



# OSHA Safety for Public Sector Highlights of Updated Massachusetts Law

On March 9, 2018 Governor Baker signed a bill that amended M.G.L. chapter 149 6 ½. The law was updated to clarify employee safety requirements in public sector workplaces, and will be enforced by the Department of Labor Standards (DLS).

Massachusetts General Law Chapter 149, 6 and 6-1/2 provides job safety and health protection workers through the promotion of safe and healthful work conditions. In addition, 454 CMR 25 directly extends OSHA regulations to executive branch agencies.

## Updated Law Highlights:

- Clarifies that the definition of public sector workplace includes counties, municipalities, all state agencies, quasi-public independent entities, courts, bureaus, commissions, divisions or authorities of the commonwealth, political subdivisions, and public colleges and universities.
- Clarifies that public sector employers are required to provide methods to reduce work-related injury and illness, which meet the minimum requirements provided under OSHA.

## Why The Law Was Updated:

- The original law, M.G.L. chapter 149 §6 ½ did not contain the phrasing for OSHA compliance because it was written before 1970, when OSHA was enacted.

## How Safety Requirements Will Be Enforced:

- DLS will conduct safety and health inspections of public sector workplaces. The updated law clarifies the public sector employer's obligations and does not change current DLS procedures.

## Public Sector Employers May Get Fined:

- DLS has the authority to issue fines.

## Training Requirements Are Job Specific:

- Employers are required to provide procedures, equipment and training to prevent work-related injuries and illnesses. Safety training depends on the tasks and equipment handled by employees, such as confined space, trenches, ladders, or work zones.
- Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.

## Top 8 Municipal Safety Needs

Municipalities who want to strengthen their safety programs often ask, "Where do we start?" The Department of Labor Standards encourages employers to prioritize their efforts on conditions that cause a high-pattern of injuries, and high-cost injuries.

Topic	Examples of Applicable Activity	Reason for Concern
<i>Activities that have potential for a fatal or significant injury</i>		
Aerial Lift	DPW Parks and Tree; electric utilities; holiday tree lighting; traffic light maintenance	Fatal accidents and serious injury in past three years when workers were ejected from bucket.
Crossing Guards	Police; school departments	Fatal accidents and serious injury have occurred in past three years when a Crossing Guard was struck by vehicle.
Lockout Tagout	Facilities; HVAC; electricians; water and sewer; compactors; vehicle mechanics	Potential for fatal accident when working with energized equipment.
Trench	DPW; Water and Sewer departments.	Potential for fatal accident. Private sector fatalities have occurred over past three years in Massachusetts.
Workzone Safety	Police details; DPW; water and sewer departments	Potential for fatal accident. Serious injuries have occurred in past five years when an officer was struck by a vehicle.
<i>Activities that have a high pattern of injury in municipal departments</i>		
Chainsaw; Tree Trimming	DPW parks and tree department	Frequent incidents across the state with lacerations and getting struck by tree limbs.
Floors, Stairs and Railings	All municipal departments.	Slip and Trip injuries are a common pattern in all municipal departments.
Lifting Heavy Objects	All municipal departments.	Muscle and back strain are a common pattern in all municipal departments.

For further information, contact The New England Consortium (TNEC) 978.934.3329.

**Project Partners:** UMass Lowell, ConnectiCOSH, MassCOSH, RICOSH and NH COSH