

**HOUSE . . . . . No. 1254**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michelle M. DuBois***

*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 to further define public-employee safety with regard to; trenching and excavation; and confined space work.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:              | DATE ADDED:      |
|----------------------------|--------------------------------|------------------|
| <i>Michelle M. DuBois</i>  | <i>10th Plymouth</i>           | <i>1/18/2017</i> |
| <i>James B. Eldridge</i>   | <i>Middlesex and Worcester</i> |                  |
| <i>Kenneth I. Gordon</i>   | <i>21st Middlesex</i>          |                  |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i>          | <i>2/2/2017</i>  |
| <i>Gerard Cassidy</i>      | <i>9th Plymouth</i>            | <i>2/1/2017</i>  |
| <i>Peter V. Kocot</i>      | <i>1st Hampshire</i>           | <i>2/2/2017</i>  |
| <i>Michael O. Moore</i>    | <i>Second Worcester</i>        | <i>2/2/2017</i>  |

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By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 1254) of Michelle M. DuBois and others relative to protecting the health and safety of employees engaged in trenching, excavating and working in confined spaces. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3478 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to further define public-employee safety with regard to; trenching and excavation; and confined space work.

*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 6H. The Department of Labor Standards shall adopt and enforce regulations that  
2 extend safety standards at least as stringent as the OSHA standards to the public sector and  
3 public sector employees with regard to (at minimum) the following work areas: trenching,  
4 excavation, and confined spaces work. The Department shall develop a mandatory, annual  
5 safety-training schedule for public sector employees who may be expected to take part in these  
6 working conditions. For the purpose of this section “public sector employees” is as defined in  
7 section 6 ¾, specifically “all state, local, governmental, public employees”.

8           The Department shall have the right to enter and inspect all places of employment,  
9 compel witnesses and evidence, and, issue fines and stop work orders for violations of its safety

10 regulations. No employee shall be penalized by an employer in any way as a result of such  
11 employee's filing of a complaint or otherwise providing notice to the department in regard to the  
12 occupational health and safety of such employee or others taking part in trenching, excavation,  
13 and confined spaces work. The department or the attorney general may enforce the provisions of  
14 this statute.