

HOUSE No. 1875

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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 occupational safeguards for employees resulting from the introduction and utilization of video display terminals.

PETITION OF:

NAME:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1859 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE OCCUPATIONAL SAFEGUARDS FOR EMPLOYEES RESULTING FROM THE INTRODUCTION AND UTILIZATION OF VIDEO DISPLAY TERMINALS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 Chapter 149 of the General Laws is hereby amended by adding after Section 141A the
2 following Section:-

3 Section 141B. (1) Every employer intending to introduce new hardware or software in excess of
4 five thousand dollars (\$5,000) shall give advance notice in writing to the affected employees at
5 least six months prior to the installation of such equipment.

6 Section 141B. (2) Employers shall provide, free of expense to the affected employees, for the
7 eye-sight of all proposed full-time operators to be examined prior to operating the video display
8 terminal and for periodic visual re-evaluations as needed on a voluntary basis. Such re-evaluation
9 shall be performed at least every twelve (12) months. Every visual examination shall consist of at
10 least the following tests and procedures:

11 a. Complete health and work history.

12 b. Inspections of the exteriors and interiors of the eyes as well as the surrounding areas.

- 13 c. Tests of visual acuity — far and near, including refractive status.
- 14 d. Tests of eye coordination and eye muscle control.
- 15 e. Tests of the eyes' ability to focus easily from near to far and back again.
- 16 f. In addition, the minimum optometric testing set up by the American Optometric Association.
- 17 g. If the operator already wears glasses or contact lenses, testing shall be performed for
- 18 workstation distance and, where necessary, work glasses shall be provided by the employer.
- 19 h. If the eye doctor recommends that an employee stop working on the machines, he or she will
- 20 be given other work at equal pay and same conditions of work applicable to the position where
- 21 the employee transferred.
- 22 Section 141B. (3) Employers shall provide operators with workstations designed to be
- 23 adjustable, flexible and ergonomically correct.
- 24 Chairs shall be completely adjustable from a sitting position for height. Backrests shall be fully
- 25 adjustable to the lumbar region to provide adequate support.
- 26 Terminal tables shall be completely height adjustable to the individual requirements of their
- 27 users and terminals shall have tilt-adjustable screen surfaces.
- 28 Keyboards shall be detached from the visual display screen and their placement shall be on an
- 29 adjustable plane so the height of the keyboard can be adjusted upward and downward.
- 30 Proper illumination is essential so both the video display terminal screen and hard copy can be
- 31 read without undue discomfort or fatigue.
- 32 The American National Standards Institute recommends minimum illumination levels of
- 33 between 750 lux and 1600 lux for general office environment. Other recommendations
- 34 specifically for video display terminal offices range from between 500 lux and 700 lux.
- 35 Horizontal illuminance on the screen should be kept low to minimize reflected glare.

36 Where illumination is over 700 lux for visual tasks, particular care should be taken to eliminate
37 glare on the screen.

38 Windows shall have drapes and/or vertical blinds that can be completely opened and closed.

39 The terminals shall be properly positioned with respect to windows and overhead lighting so that
40 the glare sources are not directly in front of the operators, nor are they reflected in the video
41 display terminal screen.

42 Whenever glare exists in quantity harmful to employees, the employer will eliminate such hazard
43 by all means practicable, such as installing screen hoods to completely or partially shield the
44 screen from reflections; or installing anti-glare filters on the screens; or installing recessed direct
45 lighting fixtures; or installing baffles to cover light fixtures to prevent the luminaries from acting
46 as a glare source; or installing special covers on light fixtures to direct the light downward rather
47 than allowing the light to diffuse; relocating light fixtures; or installing indirect lighting systems.

48 The employer will install proper equipment so that temperature, humidity and ventilation shall
49 meet the minimum standards prescribed by the American Society of Heating, Refrigerating and
50 Air Conditioning Engineers, including the Ventilation Standard 62-81 (Ventilation for
51 Acceptable Air Quality) and any other relevant or subsequent recommendations. In addition,
52 local exhaust ventilation shall be provided for point sources of air contaminants such as wet
53 copiers or printing machines. Areas where smoking is allowed shall have rates of ventilation
54 sufficient to protect occupants from the adverse effects of altered air quality.

55 Workstations shall be large enough to avoid excessive heat from the equipment and to keep
56 background noise below sixty-five (65) decibels. Noise-reducing covers shall be installed on
57 word processing printers and any other noisy office equipment.

58 Section 141B. (4) Employers shall provide flexible rest periods to operators' requirements. The

59 following minimum standards shall apply:

60 a. A fifteen (15) minute work-rest break shall be taken after two (2) hours of continuous video
61 display terminal work for operators under moderate visual demands and/or moderate work load.

62 b. A fifteen (15) minute work-rest break shall be taken after one (1) hour of continuous video
63 display terminal work for operators under high visual demands, high workloads and/or those
64 engaged in repetitive work tasks.

65 Section 141B. (5) Employers shall maintain all video display terminals in safe condition and
66 shall have them regularly maintained twice a year. Employers shall keep and maintain a full
67 record of repairs and maintenance for each video display terminal.

68 Section 141B. (6) Employers shall give serious consideration in the design of jobs and in the
69 selection of new technology to enhance the attractiveness of the job as a means to reduce work
70 stress and to create motivated and productive workers. Jobs should provide an identifiable piece
71 of work for which a worker (or group) can take responsibility and obtain feedback about their
72 performance of the work. Jobs should not fragment work into specialized tasks, nor eliminate
73 indicators of progress to the workers themselves. Measures of performance made available by
74 new technology shall be prohibited.

75 Any pregnant employee shall be offered alternate employment at the same work site during the
76 term of the pregnancy. She shall not be reduced in pay or benefits because of any transfer.

77 No employee shall be required to work at a video display terminal more than five (5) hours a
78 day. Comparable tasks will be given to employees at no reduction of pay. Every employer shall
79 provide each employee who operates a video display terminal with a copy of this Act. Failure to
80 conform with this Act shall subject the employer to a fine of not less than one thousand dollars

81 (\$1,000) for each violation. Each day that such violation continues shall constitute a separate
82 violation.