



Commonwealth of Massachusetts Executive Office of Labor and Workforce Development

What Every Town Manager Needs to Know About Workplace Safety

Presented to:
Massachusetts Municipal Association
Annual Meeting & Trade Show

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Department of Labor Standards

www.mass.gov/dols/wshp

508-616-0461

Objectives

1. What are the Safety and Health Regulations for municipal workplaces?
2. What happens during a DLS safety inspection?
3. Examples of violations found at recent DLS inspections.



Workplace Safety for Public Sector

- ▶ MGL c149 §6
- ▶ Employer responsibilities
- ▶ Employee responsibilities



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

Massachusetts Workplace Safety and Health Protection for Public Employees

Massachusetts General Law Chapter 149, §§ 6 and 6-1/2 provide job safety and health protection for state, municipal and county workers through the promotion of safe and healthful work conditions. In addition, 454 CMR 25 directly extends OSHA regulations to executive branch state agencies.

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 www.mass.gov/dols/wshp .
Enforcement:	DLS may issue a Written Warning which contains an Order to Correct when an inspection reveals a condition which could cause a work-related injury or illness. DLS may issue a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allows an unsafe condition to occur, the condition has already caused a serious work-related injury, or if the employer has ignored a previous Written Warning.
Voluntary Assistance:	Public sector workplaces may request technical assistance by contacting DLS at 508-616-0461 or safepublicworkplace@state.ma.us . 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 508-616-0461 or safepublicworkplace@state.ma.us .
Safety and Health Management:	Sample safety programs and technical bulletins are available at www.mass.gov/dols/wshp .

www.mass.gov/dols/wshp 508-616-0461

Rev. 9-15

Who Inspects Public Sector?

- ▶ Department of Labor Standards inspects all public sector.
 - Similar process as OSHA inspection.
 - M.G.L. c149 §6
- ▶ Federal OSHA inspects private sector only.



Who Gets Inspected?

1. Imminent Danger

- Trench
- Bucket Truck
- Roof

2. Significant Injury

Fatality; Hospital;
Amputation; Electric Shock

3. Complaints and Referrals

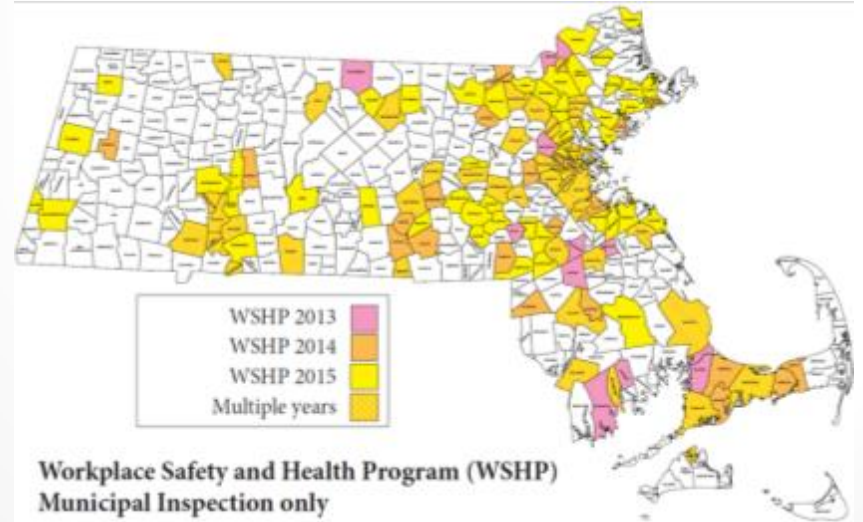
4. Programmed Schedule



Who Has Been Inspected?

From 2013–2015,
WSHP has conducted
inspections in
135 cities and towns.

In some towns,
more than one department
has been inspected
(ie. school; DPW; water).



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.



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Will There be a Penalty?

