



CLIENT ALERT

Massachusetts Releases Comprehensive Reopening Plan and Mandatory Workplace Safety Standards for Reopening

On May 18, 2020, Governor Charlie Baker announced a comprehensive plan and associated guidelines for “reopening” the Commonwealth after declaring a state of emergency on March 10, 2020 and requiring that non-essential businesses be closed.

Reopening will progress in four Phases: (1) Start, (2) Cautious, (3) Vigilant, and (4) New Normal. Each Phase will last a minimum of three weeks, with progressive openings of different sectors and lifting of restrictions occurring with each new Phase.

Phase 1 began on May 18, 2020 with the reopening of manufacturing and construction industries. On May 25, a number of additional businesses will be allowed to reopen, including office spaces (except those in Boston), lab spaces, certain personal service establishments including hair salons, barbershops and pet grooming facilities, and retail businesses offering remote fulfillment and curbside pickup. Office spaces in Boston may reopen on June 1, 2020. Other activities are allowed to begin with restrictions as part of Phase 1, including worship services, certain non-emergency healthcare services, and outdoor and recreational activities. The Commonwealth has put forward mandatory safety standards that apply to all businesses that reopen as part of Phase 1, as well as sector-specific guidelines for different industries, including essential businesses that were not required to close in March. For a detailed list of businesses and their permitted reopening schedules and restrictions, see <https://www.mass.gov/info-details/reopening-when-can-my-business-reopen>.

Employers must carefully consider these requirements as they formulate return-to-work plans for their employees, and must set forth their plans in writing.

Mandatory Workplace Safety Standards

All businesses must comply with certain mandatory safety standards to reduce the risk of transmission of COVID-19 to employees and customers. The mandatory standards fall into the following four categories:

- **Social Distancing.** Employers must establish protocols to ensure that employees and customers can practice adequate social distancing, including remaining at least six feet apart whenever possible. They must also provide signage to facilitate social distancing and require coverings or masks for all employees.

- **Hygiene Protocols.** Employees must be provided with the opportunity for hand-washing, including supplies to do so, and employers must regularly sanitize high-touch surfaces such as doorknobs and restrooms.
- **Staffing and Operations.** Each workplace must establish a return-to-work plan and a plan for employees who get ill from COVID-19 at work. Employers must also provide training for employees regarding social distancing and hygiene protocols.
- **Cleaning and Disinfecting.** Employers must establish and follow cleaning protocols specific to each business site, and common surfaces must be disinfected regularly. There must also be a plan for disinfecting the site if an employee is diagnosed with COVID-19.

Mandatory Self-Certification for Businesses

Businesses must develop a written COVID-19 Control Plan before they can reopen. The Commonwealth has provided a template, available [here](#). This plan must be kept on the premises and made available to the Commonwealth upon request. Most essential businesses that were open prior to Phase 1 must complete their written plans by May 25, 2020.

In addition, customer-facing businesses must display a signed poster attesting to their compliance with the appropriate standards, available [here](#). The Commonwealth has also provided posters that may be downloaded and printed to educate employees.

Sector-Specific Protocols and Best Practices

Massachusetts' general safety standards will also be supplemented by sector-specific safety protocols and best practices. To date, specific standards have been put forward for [construction](#), [manufacturing](#), [office spaces](#), [lab spaces](#), [hair salons and barbershops](#), [car washes](#), [pet grooming](#), and guidance has been provided for [places of worship](#), [outdoor recreation](#), and [health and human services](#).

These sector-specific standards provide additional requirements tailored to the industries in question. For example, the standards for office spaces require employers to limit occupancy within a given space to 25% of the maximum occupancy or the business's typical occupancy as of March 1, 2020, and cafeterias may only operate with prepackaged foods.

Krokidas & Bluestein will continue to monitor developments related to Massachusetts' return-to-work plan, and we are available to advise clients during this challenging period. If you have questions about employers' obligations and best practices in light of COVID-19 and employees' return to work, please contact Attorneys Paul Holtzman (pholtzman@kb-law.com), Jill Brenner Meixel (jmeixel@kb-law.com), Allison Belanger (abelanger@kb-law.com), or Brian Richichi (brichichi@kb-law.com).