

HOUSE No. 1875

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to provide occupational safeguards for employees resulting from the introduction and utilization of video display terminals..

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

1 Chapter 149 of the General Laws is hereby amended by adding after Section 141A the
2 following Section:-Section 141B. (1) Every employer intending to introduce new hardware or
3 software in excess of five thousand dollars (\$5,000) shall give advance notice in writing to the
4 affected employees at least six months prior to the installation of such equipment.Section 141B.
5 (2) Employers shall provide, free of expense to the affected employees, for the eye-sight of all
6 proposed full-time operators to be examined prior to operating the video display terminal and for
7 periodic visual re-evaluations as needed on a voluntary basis. Such re-evaluation shall be
8 performed at least every twelve (12) months. Every visual examination shall consist of at least
9 the following tests and procedures:a. Complete health and work history.b. Inspections of the
10 exteriors and interiors of the eyes as well as the surrounding areas. c. Tests of visual acuity — far
11 and near, including refractive status. d. Tests of eye coordination and eye muscle control.e. Tests
12 of the eyes’ ability to focus easily from near to far and back again.f. In addition, the minimum
13 optometric testing set up by the American Optometric Association.g. If the operator already
14 wears glasses or contact lenses, testing shall be performed for workstation distance and, where

15 necessary, work glasses shall be provided by the employer.h. If the eye doctor recommends that
16 an employee stop working on the machines, he or she will be given other work at equal pay and
17 same conditions of work applicable to the position where the employee transferred.Section 141B.
18 (3) Employers shall provide operators with workstations designed to be adjustable, flexible and
19 ergonomically correct.Chairs shall be completely adjustable from a sitting position for height.
20 Backrests shall be fully adjustable to the lumbar region to provide adequate support.Terminal
21 tables shall be completely height adjustable to the individual requirements of their users and
22 terminals shall have tilt-adjustable screen surfaces.Keyboards shall be detached from the visual
23 display screen and their placement shall be on an adjustable plane so the height of the keyboard
24 can be adjusted upward and downward.Proper illumination is essential so both the video display
25 terminal screen and hard copy can be read without undue discomfort or fatigue.The American
26 National Standards Institute recommends minimum illumination levels of between 750 lux and
27 1600 lux for general office environment. Other recommendations specifically for video display
28 terminal offices range from between 500 lux and 700 lux.Horizontal illuminance on the screen
29 should be kept low to minimize reflected glare.Where illumination is over 700 lux for visual
30 tasks, particular care should be taken to eliminate glare on the screen.Windows shall have drapes
31 and/or vertical blinds that can be completely opened and closed.The terminals shall be properly
32 positioned with respect to windows and overhead lighting so that the glare sources are not
33 directly in front of the operators, nor are they reflected in the video display terminal
34 screen.Whenever glare exists in quantity harmful to employees, the employer will eliminate such
35 hazard by all means practicable, such as installing screen hoods to completely or partially shield
36 the screen from reflections; or installing anti-glare filters on the screens; or installing recessed
37 direct lighting fixtures; or installing baffles to cover light fixtures to prevent the luminaries from

38 acting as a glare source; or installing special covers on light fixtures to direct the light downward
39 rather than allowing the light to diffuse; relocating light fixtures; or installing indirect lighting
40 systems. The employer will install proper equipment so that temperature, humidity and
41 ventilation shall meet the minimum standards prescribed by the American Society of Heating,
42 Refrigerating and Air Conditioning Engineers, including the Ventilation Standard 62-81
43 (Ventilation for Acceptable Air Quality) and any other relevant or subsequent recommendations.
44 In addition, local exhaust ventilation shall be provided for point sources of air contaminants such
45 as wet copiers or printing machines. Areas where smoking is allowed shall have rates of
46 ventilation sufficient to protect occupants from the adverse effects of altered air
47 quality. Workstations shall be large enough to avoid excessive heat from the equipment and to
48 keep background noise below sixty-five (65) decibels. Noise-reducing covers shall be installed
49 on word processing printers and any other noisy office equipment. Section 141B. (4) Employers
50 shall provide flexible rest periods to operators' requirements. The following minimum standards
51 shall apply: a. A fifteen (15) minute work-rest break shall be taken after two (2) hours of
52 continuous video display terminal work for operators under moderate visual demands and/or
53 moderate work load. b. A fifteen (15) minute work-rest break shall be taken after one (1) hour of
54 continuous video display terminal work for operators under high visual demands, high workloads
55 and/or those engaged in repetitive work tasks. Section 141B. (5) Employers shall maintain all
56 video display terminals in safe condition and shall have them regularly maintained twice a year.
57 Employers shall keep and maintain a full record of repairs and maintenance for each video
58 display terminal. Section 141B. (6) Employers shall give serious consideration in the design of
59 jobs and in the selection of new technology to enhance the attractiveness of the job as a means to
60 reduce work stress and to create motivated and productive workers. Jobs should provide an

61 identifiable piece of work for which a worker (or group) can take responsibility and obtain
62 feedback about their performance of the work. Jobs should not fragment work into specialized
63 tasks, nor eliminate indicators of progress to the workers themselves. Measures of performance
64 made available by new technology shall be prohibited. Any pregnant employee shall be offered
65 alternate employment at the same work site during the term of the pregnancy. She shall not be
66 reduced in pay or benefits because of any transfer. No employee shall be required to work at a
67 video display terminal more than five (5) hours a day. Comparable tasks will be given to
68 employees at no reduction of pay. Every employer shall provide each employee who operates a
69 video display terminal with a copy of this Act. Failure to conform with this Act shall subject the
70 employer to a fine of not less than one thousand dollars (\$1,000) for each violation. Each day
71 that such violation continues shall constitute a separate violation.