

*San Francisco Grocery Store, Drug Store, Restaurant, and On-Demand
Delivery Service Worker Protections Ordinance
Implementation Guidance*

May 17, 2021

To slow the spread of COVID-19, the San Francisco Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Worker Protections Ordinance (“Ordinance”) requires covered businesses to implement specified health and safety measures for their workers. The San Francisco Office of Labor Standards Enforcement, in coordination with the San Francisco Department of Public Health, administers and enforces the Ordinance’s protections.

Effective Date

1. Q: When is the Ordinance in effect?

A: The Ordinance takes effect on April 26, 2021. The Ordinance will expire on April 25, 2023, or upon termination of the local health emergency, whichever occurs first.

Scope of Ordinance

2. Q: Which employers are covered by the Ordinance?

A: Covered businesses include any person, as defined in Section 18 of the California Labor Code, who employs or facilitates contracting for delivery services of a worker for any of the following:

- (a) a grocery store, supermarket, convenience store, restaurant, café, or other establishment primarily engaged in the retail sale of food; or
- (b) a drug store, pharmacy, or other establishment primarily engaged in the retail sale of medication, pharmaceuticals, or medical supplies; or
- (c) an on-demand delivery service.

An on-demand delivery service means a third-party online or mobile application or other internet service that offers or arranges for the consumer purchase and same-day or scheduled delivery of food products, medications, or other goods directly from no fewer than 20 businesses that are restaurants, cafes, grocery stores, supermarkets, convenience stores, drug stores, pharmacies, or other establishments primarily engaged in the retail sale of food, medication, pharmaceuticals, or medical supplies.

3. Q: Does the Ordinance cover private sector businesses at the San Francisco International Airport (SFO)?

A: No. The Ordinance covers work performed within the geographic boundaries of San Francisco, which does not include SFO.

4. Q: Does the Ordinance cover private sector businesses at the Presidio?

A: No. The Ordinance does not cover private businesses located in “federal enclaves” such as the Presidio, Fort Mason, and the Golden Gate National Recreation Area (GGNRA).

5. Q: Who is covered by the Ordinance’s worker protections?

A: Any person who in a particular week performs at least two hours of work within San Francisco for, or contracted through the online or mobile application of, a covered business, without regard to whether the business classifies the person as an employee or an independent contractor. This definition includes shoppers and delivery persons for an on-demand delivery service.

6. Q: Does the Ordinance cover undocumented workers?

A: Yes. All workers for covered business in San Francisco – whether or not they are legally authorized to work in the United States – are covered by the Ordinance. OLSE will process claims without regard to the person’s immigration status, and will never ask questions about immigration status.

Worker Protections

7. Q: What health and safety protections are covered businesses required to follow under the Ordinance?

A: Covered businesses must comply with all [requirements](#) issued by the Local Health Officer.

Additionally, covered businesses are independently required by the Ordinance to:

- a. Provide all workers items such as face coverings; gloves; hand sanitizer or handwashing stations, or both; and disinfectant and related supplies;
- b. Provide all workers with social distancing protocols and educate all workers on these protocols;
- c. Instruct all workers and customers to maintain at least six-foot distance from others, except if momentarily necessary to facilitate or accept payment and hand off items or deliver goods;
- d. Provide for contactless payment systems or, if not feasible, sanitize payment systems after each use;
- e. Provide for no-contact delivery or pick up if feasible;

- f. Require workers to regularly disinfect high-touch surfaces during their work and pay workers who are classified as employees their normal wage rate and workers who are classified as independent contractors no less than the rate required under [Section 12V.3 of the Administrative Code](#) for time spent doing so, which must be adequate to allow workers to meet health and safety requirements for sanitation.

Note that the Ordinance only addresses compensation to workers for time spent disinfecting high-touch surfaces during their work.

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8. Q: How much personal protective equipment must covered businesses provide to their workers?

A: Workers should use a clean face covering at least one each work day, and covered businesses must provide an adequate supply to ensure they may do so. For reusable/washable face coverings, OLSE will consider one face covering per work day sufficient if the worker launders their own masks (e.g., four face coverings per week for a worker who works four days per week). For disposable face coverings, the covered business may supply them in any quantity so long as the covered business ensures that the worker maintains an adequate supply to change face coverings each work day.

Delivery workers who may have to touch un-sanitized areas that may be frequently touched, such as doorbells, buzzers, and door handles, should follow the health and safety protocols established in current health orders. Covered businesses must ensure that delivery workers have adequate supplies to adhere to these protocols.

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9. Q: How frequently – and for how long – should delivery persons for on-demand delivery services disinfect their vehicle’s high-touch surfaces?

A: Covered businesses may provide guidance to workers on how frequently workers must clean high-touch surfaces for effective protection of workers and members of the public. Covered businesses must ensure that vehicle interiors, other transportation equipment, and all shared devices or equipment are cleaned on frequent schedules, not less than four minutes at the beginning and at end of each work day, for a total of eight minutes.

Covered businesses have discretion in how to compensate their workers, as long as they follow all relevant California and San Francisco laws, in particular ensuring that they pay workers who are classified as employees at a rate at least equal to the San Francisco minimum wage and workers who are classified as independent contractors no less than the rate required under [Section 12V.3 of the Administrative Code](#) for the time they spend working, including required sanitation activities.

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10. Q: What surfaces should delivery persons for on-demand delivery services disinfect?

A: Consistent with [CDC guidelines](#), delivery persons should disinfect high-touch surfaces, including the steering wheel, gearshift, signaling levers, door handles, and seatbelt buckles.

11. Q: What scheduling protocols are covered businesses required to follow under the Ordinance?

A: Where reasonably feasible, covered businesses must approve a worker's request to cancel scheduled work for any reason for which a worker may use leave under the [San Francisco Paid Sick Leave Ordinance](#), without regard to whether such worker has paid leave available for use. If the worker has no paid leave available or chooses not to use paid leave, the business must, where reasonably feasible, allow the worker to reschedule the work.

Additional Business Requirements

12. Q: Are covered businesses required to post a notice informing workers of their rights under the Ordinance?

A: Yes. Covered businesses must provide the notice to workers in a manner calculated to reach all of them: by posting in a conspicuous place at the workplace, via electronic communication, and/or by posting in a conspicuous place in a business's web-based or app-based worker platform. Every covered business shall provide the notice in English, Spanish, Chinese, Filipino, and any language spoken by at least 5% of the workers who are at the workplace or job site. The notice to employees is available at OLSE's [Worker Protections Ordinance webpage](#).

13. Q: What records must a covered businesses maintain under the Ordinance?

A: Covered businesses must retain records pertaining to their compliance with the Ordinance for a period of three years and shall allow the Office of Labor Standards Enforcement (OLSE) access to such records with reasonable notice. Failure to maintain records or to allow OLSE reasonable access to such records shall result in a presumption that the covered business has violated the Ordinance, absent clear and convincing evidence otherwise.

To file a complaint, call 3-1-1 or (415) 701-2311
Please email further questions to WorkerProtections@sfgov.org
or call (415) 554-7890