- ▶ **Goal:** Preventing Injury and Illness
- ▶ **First Enforcement:** *No Fine*
 - Written Warning with Order to Correct
 - Response required before Due Date
- ▶ **Second Enforcement for Same Violation:**
 - Civil Citation with Civil Penalty
 - \$1,000 per violation
 - To date, no penalties issued

Examples of Violations Found during DLS Inspections



Electrical Accident

- ▶ In 2014, a city electrician was repairing lights at an athletic field. The 3-phase circuit breaker, 227/480 volts was not de-energized. An arc flash injured the worker.
- ▶ **Written Warning included:**
 - ▶ Working on live equipment
 - ▶ Lack of arc-flash PPE
 - ▶ Lack of Lockout Tagout program



Before



After

OSHA: 29 CFR 1910.333

Massachusetts: M.G.L. c149 s18C

Amputation

- ▶ In 2014 and 2015, DLS issued Written Warnings for amputations caused by snowblowers.

Cause of amputation:

- ▶ Poor equipment maintenance;
- ▶ Missing tool;
- ▶ Lack of training per owners manual.

▶ Written warning included:

- ▶ Missing tool to clear blockages
- ▶ Lack of training on equipment



OSHA: 1910.212(a)(3)
State: MGL C149 s.18C

Amputation

In 2014, an amputation occurred when the stock shifted during cut, pulling worker's finger towards the blade of the saw. The stock was not supported by the extension supports provided by the saw manufacturer.



Written Warning included:

- ▶ Lack of training on owner's manual.

OSHA: 29 CFR 1910.212(a)(3)(i) machine guarding;
State: MGL c.149 s.18A



Decal on saw reminds user to support the stock.

Amputation

- ▶ In 2015, a DPW employee suffered a finger amputation when he “rode the bucket” out of a trench.



Example of equipment used to dig trench.

Written Warning included:

- ▶ Riding the bucket
- ▶ Lack of ladder
- ▶ Lack of daily trench inspection

State: MGL c.149 s6
OSHA: 29 CFR 1926.651



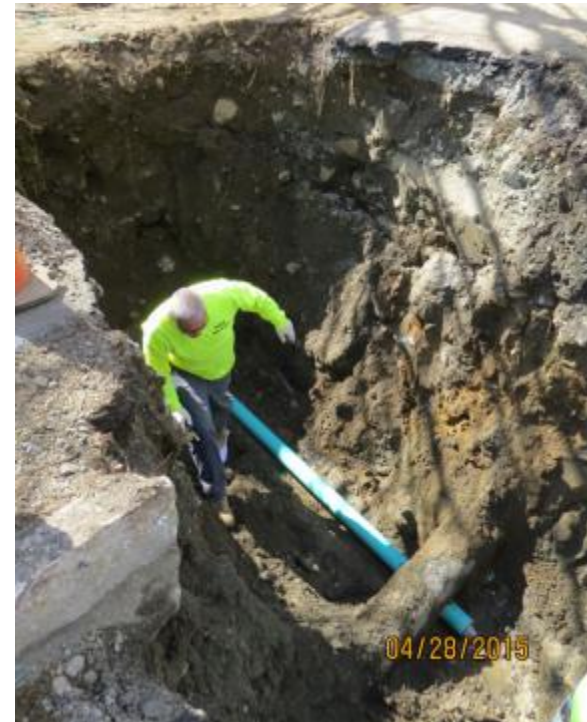
Worker's finger entered an observation hole on the boom and was sliced by the piston.

Trench

- ▶ In 2013–2015, several towns were inspected and issued Written Warnings for lack of cave-in protection.

Written Warnings included:

- ▶ Lack of cave-in protection
- ▶ Lack of ladders
- ▶ Lack of daily inspection
- ▶ Lack of “Competent Person” designated with authority to correct hazards



State: MGL c.149 s6
OSHA: 29 CFR 1926.651

Bucket Truck

- ▶ In 2013–2015, several towns were issued Written Warnings because workers did not use fall protection while working in a bucket truck.

