

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.