



# Enhesa Regulatory Developments

## COVID-19

### Monthly Updates

September 30, 2020

Ref: Reports from September 1 to the September 30, 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. September 9, 2020

### 1.1 The US & Canada

#### 1.1.1 US - CALIFORNIA Companies should make every effort to comply with all applicable COVID-19 workplace safety and health guidance and any other existing regulations to reduce the risk of COVID-19 at work

**Abstract:** With the continued outbreak of the 2019 novel coronavirus disease (COVID-19), companies are advised to review and understand employers' responsibilities towards workplace health and safety procedures. Companies should follow the applicable industry guidance issued by the California Division of Occupational Safety and Health (Cal/OSHA) and implement measures to ensure that the workplace is protected from the spread of COVID-19. Further, companies should be aware of the existing regulations that require employers to take steps to prevent employee exposures to infectious diseases like COVID-19.

**Analysis:** On 16 July 2020, the California Division of Occupational Safety and Health (Cal/OSHA) issued a press release, urging all employers in California to review and follow the state's COVID-19 workplace safety and health guidance. Specifically, Cal/OSHA instructs companies to implement the necessary measures to protect employees and the public and reduce the risk of COVID-19 at workplaces. Accordingly, companies should review the guidance relevant to their industries and take procedures in providing a safe and healthy workplace.

**Guidance on Protecting Workers from COVID-19** For continued protection from COVID-19, Cal/OSHA recommends that companies comply with their obligations to implement effective measures to train and protect employees at each worksite. Cal/OSHA lists the following steps as examples of the actions that companies must take:

modify work or the worksite to allow people to be at least 6 feet apart or install barriers where physical distancing is not feasible;

provide employees enough time and supplies to disinfect common surfaces;

encourage employees to wash their hands frequently and give enough time and supplies so they can do it properly;

provide employees with cloth face coverings or allow them to use their own and reimburse them for the cost;

screen employees for COVID-19 symptoms before they start work; and

have employees stay home if they feel sick.

Additionally, Cal/OSHA advises companies that are open to the public to follow the latest public health orders to protect employees and any visitors to the workplace. Cal/OSHA reminds companies of the statewide face-coverings mandate, which requires the use of face coverings at all times in common and public indoor spaces and outdoors when physical distancing is not possible.

**More Information** For more information, see Cal/OSHA's [16 July 2020 Press Release](#). Additional information, including educational materials and model programs and plans, is available on [Cal/OSHA and Statewide Industry Guidance on COVID-19](#) website.

### 1.1.2 US - CALIFORNIA Public water systems are advised to promote and ensure continuity of operations and notify immediately any noncompliance due to COVID-19 related difficulties

**Abstract:** Companies that own or operate public water systems (PWSs) in California should continue to meet all drinking water standards, including any monitoring, treatment, sampling, and testing requirements, during the COVID-19 emergency, as the maintenance of continuity of operations at PWSs is a critical essential function.

**Analysis:** On 6 July 2020, the California State Water Resources Board (State Water Board), Division of Drinking Water (DDW), issued guidance for public water systems (PWS) on complying with the drinking water standards during the COVID-19 emergency. The guidance explains that PWS operations are considered an essential function. Accordingly, as the COVID-19 emergency continues in California, companies are advised to keep complying with all drinking water standards and operate as normally as possible.

**Continuity of Operations** PWSs are advised to take steps to ensure their continued operation. Facilities anticipating difficulties with complying with any permit or regulatory requirements should contact the appropriate DDW District Office immediately. Additionally, the guidance provides the following recommendations to ensure continued operations: communicate with neighboring PWS about resource sharing and mutual aid and consider registering with [CalWARN](#) (a statewide mutual assistance organization); review and update operations plans and provide instruction and training to operators; ensure that any necessary chemicals or equipment are readily available, stockpile any extra materials as needed, and contact suppliers to verify that supply chains are still intact and their employees are equally aware and prepared; and make sure important records are available to employees and consider storing those documents electronically and in a place that can be accessed outside of the workplace.

**Monitoring, Testing, and Sampling** PWSs are expected to perform all required monitoring and sampling, such as the routine bacteriological monitoring, during the COVID-19 emergency. As the DDW guidance notes, PWSs may not be able to complete all required monitoring and sampling within the due dates. In such a case, DDW advises facilities to notify the appropriate DDW District Office or county Local Primacy Agency (LPA) immediately. Further, PWSs are advised to remain in contact with the accredited testing laboratory to assure continued service. If in need of other laboratories to take monitoring samples and conduct PWS analysis, facilities should visit the Environmental Laboratory Accreditation Program (ELAP) [COVID-19 Emergency Response Information](#) website. Additionally, the guidance reminds PWSs that the sample collection for Routine Reduced Lead and Copper Rule monitoring is due 30 September 2020. Accordingly, facilities should collect the required triennial sampling in due course if not yet completed. Lastly, DDW allows temporary modifications of sample collection sites for routine distribution system samples for the Total Coliform Rule, chlorine residual monitoring, Lead and Copper Rule water quality parameter monitoring, or Disinfection By-Product Rule monitoring for social distancing purposes. If such modifications are required, PWSs are advised to request the local DDW District Office or LPA representative to change sample site locations.

**Continuing Cross-Connection Control Programs** The DDW guidance notes that maintaining a cross-connection control program is considered an essential function for the protection of the distribution system from contamination. Accordingly, PWSs should continue the following activities, among others, during the COVID-19 emergency: immediately correct any newly discovered cross-connections; conduct backflow prevention device testing as scheduled when possible; immediately repair or replace failed devices; and conduct recycled water use site cross-connection tests as scheduled when possible.



**Communicating with the Public** The DDW guidance advises PWSs to review emergency notification plans and verify that methods of communicating an emergency are up to date. Further, facilities are instructed to check the DDW District Office or county LPA contact information. Lastly, facilities should use email, bill mailers, and other established methods to reassure the public on the status of the drinking water.

**Reactivating Service and Operations** As per the DDW guidance, PWSs that have shut down temporarily during the COVID-19 emergency should review and comply with the following guidelines:  
notify the appropriate DDW District Office or LPA before shutting down or as soon as possible after shutting down;  
after a shutdown, obtain approval from DDW or LPA before resuming service as a public water system;  
before starting up, communicate with DDW or LPA to receive instructions on startup requirements;  
implement DDW's [Instructions for Seasonal Water System Shutdown and Start-up](#), which specify inspection, flushing, disinfection, and sampling requirements; and  
advise the public about increased risks of Legionella growth and leaching of lead and copper.

**Additional Information** For more information, see the State Water Board's website for the [COVID-19 Information for Public Water Systems](#). Additional information, including the most current COVID-19 status in California, is available on the [California Coronavirus \(COVID-19\) Response](#) website.

### **1.1.3 US - GEORGIA Companies must continue to comply with Public Health State of Emergency requirements until 15 September 2020**

**Abstract:** Effective 1 September 2020, Georgia Governor Brian Kemp issued an Executive Order extending the Public Health State of Emergency until 10 October 2020 and required businesses to comply with COVID-19 operational requirements until 15 September 2020.

**Analysis: Actionable Requirements** If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with all applicable COVID-19 prevention requirements, including social distancing measures of 6 feet or more between individuals.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the prohibition of indoor gatherings of more than 50 people.

If the facility conducts in-person operations during the COVID-19 state of emergency, it complies with the minimum cleaning requirements in Executive Order No. 08.31.20.02.

**What has changed?** The above requirements have been reaffirmed by Executive Order No. 08.31.20.02. The requirements for non-critical infrastructure businesses or operations are in effect until 15 September 2020.

**Additional Information** All non-critical infrastructure businesses or operations that are conducting in-person operations must continue to comply with workplace safety requirements including:

Screening and evaluating workers who exhibit symptoms of COVID-19;

Enhancing sanitation of the workplace as appropriate;

Disinfecting common surfaces regularly;

Requiring hand washing or sanitation by workers at appropriate places within the business location;

Prohibiting gatherings of workers during working hours;

Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper Social Distancing is attainable;

Implementing teleworking for all possible workers;

Implementing staggered shifts for all possible workers;



Holding all meetings and conferences virtually as practicable;  
Prohibiting handshaking and other unnecessary person-to-person contact in the workplace; and  
Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen.  
For more information, see [Executive Order No. 08.31.20.02](#).

#### **1.1.4 US - HAWAII Companies must comply with the face-coverings requirement and continue to implement COVID-19 safe practices as counties remain in Phase 2 of the state's reopening plan**

**Abstract:** Effective 20 August 2020, companies that conduct in-person operations in Hawaii must ensure that individuals are complying with the appropriate county's face coverings requirement. Further, companies considered medium-risk businesses must continue to comply with physical distancing requirements, as well as any other applicable industry and regulatory guidelines related to COVID-19 issued by the federal, state, and local agencies. High-risk companies must continue to cease in-person operations until 30 September 2020, unless otherwise amended.

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

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

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

If the facility is conducting in-person operation during the COVID-19 emergency period, it ensures that all individuals in the premise, including its employees and any visitors, wear face coverings, as appropriate.

**What Has Changed** The Twelfth Supplementary Proclamation continues to allow non-essential medium-risk businesses to conduct in-person operations and require non-essential high-risk businesses to remain closed. Additionally, it requires all persons to wear face coverings in compliance with the county orders, rules, and directives.

**Twelfth Supplementary Proclamation** On 20 August 2020, the Hawaii State Governor David Y. Ige issued the Twelfth Supplementary Proclamation (Proclamation) to continue protecting the state from the 2019 novel coronavirus disease (COVID-19). The Proclamation extends the COVID-19 emergency period to 30 September 2020 and directs counties to stay in Phase 2 of the State Roadmap to Recovery and Resilience until further notice. 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. *Face-Coverings Mandate* Additionally, the Proclamation requires all individuals in Hawaii to wear face coverings in compliance with the county orders, rules, and directives. Accordingly, companies must review the appropriate county's face-coverings requirement to ensure that the employees and any visitors on the premises are complying with the requirement. For example, [the City and County of Honolulu](#) requires all individuals to wear face coverings while indoors in public spaces, including enclosed common areas of commercial buildings.

**More Information** For more information, see the Office of the Governor website for the [Twelfth 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.





## 1.2 Europe

### 1.2.1 POLAND Further update of the red and yellow zones to prevent COVID-19 spread

**Abstract:** From 15 August 2020, facilities located in a red or yellow zone must provide measures preventing the spread of COVID-19, such as limiting the number of people present in the facility gym or canteen. Previously introduced regional restrictions remain in force and the list of yellow and red zones have been updated.

**Business Impact:** If the facility is located in the designated yellow or red zone, it must abide by measures such as limiting the maximal number of the facility canteen or gym users. Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Actionable requirements** There are no new actionable requirements for facilities.

**What has changed** The Ordinance of 28 August 2020 expands the geographical scope of the currently existing restrictions related to COVID-19. It applies from 29 August 2020. In accordance with the Ordinance of 28 August 2020:

the following regions have been classified in the red zone:

in Greater Poland voivodeship (*województwo wielkopolskie*): kolski county (*powiat*),

in Mazovian voivodeship: lipski county;

in Łódzkie voivodeship: łowicki, pączęński and wieluński county; and

in Lesser Poland voivodeship (*województwo małopolskie*): nowotarski county and Nowy Sącz.

the yellow zone category presents as follows:

in Silesian voivodeship: kłobucki and rybnicki county;

in Warmińsko-Mazurskie voivodeship: bartożycki county;

in Świętokrzyskie voivodeship: konecki county;

in Pomorskie voivodeship: kartuski county;

in Lesser Poland voivodeship (*województwo małopolskie*): limanowski, nowosądecki and tatrzański county, Cracow;

in Mazovian voivodeship: żuromiński county;

in Podkarpackie voivodeship: przemyski county.

**Brief Analysis** The Ordinance of the Council of the Ministers of 7 August 2020 on setting restrictions, orders and bans with regards to the outbreak of the epidemic aims at tackling the spread of COVID-19. In order to attain this objective, it introduces obligations for facilities having workers onsite and lays down regional restrictions in Poland, that depend on the classification of the region as a red, yellow or green zone. Facilities must comply with requirements such as limiting the number of people present in the facility gym or canteen.

### 1.2.2 POLAND Dalsza aktualizacja stref czerwonych i żółtych, aby zapobiec rozprzestrzenianiu się COVID-19

**Abstract:** Od 15 sierpnia 2020 r. obiekty zlokalizowane w strefie czerwonej lub żółtej muszą zapewniać środki zapobiegające rozprzestrzenianiu się COVID-19, takie jak ograniczenie liczby osób przebywających na terenie siłowni czy kantyny zakładowej. Wcześniej wprowadzone ograniczenia regionalne nadal obowiązują, a lista stref żółtych i czerwonych została zaktualizowana.





**Business Impact:** If the facility is located in the designated yellow or red zone, it must abide by measures such as limiting the maximal number of the facility canteen or gym users. Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

**Analysis: Wymagane działania** Nie ma nowych wymaganych działań dotyczących obiektów.

**Co się zmieniło** Rozporządzenie z dnia 28 sierpnia 2020 roku rozszerza zakres geograficzny obecnie obowiązujących ograniczeń związanych z COVID-19. Rozporządzenie to obowiązuje od dnia 29 sierpnia 2020 Zgodnie z rozporządzeniem z dnia 28 sierpnia 2020 r.:

do strefy czerwonej dodano następujące regiony:

w województwie wielkopolskim: powiat kolski;

w województwie mazowieckim: powiat lipski;

w województwie łódzkim: powiat łowicki, pączęński i wieluński; oraz

w województwie małopolskim: powiat nowotarski i Nowy Sącz.

kategoria strefy żółtej przedstawia się następująco:

w województwie śląskim: powiat kłobucki i rybnicki;

w województwie warmińsko-mazurskim: powiat bartoszycki;

w województwie świętokrzyskim: powiat konecki;

w województwie pomorskim: powiat kartuski;

w województwie małopolskim: powiat limanowski, nowosądecki i tatrzański, Kraków;

w województwie mazowieckim: powiat żuromiński;

w województwie podkarpackim: powiat przemyski.

**Krótką analiza** Rozporządzenie Rady Ministrów z dnia 7 sierpnia 2020 r. w sprawie wprowadzenia ograniczeń, nakazów i zakazów w związku z wybuchem epidemii ma na celu przeciwdziałanie rozprzestrzenianiu się COVID-19. Aby osiągnąć ten cel, wprowadza ono obowiązki dla obiektów posiadających pracowników na miejscu oraz określa ograniczenia regionalne w Polsce, uzależnione od zaklasyfikowania regionu jako strefy czerwonej, żółtej lub zielonej. Obiekty muszą spełniać wymogi takie jak ograniczenie liczby osób przebywających na terenie siłowni czy kantyny zakładowej.

### 1.2.3 PORTUGAL Companies must continue to comply with specific health and safety rules due to the extension of the state of contingency and alert in Portugal

**Abstract:** From 1 September 2020, companies operating in Portugal are subject to specific health and safety rules. Companies must still comply with mandatory teleworking, when applicable, and hygiene and social distancing rules in the workplace. These measures follow from Resolution of the Council of Ministers 68-A/2020 and apply until, at least, 14 September 2020.

**Analysis: Actionable Requirements:** [Resolution of the Council of Ministers 68-A of 28 August 2020](#) does not create new actionable requirements for companies.

**What Has Changed:** The requirements for companies are the same as the ones set forth by [Resolution of the Council of Ministers 55-A of 31 July 2020](#). For example, companies must continue to comply with mandatory teleworking, when applicable, and must also ensure that social distancing measures are implemented in the workplace.

**Additional Information:** [Resolution of the Council of Ministers 68-A of 29 August 2020](#) extends the state of contingency and alert in Portugal, due to the COVID-19 pandemic. It came into force on 1 September 2020. 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. [Resolution 68-A/2020](#) restates the requirements introduced by [Resolution of](#)



[the Council of Ministers 55-A of 31 July 2020](#) and [Resolution of the Council of Ministers 63-A of 14 August 2020](#). For example, companies must ensure that any worker who has proven to be immuno-compromised, chronically ill or who has a disability of 60% or higher is allowed to work from home. Immuno-compromising conditions and chronic illnesses must be attested by a medical certificate and disabilities must be certified by a document issued by the health authorities (*atestado de incapacidade multiuso*). Furthermore, if the company's workplace does not comply with the minimum health and safety recommendations issued by the Directorate-General for Health (*Direção-Geral da Saúde - DGS*) or by the Authority for Working Conditions (*Autoridade para as Condições de Trabalho - ACT*), such as ensuring that workers can stay, at least, 2 meters apart from each other, or that strict regimes of daily and periodic cleaning and disinfection of all the workspace are implemented, teleworking is mandatory. Companies are further advised to implement rotation systems, to prevent workers from resuming work in the same period, as well as to establish different hours for workers to start or end the workday. Companies are also advised to create different routes in and out of the building.

**Background information:** [Resolution of the Council of Ministers 68-A/2020](#) is integrated into the Portuguese Government's legislative and regulatory response to fighting COVID-19. The state of contingency and alert provides the Portuguese Government with temporary extraordinary powers and competences to handle periods of public unrest. It differs from the state of calamity, contingency and alert insofar as it assigns the power to approve additional extraordinary measures to Municipalities and, as such, limits the central government's competences to approve further countrywide measures.

#### 1.2.4 SWEDEN Clarification proposed to the temporary prohibition of public meetings and events in Sweden

**Abstract:** As of 1 October 2020, pending the adoption of a Government proposal, companies can expect to be allowed to organise public gatherings and public events of more than 50 participants, where social distancing can be ensured by allocated seats with a safe distance. This follows from the latest proposal on specifying the conditions of the prohibition to hold public meetings and events with more than 50 participants in Sweden.

**Analysis:** According to the temporary [Ordinance \(SFS 2020:114\) on Prohibition to Hold Public Meetings and Public Events](#) **public gatherings and public events of more than 50 participants** are prohibited in Sweden for the moment due to the risk of spreading of the coronavirus. Meetings or events can be considered public, if they are **organised for the public or open to the public**. The Ordinance (2020:114) is valid for the time being but will be repealed when it is no longer needed. On 24 August 2020, the Swedish Government proposed to specify the provisions of the abovementioned Ordinance (2020:114). The proposed changes mean that the prohibition to hold public meetings and public events would no longer apply to certain public gatherings and events with allocated seating for each participant, nor to gatherings and events held in food establishments (*serveringsställen*) which covers restaurants and cafes but not, for example, staff restaurants in workplaces. Thus, the **proposal would allow for more than 50 participants in public meetings and events with seating**, but it does not yet define the maximum limit for a number of participants. This will be assessed after the hearing of the Public Health Agency (*Folkhälsomyndigheten*) and other relevant experts. The proposal also provides that participants should be assigned with seating that has **at least two meters distance** from other seats and it is ensured that participants can keep such a distance from each other also in other respects at the meeting or event. According to the proposal, this can be achieved, for example, by: - aligning the number of participants with the available space; - defining a protocol to avoid crowding when participants come or go; and - marking spots for the distance to be kept. The changes are planned to enter into force on 1 October 2020.



## 1.3 Latin America

### 1.3.1 ARGENTINA NATIONAL Argentina has extended the lockdown until 20 September 2020 under the same conditions as the previous extension

**Abstract:** Until 20 September 2020, companies, unless exempt, must continue to cease their activities as Argentina has extended the lockdown under the same conditions as the previous extension. This follows from Decree 714/2020 which extends the lockdown in some areas of the country (such as the Metropolitan Area of Buenos Aires and Jujuy province), while it keeps the social distancing measures in the rest of the provinces. Among minor changes, the Decree reimposes the lockdown in some provinces where it was previously lifted with social distancing measures in place (such as some departments of San Juan, Río Negro and Entre Ríos provinces), and allows outdoors social gatherings up to 10 persons.

**Analysis:** Actionable requirements If the company carries out activities in areas under lockdown (such as the Metropolitan Area of Buenos Aires or Santa Cruz province) and does not carry out essential or expressly exempted activities, it remains shut down, or continues its operations remotely, until 20 September 2020. Additionally, if the company has resumed activities, it must continue to comply with the 2 meters physical distance, adequately ventilate areas allocated for rest, food, or any other activity within the working environment.

**What has changed?** Decree 714/2020 extends the lockdown until 20 September 2020 in areas where the number of COVID-19 cases continues to increase, whereas it extends the obligation to comply with social distancing measures, without lockdown, in the rest of the country. The Decree keeps the same conditions as the previous extension, but reimposes the lockdown in some areas that were previously exempted. Additional information On 31 August 2020, the Argentine government published Decree 714/2020, which extended the lockdown. In this regard, the lockdown continues to be imposed in Jujuy, Santa Cruz, Tierra del Fuego provinces and the Metropolitan Area of Buenos Aires (Área Metropolitana de Buenos Aires -AMBA), which includes the City of Buenos Aires and 35 municipalities of the Buenos Aires province, including, among others:

La Matanza;  
Vicente López;  
Lanús; and  
Avellaneda.

In addition, the Decree reimposes the lockdown in some departments of the following provinces, which were previously under the social distancing phase:

Entre Ríos;  
San Juan; and  
Santa Cruz.

The following activities are exempted from the lockdown, among others:

food and pharmaceutical industries;

healthcare workers;

provision of construction materials and the industrial activities related to it;

manufacture of products for the export; and

industrial activities with continuous production processes, to which the interruption of their operations would damage their production lines or machinery (for instance, glass and metal industries).

