

SENATE No. 2250

Senate, January 16, 2018 -- Text of the further Senate amendment (Senator Lewis) to the Senate Bill to further define standards of employee safety (Senate, No. 2167)

The Commonwealth of Massachusetts

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

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 , in line 24, the words “authority hereof” and
3 inserting in place thereof the following words:- 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, any quasi-public
12 independent entity and any authority or body politic and corporate established by the general
13 court to serve a 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 which shall consist of the following 21 members: the secretary of labor and workforce
19 development or a designee, who shall serve as the co-chairperson; the personnel administrator or
20 a designee, who shall serve as co-chairperson; the director of the division of labor standards or a
21 designee; the secretary of administration and finance or a designee; the director of the office of
22 employee relations or a designee; the commissioner of public health or a designee; the director of
23 industrial accidents or a designee; 4 representatives from labor unions representing public
24 employees; 1 representative from a community-based health and safety advocacy organization;
25 the president of the Massachusetts Municipal Association, Inc. or a designee; the president of the
26 Massachusetts Highway Association or a designee; the president of the Massachusetts
27 Association of School Committees, Inc. or a designee; the president of the Massachusetts
28 Association of School Superintendents, Inc. or a designee; the president of the Massachusetts
29 Water Works Association Inc. or a designee; the president of the Massachusetts Municipal
30 Management Association or a designee; and 1 member of the faculty of the department of work
31 environment at the University of 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: (i) adopting or
38 amending the regulations; or (ii) the submission of a state plan for occupational safety and health
39 standards and their enforcement to the United States Secretary of Labor pursuant to 29 U.S.C.
40 667. The department may, after consulting with the advisory board, adopt specific regulations for
41 individual quasi-public independent entities and authorities.

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

44 SECTION 3. This act shall take effect on February 1, 2019.