

## As Michigan is set to resume in-person work, employers must remain vigilant in ensuring a safe workplace



James J. Boutrous II | Tuesday, May 11, 2021

On May 11, just 12 days after Gov. Gretchen Whitmer introduced Michigan’s “[Vacc to Normal Plan](#),” the state achieved its first vaccine goal – a 55% vaccination rate for people ages 16 and older. As a result, in-person work has been approved to begin on May 24, 2021.

Under Gov. Whitmer’s plan, re-opening the state is directly associated with the achievement of increased vaccination rates. Two weeks after 60% of the Michigan population ages 16 and older receives at least their first COVID-19 vaccination, the state will allow increased attendance at sports venues, conference centers, banquet halls, funeral homes, and gyms, as well as remove the curfew of on bars and restaurants.

When the state reaches a 65% vaccination rate, Michigan is set to lift all indoor capacity limits. Last, at a 70% vaccination rate, the state health department’s large gatherings and face mask order is set to be removed.

Refocusing on the scheduled return to work date, employers must still adhere to the Michigan Occupational Safety and Health Administration’s emergency rules, which were extended by six months on April 13 and currently set to expire on October 14, 2021. The full text of emergency rules, which originally went into effect on October 14, 2020 are [linked here](#); however, highlights of the requirements include:

- Develop, maintain, and make available to employees a COVID-19 preparedness and response plan.
- Instituting basic infection measures, such as promoting frequent and thorough hand washing, including

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- providing workers, customers, and worksite visitors with a place to wash and/or sanitize their hands.
- Prohibiting the sharing of phones, desks, equipment, and other work-related items, when possible.
  - Establishing a disinfection protocol in the event of exposure in a manner consistent with CDC guidelines.
  - Development of appropriate COVID screening measures for employees and others entering the workplace, such as symptom questionnaires and temperature taking.
  - Development of a protocol for immediately reporting to the local health department when an employer learns of a COVID case, and reporting within 24 hours to co-workers and others who may have been exposed to the affected individual.
  - Ensuring physical distancing of at least six feet between employees and their coworkers and customers.
  - Providing face masks to all employees and requiring use of same when it is not possible to maintain six feet distancing.
  - Prominently posting for all employees information such as safe health practices, i.e., washing hands, advising employees of the common COVID symptoms, advising them to stay home if work, among other information.
  - Requiring customers to wear face masks.
  - Providing employees with other personal equipment in addition to face coverings as needed.
  - Other industry related preventative measures, such as in health care, construction, restaurants and bars, again, among other specifically listed industries,

So, while the announcement of in-person work is a positive sign that we continue to make progress in the battle against COVID and head towards a return to “normalcy,” it is imperative that employers remain vigilant in ensuring that their workplace is safe and compliant with the applicable MIOSHA rules.



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