Moreover, local authorities are allowed to request the national government the exemption of further activities, subject to the existence or elaboration of a sanitary protocol. Furthermore, companies that do not carry out essential activities must



provide private transport means to their workers, since public transport is reserved only for essential workers (such as healthcare workers and police officers).

In areas where the lockdown has been eased, the following social distancing measures must be respected, among others:

- physical distance of at least 2 meters;
- use of face masks;
- regular hands washing;
- disinfection of surfaces of common use; and
- ventilation of closed environments.

Companies carrying out industrial and commercial activities must continue to comply with the sector protocol specific to their activities and restrict the attendance to 50% of their capacity. Furthermore, companies must ensure that there is a physical distance of at least 2 meters in indoors resting areas or canteens. Finally, employees over 60 years of age, pregnant women, workers included within risk groups (such as people with diabetes, respiratory diseases, or under cancer treatment) or workers whose presence at home is required for taking care of children or elders continue to be exempted countrywide from attending their workplaces, as established by Resolution 207/2020.

Decree 714/2020, extending the lockdown until 20 September 2020 is available online in Spanish.

### 1.3.2 COLOMBIA Colombia has implemented a selective and responsible lockdown until 1 October 2020

**Abstract:** As of 1 September 2020, Colombia has implemented a selective lockdown and relies on individual responsibility for the respect of physical distancing. This follows from Decree 1168 of 2020 that replaces and repeals Decree 1076 of 2020, which had extended the previous lockdown until 1 September 2020. During the selective lockdown phase, most of the activities are allowed, restrictions are eased, and lockdowns will be decided by local authorities of areas with a high number of COVID-19 cases. Despite this, companies must continue to prioritize teleworking where possible. The selective lockdown will last until 1 October 2020.

**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 1 October 2020, 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 changed?** Decree 1168 of 2020 changes the previous lockdown, during which only expressly exempted activities were allowed, and implements a selective lockdown with individual responsibility in place for respecting physical distancing measures. The selective lockdown phase is announced until 1 October 2020 and local authorities are allowed to impose a lockdown in their territories, if the number of COVID-19 cases increases leading to an outbreak.

**Additional information** On 26 August 2020, the Presidency of Colombia published Decree 1168 of 2020 which imposes a selective lockdown for facing the COVID-19 pandemic. The selective lockdown radically changes the strategy that Colombia had until 1 September 2020. In this regard, until 1 September 2020 only exempted activities could be carried out in Colombia, whereas now most of the activities are allowed, except in territories where local authorities decide to implement a lockdown to avoid a raise in the number of cases. Nonetheless, during this new phase the following activities continue to be forbidden countrywide:





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

In addition, the country has closed land and water borders with:

Venezuela;

Panama;

Ecuador; and

Brazil.

Companies must strictly comply with all applicable sanitary protocols, and actively promote teleworking for those employees whose presence in the facility is not of utmost need. [Decree 1168 of 2020, imposing a selective lockdown until 1 October 2020](#) is available online in Spanish.

## 1.4 Asia & Oceania

### 1.4.1 AUSTRALIA - VICTORIA Facilities may soon be required to continue adhering to stringent measures for returning back to the workplace for an additional 12 months

**Abstract:** From 1 September 2020, facilities may be required to continue adhering to stringent measures that have been in place for up to 1 year at a time, in place of 6 months. This follows from the media release 'Keeping The Tools We Need To Continue Coronavirus Fight' by the Victoria Government on 24 August 2020., which proposes an extension to how long a state of emergency can be extended.

**Analysis:** From 1 September 2020, facilities may be required to continue enforcing stringent measures to curb the spread of the coronavirus in the workplace for an additional 12 months following from the proposed amendments to the [Public Health and Wellbeing Act 2008](#). This is as a result of the publication of the media article 'Keeping The Tools We Need To Continue Coronavirus Fight' by the Victoria Government.

**State Public Health and Wellbeing Act 2008 ("the 2008 Act")** The 2008 Act confers powers on the Minister to declare a state of emergency for up to 6 months, in parts of Victoria or throughout, arising out of any circumstances causing a serious risk to public health. A state of emergency allows key protections to be put in place, that there would otherwise be no basis for.

**Proposed changes to the length of emergency** In view of the need for an extension of the state of emergency, the Victorian Government proposes to soon introduce amendments to the Public Health and Wellbeing Act 2008 that will allow a state of emergency to be declared for an additional 12 months, rather than the 6 months that currently permitted to be extended at a time. The ability to extend the state of emergency for a longer period creates no new requirements for facilities in itself. However, as a result, Victorian employers could be required to continue compliance with the state of emergency requirements already in place, such as maintenance of a COVIDSafe Plan, mandatory use of face coverings or the block on requiring employees to attend the workplace, until late 2021.

**Dashboard** The Victorian Government has also released a new dashboard to provide local communities with the latest information regarding the virus. The dashboard will include information on, for example, data related to active case numbers, deaths, outbreaks, 'high risk locations' identified by the public health team, and places where there has been a



known exposure period. The media release on [Keeping The Tools We Need To Continue Coronavirus Fight](#) can be accessed on the Enhesa Knowledgebase

### 1.4.1 INDIA Lockdown has been extended in the COVID-19 containment zones until 30 September 2020

**Abstract:** Until 30 September 2020, facilities (except facilities carrying out essential activities) operating in a COVID-19 containment zone must cease their operations/activities. This follows from the issuance of Order No. 40-3/2020-DM-I(A) of 29 August 2020 ("Order August 2020"). However, facilities operating in COVID-19 non-containment zones can continue with their operations/activities with the condition that they comply with the requirements specified in Annexure I of the Order August 2020, such as frequent sanitization of the workplace, mandatory wearing of facemasks, and following staggered work schedules.

**Analysis: New actionable requirement** If the facility operates within a COVID-19 containment zone, it must cease its operations/activities until 30 September 2020, unless it carries out essential activities (e.g., manufacturing of drugs and foods).

However, Order No. 40-3/2020-DM-I(A) of 29 August 2020 ("Order August 2020") has not changed any provisions applicable to facilities operating in non-containment zones that were allowed to resume their operations under the previous lockdown [Order No. 40-3/2020-DM-I\(A\) of 29 July 2020](#) (Order July 2020). These facilities must continue to comply with existing requirements under the national directives for COVID-19 management, 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.

**What has changed** India has further extended the lockdown in containment zones until 30 September 2020. Facilities operating in non-containment zones can continue to operate with the condition that they comply with the COVID-19 prevention and preventive measures specified in Annexure I (the National Directives for COVID-19 Management) of the Order August 2020. Requirements provided in Annexure I have not changed and are the same as provided under the previous lockdown Order of July 2020.

**Additional Information** "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, are allowed to 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 August 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 it is punishable with imprisonment of up to 1 year, or fine or both). In addition, the employer is liable for punishment under Section 188 of the [Indian Penal Code 1860](#) ("penal Act"). Under the Penal Act, any person that contravenes any Order issued by the 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 29 August 2020](#) is available in English on the Enhesa Knowledgebase.



#### **1.4.2 INDIA Companies with licenses to fill and/or store liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases must record and report their activities to the Chief Controller of Explosives daily.**

**Abstract:** Starting 24 July 2020, companies that hold licenses to fill and or store liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases must satisfy additional licensing requirements under Gas Cylinder Rules, 2016, and Static and Mobile Pressure Vessels (Unfired) Rules, 2016. This follows the Order No.R.1(I)158/IU2020 released by the Ministry of Commerce and Industry, Petroleum and Explosives Safety Organization. The companies must now record and report their activities related to the filling, storing liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases.

**Analysis: New actionable requirements Under the Gas Cylinder Rules, 2016:-**

If the company fills cylinders with liquid oxygen, industrial oxygen, medical oxygen and other industrial gases (other than liquified petroleum gas), it maintains a daily record of filling of cylinders according to the conditions under Form E of the Gas Cylinder Rules, 2016;  
if the company fills cylinders with liquid oxygen, industrial oxygen, medical oxygen and other industrial gases (other than liquified petroleum gas), it submits the daily report to the Chief Controller of Explosives according to the conditions under Form E of the Gas Cylinder Rules, 2016;  
if the company stores cylinders with liquid oxygen, industrial oxygen, medical oxygen and other industrial gases (other than liquified petroleum gas), it maintains a daily record of the storage and dispatch of cylinders according to the conditions under Form E of the Gas Cylinder Rules, 2016; and  
if the company stores cylinders with liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases (other than liquified petroleum gas), it submits the daily report to the Chief Controller of Explosives according to the conditions under Form E of the Gas Cylinder Rules, 2016.

**Under the Static and Mobile Pressure Vessel (Unfired) Rules 2016:-** If the company stores compressed gas (liquid oxygen, oxygen, medical oxygen), it maintains a daily record of storage and dispatch of compressed gas according to the conditions under Form LS-1A of the Static and Mobile Pressure Vessels (unfired) Rules, 2016; and  
if the company stores compressed gas (liquid oxygen, oxygen, medical oxygen), it submits the daily report to the Chief Controller of Explosives according to the conditions under Form LS-1A of the Static and Mobile Pressure Vessels (unfired) Rules, 2016.

**What has changed?** The actionable requirements described above introduce new provisions that must be followed in companies that fill and or store liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases (other than LPG). These new provisions enable the company to record and report daily regarding filling and storing of liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases which must be followed as additional requirements under the Form E and Form F of the [Gas Cylinder Rules, 2016](#), and Form LS-1A of the [Static and Mobile Pressure Vessels \(Unfired\) Rules, 2016](#). The daily records maintained by the company must be submitted to the Chief Controller of Explosives, at the end of each working day. **Background** Due to the coronavirus (COVID-19) pandemic which promulgated a short supply of medical oxygen several industries handling were asked to supply cylinders of oxygen for medical purposes and also several other industries had multiple accidents due to the prolonged lockdown nationally which took effect from March 2020. So, in order to monitor the activities within the industries, the Ministry of Commerce and Industry issued an order to all the industries filling and or storing oxygen and other gases to record and report their filling and storage activities to the Chief Controller of Explosives.





The [Order No.R.1\(l\)158/IU2020 providing additional license conditions for filling and/or storage of cylinders of liquid oxygen, industrial oxygen, medical oxygen, and other industrial gases \(other than LPG\)](#) is available in English on the Enhesa knowledgebase.

#### **1.4.1 INDIA - HIMACHAL PRADESH** Factories operating under modified employee working hours due to COVID-19 pandemic must continue to operate under modified schedule until 13 October 2020.

**Abstract:** Until 13 October 2020, manufacturing facilities must continue to comply with modified requirements regarding maximum working hours, and must ensure that employees take mandatory rest breaks. This follows from the publication of Notification Shram (A)4-3/2017-Loose-I.

**Analysis:** [Notification Shram \(A\)4-3/2017-Loose-I](#) ("Notification") issued on 13 August 2020 by the Labour and Employment Department extends the previous amendment [Notification Shram \(A\)4-3/2017-2020](#) ("Notification 2020"). Notification 2020 modifies certain provisions under the (National) [Factories Act 1948](#) to relax certain work condition requirements as part of the government's response to the COVID-19 pandemic. The Notification applies to facilities that are factories and is valid until 13 October 2020. With continued effect until 13 October 2020, manufacturing factories must:

not employ adult workers in any work for more than 12 hours per day or 72 hours per week (In general manufacturing facilities are not allowed to engage any worker for more than 9 hours a day or 48 hours a week); and provide an interval of minimum half an hour for rest to workers after every 6 hours of continuous work.

"**Factory**" means any premises whereon 10 or more workers are working with the aid of power, or 20 or more workers are working without the aid of power. [Shram \(A\)4-3/2017-Loose-I](#) is available in English on the Enhesa Knowledgebase.

#### **1.4.2 JAPAN NATIONAL** A homepage for COVID-19 in foreign languages has been set up

**Abstract:** As of 1 September 2020, companies can refer to the homepage for COVID-19 set up by the Ministry of Health, Labour and Welfare (厚生労働省) in 5 different foreign languages.

**Analysis:** The [press release](#) of 1 September 2020 announced the set-up of the homepage for COVID-19 in foreign languages (including English, Simplified Chinese, Traditional Chinese, Korean, and Portuguese). This [website](#) aims to facilitate foreigners and international companies in Japan. It provides general information on, for example, how to prevent COVID-19, how to receive help about COVID-19 in a certain language, and the list of Call Centers for Japanese Returnees and Potential Contacts and the Multilingual Call Centers. In addition, information posters and brochures in 11 foreign languages are also provided on the website.

## **1.5 Middle East & Africa**

#### **1.5.1 ISRAEL** Israel extends the emergency situation introduced due to the outbreak of the Coronavirus (COVID-19) until 6 November 2020



**Abstract:** As of 6 September 2020, the emergency situation introduced due to the outbreak of the coronavirus (COVID-19) in Israel is extended until 6 November 2020. The extension affects all safety measures and regulatory easements that were adopted as of 18 March 2020 in order to assist companies and facilities in connection with the outbreak of the Coronavirus (COVID-19).

**Analysis: Actionable Requirements** The company continues to comply with emergency measures introduced in order to curb the spread of the Coronavirus (COVID-19) until **6 November 2020**. More specifically, the company continues to ensure compliance with emergency requirements, such as:  
regular body temperature screening;  
face mask wearing obligation;  
maximum allowed amount of people at a certain space is not more than 10 or 15% of all the workers at the same in the same office;  
the same working groups are scheduled to the same shifts, shuttles; and  
eating and drinking alone (one person) at permanent spaces, using own stationary.

**What Has Changed** [The Special Authorities Law of 23 July 2020](#) (חוק סמכויות מיוחדות להתמודדות עם נגיף הקורונה החדש) (התש"ף הוראת שעה) amends the Emergency Limitation 8589 of 21 March 2020 regarding the amount of allowed workers at a workspace adopted in order to prevent the spread of the Coronavirus (COVID-19) and the [Emergency Limitation 8402 of 22 March 2020](#) regarding the introduction of restrictions on business activities adopted in order to prevent the spread of COVID-19, to further extend the emergency regime in Israel which was initially declared on 18 March 2020. According to the Law, the emergency situation in Israel is extended for 60 days (until 6 November 2020) and the Government of Israel may further extend it for a period of 60 days, if necessary.

**All measures and regulatory easements previously introduced remain in force until 6 November 2020. Additional Information** In March and April 2020, the Israeli Government published two Emergency Regulations and an amendment to the Public Health Decree in order to introduce measures to curb the spread of the Coronavirus (COVID-19) in Israel. More specifically, the Emergency Regulations of 21 and 22 March 2020 introduced requirements on social distancing and on the maximum amount of employees allowed to be in an office. At the same time, the [Amendment to the Public Health Decree of 26 April 2020](#) introduced the obligation of wearing a face mask in public spaces.

**The Emergency Regulations introduced the following:**

the maximum amount of workers in an office at any given time must not be more than 10 or 15% of all the workers (the higher sum of the two options);  
30% employment is possible if the employer can prove it is vital for the functionality of the company. In this case, a formal application containing the names of the vital workers, their titles and explanations on why they are vital has to be supplied to the General Manager of [the Ministry of Economy and Industry](#) (משרד הכלכלה והתעשייה); and  
100% of the workers are allowed in the construction and infrastructure sectors if the workers are working outdoors ("outdoors"- a space where less than 70% of the windows and doors are installed).

### 1.5.2 SOUTH AFRICA All facilities must continue to operate under COVID-19 national disaster conditions but at reduced alert level 2

**Abstract:** As of 17 August 2020, all facilities must operate under (COVID-19) alert level 2. As with alert level 3, the newly-lowered alert level requires facilities to continue to implement health and safety measures like physical distancing and teleworking to prevent the outbreak or spread of the novel coronavirus of 2019 ("COVID-19") on their work premises. These rules are applicable to all facilities permitted to operate during the national state of disaster declared on 15 March 2020 as a result of the COVID-19 outbreak, which, under alert level 2, includes all industrial, warehousing, mining and administrative operations.



**Analysis:** On 17 August 2020, the Minister of Cooperative Governance and Traditional Affairs ("the Minister") lowered South Africa's (COVID-19) alert level from 3 to 2, in the [Disaster Management Act, 2002 \(Act No. 57 of 2002\): Determination of Alert Level](#) ("the Determination"). The Determination prescribes health and safety rules for workplaces permitted to operate during the national state of disaster declared on 15 March 2020 because of the outbreak of the novel coronavirus of 2019 ("COVID-19"). Currently permitted operations include manufacturing, warehousing, administrative and mining facilities.

**What has changed?** The workplace health and safety rules applicable to manufacturing, warehousing, administrative and mining operations remain the same under alert 2 as under alert level 3. As examples, workers who can work from home must continue to do so and workplace hygiene requirements such as physical distancing and the provision of PPE and sanitizers must be complied with. In addition, workplace meetings of 50 physical attendees or fewer continue to be permitted, but solely for business purposes and only if physical distancing protocols are strictly followed.

**Duration of applicability** The workplace health and safety rules contained within the Determination are applicable for the duration of the COVID-19-related national disaster, which is currently slated to last until 15 September 2020. The Minister currently declares the country at "**alert level 2**" out of 5 possible alert levels, with level 5 requiring the most drastic lifesaving measures. According to the Minister, alert level 2 indicates a moderate spread risk which must be met with high health system readiness. As a result, the Determination places comparatively fewer restrictions on movement and social gathering but continues to impose stringent workplace hygiene protocols.

**Additional information** According to South Africa's Department of Labour, COVID-19 is a viral infection of the upper respiratory system which presents with flu-like symptoms ranging from a mild fever, dry cough, runny nose and sneezing. In some cases, it deteriorates to moderate and severe symptoms like a productive cough, high fever, shortness of breath and general malaise. In its severe form, it may present with pneumonia, a serious cough and respiratory failure. COVID-19 is transmitted through droplets suspended in the air during coughing and sneezing from an infected source. Healthcare delivery and support staff such as nurses and doctors face a high risk of infection, especially if they perform aerosol-generating procedures. As such, a facility that operates a sickbay must take particular note of the requirements in the Determination. Among other workers, those operating in high-population-density work environments such as consulting rooms and points of entry for the public (for example, security guards and front desk attendants) face a comparatively medium risk, while workers who can perform their duties while maintaining a 2-meter distance from others and the general public are considered to face a lower risk. According to South Africa's [Department of Health](#), the world's first cluster of pneumonia cases now known as COVID-19 was reported on 31 December 2019. On 6 March 2020, South Africa reported its first case, and on 15 March 2020, a National Disaster was declared as a result of the disease. As of 3 September 2020, South Africa reports having conducted 3,726, 721 tests; and having identified 630,595 positive cases. According to the Department of Health, there have been 553,456 recoveries and 14,389 deaths.





## 2. September 16, 2020

### 2.1 The US & Canada

#### 2.1.1 US - MICHIGAN State clarifies the definition of the principal symptoms of COVID-19 and reaffirms that employers must not discharge, discipline, or retaliate against an employee for staying home

**Abstract:** On 27 August 2020, Michigan Governor Gretchen Whitmer issued Executive Order 2020-172, reaffirming the order prohibiting employers from discharging, disciplining, or otherwise retaliating employees for staying home when they display principal symptoms of COVID-19 or have had close contact with a person who tested positive. The principal symptoms of COVID-19 include fever, an uncontrolled cough, shortness of breath, and the combination of loss of taste or smell, muscle aches, and sore throat. People in Michigan are ordered to stay home until 24 hours from the date their COVID-19 symptoms have resolved after tested positive and to self-quarantine for 14 days after they had close contact with a positive case of COVID-19.

**Analysis: Actionable Requirements** If the company operates in-person operations in Michigan, it does not discharge, discipline, or otherwise retaliate against employees who stay home because they display principal symptoms of COVID-19 or have had close contact with a person who tested positive.

**What has changed?** The above requirement is not new. It has been reaffirmed by Executive Order 2020-172, which clarified the definition of principal symptoms of COVID-19.

**Additional Information** *Principal Symptoms of COVID-19* The principal symptoms of COVID-19 are defined as follows: One of the following, not explained by a known medical or physical condition: fever, an uncontrolled cough, shortness of breath; or

At least two of the following, not explained by a known medical or physical condition: loss of taste or smell, muscle aches (myalgia), sore throat, severe headache, diarrhea, vomiting, abdominal pain.

*Employers Must Not Retaliate* The Executive Order prohibits employers from discharging, disciplining, or otherwise retaliating against employees who stay home to self-quarantine as ordered by the Executive Order. Employers must treat such employees as if they are taking medical leave under the Paid Medical Leave Act. To the extent that the employee has no paid leave, the leave may be unpaid. However, employers are free to discharge or discipline an employee once the employee is allowed to return to work after the self-quarantine period but declines to do so and as long as if such discipline or discharge is lawful. The Executive Order clarifies that it does not create a private right of action against an employer for failing to comply with this order. *Required Self Quarantine Duration* All people who test positive for COVID-19 or display symptoms of COVID-19 to stay home or place of residence until:

24 hours have passed since the resolution of fever without the use of fever-reducing medications;

10 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; and

other symptoms have improved.

Additionally, all individuals who have had close contact with a person who tests positive for COVID-19 or with an individual who displays one or more of the principal symptoms of COVID-19 must self-quarantine until either:

14 days have passed since the last close contact with the sick or symptomatic individual; or



The individual displaying COVID-19 symptoms receives a negative COVID-19 test.

**More Information** Executive Order 2020-172 is available [here](#).

### 2.1.2 US - OKLAHOMA State Governor issues Executive Order ordering businesses to continue following the Oklahoma Open Up & Recover Safely (OURS) Plan

**Abstract:** Companies must continue to comply with the Oklahoma Open Up & Recover Safely (OURS) Plan as required by an executive order issued by the Oklahoma Governor. The OURS plan is Oklahoma's three-phased approach to open its economy in response to the COVID-19 pandemic.