Written Warnings included:

- ▶ Lack of fall protection – worker could be ejected from bucket.
- ▶ Lack of traffic workzone set-up



State: MGL c.149 s6
OSHA: 29 CFR 1926.453

Ladder Accidents

DLS investigated several ladder accidents which resulted in injuries:

- ▶ Climbing off ladder onto shelf.
- ▶ Ladder set-up improperly

Written Warnings included:

- ▶ Lack of ladder inspection
- ▶ Lack of training.



State: MGL c.149 s18A
OSHA: 29 CFR 1910.22(d)(1)

Preventive Maintenance

In 2015, a DPW worker sustained a serious laceration when re-attaching a gate on a dump truck.

DLS found:

- ▶ Damaged latches
- ▶ Gate on truck held together with a putty knife instead of a manufacturer-approved pin.



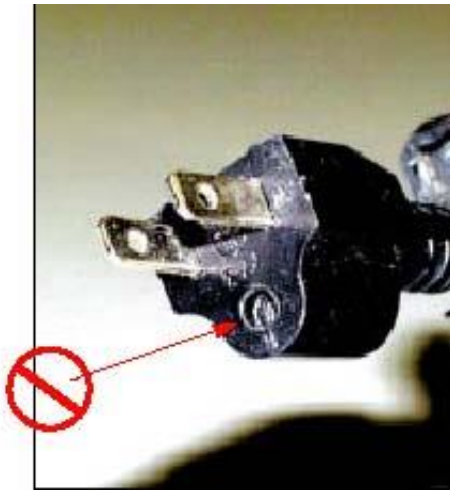
Written Warning included:

- ▶ Lack of manufacturer-approved parts
- ▶ Lack of pre-trip inspection

OSHA: 29 CFR 1910.601(b)(14)
Massachusetts Law M.G.L. c149 s6

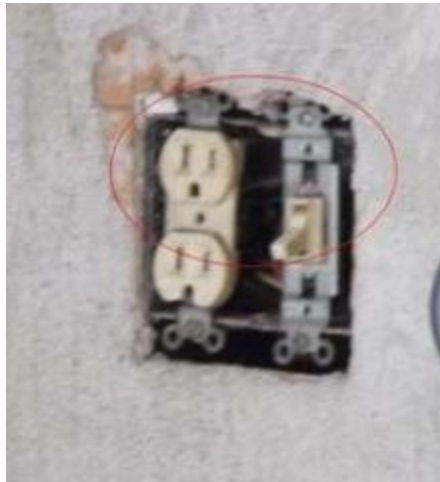
Electrical

DLS safety inspections also include a review of electrical safety:



Cords must be grounded or double insulated.

OSHA 1910.334(a)
State: MGL c.149 s6



Missing receptacles could expose worker to live electrical.

OSHA 1910.305(b)
State: MGL c.149 s6

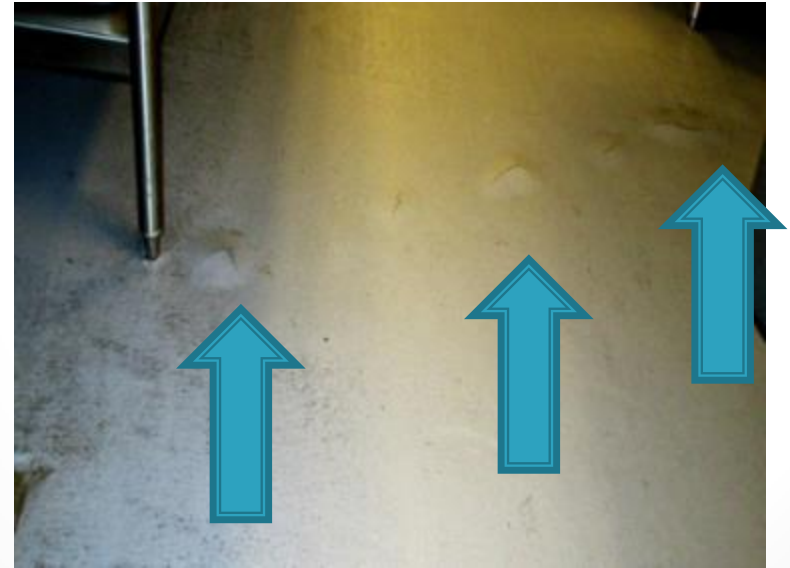


Circuit panels must be labeled; unused openings must be covered.

