



Commonwealth of Massachusetts Executive Office of Labor and Workforce Development

Department of Labor Standards Workplace Safety & Health Program For Public Sector Employees Now a Massachusetts OSHA State Plan

Maura Healy, Governor
Kim Driscoll, Lieutenant Governor
Lauren E. Jones, EOLWD Secretary

WSHP Program Goal



Massachusetts Workplace Safety and Health Protection for Public Employees

454 CMR 25.00 requires all public sector employers to comply with OSHA regulations.

Employers:	Employers are required to provide procedures, equipment, and training to prevent work-related injuries and illnesses.
Employees:	Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.
Inspection:	The Department of Labor Standards (DLS) may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses. See Inspection Summary at mass.gov/dols/wshp .
Enforcement:	DLS may issue a <i>Written Warning</i> which contains an <i>Order to Correct</i> when an inspection reveals a condition which could cause a work-related injury or illness. DLS may issue a <i>Civil Citation with Civil Penalty</i> when an employer fails to abate a <i>Written Warning</i> , or repeats conditions identified in a previous <i>Written Warning</i> .
Voluntary Assistance:	Public sector workplaces may request technical assistance by contacting DLS at safepublicworkplacemailbox@mass.gov or (508) 616-0461 and choose option #1. There are no written warnings or penalties issued for voluntary assistance.
Complaints:	Public employees or their representatives may file a complaint about safety and health conditions at their workplace by contacting DLS at safepublicworkplacemailbox@mass.gov or (508) 616-0461 and choose option #1.
Safety and Health Management:	Sample safety programs and technical bulletins are available at mass.gov/dols/wshp .

mass.gov/dols/wshp

(508) 616-0461 and choose option #1

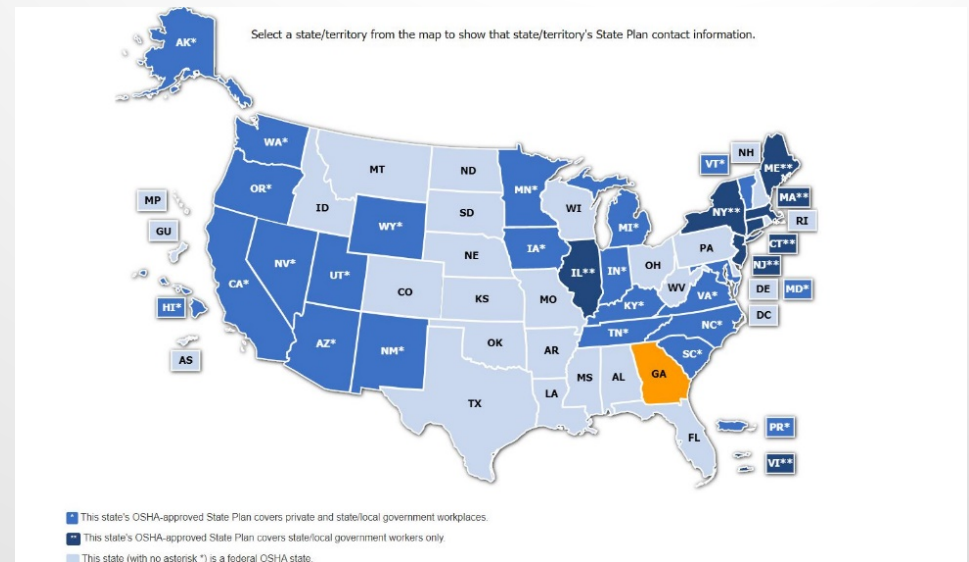
Rev. 06-21-21

The goal of the WSHP is to prevent workplace injury and illness of public sector workers.

- WSHP enforces occupational safety and health regulations in **public sector** workplaces.
- **Private sector** workplaces are covered by OSHA.

Massachusetts OSHA State Plan

- The WSHP was recognized as an OSHA State Plan in August 2022.
- State Plans are monitored by OSHA and must be at least as effective as OSHA in protecting workers and in preventing work-related injuries , illnesses, and deaths.



Approved OSHA Plan State

7803/massachusetts-state-plan-for-state-and-local-government-employers-initial-approval-determination



FEDERAL REGISTER

The Daily Journal of the United States Government



Rule

Massachusetts State Plan for State and Local Government Employers; Initial Approval Determination

A Rule by the [Occupational Safety and Health Administration](#) on 08/18/2022



PUBLISHED DOCUMENT

AGENCY:

Occupational Safety and Health Administration (OSHA), Labor.

ACTION:

Final rule.

