



General Assembly

January Session, 2005

Raised Bill No. 6890

LCO No. 4194

04194_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING ERGONOMICS AND WORKPLACE SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-40v of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) In order to promote health and safety in places of employment in
4 this state, each employer of twenty-five or more employees in this
5 state, including the state and any political subdivision of the state, and
6 each employer whose rate of work related injury and illness exceeds
7 the average incidence rate of all industries in this state, shall
8 administer a safety and health committee in accordance with
9 regulations adopted pursuant to subsection (b) of this section. For
10 purposes of this subsection, "incidence rate" means the number of
11 federal Occupational Safety and Health Administration recordable
12 injuries and illnesses per one hundred full-time employees.

13 (b) The chairman of the Workers' Compensation Commission, in
14 consultation with the Labor Commissioner and in accordance with the
15 provisions of chapter 54, shall adopt regulations to carry out the
16 provisions of this section. The regulations shall (1) prescribe the

17 membership of safety and health committees to ensure representation
18 of employees and employers; (2) specify the frequency of committee
19 meetings; (3) require employers to make, file and maintain adequate
20 written records of each committee meeting subject to inspection by the
21 chairman or [his] an authorized designee; (4) require employers to
22 compensate employee representatives at their regular hourly wage
23 while the employee representatives are engaged in safety and health
24 committee training or are attending committee meetings; (5) prescribe
25 the duties and functions of safety and health committees, which shall
26 include (A) establishing procedures for workplace safety inspections
27 by the committee, (B) establishing procedures for investigating all
28 safety incidents, accidents, illnesses and deaths, (C) evaluating
29 accident and illness prevention programs, (D) establishing training
30 programs for the identification and reduction of hazards in the
31 workplace which damage the reproductive systems of employees, and
32 (E) establishing training programs to assist committee members in
33 understanding and identifying the effects of employee substance abuse
34 on workplace accidents and safety; and (6) prescribe guidelines for the
35 training of safety and health committee members.

36 (c) Notwithstanding the provisions of this section, each employer
37 who, on July 1, 1993, has an existing health and safety program or
38 other program determined by the chairman of the Workers'
39 Compensation Commission to be effective in the promotion of health
40 and safety in the workplace, shall not be required to comply with
41 subsections (a) and (b) of this section. The chairman of the Workers'
42 Compensation Commission, in consultation with the Labor
43 Commissioner, shall adopt regulations, in accordance with the
44 provisions of chapter 54, establishing the criteria for evaluating such
45 programs.

46 (d) Each employer required to administer a safety and health
47 committee pursuant to subsection (a) of this section or that has an
48 existing health and safety program or other program that falls within
49 the exemption set forth in subsection (c) of this section, shall:

50 (1) Review and analyze its injury and illness records, including, but
51 not limited to, records of injuries to employees required under section
52 31-316, federal Occupational Safety and Health Act log forms, first aid
53 logs and records of employee complaints or grievances, to determine
54 whether there is a pattern of ergonomic-related injuries or illnesses in
55 certain jobs or work tasks, provided no such review or analysis shall
56 involve the disclosure of the identity of the employees affected by such
57 injuries or illnesses;

58 (2) Review and analyze jobs or work tasks to identify potential
59 ergonomic problems and to determine if certain jobs or work tasks
60 present ergonomic risks that may contribute to musculoskeletal
61 disorders;

62 (3) Seek employee input about the existence of ergonomic problems
63 related to particular jobs or work tasks by reviewing employee
64 complaints about work-related musculoskeletal disorders,
65 interviewing employees, conducting symptom surveys or distributing
66 employee questionnaires; and

67 (4) Develop a written ergonomics policy setting forth (A)
68 procedures for the employer and its employees to jointly evaluate the
69 extent and causes of any work-related ergonomic problems and to
70 make improvements in job design or other causative factors in order to
71 prevent or minimize such problems, (B) procedures for providing
72 ergonomics training to the employer and its employees in order to
73 prevent or minimize musculoskeletal disorders, and (C) incentives for
74 employees to report early symptoms of musculoskeletal disorders in
75 order to prevent or minimize incapacity or disability through early
76 conservative medical treatment and ergonomic interventions.

77 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) Each contract entered
78 into on or after October 1, 2005, for the construction, remodeling,
79 refinishing, refurbishing, rehabilitation, alteration or repair of any
80 public works project by the state or any of its agents, or by any
81 political subdivision of the state or any of its agents, where the total

82 cost of all work to be performed by all contractors and subcontractors
83 in connection with the contract is at least one hundred thousand
84 dollars, shall contain a provision requiring that, not later than thirty
85 days after the date such contract is awarded, each contractor furnish
86 proof to the Labor Commissioner that all employees of such contractor
87 who will be performing work on such public works project have
88 completed a course of at least ten hours in duration in construction
89 safety and health approved by the federal Occupational Safety and
90 Health Administration. Any amount charged for an employee to
91 complete such course shall be paid by the contractor employing such
92 employee.

93 (b) Any employee required to complete the construction safety and
94 health course required under subsection (a) of this section who has not
95 completed the course shall be subject to removal from the worksite if
96 the employee does not provide documentation of having completed
97 such course by the seventh day after the date the employee is found to
98 be in noncompliance. The Labor Commissioner or said commissioner's
99 designee shall enforce this section.

100 (c) Not later than January 1, 2006, the Labor Commissioner shall
101 adopt regulations, in accordance with the provisions of chapter 54 of
102 the general statutes, to implement the provisions of subsections (a) and
103 (b) of this section. Such regulations shall require that the ten-hour
104 construction safety and health course be conducted in accordance with
105 federal Occupational Safety and Health Administration Training
106 Institute standards. The Labor Commissioner shall accept as sufficient
107 proof of compliance with the provisions of subsection (a) or (b) of this
108 section a student course completion card issued by the federal
109 Occupational Safety and Health Administration Training Institute,
110 dated no earlier than five years before the commencement date of such
111 public works project.

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| <p>This act shall take effect as follows and shall amend the following sections:</p> |
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| Section 1 | <i>October 1, 2005</i> | 31-40v |
| Sec. 2 | <i>October 1, 2005</i> | New section |

Statement of Purpose:

To require each employer, through its health and safety committee or existing health and safety program, to develop a written ergonomics policy for the workplace, and to require that the on-site employees of contractors that bid on municipal and state public works projects with a total project cost of at least one hundred thousand dollars complete an OSHA-approved ten-hour construction safety and health course.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]