SENATE DOCKET, NO. 674 FILED ON: 1/17/2013

SENATE . . . . . No. 877

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act extending safety protections to employees of the executive branch of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marc R. Pacheco	*First Plymouth and Bristol*
Sal N. DiDomenico	*Middlesex and Suffolk*
Thomas M. McGee	*Third Essex*
John F. Keenan	*Norfolk and Plymouth*
Denise Provost	*27th Middlesex*
Gale D. Candaras	*First Hampden and Hampshire*
Patricia D. Jehlen	*Second Middlesex*

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 877) of Marc R. Pacheco, Sal N. DiDomenico, Thomas M. McGee, John F. Keenan and other members of the General Court for legislation to extend safety protections to employees of the executive branch of the Commonwealth. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *948* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act extending safety protections to employees of the executive branch of the Commonwealth.

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. The first paragraph of section 6 of chapter 149 of the general laws is hereby amended by adding a second sentence as follows:

With respect to employees of the Commonwealth and its departments, authorities, boards and commissions, such regulations shall provide at least the level of protection to employees as are provided under the federal Occupational Safety and Health Act. In the absence of a state regulation, the department shall apply the applicable provisions of said Act and such provisions shall be enforceable in the district court in the jurisdiction in which the violation occurs.

The governor shall appoint an occupational health and safety hazard advisory board to evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs, and determine where additional resources are needed to protect the safety and health of the Commonwealth's employees. The advisory committee shall have 13 members, comprised as follows: the secretary of Labor and Workforce Development, or his or her designee, who shall serve as the co-chairperson; the chief human resources officer, or his or her designee, who shall serve as co-chairperson; the director of the Division of Labor Standards; the secretary of Administration and

Finance, or his or her designee; the director of the Office of Employee Relations, or his or her designee; the commissioner of the Department of Public Health, or his or her designee; the director of the Department of Industrial Accidents, or his or her designee; four representatives from labor unions representing the employees of the Commonwealth; one representative from a community-based health and safety advocacy organization, and one member of the faculty of the Department of Work Environment at the University of Massachusetts, Lowell.

The director, in consultation with the advisory board, shall promulgate rules and regulations recommended to him or her by such board which establish standards whenever such board finds (i) that no federal standard exists for the particular condition being addressed and that such a standard is necessary for the protection of the public employees at risk, or (ii) a federal standard exists, but conditions in public workplaces in this state require a different standard, and such state standard will be at least as effective in providing safe and healthful places of employment as the federal standard.

SECTION 2. The fourth paragraph of section 6 of chapter 149 of the general laws, as most recently amended, is hereby repealed.