

Guidelines on preventing COVID-19 in the workplace

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Introduction Key measures

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On 19 June 2020 the Ministry of the Economy and the Ministry of Health published Joint Ordinance Number 20, which provides the measures that employers must observe in order to prevent, control and mitigate the risk of COVID-19 transmission in their workplaces.

Joint Ordinance Number 20 does not authorise the reopening of business operations or workplaces, but rather sets out the measures that must be observed by employers whose workplaces are already open. It can be supplemented with complementary sectorial guidelines.

All other regulatory rules on health and safety and sanitary standards remain in force and must be observed.

Joint Ordinance Number 20 does not apply to health services, which must follow specific guidelines and regulations.

The joint ordinance has been in force since its publication, with the exception of Section 7.2, which entered into force on 4 July 2020 and determines that:

- employers must provide surgical or tissue masks to all employees; and
- employers and employees must use masks in shared environments or when in contact with the public.

Masks must be:

- replaced at least every three hours or when they are dirty or damp; and
- made and cleaned in accordance with the Ministry of Health's recommendations by the employer or employees, depending on the company's guidelines.

Key measures

Pursuant to Joint Ordinance Number 20, employers must:

- disclose information to employees and other workers regarding COVID-19, including the forms of contagion, signs and symptoms and the necessary measures taken to reduce transmission in the workplace and the community; and
- establish and disclose guidelines or protocols indicating the necessary measures to prevent, control and mitigate the risk of COVID-19 transmission in the workplace. These must include:
 - preventive measures in the workplace, including in cafeterias, bathrooms, changing rooms, social areas and workers' vehicles (when provided by the company);
 - actions for the early identification and the separation of workers who have signs and symptoms of COVID-19;
 - procedures for workers to report (including remotely) to their employer any signs or symptoms of COVID-19 or contact with an individual who has been confirmed to have COVID-19;
 - instructions regarding hand hygiene and respiratory etiquette;
 - infrared body temperature measurement or equivalent screening at the entrance before workers (including outsourced workers) enter the workplace;
 - the collection of information regarding contactors who had contact with an infected person and the activities, locations and common areas frequented by an employee who is suspected of or confirmed as having COVID-19;

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- ◊ the provision of resources regarding hand hygiene, including water, liquid soap, disposable paper towels and rubbish bins that require no manual contact for opening or adequate hand sanitiser (eg, 70% alcohol);
- ◊ the enforcement of at least 1 metre's distance between workers and between workers and the public;(1)
- ◊ the limitation of occupancy in lifts, stairwells and restricted environments, including toilets and changing rooms;
- ◊ the prioritisation of natural ventilation and, where impossible, the introduction of measures to prevent air recirculation and check preventive and corrective maintenance;
- ◊ the prioritisation of remote work for high-risk workers or, where impossible, the placement of such employees in an area where contact with other workers or the public is reduced. Such area must be airy and the work station must be sanitised after each shift; and
- ◊ the implementation of measures to avoid agglomerations and face-to-face meetings. Measures should also be taken to distribute the workforce throughout the day and make appointment schedules.

The guidelines may also include vaccination campaigns and highlight other flu-like syndromes that could be confused with COVID-19.

Employers must immediately separate workers who:

- have tested positive for COVID-19;
- are suspected to have COVID-19; or
- are in contact with people who have been confirmed to have COVID-19.

Such workers cannot enter the workplace for 14 days. They may return to work after:

- they have had a laboratory exam which proved that they were not infected; or
- they have been asymptomatic for more than 72 hours.

In preparation for inspection agencies, companies must keep up-to-date records regarding:

- workers' age;
- workers with a clinical risk of developing serious complications if they are infected with COVID-19, as listed in Joint Ordinance Number 20 (without specifying the disease);
- suspected cases;
- confirmed cases;
- the separation of workers; and
- measures taken to adapt the workplace to prevent COVID-19 transmission.

Finally, employers cannot require laboratory testing for COVID-19 as a condition for workers to return to the workplace as there is no technical recommendation for this procedure.

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Endnotes

(1) Employers should check whether more restrictive measures apply. For example, the Sao Paulo State government's Health Protocol requires a minimum distance of 1.5 metres. It is also important to note that the state governments have been ruling the mandatory use of masks in public places and workplaces. There is a risk that heavy fines will be imposed if clients or employees are not wearing masks.

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