



Jersey

COVID-19 (WORKPLACE RESTRICTIONS) (JERSEY) ORDER 2020

Official Consolidated Version

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COVID-19 (WORKPLACE RESTRICTIONS) (JERSEY) ORDER 2020

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Jersey

COVID-19 (WORKPLACE RESTRICTIONS) (JERSEY) ORDER 2020

THE MINISTER FOR HEALTH AND SOCIAL SERVICES makes this Order under Regulations 2 and 3 of the [Covid-19 \(Workplace Restrictions\) \(Jersey\) Regulations 2020](#) after having complied with the consultation requirements set out in Regulation 2(1) and (2) of those Regulations –

Commencement [[see endnotes](#)]

A1 Interpretation¹

(1) In this Order –

“accommodation premises” means premises registered under Article 2 of the [Tourism \(General Provisions\) \(Jersey\) Order 1990](#) and any club that provides accommodation for its members, whether or not including their guests;

“amusement centre” means a building or place used principally for playing billiards or other like games, electronic or mechanical amusement devices such as pinball machines, video or arcade games and the like;

“entertainment facility” means the auditorium of a concert hall, dance hall, theatre, cinema and the like;

“food and drink premises” means premises (whether or not licensed premises) that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes the following –

- (a) a restaurant, café or public bar;
- (b) takeaway food and drink premises;
- (c) premises operating with the permission of the Minister for Economic Development, Tourism, Sport and Culture under the [Policing of Beaches \(Jersey\) Regulations 1959](#);
- (d) registered premises operating under a valid registration certificate issued under the [Places of Refreshment \(Jersey\) Law 1967](#);

“indoor area” means an area, room or other structure (including a marquee or stadium) that has a roof and is closed on more than one side;

“indoor physical activity facility” means a building or other indoor area that is used, whether predominantly or occasionally, for sport, dance or exercise, including a squash court, indoor sport court, gymnasium, trampoline centre, bowling alley, climbing wall, dance or yoga studio or any other building or area of a like character used for those physical activities;

“indoor play area” includes any part of a workplace used for soft play, play that involves the use of play equipment such as climbing frames, swings, ropes, slides or a ball pit or dressing up;

“ritual gathering” means a gathering –

- (a) for the celebration of a marriage or civil partnership;
- (b) for a funeral; or
- (c) that is part of a service of religious worship,

but not a reception, wake or other event separate from but commonly associated with the gathering².

- (2) In this Order a reference to a workplace being prohibited from being open to the public, or open to the public only for specified purposes, does not permit the workplace to be open only to a section of the public (such as a club with a defined membership).³

1 Declaration of start and end of restriction period⁴

A restriction period –

- (a) starts on the coming into force of this Order; and
- (b) ends at the end of Saturday 31st July 2021.

2 ⁵

3 Specified workplaces open to the public for certain purposes or subject to specified conditions⁶

- (1) The following workplaces may be open to the public only for the purposes or conditions specified in this Article –
 - (a) food and drink premises that are part of wider premises that include an auditorium or a stadium, for the purpose of selling to customers –
 - (i) food or drink to consume outside the wider premises,
 - (ii) food or drink to consume whilst seated at a table on those premises or elsewhere within the wider premises, or
 - (iii) food or drink, other than intoxicating liquor, to consume in the auditorium or stadium;
 - (aa) other food and drink premises, for the purpose of selling food or drink for customers to consume –
 - (i) off the premises, or
 - (ii) on the premises whilst seating at a table;
 - (b) designated nightclubs (whether or not part of accommodation premises), for the purpose of operating as food and drink premises;
 - (c)
 - (d)
 - (e)
 - (f)

- (g) ⁷
- (1A) ⁸
- (2) ⁹
- (2A) ¹⁰
- (3) For clarity, nothing in this Article affects any other condition to which a licence is subject.¹¹
- (4) ¹²
- (5) ¹³
- (6) ¹⁴
- (7) Words and phrases used in this Article that are defined in the [Licensing \(Jersey\) Law 1974](#) have the same respective meanings as they have in that Law.

4 General provisions on opening and closing of workplaces¹⁵

- (1) No workplace may be open to the public unless the occupier or operator of the workplace has taken all reasonable steps to assist in controlling the spread of Covid-19, including taking account of any relevant guidance.
- (2) Any workplace that is not prohibited from being open under any other provision of this Order may be open.

