

## **GUIDANCE TO MUNICIPALITIES ON ENFORCING COVID-19 WORKPLACE SAFETY RULES**

Slowing the spread of COVID-19 requires the cooperation of everyone. The plan to re-open the economy safely requires that everyone do their part, and we expect most businesses and other organizations allowed to open their premises to the public will be diligent about keeping their employees, customers, and the public safe and healthy.

### **Permitted Activities**

The Re-Opening Plan has progressed to Step 1 of Phase 3. This stage of the re-opening plan keeps in place most restrictions, advisories and guidance adopted in earlier phases but provides additional allowances for certain activities that can resume safely. Step 2 of Phase 3 will not commence until announced by Executive Order.

*What Are the Workplace Safety Requirements for Businesses and Other Organizations Permitted to Open their Premises?*

- All businesses and other organizations must comply with all generally applicable COVID-19 workplace safety standards as well as sector-specific workplace standards where applicable. Note that some sector-specific and generally applicable workplace standards are mandatory (actions that “must” be taken), while others are best practice recommendations (actions that “should” be taken).
- The generally applicable COVID-19 workplace safety standards applicable to all enterprises are available [here](#).
- Below is a list of sector-specific COVID-19 workplace safety rules administered by the Department of Labor Standards. In each case, Local Boards of Health and DLS share primary and direct responsibility for enforcement. The detailed rules are available [here](#).

|                                  |   |
|----------------------------------|---|
| Close Contact Personal Services  | Lodging Facilities  |
| Construction                     | Manufacturing   |
| Drive-In Movie Theaters          | Museums / Cultural & Historical Facilities / Guided Tours |
| Driving and Flight Schools       | Office Spaces   |
| Fitness Centers and Health Clubs | Places of Worship   |
| Golf Facilities                  | Retail (including Grocery Stores)                         |
| Indoor and Outdoor Events        | Restaurants   |
| Indoor Recreation                | Theaters and Performance Venues                           |
| Laboratories                     | Sectors Not Otherwise Addressed                           |
| Libraries                        |   |

Municipalities also have enforcement authority for COVID-19 safety rules issued in Outdoor Recreational guidance issued by the Executive Office of Energy and Environmental Affairs (EEA). Those rules are listed below, and complete versions are available [here](#). The Department of Labor Standards and EEA will coordinate with local boards of health in supporting enforcement efforts.

|                              |   |
|------------------------------|---|
| For-Hire and Charter Vessels | Youth and Adult Amateur Sports Activities                     |
| Campgrounds                  | Zoos, Botanical Gardens, Wildlife Reserves,<br>Nature Centers |
| Ecotourism                   | Whitewater Rafting  |

*What additional responsibilities apply to Businesses and other organizations operating during the COVID-19 state of emergency?*

- Follow other requirements as listed on <https://www.mass.gov/info-details/reopening-massachusetts#sector-specific-protocols-and-best-practices->
- Businesses are not required to enforce the Travel Order but are strongly discouraged from permitting employer-paid or employer-reimbursed travel to destinations not included in the list of lower-risk States published by the Department of Public Health. Businesses should remind their employees of their personal responsibility to comply with the Travel Order when returning to Massachusetts from places other than lower-risk States.

### **Enforcement of Workplace Safety Standards**

- In order to open or continue operation, all businesses and other organizations must:
  - Develop a written COVID-19 safety plan outlining how the enterprise will prevent the spread of COVID-19. Templates are available [here](#).
  - Self-certify that the enterprise will operate in compliance with all applicable and mandatory workplace safety standards. Templates are available [here](#).
  - Produce this self-certification, when requested by the local board of health, DLS, DPH, or an authorized representative. Failure or refusal to produce the self-certification upon request is grounds for enforcement action.
  - Report all positive cases of COVID-19 in the workplace to the local board of health and provide assistance with contact tracing, as required in all sector-specific workplace safety rules. A failure to do so is a violation for which a local Board of Health or DLS may take enforcement action.
- Workplace safety standards are enforced jointly by the local boards of health and DLS. Enforcement can be initiated by either the local board of health or DLS, whichever entity is called in first by a person filing a complaint. DLS and each municipal authority shall uniformly apply any enforceable COVID-19 workplace safety rule.
- Local boards of health and DPH retain all authority they have under current public laws to regulate and inspect under chapters of the State Sanitary Code.

### **Options for Enforcement**

- DLS and local boards of health are not required to undertake inspections of businesses that are reopening. It is expected that most enforcement actions will be initiated by a complaint from a customer, the public, or an employee.

- The goal of enforcement is to promote compliance. DLS and local boards of health may implement a range of enforcement actions to address non-compliance and should determine the most appropriate action depending on the circumstances of the individual case. Options for enforcement include:
  - Verbal consultation & redirection
  - Written Warning
  - Fines up to \$300 per violation (a single penalty may be for multiple violations, and therefore, for a multiple of \$300).
  - Cease & Desist Oder
  - Court Injunction
- Enforcement actions taken by DLS will be communicated to the local board of health. Enforcement actions taken by a board of health should be communicated to DLS.
- Where continued non-compliance with a COVID-19 workplace safety standard warrants the closing of a business, the local board of health or DLS may seek a court injunction. Additionally, they may revoke a permit or close a business pursuant to other regulations or local ordinances.
- DLS and local boards of health may request the assistance of state and local law enforcement authorities when needed. It is expected that police presence will be limited and will be required only when a compliance issue presents an immediate threat to health and safety or the risk of a violent confrontation.
- Local boards of health can request enforcement assistance and standards interpretive guidance by calling the DLS hotline: (508) 616-0461 x9488 or by sending an email to [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov).