Executive Directive 2020 - 06

EXECUTIVE DIRECTIVE

No. 2020-6

To: State Department Directors and Autonomous Agency Heads

From: Governor Gretchen Whitmer

Date: May 18, 2020

Re: Creation of COVID-19 Office of Worker Safety and Instructions to Departments and Agencies on Worker Safeguards

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 23, 2020, I instructed residents to remain at home or in their places of residence to the maximum extent feasible. That approach has worked, and the number of new confirmed cases each day is dropping. Although the virus remains aggressive and persistent—on May 17, 2020, Michigan reported 51,142 confirmed cases and 4,891 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased.

We have now begun the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

In particular, businesses must do their part to guarantee that the resumption of activities does not contribute to the virus's spread. Many businesses have already implemented robust infection-control practices to protect their workers, their patrons, and their communities. But we can and must do more: no one should feel unsafe going to work.

Today, I released Executive Order 2020-91 identifying workplace rules for all businesses across the state. In conjunction with that order, and acting under sections 1 and 8 of article 5 of the Michigan Constitution of 1963, I direct the following:

1. Each department and agency with responsibility for enforcing workplace health-and-safety standards will monitor workplaces for compliance with the rules adopted in Executive Order 2020-91 and, as necessary, bring enforcement actions to ensure compliance.

2. As necessary, each department and agency with responsibility for enforcing workplace health-and-safety standards will issue guidance on the application of the rules adopted in Executive Order 2020-91, and in particular will provide detail on the additional infection-control standards, described under section 1(q) of Executive Order 2020-91, required across different types of workplaces.

3. The Director of the Department of Labor and Economic Opportunity (LEO) will appoint a Director of COVID-19 Workplace Safety to coordinate the state's efforts to monitor and enforce workplace safeguards. *See* E.R.O. 1996-1, §4(1) (effecting a Type II transfer of the power to establish and enforce workplace health standards to the director of the Department of Labor, now LEO); MCL 16.107 (authorizing the head of a department to "allocate and reallocate duties and functions to promote economic and efficient administration").

4. Each department and agency with responsibility for enforcing workplace health-and-safety standards will publicly post citations of those employers that fail to follow the rules adopted in Executive Order 2020-91, and will consider establishing a process to remove

those public postings for employers that have demonstrated to the department's or agency's satisfaction that they have cured past violations and come into compliance.

This directive is effective immediately and will remain in effect until further notice. I extend my sincere appreciation for your assistance in implementing this directive and for the continued hard work of state employees as we respond to this public health emergency.

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