5 Visitors required to wear masks¹⁶

- (1) A visitor aged 12 or older must wear a mask covering the visitor's mouth and nose while in a workplace to which this Article applies, unless an exemption in paragraph (5) applies.
- (2) In this Article "visitor" means a person who does not live in the workplace and is in the workplace for a purpose other than carrying out work.
- (3) This Article applies to the following workplaces that are permitted to be open under any other provision of this Order to the extent specified –
 - (a)
 - (b)
 - (c) a public transport vehicle or premises, being a workplace that is –
 - (i) a public service vehicle, within the meaning of the [Motor Traffic \(Jersey\) Law 1935](#),
 - (ii) a bus station, or
 - (iii) a building used for port operations, within the meaning of the [Air and Sea Ports \(Incorporation\) \(Jersey\) Law 2015](#), relating to passengers, other than a building in which the visitor remains inside a vehicle.
 - (d)
 - (e)
 - (f)
 - (fa)
 - (g)
 - (h)

- (i)
 - (ia)
 - (ib)
 - (j)
 - (k)
 - (l)
 - (m)
 - (n)
 - (o)
 - (p) ¹⁷
- (4) A workplace is close contact premises if –
- (a) it is a building that is neither a school nor day care accommodation within the meaning of the [Day Care of Children \(Jersey\) Law 2002](#);
 - (b) the visitor receives a service in the building from another individual working in the presence of the visitor; and
 - (c) the service –
 - (i) is provided by the individual as a doctor, nurse, hairdresser or tattooist, or
 - (ii) otherwise involves, or is of a nature that normally involves, touching the visitor or spending more than 15 minutes closer than 2 metres to the visitor.
- (5) An exemption applies if the visitor –
- (a) has a physical or mental disability or illness that renders the visitor unable to put on a mask, or unable to take a mask off;
 - (b) has a respiratory or other physical condition, other than symptoms of Covid-19, that would involve a significant risk of harm to any person if the visitor wore a mask;
 - (c) has a psychological condition, or other fear or distress, that would involve a significant risk of harm to any person if the visitor wore a mask;
 - (d) is a carer of another visitor, if –
 - (i) the other visitor has a psychological condition that would involve a significant risk of harm to any person if the carer wore a mask, or
 - (ii) the carer is communicating with the visitor who needs to see the carer's mouth or full face, whether for lipreading or other reasons;
 - (e) is receiving a service, such as dentistry or diagnosis, that has to be delivered by touching or inspecting the visitor's mouth or nose; or
 - (f) is receiving a service that briefly requires the person providing the service to see the visitor's face for identification or similar purposes.
- (6) However, an exemption under paragraph (5)(a) to (d)(i) applies only if –
- (a) the visitor wears a visor, within the meaning of Article 5A(1)(b), instead of a mask; or
 - (b) a factor described in paragraph (5)(a), (c) or (d)(i) would apply in relation to a visor worn instead of a mask.

5A Condition of opening: workers wearing masks or visors¹⁸

- (1) A workplace to which this Article applies, that is permitted to be open under any other provision of this Order, may remain open only on the condition that the occupier or operator of that workplace requires every person (a “worker”) working at the workplace in the presence of a visitor to wear –
 - (a) a mask covering the worker’s mouth and nose; or
 - (b) a visor, being a see-through barrier, impervious to air, that is worn on the head and screens the worker’s whole face without covering the mouth and nose.
- (2) This Article applies to a workplace that is any one or more of the following to the extent specified –
 - (a)
 - (b)
 - (ba)
 - (c)
 - (d) a public transport vehicle or premises.
 - (e)
 - (f)
 - (g)
 - (ga)
 - (gb)
 - (h)
 - (i)
 - (j)
 - (k)
 - (l) ¹⁹
- (2A) ²⁰
- (3) The driver of a public service vehicle need not be required to wear a mask or visor when doing so would make driving unsafe.²¹
- (4) The worker need not be required to wear a mask or visor when –
 - (a) interacting with a visitor who has a psychological condition that would involve a significant risk of harm to any person if the worker wore a mask; or
 - (b) communicating with a visitor who needs to see the worker’s mouth or full face, whether for lipreading or other reasons.
- (5) In this Article expressions used in Article 5 have the same meaning as in that Article.

5B Conditions of opening: visitors giving contact tracing data²²

- (1) A workplace to which this Article applies, that is permitted to be open under any other provision of this Order, may remain open only on the condition that –
 - (a) the occupier or operator of that workplace requires every visitor aged 12 or older to provide relevant personal data in accordance with this Article on arrival or as soon as practicable after arrival; and
 - (b) the other requirements of this Article are complied with in relation to the data.

