

## Update: MIOSHA suspends COVID-19 Emergency Rules for employers



Miriam L. Rosen | Tuesday, June 22, 2021

By way of updated Emergency Rules released on June 22, 2021, the Michigan Occupational Safety and Health Administration (MIOSHA) has suspended its COVID-19 Emergency Rules covering workplaces. With the updated Emergency Rules, MIOSHA has also adopted the new federal COVID-19 Emergency Temporary Standard for healthcare employers. In light of these developments, let's review where things now stand for Michigan employers.

### **MIOSHA suspends Emergency Rules**

Since October 2020, employers in Michigan had been operating under COVID-19 Emergency Rules that set strict standards for maintaining a safe workplace. As Gov. Gretchen Whitmer began to ease restrictions within the state in May 2021, MIOSHA issued an update to the rules on May 24 that lifted the work at home requirement and eased the masking requirement for fully vaccinated employees, but continued to require masks for unvaccinated employees and a daily health screen along a COVID-19 preparedness and response plan and employee training. The updated Emergency Rules were to remain in effect until October 14, 2021.

On June 17, however, Gov. Whitmer announced that the state was lifting restrictions on masking and the remaining capacity limitations effective June 22. This prompted employers to flood MIOSHA with questions about when the Emergency Rules would be updated.

Employers did not have to wait very long. On June 22, MIOSHA issued updated [Emergency Rules](#) that

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suspend the previous May 24 rules. While employers may choose to continue certain workplace precautions, the suspension of the Emergency Rules means that employers are no longer required to do so by the State of Michigan.

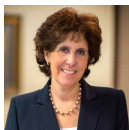
### **MIOSHA adopts OSHA Emergency Temporary Standard for healthcare employers**

The suspension of the state's general workplace Emergency Rules did come with new requirements for healthcare employers. The MIOSHA's updated Emergency Rules specifically adopt the new COVID-19 Emergency Temporary Standard for healthcare employers issued by OSHA on June 10, 2021. An analysis of the new OSHA standards [can be found here](#).

### **What's next for employers?**

With the general state mandates lifted, employers should thoughtfully consider what practices and protocols have been effective in maintaining a safe workplace. Employer must also consider what employees will expect going forward in terms of workplace safety. While some employees may be eager to have restrictions lifted, employers should note that regardless of the Emergency Rules all employers have a general duty to provide a safe workplace. Finding the right balance will likely be the next challenge that employers have to face.

McDonald Hopkins' Labor & Employment Law Team will continue to keep employers updated on COVID-19, vaccine issues, and return to office developments. Please contact your McDonald Hopkins employment lawyer with any questions.



**Miriam L. Rosen**

[Team member bio](#)