**Analysis:** The state of Oklahoma adopted a three-phased approach to open Oklahoma's Economy after the United States was faced with the COVID-19 pandemic. This three-phased approach is named the Open Up & Recover Safely (OURS) Plan. Effective 1 June 2020, Oklahoma entered phase 3 of the OURS plan, in which:

Service businesses may take walk-in clients rather than requiring appointments;

Companies may resume unrestricted staffing at worksites; and

There are no limits to group sizes, provided businesses, event organizers and local officials consider social distancing.

**More Information** Oklahoma entered Phase 3 of the OURS Plan on 1 June 2020 and the Governor of Oklahoma signed an [Executive Order](#) on 30 August 2020, ordering businesses to continue complying with the OURS plans. More information on the OURS plan can be found on the [Oklahoma Commerce Website](#).

### 2.1.3 US - WISCONSIN SPS extends the option to postpone obtaining required fire prevention inspections in the interest of slowing the spread of COVID-19 until 19 November 2020

**Abstract:** Companies that are constructing, altering, adding to, repairing their buildings that need to obtain a required fire prevention inspection may continue to provide an affidavit from a master electrician indicating compliance with the electrical code in lieu of an inspection. This emergency rule was adopted in an effort to slow the spread of COVID-19 by limiting the physical contact involved in conducting fire prevention and electrical inspections. This emergency rule has been extended and will remain in effect until 19 November 2020.

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

If the company is constructing, altering, adding to, repairing its buildings, it either completes a required fire prevention inspection or provides an affidavit from a master electrician indicating compliance with the electrical code.

**What Has Changed:** On 18 June 2020, the Wisconsin Department of Safety and Professional Services (WDSPS) adopted an emergency rule that allowed the required fire prevention inspections to be postponed and to temporarily allowed a master electrician to issue an affidavit to the utility company in lieu of an inspection. This rule has been extended and will remain in effect until 19 November 2020.

**More Information** To ensure places of employment are rendered safe, the WDSPS requires buildings that are being constructed, altered, added to, repaired, and maintained to complete a fire prevention inspection. In the interest of slowing the spread of COVID-19, the WDSPS seeks to avoid fire prevention and electrical inspectors from having to unnecessarily come into contact with individuals on multiple job sites. More Information on the emergency rule can be found on the [Wisconsin State Legislature](#) website.

## 2.2 Europe

### 2.2.1 IRELAND Until 14 September 2020, businesses must comply with further restrictions on events in order to prevent COVID-19

**Abstract:** Since 31 August 2020, companies must adhere to general restrictions on numbers of people attending events, ensuring that persons in attendance are separated into groups of 6 persons for an indoor event and 15 persons for an outdoor event and that these groups and persons within them do not commingle. Where events are held in relevant venues, such as auditoriums, the number of persons in attendance or proposed to attend must not exceed 50 persons.

**Analysis: Actionable requirements** -Since 31 August 2020, if the company organises or causes an event to be organised, it takes all reasonable steps to ensure that other persons attending or participating in the event are organised into relevant groups of, in the case of an indoor event, no more than 6 persons and in the case of an outdoor event, no more than 15 persons. -Since 31 August 2020, if the company organises or causes an event to be organised, it ensures that where it has separated attendees of the event into relevant groups, that no group or person which forms part of a relevant group of 6 persons for indoor events and 15 persons in the case of outdoor events, is permitted to commingle, associate with or come into physical contact with another such group or any other person forming part of such a group. -Since 31 August 2020, if the company organises or causes an event held in a relevant venue to be organised for cultural or entertainment reasons, it has taken all reasonable steps to ensure that the number of persons attending or proposed to attend the event does not exceed 50 persons.

**What has changed** The [Health Act 1947 \(Section 31A - Temporary Restrictions\) \(Covid-19\) \(No. 4\) Regulations 2020 \(S.I. No. 326 of 2020\)](#) (the Regulations), adopted under the [Health Act 1947](#), revoke the previous Health Act 1947 (Section 31A – Temporary Restrictions) (Covid19) (No. 3) Regulations 2020 (S.I. No. 234 of 2020). The Regulations set out new stricter measures on the number of persons who may be permitted to attend events, meaning events must be divided into smaller groups of 6 people for indoor events and 15 people for outdoor events. Specific number limits of 50 persons are set out where events are held in venues deemed relevant venues under the Regulations. These restrictions will remain in force until 14 September 2020.

**Additional information** *Restrictions on events* General restrictions on the number of persons attending events are applicable to events which are held for social, recreational, exercise, cultural, entertainment or community reasons but do not include events to be held in relevant venues and events to be held in private dwellings, among other things. *Events held in relevant venues* In relation to the restrictions of events held in relevant venues, relevant venue includes, among other things, auditoriums with a stage and fixed seating rows and cinemas. *Offences* Non-compliance with these restrictions will be deemed an offence under section 31A of the Health Act 1947. Persons guilty of an offence under this section may be liable to a class C fine of maximum 2,500EUR or to a prison term of up to 6 months, or both.

## 2.3 Latin America

### 2.3.1 PERU NATIONAL Companies operating in certain regions of Peru must continue to apply restrictions as the lockdown is extended until 30 September 2020

**Abstract:** Until 30 September 2020, companies must continue to comply with restrictions as Peru has extended the Covid-19 state of National Health Emergency with a lockdown in certain regions (such as in Cusco, Huaral and Cañete in Lima).

This follows from Supreme Decree No. 146-2020-PCM that amends Supreme Decree No. 116-2020-PCM that sets forth the measures to be observed in the new social distancing conducts and extends the state of National Emergency for serious circumstances affecting the lives of the Nation as a consequence of COVID-19. However, no updated measures have been implemented for companies.

**Analysis: Actionable Requirements** The Regulation does not establish new requirements for companies. However, the following requirements remain applicable to all companies that are operating within the state of National Health Emergency due to Covid-19, among others:

(Existing) If the company is authorized to operate during the national health emergency in a region with a mandatory lockdown, it complies with the lockdown all day on Sunday until 4 a.m. next day, and with a curfew from Monday to Saturday between 8 p.m. and 4 a.m. the following day.

(Existing) If the company authorized to operate has workers within the risk group (such as workers over 65 years old or with certain health conditions determined by the National Health Authority), it must let them continue to stay in isolation and work from home.

**What Has Changed** Supreme Decree No. 146-2020-PCM extends the National Health Emergency starting from 1 September 2020 until 30 September 2020 (with the possibility to be extended) with a mandatory lockdown in certain regions (such as in Cusco, Huaral and Cañete in Lima). It extends the obligations to comply with certain Covid-19 related preventive measures, such as the requirements described. The Supreme Decree establishes that within the lockdown people are allowed only to transit for the essential services or activities, like for food, medicines and financial activities. Moreover, the same applies to workers carrying out essential services or activities.

**Additional Information** [Supreme Decree No. 146-2020-PCM](#) amending Supreme Decree No. 116-2020-PCM that sets forth the measures to be observed in the new social distancing conducts and extends the state of National Emergency for serious circumstances affecting the lives of the Nation as a consequence of COVID-19 and its amendments is available online in Spanish.

### 2.3.2 PERU NATIONAL National Health Emergency extended until the 7 December 2020 under the same conditions

**Abstract:** Until 7 December 2020, Peru has extended the Covid-19 state of National Health Emergency under the same conditions as before. This follows from Supreme Decree No. 027-2020-SA that extends the National Health Emergency for a period of 90 calendar days starting from 8 September 2020. However, no new measures have been implemented for companies.

**Analysis: Actionable Requirements** The Regulation does not establish new requirements for companies. However, the following requirements remain applicable to all companies that are operating within the state of National Health Emergency due to Covid-19, among others:

(Existing) If the company carries out activities within the National Health Emergency and does not carry out essential or expressly exempted activities, it remains shut down, or continues its operations remotely.

(Existing) If the company operates during the national health emergency, it complies with a mandatory lockdown all day on Sunday until 4 a.m. next day, and with the national curfew from 10 p.m. to 4 a.m. the following day.

(Existing) If the company operates during the national health emergency, it is banned to carry out any party, activity or any type of meeting, that involves the concentration of people that puts public health at risk.

(Existing) If the company has workers presenting symptoms of respiratory infection, it must let them continue to stay in isolation, work from home and it must inform the health authorities for the adoption of necessary measures.



(Existing) The company implements their own Surveillance, Prevention and Control Plan at work due to Covid-19 (*plan para la vigilancia, prevención y control de COVID-19 en el trabajo*) and has it approved by the Ministry of Health (*Ministerio de Salud*).

**What Has Changed** Supreme Decree No. 027-2020-SA extends the National Health Emergency for a period of 90 calendar days, starting from 8 September 2020 until 7 December 2020. It extends the obligations to comply with certain Covid-19 related preventive measures, such as the requirements described, without a lockdown on a national level. The Supreme Decree keeps the same conditions as the previous emergency extension.

**Additional Information** [Supreme Decree No. 027-2020-SA](#) that extends the National Health Emergency declared by Supreme Decree No. 008-2020-SA and its amendments is available online in Spanish.

## 2.4 Asia & Oceania

### 2.4.1 INDIA Companies with more than 50 employees, now have access to a new contact tracing application

**Abstract:** Starting 22 August 2020, companies with more than 50 employees can access the "Open API - Arogya Setu app" to enable safe business continuity during the COVID-19 pandemic. The Open API service enables companies to check through the Arogya Setu application ("app") which allows for contact tracing. This service is available to businesses registered in India which employ more than 50 employees. This follows the press release: "Open API service to enable people, businesses, and the economy to return to normalcy issued on 22 August 2020 by the Ministry of Electronics and IT." This press release creates no EHS obligation for the companies.

**Analysis:** On 22 August 2020, the Ministry of Electronics and Information Technology issued a press statement that introduced the Open API Service through the Arogya Setu App, which identifies persons infected with COVID-19 within a vicinity. This contact tracing is tracked through Bluetooth, thus enabling a facility to break the chain of the spread of COVID-19. The Open API service through the Arogya Setu app integrates e-pass and QR code scanning tools in order to share the health status of contact with their family and known persons. This enables businesses to track the health status of their employees or any other Arogya Setu user who has provided consent for sharing their medical status and other health data with their respective employers. The Arogya Setu app is available at <https://www.mygov.in/aarogya-setu-app/>. Registrations for Open API service can be accessed at <https://openapi.aarogyasetu.gov.in> and all technical queries can be directed to [openapi.aarogyasetu@gov.in](mailto:openapi.aarogyasetu@gov.in), which is the organization's email address. The [Press release: Open API service to enable people, businesses, and the economy to return to normalcy](#) is available in English on the Enhesa knowledgebase.

### 2.4.2 INDIA - KARNATAKA Companies employing migrant workers are to follow uniform standard operation guidelines for migrant workers coming into the state of Karnataka

**Abstract:** Starting from 14 August 2020, facilities that employ inter-state migrant workers or are involved in infrastructure works should adhere to the specific Standard Operating Procedure (SOP) to prevent the exposure and the spread of COVID-19. This follows from Notification No: DD/SSU/Novel Corona Virus/17/2020-21 (Part) that specifies the Uniform





Standard Operating Procedure (SOP) for inter-state migrant workers coming into the state, applicable for employers of interstate migrant workers coming into the state during the COVID-19 Pandemic.

**Analysis:** On 14 August 2020, the Department of Health & Family Welfare Services issued the [Uniform Standard Operating Procedure \(SOP\) for inter-state migrant workers coming into the state](#) for all companies employing migrant workers within their establishment. This SOP provides for the prevention of exposure and the curbing of the spread of COVID-19 and was formulated based on the opinion of the Technical Analytical Committee (TAC) for employers of migrant workers. There is no end date for the guideline. General protocol:- Within the SOP, all migrant workers:

should be kept in isolation soon after their arrival;

are to be screened by a health team (government or private) for COVID-19 symptoms like fever, cold, cough, throat pain, loss of taste, loss of smell, body ache, diarrhea, difficulty breathing, etc; and

must undergo COVID-19 treatment if they test positive.

**For symptomatic migrant workers, the preliminary screening includes:-**

Rapid Antigen Test (RAT); and

1 nasopharyngeal swab for RAT and 1 nasopharyngeal with 1 throat swab for Reverse Transcription-Polymerase Chain Reaction (RT-PCR).

If the result of the RAT is negative the other sample of RT-PCR must also be negative in order for the workers to be allowed to report to work. However, migrant workers are to self-report any COVID-19 symptoms within 14 days of arrival at the workplace. For asymptomatic migrant workers, the preliminary screening includes:- 1 RAT test which should be

negative for these workers to be allowed to return to work barring a worker self-reporting any COVID-19 like symptoms within 14 days of their arrival at the workplace. Within the workplace:-

Employers should screen all their workers for symptoms at every entry post using thermal scanning;

Employers should ensure the compulsory wearing of face mask, the physical distancing of 2 meters and provisions for the use of soap and sanitizers at different points; and

Employers should ensure any worker exhibiting COVID-19 like symptoms are isolated at the workplace and referred to the nearest fever clinic (government or private) for triage COVID-19 testing.

Definitions: A **migrant worker** is a person who either migrates within their home country or outside it to pursue work. The [Uniform Standard Operating Procedure \(SOP\) for inter-state migrant workers coming into the state](#) is available in English on the Enhesa KnowledgeBase.

### **2.4.3 INDIA - TELANGANA Industries that are categorized as red or orange in the State of Telangana are now subjected to frequent safety audit inspections to assess safety protocols to avoid accidents**

**Abstract:** Starting 11 August 2020, the industries categorized as red or orange within the state of Telangana are now subject to continual safety audit inspection by the Department of Boilers, Labour, Factories, and Telangana Pollution Control Board. Red category industries include, among others, automobile and ancillary industries, industries that handle hazardous waste, chemical manufacturing such as ammonium nitrate. Orange category, among others, industries include dry cell battery manufacturing, electrodes manufacturing, common treatment, and disposal facilities.

**Analysis:** Beginning 11 August 2020, red and orange category industries are subject to continual safety audits to ensure all safety protocols are functional. These safety audits will be conducted by a 5-member committee from the Departments of Industries, Labour, Boilers, Factories, and Pollution Control Board within each district, and will be unannounced. Red category industries are industries with a pollution index score above 60 and include automobile and ancillary industries, industries that handle hazardous waste, units that store hazardous chemicals, and chemical manufacturing installations producing chemicals such as ammonium nitrate. Orange category industries are industries with a pollution index score





between 41 to 59, and include industries such as dry cell battery manufacturing, electrodes manufacturing, common treatment, and disposal facilities. As of 26 August 2020, 27 industrial units had been issued notices for non-compliance, and safety audits had been conducted within 2,420 units out of 5,940 hazardous or red or orange categories of industries. There is no end date for these safety audit inspections.

**Background:** Due to the nationwide lockdown initiated by the Government of India in the month of March 2020 due to the Coronavirus pandemic (COVID-19), several industries had paused their operation to prevent the spread of the virus. This cessation of work also caused safety protocols to be skipped or missed. Due to a lack of monitoring on certain processes that caused leakages of gases and other industrial accidents. several stringent safety procedures and audits have been ordered by the respective departments to prevent such industrial accidents and loss of life or property.

**Related Links:** [Industrial safety audit to be conducted across Telangana from Tuesday](#); [Industrial safety audit on in Telangana; 75 units issued a notice for deviations](#); and [Safety audit to be held in all industrial units in Telangana](#) can all be found online.





## 3. September 23, 2020

### 3.1 The US & Canada

#### 3.1.1 US - ALABAMA Food service establishments must comply with strict social distancing, sanitation, and party size requirements

**Abstract:** Effective 31 August 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 provides 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 (1) limits the party size at tables to 8 or fewer people; (2) maintains at least 6 feet of separation between parties or groups at different tables, booths, chairs, or stools; (3) ensures employees wear facial coverings; and (4) if operating buffets, salad bars, or self-serve drink stations, provides hand sanitizer to customers before using the buffet, salad bar, or self-serve drink station.

**What has changed?** The actionable requirement above is introduced for the first time.

**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 remains in effect until 5:00 pm on 2 October 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](#).



### 3.1.2 US - MASSACHUSETTS All persons over 5-years old are required to use a face covering or mask in certain public places

**Abstract:** Effective 4 September 2020, companies with publicly accessible spaces or retail establishments must comply with the emergency regulation related to the safe and effective use of face masks and coverings to help prevent the spread of COVID-19. Businesses may refuse entry to any person that is not wearing a face mask or covering, unless that person is exempt from wearing one.

**Business Impact:** If the company has an area that is accessible by the public where social distancing is not possible, it may refuse entry to a person who refuses to wear a mask for a non-medical reason.

**Analysis: What has changed?** While this regulation does not impose mandatory requirements on businesses, it establishes that anyone over 5-years old is required to wear face masks or coverings in retail establishments, regardless of the ability to social distance, or any public space where social distancing is not possible, unless that person is exempt. Under a previous Governor's Order, persons over 2-years old were required to wear a mask or face covering in those same locations.

**Applicability** Under the emergency regulation, all persons 5-years old or older must wear a face mask or covering, unless an exemption applies. Further, children younger than 2-years old must not wear face masks or coverings due to the potential risk of suffocation. Finally, the use of masks for children between 2 and 5 years of age is at the discretion of the child's parent or legal guardian. *Exemptions* No person is required to wear a face mask or covering in a situation that creates a health risk or is not safe because of any of the following conditions or circumstances: - the face mask or covering affects the person's ability to breathe safely; - the person has a mental health or other medical diagnosis that advises against wearing a face mask or covering; - the person has a disability that prevents them from wearing a face mask or covering; - the person depends on supplemental oxygen to breathe; or - the person is engaged in outdoor exercise and is fully able to do so in a manner that complies with social distancing requirements. A person who is not required to wear a face mask or covering because of an exemption, a medical condition, or disability is not be required to verify the condition or that the exception applies.

**Company Authority to Enforce** Under the regulation, if a customer refuses to wear a face mask or covering for reasons not listed as an exemption, a business may decline entry to that individual. Further, a business must allow entry to any individual not wearing a face mask or covering if they are under 2-years old or fall under a listed exemption.

**Definitions** Face mask or covering means anything that covers an individual's nose and mouth including, but not limited to, cloth face masks, dust masks, scarves, and bandanas. Social distance means continually maintaining a distance of at least 6 feet from other people, excluding members of the same household.

**More Information** The full text of the regulation is available starting on page 79 of the [4 September 2020 Massachusetts Register](#).

### 3.1.3 US - VERMONT Companies must continue to comply with COVID-19 State of Emergency requirements until 15 October 2020

**Abstract:** Effective 11 September 2020, the Governor of Vermont issued an executive order that extended the COVID-19 state of emergency to 15 October 2020. Companies must continue to comply with all COVID-19 operational requirements until 15 October 2020. This date may be extended or cut short by another executive order.



**Business Impact:** If the facility operates during the COVID-19 state of emergency, then it must continue to comply with all applicable COVID-19 restrictions until 15 October 2020. 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.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 15 October 2020. Before this order, which is titled Addendum 5 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 September 2020.

**Additional Information** For more information, see [Addendum 5 to Amended and Restated Executive Order 01-20: Extension of State of Emergency Declared March 13, 2020](#).

## 3.2 Europe

### 3.2.1 AUSTRIA – FEDERAL Obligation to wear mouth-to-nose protection in shops and further restrictions for events introduced

**Abstract:** As of 14 September 2020, customers and employees in shops and in company areas with public access must wear mouth-to-nose protection. Events without assigned and marked seats with more than 50 people inside and with more than 100 people outside are prohibited. Events with exclusively assigned seats can be permitted by local authorities with up to 1500 persons inside and with up to 3000 persons outside. This is part of the Tenth Amendment of the Ordinance on easing measures taken to combat the spread of COVID-19 (COVID-19-LV).

**Business Impact:** If the company operates a shop or has company areas with public access it must be aware of the obligation for all customers and employees to wear mouth-to-nose protection in those areas. If the company plans an event it should be aware that events without assigned seats and with more than 50 participants inside or with more than 100 participants outside are prohibited. Events with assigned seats can be permitted by local authorities with up to 1500 persons inside and with up to 3000 persons outside. Those events require a permit from the competent local administrative authority (Bezirksverwaltungsbehörde) if they have more than 500 participants inside or more than 750 participants outside.

**Analysis: Actionable Requirements:** There are no actionable requirements.

**What has changed?** On 12 September August 2020, the Austrian Federal Ministry of Social Affairs, Health, Care and Consumer Protection published the [10th Ordinance amending the Ordinance on easing measures taken to combat the spread of COVID-19 \(10th COVID 19 LV amendment\)](#) which enhances the obligation to wear mouth-to-nose protection in shops and company areas with public access and increases requirements for events with public access. All customers must wear moth-to-nose protection. Employees only have to wear moth-to-nose protection as long as no other suitable



protective device for physical separation exists between the employee and the customer. Additionally, the 10th COVID 19 LV Amendment introduces changes to requirements for public events. As of 14 September 2020 public events without assigned seats for each participant with more than 50 people inside and with more than 100 people outside are prohibited. Public events with exclusively assigned seats can be permitted by local authorities with up to 1500 persons inside and with up to 3000 persons outside. This type of event with more than 500 persons inside or with more than 750 persons outside require a permit from the competent district administrative authority (Bezirksverwaltungsbehörde). The permitting process takes four weeks after all documents have been submitted to the authority. A condition to obtain a permit is a COVID 19 prevention concept (COVID-19- Präventionskonzept). This concept includes guidelines for the training of employees and measures to minimize the risk of infection, such as:

- rules to control the flow of visitors;
- specific hygiene requirements;
- rules on actions in case of a SARS-CoV-2 infection;
- rules on the use of sanitary facilities; and
- regulations concerning the provision of food and beverages.

