HOUSE DOCKET, NO. 579 FILED ON: 1/13/2013

HOUSE . . . . . No. 2460

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 extending protections to employees of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	*13th Suffolk*
Jason M. Lewis	*31st Middlesex*
Martha M. Walz	*8th Suffolk*
Ruth B. Balser	*12th Middlesex*
James J. Dwyer	*30th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
Christine E. Canavan	*10th Plymouth*
Jonathan Hecht	*29th Middlesex*
Thomas J. Calter	*12th Plymouth*
Brian M. Ashe	*2nd Hampden*
Sean Garballey	*23rd Middlesex*
Thomas A. Golden, Jr.	*16th Middlesex*

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HOUSE . . . . . No. 2460

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 2460) of Martin J. Walsh and others relative to evaluating injury and illness data and establishing safety and health measures to protect employees of the Commonwealth. Public Service.

The Commonwealth of Massachusetts

An Act extending protections to employees of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1

The first paragraph of section 6 of chapter 149 of the general laws is hereby amended by adding a second sentence as follows:

With respect to employees of the Commonwealth and its departments, authorities, boards and commissions, such regulations shall provide at least the level of protection to employees as are provided under the federal Occupational Safety and Health Act. In the absence of a state regulation, the department shall apply the applicable provisions of said Act and such provisions shall be enforceable in the district court in the jurisdiction in which the violation occurs.

The governor shall appoint an occupational health and safety hazard advisory board to evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs, and determine where additional resources are needed to protect the safety and health of the Commonwealth's employees. The advisory committee shall have 13 members, comprised as follows: the secretary of Labor and Workforce Development, or his or her designee, who shall serve as the co-chairperson; the chief human resources officer, or his or her designee, who shall serve as co-chairperson; the director of the Division of Labor Standards; the secretary of Administration and Finance, or his or her designee; the director of the Office of Employee Relations, or his or her designee; the commissioner of the Department of Public Health, or his or her designee; the director of the Department of Industrial Accidents, or his or her designee; four representatives from labor unions representing the employees of the Commonwealth; one representative from a community-based health and safety advocacy organization, and one member of the faculty of the Department of Work Environment at the University of Massachusetts, Lowell.

23 The director, in consultation with the advisory board, shall promulgate rules and
24 regulations recommended to him or her by such board which establish standards whenever such
25 board finds (i) that no federal standard exists for the particular condition being addressed and
26 that such a standard is necessary for the protection of the public employees at risk, or (ii) a
27 federal standard exists, but conditions in public workplaces in this state require a different
28 standard, and such state standard will be at least as effective in providing safe and healthful
29 places of employment as the federal standard.

30 Section 2

31 The fourth paragraph of section 6 of chapter 149 of the general laws, as most recently
32 amended, is hereby repealed.