SUMMARY:

The Massachusetts State and Local Government Only State Plan, a State occupational safety and health, applicable only to Massachusetts State and local Government employees (workers of the State and its political subdivisions), is approved as a developmental plan under the Occupational Safety and Health Act of 1970 and OSHA regulations. OSHA's decision to grant the Massachusetts State Plan initial approval is based on its determination that the Massachusetts State Plan meets, or will meet within three years, OSHA's State Plan approval criteria, and that Massachusetts has provided adequate assurances that it will be at least as effective as Federal OSHA in protecting the safety and health of Massachusetts State and local Government workers. The Massachusetts State Plan is eligible to

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

08/18/2022

Agencies:

[Occupational Safety and Health Administration](#)

Dates:

This final rule is effective August 18, 2022.

Effective Date:

08/18/2022

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Rule

Document Citation:

87 FR 50766

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50766-50776 (11 pages)

CFR:

29 CFR 1956

What is the Difference Between OSHA and DLS

- Federal OSHA has jurisdiction over **private sector** worker safety in Massachusetts.
- DLS has jurisdiction over **public sector** worker safety Massachusetts.
- On some worksites we have joint jurisdiction.
- We also refer cases to one another when we come upon a workplace incident or hazard not within our jurisdiction.

DLS Inspection Priorities

1. Imminent Danger

- Bucket Truck
- Trench
- Roof

2. Significant Injury

- Fatality
- Hospital
- Burn
- Amputation
- Electric Shock

3. Complaints and Referrals

4. Planned Programmed

5. Voluntary Request by Employer/ Consultations



Unprotected trench.

What Happens During Inspection?

- Opening Conference
- Walk-through
- Closing Conference
- *DLS will also ask to speak with the local union steward.*

Workplace Safety and Health Program Inspection Summary

What to Expect during a Safety and Health Inspection

1 The DLS Inspector will conduct an opening conference to explain the purpose of the visit, and the scope of the inspection. Representatives of labor and management will be invited to participate in the opening conference. The DLS Inspector may request to review injury records and written programs. This review may occur before or after the site walkthrough.



2 After the opening conference, the DLS representative will conduct a site walkthrough to evaluate tasks, equipment and conditions which could cause a work related injury or illness.

3 Photographs, noise testing, or air testing may be conducted. The employer is welcome to take notes and obtain their own photographs or testing.



4 At the conclusion of the inspection, the DLS representative will conduct a closing conference to discuss observations. The representative will also indicate conditions where corrective action may be required. The representative may also request documentation such as safety policies and training records. Due to the nature of work activities or equipment, additional research by DLS may be required before a report is provided.

Inspection Report

- 1** A written report will be sent to the department management. If conditions were observed which could cause a work-related injury or illness, the report may take the following formats:
- a. A Written Warning may be issued which contains an order to correct the condition by a correction due date.
 - b. A Civil Citation with Civil Penalty may be issued which contains an order to correct the condition by a correction due date. DLS may consider issuing a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allowed an unsafe condition to occur, or if the condition has already caused a serious work-related injury, or if the employer has ignored a previous Written Warning.
 - c. A civil penalty, up to \$1,000 for each violation, in accordance with M.G.L. c. 149 and regulations.
- 2** The written report will contain a corrective action due date. Extensions for the corrective action may be requested if the employer can show diligent progress toward correction.



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


DLS Enforcement

Written Warning

- Corrective Action required by due date.
- No fine.

Civil Citation with Penalty

- Civil Penalty for each violation in Written Warning that employer failed to correct; or
- Employer repeatedly allowed an unsafe condition to occur; or
- The condition has already caused a serious work-related injury.


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

*This is an important notice. Please have it translated.
Este é um aviso importante. Quem precisar de tradução,
Entre em contato importante. Serviço disponível em português.
CÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG
XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ÁY
C'est un important. Veuillez faire traduire.
本通知很重要。請務必譯成中文。
အရေးကြီးသော အချက်အလက်ကို ဖော်ပြပါသည်။*

DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
L.T. GOVERNOR

JOANNE F. GOLDSTEIN
SECRETARY
HEATHER E. ROWE
DIRECTOR

Via First Class Mail

Docket Number: AB-12-400

WRITTEN WARNING AND ORDER

Pursuant to 453 CMR 6.00 and 453 CMR 9.03, the Department of Labor and Standards ("DLS") hereby issues a Written Warning and Order to [REDACTED], and [REDACTED] (hereinafter the "Respondent") for the following reason(s):

On August 14, 2012, DLS conducted an inspection at [REDACTED] Massachusetts and observed the following violation:

1. Respondent failed to Conduct an Asbestos Response Action in compliance with the requirements of 453 CMR 6.14, in violation of 453 CMR 6.03(11), in that Respondent failed to:
Follow the following work practice requirements:
 - a. Respondent failed to ensure that all employees decontaminate their persons by showering, wet washing or HEPA vacuuming to remove all asbestos debris prior to leaving the Work Area, pursuant to 453 CMR 6.14(4)(b)4. Workers were observed in the work area wearing street clothing while performing the final clean up and failed to decontaminate themselves while going through the decon.