OSHA 1910.305(b)(ii)
State: MGL c.149 s6

Slip, Trip

- ▶ Slip, Trips are a leading cause of municipal injuries.
- ▶ In 2015, DLS issued a Written Warning for a slip hazard in school kitchen.
- ▶ Building is 2-yr old!



OSHA: 29 CFR 1910.22
Massachusetts Law M.G.L. c149 s

Slip, Trip

In 2015, DLS conducted an inspection at a school due to a broken leg.

Written Warning included:

- Housekeeping;
- Cluttered floors



OSHA: 29 CFR 1910.22

Massachusetts Law M.G.L. c149 s18A

Slip, Trip

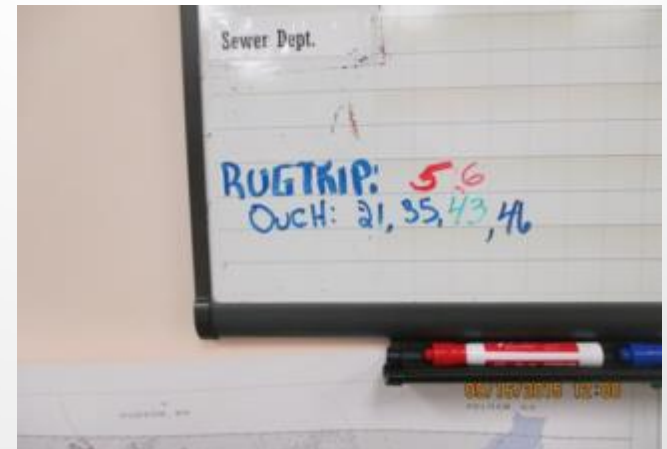
Slip, Trip is a leading cause of municipal injuries. In 2015, DLS conducted an inspection at a town office due to a complaint.

Written Warning included:

- ▶ Housekeeping
- ▶ Slip, trip hazards



Buckled carpet is a trip hazard.



Employees kept a tally of how many people tripped.

Lifting: Back Injury

In this school, 40-pound boxes of copy paper were stored high above the floor. Custodians used a ladder to retrieve heavy boxes.

Written Warning included:

- Storage shelves not secure
- Back injury likely due to height and weight of items.



OSHA: 29 CFR 1910.176(b)
OSHA: General Duty Clause
Massachusetts M.G.L. c149 s6

Lifting: Back Injury

Injury History:

5 back injuries occur per per week across the state – custodians lifting trash barrels.

Solutions:

- ▶ Barrel design
- ▶ Smaller bags
- ▶ Dumpster: not lifting bags over shoulders.
- ▶ Training on Safe Lifting



OSHA: General Duty Clause
State: MGL c149 s.6

No DLS inspections yet for injuries caused by trash handling, but this is a major cause of municipal injuries.

Skylights: Fall Protection

- ▶ Skylights must be protected by railing, cage, screen or net.
- ▶ In 2015, DLS issued a Written Warning after a town employee fell through a skylight.



OSHA: 29 CFR 1910.23(a)(4)
Massachusetts Law M.G.L. c149 s6

Roof: Fall Protection

- ▶ Workers performing inspection or maintenance on roof must be protected from falling off roof.



- ▶ Methods include:
 - Guardrails (6ft from edge)
 - Restraint system
 - Temporary work zone (15ft from edge)

OSHA: 29 CFR 1910.23

State: M.G.L. c149 s6

Asbestos in Schools

- ▶ Keep Asbestos Materials in good condition.
- ▶ Know what materials are in your building.
- ▶ Inform custodians and contractors.
- ▶ Label asbestos materials in custodial and mechanical areas.
- ▶ Train custodians.
- ▶ Re-inspection: every 3 years.



