

## Massachusetts Announces Phased COVID-19 Reopening Plan and Protocols for Businesses

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May 18, 2020

On May 18, 2020, Governor Baker announced a [four-phase](#) reopening plan for Massachusetts. Of particular importance for Massachusetts business, the [Reopening Plan](#) will allow many businesses to reopen in a phased manner, albeit in compliance with strict general and sector-specific protocols.

Any business that is [eligible to reopen](#) and wishes to do so must follow both mandatory workplace safety standards *and* sector-specific protocols, as well as establish a COVID-19 control plan and post several mandatory posters. All businesses must self-certify their compliance with these requirements *before* they are allowed to open. Businesses that are currently open and operating as essential services must self-certify their compliance by *May 25, 2020*.

The first reopening phase begins on May 18, 2020, allowing resumption of construction, manufacturing, and hospital/health center care for preventive, high-risk, and pediatric patients, provided they are in compliance with the mandatory and sector-specific standards.

Additional businesses will be allowed to open on May 25, 2020, including retail (if provided through remote fulfillment or curbside pickup), office space *outside* of Boston, laboratory space, hair salons, pet grooming, and car washes. Boston office space is slated to reopen within phase one, but on June 1. The state has provided a [detailed list](#) showing in which phase each industry is anticipated to be eligible to reopen. Every business should consult this list for additional information.

Each phase is anticipated to last a minimum of three weeks, and could last longer depending on public health trends and data. The Reopening Plan also includes significant additional information about business-adjacent sectors—such as education, transit, and health care—which will be of interest and importance to businesses as they decide when and how to reopen.

In order to reopen, businesses *must* first develop a written COVID-19 Control Plan outlining how its workplace will prevent the spread of COVID-19, and post several posters. Required materials are located at [www.mass.gov/reopening](http://www.mass.gov/reopening), and include:

1. **A COVID-19 Control Plan.** The COVID-19 Control Plan *does not need to be submitted to a state agency for approval*, but must be retained on the premises of the business and be provided in the event of an inspection. The template is available [here](#).
2. **A Compliance Attestation Poster.** Businesses are required to sign a poster, attesting that they have completed a COVID-19 control plan, and post it in an area within the business premises visible to employees and visitors. The poster is available [here](#).
3. **Employer and Employee Posters.** Businesses are required to post signs and posters describing the rules for maintaining social distancing, hygiene protocols, cleaning, and disinfecting. The employer poster is available [here](#), and the employee poster is available [here](#).

In addition, the Plan requires [Mandatory Workplace Safety Standards](#) for all workplaces, which are designed to reduce the risk of new COVID-19 transmissions to employees and customers. Businesses should consult [our prior alert](#) as well as the details of the mandatory standards for full information, but they generally include:

- Specific minimum safety standards as to social distancing (including signage and requiring masks for all employees)
- Hygiene protocols (handwashing availability and regular sanitation of high touch areas)
- Staffing and operations (training for employees, prohibiting employees with symptoms from coming to work, and establishing plans

for employees who get ill and how they will return to work)

- [Cleaning/disinfecting](#) (establishing protocols and disinfecting common surfaces).

The Plan also requires compliance with additional [Sector-Specific Protocols](#) to reduce the risk of new COVID-19 transmission in specific industries. As each sector becomes eligible to reopen, the state will provide sector-specific guidance, including a Sector Circular (showing the mandatory safety standards) and a Sector Checklist (serving as guidance for employers and businesses of all sizes as they adjust operations to address worker and customer safety.). Currently, protocols, circulars, and checklists are available for industries including [construction](#), [manufacturing](#), [laboratories](#) and [office spaces](#).

Every Massachusetts business eligible to reopen in phase one should begin preparing its COVID-19 control plan and other materials *immediately*, in order to ensure that it is in compliance by May 25. Businesses ineligible for reopening in phase one should also begin preparing their compliance materials, in order to be prepared to do so when their eligibility phase is announced.

Foley Hoag has formed a firm-wide, multi-disciplinary [task force](#) dedicated to client matters related to the novel coronavirus (COVID-19). For guidance on COVID-19 business reopening issues, please contact Tad Heuer, Christopher Feudo, Colin Zick, or visit our [Resource Portal](#) or contact your Foley Hoag attorney.

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