- (2) This Article applies to a workplace at which a person works in the presence of the visitor, if the workplace is –
- (a) food and drink premises, unless the food or drink is for the visitor's consumption off the premises only;
 - (aa) accommodation premises;
 - (b) close contact premises; or
 - (c) used by driving instructors registered under Article 6 of the [Road Traffic \(Jersey\) Law 1956](#) to give instruction as described in Article 5(1) of that Law;
 - (d) indoor physical activity facilities;
 - (e) indoor play areas;
 - (f) amusement centres;
 - (g) a workplace in an indoor area used for a ritual gathering;
 - (h) entertainment facilities;
 - (i) a community hall (including a parish hall), function room or the like, but only where people are gathering for the purpose of attending an event such as a performance, rehearsal, meeting, party, exhibition, evening class or other group activity.²³
- (3) A person required to provide relevant personal data must be given access to information explaining the reason for the requirement.
- (4) The data may be provided either –
- (a) manually to a person working at the workplace in a form enabling the data to be retained on behalf of the occupier or operator of that workplace; or
 - (b) via an electronic application, to be retained by the occupier or operator, by a third party, or by both.
- (5) If the data is provided manually –
- (a) the visitor must give –
 - (i) his or her full name, and
 - (ii) his or her mobile phone number or, if none, his or her landline phone number; and
 - (b) the person to whom it is provided must record –
 - (i) the data given by the visitor,
 - (ii) the date and time at which the visitor gave the data, and
 - (iii) if the visitor is seated in a zoned area, which zone the visitor is seated in.
- (6) If the data is provided via an electronic application, the application must record –
- (a) the visitor's full name;
 - (b) the visitor's mobile phone number or, if none, his or her landline phone number; and
 - (c) the date and time at which the visitor gave the data.
- (7) The data provided under this Article –
- (a) may be used only for the purpose of assisting in suppressing the spread of Covid-19 by tracing anyone who may be at risk of contracting it through contact with an infected individual;

- (b) must be stored so that it can be accessed only for that purpose;
 - (c) must be passed to the Minister when so requested; and
 - (d) must be retained for 21 days and then destroyed.
- (8) Nothing in this Article limits any obligation under the [Data Protection \(Jersey\) Law 2018](#) in relation to the processing of data or to the giving of information to a person who is required to provide data.
- (9) In this Article “close contact premises” and “visitor” have the meanings given by Article 5.²⁴

5C ²⁵**5D Exception for certain gatherings of children in workplaces²⁶**

- (1) The requirements of Article 5 or 5B do not apply in respect of children participating in –
- (a) a gathering of up to 10 children (not counting children under the age of 5 and adults organising the gathering) for the purpose of an activity specifically for those children;
 - (b) a gathering of any number of children for the purposes of –
 - (i) education or before or after school activity provided by a school, or
 - (ii) registered day care of children,including for the purposes of travel in connection with that education, activity or registered day care; or
 - (c) a gathering of any number of children organised by the Jersey Youth Service administered by the Department of Children, Young People, Education and Skills, including for the purposes of travel in connection with that gathering.
- (2) In this Article “registered day care” means looking after children as a day carer registered under the [Day Care of Children \(Jersey\) Law 2002](#) or in day care accommodation registered under that Law, but a gathering is not disqualified from being for the purposes of registered day care of children merely because some (but not all) of those children are aged 12 or older.

5E Exception from mask-wearing for certain performers²⁷

The requirements of Article 5 or 5A do not apply to people present in a workplace for the purposes of rehearsing or performing theatrical works, recitations or music consisting of singing or playing a woodwind or brass instrument, while they are actually acting, reciting, singing or playing their instrument, preparing to do so, or in the process of finishing their rehearsal or performance.

5F Enforcement Officers²⁸

A person is an enforcement officer for the purpose of the [Covid-19 \(Workplace Restrictions\) \(Jersey\) Regulations 2020](#) if the person –

- (a) is a States’ employee as defined in the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

- (b) is employed as an enforcement officer within the Covid Safe team; and
- (c) carries an identification card, issued by the Minister, on which is displayed the person's name and photograph, and one of the job titles listed in subparagraph (b).

