May 18, 2020

Construction Services Permitted to Resume in Massachusetts During COVID-19 Pandemic

On May 18, Governor Baker announced that construction services in Massachusetts may resume immediately, subject to the Sector Specific Workplace Safety Standards for Construction Sites to Address COVID-19 (the Construction Site Safety Standards).

For all construction sites other than 1-3 family residences, the Construction Site Safety Standards require that a COVID-19 officer be designated to the site and shall provide daily certifications to the owner of the project that the contractor and all subcontractors are in compliance with such safety standards. A municipality may require the owner of a large, complicated private project to pay for a third-party inspector, who shall be accountable to the municipality and ensure enforcement of the Construction Site Safety Standards on its behalf. A municipality may also require the owner of a complicated project to develop a site-specific risk analysis and generate an enhanced safety plan, as well as pausing construction activities until such enhanced safety plan is reviewed and approved by the municipality.

For construction services in 1-3 family residential buildings, the contractor will not be required to appoint a COVID-19 officer at each site where there are five or less workers at the site, but instead may appoint one COVID-19 officer for all such small sites within the same city or town. The COVID-19 officer must visit each of the sites daily to ensure full compliance with the Construction Site Safety Standards.

Before each shift, every employee must certify to their supervisor that they have had no COVID-19 related symptoms (fever, coughing or trouble breathing) within the past 24 hours, they have not been in close contact with anyone who has been diagnosed with COVID-19 and that they have not been ordered to self-quarantine.

While on the job site, all workers will be required to wear cut-resistance gloves and must maintain social distancing of six feet apart where possible. If social distancing is not possible, the affected employees must be provided with personal protective equipment, including masks, gloves and eye protection. All high-contact surface areas must be cleaned a minimum of twice per day and all sites without ready access to an indoor bathroom must have a wash station installed, which must include water (hot, if possible), soap, hand sanitizer and paper towels.

If violations of the safety and distancing protocols outlined above are found, the applicable municipality may pause the construction activities until a corrective action plan is submitted and approved.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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