

Mass Workforce Issuance

Workforce Issuance No. 06-61

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Susan V. Lawler, Director
Division of Career Services

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Division of Unemployment Assistance

Date: September 14, 2006

Subject: Workplace “Right to Know” Notice

Purpose: To provide notice to Local Workforce Investment Boards, One-Stop Career Center operators and other local workforce investment partners of the required posting of a “Right to Know Workplace Notice”.

Background: Chapter 111F of the Massachusetts General Laws (M.G.L.), known as the Right to Know Law, provides rights to public employees regarding the communication of information with respect to toxic and hazardous substances in the workplace. These rights include:

- *Workplace Notice* – a notice must be posted in the workplace informing employees of their rights. A copy of the required Notice is attached.
- *Material Safety Data Sheet (MSDS)* – the MSDS is the document that provides information on each toxic or hazardous substance used or stored in the workplace. An employee (or his/her designated representative) has the right to obtain and examine the MSDS for any toxic or hazardous substance to which the employee “is, has been, or may be” exposed. Employees (or their designees) must submit a written request to obtain or examine an MSDS.

After four working days from the date of the written request an employee may refuse to work with the substance under the following two circumstances:

1. the employer fails to (a) furnish the MSDS and (b) furnish the employee with proof that the employer has exercised diligent effort to obtain the MSDS, either through the manufacturer or through the Deputy Director of the Massachusetts Division of Occupational Safety; or
 2. the MSDS provided by the employer is outdated.
- *Training* – employers must provide an annual training program to employees who work with toxic or hazardous substances. New employees must be trained within 30 days of the date of hire.

NOTE: Training is required only for employees whose normal job functions require them to work with such substances on a regular basis as an integral part of their employment responsibilities. *It is not anticipated that One-Stop Career Center staff will require annual training under this provision of the Law.*

- *Labeling* – all containers in the workplace of more than 5 pounds or more than one gallon, containing toxic or hazardous substances, must be labeled with the chemical name of the substance. Containers of mixtures must be labeled with the chemical name of each toxic or hazardous constituent when the constituents comprise one percent or more of the mixture. Containers must also be labeled with the appropriate National Fire Prevention Association (NFPA) symbol if available. Labels must be clear, prominent, in English and weather resistant.
- *Non-Discrimination* – an employee who believes he or she has been discharged, disciplined, or in any manner discriminated against by an employer for exercising rights under the Law, has the right to file a complaint with the Deputy Director of the Massachusetts Division of Occupational Safety. A copy of the complaint must be sent to the employer at the same time by certified mail.

NOTE: In the case of DWD staff assigned to a One-Stop Career Center (or affiliated site), the copy of the complaint letter should be mailed to the DWD Director of Human Resources.

While the rights described above apply specifically to public employees, including those public employees working in Massachusetts One-Stop Career Centers, non-public employees are covered under the provisions of the Occupational Safety and Health (OSH) Act of 1970 section 5 (a) and which requires each employer to:

- furnish to each of its employees “employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm”; and
- comply with occupational safety and health standards promulgated under the Act.

The OSH Act of 1970 section 5(b) also requires employees to “comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to [his/her] own actions and conduct.”

To promote safety in the workplace and to inform all workers of their rights, the U.S. Department of Labor’s Occupational Safety & Health Administration (OSHA) requires all employers to post the notice, “You Have a Right to a Safe and Healthful Workplace. IT’S THE LAW!” (Attachment B).

Policy: In accordance with requirements of both state and federal statute (cited above), operators of each Massachusetts One-Stop Career Center (and affiliated sites) must assure that appropriate notice is provided to all assigned staff of their rights with respect to toxic and hazardous substances in the workplace in accordance with the procedures described in this issuance.

Action Required: In compliance with the requirements of Massachusetts General Laws Chapter 111F, all operators of Massachusetts One-Stop Career Centers (and their affiliated sites) to which public employees are regularly assigned on either a full or part-time basis, must post the attached “RIGHT TO KNOW WORKPLACE NOTICE” (Attachment A). In any career center in which a public employee’s first language is other than English, the Notice must also be posted in that language.

Additionally, each Local Workforce Investment Board must assure that operators of each One-Stop Career Center (and their affiliated sites) post the required OSHA notice “You Have a Right to a Safe and Healthful Workplace. IT’S THE LAW!”

Each Notice must be posted in a central location.

Effective: Immediately

References: Chapter 111F of the Massachusetts General Laws
Occupational Safety and Health (OSH) Act of 1970

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Attachments: Attachment A: “RIGHT TO KNOW WORKPLACE NOTICE”
Attachment B: “IT’S THE LAW!” Notice