The Commonwealth of Massachusetts


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.
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:

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

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

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

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

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

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

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

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

(d) Medical professionals or trained individuals as defined by the department of public health shall temperature screen employees who work in a confined space or inside a closed
building envelope, provided that such screenings are out of view of all other employees and results are kept private.

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

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

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

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

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

SECTION 4. Employers shall provide all employees with personal protective equipment consistent with U.S. Department of Labor Occupational Safety and Health Administration guidance, to wear during their shifts.
SECTION 5. (a) Employers shall display laminated COVID-19 safety guidelines and handwashing instructions above all sinks.

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

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

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

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

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

SECTION 6.

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

(b) In the event that any employee self-reports potential COVID-19 symptoms, close contact or a positive test for COVID-19 to a local health board, the local health board shall notify the relevant employer to the extent practicable.
(d) In the event that any employee self-reports potential COVID-19 symptoms, the employer shall follow the Centers for Disease Control and Prevention guidelines for cleaning and disinfecting the building or facility where the employee worked.

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

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

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