

Cal/OSHA Issues COVID-19 Related Guidance for Dine-In Restaurants

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On May 12, 2020, the California Division of Occupational Safety and Health (DOSH) (better known as Cal/OSHA) issued its COVID-19 Industry Guidance: Dine-In Restaurants, which provides detailed guidance to dine-in restaurants, brewpubs, craft distilleries, breweries, bars, pubs, and wineries that provide sit-down meals on how to support safe and clean work environments for employees and customers.



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Cal/OSHA's guidance for dine-in restaurants comes on the heels of its guidance for other industries and professions and echoes many of the same recommendations regarding the creation and implementation of worksite-specific COVID-19 prevention plans, topics for employee training, individual control measures and screening, cleaning and disinfecting protocols, and physical distancing guidelines. The guidance for dine-in restaurants, which includes numerous recommendations related to cleaning and disinfecting protocols, as well as physical distancing guidelines that are specific to dine-in venues, merits a full review.

Key Elements of the Guidance

General Considerations

The guidance states that “[b]rewpubs, breweries, bars, pubs, craft distilleries, and wineries should remain closed until those establishments are allowed to resume modified or full operation unless they

are offering sit-down, dine-in meals,” in which case they are subject to the guidelines provided for dine-in restaurants, that are described below.

Additionally, “concert, performance, entertainment venues, [and related] types of establishments should remain closed until they are allowed to resume ... through a specific reopening order or guidance.”

Employee Training

In addition to providing employees training on the importance of handwashing, physical distancing, and the proper use of face coverings, the guidance recommends that employers train employees on “leave benefits the employee[s] may be entitled to receive that would make it financially easier to stay at home.”

Individual Control Measures and Screening

If an employer requires an employee to self-screen at home, it is recommended that employers “ensure that [the] screening was performed *prior* to the worker leaving the home for [his or her] shift and follows [Centers for Disease Control and Prevention (CDC)]” (Emphasis added.)

The guidance also recommends that employers consider providing disposable gloves to employees that frequently handle items used by customers.

Cleaning and Disinfecting Protocols

Employers are encouraged to discontinue the use of shared equipment among employees (e.g., audio headsets, phones, tablets, and pens) unless the equipment can be properly disinfected after each use. To further avoid customers making contact with shared items, the guidance recommends that restaurants.

- “[p]rovide disposable menus to guests and make menus available digitally so that customers can view on a personal electronic device”;
- “[d]iscontinue pre-setting tables with napkins, cutlery, glassware, and food ware”;
- “[s]uspend use of shared food items such as condiment bottles”; and
- “[c]lose [self-service] areas where customers may congregate or touch food or food ware items.”

Under the guidance, dining rooms, bar areas, host stands, and kitchens should be equipped with touchless hand sanitizer dispensers and sanitizing wipes for staff and customers to use. Additionally, the guidance recommends that employers “increase fresh air circulation” and make “modifications to increase the quantity of outside air and ventilation in all work areas.”

Physical Distancing

To allow customers and employees to distance themselves properly, the guidance recommends the implementation of several measures in accordance with the following guidelines:

- “Consider allowing dine-in customers to order ahead of time to limit the amount of time spent in the establishment.”
- “Ask customers to wait in their cars or away from the establishment while waiting to be seated.”
- “Install physical barriers or partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.”
- “Remove tables and chairs from dining areas so that six feet of physical distance can be maintained for customers and employees.”

Other Considerations for Restaurants

The guidance states that “[g]uests and visitors should be screened for symptoms upon arrival.”

In addition, to ensure employees and customers are aware of the establishment’s requirements, the guidance recommends that restaurants display a clear set of “rules for customers and restaurant personnel at the restaurant entrance(s) that are to be a condition of entry,” such as instructions to use hand sanitizer, avoid unnecessary touching of restaurant surfaces, wear proper face coverings when not eating or drinking, and practice physical distancing.

Key Takeaways

While the guidance is detailed and includes numerous recommendations to help prevent the outbreak of COVID-19 and “support a safe, clean environment for workers and customers,” it is not exhaustive and does not take into consideration or address any restrictions contained in county health orders. Accordingly, in conjunction with the guidance, dine-in restaurants, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that provide sit-down meals may also want to review CDC guidelines and local health orders.

Ogletree Deakins will continue to monitor and report on developments with respect to the COVID-19 pandemic and will post updates in the firm’s [Coronavirus \(COVID-19\) Resource Center](#) as additional information becomes available. Important information for employers is also available via the firm’s [webinar programs](#).

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