The Federal Ministry of Health published [recommendations for the drafting of a COVID 19 prevention concept for events](#).

The permitting procedure will also take into account the following circumstances:

- the epidemiological situation in the area of the event; and
- the capacity of the local health authority in case of necessary contact tracking due to suspicion or illness at the event.

**Background information:** [The Ordinance on easing measures taken to combat the spread of COVID-19 \(COVID-19-LV\)](#) regulates legal restrictions, measures and requirements adopted to combat the spread of the coronavirus in Austria and the easing of the restrictions adopted. The Ordinance is addressed to all citizens, authorities, and companies. It regulates restrictions in public places, shops, canteens, and events. The Ordinance is limited in time and is being adapted continuously based on the development of the pandemic. The 10th COVID 19 LV Amendment introduces changes to the obligation to wear mouth-to-nose protection and to the restrictions for events. Other requirements remain applicable for companies, including the obligation to keep a 1-meter distance to other persons in public places and at the workplace.

### 3.2.2 ESTONIA Guidance available for facilities operating during COVID-19

**Abstract:** As of 14 September 2020, facilities can consult the guidance for workplaces on what to do if an employee has been exposed to the novel coronavirus (COVID-19) and suspect infection. Furthermore, the guidance also provides for general workplace recommendations (such as downloading the HOIA application and how to implement teleworking).

**Business Impact:** If the facility is operating during COVID-19, it can, as of 14 September 2020, consult the guidance for workplaces on what to do if an employee has been exposed to the novel coronavirus (COVID-19) and suspect infection, as well as on general workplace recommendations (such as downloading the HOIA application and how to implement teleworking).

**Analysis:** On 14 September 2020, the Estonian Working Life Portal (Tööelu) published a [guidance](#) (also available in [English](#)) for workplaces on what to do if an employee has been exposed to the novel coronavirus (COVID-19) and when there is a suspected infection. The objective of the guidance is to provide instructions to employers and employees on how to ensure a safe workplace during COVID-19. [Instructions on potential contamination](#) If the employee got infected during their free time, the employer has to ensure the employee stays at home. An infected employee can return to work after their doctor has terminated their temporary incapacity for work certificate. If the employee got infected at the workplace, the employer is advised to thoroughly clean, disinfect and ventilate all the rooms that were potentially contaminated. Further guidance for cleaning and disinfection can be found [online](#). The employer should cooperate with the relevant regional unit of the Health Board (*Terviseameti vastava piirkonna regionaalosakonnaga*) to identify the employees who have been in close contact with the infected employee. All employees who have been in close contact with the employee

must self-isolate. General recommendations The employers are recommended to advise their employees to use the [HOIA application](#). This application informs people if they have been in close contact with a person who has been tested positive for COVID-19. In addition, the Ministry of Social Affairs (*Sotsiaalministeerium*) has published [recommendations](#) to be considered by the employers during the flu season and COVID-19:

COVID-19 as a biological risk factor requires the employers to perform a risk assessment in the work environment and to take measures to mitigate the risk in order to protect the health of the employees (further information can be found [online](#)); As a result of the risk assessment, the employer must take appropriate measures to prevent COVID-19 infection. It is up to each employer to decide what measures are needed to mitigate the risks in a particular work environment, based on the specific type of work and work environment;

Teleworking is one of the mitigating measures. Recommendations on how to implement teleworking can be found [online](#); Cooperating with the [regional unit of the Health Board](#); and

The impact of the new situation and insecurity caused by the virus, long-term teleworking, high workload and work-life balance on employees health and mental health (further guidance can be found [online](#)).

### 3.2.3 GERMANY – BERLIN Company events with more than 50 persons must have a hygiene concept and document contact information

**Abstract:** As of 5 September 2020, company events with more than 50 persons must have a hygiene concept for the event. In case the event takes place partly inside, the organizer of the event has to document the contact information of all participants and keep it for 4 weeks. This is part of the latest Amendment of the Bln SARS-CoV-2 Infection Protection Ordinance.

**Business Impact:** If the company plans an event for more than 50 participants it must prepare a hygiene concept (Hygienekonzept) and hand it over to the local authorities upon request. If the company organizes an event that takes place partly inside with more than 20 participants, it must document the contact information (Anwesenheitsdokumentation) of all participants.

**Analysis: Actionable Requirements:** (Existing) The company complies with the Federal SARS-CoV-2 Occupational Safety and Health Standard during the COVID-19 pandemic.

**What has changed?** On 4 September August 2020, the Berlin State Senat published the [Fifth Amendment of the Bln SARS-CoV-2 Infection Protection Ordinance](#) which introduces the obligation for organizers of private and company events with more than 50 persons to prepare a hygiene concept for the specific event (Hygienekonzept) and hand it over to the competent authority upon request. When drafting the hygiene concept, the relevant [recommendations of the Robert-Koch-Institute \(RKI\)](#) and the requirements of the respective health and safety authorities have to be taken into account. Additionally, in case the event takes place partly inside with more than 20 persons, the organizers of the event must document the contact information (Anwesenheitsdokumentation) of all persons. The contact information may only be used for contact tracking and has to contain the following information:

First and last name,  
Telephone number,  
full address or email address,  
Attendance and  
where applicable, seat, or table number.

The contact information must be eliminated after 4 weeks. The organizer of the event must exclude any person from the event who refuses to fill out the contact information. Additionally, the Amendment changes the maximum number of persons allowed in public events. Events inside may not have more than 750 participants and outside not more than 5000 participants. As of 1. October 2020 up to 1000 participants will be allowed at events that take place inside.



**Background information:** In Berlin, the most important legislation concerning the measures during the Covid-19 pandemic is the [Bln SARS-CoV-2 Infection Protection Ordinance](#). It regulates restrictions of entrance in public places, canteens with public access, shops and retail establishments, gatherings, events, and cultural institutions. The new Ordinance implements changes to private and company events with more than 50 participants. The other requirements remain applicable for companies, including for example that customers of all shops must wear mouth-to-nose protection while shopping.

### 3.2.4 GERMANY – THURINGIA New restrictions for private and company events during the Covid-19 pandemic

**Abstract:** As of 30 August 2020, companies must comply with the amended Th Second Ordinance on basic infection protection rules to curb the spread of the coronavirus SARS-CoV-2 in Thuringia. The amendment implements the obligation to notify local authorities at least 2 days prior to private or company events with more than 50 persons inside and with more than 100 persons outside. A hygiene manager has to be appointed who is responsible for all communication with the authorities and for the compliance with all hygiene measures during the event.

**Business Impact:** If the company organizes company events with more than 50 participants inside or more than 100 persons outside it has to appoint a hygiene manager who is responsible for an infection protection concept and contact tracing during the event. The hygiene manager has to notify local authorities 2 working days before the event.

**Analysis: Actionable Requirements:** (Existing) The company complies with the Federal SARS-CoV-2 Occupational Safety and Health Standard during the COVID-19 pandemic.

**What has changed?** On 28 August 2020, the Thuringian Government published the [Thuringian Ordinance to continuously adapt the necessary measures to control the spread of coronavirus SARS-CoV-2](#) which introduces new requirements for private and company events. As of 30 August 2020, organizers of private or company events have to appoint a hygiene manager. This hygiene manager will be responsible for the hygiene concept and the contact tracing of the participants of the event and will have to notify the authorities at least 2 working days before the events in case the event has more than 50 participants inside or more than 100 participants outside.

**Background information:** In Thuringia, the most important legislation concerning the measures during the Covid-19 pandemic is the [Th Second Ordinance on basic infection protection rules to curb the spread of the coronavirus SARS-CoV-2](#). It regulates restrictions of entrance in public places, canteens with public access, shops and retail establishments, gatherings, events, and cultural institutions. The Thuringian Ordinance to continuously adapt the necessary measures to control the spread of coronavirus SARS-CoV-2 only implements changes to the organization of events. Other requirements remain unchanged for companies, such as the social distancing requirements of 1.5 meters or the use of face masks in certain environments.

### 3.2.5 Greece Obligatory use of mask in all enclosed workplaces in Attica Region until 4 October 2020

**Abstract:** Effective 21 September 2020 and until 4 October 2020, companies must ensure the use of masks at all enclosed workplaces throughout the Attica Region. In case of catering companies, specific measures regarding the operating time and the number of clients served in each table must be observed to prevent the spread of the Covid-19.





**Business Impact:** If the company operates enclosed workplaces, it must ensure the obligatory use of mask. However, those workers who work in a private space, without the presence of any other person are excepted from this obligation. If the company organises social events or gatherings, it must ensure that the maximum number of participants is 9 people. The maximum number of participants for social events does not apply to the operation of canteens and catering companies, for which specific rules apply. In case of non-compliance regarding the maximum number, the company is charged for a first infringement EUR 3000 (for a second infringement EUR 5000 and suspension of work for 15 days) and the natural persons EUR 150. If a catering company operates in an office, it must not operate during the time period from 12 midnight until 7.00 am of the next day, unless for delivery purposes (excluding selling alcoholic beverages during this time period). It must also ensure that the maximum number of people sitting in one table is 6. In case of non-compliance, for the first infringement the fine amounts to EUR 10000 and suspension of work for 3 days.

**Analysis:** Actionable requirements If the company operates enclosed workplaces, it ensures the obligatory use of mask by all persons except those exempt. If the company organizes events or gatherings, it ensures the maximum number of participants is 9 people. If a catering company operates in any type of facility, it ensures that it does not operate during the time period from 12 midnight until 7.00 am of the next day, unless for delivery purposes (excluding selling alcoholic beverages during this time period). If the company operates a canteen, it ensures that the maximum number of people sitting in one table is 6. Additional information Those workers who work in a private space, without the presence of any other person are exempted from the obligation to wear a mask. The maximum number of participants for social events does not apply to the operation of canteens and catering companies, for which specific rules apply. In case of non-compliance regarding the maximum number, the company is charged for a first infringement EUR 3000 (for a second infringement EUR 5000 and suspension of work for 15 days) and the natural persons EUR 150. In case of non-compliance concerning the operation of canteens, for the first infringement the fine amounts to EUR 10000 and suspension of work for 3 days. The Ministerial Decision [55821/2020](#) replaces the Ministerial Decision [56924/2020](#). It takes effect from 21 September 2020 until 4 October 2020 and it is a special regulation compared to the general Ministerial Decision [56435/2020](#).

### 3.2.6 Greece Employers can continue to have recourse to teleworking until 31 December 2020

**Abstract:** Until 31 December 2020, companies that continue to operate during the Covid-19 situation can continue to decide that their workers will work from home to prevent the spread of the virus.

**Business Impact:** Until 31 December 2020, companies can continue to decide that their workers will work from home during the Covid-19 situation.

**Analysis:** Until 31 December 2020, companies that operate in all sectors can continue to allow their workers to work from home. This possibility for companies was offered as an urgent and temporary measure in March 2020 and continues to apply to prevent the spread of the virus. The Ministerial Decision [36124/2020](#) is available online in Greek.

### 3.2.7 Greece Until 30 September 2020, companies must ensure 1,5 meters of distance between their employees, as well as the use of masks, in case of physical contact with clients.

**Abstract:** Effective 16 September 2020 and until 30 September 2020, companies must continue to ensure that their workers have a minimum distance of 1,5 meters between each other and if they come in to contact with clients, wear non medical masks of protection. In case of catering companies and gyms operating in offices, specific measures must also be observed to prevent the spread of the Covid-19.





**Business Impact:** Until 30 September 2020, if the company continues to operate during the Covid-19 situation, it must ensure that employees keep a distance of 1.5 meters between each other and wear masks when they are in contact with clients. It must also ensure that any passenger vehicles it operates carry only 3 people other than the driver, in the case of 7 seater vehicles (or 5 people in the case of 8 or 9 seater vehicles). It must finally ensure that the maximum number of physical participants in conferences being organized is 50 people and that certain sanitary measures are in place (such as that the distance of 1,5 m between the participants is observed, the presence of a disinfectant device is in place, and that all employees, participants and the public use non-medical masks). If the company operates an onsite gym facility or canteen, it must comply with additional requirements, such as ensuring minimum distances of people and equipment in gyms and of tables and chairs in canteens.

**Analysis:** Actionable requirements If the company operates offices or facilities with administrative and other kinds of services, it ensures employees observe a minimum distance of 1.5 meters (m) between each other. If the company operates offices where workers come in contact with the public, it ensures that employees and the clients wear non-medical masks of protection. If the company organizes conferences, it ensures the maximum number of participants is 50 people and sanitary measures are implemented such as 1,5 m distance between participants, obligatory use of mask by all and disinfectant device in place. Each participant must also cover 2,2 square meters when attending an event in the interior or 2 square meters when attending an event in an open space. If the company uses a private purpose passenger vehicle with up to 7 seats, it ensures only 3 people ride in the vehicle (other than the driver). If the company uses a private purpose passenger vehicle with 8 or 9 seats, it ensures only 5 people ride in the vehicle (other than the driver). If a gym operates in a company, it must follow the rules, procedures, and guidelines of Annex I and ensure the distances (between people using their equipment) as prescribed in Annex VII to Ministerial Decision 56435/2020. If the company operates a canteen, it must ensure that it does not exceed the maximum allowed number of clients. This number is determined as the number that results from the ratio of one client for 2,2 square meters in interior spaces (2 square meters for each client in open spaces) If a catering company operates in an office, it must ensure that the minimum distance between tables and chairs is 1,7 meters. In case of non-compliance, the administrative fines escalate. If a catering company operates in an office, it must ensure that the obligatory measures of protection and protective equipment for workers prescribed in Annex 10 are observed. What has changed? The Ministerial Decision [56435/2020](#) replaces the Ministerial Decision [53080/2020](#). However all the main requirements continue to be the same. Additional information Annex 10 of the Ministerial Decision provides for specific protective measures for each type of employee in catering companies (employees working at the reception, waiters, and so on). The different protective equipment includes use of mask, keeping distances, gloves and cleaning of hands. The staff that supports the event does not count to the limit of 50 people. In case of non-compliance concerning passenger vehicles, both the driver and the passengers will face an administrative fine of EUR 150 each. For a first infringement concerning the minimum distance between tables and chairs, the fine amounts to EUR 6000 and suspension of operation for 15 days.

### **3.2.8 Slovenia Protective face masks now also mandatory in open public spaces where it is not possible to ensure an interpersonal distance of at least 2 meters**

**Abstract:** As of 19 September 2020, companies located in Slovenia should be aware that, in addition to the previous requirement of wearing face masks in closed public spaces to prevent the spread of COVID-19, face masks must also be worn in open public spaces where it is not possible to ensure an interpersonal distance of at least 2 meters.

**Business Impact:** Companies located in Slovenia should be aware that, as of 19 September 2020, in addition to the previous requirement of wearing face masks in closed public spaces, face masks must also be worn in open public spaces where it is not possible to ensure an interpersonal distance of at least 2 meters. Moreover, specifically with regards to wearing a mask at the workplace, companies should keep the following in mind: masks should be worn by persons staying in an enclosed space in which people from different households are kept and it is not possible to maintain an interpersonal distance of at least 1.5 meters (such as an office); and



recommendations for the use of masks in the workplace should be given by an authorized doctor specializing in occupational medicine, transport and sport (*zdravnik specialist medicine dela, prometa in športa*)(MDPŠ), who knows the exact risks of each individual job.

**Analysis:** On 18 September, in its [92nd correspondence session](#), the Slovenian Government issued a [Decree](#) temporarily ordering the use of protective masks when moving and staying in all closed public places or spaces, as well as when moving and staying in open public places or spaces where it is not possible to ensure an interpersonal distance of at least 2 meters. Said Decree entered into force on 19 September 2020 and will be reassessed on the 14th day after its adoption when the Government will decide on whether to extend, amend or abolish its requirements.

**Use of protective masks** *General* Pursuant to the Decree:

the use of a protective mask or another form of protection of the oral and nasal areas of the face is mandatory when moving and staying in all enclosed public places or spaces, and

the use of a protective mask or another form of protection of the oral and nasal areas of the face is also mandatory when moving and staying in open public places or spaces where it is not possible to ensure an interpersonal distance of at least 2 meters;

persons must disinfect their hands with a disinfectant containing at least 60 per cent alcohol upon entry into an enclosed public space (the disinfectant must be provided by the operator or contractor of the public space).

'A closed public place or space' is a public space covered by a roof that has more than half of the area of the associated walls or sides closed (regardless of the type of material used), regardless of whether the building is permanent or temporary. Windows and doors are considered as part of the enclosed area. All forms of public passenger transport and cableway installations for the transport of persons in closed cabins are also considered to be a closed public place or space.

**Use of masks at the workplace** With regards to wearing a mask at the workplace, according to the [National Institute for Public Health](#), employers should keep the following in mind:

masks should be worn by persons staying in an enclosed space in which people from different households are kept and it is not possible to maintain an interpersonal distance of at least 1.5 meters (such as an office); and

recommendations for the use of masks in the workplace should be given by an authorized doctor specializing in occupational medicine, transport and sport (*zdravnik specialist medicine dela, prometa in športa*)(MDPŠ), who knows the exact risks of each individual job.

## 3.3 Latin America

### 3.3.1 BRAZIL - RIO DE JANEIRO Employers to continue to provide face masks to their workers and to comply with restrictions on operating hours

**Abstract:** Since 4 August 2020, companies must continue to ensure that facilities in the State of Rio de Janeiro are only in operation during the allowed periods, for example between 9 a.m. to 6 p.m. for offices and industrial facilities other than those required to operate in continuous. Companies must also continue to provide face masks to their workers and ensure that all persons onsite use a face mask.

**Business Impact:** The company must continue to comply with measures to deal with the health emergency caused by the COVID-19 pandemic. The company must provide face masks to all its workers, contractors and visitors and ensure they use



them while onsite. If the company has facilities open to the public, it must also ensure that these use a face mask while onsite, and provide them with alcohol hand gel 70% or a similar product. The company must also ensure that workers at great risk from COVID-19, such as pregnant workers work from home and that workers showing symptoms of infection are not allowed onsite. Furthermore, the company ensures that its facilities are in operation only between the allowed periods (for example, between 9 a.m. and 6 p.m. for industrial facilities other than those required to work in continuous).

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

**What has changed** Decree 47.250/2020 establishes measures to deal with the spread of the COVID-19, re-enacting the previously applicable requirements for companies. Companies must continue to ensure that: - everyone onsite uses a face mask and can maintain a minimum distance of 1 meter from each other; -workers with a special health risk, such as those over 70 years of age or pregnant workers to work from the office; -workers showing symptoms of infection with the new coronavirus (COVID-19) are not allowed onsite; -alcohol hand gel 70% or similar products are available to all persons onsite; and -they comply with the opening and closing time established in its Annexes I, II, III or IV.

**Brief analysis** [Decree 47.250 of 4 September 2020](#) provides measures to deal with the spread of the new coronavirus (COVID-19) due to a health emergency. It applies to all companies operating in the State of Rio de Janeiro since 4 September 2020. Decree 47.250 replaces and re-enacts the measures previously established in Decree [47.199 of 4 August 2020](#) without introducing new requirements for companies. According to Decree 47.250/2020, workplaces continue to be allowed to operate only between the following periods: -retail shops selling essential products, such as food, and industrial facilities required to work in continuous: 24 hours per day; -industry and services: 9 a.m. to 6 p.m.; -retail shops, other than shopping malls: 9 a.m. to 7 p.m. -construction activities: 7 a.m. to 5 p.m.

## 3.4 Asia & Oceania

### 3.4.1 ACT Companies operating in the Australian Capital Territory to continue complying with Covid-19 related gathering restrictions and distancing rules

**Abstract:** As of 9 September 2020, companies in the Australian Capital Territory must continue complying with Covid-19 related gathering restrictions and distancing rules, as provided for in the Public Health (Restricted Activities –Gatherings, Business or Undertakings) Emergency Direction 2020 (No. 9) which is in force for the period ending on the day the declared emergency (unless it is earlier revoked).

**Business Impact:** Companies in the Australian Capital Territory must, as of 9 September 2020, continue to ensure that they do not organize public gatherings of more than 100 people, nor gatherings of any lesser number of persons if the gathering exceeds 1 person per 4 square meters.

**Analysis: Actionable requirements:** The company does not organize public gatherings of more than 100 people.

**What has changed** The requirement above has already been in force and remains in force under the latest [Public Health \(Restricted Activities –Gatherings, Business or Undertakings\) Emergency Direction 2020 \(No. 9\)](#) until the period ending on the day the declared emergency (unless it is earlier revoked). The content of the requirement remains the same.



**Gathering restrictions** 'A gathering means' a group of people occupying a single indoor space or outdoor space at the same time, but does not include a gathering at an office building, workplace factory or construction site that is necessary for the normal operation of those premises. Pursuant to the Emergency Direction 2020 (No. 9), companies located in the Australian Capital Territory must continue to ensure that they do not organize public gatherings of more than 100 people, nor gatherings of any lesser number of persons if the gathering exceeds 1 person per 4 square meters.

### 3.4.2 JAPAN NATIONAL Companies can now refer to the more lenient restrictions on holding events during the COVID-19 pandemic

**Abstract:** As of 19 September 2020 and until the end of November 2020, companies are requested to follow the updated restrictions on holding events.

