

HOUSE No. 3136

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 adoption of the accompanying bill:

An Act to require employers to employed individuals to be trained in OSHA.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Tackey Chan

2nd Norfolk

Steven Ultrino

33rd Middlesex

HOUSE No. 3136

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3136) of Tackey Chan and Steven Ultrino relative to OSHA trained employees in the workplace . Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to require employers to employed individuals to be trained in OSHA.

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 143 of the General Laws is hereby amended by inserting after
2 section 100 the following new sections:-

3 Section 101. Any employer in the construction industry whose business is subject to
4 oversight by the United States Occupational Safety and Health Administration shall have its
5 employees receive no less than 15 hours of Occupational Safety and Health Administration
6 training and said training shall be relative to the work that the employee is required to complete.
7 Employers that contract independent contractors shall require the independent contractor to
8 provide evidence of completing at least 15 hours of Occupational Safety and Health
9 Administration training course that is relevant to the work that the independent contractor is
10 expected to do.

11 Any employer who utilizes employees without the required training shall be fined \$2,500
12 in the first instance, \$5,000 in a second instance and \$10,000 for each subsequent instance.

13 Should an employee or contractor die as a violation of this section or a death is found in violation
14 the United States Occupational Safety and Health Administration shall be fined \$25,000;
15 provided that no fines shall be issued until the investigation is completed as to the cause of death.
16 The board shall keep a list of violations of this section and violations publically available from
17 United States Occupational Safety and Health Administration and the reason for a violation
18 available and ready for access by the public.

19 The board shall promulgate rules and regulations on this section, including but limited to,
20 standardizing the certification forms and certificates, providing a list of available training
21 providers, providing when employees should be trained again after the initial training, and a way
22 for consumers and employees to report violations to the board.

23 Section 102. The board shall promulgate guidelines by which cities and towns may issue
24 permits to employers in the construction industry that violates section 101 or United States
25 Occupational Safety and Health Administration, and have been investigated and fines and
26 penalties issued against them. The purpose of the guidelines is to establish a uniform review
27 process by which a municipality should grant permits for construction projects to applicants.