



## HR Insights

# What the Delta Variant Means for Return-to-Work Mask Policies

With a growing percentage of the United States population fully vaccinated against COVID-19, many localities and, in turn, employers, have eased mask mandates and policies. However, due to the spread of an emerging variant of coronavirus known as Delta, these policies may still need updating, as the Centers for Disease Control and Prevention (CDC) has now announced updates to its mask guidelines.

## Protecting Against the Spread of Delta

Delta is a highly infectious form of COVID-19. According to CDC data, it's currently the most common coronavirus variant in the United States by a significant margin, accounting for over 80%<sup>1</sup> of coronavirus cases. The CDC has expressed that coronavirus vaccines effectively protect against the Delta variant, and they have been found to reduce the likelihood of severe illness, hospitalization and death. Although the vaccines are largely effective at preventing the spread of the coronavirus, "breakthrough cases" of Delta have been found to be contagious, even for fully vaccinated individuals.

While vaccination is the most effective way to prevent the spread of Delta, according to health experts, other mitigation tactics remain useful in the fight against the coronavirus. Among other steps, masks can continue to play a key role in preventing the spread of the coronavirus and its variants, even for fully vaccinated individuals.



## Updated CDC Guidance on Mask-wearing

The CDC's updated guidance now recommends that fully vaccinated individuals wear masks in public indoor settings when in areas with high or substantial transmission of COVID-19. At the time of this writing, over 75% of U.S. counties have high or substantial transmission<sup>2</sup> of COVID-19, according to CDC data. The guidelines also recommend masks be worn by all individuals in K-12 schools regardless of vaccination status. The agency continues to recommend that unvaccinated individuals continue to wear a mask indoors and potentially in some crowded outdoor settings. This update from the CDC is, in part, a reversal from previous agency guidance, which allowed fully vaccinated individuals to stop wearing a mask in most settings.

This CDC guidance, paired with increases in cases of Delta has prompted some localities—and employers—to reinstate—or keep their mask policies in place as their workplaces reopen.

## How Employers Are Reacting

How employers choose to recommend or require masks has continued to vary. In addition to CDC guidance, many variables may influence how an employer responds—such as local masks guidelines and mandates, community levels of transmission or vaccination, employee attitudes, or even the nature of the business.

In May 2021, the CDC released new guidance for people who have been fully vaccinated for COVID-19. This guidance loosened the CDC’s recommendations for fully vaccinated individuals, allowing them to stop wearing a mask in most settings. Over the subsequent months, many employers eased on mask restrictions. Some workplaces have gotten rid of mask mandates altogether. In contrast, others have created policies that eliminate mask requirements for fully vaccinated employees and patrons, but require masks for those unvaccinated.

But now, businesses like Disney and Apple are backtracking on eased mask policies and reimplementing mask requirements<sup>3</sup> and policies that we had seen earlier in the pandemic. In part, some industries—such as retail—have a high level of engagement with guests and customers, which can further impact the risk of COVID-19 transmission. In other cases, eased mask policies continue, as many employers operate in areas with lower transmission rates or have lower safety concerns from employees.

While these workplaces illustrate a few examples of businesses reimplementing mask requirements, others are expected to follow suit as the pandemic continues to develop.



## Mask Policy Considerations for Employers

Employers should note that these guidelines from the CDC are just a recommendation and are not legally binding. However, in response to this recommendation, some states and localities may impose mask mandates or issue similar guidance. Even if mask-wearing is not a requirement for an organization, it's time for employers to consider if any revisions to mask policies can help ease employee concerns and keep their workforce safe.

When reviewing any potential changes to mask-wearing policies, here are some steps to consider:

- + Surveying employees to gather a pulse on how they feel about workplace safety. This may include topics such as vaccination policies, mask policies and return-to-work preferences. Employees concerns may continue to elevate with the increase in Delta variant cases.
- + Monitoring if local community transmission is low, moderate, high or substantial transmission. This can change often and will affect whether CDC guidance on masks applies to your locality.
- + Monitoring local, state and federal guidance on masks, as the COVID-19 pandemic and, in turn, guidance on the matter continues to change.
- + Ensuring that any mask policies comply with all applicable laws and processes are in place for employees who may request an accommodation.
- + Preparing to be adaptable as your organization makes decisions on how to keep those in your workplace safe.

When drafting or updating workplace policies, employers are recommended to seek advice from local legal counsel.



There are many variables that may influence what the appropriate mask policy is for a workplace, but employee safety should continue to be a priority for employers.

**For more return-to-work resources, contact IMA, Inc. today.**

1 <https://covid.cdc.gov/covid-data-tracker/#variant-proportions>

2 <https://covid.cdc.gov/covid-data-tracker/#county-view>

3 <https://www.cnbc.com/2021/07/29/retailers-are-rethinking-mask-policies-in-wake-of-new-cdc-guidance.html>

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