

Insights, News & Events

MASSACHUSETTS EMPLOYERS, GET READY: GOVERNOR ANNOUNCES REOPENING PLAN AND MANDATORY WORK PLACE SAFETY STANDARDS

Insights
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Massachusetts Governor Charlie Baker just announced his administration's plan to reopen the Commonwealth's economy amidst the current COVID19 pandemic. The new [four-phase plan](#) is a welcome development for Bay State employers, many of which have been shuttered since Governor Baker's March 23 [shutdown order](#). Assuming the downward trend in COVID-19 infections continues and testing continues to ramp upwards, the Governor expects to begin implementation by May 18. You should start preparing to comply with the reopening plan and the new [Mandatory Work Place Safety Standards](#) issued with it.

LET'S GET BACK TO WORK

Massachusetts has been one of the hardest hit states by the pandemic and has taken some of the most drastic countermeasures. These include a mandatory shutdown of ["non-essential" businesses](#), a [stay at home advisory](#), [limitations on small gatherings](#), reducing the capacity of essential businesses such as grocery and hardware stores, and in some cities such as Boston, the imposition of curfews. By most accounts, these efforts have helped "flatten the curve," reduce transmission, and maintain hospital capacity. Nevertheless, as transmission rates continue to decrease and testing becomes more prevalent, it is time for Massachusetts to get back to work.

By relying on public health data to slowly allow certain businesses, services, and activities to resume and balancing the need to protect public health and limit a resurgence of

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Joshua D. Nadreau

Regional Managing Partner
and Vice Chair, Labor
Relations Group

[617.722.0044](tel:617.722.0044)

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COVID-19, the governor's four-phase plan seeks to safely get the economy reopened. Phase 1, labeled "Start," will permit "limited industries" to resume operations with "severe restrictions" and is estimated to begin on May 18. Phase 2, "Cautious" will permit additional industries, including those with more face-to-face interactions, to resume with restrictions and capacity limits. Phase 3, "Vigilant" will further expand permissible activities with additional guidance. Finally, Phase 4, the "New Normal" will coincide with the development of a vaccine, with businesses returning to pre-COVID-19 operational standards.

Though there is no definitive timetable for moving from phase to phase, Governor Baker noted that similar plans in other states have estimated each phase lasting three to four weeks. Importantly, movement from phase to phase is governed by public health metrics and would require backwards movement if public health metrics regress. More detailed guidance on Phase 1 is expected before May 18.

MANDATORY WORK PLACE SAFETY STANDARDS

Along with the phased reopening plan, the Department of Public Health also issued a series of safety standards that will apply to all workplaces that are permitted to open in Phase 1. These include mandatory social distance, hygiene, staffing, and cleaning guidelines:

SOCIAL DISTANCING

- All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- Establish protocols to ensure that employees can practice adequate social distancing
- Provide signage for safe social distancing
- Require face coverings or masks for all employees

HYGIENE PROTOCOLS

- Provide hand washing capabilities throughout the workplace

- Ensure frequent hand washing by employees and adequate supplies to do so
- Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site

STAFFING AND OPERATIONS

- Provide training for employees regarding the social distancing and hygiene protocols
- Employees who are displaying COVID-19-like symptoms do not report to work
- Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan

CLEANING AND DISINFECTING

- Establish and maintain cleaning protocols specific to the business
- When an active employee is diagnosed with COVID19, cleaning and disinfecting must be performed
- Disinfection of all common surfaces must take place at intervals appropriate to said workplace

These safety standards will be supplemented by sector-specific safety protocols and recommended best practices, which will provide further details and limited exceptions. As announced, the state released these Mandatory Workplace Safety Standards early, in advance of the start of Phase 1, to give workplaces time to plan and prepare for reopening. With Phase 1 approaching in less than a week, you should make preparations immediately.

WHAT SHOULD EMPLOYERS DO?

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may

encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

CONCLUSION

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, the [author](#), any attorney in our [Boston](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#).

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