**Unmasking Planning Tool**

1. **What guidance is there surrounding un-masking?**

**Companies have many levels of guidance to think through at this time, and should look at ALL guidance, not just the most recent guidance from any particular agency.**

* **The CDC:** The agency announced that vaccinated individuals are safe without a mask in MOST circumstances.

[**https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html**](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html)

* In **North Carolina**, Governor Cooper lifted MOST mask mandates (the mask mandate still stands for public transportation, childcare, prisons, congregate living, camps, schools and certain public health settings).

[**https://files.nc.gov/governor/documents/files/FAQ-For-Executive-Order-No.-215.pdf**](https://files.nc.gov/governor/documents/files/FAQ-For-Executive-Order-No.-215.pdf)

[**https://files.nc.gov/governor/documents/files/EO215-Lifting-COVID-19-Restrictions.pdf**](https://files.nc.gov/governor/documents/files/EO215-Lifting-COVID-19-Restrictions.pdf)

The Governor strongly recommends unvaccinated continue to wear a mask and maintain social distance in all indoor public settings, but businesses may choose to continue to require that customers and/or employees wear masks.

* **OSHA:** Most employers will have little new information to take away from the (non-mandatory) guidance that OSHA has nicely summarized [**here**](https://www.osha.gov/coronavirus/safework). This guidance reiterates current guidance for unvaccinated and at-risk workers and refers to the CDC in most cases for vaccinated. It does state that employers should provide masks (and offers guidance on the type of masks) and that employees who are unvaccinated or at-risk should wear them over their mouth and nose.

**Certain Healthcare providers and healthcare service providers have significantly more requirements.**

OSHA has issued an [ETS](https://www.osha.gov/coronavirus/ets) focused SOLELY on healthcare. OSHA has put out [fact sheets](https://www.osha.gov/sites/default/files/publications/OSHA4122.pdf) and other tools to assist in compliance, as well as a [tool](https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf) to help you identify if your workplace or a PART of it must comply with the ETS partially or in full. For a full list and details, please review the ETS and OSHA’s fact sheets and [FAQs](https://www.osha.gov/coronavirus/ets/faqs).

* **EEOC:** Generally permits asking vaccination status for safety purposes. While simply asking to see proof of vaccination is fine, any additional questions are not appropriate as they could solicit disability information, and it would be best to simply view the proof and note it versus retaining it. It would also be helpful to tell the employee to hide/mark out any sensitive medical information.

Any information solicited through the process which reveals private medical or religious information can be a cause for concern related to discrimination/harassment, and that all such information should be kept confidential.

1. **Why not just let people decide if they want the protection of a mask?** NO agency recommends unmasking as an option for unvaccinated. There is evidence that wearing a mask DOES protect the wearer as well as others around them. Studies suggest a 70% reduction in spread. <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>. This may make companies feel better about using the honor system as long as they review the information in this document.
2. **If we are considering un-masking, what steps should we take?**

**Catapult strongly recommends reviewing options carefully, assessing risk and considering employee morale before putting any new policy in place.**

* **Review guidance from agencies as in question (1) above.** ALL recommendations are that un-vaccinated should wear face coverings and socially distance.
* **Review the options of “verifying” vaccination status to permit unmasking versus honor system.** Neither of these options is the right one for every company and both have some liability and morale issues versus just continuing mask wearing for all. Think over:
  + How compliant have your employees been so far and can you count on managers to enforce your policies?
  + What is the vaccination rate among your staff?
  + What is the vaccination rate/case rate in your county?
  + How closely do employees have to work together?
  + How many employees are in the workplace?
  + Have you assessed ventilation, filters, air purifiers? How “clean” is your space?
  + Are there other considerations that put your employees at a higher risk?

**Honor System Considerations:** Since no agency has said that you MUST verify vaccination status before permitting unmasking, it is acceptable to consider the honor system, however there is liability if the decision making behind using the honor system is flawed and puts people at risk.

In addition, if you begin to get complaints about unmasked who employees “hear” are also unvaccinated, you will have to conduct a complete investigation for each situation, first determining whether the evidence is even credible.

It is most important that you repeatedly communicate the requirement and also make clear that a safety violation in this area could result in termination or other disciplinary action.

**Vaccine Verification Considerations:** This has its own issues (administration, the fact that managers and others will be aware of vaccination status, EEOC concerns related to the confidentiality of medical information and the difficulty of ensuring compliance consistently).

* **Review potential liability from the EEOC side: The EEOC permits asking vaccination status, it is important to note that allowing some and not others to unmask may begin conversations that reveal disability or religion.** If employees feel harassed or discriminated against in this case, the company could have some liability since their disability or religion was revealed through those conversations.
* **Review your employee’s attitudes, using surveys or focus groups (Catapult can support both if needed).** There may be many different attitudes towards vaccination at your organization (and different attitudes from candidates as well.) You may be surprised when you do this. Some examples of feedback might be:
  + Unvaccinated who believe ALL employees should un-mask.
  + Those with medical issues who think everyone should wear a mask, including vaccinated.
  + Vaccinated who believe that ALL staff should be masked.
  + Vaccinated who want unmasking but only if ALL are vaccinated.

So, whatever you do, don’t make your decision without knowing how it will impact morale and retention.

1. **Once we’ve reviewed all of the guidance and uncovered employee attitudes, how do we move forward?**

**Catapult recommends reviewing our re-opening checklist if you are considering changing a lot of practices at once. If, however, masking is the only area you are considering changing, bear in mind the following:**

* Do you feel comfortable with your justification for your program and do you feel it is safe?
* Have you reviewed your state and local laws? Certain states are not permitting employers to request verification of vaccine records, for example.
* Have you thought through contact tracing? If you end social distancing and masking it is likely going to make it somewhat more extensive.
* Have you considered adjusting other safety measures? For example, if you are considering unmasking your entire workforce, yet have no other safety protocol in place (temperature checks, health questionnaires), you are more likely to be seen as out of alignment with CDC/OSHA guidance.
* In looking at your surveys of workers, is there anything you can do to address concerns? For example, if you were to provide private offices to concerned employees, alternate shifts, promote a hybrid approach to allow for spacing, or continue allowing staff to work at home, would it be reasonable for business and help employees?
* Give employees time to acclimate to your decision as a company and encourage their questions and concerns.
* Educate your employees and managers surrounding this topic. It is important to state your company’s philosophy and train managers on how to address concerns. Managers in particular should know that asking follow-up questions that might reveal a disabling condition is not appropriate. As an example:

*We ask that you show respect for other’s choices whether you agree with them or not. Many staff may not be able to get vaccinated due to religious or medical reasons. These staff should not feel attacked or persecuted for not being vaccinated, nor should vaccinated people be made to feel that they are too cautious because they continue to wear a face covering.*

*Such discussions are unproductive and also reveal private and personal information which is better kept out of the office. All of us have different thoughts about masks and vaccines, but our common belief is that we care for each other’s safety and the safety of our families and friends.*

Written by a Catapult Advisor.