6 Citation and commencement

This Order may be cited as the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 and comes into force on the day after it is made.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Workplace Restrictions) (Jersey) Order 2020	R&O.67/2020	21 May 2020	
Covid-19 (Construction Work – Third Extension and Workplace Restrictions – First Extension) (Jersey) Order 2020	R&O.79/2020	4 June 2020	
Covid-19 (Construction and Workplace – Amendments and Further Extensions) (Jersey) Order 2020	R&O.82/2020	12 June 2020	
Covid-19 (Workplace Restrictions – Third Extension) (Jersey) Order 2020	R&O.89/2020	26 June 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 2) (Jersey) Order 2020	R&O.90/2020	1 July 2020	
Covid-19 (Workplace Fourth Extension and Construction Repeal) (Jersey) Order 2020	R&O.92/2020	10 July 2020	
Covid-19 (Workplace – Fifth Extension) (Jersey) Order 2020	R&O.101/2020	24 July 2020	
Covid-19 (Workplace – Sixth Extension) (Jersey) Order 2020	R&O.103/2020	7 August 2020	
Covid-19 (Workplace – Seventh Extension) (Jersey) Order 2020	R&O.107/2020	21 August 2020	
Covid-19 (Workplace – Eighth Extension) (Jersey) Order 2020	R&O.110/2020	4 September 2020	
Covid-19 (Workplace – Ninth Extension) (Jersey) Order 2020	R&O.116/2020	18 September 2020	
Covid-19 (Workplace – Tenth Extension) (Jersey) Order 2020	R&O.119/2020	2 October 2020	
Covid-19 (Workplace – Eleventh Extension) (Jersey) Order 2020	R&O.124/2020	16 October 2020	
Covid-19 (Workplace – Twelfth Extension) (Jersey) Order 2020	R&O.126/2020	30 October 2020	
Covid-19 (Workplace – Thirteenth Extension) (Jersey) Order 2020	R&O.134/2020	13 November 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 3) (Jersey) Order 2020	R&O.144/2020	2 a.m. on 20 November 2020	

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Workplace – Fourteenth Extension) (Jersey) Order 2020	R&O.151/2020	27 November 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 4) (Jersey) Order 2020	R&O.152/2020	10 a.m. on 1 December 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 5) (Jersey) Order 2020	R&O.161/2020	10 a.m. on 4 December 2020	
Covid-19 (Workplace – Fifteenth Extension) (Jersey) Order 2020	R&O.164/2020	11 December 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 6) (Jersey) Order 2020	R&O.171/2020	19 December 2020	
Covid-19 (Workplace – Sixteenth Extension) (Jersey) Order 2020	R&O.180/2020	24 December 2020	
Covid-19 (Workplace Restrictions) (Amendment No. 7) (Jersey) Order 2020	R&O.183/2020	6 p.m. on 24 December 2020	
Covid-19 (Workplace – Seventeenth Extension) (Jersey) Order 2021	R&O.2/2021	7 January 2021	
Covid-19 (Gatherings and Workplace Restrictions – Miscellaneous Amendments) (Jersey) Order 2021	R&O.3/2021	16 January 2021	
Covid-19 (Workplace – Eighteenth Extension) (Jersey) Order 2021	R&O.5/2021	21 January 2021	
Covid-19 (Workplace Restrictions) (Amendment No. 8) (Jersey) Order 2021	R&O.13/2021	30 January 2021	
Covid-19 (Workplace – Nineteenth Extension) (Jersey) Order 2021	R&O.9/2021	1 February 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment) (Jersey) Order 2021	R&O.14/2021	3 February 2021	
Covid-19 (Workplace Restrictions) (Amendment No. 9) (Jersey) Order 2021	R&O.15/2021	10 February 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 2) (Jersey) Order 2021	R&O.24/2021	22 February 2021	

Legislation	Year and No	Commencement	Projet No (where applicable)
Covid-19 (Workplace – Twentieth Extension) (Jersey) Order 2021	R&O.26/2021	1 March 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 3) (Jersey) Order 2021	R&O.33/2021	15 March 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 4) (Jersey) Order 2021	R&O.39/2021	26 March 2021	
Covid-19 (Workplace – Twenty-First Extension) (Jersey) Order 2021	R&O.41/2021	1 April 2021	
Covid-19 (Workplace Restrictions) (Amendment No. 10) (Jersey) Order 2021	R&O.43/2021	2 April 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 5) (Jersey) Order 2021	R&O.46/2021	12 April 2021	
Covid-19 (Workplace Restrictions) (Amendment No. 11) (Jersey) Order 2021	R&O.58/2021	30 April 2021	
Covid-19 (Workplace – Twenty-Second Extension) (Jersey) Order 2021	R&O.59/2021	1 May 2021	
Covid-19 (Workplace Restrictions) (Amendment – Enforcement Officers) (Jersey) Order 2021	R&O.63/2021	1 May 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 6) (Jersey) Order 2021	R&O.65/2021	10 May 2021	
Covid-19 (Workplace Restrictions) (Amendment No. 12) (Jersey) Order 2021	R&O.70/2021	18 May 2021	
Covid-19 (Workplace – Twenty-Third Extension) (Jersey) Order 2021	R&O.71/2021	1 June 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 7) (Jersey) Order 2021	R&O.77/2021	14 June 2021	

