees, as long as it is in line with the nature of the employees' duties, regardless of the presence of any vulnerable group  
employees are provided with a certificate for their movement, if they have to commute to work  
meetings are organised with only 7 participants and with the observance of 1,5 meters between the participants  
only 1 person in addition to the driver is seated in private vehicles with the obligation of wearing masks. The operation of passenger service vehicles used for the commuting of staff to and from work is allowed only with the presentation of the employer's certificate and the relevant movement document, from which the vehicle route is derived, and provided that the maximum number of people is not more than 50% of the available passenger seats.  
the operation of onsite canteens is suspended and take away is only allowed in accordance with the restrictive list of reasons.



**What has changed?** On 2 January 2021, Ministerial Decision Δ1α/ΓΠ.οικ.2 was adopted to replace Ministerial Decision [80189/2020](#). Ministerial Decision Δ1α/ΓΠ.οικ.2 does not impose additional obligations on companies, but rather extends the deadline until when the lockdown measures stay in force. Moreover, the time for the exceptional movement of citizens has changed from 5.00-22.00 to 5.00-21.00.

**Additional Information** Ministerial Decision Δ1α/ΓΠ.οικ.2 "Urgent measures of public health protection against the further spread of Covid-19 in Greece from Sunday 3 January 2021 to Monday 11 January 2021" is available [online](#) in Greek.

#### **4.2.3 HUNGARY Companies are subject to new biological risk assessment and risk mitigation obligation as novel Coronavirus (SARS-CoV-2) is classified as a biological agent**

**Abstract:** From 5 November 2020, employers must carry out a biological risk assessment and implement measures to eliminate or at least minimize the risk of the employees' exposure to the novel coronavirus at workplaces. This follows from the inclusion of the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) that caused the COVID-19 pandemic to the list of biological agents known to infect humans established by EüM Decree 61/1999. (XII. 1.).

**Business Impact:** If the company has employees exposed or likely to be exposed to the virus 'severe acute respiratory syndrome coronavirus 2' (SARS-CoV-2), it must comply with additional obligations to protect workers from such exposure, as the SARS-CoV-2 virus was added in the list of biological agent included in EüM Decree 61/1999. As a result, the company must, among other things: - assess biological risks to workers' health and safety from exposure to SARS-CoV-2 in the workplace; - avoid workers' exposure (if possible) or minimise the risk of exposure and the number of workers exposed; - put in place appropriate preventive and hygienic measures; and - provide workers with protective clothing or equipment. Besides, if the company carries out non-propagative diagnostic laboratory work (such as sequencing) involving SARS-CoV-2, it must use procedures equivalent to at least containment level 2 (such as specified disinfection procedures). If the company carries out propagative work involving SARS-CoV-2 (including handling or manipulating samples of the virus), it must conduct them at a containment level 3 (for instance, in a laboratory with air pressure negative to atmosphere).

**Analysis: Actionable requirements** - The company assessed the biological risks of the employees' exposure to the novel coronavirus. - If there is a risk of the employees' exposure to the novel coronavirus at the workplace, the company implements measures to eliminate or minimize the risk of such exposure. - If there is a risk of employees' exposure to biological agents, including the novel coronavirus, the company updates the biological risk assessment annually.

**What has changed** [ITM Decree 40/2020 of 4 November 2020](#) amends [EüM Decree 61/1999. \(XII. 1.\) on the protection of the health of the employees exposed to the impacts of biological agents](#) to supplement the list of biological agents with the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) virus that caused the COVID-19 pandemic as well as with the Middle East respiratory syndrome coronavirus (MERS-virus).

**Additional Information** Due to the inclusion of SARS-CoV-2 to the list of biological agents, from 5 November 2020, all companies are required, among other things, to: - assess the biological risks to employees' health and safety from exposure to SARS-CoV-2 in the workplace (biological risk assessment); - prevent, eliminate (if possible) or minimize the employees' exposure and the number of workers exposed; - put in place appropriate preventive measures and hygienic measures, for example, prohibit eating and drinking at the workplaces; - provide protective clothing or equipment to workers; and - provide workers with information on risks and precautions as well as training. Companies whose employees work from home are also required to carry out a biological risk assessment. The deadline for completing the first risk assessment is not indicated by ITM Decree 40/2020; it is recommended for companies to start the biological risk assessment as soon as possible. Besides, companies will have to update the biological risk assessment annually.



