Information on dispensation for wearing a mask for certain people with disabilities

In an attempt to control the COVID-19 epidemic, in July 2020 the Federal Council introduced the requirement to wear a face mask on public transport and has since successively extended it to publicly accessible establishments and the workplace. The details of the requirement are regulated in the current Ordinance on Measures during the Special Situation to combat the COVID-19 Epidemic (COVID-19 Special Situation Ordinance, SR 818.101.26). The Federal Office of Public Health updated the explanatory notes on the ordinance (not available in English) on 30 October 2020.

The COVID-19 Special Situation Ordinance contains a number of exceptions to the requirement to wear a face mask. For example, children under the age of 12 are exempted from wearing a mask, as are persons who can prove that they are unable to wear face masks for compelling reasons, in particular medical reasons (Art. 3a para. 1 let. B, Art. 3b para. 2 let. b, Art. 3c para. 3 and Art. 10 para. 1bis let. c).

There are many circumstances in which certain people cannot wear a face mask for health or disability reasons; it is not possible to list them all here. Here are some of the principle exceptions:

- people who cannot put the mask on and take it off by themselves for physical reasons (e.g. people with paralysis, cerebral palsy or missing limbs);
- people with autism who, for example, cannot wear a mask because they panic;
- people with a mental or psychological disability or people with dementia who are unable to understand that they need to wear a mask;
- people with diseases involving a risk of suffocation;
- people with a hearing impairment who depend on lip-reading, for whom masks are a communication barrier that can lead to misunderstandings. In this case, the exception applies to staff or accompanying persons while communicating. If available, a mask with a transparent window may be used in these situations.

It is not up to the individual to decide whether they are exempt from wearing a mask. People who cannot wear a mask for health or physical reasons must at all times be able to produce a document issued by a competent professional, e.g. a doctor’s certificate, to show (e.g. to transport or sales staff) that they are exempt from the rule, unless the reason is obvious. In order to ensure a person’s right to privacy, the certificate does not have to state the reason for the dispensation. Forging or improperly issuing a medical certificate may lead to prosecution in some cases. It goes without saying that people who are unable to wear a mask must observe the other social distancing and hygiene regulations.

The purpose of this exception is to prevent people who are exempt from wearing a face mask for health or disability reasons from being denied access to publicly accessible establishments or services, and to prevent them from being unduly discriminated against. Operators of publicly accessible establishments and services are required to adapt their protective measures to take into account persons who cannot wear a mask. Either the required distance must be maintained or other protective measures (e.g. barriers, protective screens, partitions) must be introduced. Where this is not possible due to the nature of the activity or other circumstances, the contact details of the persons present must be recorded (COVID-19 Special Situation Ordinance Art. 4 para. 2 let. d).

For some people with disabilities wearing a mask is a severe hindrance to their daily life. The ordinance in force thus contains some appropriate and reasonable exceptions to requirement. We ask everyone to show solidarity and understanding.