Inspections to prevent work-related injury are conducted by the Department of Labor Standards' Workplace Safety & Health Program.

Inspections for Asbestos in Schools are conducted by the Department of Labor Standards' Asbestos/Lead Program.

Cost of OSHA Regulations

Some people might say:

“But OSHA regulations are too expensive!”

What DLS really found:

- ▶ Poor equipment maintenance;
- ▶ Not using the equipment you already have;
- ▶ Not using Owner’s Manuals to use and maintain equipment properly.



Case Study: Cost

Scenario:

- ▶ Employee was on scissor lift to replace gym lights.
- ▶ Controls were broken – the lift would not lower.
- ▶ Employee fell when climbing out.



Prevention


- ▶ Tag defective equipment out-of-service: \$ 0
- ▶ Fix equipment under warranty: \$ 0
- ▶ Don't mandate use of broken equipment: \$ 0
- ▶ Train on proper use with Owners Manual: \$250
- ▶ Accountability \$ 0
- ▶ *Total estimate* \$0– \$250



What You Can Do to Reduce Injuries



Safety Management



Measure

- Monitor injury patterns
- Periodic self-audits
- Accident Investigation
- Safety Committee

Plan

- Set Leadership policy
- Review injury patterns and costs
- Prioritize
- Set goals

Control Risk

- Provide safe equipment
- Inspect and maintain equipment
- Written safety procedures
- *Follow OSHA standards*
- Periodic inspections
- Train employees

Handouts Available

www.mass.gov/dols

Table of Contents for a Safety Manual

- ▶ Schools
- ▶ Public Works

The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
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Safety Manual – Table of Contents
Public Works Departments

The Department of Labor Standards recommends that Public Works departments have a written Safety Manual that includes at a minimum the following topics:

Content Area	DPW Garage	Highway	Transfer Station	Parks & Rec	Drinking Water	Waste water
Written Programs						
Bucket Truck Policy ¹		X ²		X ²		
Emergency Action/ Fire Prevention ¹	X	X	X	X	X	X
Confined Space Entry Program ¹	X ²	X	X ²	X	X	X ²
Lockout-Tagout Program ¹	X ²	X ²	X	X ²	X ²	X ²
PPE Assessment ¹	X	X	X	X	X	X
Right to know SDS sheets ¹	X	X	X	X	X	X
Trench Policy ¹		X ²			X ²	X ²
Workzone Traffic Control ¹	X	X ²	X	X ²	X ²	X ²
Periodic Inspections and Maintenance Required						
Electrical Safety Work Practices ¹	X ²	X	X	X	X	X ²
Equipment Used per Owner's Manual ¹	X ²	X ²	X	X	X	X ²
Equipment Maintained per Owner Manual ¹	X ²	X ²	X	X ²	X	X ²
Eyewash Inspection ¹	X	X	X	X	X	X ²
Fall Protection for roof maintenance ¹	X ²			X	X	X
First Aid Kits ¹	X	X	X	X	X	X
Floors, Stairs, Walking Surfaces ¹	X ²	X ²	X ²	X	X	X ²
Hoisting License ¹	X	X ²	X	X	X	X
Ladder Inspection ¹	X ²	X	X	X	X	X ²
Machine Guarding ¹	X ²	X ²	X ²	X	X ²	X ²
Overhead Crane Inspection ¹	X					X
Vehicle Pre-trip Inspection ¹	X ²	X ²	X	X	X	X
Recommended as Part of an Effective Safety Program						
"Corporate" Safety Policy ¹	X	X	X	X	X	X
Discipline Policy ¹	X	X	X	X	X	X
Injury Reporting / Investigation ¹	X	X	X	X	X	X
Preventive Maintenance Plan ¹	X ²	X ²	X	X ²	X	X
Safety Committee ¹	X	X	X	X	X	X

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Sample Programs

- ▶ Fill-in-the-Blank
- ▶ Designed for baseline compliance.
- ▶ You can add more sections

Agency Letterhead

HAZARD COMMUNICATION PROGRAM
SAMPLE DRAFT

How to use this draft: A written Hazard Communication Program is required under 29 CFR 1910.1200. This draft contains the minimum requirements. Your workplace can elect to fill-in-the-blank for this sample draft, or develop your own program that contains these sections.