**Reasons for the inclusion** ITM Decree 40/2020 added the virus 'severe acute respiratory syndrome coronavirus 2' (SARS-CoV-2) in the list of biological agents known to infect humans (contained in Annex 3 to the EüM Decree 61/1999), classifying it as a risk group 3 human pathogen based on the following criteria: - it can cause severe human disease; thus it presents a serious hazard to workers (especially to elderly workers and to those with an underlying medical problem or chronic disease); -it has a risk of spreading to the population; and -there are usually effective preventive measures available, or its treatment is effective.

**Additional employer obligations** According to ITM Decree 40/2020, facilities conducting non-propagative diagnostic laboratory work (such as sequencing) involving SARS-CoV-2 must use procedures equivalent to at least containment level 2 (including specified disinfection procedures), while propagative work involving SARS-CoV-2 (such as handling or manipulating samples of the virus) must be conducted at a containment level 3 (for instance, in a laboratory with air pressure negative to atmosphere).

**EüM Decree 61/1999** EüM Decree 61/1999 lays down minimum protective and preventive measures applicable to employers whose employees are exposed or are likely to be exposed to biological agents, that is, to micro-organisms which may be able to provoke any infection, allergy or toxicity, such as bacteria (for example, legionella pneumophila), viruses (for example, cytomegalovirus); parasites (for example, capillaria philippinensis) and fungi (for example, aspergillus fumigatus). EüM Decree 61/1999 classifies biological agents into 4 risk categories, including "Group 1" (those unlikely to cause human disease), "Group 2" (those that can cause human disease and might be a hazard to workers), "Group 3" (those that can cause severe human disease and present a serious hazard to workers, although there is usually effective prophylaxis or treatment available), and "Group 4" (those causing severe human disease and being a serious hazard to workers, but there is usually no effective prophylaxis or treatment available). Under EüM Decree 61/1999, companies are required to: - conduct a biological risk assessment to assess workers' health and safety risks from exposure to biological agents; - replace harmful biological agents with non-harmful ones; - provide information and training to the exposed workers (for instance, on the potential risks and the use of PPE); - ensure that workers undergo health surveillance prior to exposure to biological agents, and at regular intervals thereafter; and - keep records on the employees potentially exposed to biological agents.

#### **4.2.4 HUNGARY Less stringent employment and labour safety rules applicable during the COVID-19 state of emergency to allow companies to encourage work from home**

**Abstract:** Between 12 November 2020 and 7 February 2021, companies having employees working from home are subject to less stringent labour code and labour safety requirements. For example, companies are not obliged during the state of emergency to regularly check the health and safety of the home workers' work conditions; however, they must inform employees about how to maintain safe and healthy work conditions. This follows from the reintroduction of the state of emergency for the mentioned period due to the COVID-19 pandemic.

**Business Impact:** If the company has employees working from home during the state of emergency pronounced for the period between 4 November 2020 and 7 February 2021, the company is not required to regularly check the health and safety of the work conditions of its employees working from home; However, the company must inform all employees working from home about how to maintain healthy and safe work conditions at their homes during the state of emergency period. Furthermore, the company is not required to prepare or modify such employees' work contracts to reflect that the employees work from home during the state of emergency.

**Analysis: Actionable requirements** - If the company has employees working from home during the state of emergency between 4 November 2020 and 7 February 2021, it informs such employees about the rules of safe and healthy work conditions to be maintained at the home office.



