

**Massachusetts Workers' Compensation  
Advisory Council Minutes**

Frank Janas Training Center  
160 Winthrop Avenue  
Lawrence, MA 01843

**Present:** Chairman Paul Byrne. CM: Robert Banks (William Corley); John D. Boyle (Teri A. McHugh); Gayl Mileszko, Director of Labor (David J. O'Donnell).

**Also Present:** DIA: Commissioner Henry Swiniarski; Jack Tynan, Deputy Commissioner of Administration; James LaMothe, Senior Judge; Jack Defina, Chief Financial Officer; William Taupier, Deputy Director of Administration and EDP; Michael Kelly, AIM Mutual Insurance Company; Vera Doctor; Daniel DeMille; Jonathan Ruda; Letitia Davis, DPH; Beatriz Pazos (DPH).

**Advisory Council Staff:** Andrew Burton; Evelyn Flanagan.

**Absent:** Vice-Chairman Thomas M. Jones; Jeanne-Marie Boylan; Tony Frias; Edmund C. Corcoran; Bob Fitzsimmons; John Pulgini; Mickey Long; Peter A. Cook; Ken Paradis; Jill Brown; Department of Business & Technology.

**Agenda:**

Chairman's Welcome

DIA Update

Judicial Update - James LaMothe, Senior Judge

Action Items

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Changes & Accomplishments - Office of Safety - Gayann Wilkinson, Manager

Young Worker Health and Safety in Massachusetts

Letitia Davis, ScD, Director - *Occupational Health Surveillance Program (DPH)*

Beatriz Pazos, MS, Coordinator - *Massachusetts Teens at Work Injury Surveillance*

*and Prevention Project (DPH)*

Executive Director Update

Miscellaneous

### **CHAIRMAN'S WELCOME**

Chairman Paul Byrne began today's meeting at 10:00 a.m. The Chairman introduced Jack Defina, DIA's Chief Financial Officer and David O'Donnell, the Department of Labor's Chief of Staff. Chairman Byrne requested that Senior Judge LaMothe provide a brief update on the judicial nomination process.

### **DIA UPDATE**

Judicial Update

Senior Judge LaMothe stated that Judge Omar Hernandez's nomination had been approved unanimously by the Governor's Council. The Senior Judge informed the Council Members that all six incumbent judges, whose terms have expired, have been confirmed unanimously. The Senior Judge noted that there was still one Reviewing Board vacancy. Chairman Byrne requested to forgo the remainder of the DIA update to provide adequate time for the meeting's speakers (see attached Vital Statistics Report).

### **ACTION ITEMS**

Chairman Byrne stated that no action items would be brought to the floor at today's meeting.

### **CHANGES & ACCOMPLISHMENTS - OFFICE OF SAFETY**

Executive Director Andrew Burton introduced Gayann Wilkinson, Manager of the Office of Safety. Mr. Burton explained that he had asked Ms. Wilkinson to attend today's meeting to review the changes and accomplishments made within the Office of Safety during the last year. The Executive Director noted that the Office of Safety had issued 67 grants during the fiscal year which included a pilot program that focused on high-risk industries.

Ms. Wilkinson thanked the Advisory Council Members for assisting the Office of Safety with outreach efforts. Ms. Wilkinson stated that Associated Industries of Massachusetts was given 22,000 brochures and had distributed them to their members.

Ms. Wilkinson stated that the Office of Safety had launched an intensive public relations campaign which utilized the services of the Legislature, OSHA, NEMA, as well as towns and municipalities. Ms. Wilkinson noted that the outreach program has also been extended to include many non-English speaking groups.

Ms. Wilkinson stated that another method the Office of Safety is reaching out to employers is by monitoring injuries reported to the DIA. She explained that those employers with three or more injuries in a quarter are automatically sent materials regarding the benefits of the safety grant program. Ms. Wilkinson stated that the Office of Safety has increased their mailing list to 2,600 contacts this year (up from 1,000 contacts last year). Overall, Ms. Wilkinson noted that the changes made to outreach have been a complete success.

Ms. Wilkinson informed the Council that the Office of Safety has placed increased emphasis on the inspection of safety programs. She also stated that the Office of Safety is using feedback provided by the program's participants to improve the quality of future programs.