Agency Name: _____
Street Address for Workplace: _____

Section 1: Effective Date

Program Developed: _____ Date: _____
Program Revised: _____ Date: _____

Section 2: Responsibility

Person Responsible for Coordinating the Hazard Communication Program at this workplace: _____

Person Responsible for Ensuring all chemical products are labeled at this workplace: _____

Person Responsible for Maintaining Safety Data Sheets at this workplace: _____

Person Responsible for Coordinating training to employees at this workplace: _____

Handouts Available

www.mass.gov/dols

Self-Audit Checklist

- ▶ Optional
- ▶ Conduct with your own staff; keep in-house.

Self Audit Checklist
for the OSHA Hazard Communication Standard

Content Area 1 - Written Program	OSHA Standard	Yes	No	Action Taken for No Answers
1. The program is written.	1910.1200(a)(1)			
2. Program identifies personnel responsible for maintaining labels, maintaining SDS, and coordinating training.	1910.1200(a)(1)			
3. Program explains label requirements.	1910.1200(a)(2)			
4. Program contains list of chemical products of hazardous materials at the workplace.	1910.1200(a)(3)			
5. Program explains how to obtain MSDS for hazardous materials at the workplace.	1910.1200(a)(4)			
6. Program explains how to obtain SDS from contractors.	1910.1200(a)(5)			
7. Program includes methods the employer will use to inform employees of the hazards of non-machine fluids (i.e., motor oil, hydraulic fluid, etc.).	1910.1200(a)(6)			
8. Best practices for all workplaces: The Safety Data Sheet is reviewed before a purchase is authorized. Safety products are considered.	N/A			
9. Describes how employee education and training program.	1910.1200(b)			

Content Area 2 - Labels	OSHA Standard	Yes	No	Action Taken for No Answers
1. Containers are labeled with the identity of hazardous chemicals and hazard warnings.	1910.1200(d)(1)			
2. When a chemical product is dispensed into another container, that container is also labeled (i.e., spray bottles, etc.).	1910.1200(d)(2)			
3. Note: the employer may use signs, placards, process charts, batch tickets, if affixed a label to each individual container is impractical.	1910.1200(d)(3)			
4. Best practices for all workplaces: Empty food containers are not used to store chemicals.	N/A			
5. Best practices for laboratories: write the "date opened" on the container.	N/A			
6. Note: There is a federal change in labeling requirements, manufacturers must be changed to include pictograms. Labels on products purchased before 2015 are grandfathered in.	1910.1200(g)(1)			

Self Audit Checklist for OSHA Hazard Communication (2015)

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▶ Toolbox Talks

Preventing SLIP and FALL Injuries from Heavy Equipment TOOLBOX TALK

The Problem:
Each week, public sector workers are injured while getting into or getting out of heavy equipment vehicles. These tips are provided to help reduce work-related injuries and medical costs.

What You Can Do:

- Maintain three points-of-contact while ascending and descending. Keep two hands, and at least one foot, in contact with the vehicle ladder and steps at all times.
- Always face the ladder.
- Repair broken steps and handrails.
- Remove snow, ice, and mud from steps and handrails.
- Target your foot landing to avoid pot holes and "ankle breaker" stones.
- Do not jump out of vehicles.
- Wear sturdy construction boots with a deep tread.
- Always use your seat belt when equipment is in operation.
- Keep doors closed when equipment is in operation – operators have fallen out of vehicles when leaning out of the door to get a better view of the ground.



Maintain three points-of-contact when getting into and getting out of vehicles.

MASS Safety Works!
Workplace Safety is No Accident



Wrap-Up

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Contact Us

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- ▶ Main phone:
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