**Business Impact:** If the company plans to hold events in Japan, it can now benefit from the more lenient restrictions on the number limit of participants. However, the company is still requested to take prevention measures (such as ensuring the participants are wearing masks and providing hand sanitizer) during the events.

**Analysis:** On 11 September 2020, the Japanese Cabinet published a [document on the restrictions for entertainments until the end of November](#) ( 1 月末までの催物の開催制限等について). The document updates the policy on the restrictions of holding events. Compared to the [previous document](#), the updated restrictions are more lenient. More specifically, starting 19 September until the end of November 2020, when a company plans to hold an event, the number of participants will be determined by the maximum capacity (収容人数上限) or the capacity rate (収容率) of the place, whichever is smaller. When there is an admission capacity (収容定員) set for the event place, the maximum capacity of participants must be lower than 5,000 people (in case the admission capacity is less than 10,000 people) or 50% of the admission capacity (in case the admission capacity is more than 10,000 people). Moreover, when it can be assumed that there are no loud cheers (such as information sessions and workshops), up to 100% capacity will be allowed if certain conditions are met. For example, thorough infection control measures are taken for individual participants, including wearing masks. However, when it can be assumed that there are cheers during the event (such as public performance), the capacity must be lower than 50%. In addition, companies are requested to adopt prevention measures during the events, in order to enjoy the more lenient restrictions. Those measures include, for example:

- to ensure the participants are wearing masks;
- to provide hand sanitizer at entrances, exits and toilets;
- to avoid the cases where participants will remove masks for a long time to eat;
- to provide one empty seat (1meter in case of standing) between groups; and
- to enhance ventilation.

It should also be noted that each Prefectural government may determine more stringent restrictions on events depending on the spread situation of the Prefecture.

### 3.4.3 Kazakhstan Facilities must ensure compliance with the sanitary and epidemiological requirements to prevent the spread of COVID-19 and can consult the updated checklists for sanitary inspections

**Abstract:** Since 6 July 2020, facilities must comply with the established sanitary anti-epidemic measures to prevent the spread of COVID-19 in Kazakhstan. This includes, for example, the requirement to take measurements of body temperature of employees at workplaces, timely change of personal protective equipment (such as masks and gloves), ensuring a safe distance (at least 1 meter) between employees in one room and tracking the required stock of



disinfectants. Furthermore, facilities can consult updated sanitary inspection checklists used by state sanitary inspection authorities during inspections.

**Business Impact:** The company must comply with the established sanitary and epidemiological requirements introduced in Kazakhstan to prevent the spread of COVID-19. For example, the company must regularly measure the body temperature of employees at the entrance, ensure a safe distance (of at least 1 meter) between employees in the same room, track the required stock of disinfectants, ensure the use of disinfectants which are registered and authorized to use on the territory of Kazakhstan and the Eurasian Economic Union (EAEU), and instruct employees on the need to comply with the rules of personal/industrial hygiene and monitor their strict observance. Furthermore, it is highly recommended that the company consults the updated sanitary checklists used by state sanitary inspection authorities during inspections. These checklists do not place direct requirements on the company; however, they provide an exhaustive list of requirements against which the company is to be checked during a state sanitary inspection. The company can thus use the checklists as a tool for compliance self-assessment.

**Analysis: Actionable Requirements** -The facility ensures compliance with the established sanitary anti-epidemic measures (such as appointing persons responsible for the compliance with the sanitary and epidemiological requirements, including wearing masks and gloves, temperature measurements at the entrance and ensuring a distance of at least 1 meter between employees in one room) to prevent the spread of COVID-19.

**What Has Changed** This new requirement applies to all facilities. Established sanitary anti-epidemic measures to prevent the spread of COVID-19 include, for example, measurement of body temperature of employees, timely change of personal protective equipment (such as masks and gloves), tracking the required stock of disinfectants, ventilation and appropriate daily cleaning of premises.

**Additional Information** The updated sanitary and epidemiological requirements were approved by [Order No. 78/2020 of 5 July 2020 on some issues concerning the organisation and carrying out of sanitary anti-epidemic and preventive measures](#). Order No. 78/2020 establishes sanitary and epidemiological rules to prevent the spread of COVID-19 in Kazakhstan (*Annex 1*) and amends several Orders of the Ministry of Healthcare and the Ministry of Economy (*Annex 2*). Specifically, the latter involves, for example, amending and supplementing the mentioned Orders with additional annexes introducing: -sanitary and epidemiological requirements specific to industrial facilities, including those working on a rotational basis (вахтовым методом), for the period of introduction of restrictive measures, including quarantine (*Appendix 6*); and -sanitary and epidemiological requirements, among others, for offices with an enhanced hygienic and disinfection regime for the period of introduction of restrictive measures, including quarantine (*Appendix 32*). Such sanitary and epidemiological requirements additionally include, for example, the following: -a special mode of operation according to the requirements established by the chief sanitary doctors; -markings of places through signs on the floor or using restrictive posts to maintain social distance in areas of the greatest concentration of people, where there is an intensity of movement; - instructing of employees on the need to comply with the rules of personal/industrial hygiene and monitor their strict observance; -use of disinfectants which are registered and authorised to use on the territory of Kazakhstan and the Eurasian Economic Union (EAEU) and included in the Unified Register of State Registration Certificates of the countries of the EAEU; and -use of disposable utensils at workers' catering facilities, followed by its collection, disinfection and appropriate destruction.

**Updated Sanitary Checklists** The state authorities also approved [Joint Order of the Minister of Healthcare of 5 July 2020 No. DSM-77/2020 and the Minister of National Economy of 6 July 2020 No. 52](#). The joint Order amends and supplements the [joint Order of the Minister of Healthcare of 27 June 2017 No. 463 and the Minister of National Economy of 20 July 2017 No. 285 "On approval of the criteria for assessing the degree of risk and checklists in the field of sanitary and epidemiological welfare of the population"](#). Specifically, the joint Order introduces updated checklists that the state authorities, which are carrying out sanitary and epidemiological control and supervision, use while inspecting different types of facilities, such as offices, industrial facilities or chemical manufacturing facilities. The joint Order also introduces



an additional checklist (*Annex 43*) for facilities subject to state sanitary and epidemiological control and supervision when introducing quarantine and restrictive measures in connection with the spread of infectious diseases. This checklist, similarly to others, lists the requirements that the concerned facilities are required to comply with, such as: -the presence of installations (devices) to control the body temperature of employees and visitors at the entrance; -the presence of sanitizers in the halls, at the entrances to elevators, among others; -the presence of a monitoring log with records of employees entering work, reasons for absence; and -the presence of a social distance of at least 1 meter between employees working in the same room. The Join Order does not place direct requirements on facilities; however, facilities are highly encouraged to consult the updated checklists for self-auditing purposes to make sure that they comply with all the established sanitary and epidemiological requirements.

#### **3.4.4 PAKISTAN Facilities that operate an industry in Pakistan are to ensure safe and healthy work conditions for its employees by following the guidelines on preventive measures for industries and workers against COVID-19**

**Abstract:** Starting from 30 March 2020, facilities can consult guidelines for preventive measurements for industries and workers against COVID-19 ("Guidelines") issued by the Ministry of National Health Services, Regulation, and Coordination, Government of Pakistan for dealing with COVID-19 at the workplace. The Guidelines provide necessary preventive and response measures to be taken for confirmed or suspected cases of COVID-19 on the premises of an Industry where an industrial worker is engaged in work.

**Business Impact:** As a company, the facility can implement new guidelines on the prevention and control of COVID-19 within workplace settings and follow the detailed procedure for confirmed or suspected cases. To prevent exposure and spread of COVID-19 at the workplace, the company, can among other procedures:

- increase cleaning and disinfection of high traffic areas or shared surfaces;
- provide cleaning products and instruction for cleaning workspaces;
- provide instruction and amenities for personal hygiene and infection control;
- display standard SOP of COVID-19 in the local language within the work premises;
- ensure availability of disposal cups, glasses, and plates for drinks and meals and their disposal after one-time-use;
- maintain isolation or quarantine area to temporarily lodge COVID-19 suspected workers, who then should be screened for the COVID-19; and
- adapt all protocols to monitor and inspect the premises and workers regularly.

**Analysis:** The [Guidelines for preventive measurements for industries and workers against COVID-19](#) ("Guidelines") issued on 30 March 2020 by the Ministry of National Health Services, Regulation and Coordination deal with the prevention and management of COVID-19 outbreaks on industrial premises. These guidelines provide administrative controls and preventive measures for premises, transporters, and vehicles. These guidelines apply to all industries.

**Administrative controls** Employers should ensure sick workers stay at home;

- employers should consult with workers to assess the risks within the premises related to COVID-19
- employers should minimize contact among workers, clients, and customers by replacing in-person meetings with virtual meetings and implement telework where possible;
- employers should establish alternating days or extra shift for work to reduce the total number of employees at the facility at a given time and also maintain a full onsite workweek;
- employers should provide workers information, instruction, and training on occupational safety and health;
- employers should provide workers with up-to-date education and training on COVID-19 risk factors and protective behaviors (e.g., cough etiquette and care of personal protective equipment)
- employers should provide tissues, no-touch trash cans, hand soap, alcohol-based hand rubs containing 70% alcohol,





disinfectants, and disposable towels for workers to clean their work surfaces;  
employers should provide employees with good quality masks, safety glasses, gauze caps, and gloves;  
employers should cease all non-essential work activities that involve personal contact;  
employers should encourage social distancing at preferably 2 meters (1 person per 4 square meters indoors);  
employers should modify shifts and rosters to reduce peak periods;  
employers should maintain records of all individuals and vehicles entering and exiting the premise.

**Preventive measure at Industrial premises** To control and reduce environmental exposure, the employer should:-  
inspect and review air conditioning and ventilation system on the work premises;  
increase cleaning and disinfection of high traffic areas or shared surfaces;  
provide cleaning products and instruction for cleaning workspaces;  
provide instruction and amenities for personal hygiene and infection control;  
determine areas to be disinfected and cordon those areas off using sign and physical barriers such as caution banner tape, safety cones, and other barriers;  
encourage workers to dedicate a separate set of clothes for work within a unit or premise;  
temporarily ban entry of unauthorized persons to the industrial premises;  
display standard SOP of COVID-19 in the local language within the work premises;  
ensure availability of disposal cups, glasses, and plates for drinks and meals and their disposal after one-time-use;  
maintain an isolation or quarantine area to temporarily lodge potential COVID-19 positive workers, who should then be screened for the COVID-19; and  
adapt all protocols to monitor and inspect the premises and workers regularly.

**Preventive measure for transporters and vehicles of the industry** To ensure the safety of industry transport workers and vehicles, employers for operations involving industrial processes should:-  
implement higher driver health and safety standards for loading and unloading goods, especially in quarantine areas;  
carry documents to demonstrate compliance with health rules (examples of exact documents are not provided); and  
ensure traceability in recording and maintain driver and worker movement records.

Definition **Personal contact** means contact less than 2 meters. The **Industrial unit** means a legal entity carrying on industrial activity. The [Guidelines for preventive measurements for industries and workers against COVID-19](#) is available in English on the Enhesa Knowledgebase.

### **3.4.5 PUNJAB Companies with Consent to Operate (CTO) and Consent to Establish (CTE) from the Punjab Pollution Control Board can continue to operate until 31 March 2021 due to the COVID-19 Pandemic.**

**Abstract:** Companies (industries or establishments) that hold a Consent to Operate (CTO) or Consent to Establish (CTE) from the Punjab Pollution Control Board (PPCB), which expired on and after 15 March 2020 can continue to operate until 31 March 2021. This extension of deadlines is implemented by Office Order No. SEE(HQ-2)/2020/453 issued by the PPCB, which extends the validity period for CTOs and CTEs and other mandatory clearances for facilities that have existing permits that expired by 30 June 2020. This temporary extension of the expiry date allows companies to remain compliant during the COVID-19 Pandemic.

**Business Impact:** If the company holds a Consent to Operate (CTO) or a Consent to Establish (CTE), or other clearances that expired between 15 March 2020 and up to 30 June 2020, it should know that the validity period of these documents has been extended until 31 March 2021. As a result, the company must still apply to the appropriate authorities to renew its authorizations, but it can continue to operate until the new expiry date while waiting for approval. In addition, the company must comply strictly with the terms and conditions specified in its authorizations including emissions and effluent



standards. Any violations of the applicable environmental health and safety (EHS) provisions during the extension period could lead to the revocation of temporary authorizations.

**Analysis: Actionable Requirements:** Facilities that have CTO or CTE permits that expired between 15 March 2020 and 30 June 2020 should be aware that these permits will remain valid until 31 March 2021, and are subject to the following terms and conditions:

If the facility has a consent, authorization, or registration application that expired between 15 March 2020 and 30 June 2020, it must ensure its applications are submitted along with the appropriate fee to the PPCB; and

If the facility has a CTO/CTE that expired between 15 March 2020 and 30 June 2020, it continues to comply with the terms and conditions specified in authorizations and achieves effluent or emission standards at all times as prescribed by the authorizations.

**What Has Changed** The actionable requirements listed above are new provisions introduced to ensure business continuity during the pandemic. During the extension period, facilities with expired authorizations must continue to adhere to all the terms and conditions as prescribed.

**Background Information** The Lockdown/curfew restrictions due to the outbreak of the Pandemic Novel Corona Virus (COVID-19) have impacted industrial activities. Companies are finding it difficult to comply with regulatory requirements including renewing permits and authorizations which expired during the pandemic. As a result, [Office Order No.SEE\(HQ-2\)/2020/435](#) issued by the PPCB on 7 August 2020 to all industries and establishments extends the validity period of a CTO or CTE, and other mandatory clearances under the domain of the PPCB to 31 March 2021. The extension applies to facilities that have existing permits that have expired on or after 15 March 2020 and up to 30 June 2020. Facilities should be aware that site inspections will be carried out in due time by PPCB inspectors, and any violations, appropriate actions will be taken under the relevant provisions of the Acts or Rules. If the facility has any complaint or violation issued against them during this extension period, the consent or authorization will automatically be considered as revoked.

### **3.4.6 TAMIL NADU Facilities operating in Tamil Nadu should observe newly modified standard operating procedures for the management of COVID-19 in the workplace.**

**Abstract:** Until 30 September 2020, facilities operating an office, workplace, factory, or establishment in the state of Tamil Nadu should follow the modified standard operating procedures (SOP) provided by the Revenue and Disaster Management Department. This follows from the issuance of G.O. (Ms) No. 474 of 9 September 2020 ("modified SOP"). The modified SOP provides procedures for appropriate social distancing and other COVID-19-prevention and management protocols in the workplace.

**Business Impact:** The company should follow the modified standard operating procedures (SOP) until 30 September 2020. These modified SOPs serve as guidelines for proper operation, safety precaution, and curb the spread of COVID-19 at the workplace. Some of the modified SOPs laid by the Revenue and Disaster Management Department of Tamil Nadu include the following:-

companies that provide transportation to its workers should only fill transport workers to 60% of their capacity;

companies should ensure adequate cross ventilation by following the guidelines issued by the central public works department (CPWD);

companies should ensure an appropriate amount of break time for the employees and follow the stagger lunch break system to ensure social distancing; and

companies should allow only a fixed number of visitors to the work premises per day, and all other entries should be restricted.





**Analysis:** From 9 September 2020 to 30 September 2020, offices, workplaces, factories, and establishments that operate in Tamil Nadu should adhere to the [modified standard operating procedures](#) ("modified SOP") that deal with social distancing and cross ventilation, among others. These modified SOPs were issued through [G.O.\(Ms\) No. 474 Modifications to the Standard Operating Procedures for lockdown 4.0](#) of 9 September 2020 by the Revenue and Disaster Management Department of the Government of Tamil Nadu.

**What has changed?** General social distancing protocols for offices, workplace, factories, and establishments:-

Previously, workers transported through a special transportation facility other than public transportation boarded vehicles at a passenger capacity of 30-40%. Under the modified SOP, the vehicles used for the transportation of workers or staff can transport at a passenger capacity of 60%.

Previously, workplaces were to have a gap of 1 hour between shifts and stagger lunch breaks of staff and workers to ensure social distancing. However, under the modified SOP, the workplaces can have appropriate gaps and stagger lunch breaks for staff and workers to ensure social distancing. No timing is provided to indicate what is an appropriate gap.

Previously, there was a total entry ban of non-essential visitors at sites. Under the modified SOP, the number of visitors per day should be fixed, and the entry should be restricted accordingly.

Standard operating procedures for restarting industries:- During Transportation:

The facility no longer needs to provide transportation for workers from and to the work facility.

Previously, the facility was advised to transport workers in vehicles with a passenger capacity not exceeding 50%. Under the modified SOP, the vehicles used for the transportation of workers or staff can transport at a passenger capacity of up to 60%.

Previously, only 2 employees were allowed to commute in cars or jeeps. Under the modified SOP, a new maximum of 3 employees is permitted to commute in cars or jeeps.

Standard operating procedures for shops and other establishments:- Previously, shops were required to be ventilated and open all windows to maintain cross ventilation. Under the modified SOP, in addition to ensuring cross ventilation, the facility should follow [guidelines of the central public works department \(CPWD\)](#), which includes a temperature range of 24o Celsius to 30o Celsius for air conditioning devices, a humidity range of 40 to 70% in the workplace, avoidance of recirculation of air and allowance of fresh air or treated fresh air of 50%.

**Background:** Due to the coronavirus (COVID-19) pandemic, a lockdown was initiated nationally and within states since March 2020. Since March 2020, multiple regional lockdowns were initiated to curb the spread of COVID-19. These modified SOPs provide ease of transition from operating facilities during a lockdown to regular operations during a steady course of time.

**Related definitions:** The definition of an **Office** is included under the definition of a shop. **Factory** means any premises where— (i) 10 or more workers, working in any part of which a manufacturing process is being carried on with the aid of power; (ii) 20 or more workers, working in any part of which a manufacturing process is being carried on without the aid of power. **Shop** means any premises where any trade or business is carried on or where services are rendered to customers and include offices, storerooms, godowns, and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include a restaurant, eating-house or commercial establishment.

**Establishment** means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre, or any place of public amusement or entertainment and includes such establishment as the State Government may by notification declare to be an establishment. The [G.O.\(Ms\) No. 474 Modifications to the Standard Operating Procedures for lockdown 4.0](#) is available in English on Enhesa Knowledgebase.



## 3.5 Middle East & Africa

### 3.5.1 ISRAEL Companies in Israel to be affected by the nationwide lockdown introduced in Israel as of 18 September 2020 in order to curb the spread of the Coronavirus (COVID-19)

**Abstract:** Effective 18 September 2020 at 1400 PM, a national lockdown approved by the Government of Israel in connection with the outbreak of the Coronavirus (COVID-19) takes place. This follows from a Notice published by the Office of the Prime Minister of Israel, according to which the lockdown will end on 11 October 2020. The lockdown applies to all offices and facilities in Israel and introduces specific prohibitions, such as, to not organize meetings with more than 10 employees present. Additionally, the 'traffic light' system of the lockdown measures divides the country into zones according to the pandemic situation in each (for example, red, orange, yellow and green zones - with green being the least affected).

**Business Impact:** If the company has an office or operates a facility in Israel, it needs to be aware of the nation wide lockdown being introduced for 24 days as part of the Government's effort to curb the spread of the Coronavirus (COVID-19). The nationwide lockdown introduced specific measures for businesses, with which the company must comply with, for example: 1) the company must comply with the allowed number of workers per workplace (depending on the zone the company is located in):

Red Zone: 10 employees allowed indoors and up to 20 employees outdoors;

Orange Zone: 25 employees allowed indoors, and up to 50 employees outdoors;

Yellow Zone: 50 employees allowed indoors, and up to 100 employees outdoors; and

Green Zone: 100 employees allowed indoors, and up to 250 employees outdoors.

2) the company must not organize meetings with more than 10 employees present (irrelevant of the zone). Additionally, the company should be aware that an activity radius of 500 meters from registered employees home address will take place, however, employees will be allowed to leave this radius for work reasons. As a reminder, the company must continue to comply with emergency measures previously introduced, such as:

regular body temperature screening;

face mask wearing obligation;

the same working groups are scheduled to the same shifts, shuttles; and

eating and drinking alone (one person) at permanent spaces, using own stationary.

The company can check to which zone it belongs to [here](#).

**Analysis: Actionable Requirements (new)** If the company has an office or operates a facility in Israel, it complies with the 'traffic light' policy introduced in order to curb the spread of the Coronavirus (COVID-19). More specifically, the company ensures: 1) it complies with the allowed number of workers per workplace (depending on the zone the company is located in):

Red Zone: 10 employees allowed indoors and up to 20 employees outdoors;

Orange Zone: 25 employees allowed indoors, and up to 50 employees outdoors;

Yellow Zone: 50 employees allowed indoors, and up to 100 employees outdoors; and

Green Zone: 100 employees allowed indoors, and up to 250 employees outdoors.

2) it does not organize meetings with more than 10 employees present (irrelevant of the zone).

The company continues to comply with emergency measures introduced in order to curb the spread of the Coronavirus (COVID-19) until 6 November 2020. More specifically, the company continues to ensure compliance with emergency requirements, such as:

regular body temperature screening;

face mask wearing obligation;

the same working groups are scheduled to the same shifts, shuttles; and



eating and drinking alone (one person) at permanent spaces, using own stationary.