**What has changed** [Government Decree 478/2020. \(XI. 3.\) on the declaration of the state of emergency](#) reintroduced the state of emergency in Hungary due to the COVID-19 pandemic for the period between 4 November 2020 and 7 February 2021. [Government Decree 487/2020. \(XI. 11.\) on the application of the rules related to home working during the state of emergency](#) set out less stringent requirements for companies related to home working during the period of the state of emergency in order to encourage companies to allow employees to work from home. In this context, companies are not obliged to specify in work contracts that their employees work from home; it is appropriate to agree on that informally with employees. Government Decree 487/2020 exempts companies for the period of the state of emergency from the obligation specified by [Act XCIII of 1993 on Labour Safety](#) stating that the work conditions of the employees working from home must be regularly inspected to ensure that those meet the labour safety requirements. Under Government Decree 487/2020, companies must inform their employees working from home about the rules of safe and healthy work conditions instead of the regular inspections. Furthermore, companies can reimburse their employees working from home for a cost of 16,100 Hungarian Forints per month tax-free without any certificate from the employees (such as internet invoice) for covering the increased costs of employees due to home working during the state of emergency.

**Additional Information** During the period of the state of the emergency (between 4 November 2020 and 7 February 2021), working temporarily or even only on certain days of the week is considered as home working independently from the work equipment that the employees use. Under non-pandemic conditions, home workers are defined as workers who regularly work from a location other than the premises of their employer and who use information technology for their work and forward the results of their work electronically. Under [Act I of 2012 on the Labour Code](#), companies must specify in the work contract of the employees if they are employed as home workers or if their employment allows home working regularly. Government Decree 487/2020 provides an exemption from this requirement, namely, during the state of emergency companies are allowed to agree informally with employees on home working. Under Act XCIII of 1993, companies must regularly check that the work conditions of the home workers meet the health and safety requirements. During the state of emergency, companies are not obliged to check the work conditions of the home workers regularly, although they must inform employees about how to maintain safe and healthy work conditions. Companies can consult the [Guidance on the work conditions to be ensured during home working with information technology equipment](#) published by the Main Department of Labour Inspection of the Ministry for Innovation and Technology for the information to be provided for home workers. The Guidance includes 14 recommendations including, for example, that electrical extension cords used at home should not pose a trip hazard, and external keyboard should be used for notebooks due to ergonomic reasons.

#### **4.2.5 HUNGARY Companies must implement specific protective measures due to the COVID-19 pandemic**

**Abstract:** Between 11 November 2020 and 11 January 2021, all companies must implement specific protective measures to reduce and prevent the spread of the COVID-19 infection. In this context, companies having employees who work, go to work, or go home from work between 8 p.m. and 5 a.m. must provide the employees with a deed certifying that they cannot stay at their places of residence during the curfew due to work. Furthermore, companies must not organize or hold any event or assembly during this period. Companies must also ensure that employees wear face masks at the companies' premises where more than 5 persons are regularly present at the same time, among others.

**Business Impact:** If the company has employees at the workplace, it must implement the protective measures specified due to the COVID-19 pandemic from 11 November 2020 to 11 January 2021. These protective measures include, for example, that the company must ensure that employees and third persons wear face masks in company areas where more than 5 people are typically present. Furthermore, if the company has employees who have to work, go to work, or go home from work during the curfew between 8 p.m. and 5 a.m., it must provide such employees with deeds certifying that they cannot stay at their residence under the curfew due to work. The company must not organize or hold any event



or assembly, for example, a Christmas party, during the period between 11 November 2020 and 11 January 2021. If the company organizes an event or an assembly during the restriction period, it could be fined 100,000 to 1,000,000 Hungarian Forints.

**Analysis: Actionable requirements** - If the company has employees who work, go to work, or go home from work between 8 p.m. and 5 a.m. during the regulated period between 11 November 2020 and 11 January 2021, the company provides such employees with a deed certifying that the employees cannot stay at their places of residence during the curfew due to work. - The company does not organize or hold any event or assembly during the period of restriction between 11 November 2020 and 11 January 2021 due to COVID-19. - If the company has any premises, where clients are received for administering matters and where more than 5 persons are regularly present at the same time, it ensures that all employees and clients wear face masks during the regulated period between 11 November 2020 and 11 January 2021.

**What has changed** [Government Decree 478/2020. \(XI. 3.\) on the declaration of the state of emergency](#) pronounced the state of emergency in Hungary due to the COVID-19 pandemic for the period between 4 November 2020 and 7 February 2021. To implement the state of emergency, [Government Decree 484/2020](#) specifies protective measures and restrictions for companies for the period between 11 November 2020 and 11 January 2021 in order to prevent and reduce the spread of the COVID-19 infection. The Hungarian Government can extend the period of the restrictions.

