

OSHA Issues Restaurant-Specific Guidance for Curbside Pickup and Takeout Services

May 4, 2020

On May 1, 2020, OSHA issued an alert with safety tips for restaurant and food and beverage businesses as they provide curbside and takeout service.

OSHA recommended the following:

- Reserve parking spaces near the front door for curbside pickup only;
- Avoid direct hand-off, when possible;
- Display a door or sideways sign with the services available (e.g., takeout, curbside), instructions for pickup, and hours of operation;
- Practice sensible social distancing by maintaining 6 feet between co-workers and customers. Mark 6-foot distances with floor tape in pickup lines, encourage customers to pay ahead of time by phone or online, temporarily move workstations to create more distance and install plexiglass partitions, if feasible;
- Allow workers to wear masks over their nose and mouth to prevent them from spreading the virus;
- Provide a place to wash hands and alcohol-based hand rubs containing at least 60% alcohol; and
- Encourage workers to report any safety and health concerns.

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OSHA issued the guidance as a one-page poster employers may choose to display in the workplace. See [here](#).

Businesses should seriously consider following these guidelines. However, failing to follow these recommendations will not necessarily result in a fine. Under OSHA's General Duty Clause employers are required to furnish employees a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. OSHA requires employers to assess occupational hazards to which their workers may be exposed. The clause requires employers to have workplaces free of known hazards that can be feasibly mitigated.

OSHA has directed its compliance officers to evaluate an employer's good faith efforts to comply with safety and health standards during the coronavirus epidemic and will take good faith efforts into strong consideration when determining whether to issue a citation.

This restaurant-specific guidance is the latest in a series of industry-specific guidance documents OSHA has issued to protect workers and customers.

This guidance does not address dine-in services. More than a dozen states have begun loosening restrictions on businesses reopening, including restaurants. For instance, Georgia Governor Brian Kemp issued an executive order on April 23, 2020 permitting restaurants to resume dine-in services effective April 27, 2020. Restaurants in Georgia may serve no more than 10 customers in the facility per 500 square feet of public space. Additionally, restaurants must follow 39 specific restrictions (The order is available [here](#); the 39 restrictions are located on pages 7-9). Although these restrictions are not binding outside of Georgia, they are instructive of the types of safety measures restaurants should consider as they plan to resume full operations. Restaurants should review any government restrictions in the jurisdiction in which they operate. A further discussion of these restrictions and other issues to consider upon reopening is available in this PowerPoint [presentation](#).

If you have any questions regarding this Alert, please contact the author, [Rick Warren](#), rwarren@fordharrison.com, a partner in our Atlanta office, co-chair of the firm's [Restaurant Practice Group](#) and a member of the firm's Coronavirus Taskforce. You may also contact the FordHarrison attorney with whom you usually work.

FordHarrison is closely monitoring the spread of Coronavirus and associated federal and state legislation and has implemented continuity plans, including the ability to work remotely in a technologically secure environment when necessary, to ensure continuity of our operations and uninterrupted service to our clients. We are following all CDC guidelines and state and local laws as applicable. We are committed to ensuring the health and welfare of our clients, employees, and communities while continuing to provide our clients with the highest quality service. Please see our dedicated [Coronavirus Taskforce](#) and [Coronavirus – CARES Act](#) pages for the latest FH Legal Alerts and webinars on Coronavirus and workplace-related provisions of the CARES Act, as well as links to governmental and industry-specific resources for employers to obtain additional information and guidance. For more information or to be connected with a Coronavirus Taskforce or CARES Act attorney, please contact clientservice@fordharrison.com.