**What Has Changed** According to a notice [published by the office of the Prime Minister of Israel](#), a full-national lockdown will take place in Israel as of 18 September 2020 at 14PM until 11 October 2020. According to the Notice, workplaces with ongoing public interactions (for example, commerce, leisure, tourism, sport) must physically shut down for the whole period. Vital sectors (as enlisted by the General Manager of the Ministry of Economy and Industry via [Emergency limitations 8589 of 21 March](#)) are strongly advised to work from home as much as possible, however, they may continue to work while complying with the national "Traffic Light" Policy. The Traffic Light Policy divides the country into zones according to the pandemic situation. Accordingly, companies must comply with social distancing and business activity guidelines according to the zone they are situated in. Companies can use the most updated zones list [here](#). Furthermore, an activity radius of 500 meters from registered employees home address will take place, however, employees will be allowed to leave this radius for work reasons. Physical meetings are, according to the Notice, limited to 10 people, no matter in which zone the company is. The number of employees allowed per workplace is divided according to zones:  
Red Zone: 10 employees allowed indoors and up to 20 employees outdoors;  
Orange Zone: 25 employees allowed indoors, and up to 50 employees outdoors;  
Yellow Zone: 50 employees allowed indoors, and up to 100 employees outdoors; and  
Green Zone: 100 employees allowed indoors, and up to 250 employees outdoors.  
The general rule is 4 square meters per person.

**Additional Information** Before introducing the nationwide lockdown, 2 Emergency Regulations and an amendment to the Public Health Decree in order to introduce measures to curb the spread of the Coronavirus (COVID-19) were in force in Israel. More specifically, the Emergency Regulations of 21 and 22 March 2020 introduced requirements on social distancing and on the maximum amount of employees allowed to be in an office. At the same time, the [Amendment to the Public Health Decree of 26 April 2020](#) introduced the obligation of wearing a face mask in public spaces.

**The Emergency Regulations introduced the following:** the maximum amount of workers in an office at any given time must not be more than 10 or 15% of all the workers (the higher sum of the two options); 30% employment is possible if the employer can prove it is vital for the functionality of the company. In this case, a formal application containing the names of the vital workers, their titles and explanations on why they are vital has to be supplied to the General Manager of [the Ministry of Economy and Industry](#) (משרד הכלכלה והתעשייה); and 100% of the workers are allowed in the construction and infrastructure sectors if the workers are working outdoors ("outdoors"- a space where less than 70% of the windows and doors are installed).  
Status update to follow after the lockdown.

### 3.5.2 SOUTH AFRICA Facilities are permitted to convene gatherings of up to 500 physical attendees under alert level 1 effective 21 September 2020

**Abstract:** As of 21 September 2020, all facilities must operate under (COVID-19) alert level 1. Under the newly-lowered alert level, facilities must continue to implement health and safety measures like physical distancing and teleworking to prevent the outbreak or spread of the novel coronavirus of 2019 ("COVID-19") on their work premises. However, facilities are now permitted to convene larger gatherings subject to stringent hygiene and physical distancing protocols. These rules are applicable to all facilities permitted to operate during the national state of disaster declared on 15 March 2020 as a result of the COVID-19 outbreak, which, under alert level 1, includes all industrial, warehousing, mining and administrative operations.

**Business Impact:** Under alert level 1, as of 21 September 2020, the company is permitted to convene indoor gatherings of 250 physical attendees or fewer and outdoor gatherings of 500 physical attendees or fewer provided attendees remain 1.5 metres apart and only 50% of the venue is occupied. Otherwise, although the national alert level has been lowered from 2



to 1, indicating a lower COVID-19 spread risk, the company must continue to adhere to workplace hygiene protocols such as appointing a COVID-19 compliance officer, ensuring physical distancing and permitting workers above the age of 60 and those with comorbidities to work from home when possible.

**Analysis:** On 18 September 2020, the Minister of Cooperative Governance and Traditional Affairs ("the Minister") lowered South Africa's (COVID-19) alert level from 2 to 1 with effect from 21 September 2020, in the [Disaster Management Act, 2002 \(Act No. 57 of 2002\): Amendment of Regulations issued in terms of Section 27\(2\)](#) ("the Amendment"). The Amendment prescribes health and safety rules for workplaces permitted to operate during the national state of disaster declared on 15 March 2020 because of the outbreak of the novel coronavirus of 2019 ("COVID-19"). Currently permitted operations include manufacturing, warehousing, administrative and mining facilities.

**What has changed?** The workplace health and safety rules applicable to manufacturing, warehousing, administrative and mining operations remain largely the same under alert 1 as under alert level 2. As examples, workers who can work from home must continue to do so, and workplace hygiene requirements such as physical distancing and the provision of PPE and sanitizers must be complied with. The requirements for a COVID-19 Compliance officer and a COVID-19 management plan also remain in place. However, under alert level 1, the attendee threshold for in-person meetings has been lowered. As of 21 September 2020, facilities will be permitted to convene:

meetings or conferences of **250 persons** or fewer if the gathering occurs indoors; and

meetings or conferences of **500 persons** or fewer if the gathering occurs outdoors.

In both cases, not more than 50% of the meeting or conference venue must be occupied and persons must be positioned at least 1.5 metres apart. Under alert level 2, the threshold for in-person meeting or conference attendees was 50 persons.

**Duration of applicability** The workplace health and safety rules contained within the Amendment are applicable for the duration of the COVID-19-related national disaster. The Minister now declares the country at "**alert level 1**" out of 5 possible alert levels, with level 5 requiring the most drastic lifesaving measures. According to the Minister, alert level 1 indicates a low spread risk which must be met with high health system readiness. As a result, the Amendment places comparatively fewer restrictions on gatherings but continues to impose stringent workplace hygiene protocols.

**Additional information** According to South Africa's Department of Labour, COVID-19 is a viral infection of the upper respiratory system which presents with flu-like symptoms ranging from a mild fever, dry cough, runny nose and sneezing. In some cases, it deteriorates to moderate and severe symptoms like a productive cough, high fever, shortness of breath and general malaise. In its severe form, it may present with pneumonia, a serious cough and respiratory failure. COVID-19 is transmitted through droplets suspended in the air during coughing and sneezing from an infected source. Healthcare delivery and support staff such as nurses and doctors face a high risk of infection, especially if they perform aerosol-generating procedures. As such, a facility that operates a sickbay must take particular note of the requirements in the Determination. Among other workers, those operating in high-population-density work environments such as consulting rooms and points of entry for the public (for example, security guards and front desk attendants) face a comparatively medium risk, while workers who can perform their duties while maintaining a 2-meter distance from others and the general public are considered to face a lower risk. According to South Africa's [Department of Health](#), the world's first cluster of pneumonia cases now known as COVID-19 was reported on 31 December 2019. On 6 March 2020, South Africa reported its first case, and on 15 March 2020, a National Disaster was declared as a result of the disease. As of 18 September 2020, South Africa reports having conducted 4,003, 590 tests; and having identified 657,627 positive cases. According to the Department of Health, there have been 586,844 recoveries and 15,857 deaths.



### 3.5.3 ZAMBIA Facilities must obtain written authorization to hold gatherings in areas affected by COVID-19

**Abstract:** Beginning 13 July 2020, facilities must adhere to an amended requirement from the Ministry of Health on holding gatherings. This follows from the publication of the Public Health (Infected Areas) (Coronavirus Disease 2019) (Amendment) Regulations, 2020. The Amendment Regulations amend regulation 9 of the Public Health (Infected areas) (Coronavirus Disease 2019) Regulations 2020 to include a written permission requirement for all gatherings in areas affected by the novel coronavirus of 2019 ("COVID-19"). All facilities are subject to the amendment.

**Business Impact:** The company must adhere to the entry and exit requirements prescribed under the Public Health (Infected areas) (Coronavirus Disease 2019) (Amendment) Regulations 2020. In particular, the company must ensure that it obtains written permission from an authorized officer prior to holding a gathering in an "infected area". An infected area is considered a part of the Republic or any conveyance declared as being or appearing to be threatened by the epidemic of COVID-19.

**Analysis: Actionable requirement** If the facility holds a gathering in an infected area, it ensures that it holds written permission from an authorized officer.

**What has changed?** The Ministry of Health through the publication of the Public Health (Infected Areas) (Coronavirus Disease 2019) (Amendment) Regulations, 2020 ("the Amendment") amended section 9 of the [Public Health \(Infected areas\) \(Coronavirus Disease 2019\) Regulations 2020](#) ("the Regulations"). Previously, under the Regulations, facilities were required to obtain written permission of a local authority or Medical Officer of Health if they intended to hold a gathering of more than 5 persons in an "infected area". However, the Amendment now mandates that a person acquires written permission from an authorized officer prior to holding a gathering consisting of any number of persons in an infected area.

**Background** In response to the global outbreak and subsequent spread of the novel coronavirus of 2019 ("COVID-19"), the Ministry of Health published the Public Health (Infected areas) (Coronavirus Disease 2019) Regulations 2020 ("the Regulations") to regulate the movement of persons into and out of affected areas in Zambia. On 13 July 2020, the Ministry of Health amended section 9 of those Regulations to change the scope of applicability of the requirement for written authorization to hold public gatherings.

**Additional information** Authorized officers will use the following urgency category levels when effecting measures:  
"alert level"- conveying the highest level of importance and warranting immediate action or attention;  
"advisory level"- requiring the provision of important information for a specific incident or situation and does not require immediate action; or  
"update level"- requiring the provision of updated information for a specific incident or situation and unlikely to require immediate action.

**Definitions** **Authorized officer** means a medical officer of health, health inspector, district medical officer, environmental health officer, or a suitably qualified person authorized in writing by the Minister or a local authority with the approval of the Minister. **Infected area** means a part of the Republic or any conveyance declared as being or appearing to be threatened by the epidemic of COVID-19. [The Public Health \(Infected Areas\) \(Coronavirus Disease 2019\) \(Amendment\) Regulations, 2020](#) can be accessed on the Enhesa Knowledgebase.



## 4. September 30, 2020

### 4.1 The US & Canada

#### 4.1.1 US - CALIFORNIA Companies must note the additional COVID-19 reporting and notification requirements and Cal/OSHA's authority to close worksites

**Abstract:** Effective 1 January 2021, companies that conduct in-person operations in California must report COVID-19 cases in the workplace to employees and public health officials. The California Governor Gavin Newsom signed a bill that created additional reporting and notification responsibilities on companies and strengthened the enforcement authority of the California Division of Occupational Safety and Health (Cal/OSHA). Accordingly, companies must comply with all applicable reporting requirements and discontinue the operation upon Cal/OSHA's notification.

**Business Impact:** If the company is conducting in-person operations during the COVID-19 emergency, then it must notify its employees when it receives notice of potential exposure to COVID-19. The company must notify the employees within one business day of receiving the notice of potential exposure and maintain written notifications for at least 3 years. Further, if the company has 3 or more laboratory-confirmed cases of COVID-19 in the workplace, it must report to the local health department (LHD) in the jurisdiction where the workplace is located. The facility must notify LHD within 48 hours of discovering the outbreak and report any subsequent laboratory-confirmed cases of COVID-19 at the workplace. Lastly, if the company is notified by the California Division of Occupational Safety and Health (Cal/OSHA) that an imminent hazard of COVID-19 exists in the workplace, then it must discontinue its operation or close the workplace as instructed. The company must also post Cal/OSHA's notice in a conspicuous place.

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

If the facility receives notice of potential exposure to COVID-19, it provides written notification to employees within one business day of receiving the notice.

If the facility notifies its employees of potential exposure to COVID-19, it maintains the written notifications for at least 3 years.

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 is notified by the California Division of Occupational Safety and Health (Cal/OSHA) of an imminent hazard of COVID-19 in the workplace, it discontinues its operation.

If the facility is notified by the California Division of Occupational Safety and Health (Cal/OSHA) to discontinue its operation due to an imminent hazard of COVID-19, it posts the notice in a conspicuous place.

**What Has Changed** Assembly Bill 685 (AB 685) establishes additional reporting and notification requirements on employers. Further, as authorized under AB 685, the California Division of Occupational Safety and Health (Cal/OSHA) may order employers to close a workplace upon finding an imminent hazard of COVID-19.

**Assembly Bill 685** On 17 September 2020, the California Governor Gavin Newsom approved AB 685 to amend the Safety in Employment laws under the Labor Code (LAB). Specifically, AB 685 requires employers to report COVID-19 cases in the workplace to employees and local public health officials. Further, AB 685 strengthens Cal/OSHA's authority on COVID-19 enforcement activities. AB 685 takes effect on 1 January 2021. *Employee Notification Requirements* AB 685 requires an employer to notify its employees when it receives a notice of potential exposure to COVID-19. Such notice includes, for example, a notification from an employee or their emergency contact that the employee has tested positive for COVID-19.





Within one business day of receiving the notice of potential exposure, the employer must take all of the following actions: provide written notice of potential exposure to all employees who were on the premises as the COVID-19 positive individual when that individual was infectious; provide all employees who may have been exposed with information regarding COVID-19-related benefits and options; and notify all employees on the disinfection and safety plan that the employer plans to implement and complete. The written notice must be made to exclusive representatives of the employees and the employers of subcontracted employees, if any. The employer must notify in a manner it typically uses to communicate employment-related information, such as email or text message. The notice must be in both English and the language understood by the majority of the employees. Lastly, the employer must maintain records of the written notifications for at least 3 years. *Employer Reporting Requirements* AB 685 also requires an employer to report to the local health department when it is notified of the number of cases that meet the definition of a COVID-19 outbreak. An outbreak is defined as 3 or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a 2-week period. Within 48 hours of such notification, the employer must report to the local public health agency in the jurisdiction of the workplace. The employer must provide the names, number, occupation, and workplace of the COVID-19 positive individuals. The employer must also report the business address and NAICS code of the workplace where such individuals work. Lastly, the employer must continue to report any subsequent laboratory-confirmed cases of COVID-19 at the workplace to the local public health agency. *COVID-19 Imminent Hazard Provision* AB 685 clarifies the Cal/OSHA's enforcement authority on workplaces posing an imminent hazard of COVID-19 to employees. If Cal/OSHA determines that a workplace or its operation exposes employees to the risk of COVID-19 infection, it is now authorized to prohibit the operation or the entry into the workplace. In such a case, Cal/OSHA must provide a notice to the workplace, which must be posted in a conspicuous place. The notice must not be removed except by Cal/OSHA or until the workplace is made safe. This COVID-19 imminent hazard provision is effective until 1 January 2023.

**More Information** Additional information, including the text of the bill, is available on the [California Legislative Information](#) website.

#### **4.1.2 US - FLORIDA Companies that own or operate food service establishments continue to comply with COVID-19 operational requirements until 3 November 2020**

**Abstract:** Effective 4 September 2020, the state of emergency in Florida is extended to last until 3 November 2020. Florida is currently in Phase 2 of its 3 Phase Reopening plan. Phase 2 primarily consists of recommendations rather than requirements, aside from occupancy and social distancing requirements for restaurants and other restrictions for entertainment venues.

**Business Impact:** If the facility owns or operates a restaurant or canteen, it must continue to comply with the 50 percent occupancy limit and social distancing measures until 3 November 2020.

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

If the facility owns or operates a restaurant or canteen, it does not exceed 50 percent of its indoor capacity and ensures proper social distancing.

**What Has Changed?** Effective 4 September 2020, the occupancy limit and social distancing requirement were extended to last until 3 November 2020. Importantly, these requirements may be extended or cut short by another executive order.

**Extension of Executive Order 20-52 - COVID-19** All orders issued under Florida's COVID-19 state of emergency were extended to last until 3 November 2020. Aside from occupancy and social distancing requirements for restaurants, there are no business applicable requirements in place in Florida. Instead, Florida issues recommendations and encourages





businesses to comply with guidance issued by the Centers for Disease Control and Prevention (CDC) and the Occupational Health and Safety Administration (OSHA).

**Additional Information** For more information, see the [Extension of Executive Order 20-52 - COVID-19](#).

#### **4.1.3 US - HAWAII Companies must continue to comply with the face-coverings requirement and implement COVID-19 safe practices as the COVID-19 emergency period is extended through 31 October 2020**

**Abstract:** Effective 22 September 2020, companies that conduct in-person operations in Hawaii must continue to ensure that individuals comply with the appropriate county's face coverings requirement. Further, companies must continue to comply with physical distancing requirements and any other applicable industry and regulatory guidelines related to COVID-19 issued by the federal, state, and local agencies. High-risk companies must continue to cease in-person operations until 31 October 2020, unless otherwise amended.

**Business Impact:** If the company is conducting in-person operations, it must continue implementing safe practices at its workplace, including physical distancing, sanitization, and face-coverings requirements. 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 is engaged in a non-essential high-risk business, it requires all employees to work from home.

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

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

If the facility is conducting in-person operation during the COVID-19 emergency period, it ensures that all individuals in the premise, including its employees and any visitors, wear face coverings, as appropriate.

**What Has Changed** The Thirteenth Supplementary Proclamation does not impose any additional requirements on companies. Instead, it continues to allow non-essential medium-risk businesses to conduct in-person operations and require non-essential high-risk businesses to remain closed. Additionally, it continues to require all persons to wear face coverings in compliance with the county orders, rules, and directives.

**Thirteenth Supplementary Proclamation** On 22 September 2020, the Hawaii State Governor David Y. Ige issued the Thirteenth Supplementary Proclamation (Proclamation) to continue protecting the state from the 2019 novel coronavirus disease (COVID-19). The Proclamation extends the COVID-19 emergency period to 31 October 2020 and directs counties to stay in Phase 2 of the State Roadmap to Recovery and Resilience until further notice. Accordingly, companies must continue to comply with county-specific reopening guidance and face coverings requirements, safe practices under the Proclamation, and any applicable industry-specific standards published at the county, state, and federal levels.

**More Information** For more information, see the Office of the Governor website for the [Thirteenth 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.



#### **4.1.4 US - MARYLAND Facilities operating during the COVID-19 state of emergency must comply with amended operating requirements, including expanded capacity for food establishments**

**Abstract:** Effective 21 September 2020, facilities operating in Maryland during the COVID-19 state of emergency must continue to comply with existing reopening requirements that are extended for another month to 21 October 2020. Additionally, food establishments may operate at 75 percent capacity, up from 50 percent.

**Business Impact:** If the facility operates during the COVID-19 state of emergency, it must continue to comply with general and industry-specific directives and local orders regarding, among other things, occupancy and sanitation requirements for the duration of the state of emergency. If the facility operates any food establishments, such as a workplace canteen, it may operate such establishment at 75 percent maximum capacity, up from 50 percent. Additionally, any signage requirements directing facilities to make available copies of the latest executive order to building occupants must now make Executive Order 20-09-18-01 available.

##### **Analysis: Actionable Requirements** *Requirements with changes*

If the facility operates a food service establishment during the COVID-19 state of emergency, it operates at no more than 75 percent of its maximum occupancy.

##### *Requirements extended*

If the facility operates during the COVID-19 state of emergency, it complies with all applicable local orders and state-wide general and industry-specific operating directives.

If the facility is a retail establishment operating during the COVID-19 state of emergency, it operates at no more than 75 percent of its maximum occupancy.

If the facility is a retail establishment operating during the COVID-19 state of emergency, it implements social distancing measures, such as sanitizing or providing customers with the means to sanitize handles of carts or baskets available to customers, to the extent possible.

If the facility operates a food service establishment during the COVID-19 state of emergency, it does not serve food in a buffet format.

If the facility operates a food service establishment during the COVID-19 state of emergency, it only serves customers who are seated.

If the facility operates a food service establishment during the COVID-19 state of emergency, it cleans and disinfects each table between each seating in accordance with the U.S. Centers for Disease Control and Prevention (CDC) and Maryland Department of Health (DPH) guidelines.

If the facility operates a fitness center during the COVID-19 state of emergency, it operates at no more than 50 percent of its maximum occupancy.

If the facility has a maximum permissible occupancy larger than 10 people and operates during the COVID-19 state of emergency, it complies with the applicable handwashing and notice requirements.

**What Has Changed** Effective 21 September 2020, food establishments may operate at 75 percent of their capacity. Previously, such facilities were required to restrict capacity to 50 percent. Additionally, the requirements listed above have been extended through 21 October 2020. Facilities must continue to comply with these requirements unless they are extended, modified, or rescinded.

**Analysis** *Maximum occupancy* For the purposes of the capacity restrictions on retail, food service establishments, and fitness centers, maximum occupancy is the maximum occupancy load for a facility under the applicable fire code as set forth on a certificate issued by a local fire code official. If no such certificate has been issued for a facility, the maximum occupancy is determined pursuant to the applicable laws, regulations, and permits. *Signage* Any signage requirements



directing facilities to make available copies of the latest executive order to building occupants must now make Executive Order 20-09-18-01 available.

**More Information** For more information, see the [18 September 2020 Executive Order](#) issued by Governor Hogan.

#### **4.1.5 US - NEW JERSEY Companies may resume operating indoor health clubs, including gyms and fitness centers, subject to strict sanitation, social distancing, and occupancy requirements**

**Abstract:** Companies that own or operate fitness facilities may now reopen indoor facilities subject to strict occupancy, sanitation, and physical distance requirements. Previously, indoor facilities could only be used by appointment with an instructor or for access to outdoor facilities or bathrooms.

**Business Impact:** If the company owns or operates a fitness center or gym, it may reopen the indoor fitness facilities, subject to strict occupancy, physical distancing, and sanitation requirements meant to curb the further spread of COVID-19. The requirements include limiting the occupancy of any indoor premises to 25 percent of the stated maximum capacity, excluding staff; requiring workers and customers to wear cloth face coverings while in the indoor facilities, except where doing so would inhibit that individual's health or where the individual is under 2 years of age; and ensuring certain equipment and spaces are frequently sanitized.

