

HOUSE No. 3952

Senate bill No. 2167, as amended by the Senate, as changed by the Senate committee on Bills in the Third Reading, and as passed to be engrossed by the Senate on October 4, 2017.

The Commonwealth of Massachusetts

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

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; 5
23 representatives from labor unions representing public employees, 1 of whom shall be a
24 representative of municipal public employees; the president of the Municipal Electric
25 Association of Massachusetts, Inc. or a designee; 1 representative from a community-based
26 health and safety advocacy organization; the president of the Massachusetts Municipal
27 Association, Inc. or a designee; the president of the Massachusetts Highway Association or a
28 designee; the president of the Massachusetts Association of School Committees, Inc. or a
29 designee; the president of the Massachusetts Association of School Superintendents, Inc. or a
30 designee; the president of the Massachusetts Water Works Association Inc. or a designee; the
31 president of the Massachusetts Municipal Management Association or a designee; and 1 member
32 of the faculty of the department of work environment at the University of Massachusetts at
33 Lowell.

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

38 (d) The department shall promulgate regulations to enforce this section and shall establish
39 protocols for public employees to submit concerns regarding occupational safety and health. The
40 department shall consult with the advisory board established in subsection (c) prior to adopting
41 or amending the regulations. The department may, after consulting with the advisory board,
42 adopt transit-specific regulations for the Massachusetts Bay Transportation Authority and
43 regulations specific to other quasi state agencies or authorities..

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

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