

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Pacheco**

*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 bill:

An Act to provide a safe workplace for employees of the commonwealth.

PETITION OF:

NAME:

Mr. Pacheco

Martha M. Walz

DISTRICT/ADDRESS:

First Plymouth and Bristol

8th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01088 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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AN ACT TO PROVIDE A SAFE WORKPLACE FOR 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:*

1 SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting a new section 40 as

2 follows:-

3 (a) Notwithstanding any general or special law to the contrary, the division of occupational safety  
4 shall apply federal occupational and health standards applicable to private sector employees as  
5 minimum standards to employees of the Commonwealth, its independent authorities and other  
6 political subdivisions. Such standards shall include all statutory and regulatory requirements  
7 enforced by the occupational safety and health administration with respect to private sector  
8 employees, including, without limiting the generality of the foregoing, the general duty clause.

9 Nothing herein shall affect any state standard that exceeds the standards applied by the  
10 occupational health and safety administration.

- 11 (b) The division shall have authority to conduct investigations. The commissioner shall have  
12 authority to issue subpoenas and subpoenas duces tecum to compel the attendance of  
13 witnesses and/or the production of documents.
- 14 (c) The commissioner of the division may promulgate regulations and may issue corrective orders  
15 where he has found a violation of this section or regulations promulgated hereunder.  
16 Proceedings concerning the issuance of regulations or corrective orders to public officials shall  
17 be adjudicatory proceedings pursuant to chapter 30A and shall be subject to judicial review  
18 accordingly.
- 19 (d) With respect to the exercise of its responsibilities under this section, the division shall be within  
20 the department of labor but not subject to its direction and control.
- 21 (e) The effective date of this section with respect to cities and towns shall be subject to the  
22 provisions of section 27C of chapter 29 of the general laws.
- 23 (f) Provisions of this act shall not apply to the fire service of the Commonwealth, its independent  
24 authorities or other political subdivisions.