

Mask wearing rules and legislation in Jersey

Insights - 11/02/2021

1. What are the new rules for staff wearing masks in Jersey retail premises?

Additional mask wearing restrictions have been introduced for employees working in Jersey's retail premises.

In addition to the existing rules that require retail staff to wear a mask or visor in the presence of a visitor, from 3 February 2021, retail staff must also wear a mask or visor when a worker from a different workforce (eg a cleaner or delivery driver) is present on the retail premises.

"Retail premises" is defined as a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, but does not include food and drink premises.

A previous amendment to the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 took effect on 30 January 2021. That amendment would have required retail staff to wear a mask or visor regardless of whether or not any visitors or workers from different workplaces were on the premises (eg when undertaking back-office work with colleagues). That amendment has been superseded by this more specific and targeted rule which means that staff working only with colleagues (eg in back-office roles or stock taking while the store is closed) do not have to wear masks.

2. What if employees in Jersey have a medical reason for not wearing a mask, are there any exemptions?

The law in Jersey says that a mask or visor need not be worn by a worker in the workplace in only three circumstances:

1. For the driver of a public service vehicle where doing so would make driving unsafe

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

Other exemptions from mask or visor wearing are provided in relation to workplace visitors (who do not live or work in the workplace). These include where the visitor has a physical or mental disability or illness which means that they cannot put on or remove a mask, and respiratory, physical or psychological conditions that would involve a significant risk of harm to any person if the visitor wore a mask. These exemptions for workplace visitors do not apply to those working in the workplace.

3. What are the rules around face coverings in Guernsey?

With effect from Saturday 13 February 2021, Guernsey's government will require the use of face coverings in enclosed spaces such as:

- in the workplace
- in shops and supermarkets
- when using public transport
- by anyone working as a professional driver

The use of face coverings is not mandatory but recommended when:

- outside in public spaces
- when exercising outside in urbanised areas or in areas where others are undertaking recreational activities (when exercising in an isolated area a face covering should be readily available to put on if other people arrive)

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