

OSHA Safety for Public Sector Employees

Highlights of Updated Law G.L. c. 149, § 6 ½

On March 9, 2018, Chapter 44 of the Acts of 2018, *An Act Relative to Standards of Employee Safety*, was enacted. The law amends G.L. c. 149, § 6 ½, updates and clarifies employee safety requirements in public sector workplaces, and will be enforced by the Department of Labor Standards (DLS). **The law will take effect on February 1, 2019.**

Highlights:

- The law defines a public sector workplace to include 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.
- The law requires all public sector employers to implement methods of reducing work-related injury and illness that meet the minimum requirements provided under the federal Occupational Safety and Health Act of 1970.

How Safety Requirements are Enforced:

- DLS conducts safety and health inspections of public sector workplaces. Federal OSHA inspectors will not inspect public sector employers. The updated law clarifies the public sector employer's obligations and does not change current DLS standards or procedures.

How Workplaces are Selected for Inspection:

DLS prioritizes inspections in the following order. For all except "Imminent" inspections, DLS makes an appointment with the public sector employer.

- **Imminent Hazard:** DLS inspectors stop at active trenches, aerial lift operations, and roofing to ensure safety equipment and procedures are used.
- **Accident Investigation:** DLS inspects workplaces in response to a worker injury.
- **Voluntary:** An employer can request a voluntary safety and health audit.
- **Complaint:** DLS responds to complaints about workplace safety conditions. Examples of complaints include ladder handling, lack of respirators, and facility maintenance.

Planned Programmed Inspection:

DLS performs a representative number of inspections in workplaces expected to contain machinery or other hazards. Examples of recent inspections include wastewater treatment plants, drinking water plants, highway departments, municipal electric power stations, school kitchens, and crossing guard locations.

OSHA Safety for Public Sector MGL c149 §6 ½

Frequently Asked Questions

On March 9, 2018 House Bill 3952, An Act to Further Define Standards of Employee Safety that amends M.G.L. chapter 149 §6 ½ was enacted. The law updates and clarifies employee safety requirements in public sector workplaces, and is enforced by the Department of Labor Standards (DLS). **This law is effective February 1, 2019**

- 1. Does the amended law replace OSHA?** No. OSHA continues to have jurisdiction over **private** sector employers.
- 2. Are Massachusetts requirements as strict as OSHA?** The new requirements are the same as OSHA's requirements, no stricter or more lenient.
- 3. When is the effective date?** February 1, 2019. In the interim, however, the current law remains in effect, and DLS will continue to conduct safety and health inspections. Before the new law's effective date, DLS will conduct outreach to familiarize employers with their responsibilities.
- 4. Can public sector employers get fined?** Although DLS has the authority to issue fines, its enforcement approach is to issue an order for corrective action to employers for a first offense. When corrective actions are completed within the timeframe specified, no fine is issued.
- 5. When should we notify DLS about an injury?** Contact DLS at 508-616-0461 or safepublicworkplace@state.ma.us within 24 hours if an accident causes a death, amputation, loss of an eye, loss of consciousness, or inpatient hospitalization. For these and all other injuries, continue to follow your current workers' compensation procedures and file First Reports with the Department of Industrial Accidents.
- 6. When should we keep an OSHA 300 Log?** Complete an OSHA 300 Log if you receive a letter from the Bureau of Labor Statistics requesting a copy of your log. Complete an OSHA 300 Log if requested by a DLS inspector. Do not enter your logs on the osha.gov website. More details to follow in 2019.
- 7. What training requirements are there?** Training requirements are job specific. Safety training depends on the tasks and equipment handled by employees, such as aerial lifts, trenches, ladders, or chainsaws. For a summary, see the DLS website at www.mass.gov/dols/wshp and <https://www.osha.gov/Publications/osha2254.pdf>.
- 8. Is OSHA 10 training required?** Under updated MGL c149 §6 ½, OSHA 10 training is not required of all employees. There is, however, a public bidding law that requires OSHA 10 training on publicly bid construction projects over \$10,000. Provide this training if that law applies to your workers.
- 9. What resources are there to help with the cost of training?** The Department of Industrial Accidents, Office of Safety awards up to \$25,000 to organizations to fund workplace safety training. For more information about this grant email: safety@dia.state.ma.us
- 10. What are the requirements for a private contractor performing work on public property?** Private sector employers are required to comply with OSHA standards. An enforcement inspection can be conducted by federal OSHA inspectors.
- 11. What tools are available to help prepare for compliance?** Self-audit checklists, template programs, and sample trainings are available for public workplaces. We expect to make more educational and compliance

materials available to employers as we conduct outreach prior to the effective date. See www.mass.gov/dols/wshp