Ms. Wilkinson informed the Council that the Office of Safety is working in conjunction with both federal and local government agencies in an effort to cut down on the duplication of programs. Ms. Wilkinson stated that OSHA is being helpful in creating guidelines to evaluate criteria for grant applications for computer software, while NEMA has requested that the DIA help train deaf interpreters to respond to emergency situations.

### **YOUNG WORKER HEALTH AND SAFETY IN MASSACHUSETTS**

Executive Director Andrew Burton introduced Letitia Davis, ScD, Director of Occupational Health and Surveillance Program at the Department of Public Health (DPH) and Beatriz Pazos, MS, Coordinator of the Massachusetts Teens at Work Injury Surveillance and Prevention Project (DPH).

Ms. Davis provided an overview of the problems that teen workers face in Massachusetts and throughout the nation. Ms. Davis explained that approximately 37% of Massachusetts' teens are working an average of 16 hours a week at any given time. She stated that approximately 18% of those teens work more than 20 hours a week during the school week. Ms. Davis noted that Massachusetts is the only state in the country that requires hospitals to report work related injuries to persons less than 18 years of age.

Ms. Davis informed the Council that teens have a higher rate of injury than adults that are doing the same type of work. Ms. Davis attributes this increased risk to a lack of safety training and the fact that teens are not as fully developed as an adult. She explained that although teens are prohibited from working in our most dangerous jobs, the laws do not ensure that teens are working in our safest jobs.

Ms. Davis explained that the goal of the surveillance system is to track data collection for prevention purposes. She stated that the DPH tracks individual cases and uses the data to look at broad patterns to target broad-based prevention programs. Ms. Davis noted that two of the ways DPH receives data is from First Reports of Injuries provided by the DIA and from emergency rooms within the Commonwealth.

Ms. Davis stated that the data provided indicates that the leading cause of workers' compensation injuries for teens is from sprains and strains. She also noted that there were eleven work-related deaths among teens during the last year. Ms. Davis stated that there are definite problems associated with teens injured on the job.

Many teens are using defective equipment, performing tasks prohibited, or working hours prohibited under child labor laws. Ms. Davis informed the Council Members that approximately one-half of teens killed on the job were working in jobs prohibited by child labor laws. Furthermore, Ms. Davis explained that many teens do not understand their rights under the workers' compensation system.

Ms. Davis indicated that DPH will inspect a work area where an accident occurred and review the procedures, process, and equipment. She stated in some instances, DPH has been able to offer constructive suggestions to produce a healthier work environment and better productivity. Ms. Davis noted that the strategy for protecting teens at work must include identifying and eliminating hazards, providing proper training, and developing effective labor laws.

Ms. Davis informed the Advisory Council that in 1997, the DPH received money from the DIA's Safety Grant Program to develop a 3-hour participatory curriculum for teens.

She stated that the curriculum included hazard mapping, strategy identification, and various games. Ms. Davis noted that at the same time, California was developing a sister project which has now been merged into one program and being offered nationally by NIOSH.

Ms. Davis explained that in moving forward the first thing she would like to do is find a way to provide training for teens and supervisors through the DIA's Safety Grant Program. Ms. Davis stated that training needs to be promoted through schools by providing health and safety education. Ms. Davis noted that an important aspect of any program would be to ensure employers are providing adequate orientation to their teen workforce. Executive Director Andrew Burton thanked Ms. Davis and Ms. Pazos for providing such an informative presentation. Mr. Burton explained that at next month's meetings, Council Members would be reviewing the Concerns & Recommendations for the Fiscal Year 2006 Annual Report.

### **EXECUTIVE DIRECTOR UPDATE**

Executive Director, Andrew Burton, informed the Advisory Council Members that the next Council meeting would be held in Boston on Wednesday, December 13, 2006, at 10:00 a.m. Mr. Burton stated that immediately following the meeting, the Advisory Council would hold their Annual Holiday Luncheon.

**MISCELLANEOUS**

Chairman Byrne thanked all parties for attending today's meeting.

**The next regular meeting of the Advisory Council is scheduled for Wednesday, December 13, 2006, at 10:00 AM, at the Division of Industrial Accidents, 600 Washington Street, 7th Floor Conference Room, Boston, MA 02111.**