

MIOSHA Workplace Rules to be Updated to Reflect Relaxed Mask Mandate

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On May 15, 2021, the Michigan Department of Health and Human Services (MDHHS) issued an updated [Gatherings and Face Mask Order](#) that follows the CDC's [Guidance for Fully Vaccinated People](#) released on May 13, 2021, which says that fully vaccinated individuals do not need to wear masks indoors or outdoors. The May 15 MDHHS Order continues to impose gathering restrictions and requires contact tracing for particular gatherings, but relaxes the face mask requirement. Specifically, there is no longer a requirement in Michigan to wear face masks at outdoor gatherings. Additionally, fully vaccinated persons, defined as persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine, do not have to wear face masks when participating in indoor gatherings. Persons who are not fully vaccinated are still required to wear face masks at indoor gatherings unless one of the limited exceptions applies.

Despite the new MDHHS Order, the [MIOSHA Emergency Workplace Rules](#) still require employees to wear face coverings whenever they cannot maintain 6 feet of distance from others, or in common areas. The MIOSHA rules do not make exceptions for fully vaccinated people, which has caused confusion for employers. In an effort to send a consistent message across state agencies, on May 17, 2021, the Department of Labor and Economic Opportunity posted an update on its COVID-19 Workplace Safety Guidance [website](#) indicating that MIOSHA will soon post updated workplace rules reflecting the CDC's recent guidance and MDHHS's Order relaxing the face mask requirement for fully vaccinated people. Meanwhile, according to the Department of Labor and Economic Opportunity, until the workplace rules are updated, "MIOSHA will consider compliance with the MDHHS order as good faith to comply when responding to employee complaints or conducting investigations related to COVID-19."

MIOSHA's federal counterpart, OSHA, has also indicated on its January 29, 2021, guidance entitled [Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#) that OSHA is reviewing the CDC guidance and will update the materials in the guidance accordingly. Employers are referred "to the CDC guidance for information on measures appropriate to protect fully vaccinated workers."

While the update on the COVID-19 Workplace Safety Guidance website attempts to bridge the gap

between the current MIOSHA workplace requirements and the new MDHHS order, uncertainty still lingers until the MIOSHA rules are officially revised.

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