

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