

Not just a mask

Equipment for a worker in the epidemic state

16 April 2020

The new **regulation**¹, in force as of today, has made the order to cover the mouth and nose more precise. It should be applied both in workplaces (including office buildings), as well as in lifts and halls, which constitute shared area of the building. The employer should ensure effective implementation of this obligation.

An order to have mouth and nose covered

- **Who is the one to abide by this order?**
The order applies only to certain category of employees, i.e. those so-called "exposed" employees performing direct services to third parties - guests or customers, regardless of the basis of their agreement. Therefore, this obligation also applies to persons employed on a basis other than the employment contract, e.g. under civil law contracts. The term "persons providing direct services to guests or customers" should be understood as all those employed persons who come into contact with people from outside of the workplace. Such employees must be provided with adequate protection measures.
- **What items should be used?**
The regulation indicates measures such as clothing, parts of the clothing, masks. Nothing stands in the way to cover mouth and nose with a scarf or with anything similar object in the absence of a mask.
- **What are the quality requirements for masks?**
The regulation does not provide any requirements, hence it does not have to be a surgical mask or a mask with a special filter.

According to the recommendations of the Ministry of Health, the mask should be comfortable, fit to the face tightly, have elastic bands, allow free breathing. There is also a requirement to have multiple layers of material and be suitable for the laundering.

- **Who does not have to cover their face?**
The workers who cannot cover their faces due to their health condition are exempt from this duty.
- **In which circumstances is wearing face shields allowed? Does it concern all workers?**

¹ The Regulation of the Council of Ministers of 15 April 2020 amending the Regulation on establishing certain restrictions, orders and prohibitions in connection with the occurrence of the epidemic state (O.J. 2020, item 673)



Contact us

Ewa Łachowska-Brol
Head of Employment
T: +48 22 50 50 797
ewa.lachowska-brol@
eversheds-sutherland.pl

Adam Nierzwicki
Counsel
T: +48 22 50 50 752
adam.nierzwicki@
eversheds-sutherland.pl

Paweł Lasota
Senior Associate
T: +48 22 50 50 798
pawel.lasota@
eversheds-sutherland.pl

Natalia Nawrocka
Lawyer
T: +48 22 50 50 743
natalia.nawrocka@
eversheds-sutherland.pl

eversheds-sutherland.pl

The regulation allows only certain category of workers to wear face shields instead of masks, scarf etc. It concerns persons employed in commercial facilities, provided that an additional protective screen separating them from their customers is ensured. In order to comply with this condition, the protective barrier should be installed at all checkout desks or places where the sale or services are provided.

Gloves, spare space between workstation, other protective equipment

The new regulation does not change other obligations that the employer must follow due to the epidemic state. Under [current legislation](#)², every employer is obliged to provide employees with disposable gloves or hand disinfectants. Also, they are required to organize workplace in such a way as to ensure a minimum distance of 1.5 meters between different workstations. The only exception to such organization is where this is not possible due to the nature of the run activity. In such circumstances the employer provides workers with personal protective equipment related to the fight against COVID-19.

How can we help?

We will explain the new provisions. We will provide more advice on health and safety at work in order to best protect the interests of the employer. We will help to prepare new solutions and new documents once the crisis is over.

Coronavirus

We offer support in a time of crisis

If you need legal advice on the impact of the coronavirus threat on your business, our multidisciplinary team is ready to work with you.

Contact us at: [**coronavirus@eversheds-sutherland.pl**](mailto:coronavirus@eversheds-sutherland.pl)

If your company operates abroad and you need legal support in a specific country, the international team of Eversheds Sutherland is ready to assist.

Publications and legal alerts

Our articles on the epidemic's impact on business may be found on [our site in Polish](#) >>

Lots of valuable legal information about other countries can be found on the special page launched by Eversheds Sutherland [Coronavirus Legal Hub](#) >>

² The Regulation of the Council of Ministers of 10 April 2020 on establishing certain restrictions, orders and prohibitions in connection with the occurrence of the epidemic state (O.J. 2020, item 658)