**Additional information** As stated by Government Decree 484/2020, companies must meet the following requirements during the above indicated period of restrictions: - Employees and all people must wear face masks so that it covers the nose and the mouth within any premises of the companies where customers are received for administering matters and where more than 5 persons, including persons employed there, are regularly present at the same time. Companies may introduce additional internal requirements for using face masks within their premises. - In Hungary, there is a curfew between 8 p.m. and 5 a.m. during which employees must stay at home, or at their accommodation, except if they perform their work, go to work, or go home from work during that time. In this case, companies must provide their employees with a deed certifying that the employees cannot stay at their residence under the curfew due to work. A template of the deed required for proving the work under curfew is available at <https://koronavirus.gov.hu/cikkek/kijarasi-tilalom-alatti-munkavegzesrol-szolo-igazolas-letoltheto-igazolas-minta> - Companies must not organize or hold any event or assembly, including, for example, a conference or a Christmas party during the indicated period. If the company organizes an event or assembly during the restriction period, it could be fined 100,000 to 1,000,000 Hungarian Forints. - Although staying in a catering facility is forbidden throughout Hungary except for the period required to pick up and deliver food for take-away, this restriction does not apply to workplace restaurants and cafeterias that can be open during the regulated period.

#### **4.2.6 PORTUGAL Companies must continue to comply with stricter health and safety rules in the more affected regions due to the COVID-19 epidemic**

**Abstract:** Between 31 December 2020 and 31 March 2021, at least, companies operating in the municipalities that are more affected by COVID-19 (municipalities considered to be of high, very high or extreme risk) in Portugal must continue to comply with mandatory teleworking. If not possible, companies with more than 50 workers must define rotation systems for the groups of workers to enter and leave the premises at different times. In the remaining municipalities (moderate risk), companies must continue to ensure that workers who have proven to be immuno-compromised, chronically ill, have a disability of 60% or higher or who have under their supervision a child of less than 12 years of age can, upon their request, work from home.

**Business Impact:** If the company is located in a municipality that is considered of high, very high or extreme risk due to its high number of COVID-19 infections, it must continue to ensure that its workers work from home, unless the workers



carry out activities that do not allow it. In this case, and if the company has more than 50 workers, it must ensure that it has a rotation system in place, defining different schedules for the groups of workers to enter and leave company's premises. This is applicable for companies in moderate risk municipalities regardless of their number of workers. If the company is located in a municipality considered to be of moderate risk, it must continue to ensure that any worker who has proven to be immuno-compromised, chronically ill, has a disability of 60% or higher or has under its supervision a child of less than 12 years of age, can, upon request, work from home. The company must also continue to ensure that all persons onsite use a face mask or face shield and that workers maintain at least 1.5 metres of distance between themselves.

**Analysis: Actionable requirements** (Existing) The company allows any worker who has proven to be immuno-compromised, chronically ill, who has a disability of 60% or higher or who has under its supervision a child of less than 12 years of age to work from home.

(Existing) If the company is in one of the municipalities most affected by the COVID-19 pandemic (municipalities considered to be of very high and extreme risk), it must ensure that its workers work from home.

(Existing) The company ensures that all employees use a face mask or a face shield when the distance of 1.5 metres cannot be complied with at the workplace.

**What has changed?** The actionable requirements mentioned above are existing ones, and they were created by [Decree Law 79-A/2020, establishing an exceptional and transitional regime of work reorganisation and of minimisation of risk of transmission of the infection of the disease COVID-19 within the labour relations](#). The requirement for the company to continue to allow any worker who has proven to be immuno-compromised, chronically ill, who has a disability of 60% or higher or who has under its supervision a child of less than 12 years of age to work from home continues to apply despite the location of the company (if it is located in a moderate, high, very high or extreme risk municipality or not). This requirement has been consistently reenacted by the Portuguese Government in various legislations regulating the state of emergency in Portugal. Companies that are located in municipalities with less positive COVID-19 cases per 100 000 inhabitants (located in the moderate and high risk municipalities) and despite their number of workers will have to continue to comply with the requirements of Decree Law 79-A/2020, such as ensuring the distance of 1.5 metres between workers. Furthermore, companies located in one of the municipalities considered to be of very high and extreme risk continue to ensure its workers work from home.