ORDER TO CORRECT
ACTIONS TO BE TAKEN AND DEADLINE FOR TAKING SUCH ACTIONS:
[REDACTED] and [REDACTED] shall implement the following corrective measures to bring its activities into compliance: (over)

1213 PURCHASE STREET • 2ND FLOOR • NEW BEDFORD, MA 02740
PHONE: 508-984-7718 • FAX: 508-984-3562
www.mass.gov/dols

Inspection Hazards




Groundwater inspection fell in hole


- Collar bone
- Ribs
- Face




Inspection Hazards

 **Mass.gov**

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SEARCH 

[Home](#) > [Housing & Property](#) > [Safety & Inspections](#) > [Dig Safe](#)

 OFFERED BY [Pipeline Safety Division](#)

About Dig Safe

In this guide, you'll find out important information about Dig Safe, including when you should call Dig Safe, how to report a Dig Safe violation or damage, and other helpful tips. Planning to dig? Call Dig Safe at 811 or (888) 344-7233 to make sure you avoid damaging utility lines.





TABLE OF CONTENTS

- ▼ What is Dig Safe?
- ▼ When should I call Dig Safe?
- ▼ What does premark mean?
- ▼ Who has to mark out their lines?
- ▼ How should I dig when I am close to the markings?
- ▼ What should I do if the markings become faded?
- ▼ How can I get a copy of my Dig Safe ticket?
- ▼ What if I hit an underground utility line?
- ▼ When should I report a Dig Safe violation or damage?
- ▼ What if I don't follow the Dig Safe law?



[Feedback](#)

Underground Utility Lines

- Electrical
- Gas
- Water and Sewer
- Telcom

Local Utilities

- Septic Pumps
- Garages and Sheds
- Outdoor lighting or recreation

Inspection Hazards



Never stick your head into a septic tank

- Infectious diseases
- Hazardous gases
- Electrical shock

Use nonconductive measuring devices!

- Always assume an unknown electrical hazard could be present

Overhead Power Wires



- Street wires
- House wires
- Garage or accessory buildings



Working Near Heavy Equipment



Get Operator's Attention!

- Swing Radius
- Struck by
- Caught between
- High Visibility
- Hard Hat



Workzone Safety and Traffic Control



- Advance warning signs
- Lane closed with taper
- Cones
- ANSI hi-vis clothing

Next Steps

- Conduct your own safety walkthrough.
- Talk with employees about safety concerns. Develop safety policies & procedures
- Keep equipment maintained according to Owner's Manuals & check for recalls.
- Call the OSHA Consultation Program for free assistance.



OSHA Public Sector Consultation

Free Consultation is available from staff who are separate from the enforcement team.



Employer is required to post list and provide proof of correction before due date.



Findings are NOT used as first strike to issue penalties.



Consultation reports are kept **confidential**.

Enforcement staff are not able to see where Consultation has been or see reports.

OSHA Consultation summary

What to expect during a consultation

The OSHA consultants will:

Walk through and survey of your plant to help you recognize hazards in your workplace.

Suggest control measures and options for solving a safety or health problem.

Assist you in writing and implementing OSHA-required written programs.

Help you establish or strengthen a safety and health program.

Provide a detailed written report summarizing all findings.

Provide training and education for you and your employees.

Perform air testing, noise testing, and ventilation measurements.

Discuss applicable OSHA standards and procedures to install them.

Your only obligation will be to agree to correct all serious safety and health hazards in a timely manner.

New England Education Center

- Keene State College is the official OSHA provider of safety and health training for New England.
- Courses in all safety and health topics
- Public Sector Safety & Health Fundamentals Certificate Program
- www.oshaedne.com



Questions and Discussion

- What question or concerns do you have?
- What barriers will you face improving workplace safety and health?
- What additional support would you like from DLS?

**I'm Not The Only One That
Dreams About Safety!**



Contact Us

Department of Labor Standards Workplace Safety and Health Program

Phone: 508-616-0461 x1

Email: safepublicworkplacemailbox@mass.gov

Website: www.mass.gov/dols/wshp

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Stephen Dagle, Inspector