HOUSE . . . . No. 37

Accompanying the third recommendation of the Commissioner of Labor and Industries (House, No. 34). Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT REQUIRING THE PROVIDING OF TOILET FACILITIES ON CONSTRUCTION PROJECTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 133 of chapter 149 of the General Laws, as amended, is hereby further amended by inserting after the words "railroad establishment", in the first sentence, the words: — and on every construction project, — and by inserting after the word "establishment", in the third sentence, the words: — or construction project, — so that said section will read as follows: — *Section 133.* In every industrial establishment and railroad establishment and on every construction project there shall be provided suitable, adequate and convenient water closets and washing facilities, separate for each sex and plainly so designated, of such number, in such location, and so constructed, lighted, ventilated, arranged and maintained as may be determined by such reasonable rules and regulations as the department may adopt. No person shall be allowed to use a closet or privy provided for the use of persons of the opposite sex. If any such establishment or construction project is so located that a connection with a sewer system is, in the opinion of the department, impossible or impracticable, it shall provide such suitable toilet and washing facilities as the department may require. For

the purposes of this section the term "industrial establishment" shall be deemed to include public garages and premises used by express, trucking and transportation companies where persons are employed. For the purpose of this section the term "railroad establishment" shall be deemed to mean that part, division or branch of any railroad in which three or more persons are employed except where toilet and washing facilities are maintained for public use.

SECTION 2. Section 134 of chapter 149 of the General Laws, as amended, is hereby further amended by inserting after the word "establishment", in line 1, the following words: — and the employer on every construction project, — so that said section will read as follows: — *Section 134.* The owner, lessee or occupant of every such establishment and the employer on every construction project shall make the changes necessary to conform thereto. If such changes are made upon the order of an inspector or by the occupant or lessee, he may, within thirty days after completion, bring an action against any other person having an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by the defendant.

SECTION 3. Section 135 of chapter 149 of the General Laws, as amended, is hereby further amended by inserting after the word "officer", in line 7, the words: — or person, — and by striking out, in line 7, the words "factory or workshop" and inserting in place thereof the words: — industrial establishment or construction project, — and by inserting after the word "officer", in line 8, the words: — or person, — so that said section will read as follows: — *Section 135.* A criminal prosecution shall not be begun against a person for a violation of any provision of the two preceding sections unless he had, after receiving notice from the department of the changes necessary to comply with said section, neglected to make

such changes. A notice shall be sufficient under this section if given to one member of a firm, or to the clerk, cashier, secretary, agent or any other officer having charge of the business or a corporation, or to its attorney, or, in case of a foreign corporation, to the officer or person having charge of such industrial establishment or construction project; and such officer or person shall be personally liable for the amount of any fine if a judgment against the corporation is unsatisfied.

SECTION 4. Section 136 of chapter 149 of the General Laws, as amended, is hereby further amended by inserting after the word "establishment", in line 3, the words: — or construction project, — and by inserting after the word "establishment", in line 5, the words: — or construction project, — so that said section will read as follows: — *Section 136.* If it appears to an inspector that any act, neglect or fault in relation to any drain, water closet, earth closet, privy, ash pit, water supply, nuisance or other matter in any industrial establishment or construction project is punishable or remediable under any law relative to the preservation of the public health, but not under this chapter, he shall give written notice thereof to the board of health of the town where such establishment or construction project is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.