**Additional information** [Decree Law 106-A/2020 of 30 December 2020](#) is integrated into the Portuguese Government's legislative and regulatory response to fighting COVID-19. It amends Decree Law 79-A/2020, and is applicable between 31 December 2020 and 31 March 2021, at least. The Council of Ministers will continue to draft 4 lists, dividing the municipalities over 4 different risk levels: moderate, high, very high and extreme. Teleworking is mandatory in the municipalities of high, very high and extreme risk of spreading the COVID-19 pandemic, despite the number of workers of the company. Companies with 50 or more workers in municipalities considered to be of high, very high or extreme risk and where it is not possible to comply with the mandatory teleworking, must also continue to implement rotation systems for the groups of workers to enter and leave the premises of the company, with the interval being between 30 minutes and 1 hour. As before, companies not complying with the requirements of Decree Law 79-A/2020 can be subject to fines ranging between EUR 2,040 and EUR 61,200 per infraction and per worker.

#### 4.2.7 SLOVENIA Companies can benefit from using a new generic online tool for risk assessment in the field of safety and health at work (OiRA) during the Covid-19 pandemic

**Abstract:** As of 25 November 2020, interested companies can consult the new generic online tool for risk assessment in the field of safety and health at work (OiRA) intended to help small and medium-sized enterprises during the COVID-19 pandemic. The tool is available for free.

**Business Impact:** Interested companies can, as of 25 November 2020, consult the new generic online tool for risk assessment in the field of safety and health at work (OiRA) intended to help small and medium-sized enterprises during the COVID-19 pandemic. The tool is available for free.

**Analysis: Workplace health & safety: risk assessment tools** The Ministry of Labor, Family, Social Affairs and Equal Opportunities, in cooperation with the European Agency for Safety and Health at Work, has prepared and launched a [new generic online tool OiRA for assessing risks](#) in the field of safety and health at work during the Covid-19 pandemic. The tool is intended to help small and medium-sized companies during the COVID-19 pandemic and is available for free. It can be accessed [here](#). In addition to the Covid-19 risk assessment tool, The Ministry of Labor, Family, Social Affairs and Equal Opportunities, with the cooperation of various social partners, has so far developed OiRA tools for the following economic activities:

- car services,
- road transport,
- cleaning of business premises,
- electrical services,
- construction,
- blacksmithing,
- offices, and
- retail stores.

All of these are available [online](#).

#### 4.2.8 SLOVENIA Covid-19 related restrictions may be temporarily loosened over holiday period

**Abstract:** On 19 December 2020, the Slovenian government announced that, if the epidemiological situation in Slovenia remains the same or improves, gathering and movement restrictions would be temporarily loosened during the upcoming holiday season. That is, gatherings of up to 6 people from a maximum of two different households would be allowed and movement between regions would be permitted for a limited time. However, all other restrictions would still remain in place (such as the prohibition to organize public events and gatherings). As such, these developments will have no impact on companies but are nonetheless good to keep in mind.

**Business Impact:** Companies should be aware that, on 19 December 2020, the Slovenian government announced that, if the epidemiological situation in Slovenia remains the same or improves, gathering and movement restrictions could be temporarily loosened during the upcoming holiday season. That is, gatherings of up to 6 people from a maximum of two different households would be allowed and movement between regions would be permitted for a limited time. However, all other restrictions would still remain in place (such as the prohibition to organize public events and gatherings). As such, these developments will have no impact on companies but are nonetheless good to keep in mind.

**Analysis: Potential relaxation of Covid-19 measures during the holidays season** The Slovenian government [announced](#) that they will be adopting a new regime of relaxed Covid-19 measures during the Christmas holidays. Moreover, in the



event of a stable or improved epidemiological situation, these measures could also apply during the New Year's holidays, explained government spokesman Jelko Kacin. The aforementioned measures are as follows:

On 24 December and 25 December 2020, and in the event of a stable or improved epidemiological situation on 31 December and 1 January 2021, persons will be able to have contact with no more than 6 persons from a maximum of two households. Children up to the age of 15 are excluded.

