

SENATE No. 2167

The Commonwealth of Massachusetts

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

SENATE, Thursday, September 28, 2017

The committee on Ways and Means, to whom was referred the Senate Bill to further define standards of employee safety (Senate, No. 2072),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2167).

For the committee,
Karen E. Spilka

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An Act to further define standards of employee safety.

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 1. Section 6 of chapter 149 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the words “authority hereof”, in line 24, and
3 inserting in place thereof the following:- this section or section 6 ½.

4 SECTION 2. Said chapter 149 is hereby further amended by striking out section 6 ½, as
5 so appearing, and inserting in place thereof the following section:-

6 Section 6 ½. (a) For the purposes of this section, the following words shall have the
7 following meanings unless the context clearly requires otherwise:

8 “Public employees”, individuals employed by a public employer.

9 “Public employers”, places of employment subject to section 28 of chapter 7, any agency,
10 executive office, department, board, commission, bureau, division or authority of the
11 commonwealth or of any political subdivision of the commonwealth, a quasi-public independent
12 entity and any authority or body politic and corporate established by the general court to serve a
13 public purpose.

14 (b) Public employers shall provide public employees at least the level of protection
15 provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq.,
16 including standards and provisions of the general duty clause contained in 29 U.S.C. 654.

17 (c) The governor shall appoint an occupational health and safety hazard advisory board
18 consisting of: the secretary of labor and workforce development or a designee, who shall serve as
19 the co-chairperson; the personnel administrator or a designee, who shall serve as co-chairperson;
20 the director of the division of labor standards or a designee; the secretary of administration and
21 finance or a designee; the director of the office of employee relations or a designee; the
22 commissioner of public health or a designee; the director of industrial accidents or a designee; 4
23 representatives from labor unions representing public employees; 1 representative from a
24 community-based health and safety advocacy organization; the president of the Massachusetts
25 Municipal Association, Inc. or a designee; the president of the Massachusetts Highway
26 Association or a designee; the president of the Massachusetts Association of School Committees,
27 Inc. or a designee; the president of the Massachusetts Association of School Superintendents,
28 Inc. or a designee; the president of the Massachusetts Water Works Association Inc. or a
29 designee; the president of the Massachusetts Municipal Management Association or a designee;
30 and 1 member of the faculty of the department of work environment at the University of
31 Massachusetts at Lowell.

32 The advisory board shall evaluate injury and illness data, recommend training and
33 implementation of safety and health measures, monitor the effectiveness of safety and health
34 programs and determine where additional resources are needed to protect the safety and health of
35 public employees.

36 (d) The department shall promulgate regulations to enforce this section. The department
37 shall consult with the advisory board established in subsection (c) prior to adopting or amending
38 the regulations. The department may, after consulting with the advisory board, adopt transit-
39 specific regulations for the Massachusetts Bay Transportation Authority.

40 (e) The attorney general may bring a civil action for declaratory or injunctive relief to
41 enforce this section.

42 SECTION 3. This act shall take effect on September 1, 2018.