



# Public Sector Employee Health and Safety

## What health and safety laws, regulations and protections are available to municipal and county employees in Massachusetts?

Federal Occupational Health and Safety Administration (OSHA) does not cover public sector workplaces in Massachusetts. Municipal and county employee health and safety is covered in a general manner by the Massachusetts Department of Labor Standards (DLS) under Chapter 149 section 6 of the Massachusetts General Laws. In addition, all public employees in Massachusetts are covered by the Massachusetts Right to Know Law (MGL Chapter 111F) and the DLS Right to Know regulations 454 CMR 21.00.

## Are there specific standards or requirements for municipal employees?

In most cases, with the exception of Right to Know, there are no **specific** standards for worker health and safety. Chapter 149 section 6 states that our Division shall investigate places of employment and determine what suitable devices or other reasonable means or requirements are necessary for the prevention of industrial or occupational diseases.

In the absence of specific standards, *it is the policy of our office that public sector employees follow the OSHA Standards as a minimum.* Compliance with the OSHA Standards will in most cases ensure compliance with the intent of Chapter 149 section 6. Note that all private sector workplaces in the country as well as most public sector workplaces in other states follow OSHA Standards. It only makes sense that Massachusetts municipalities and counties follow these same rules as a standard of care. The bottom line-municipalities should be following OSHA standards.

## What about State workplaces?

State workplaces under the Chief Human Resources Officer are exempt from Chapter 149. However, the Department of Labor Standards and OSHA have an alliance with the State Human Resources Division to partner on health and safety issues. Trainings are being conducted referencing the OSHA Standards.

In addition, Governor Patrick signed Executive Order #511 in April of 2009. This order calls for the creation of an infrastructure that will allow for ongoing assessment and improvement of health and safety conditions for the Commonwealth's executive branch employees. The cornerstone of the infrastructure is the creation of joint labor-management health and safety committees who will conduct an assessment of health and safety systems in place for certain serious health and safety hazards.

## What kind of services are available to public sector workplaces?

Both employees and employers in public workplaces can request our services. Our office can provide a broad range of services. Some of these include:

- Walkthrough inspections to identify hazards and control measures
- Providing technical assistance with a health or safety issue
- Air monitoring to determine chemical exposure levels
- Evaluations of a ventilation and local exhaust systems
- Evaluation of respiratory protection and personal protective equipment programs
- Assistance developing safety programs on trench safety, confined space entry, lockout tagout
- Noise evaluations

All testing, training and consultations are done free of charge.

## Are there fees for services or fines and penalties associated with the inspections?

In general there are no fines or penalties associated with the inspections as long as the most serious hazards are corrected in a reasonable period of time. Our office will work with a municipality or State agency to address the correction of such hazards. Typically a full report with recommendations and corrective actions needed is provided to the employer along with model written programs and technical information needed to correct the hazards. There is a provision in the law for issuing orders that could lead to fines should a municipality fail to correct a serious health hazard. However, DLS has always worked cooperatively with municipalities to correct these hazards without the use of fines.

## Where can I get further information?

You may visit our website at [www.mass.gov/dols](http://www.mass.gov/dols) and click on:

- Workplace Safety and Health Program: Click on **Hazard Information Bulletins** on a variety of subjects at the bottom of the program page.
- Right to Know: An employer assistance guide as well as a summary publication on Right to Know, the Right to Know poster and a PowerPoint training program are available.
- Executive Order 511: A copy of the Executive Order as well as a fact sheet can be found on our website by clicking on the Executive Order 511 button.

To file a request for an on site inspection or to request information you may also contact us at 617-969-7177 and speak with the person on phone duty in the Workplace Safety and Health Program.



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS