

Deborah Berkowitz

National Employment Law Project

The Act Relative to Workplace Safety H.1614/S.1071

**Hearing before Massachusetts Joint Committee on
Labor and Workforce Development**

June 25, 2019

**Deborah Berkowitz
Worker Safety and Health Program Director
National Employment Law Project**

National Employment Law Project
Washington, DC 20009
dberkowitz@nelo.org

The National Employment Law Project (NELP) submits the following testimony in support of the Act Relative to Workplace Safety. NELP applauds this committee for holding a hearing on this important bill. The Act Relative to Workplace Safety is a sensible policy that is good for law abiding businesses, good for workers and good for taxpayers.

NELP is a non-profit law and policy organization with 50 years of experience providing research, advocacy and public education to advance the employment and labor rights of the nation's workers. We work together with national, state and local partners to promote policies and programs to create good, safe jobs and ensure that work is an anchor of economic security and a ladder of economic opportunity for all of America's working families.

Seventy workers in Massachusetts lost their lives on the job in 2016, representing a ten year high in worker fatality rates in the commonwealth. An additional 79,800 workers suffered a serious work related injury. Nearly 40% of the workers fatality injured in Massachusetts on the job work in the construction industry.

Trenching is among the most dangerous work in construction. A little over one year ago, 2 workers tragically lost their lives in Boston's south end in an unsafe trench, where proper safeguards were not installed. A subsequent investigation revealed that the employer had been previously cited twice for putting workers in trenches without required safety measures – citations they ignored and hazards they never fixed. The safety violations and horrendous safety record of this company were so egregious that the company and the owner have been charged with manslaughter. These tragic deaths clearly underscored the need for local and state governments to strengthen worker protections.

The Act Relative to Workplace Safety will help save lives and prevent injuries to workers and the public. This bill will require companies seeking to do business with the state, or seeking a trenching permit, to report their records of safety violations. This bill will help assure that the state is not subsidizing or supporting companies that operate with hazardous working conditions.

This bill aims to ensure that the state of Massachusetts does business and gives trenching permits only to responsible companies that respect worker safety laws. This law will help ensure that hardworking Massachusetts workers will get the safe workplaces they deserve. When enacted, this law will reward responsible contractors and level the procurement playing field. This will help ensure that law abiding companies are not put at a disadvantage in comparison to those that choose to reduce their overall contract costs by cutting corners on worker safety.

We are confident that these rules will also help ensure that the public receives a good value for their tax dollars. A review by the Center for American Progress Action Fund¹ of

¹ "Federal Contractors that Harm Workers Also Shortchange Taxpayers," Karla Walter and David Madland, December 2013, Center for American Progress Action Fund

contractors for the Federal Government, for example, found that those with the worst workplace violations (such as safety violations) also had significant performance problems such as cost overruns, performance issues and fraudulent billing.

The citizens of Massachusetts expect the government to be good stewards of taxpayer money. Why should Massachusetts tax dollars reward contractor's that jeopardize worker health and safety? Taxpayer dollars should reward companies that respect our worker safety laws.

The Act Relative to Workplace Safety builds on existing Massachusetts procurement requirements and reflects practices that are increasingly common in the private sector as well—especially in the manufacturing and construction industry. Many private companies require subcontractors to disclose their workplace safety records. These companies find that it is a cost effective way to ensure future compliance. Further, a number of states and localities have laws requiring the reporting of workplace violations—and they work. In fact they encourage more law abiding companies to apply for contracts because they level the playing field.

We strongly urge this committee to issue a favorable report on the Act Relative to Workplace Safety. Thank you for your time and consideration.