HOUSE DOCKET, NO. 2637 FILED ON: 1/20/2011

HOUSE . . . . . No. 3160

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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 passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	*13th Suffolk*

HOUSE DOCKET, NO. 2637 FILED ON: 1/20/2011

HOUSE . . . . . No. 3160

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 3160) of Martin J. Walsh relative to providing safeguards for employees using video display terminals. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1875* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

Chapter 149 of the General Laws is hereby amended by adding after Section 141A the following Section:-

Section 141B. (1) Every employer intending to introduce new hardware or software in excess of five thousand dollars ($5,000) shall give advance notice in writing to the affected employees at least six months prior to the installation of such equipment.

Section 141B. (2) Employers shall provide, free of expense to the affected employees, for the eye-sight of all proposed full-time operators to be examined prior to operating the video display terminal and for periodic visual re-evaluations as needed on a voluntary basis. Such re-evaluation shall be performed at least every twelve (12) months. Every visual examination shall consist of at least the following tests and procedures:

a. Complete health and work history.

b. Inspections of the exteriors and interiors of the eyes as well as the surrounding areas.

c. Tests of visual acuity — far and near, including refractive status.

d. Tests of eye coordination and eye muscle control.

e. Tests of the eyes' ability to focus easily from near to far and back again.

f. In addition, the minimum optometric testing set up by the American Optometric Association.

g. If the operator already wears glasses or contact lenses, testing shall be performed for workstation distance and, where necessary, work glasses shall be provided by the employer.

h. If the eye doctor recommends that an employee stop working on the machines, he or she will be given other work at equal pay and same conditions of work applicable to the position where the employee transferred.

Section 141B. (3) Employers shall provide operators with workstations designed to be adjustable, flexible and ergonomically correct. Chairs shall be completely adjustable from a sitting position for height. Backrests shall be fully adjustable to the lumbar region to provide adequate support. Terminal tables shall be completely height adjustable to the individual requirements of their users and terminals shall have tilt-adjustable screen surfaces. Keyboards shall be detached from the visual display screen and their placement shall be on an adjustable plane so the height of the keyboard can be adjusted upward and downward. Proper illumination is essential so both the video display terminal screen and hard copy can be read without undue discomfort or fatigue. The American National Standards Institute recommends minimum illumination levels of between 750 lux and 1600 lux for general office environment. Other recommendations specifically for video display terminal offices range from between 500 lux and 700 lux. Horizontal illuminance on the screen should be kept low to minimize reflected glare. Where illumination is over 700 lux for visual tasks, particular care should be taken to eliminate glare on the screen. Windows shall have drapes and/or vertical blinds that can be completely opened and closed. The terminals shall be properly positioned with respect to windows and overhead lighting so that the glare sources are not directly in front of the operators, nor are they reflected in the video display terminal screen.

Whenever glare exists in quantity harmful to employees, the employer will eliminate such hazard by all means practicable, such as installing screen hoods to completely or partially shield the screen from reflections; or installing anti-glare filters on the screens; or installing recessed direct lighting fixtures; or installing baffles to cover light fixtures to prevent the luminaries from acting as a glare source; or installing special covers on light fixtures to direct the light downward rather than allowing the light to diffuse; relocating light fixtures; or installing indirect lighting systems.

The employer will install proper equipment so that temperature, humidity and ventilation shall meet the minimum standards prescribed by the American Society of Heating, Refrigerating and Air Conditioning Engineers, including the Ventilation Standard 62-81 (Ventilation for

50 Acceptable Air Quality) and any other relevant or subsequent recommendations. In addition,
51 local exhaust ventilation shall be provided for point sources of air contaminants such as wet
52 copiers or printing machines. Areas where smoking is allowed shall have rates of ventilation
53 sufficient to protect occupants from the adverse effects of altered air quality.

54 Workstations shall be large enough to avoid excessive heat from the equipment and to
55 keep background noise below sixty-five (65) decibels. Noise-reducing covers shall be installed
56 on word processing printers and any other noisy office equipment.

57 Section 141B. (4) Employers shall provide flexible rest periods to operators'
58 requirements. The following minimum standards shall apply:

59 a. A fifteen (15) minute work-rest break shall be taken after two (2) hours of continuous
60 video display terminal work for operators under moderate visual demands and/or moderate work
61 load.

62 b. A fifteen (15) minute work-rest break shall be taken after one (1) hour of continuous
63 video display terminal work for operators under high visual demands, high workloads and/or
64 those engaged in repetitive work tasks.

65 Section 141B. (5) Employers shall maintain all video display terminals in safe condition
66 and shall have them regularly maintained twice a year. Employers shall keep and maintain a full
67 record of repairs and maintenance for each video display terminal.

68 Section 141B. (6) Employers shall give serious consideration in the design of jobs and in
69 the selection of new technology to enhance the attractiveness of the job as a means to reduce
70 work stress and to create motivated and productive workers. Jobs should provide an identifiable
71 piece of work for which a worker (or group) can take responsibility and obtain feedback about
72 their performance of the work. Jobs should not fragment work into specialized tasks, nor
73 eliminate indicators of progress to the workers themselves. Measures of performance made
74 available by new technology shall be prohibited.

75 Any pregnant employee shall be offered alternate employment at the same work site
76 during the term of the pregnancy. She shall not be reduced in pay or benefits because of any
77 transfer.

78 No employee shall be required to work at a video display terminal more than five (5)
79 hours a day. Comparable tasks will be given to employees at no reduction of pay. Every
80 employer shall provide each employee who operates a video display terminal with a copy of this
81 Act. Failure to conform with this Act shall subject the employer to a fine of not less than one
82 thousand dollars ($1,000) for each violation. Each day that such violation continues shall
83 constitute a separate violation.