

Massachusetts Announces Four-Phase Plan for Reopening

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On May 11, 2020, Governor Charlie Baker announced a four-phase plan for reopening the Massachusetts economy. Currently, Massachusetts is operating under an [emergency order](#) requiring that all businesses and organizations that do not provide “COVID-19 Essential Services” close their physical workplaces and facilities to workers, customers and the public. These businesses are encouraged to continue operations remotely. The emergency order is in effect until May 18, 2020. Governor Baker said the “goal” is to begin reopening some businesses on May 18 “starting with the businesses with the least face-to-face contact.”

Governor Baker explained that [the four-phase approach](#) is based on public health guidance. Businesses and activities with a lower risk of COVID-19 transmission will open in earlier phases. Movement forward or backward among the four phases will be based on public health metrics. The four phases are:

Phase 1 Start: Limited industries resume operations with severe restrictions.

Phase 2 Cautious: Additional industries resume operations with restrictions and capacity limits.

Phase 3 Vigilant: Additional industries resume operations with guidance.

Phase 4 New Normal: Development of vaccine and/or therapy enables resumption of “new normal.”

To help businesses prepare for reopening, Governor Baker released the [Mandatory Workplace Safety Standards](#) developed by the Massachusetts Department of Public Health and the COVID-19 Command Center in consultation with the Massachusetts Reopening Advisory Board. These standards will apply to all business and will be supplemented by sector-specific safety protocols and recommended best practices. The Mandatory Workplace Safety Standards cover four broad topics: Social Distancing, Hygiene Protocols, Staffing and Operations, and Cleaning and Disinfecting.

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 COVID19-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 standards require dramatic changes to all workplaces. All employees will be required to wear face coverings or masks while at work. Employers will need to create signage and protocols to ensure social distancing in the workplace and must train all employees on social distancing and hygiene protocols. Employers also need to develop new heightened cleaning practices in their workplace. Reopening under these safety standards will require considerable advance planning across multiple areas of an employer's organization.

Please contact a Jackson Lewis attorney with any questions about the requirements under the Massachusetts reopening plan.

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