##### **Analysis: Applicable Requirements**

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.

**What Has Changed?** Effective 1 September 2020, companies that own or operate gyms or fitness centers may reopen indoor facilities. Previously, indoor facilities could only be used for individual instruction appointments and for access to restrooms or outdoor fitness facilities.

**Executive Order 181 - Allowing Gyms and Indoor Amusement and Water parks to Reopen** If the company reopens its indoor fitness center or gym, it must comply with strict occupancy, sanitation, and physical distance requirements, including:

- limiting the occupancy of any indoor premises to 25 percent of the stated maximum capacity, excluding staff;
- requiring that all reservations, cancellations, and pre-payments be made via electronic or telephone reservation systems to limit physical interactions;
- installing physical barriers, such as a shield guard, between customers and employees wherever feasible, or otherwise ensuring 6 feet of distance between those individuals, except at the moment of payment;
- limiting the use of equipment rented or otherwise provided by the business to one person at a time, excluding family or household members, and sanitizing such equipment before and after use;
- demarcating and posting signs that denote 6 feet of spacing in all commonly used or other applicable areas or where people may form a line;
- requiring infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- providing employees break time for repeated handwashing throughout the workday;
- providing sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- limiting occupancy in restrooms and locker facilities that remain open to avoid over-crowding and maintaining social distancing through signage and, where practicable, the using attendants to monitor capacity;



placing additional restrictions on areas of the business as necessary to limit person-to-person interactions and facilitate appropriate social distancing;  
immediately separating and sending home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;  
promptly notifying workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;  
cleaning and disinfecting the worksite in accordance with U.S. Centers for Disease Control and Prevention (CDC) guidelines when a worker at the site has been diagnosed with COVID-19 illness;  
continuing to follow guidelines and directives issued by the New Jersey Department of Health (DOH), CDC, and the U.S. Occupational Health and Safety Administration (OSHA) for maintaining a clean, safe, and healthy work environment; and  
requiring workers and customers to wear cloth face coverings while in the indoor facilities, except where doing so would inhibit that individual's health or where the individual is under 2 years of age. Businesses must provide, at their expense, face coverings for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, the business must bar entry to that individual.

Additionally, companies operating gyms must also ensure certain equipment and spaces are frequently sanitized, including, at a minimum:

routinely cleaning and disinfecting all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including restroom and locker facilities, countertops, handrails, doorknobs, other common surfaces, safety equipment, and employee-used equipment;  
cleaning and disinfecting equipment that is rented in accordance with CDC and DOH guidelines; and  
training and equipping employees to perform the cleaning detailed above effectively and in a manner that promotes the safety of the visitors and staff.

**Additional Information** For more information, see [Executive Order 181 - Allowing Gyms and Indoor Amusement and Water parks to Reopen](#).

#### **4.1.6 NEW JERSEY Companies must register with the New Jersey Department of Environmental Protection by 8 October 2020 to extend environmental permits that would have expired during the COVID-19 public health emergency**

**Abstract:** Companies that wish to extend the duration of an environmental permit that would have expired during the COVID-19 public health emergency must register with the New Jersey Department of Environmental Protection by 8 October 2020.

**Business Impact:** If the company is operating during the COVID-19 public health emergency under an environmental permit that would have expired from 9 March 2020 to the end of the current COVID-19 public health emergency, it may extend the duration of that permit by registering with the New Jersey Department of Environmental Protection by 8 October 2020. If properly registered, the permit will be extended to expire at least 6 months after the COVID-19 public health emergency ends.

**Analysis: Applicable Requirements** The facility does not engage in a regulated activity in a flood hazard area or riparian zone of regulated water, unless it has obtained a flood hazard area permit.

If the facility engages in commercial development activities in a coastal area, it has obtained a coastal permit from the New Jersey Department of Environmental Protection (NJDEP).

If the facility is responsible for remediating a discharge from a heating oil tank system, it complies with all applicable soil remediation standards, including obtaining a permit from the New Jersey Department of Environmental Protection



(NJDEP) before implementing any soil remediation action where dewatering or in situ treatment is proposed.

If the facility is responsible for remediating a discharge from a heating oil tank system and is conducting a remedial action that includes a discharge to groundwater, it has obtained a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and a discharge-to-groundwater proposal from the New Jersey Department of Environmental Protection (NJDEP). The facility obtains the applicable permit or certificate before it constructs, reconstructs, installs, modifies, or operates a significant source or control apparatus.

If the facility is a major stationary source of air pollutants, it has a valid operating permit.

If the facility is a new major source of air pollutants (i.e., a major source or a modified existing major source in a manner causing a significant net increase in emissions) and is located in an attainment area, it has a valid Prevention of Significant Deterioration (PSD) permit.

If the facility is a new major source of air pollutants (i.e., a major source or a modified existing major source in a manner causing a significant net increase in emissions) and is located in a nonattainment area, a valid nonattainment new source review (NSR) permit has been obtained.

If the facility operates specific classes of significant sources of air pollution, it obtains a General Permit that is appropriate for the equipment that it operates.

If the facility is a minor source of air emissions, it has obtained and maintains compliance with limits of a preconstruction permit (PCP) in accordance with NJDEP minor source permit requirements.

If the facility owns or operates a boiler, it obtains the appropriate general permit, a registration form, and a document titled "General Procedures for General Permits" from the New Jersey Department of Environmental Protection (NJDEP).

If the facility owns or operates a boiler, then the registered facility renews its permit not less than 90 days prior to the expiration date of the general permit registration.

If the facility diverts more than 100,000 gallons of water per day either from a single source or a combination of sources, it has obtained a valid water allocation permit.

The facility is in compliance with the terms of its UIC permit, if applicable.

If the facility discharges to surface water from one or more point sources, it has a valid NJPDES permit for each point source from the New Jersey Division of Water Quality (NJDWS).

The facility obtains a freshwater wetlands permit from the New Jersey Department of Environmental Protection (NJDEP) for any regulated activities involving the discharge of dredge or fill materials into any delegable waters of the United States within New Jersey.

If the facility has storm water discharges associated with an industrial or construction activity, it has a valid New Jersey Pollutant Discharge Elimination System (NJPDES) permit covering its storm water discharges.

If the facility is an SQG, then it does not accumulate on-site more than 6,000 kg of hazardous waste unless it has a RCRA TSD permit.

If the facility is an LQG, then it does not accumulate hazardous waste on-site for more than 90 days unless it has a RCRA TSD permit.

If the facility is a hazardous waste treatment, storage, or disposal (TSD) facility, it has a valid RCRA permit.

**What Has Changed?** Companies operating under permits in the applicable requirements in the non-exhaustive list above that would have expired from 9 March 2020 to the end of the current COVID-19 public health emergency may extend the duration of the permit by registering with the New Jersey Department of Environmental Protection by 8 October 2020. If properly registered, the permit will be extended at least 6 months beyond the conclusion of the COVID-19 public health emergency.

**The Permit Extension Act of 2020** The Permit Extension Act of 2020 extends the term of certain governmental permits, approvals, and deadlines during the COVID-19 extension period in order to prevent the abandonment of approved projects and activities, and the waste of public and private resources that would result if such projects and activities were required to repeat the application and approval process. The COVID-19 extension period is defined as the period beginning March 9, 2020, and continuing for as long as the public health emergency declared by Governor Murphy is in effect. The extension will allow projects to be ready to quickly resume when it is safe to restart normal business and



government activity. Importantly, the Permit Extension Act does not extend any permit issued by the U.S. government or any permit or approval determined by the law or regulation of the federal government.

**More information** For additional information, see the [Notice of Extension of Certain State, Municipal, and Other Public Entity Permits, Approvals, and Deadlines in Accordance with the Permit Extension Act of 2020](#).

#### **4.1.7 US - NEW JERSEY Companies must continue to comply with COVID-19 operational requirements until 25 October 2020**

**Abstract:** Effective 25 September 2020, the Governor of New Jersey issued an executive order that extended the COVID-19 state of emergency to 25 October 2020. Companies must continue to comply with all COVID-19 operational requirements until 25 October 2020. This date may be extended or cut short by another executive order.

**Business Impact:** The company must continue to comply with all applicable COVID-19 restrictions until 25 October 2020. 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.

**What has changed?** The requirements for operating during the COVID-19 state of emergency are now set to expire on 25 October 2020. Before this order, the state's operational requirements were set to expire on 26 September 2020. The COVID-19 requirements may be extended or cut short by another executive order.

**Additional Information** For more information, see [Executive Order 186 - Extending Public Health Emergency in New Jersey](#).

#### **4.1.8 US - NEW JERSEY Companies may resume operating indoor dining facilities, subject to strict occupancy, sanitation, and physical distancing requirements**

**Abstract:** Companies that own or operate dining facilities may now reopen indoor facilities subject to strict occupancy, sanitation, and physical distance requirements. Previously, indoor facilities could only be used to access the outdoor dining area or the restroom.

**Business Impact:** If the company owns or operates a restaurant or canteen, it may reopen all indoor dining facilities, subject to strict physical distancing, sanitation, and facial covering requirements meant to curb the further spread of COVID-19. The requirements include limiting the number of patrons in the indoor area to 25 percent of the



establishment's capacity, excluding employees; ensuring that occupied tables remain 6 feet apart in all directions from any other table or seat and that individuals seats in any shared area that is not reserved for individual groups are also 6 feet apart in all directions from any other table or seat; and requiring patrons served in indoor areas to wear a facial covering while inside the indoor premises of the dining facility until their food or drinks arrive and after their food or drinks are taken away, unless the patron has a medical reason for not doing so or is a child under 2 years of age.

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

**What Has Changed?** Effective 4 September 2020, companies that own or operate restaurants or canteens may reopen indoor facilities, subject to strict physical distancing, sanitation, occupancy, and facial covering requirements. Previously, indoor dining facilities could only be used to access restrooms or outdoor dining facilities.

**Executive Order 183 - Allowing the Resumption of Indoor Dining** Facilities operating in-person services at indoor dining areas must:

limit the number of patrons in the indoor area to 25 percent of the establishment's capacity, excluding employees;

ensure that occupied tables remain 6 feet apart in all directions from any other table or seat and that individuals seats in any shared area that is not reserved for individual groups are also 6 feet apart in all directions from any other table or seat;

require patrons served in indoor areas to wear a facial covering while inside the indoor premises of the dining facility until their food or drinks arrive and after their food or drinks are taken away, unless the patron has a medical reason for not doing so or is a child under 2 years of age;

only allow patrons to place orders for indoor table service when they are seated at a table or bar, and only permit wait staff or other employees to bring food or beverages to the seated patrons;

ensure that patrons only consume food or beverages while seated; and

abide by all other health and safety standards issued by the Commissioner of the New Jersey Department of Health.

**Additional Information** For more information, see [Executive Order 183 - Allowing the Resumption of Indoor Dining](#).

#### **4.1.9 US NEW MEXICO Companies must note the additional COVID-19 reporting and notification requirements**

**Abstract:** Effective 5 August 2020, companies in New Mexico must report when employees test positive for COVID-19 to the New Mexico Environment Department (NMED). On 25 August 2020, NMED issued a temporary emergency amendment that created additional reporting and notification responsibilities on companies. Accordingly, companies must comply with all applicable reporting requirements.

**Business Impact:** If the company learns of an employee's positive COVID-19 test, then it must report to the New Mexico Environment Department (NMED) within 4 hours. The company must make this report via email, telephone, or facsimile number after learning of the positive test.

**Analysis: Actionable Requirements** If the facility has an employee test positive for COVID-19, it notifies the New Mexico Environment Department (NMED) within 4 hours of learning of the positive test.

**What Has Changed** The New Mexico Environment Department (NMED's) temporary emergency amendment establishes an additional reporting and notification requirement on employers related to COVID-19. Specifically, the emergency





amendment requires employers to report positive tests for COVID-19 to NMED.

**Emergency Amendment** On 25 August 2020, the New Mexico Environment Department (NMED) temporarily amended the New Mexico Occupational Health and Safety Act (NMOSHA) for reporting illnesses. The emergency amendment expires on 3 December 2020.

**Notification Requirement** When an employer finds out that an employee has tested positive for COVID-19, the employer must report the test to NMED. The employer must report to NMED via email, telephone, or facsimile. The employer has 4 hours after learning of the positive test to report to NMED.

**More Information** Additional information on the emergency amendment is available [here](#).

#### 4.1.10 US - NEW YORK Companies are prohibited from distributing plastic carryout bags to customers after the New York Supreme Court upholds the ban

**Abstract:** The New York Supreme Court upheld the New York Department of Environmental Conservation's (DEC) ban on single-use plastic bags. Companies are prohibited from distributing any plastic carryout bags to its customers unless the bag is an exempt bag.

**Business Impact:** If the company sells or distributes plastic carryout bags, then they must use an approved alternative because they are prohibited from distributing any plastic carryout bags to its customers unless the bag is an exempt bag. Examples of exempt bags are bags used for food storage, bags used as a garment bag, or bags that are reusable. Companies violating the ban on single-use plastic bags will first receive a warning, then a civil fine of 250 USD for the first violation and 500 USD for additional violations within the same year.

**Analysis:** On 20 August 2020, the New York Supreme Court upheld the New York Department of Environmental Conservation's (DEC) ban on single-use plastic bags. The decision in the case of Poly-Pak Industries, Inc., et al. v. The State of New York, et al. allows DEC to enforce the Bag Reduction Act (Act). The Act went into effect on 14 March 2020, but DEC has not enforced the Act because of the pending lawsuit and COVID-19. Further, DEC is reviewing the Court's decision and could begin enforcing the Act soon, even during the COVID-19 pandemic. The New York Supreme Court's decision does grant the petitioner's request to invalidate part of DEC's regulations that expand the list of permitted plastic bags. The decision invalidates DEC's regulation on the minimum thickness allowed on plastic bags, which had been set at 10 one-thousandths of an inch. The Court agreed with the petitioners that the regulations contradict the Act to the extent that they create an additional exemption for certain non-film plastic washable material from the Act's ban of any plastic carryout bags. According to the Act, a reusable bag is defined as one made of cloth or other machine-washable fabric that has handles. The regulations prohibit companies that are required to collect tax from distributing any plastic carryout bags to its customers unless the bag is an exempt bag. An exempt bag is defined as a bag:

- used for containing or wrapping unwrapped or non-prepackaged food, flowers, or plants;
- used to package items from bulk containers;
- used to contain food sliced or prepared to order;
- used to contain a newspaper for delivery to a subscriber;
- sold in bulk quantities;
- sold as trash bags;
- sold as food storage bags;
- used as a garment bag;
- made of plastic provided by a restaurant, tavern, or similar food service establishment to carry out or deliver prepared food;
- provided by a pharmacy to carry prescription drugs; and

a reusable bag.

Those required to collect tax are defined as any vendor of tangible personal property required to collect New York State sales tax pursuant to subdivision (a) of Section 1105 of the New York State Tax Law, “imposition of sales tax.” This definition is important because it is very broad, meaning the prohibition on the distribution of plastic bags is very broad. Retail establishments are required to make reusable bags available to customers for purchase or at no charge and permit reusable bags to be used in lieu of paper carryout bags. Companies violating the ban on single-use plastic bags will first receive a warning, then a civil fine of 250 USD for the first violation and 500 USD for additional violations within the same year. For more information, please see the [New York Supreme Court's decision](#).

#### **4.1.11 US - VIRGINIA Companies in Hampton Roads will see eased COVID-19 restrictions under Executive Order 67**

**Abstract:** Effective 10 September 2020, Hampton Roads will join the rest of the Commonwealth of Virginia in Phase 3 of the Forward Virginia Plan. Phase 3 will ease restrictions on certain companies in Hampton Roads.

**Business Impact:** Effective 10 September 2020, if the company is located in Hampton Roads, it must comply with general requirements, such as best practices for physical distancing, enhanced cleaning and disinfection, and enhanced workplace safety, that are required under Phase 3. If the company owns or operates a food court, dining establishment, or onsite canteen, it can allow indoor dining, if certain restrictions are followed. If the company operates a fitness center or exercise facility, it can open those facilities at 75 percent capacity, if certain restrictions are followed. If the company is a non-essential brick and motor retail business, it can open at full capacity, if certain restrictions are followed.

**Analysis: Actionable Requirements** If the facility is deemed a non-essential retail establishment, it ensures that all applicable physical-distancing requirements are met.

If the facility has a fitness center, gymnasium, recreation center, indoor sports facility, or an indoor exercise facility in its building, it limits all in-person access to no more than 75 percent the establishment's capacity.

The facility implements telework procedures or adheres to social distancing protocols.

**What has changed?** Effective 10 September 2020, the above requirements are now applicable to companies in Hampton Roads in the Eastern Region under Executive Order 67 (EO-67). While the requirements themselves have not changed, now Hampton Roads is in Phase 3 of reopening. The impacted localities include cities of Virginia Beach, Chesapeake, Norfolk, Suffolk, Portsmouth, Hampton, Williamsburg, Newport News, Poquoson, and James City County and York County.

**More Information** Governor Northam's [announcement](#) and the full text of [EO-67](#) can be found online. [Phase 3 Guidelines](#) can also be found online.

## **4.2 Europe**

### **4.2.1 AUSTRIA – FEDERAL Further Restrictions for public events introduced to stop the spread of COVID-19**



**Abstract:** Since 19 September 2020 the Federal Government introduced further restrictions for public events inside and outside. Events with allocated and labeled seats with more than 250 persons, instead of 500 persons, require a permit from the competent local district administrative authority, and every organizer of events with more than 50 persons inside or more than 100 persons outside, instead of 250 persons, has to appoint a COVID 19 representative and has to develop and implement a COVID 19 prevention concept.

**Business Impact:** If the company plans public events, it should be aware that events with allocated and labeled seats with more than 250 persons, instead of 500 persons, require a permit from the competent local district administrative authority, and every organizer of events with more than 50 persons inside or more than 100 persons outside, instead of 250 persons, has to appoint a COVID 19 representative and has to develop and implement a COVID 19 prevention concept.

**Analysis: Actionable Requirements:** There are no actionable requirements.

**What has changed?** On 18 September August 2020, the Austrian Federal Ministry of Social Affairs, Health, Care, and Consumer Protection published the [11th Ordinance amending the Ordinance on easing measures taken to combat the spread of COVID-19](#) increasing the restrictions for public events. As of 19 September 2020 public events with allocated and labeled seats with more than 250 persons, instead of 500 persons, require a permit from the competent local district administrative authority (Bezirksverwaltungsbehörde). The permitting process takes four weeks after all documents have been submitted to the authority. A condition to obtain a permit is a COVID 19 prevention concept (COVID-19-Präventionskonzept). Additionally, every organizer of events with more than 50 persons inside or more than 100 persons outside, instead of 250 persons, has to appoint a COVID 19 representative and has to develop and implement a COVID 19 prevention concept. The Federal Ministry of Health published [recommendations for the drafting of a COVID 19 prevention concept for events](#).

**Background information:** [The Ordinance on easing measures taken to combat the spread of COVID-19 \(COVID-19-LV\)](#) regulates legal restrictions, measures and requirements adopted to combat the spread of the coronavirus in Austria and the easing of the restrictions adopted. The Ordinance is addressed to all citizens, authorities, and companies. It regulates restrictions in public places, shops, canteens, and events. The Ordinance is limited in time and is being adapted continuously based on the development of the pandemic. The 11th COVID 19 LV Amendment introduces changes to restrictions of public events. Other requirements remain applicable for companies, including the obligation to keep a 1-meter distance to other persons in public places and at the workplace.

#### **4.2.2 GREECE Companies must consult the definition of employees of the private sector belonging to vulnerable groups as regards the prevention of Covid-19 spread**

**Abstract:** Companies must apply the clarified definition of employees who work in the private sector and belong to vulnerable groups, provided in the Ministerial Decision 37095/2020, when determining who should work from home as regards preventing the Covid-19 spread. If employees are classified as high risk or intermediate risk individuals, the company must accept their request for teleworking.

**Business Impact:** If the company employs workers who are considered high risk individuals or intermediate risk individuals under the clarified definition, it must allow that they work from home in order to protect them from the Covid-19 spread. If this is not feasible, the company must ensure that they work without coming into contact with the public.

**Analysis:** Actionable requirements If the company employs workers who are considered high risk individuals or intermediate risk individuals, it ensures that they work from home. If this is not feasible, the company ensures that they



work without coming into contact with the public. Additional information On 18 September 2020, the Minister of Health and the Minister of Labour and Social Affairs published the Ministerial Decision 37095/2020, which provides the definition of employees of the private sector who belong to vulnerable groups against the Covid-19 spread. The definition of vulnerable groups includes two categories: high risk individuals and intermediate risk individuals. High risk individuals are for example people with haematological malignancies undergoing chemotherapy (leukaemia), pregnant women, and people with severe heart disease. People with chronic lung disease or people with serious neurological or neuromuscular diseases belong to the intermediate risk category. The Ministerial Decision 37095/2020 does not introduce any actionable requirements on companies. The obligation of companies stems from the [Act of legislative content](#) of 22 August 2020. According to this Act, if a worker belongs to a vulnerable group, they can request the employer to work from home. The employer must accept such request once the employee provides the appropriate certification.

#### **4.2.3 GREECE Obligatory use of mask in all enclosed workplaces in Attica Region until 4 October 2020**

**Abstract:** Effective 26 September 2020 and until 4 October 2020, companies must ensure the use of masks at all enclosed workplaces throughout the Attica Region. In case of catering companies, specific measures regarding the operating time and the number of clients served in each table must be observed to prevent the spread of the Covid-19 virus.