From 24 December from 12 noon to 25 December until 8 pm and on New Year's Eve from 12 noon to 1 January until 8 pm, inside-country travel will not be subject to restrictions on movement between municipalities and regions.

Nonetheless, anyone who socializes during the holidays is still strongly recommended to isolate themselves after any visits. The government is also urging everyone to reduce contacts in the days before Christmas and in the week after the New Year. The ban on movement at night, that is, the curfew remains in force for Christmas. Moreover, the ban on socializing and gathering in public areas, including New Year's Eve, also remains in force. As such, the relaxed Covid-19 measures have no direct impact on companies.

## 4.3 Latin America

### 4.3.1 BRAZIL PARANÁ State of public calamity in the State of Paraná caused by the new coronavirus (COVID-19) extended until 30 June 2021

**Abstract:** From 17 December 2020, the state of public calamity in the State of Paraná caused by the new coronavirus (COVID-19) is extended until 30 June 2021.

**Analysis: Actionable requirements** [Decree 6.543 of 15 December 2020](#) does not establish direct requirements for companies.

**What has changed** Decree 6.543/2020 extends the validity of the state of public calamity caused by the new coronavirus (COVID-19) in the State of Paraná until 30 June 2021. Before, [Decree 4.319 of 23 March 2020](#) declared the state of public calamity in the State of Paraná until 31 December 2020.

**Analysis** Decree 6.543/2020 extends the validity of the Decree 4.319/2020, which declared the state of public calamity in the State of Paraná to:

enable response measures to the public disaster classified as caused by viral infectious diseases; and exempt the state government from meeting fiscal responsibility targets as provided for in [federal Complementary Law 101 of 4 May 2000](#).

The validity of Decree 6.543/2020 was recognized by the Legislative Assembly of the State of Paraná, which was approved by the [Legislative Decree 29 of 16 December 2020](#), entering into force on 17 December 2020. Even though the declaration of the state of public calamity does not itself establish direct requirements for companies, further requirements can follow from this declaration, such as suspension of activities and implementation of sanitary measures.

#### 4.3.2 PERU Companies must comply with a mandatory curfew from 00.00 AM to 4 AM, due to the COVID-19 outbreak

**Abstract:** Until 31 December 2020, companies must comply with a mandatory curfew from 00.00 AM to 4.00 AM. This is due to the declaration of a state of national emergency due to the COVID-19 outbreak. In addition, the State of National Emergency restricts the exercise of constitutional rights related to personal freedom, security, and the freedom of assembly and movement in Peru. This follows from Supreme Decree No. 184-2020-PCM.

**Business Impact:** The company must daily cease its activities from 00.00 AM to 4 AM until 31 December 2020. This is due to the declaration of the state of national emergency caused by the COVID-19 outbreak.

**Analysis: Actionable requirements (new)** The company discontinues its activities every day from 00.00 a.m. to 4 a.m. until 31 December 2020, due to the declaration of national emergency because of the COVID-19 outbreak; and (new) If the company is a bank or financial entity, it does not allow a capacity greater than 50% in its facilities and requires prior disinfection, use of masks, and the maintenance of physical distancing of 1 meter to enter its facilities.

**What has changed** On 30 November 2020, the President of the Republic (*Presidente de la República*) published [Supreme Decree No. 184-2020-PCM](#), declaring a state of national emergency due to the COVID-19 outbreak. The state of national emergency entered into force on 1 December 2020 and will remain in force until 31 December 2020. The declaration of the state of national emergency places the country in lockdown for a period of 31 days, with the possibility to be extended. Moreover, certain constitutional rights are restricted, such as liberty and personal security, inviolability of the home, and freedom of meeting and being able to transit freely within the national territory. The state of national emergency has been previously declared by [Supreme Decree No. 044-2020-PCM](#) and Supreme Decree No. 184-2020-PCM summarises and unifies its provisions.

**Additional information** Supreme Decree No. 184-2020-PCM reminds companies of the importance of following the **recommendations** issued by the National Health Authority:

- the maintenance of minimum physical distance of not less than 1 meter (m);
- the frequent wash of hands;
- the use of masks;
- the proper management of solid waste.