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Workplace – Twenty-Fourth Extension) (Jersey) Order 2021	R&O.80/2021	1 July 2021	

Project available at statesassembly.gov.je

Table of Endnote References

- ¹ Article A1 inserted by R&O.183/2020
- ² Article A1(1) amended by R&O.13/2021, R&O.14/2021, R&O.24/2021, R&O.33/2021, R&O.39/2021, R&O.46/2021, R&O.77/2021
- ³ Article A1(2) inserted by R&O.13/2021
- ⁴ Article 1 amended by R&O.79/2020, R&O.82/2020, R&O.89/2020, R&O.92/2020, R&O.101/2020, R&O.103/2020, R&O.107/2020, R&O.110/2020, R&O.116/2020, R&O.119/2020, R&O.124/2020, R&O.126/2020, R&O.134/2020, R&O.151/2020, R&O.164/2020, R&O.180/2020, R&O.2/2021, R&O.5/2021, R&O.9/2021, R&O.26/2021, R&O.41/2021, R&O.59/2021, R&O.71/2021, R&O.80/2021
- ⁵ Article 2 substituted by R&O.82/2020, R&O.183/2020, amended by R&O.3/2021, R&O.14/2021, R&O.15/2021, R&O.24/2021, R&O.33/2021, substituted by R&O.46/2021, deleted by R&O.65/2021
- ⁶ Article 3 substituted by R&O.82/2020, R&O.90/2020, R&O.183/2020, heading amended by R&O.33/2021
- ⁷ Article 3(1) amended by R&O.14/2021, R&O.15/2021, R&O.24/2021, R&O.33/2021, R&O.39/2021, R&O.46/2021, R&O.58/2021, R&O.70/2021
- ⁸ Article 3(1A) inserted by R&O.24/2021, substituted by R&O.43/2021, amended by R&O.46/2021, deleted by R&O.58/2021
- ⁹ Article 3(2) substituted by R&O.15/2021, R&O.24/2021, deleted by R&O.58/2021
- ¹⁰ Article 3(2A) inserted by R&O.14/2021, amended by R&O.15/2021, deleted by R&O.33/2021
- ¹¹ Article 3(3) amended by R&O.24/2021
- ¹² Article 3(4) deleted by R&O.65/2021
- ¹³ Article 3(5) amended by R&O.14/2021, deleted by R&O.46/2021
- ¹⁴ Article 3(6) amended by R&O.14/2021, R&O.33/2021, deleted by R&O.46/2021
- ¹⁵ Article 4 substituted by R&O.46/2021
- ¹⁶ Article 5 substituted by R&O.82/2020, deleted by R&O.90/2020, inserted by R&O.152/2020
- ¹⁷ Article 5(3) substituted by R&O.183/2020, amended by R&O.14/2021, R&O.24/2021, R&O.33/2021, R&O.39/2021, R&O.43/2021, R&O.46/2021, R&O.77/2021
- ¹⁸ Article 5A inserted by R&O.152/2020
- ¹⁹ Article 5A(2) amended by R&O.183/2020, R&O.14/2021, R&O.15/2021, R&O.24/2021, R&O.33/2021, R&O.39/2021, R&O.46/2021, R&O.77/2021
- ²⁰ Article 5A(2A) inserted by R&O.13/2021, substituted by R&O.14/2021, amended by R&O.24/2021, deleted by R&O.77/2021
- ²¹ Article 5A(3) amended by R&O.24/2021, R&O.77/2021

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- ²² *Article 5B* inserted by R&O.152/2020
- ²³ *Article 5B(2)* amended by R&O.24/2021, R&O.33/2021, R&O.39/2021, R&O.46/2021, R&O.77/2021
- ²⁴ *Article 5B(9)* amended by R&O.183/2020
- ²⁵ *Article 5C* inserted by R&O.161/2020, amended by R&O.171/2020, R&O.183/2020, R&O.3/2021, R&O.14/2021, R&O.24/2021, R&O.33/2021, R&O.39/2021, deleted by R&O.46/2021
- ²⁶ *Article 5D* inserted by R&O.3/2021, substituted by R&O.39/2021, R&O.46/2021
- ²⁷ *Article 5E* inserted by R&O.46/2021
- ²⁸ *Article 5F* inserted by R&O.63/2021, amended by R&O.77/2021