**Business Impact:** If the company operates enclosed workplaces, it must ensure the obligatory use of masks by its workers. However, those workers who work in a private space, without the presence of any other person are excepted from this obligation. If the company organises events or gatherings, it ensures the maximum number of participants is 9 people. The maximum number of participants for social events does not apply to the operation of canteens and catering companies, for which specific rules apply. In case of non-compliance regarding the maximum number, the company is charged for a first infringement EUR 3000 (for a second infringement EUR 5000 and suspension of work for 15 days) and the natural persons EUR 150. If a catering company operates onsite, it must not operate during the time period from 12 midnight until 5.00 am of the next day, unless for delivery purposes, take away services and drive-through (excluding selling alcoholic beverages during this time period). It must also ensure that the maximum number of people sitting in one table is 6. In case of non-compliance, for the first infringement the fine amounts to EUR 10000 and suspension of work for 3 days.

**Analysis:** Actionable requirements If the company operates enclosed workplaces, it ensures the obligatory use of masks by all persons except those exempt. If the company organises events or gatherings, it ensures the maximum number of participants is 9 people. If a catering company operates in any type of facility, it ensures that it does not operate during the time period from 12 midnight until 5.00 am of the next day, unless for delivery purposes, take away services and drive-through (excluding selling alcoholic beverages during this time period). If the company operates a canteen, it ensures that the maximum number of people sitting in one table is 6. Additional information Those workers who work in a private space, without the presence of any other person are exempted from the obligation to wear a mask. The maximum number of participants for social events does not apply to the operation of canteens and catering companies, for which specific rules apply. In case of non-compliance regarding the maximum number, the company is charged for a first infringement EUR 3000 (for a second infringement EUR 5000 and suspension of work for 15 days) and the natural persons EUR 150. In case of non-compliance concerning the operation of canteens, for the first infringement the fine amounts to EUR 10000 and suspension of work for 3 days. The Ministerial Decision 59626/2020 replaces the Ministerial Decision [55821/2020](#). It takes effect from 26 September 2020 until 4 October 2020 and it is a special regulation compared to the general Ministerial Decision [56435/2020](#).

#### 4.2.4 FRANCE Companies must ensure that face masks are worn indoors to fight the spread against COVID-19

**Abstract:** Since 1 September 2020, companies must ensure that face masks compliant with AFNOR S76-001 standards (or any similar standards for imported masks) are worn throughout indoors facilities by their workers and not only when social distancing cannot be practised indoors. The National Protocol to ensure the health and safety of workers against COVID-19 replaces the National protocol on deconfinement while keeping the measures it set and adding additional details.

**Business Impact:** The company must provide workers with AFNOR S76-001 compliant face masks (or similar standards if the masks are imported) and ensure that they are worn throughout indoor workplaces even when social distancing can be practised.

##### **Analysis: Actionable requirements**

(existing) The company complies with occupational health and safety measures to fight the spread of COVID-19.

**What has changed** The [National Protocol on health and safety of workers against COVID-19](#) (the Protocol) enters into force as of 1 September 2020 and replaces the National protocol on deconfinement. The Protocol requires the wear of face masks throughout indoor workplaces. Unlike what the National protocol on deconfinement provided, face masks are not only mandatory when social distancing cannot be practised but throughout indoor facilities. Face masks must be provided by the employer and must comply with [AFNOR S76-001](#) standards or any similar standards for imported masks. The provisions set by the National protocol on deconfinement on temperature checks, regular cleaning of workplaces, wearing of personal protective equipment (gloves and protective screens) and sanitation remain the same. *Exemptions* Additionally, the Protocol introduces several exemptions to the obligation to wear face masks indoors for:

workers that have individual offices; and

workers carrying out operations in workshops due to the intense physical labour it requires, as long as there is functional ventilation or aeration in the workshop.

Finally, the Protocol sets several possibilities for workers to temporarily take their mask off throughout their workday. The applicability of this measure is determined by the geographical location of the workplace as it depends on the transmission risk of COVID-19 in the area the workplace is located. The Protocol does not regulate the frequency according to which workers must wear their mask in this case, as long as it remains temporary.

**Additional information** The national protocol to ensure the health and safety of workers against COVID-19 is a reference document established by the Ministry of Labour and constitutes the health standards applicable in workplaces. It recalls the applicable provisions in terms of health and safety at work, in particular the safety obligation incumbent on the employer, the general principles of prevention and the necessary risk assessment that results from it.

#### 4.2.5 POLAND Further update of the red and yellow zones to prevent COVID-19 spread

**Abstract:** From 26 September 2020, facilities located in a red or yellow zone must provide measures preventing the spread of COVID-19, such as limiting the number of people present in the facility gym or canteen. Previously introduced regional restrictions remain in force and the list of yellow and red zones have been updated.

**Business Impact:** If the facility is located in the designated yellow or red zone, it must abide by measures such as limiting the maximal number of the facility canteen or gym users. Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).



**Analysis: Actionable requirements** There are no new actionable requirements for facilities.

**What has changed** The [Ordinance of 25 September 2020](#) expands the geographical scope of the currently existing restrictions related to COVID-19. It applies from 26 September 2020. In accordance with the Ordinance of 25 September 2020: a) the following regions have been classified in the red zone: in Pomorskie voivodeship (*województwo*): kartuski county (*powiat*); and in Opolskie voivodeship: głubczycki county. b) the yellow zone category presents as follows: in Kujawsko-Pomorskie voivodeship: aleksandrowski county; in Greater Poland voivodeship (*województwo wielkopolskie*): gostyński and międzychodzki county; in Dolnośląskie voivodeship: milicki and trzebnicki county; in Silesian voivodeship: kłobucki county; in Warmińsko-Mazurskie voivodeship: działdowski and nidzicki county; in Opolskie voivodeship: brzeski county; in Mazowieckie voivodeship: otwoski and przasnyski county; in Pomorskie voivodeship: bytowski county and Sopot; in Łódzkie voivodeship: piotrkowski county; and in Lesser Poland voivodeship (*województwo małopolskie*): myślenicki, nowotarski, suski, limanowski and tatrzański county.

**Brief Analysis** The Ordinance of the Council of the Ministers of 7 August 2020 on setting restrictions, orders and bans with regards to the outbreak of the epidemic aims at tackling the spread of COVID-19. In order to attain this objective, it introduces obligations for facilities having workers onsite and lays down regional restrictions in Poland, that depend on the classification of the region as a red, yellow or green zone. Facilities must comply with requirements such as: limiting the number of people present in the facility gym or canteen; ensuring that the service of the canteen, such as chefs and waiters, as well as any people using the canteen until they are seated, cover their nose and mouth with protective masks; and making sure that all workers onsite which have direct contact with clients wear protective masks. Failing to implement these measures can result in a fine up to PLN 30 000 (EUR 6800).

#### **4.2.6 POLAND Companies can consult guidance for waste management during coronavirus epidemic**

**Abstract:** From 4 April 2020 companies taking preventive measures against COVID-19 are advised to dispose of masks, gloves and other protective equipment into a mixed waste container.

**Business Impact:** To prevent the spread of COVID-19, the company is advised to segregate and throw waste into appropriate containers, such as paper, glass, metals and plastics, bio-waste and mixed waste containers and to collect masks, gloves and other protective equipment used by healthy people in bags, that should be tied up and disposed into a mixed waste container or bag.

**Analysis: Actionable requirements** The guidance 'How to deal with waste during coronavirus epidemic?' does not introduce any direct requirements for companies.

**What has changed** The guidance '[How to deal with waste during coronavirus epidemic?](#)' establishes non-binding guidance for companies regarding the disposal of waste. These measures aim to prevent the spread of COVID-19.



**Additional Information** According to the guidance, companies are advised to: segregate and throw waste into appropriate containers, such as paper, glass, metals and plastics, bio-waste and mixed waste containers; and collect masks, gloves and other protective equipment used by healthy people in bags, that should be tied up and disposed into a mixed waste container or bag.

## 4.3 Latin America

### 4.3.1 ARGENTINA NATIONAL Argentina has extended the lockdown until 11 October 2020 under the same conditions as the previous extension

**Abstract:** Until 11 October 2020, companies, unless exempted, must continue to cease their activities as Argentina has extended the lockdown under the same conditions as the previous extension. This follows from Decree 754/2020 which extends the lockdown in some areas of the country (such as the Metropolitan Area of Buenos Aires and Santa Cruz province), while it keeps the social distancing measures in the rest of the provinces. Among minor changes, the construction sector can now resume activities in lockdown areas (before it was only allowed in specific cases, such as prevention of building collapse), subject to the implementation of sanitary protocols.

**Business Impact:** If the company operates in the Metropolitan Area of Buenos Aires or in some specific areas (such as some regions of Jujuy, Salta or Santa Cruz provinces) and does not carry out any of the activities classified as essential or expressly exempted (such as food or pharmaceutical industries, waste collection, transport, and treatment, or construction sector), it must continue to cease its operations until 11 October 2020. The company can remain operational remotely, if possible. If the company operates in any other area where the lockdown has been lifted, it can continue with its activities, subject to the authorization of the local authorities. Among others, the company must continue to comply with the sanitary protocols specific to its activity, ensure there is a physical distance of at least 2 meters between workers, and comply with any decision of local authorities regarding opening hours and operating days. In addition, the company can organize employees in turns for granting the physical distance in rooms used for resting or eating.

**Analysis: Actionable requirements** If the company carries out activities in areas under lockdown (such as the Metropolitan Area of Buenos Aires or Santa Cruz province) and does not carry out essential or expressly exempted activities, it remains shut down, or continues its operations remotely, until 11 October 2020. Additionally, if the company has resumed activities, it must continue to comply with the 2 meters physical distance, adequately ventilate areas allocated for rest, food, or any other activity within the working environment.

**What has changed?** Decree 754/2020 extends the lockdown until 11 October 2020 in areas where the number of COVID-19 cases continues to increase, whereas it extends the obligation to comply with social distancing measures, without lockdown, in the rest of the country. The Decree keeps the same conditions as the previous extension, but incorporates the construction sector to the list of exempted activities in lockdown areas.

**Additional information** On 20 September 2020, the Argentine government published Decree 754/2020, which extended the lockdown. In this regard, the lockdown continues to be imposed in some areas of Jujuy, Santa Cruz, La Rioja, Río Negro, Salta, Santiago del Estero and Tierra del Fuego provinces and the Metropolitan Area of Buenos Aires (*Área Metropolitana de Buenos Aires -AMBA*), which includes the City of Buenos Aires and 35 municipalities of the Buenos Aires province, including, among others:





La Matanza;  
Vicente López;  
Lanús; and  
Avellaneda.

The following activities are exempted from the lockdown, among others:

food and pharmaceutical industries;

healthcare workers;

provision of construction materials and the industrial activities related to it;

economic activities taking place in Industrial Estates (*Parques Industriales*)

health and safety professionals;

gastronomic facilities;

construction sector;

manufacture of products for the export; and

industrial activities with continuous production processes, to which the interruption of their operations would damage their production lines or machinery (for instance, glass and metal industries).

Moreover, local authorities are allowed to request the national government the exemption of further activities, subject to the existence or elaboration of a sanitary protocol. Furthermore, companies that do not carry out essential activities must provide private transport means to their workers, since public transport is reserved only for essential workers (such as healthcare workers and police officers).

In areas where the lockdown has been eased, the following social distancing measures must be respected, among others:

physical distance of at least 2 meters;

use of face masks;

regular hands washing;

disinfection of surfaces of common use; and

ventilation of closed environments.

Companies carrying out industrial and commercial activities must continue to comply with the sector protocol specific to their activities and restrict the attendance to 50% of their capacity. Furthermore, companies must ensure that there is a physical distance of at least 2 meters in indoors resting areas or canteens.

Finally, employees over 60 years of age, pregnant women, workers included within risk groups (such as people with diabetes, respiratory diseases, or under cancer treatment) or workers whose presence at home is required for taking care of children or elders continue to be exempted countrywide from attending their workplaces, as established by [Resolution 207/2020](#). Decree 754/2020, extending the lockdown until 11 October 2020 is available online in Spanish.

## 4.4 Asia & Oceania

### 4.4.1 AUSTRALIA Facilities can now consult draft work from home code for COVID-19 which clarifies consultation duties

**Abstract:** Beginning 17 September 2020, facilities may now consult the draft work from home (WHS) code for COVID-19 which clarifies consultation duties for consulting with workers, health and safety representatives, and other businesses during the pandemic. This follows from the publication of the draft COVID-19 Model Code of Practice by the Federal Attorney-General and Industrial Relations Minister.





**Business Impact:** As a company, the draft COVID-19 Model Code of Practice provides clear guidance on duties to consult with workers, health and safety representatives, and other businesses during the COVID-19 pandemic. In particular, the draft Code suggests for example that the company should:

- implement measures such as physical distancing, provision of hygiene facilities, and cleaning of common areas to manage the risks related to the virus;
- provide information, training, instruction, or supervision that is necessary to minimise the risks of contracting the virus by for example providing up-to-date information on the risks of the COVID-19 virus and any training necessary to address such risks;
- provide adequate facilities for workers which include toilets, drinking water, washing facilities, and eating facilities; and
- ensuring an emergency plan which includes instructions that outline what workers and others at the workplace should do in an emergency is prepared, maintained, and implemented for the workplace.

**Analysis:** The Federal Attorney-General and Industrial Relations Minister on 17 September 2020 released the draft COVID-19 Model Code of Practice ("the draft Code") to assist employers with clear guidance on their duties to consult with workers, health and safety representatives, and other businesses during the COVID-19 pandemic. The draft Code provides facilities with ways through which they can manage the risks associated with the COVID-19 virus in the workplace. Codes of practice must be approved at the state or territory level. If approved, a code is not law, but is admissible in court proceedings as evidence of what is known about a hazard, risk, risk assessment or risk control and to determine what is reasonably practicable. However, compliance with the WHS Act and WHS Regulations may be achieved by following another method if it provides an equivalent or higher standard of work health and safety. The Draft COVID-19 Model Code of Practice The draft Code outlines various suggestions that employers can incorporate in their day-to-day activities to ensure a safe running of the workplace. Such suggestions include but are not limited to the following: *Primary duty of care for employers* The draft Code reiterates that facilities must eliminate risks to their workers and other persons that arise from the work of their business, so far as is reasonably practicable. However, owing to the fact that the COVID-19 virus cannot be completely eliminated facilities must minimise the risk associated with the spread of the virus. Employers with management and control of the workplace must also for example implement measures such as physical distancing, provision of hygiene facilities and cleaning of common areas to manage the risks related to the virus. *Information, training, instruction, and supervision* According to the draft Code, facilities must ensure the provision of information, training, instruction, or supervision that is necessary to minimise the risks to health and safety from work. This includes providing up-to-date information on the risks of the COVID-19 virus and any training necessary to address such risks for example providing personal protective equipment for workers. *Conducive work environment* Employers must ensure, so far as is reasonably practicable the provision of adequate facilities for workers which include toilets, drinking water, washing facilities, and eating facilities. In order to minimise the spread of COVID-19, such facilities should take into account the need for increased routine cleaning, adequate supplies of disinfectants, cleaning products, and sanitisers, and any new personal protective equipment that may be required in the workplace. Employers should also be mindful of new workplace adjustment that might give rise to health and safety risks for example creating trip or crush hazards. *Emergency plans* The draft Code reiterates that employers are to ensure an emergency plan is prepared, maintained, and implemented for the workplace. The emergency plan should include instructions that outline what workers and others at the workplace should do in an emergency. Employers should also consider preparing or revising emergency procedures to deal with the specific situation of a worker or other person in the workplace being diagnosed with COVID-19 and any new processes required for evacuation for example in case of a fire to ensure physical distancing can, to the extent reasonably practicable, be maintained. *Managing the risk of spreading and contracting the virus* The draft Code explains that to understand the risk to workers and other persons in the workplace, employers should consider the context of their businesses and how the pandemic can impact operations. For example:

- the requirements of public health laws;
- how workers travel to work, including travel restrictions;
- supply chain issues, including demand or availability of products/services;
- changes in customer expectations or behaviors, including increased aggression and violence; and
- rates of COVID-19 in the surrounding community.



Employers must also take into consideration risks associated with the virus pertaining to the workplace for example the physical layout, the work carried out at the workplace, and interactions between workers and other persons who attend the workplace. The [Draft COVID-19 Model Code of Practice](#) can be accessed online.

#### **4.4.2 GUJARAT Facilities that employ 50 or more contract workers as compared to the previous threshold of 20 or more contract workers are now subject to the Contract Labour (Regulation and Abolition) Act 1970, due to the COVID-19 pandemic.**

**Abstract:** Since 20 July 2020 the National [Contract Labour \(Regulation and Abolition\) Act, 1970](#) now applies to facilities that employ 50 or more contract labour in the State of Gujarat. This follows the publication of the [Contract Labour \(Regulation and Abolition\) \(Gujarat Amendment\) Ordinance, 2020](#) which expands the scope of application of the Contract Labour Act from 20 workers to 50 workers due to challenges brought by the COVID-19 Pandemic.

**Business Impact:** As a company employs contract workers, it should be aware that the threshold for the applicability of the Contract Labour Act has been relaxed from 20 workers to 50 workers. As a result, if the company employs 50 or more contract workers, it must adhere strictly to the provisions under the Contract Labour Act such as registration with the Gujarat Contract Labour Board; provision of an adequate number of latrines as well as clean drinking water for contract workers.

**Analysis: Actionable Requirements** The Contract Labour (Regulation and Abolition) (Gujarat Amendment) Ordinance, 2020 does not introduce any new requirements but existing requirements under the National [Contract Labour \(Regulation and Abolition\) Act, 1970](#) are still valid and must be strictly followed. Some of these requirements under the National Act include but are not limited to:

- The facility ensures that it registers with the Gujarat Contract Labour Board and maintains this registration electronically;
- The facility provides an adequate number of latrines for use by contract workers; and
- The facility provides clean drinking water for use by contract workers.

**What has changed** Under the Ordinance, facilities and contractors that employ 50 or more contract workers must comply with the requirements under the National Act. The Ordinance expands the threshold for the applicability of the National [Contract Labour \(Regulation and Abolition\) Act, 1970](#) from 20 workers to 50 workers. As a result, only facilities with 50 or more workers are now subject to the Contract Labour Act, 1970.

**Background** The Contract Labour (Regulation and Abolition) Act, 1970 regulates the employment of contract workers. Due to the unprecedented challenges faced by employers in complying with the Act during the COVID-19 pandemic, the Gujarat Government issued an Amendment to relax the scope of applicability of the Act. Under the Amendment, only facilities and contractors that employ 50 or more contract workers are subject to the Contract Labour Act, 1970. **Key Definitions** The National Contract Labour Act, 1970 provide the following key definitions to assist in the interpretation of its provisions: a "contract worker" is defined as any contracted (not permanent) worker employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled manual, supervisory, or clerical work for hire or reward, not including an employee at managerial or administrative capacity; an employee at a supervisory capacity with wages exceeding five hundred rupees per month; and a worker who processes or completes articles of the principal employer at a location other than the principal employer's premises at a location not under the control of the principal employer. a "principal employer" is defined as an employer as related to a government office or departments, is the head of the office or department; in a factory, the owner or occupier of the factory; in a mine, the owner or occupier of the mine; and in any other establishment, any person responsible for the supervision and control of the establishment. a "contractor" is defined as a person who undertakes to produce a given result for an establishment, through contract labor, or who supplies contract labor for any work of the establishment and includes a sub-contractor.





limitations 8589 of 21 March), it can continue operating, while complying with emergency measures introduced in order to curb the spread of the Coronavirus (COVID-19) until 6 November 2020. As a reminder, a Regulation with a full list of essential jobs that will be approved to operate within the quarantine restrictions will be published in the upcoming days.

**Analysis: Actionable Requirements** (new) If the company has an office or operates a facility in Israel, it complies with the national total lockdown and must shut down all activities between 25 September 2020 14:00 and 11 October 2020.

**What Has Changed** According to a [Joint Announcement](#), published by the Prime Minister's Office and the Ministry of Health, a full-national lockdown will take place in Israel as of **25 September 2020 at 14PM** until **11 October 2020**. According to the Notice, all non-vital workplaces must physically shut down for the whole period. Vital sectors (as enlisted by the General Manager of the Ministry of Economy and Industry via [Emergency limitation 8589](#) of 21 March) are strongly advised to work from home as much as possible, however, they may continue to work while complying with the emergency requirements, such as:  
regular body temperature screening;  
face mask wearing obligation;  
the same working groups are scheduled to the same shifts, shuttles; and  
eating and drinking alone (one person) at permanent spaces, using own stationary.  
Furthermore, an activity radius of 1000 meters from registered employees home address will take place, however, vital employees will be allowed to leave this radius for work reasons. Physical meetings are, according to the Notice, limited to 10 people indoors and up to 20 employees outdoors. The general rule is 4 square meters per person. Regulation with the list of essential jobs that will be approved to operate within the quarantine restrictions will be published in the upcoming days.

**Additional Information** Before introducing the nation wide general lockdown, a “soft” lockdown was introduced 18 September 2020. It applied to all offices and facilities in Israel and introduced specific prohibitions, such as, to not organize meetings with more than 10 employees present; activity radius of 500 meters from registered employees home address. Additionally, the 'traffic light' system of the lockdown measures divided the country into zones according to the pandemic situation in each (for example, red, orange, yellow and green zones - with green being the least affected). However, as the pandemic national situation is not improving, the government decided on a general harsher lock down.





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