Massachusetts' Four-Phase Reopening Plan and Mandatory Workplace Safety Standards: Here's What You Need To Know

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Yesterday, Governor Baker announced a four-phase approach to reopening the Massachusetts economy amidst the COVID-19 pandemic and published Mandatory Workplace Safety Standards that will apply across all sectors and industries once reopening begins.

So far, the Governor has only provided the broad outline of the plan and has not yet disclosed several important details, including which industries can reopen during Phase One. Here is what we know about the plan and associated Mandatory Workplace Safety Standards:

FOUR-PHASE REOPENING PLAN

Information about the four-phase reopening plan can be found here. This is an overview of the plan:

Phase One—"Start": During Phase One, "limited industries" can resume operations with "severe restrictions." The Governor has stated that "industries more naturally set up to have little face-to-face interactions and workplaces that are better able to manage face-to-face customer interactions with certain conditions" will be the types of businesses permitted to reopen during Phase One.

Phase One will begin on or around **May 18**, depending on the progress of COVID-19 in the state. All businesses open during Phase One will be required to follow the Mandatory Workplace Safety Standards, and may also be required to follow additional industry-specific safety standards which have not yet been published.

We expect that more information about Phase One, including which industries and sectors can reopen, will be released by the end of next week.

Phase Two—"Cautious": During Phase Two, "additional industries" will resume operations with "restrictions and

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capacity limits." During this phase, "more industries" with "more face-to-face interactions" can resume operations with restrictions that have not yet been announced.

Phase Three—"Vigilant": During Phase Three, "additional industries resume operations with guidance." This guidance has not yet been released. In addition, some of the restrictions imposed during Phases One and Two may be "loosened" during Phase Three if warranted by the public health data.

Phase Four—"New Normal": The plan indicates that the development of a vaccine and/or therapy will enable Massachusetts to move to Phase Four—the resumption of a "new normal." No further information has been released regarding Phase Four.

Public health metrics will determine when the first phase begins, as well as when it is safe to move into later phases. If public health metrics worsen, the state may return to an earlier phase.

Currently, there is no timeline for the four-phase plan other than the anticipated start date "around May 18." When asked about a timeline, the Governor noted that other states created phases lasting three to four weeks, subject to change if required by public health metrics, and stated that Massachusetts would probably follow a "similar model."

MANDATORY WORKPLACE SAFETY STANDARDS FOR ALL BUSINESSES OPEN DURING PHASE ONE

The Massachusetts Department of Public Health and the Governor's COVID-19 Command Center have developed and published Mandatory Workplace Safety Standards.

The Standards are applicable to all sectors and industries open in Phase One, and create new workplace requirements for social distancing, hygiene, staffing and operations, and cleaning. They were released yesterday to give employers time to plan and prepare for reopening.

Among other things, the Standards require all employers to:

- Require face coverings or masks for all employees;
- Establish protocols to ensure that employees can practice adequate social distancing;
- Establish cleaning protocols specific to the business;
- Provide training for employees regarding social distancing and hygiene protocols, and;
- Establish a plan for employees getting ill from COVID-19 at work, and establish a return-to-work plan.

INDUSTRY-SPECIFIC PROTOCOLS FORTHCOMING

In addition to the Mandatory Standards that apply to all workplaces, the state is going to release "sector-specific safety protocols and best practices" that will detail how particular industries should operate upon reopening. We expect that further information regarding these protocols will be published before the end of next week.

According to the state's Reopening Advisory Board, the mandatory and sector-specific standards will both be supported by safety protocol checklists and/or templates which have not yet been released.

CLIENT TIP

The phased reopening plan applies to non-essential businesses. All essential businesses can continue to operate during the phased reopening. Stay tuned for updates regarding Massachusetts' four-phase reopening plan.

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