

HOUSE No. 4822

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 30, 2020.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 4738) of Peter Capano and others relative to manufacturing and factory worker protection from the COVID-19 pandemic, reports recommending that the accompanying bill (House, No. 4822) ought to pass.

For the committee,

STEPHAN HAY.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to manufacturing and factory worker protection from COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide protection to the Commonwealth’s manufacturing workforce, as they are at an increased risk of contracting COVID-19 due to work that cannot be performed remotely and puts workers in close proximity with others, often touching many of the same surfaces and sharing tools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. For the purposes of this act, the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:

3 “Close contact”, living in the same household as a person who has tested positive for
4 COVID-19; caring for a person who has tested positive for COVID-19; being within 6 feet of a
5 person who has tested positive for COVID-19 for approximately 15 minutes; coming in direct
6 contact with secretions, for example the sharing of utensils or being coughed on, of a person who
7 has tested positive for COVID-19 while that person was symptomatic; or similar contact as
8 determined by the department of public health.

9 “Employee” or “worker”, an individual employed in a manufacturing capacity in the
10 commonwealth.

11 “Local COVID-19 contact”, an employee of a local board of health designated by said
12 board as the point of contact for reporting and COVID-19 information.

13 “Personal protective equipment”, equipment worn to minimize exposure to hazards that
14 cause illnesses, including masks, gloves, gowns and face shields.

15 “Potential COVID-19 symptoms”, signs of a fever, a measured temperature above 100.3
16 degrees or greater, a cough or trouble breathing.

17 SECTION 2. (a) Prior to starting a shift, each employee shall self-certify to their
18 supervisor that they (i) have no potential COVID-19 symptoms within the past 24 hours; (ii)
19 have not had close contact and; (iii) have not been asked to self-isolate or quarantine by their
20 doctor or a local public health official.

21 (b) Employees unable to self-certify shall be directed to leave the location and seek
22 medical attention and applicable testing by their health care provider. Employees directed to
23 leave shall not return to work until cleared by a medical professional.

24 (c) Employers shall grant no less than 14 days of paid sick leave to any employee self-
25 reporting potential COVID-19 symptoms or close contact, even if testing availability is limited
26 or workers are awaiting results.

27 (d) Medical professionals or trained individuals as defined by the department of public
28 health shall temperature screen employees who work in a confined space or inside a closed

29 building envelope, provided that such screenings are out of view of all other employees and
30 results are kept private.

31 (e) In the event that an employee affiliated with a union self-reports potential COVID-19
32 symptoms, close contact or a positive test for COVID-19, the employer shall notify the
33 designated representative for said union of an employee report, but shall not disclose any
34 identifying information of the employee that self-reports.

35 SECTION 3. (a) Workers shall remain not fewer than 6 feet apart from one another at all
36 times to eliminate the potential of cross contamination.

37 (b) If workers are unable to remain not fewer than 6 feet apart from one another, each
38 shall wear personal protective equipment and employers shall adopt new procedures to allow for
39 more social distancing between workers. New procedures may include, but are not limited to, the
40 slowing of assembly lines.

41 (c) Employers shall, to the extent practicable, utilize engineering controls to reduce
42 potential exposure. Such engineering controls may include, but are not limited to, installation of
43 high-efficiency air filters, increase in ventilation rates, and construction of physical barriers.

44 (d) Employee shifts, breaks and lunches shall be staggered to minimize unnecessary
45 congregation and allow for cleaning and disinfecting.

46 SECTION 4. Employers shall provide all employees with personal protective equipment
47 consistent with U.S. Department of Labor Occupational Safety and Health Administration
48 guidance, to wear during their shifts.

49 SECTION 5. (a) Employers shall display laminated COVID-19 safety guidelines and
50 handwashing instructions above all sinks.

51 (b) All restroom facilities shall be cleaned and disinfected regularly. All handwashing
52 stations shall be stocked with soap, hand sanitizer and paper towels at all times

53 (c) All surfaces shall be cleaned and disinfected regularly and between shifts, including
54 but not limited to machinery, workspaces, door handles, light switches, keyboards, phones and
55 high touch points.

56 (d) All common areas and meeting areas, as determined by employers, shall be cleaned
57 and disinfected not less than once per day.

58 (e) Employers shall, to the extent practicable, utilize disinfectants listed by the
59 Environmental Protection Agency as qualified for use against SARS-CoV-2.

60 (f) The department of public health shall promulgate regulations consistent with this act
61 relative to additional safety guidance, facility cleaning and disinfecting requirements and to
62 implement to requirements of this act.

63 SECTION 6.

64 (a) In the event that any employee self-reports potential COVID-19 symptoms, close
65 contact or a positive test for COVID-19 to an employer, the employer shall notify the
66 Department of Public Health.

67 (b) In the event that any employee self-reports potential COVID-19 symptoms, close
68 contact or a positive test for COVID-19 to a local health board, the local health board shall notify
69 the relevant employer to the extent practicable.

70 (d) In the event that any employee self-reports potential COVID-19 symptoms, the
71 employer shall follow the Centers for Disease Control and Prevention guidelines for cleaning
72 and disinfecting the building or facility where the employee worked.

73 SECTION 7. (a) Employers shall, to the extent practicable, promptly identify and isolate
74 potentially infectious employees and exposed coworkers and open outside doors and windows to
75 increase air circulation to areas used by the employee. After 24 hours or as close to 24 hours as
76 practicable of such identification and isolation, employers shall thoroughly clean and disinfect all
77 areas and surfaces used by said employee. If more than 7 days have elapsed since the employee
78 visited or used the facility, the employer need engage only in routine cleaning and disinfection
79 pursuant to this act.

80 (b) Following identification of a potentially infectious employee at the facility, the local
81 board of health, to the extent practicable, shall determine if the workplace is suitably safe for
82 employees to return.

83 (c) The local board of health, to the extent practicable, shall recommend closure of a
84 facility for more than 24 hours to the state government if they find the workplace to be
85 unsuitable for employees to return.