



Jersey

COVID-19 (WORKPLACE RESTRICTIONS) (AMENDMENT No. 4) (JERSEY) ORDER 2020

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COVID-19 (WORKPLACE RESTRICTIONS) (AMENDMENT No. 4) (JERSEY) ORDER 2020

*Made**30th November 2020**Coming into force**10 a.m. on 1st December 2020*

THE MINISTER FOR HEALTH AND SOCIAL SERVICES makes this Order under Regulations 2 and 3 of the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020¹ after having complied with the requirements set out in Regulation 2(1) and (2) of those Regulations –

1 Articles 5, 5A & 5B inserted in Covid-19 (Workplace Restrictions) (Jersey) Order 2020

After Article 4 of the Covid-19 (Workplace Restrictions) (Jersey) Order 2020² there is inserted –

“5 Visitors required to wear masks

- (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 a workplace, other than food and drink premises within the meaning of Article 3, that is any one or more of the following –
 - (a) retail premises, being a building in which goods are sold or rented to visitors, or offered for sale or rent to visitors;
 - (b) a bank that is open to the public, and not solely to those who have or intend to open an account with that bank;
 - (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 1935³,
 - (ii) a bus station, or

- (iii) a building used for port operations, within the meaning of the Air and Sea Ports (Incorporation) (Jersey) Law 2015⁴, relating to passengers, other than a building in which the visitor remains inside a vehicle;
 - (d) an adult residential care home, being a building in which a care home service, within the meaning of the Regulation of Care (Jersey) Law 2014⁵, is provided to people living in the building, if none of those people is a child;
 - (e) close contact premises, as defined in paragraph (4).
- (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 2002⁶;
 - (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 visors

- (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 –
 - (a) retail premises;
 - (b) food and drink premises;
 - (c) close contact premises;
 - (d) a public service vehicle.
- (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.
- (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 data

- (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; or
 - (b) close contact premises.
- (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 2018⁷ 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, and “food and drink premises” has the meaning given by Article 3.”

2 Citation and commencement

This Order may be cited as the Covid-19 (Workplace Restrictions) (Amendment No. 4) (Jersey) Order 2020 and comes into force at 10 a.m. on the day after it is made.

DEPUTY R.J. RENOUF OF ST. OUEN

Minister for Health and Social Services

ENDNOTES**Table of Endnote References**

<i>1</i>	<i>R&O.65/2020</i>
<i>2</i>	<i>R&O.67/2020</i>
<i>3</i>	<i>chapter 25.200</i>
<i>4</i>	<i>chapter 03.050</i>
<i>5</i>	<i>chapter 20.820</i>
<i>6</i>	<i>chapter 10.700</i>
<i>7</i>	<i>chapter 15.240</i>