Supreme Decree No. 184-2020-PCM, repeals and replaces Supreme Decree No. 044-2020-PCM and its amendments. The [Supreme Decree No. 184-2020-PCM, which declares a State of National Emergency due to the serious circumstances that affect people's lives due to COVID-19 and establishes the measures that citizens must follow in the new social coexistence](#), is available online in Spanish.

## 4.4 Asia & Oceania

### 4.4.1 AUSTRALIA Companies may soon be made to incorporate work health and wellbeing strategies in relation to homeworking

**Abstract:** Companies may soon be made to incorporate work health and wellbeing strategies that address "whole person health" and support social connectiveness due to the ongoing novel coronavirus of 2019 (COVID-19). This follows from the

publication of the Whitepaper 'Corporate Wellness in a New Era' by Vitality Works, one of Australia and New Zealand's largest workplace health service providers.

**Business Impact:** There are no environmental health and safety requirements for the company as a result of the corporate wellness whitepaper released by Vitality. However, in order to provide continuous support for employees during the pandemic and when homeworking, the paper suggests that employers should promote strategies that focus on "whole person health" and social connectiveness. For example, engaging in conversations and "listening time" with workers, not just on the outcomes of work but also on how they feel about their workloads and if there are improvements that might make it more meaningful, efficient, and "connected with the work of other people".

**Analysis:** On 15 December 2020, Vitality Works, one of Australia and New Zealand's largest workplace health service providers published a whitepaper titled "[Corporate Wellness in a New Era](#)" (the Whitepaper). It outlines work health and wellbeing strategies that address "whole person health" and support social connectiveness. This stems from the fact that COVID-19 will continue to have a significant impact on workplaces in 2021, thus, informing health and safety strategies. According to the Whitepaper, responses from the WHS and HR managers from 13 sectors show that in order to optimise future corporate wellness is to see and value the whole person, not just the worker or their work. The Whitepaper also suggests that employers should engage in conversations and "listening time" with workers, not just on the outcomes of work but also on how they feel about their workloads and if there are improvements that might make it more meaningful, efficient, and "connected with the work of other people". *Key health and wellbeing trends going into 2021* According to the Whitepaper, the two key health and wellbeing trends going into 2021, aside from mental health, will be helping workforces feel connected and adopting psychosocial safety assessments and frameworks that provide employers with more informed strategies. In addition, a survey conducted among the WHS and HR managers found that 80% of organisations now have a health and wellbeing strategy as high or very high priority, compared to just 42% before the COVID-19 pandemic. Also, 25% of respondents experienced large disruptions to their way of working during the pandemic and 33% decreased their workforce. According to Vitality, due to the ongoing COVID-19 pandemic, remote work has grown from three percent to 36% in 12 months with over 50% of businesses planning to continue remote work in the future. As such, mental wellbeing and resilience are now identified as the top priorities for organisations, replacing safety and injury reduction, with rates of depression, anxiety, low team morale, fatigue, burnout, and poor physical wellbeing expected to increase over the next six months. *Other information* The Whitepaper, apart from addressing the rise of corporate wellness on the business agenda as organisations continue to address the health and wellbeing needs of employees during the COVID-19 pandemic, also includes the following information:

The Top 7 Insights on the next 12 months of Corporate Wellness in a COVID-19 World

Key Corporate Wellness challenges 2021 and beyond

7 Corporate Wellness Trends towards 2030

What can we do now to get ready for the future of workforce wellbeing

Our Wellbeing Strategy 2021 Checklist



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#### Belgium

Louise Center Building  
Avenue Louise 287  
1050 Brussels

t. +32 2 775 97 97

#### United States

1911 North Fort Myer  
Drive Suite 1150  
Arlington, VA 22209

t: +1 202 552 1090

#### Japan

1-5-15, Hirakawacho  
Chiyoda-ku  
Tokyo 102-0093

t. +81 (0)3 6261 2138

#### China

Room 1723, 17F, Building 1  
No. 1198 Century Avenue  
Shanghai China

t. +86 21 5072 1956

#### Canada

130 Spadina Avenue  
Suite #402  
Toronto

[www.enhesa.com](http://www.enhesa.com)  
[info@enhesa.com](mailto:info@enhesa.com)

