

HOUSE No. 03160

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

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PETITION OF:

NAME:

| DISTRICT/ADDRESS:

HOUSE No. 03160

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 3160) of [petitioners] relative to providing safeguards for employees using video display terminals Joint Committee on Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1875 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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. Chairs shall be completely adjustable from a

24 sitting position for height. Backrests shall be fully adjustable to the lumbar region to provide

25 adequate support. Terminal tables shall be completely height adjustable to the individual

26 requirements of their users and terminals shall have tilt-adjustable screen surfaces. Keyboards

27 shall be detached from the visual display screen and their placement shall be on an adjustable

28 plane so the height of the keyboard can be adjusted upward and downward. Proper illumination
29 is essential so both the video display terminal screen and hard copy can be read without undue
30 discomfort or fatigue. The American National Standards Institute recommends minimum
31 illumination levels of between 750 lux and 1600 lux for general office environment. Other
32 recommendations specifically for video display terminal offices range from between 500 lux and
33 700 lux. Horizontal illuminance on the screen should be kept low to minimize reflected glare.
34 Where illumination is over 700 lux for visual tasks, particular care should be taken to eliminate
35 glare on the screen. Windows shall have drapes and/or vertical blinds that can be completely
36 opened and closed. The terminals shall be properly positioned with respect to windows and
37 overhead lighting so that the glare sources are not directly in front of the operators, nor are they
38 reflected in the video display terminal screen.

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

45 The employer will install proper equipment so that temperature, humidity and ventilation shall
46 meet the minimum standards prescribed by the American Society of Heating, Refrigerating and
47 Air Conditioning Engineers, including the Ventilation Standard 62-81 (Ventilation for
48 Acceptable Air Quality) and any other relevant or subsequent recommendations. In addition,
49 local exhaust ventilation shall be provided for point sources of air contaminants such as wet

50 copiers or printing machines. Areas where smoking is allowed shall have rates of ventilation
51 sufficient to protect occupants from the adverse effects of altered air quality.

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

55 Section 141B. (4) Employers shall provide flexible rest periods to operators' requirements. The
56 following minimum standards shall apply:

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

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

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

65 Section 141B. (6) Employers shall give serious consideration in the design of jobs and in the
66 selection of new technology to enhance the attractiveness of the job as a means to reduce work
67 stress and to create motivated and productive workers. Jobs should provide an identifiable piece
68 of work for which a worker (or group) can take responsibility and obtain feedback about their
69 performance of the work. Jobs should not fragment work into specialized tasks, nor eliminate

70 indicators of progress to the workers themselves. Measures of performance made available by
71 new technology shall be prohibited.

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

74 No employee shall be required to work at a video display terminal more than five (5) hours a
75 day. Comparable tasks will be given to employees at no reduction of pay. Every employer shall
76 provide each employee who operates a video display terminal with a copy of this Act. Failure to
77 conform with this Act shall subject the employer to a fine of not less than one thousand dollars
78 (\$1,000) for each violation. Each day that such violation continues shall constitute a separate
79 violation.