

Facing the New COVID Threat: Mask Litigation

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As companies grapple with the decision to have their employees return to the office, they must also consider how to enforce mask use. As reported by *Agenda* from *The Financial Times*, the intricacies related to keeping workforces safe amid the pandemic have crept up on the list of important considerations for board members.

Mask-related questions employers need to answer include: will mask wearing be mandatory? Will the policy apply throughout the office, or only in common areas? What are the exceptions that have to be accounted for? The answers to these questions will be very important for companies to not only protect their employees, but also stave off potential blowback or litigation.

There have already been mask-related lawsuits in the COVID-era, with individuals challenging various mask ordinances and, conversely, lax employee safety measures. In order to avoid litigation, employers should provide medical or religious exemptions to mask-wearing.

Winston & Strawn Partner Cardelle Spangler said such exemption requests should inspire an interactive process between the company and the employee to determine if there is a solution that would allow the latter to do their job without endangering colleagues. "If the determination is that an employee without a mask would pose a threat to fellow employees, companies have the option in most circumstances to require the non-mask-wearer to work remotely," she explains.

"Policies so far tend to vary from a requirement to wear a face covering in common areas to the stricter mandate that masks be worn at all times in the office, unless in a solitary space. But the requirement of wearing a mask is there," she adds.

Read the full article [here](#) (subscription required).

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