

By Mr. D'Amico, a petition (accompanied by bill, Senate, No. 91) of Gerard D'Amico, Suzanne M. Bump and Elizabeth M. Dunn for legislation to direct the Department of Labor and Industries to promulgate rules and regulations concerning the safety and health of operators of video display terminals. Commerce and Labor.

## The Commonwealth of Massachusetts

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

### AN ACT TO PROTECT THE PUBLIC HEALTH.

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

1 SECTION 1. Chapter 149, section 11 of the General Laws, as  
2 most recently amended by Chapter 453 of the Acts of 1950, is  
3 hereby further amended by adding after the first sentence the  
4 following new sentence: — The department shall require every  
5 optometrist or ophthalmologist who has performed a visual  
6 examination on a VDT operator to submit to the medical advisory  
7 group established in section 141K a copy of the examination  
8 record made in accordance with section 141D.

1 SECTION 2. Chapter 149 of the General Laws is hereby  
2 amended by adding after section 141A the following new  
3 sections: —

4 Section 141B: As used in these sections, unless the context  
5 indicates otherwise, the following terms shall have the following  
6 meanings: —

7 "Department" means the Department of Labor and Industries.

8 "Employer" includes any person in the Commonwealth  
9 employing any number of persons, whatever the place of  
10 employment of such persons; any person outside the Common-  
11 wealth employing any number of persons whose usual place of  
12 employment is in the Commonwealth.

13 "Video Display Terminal" includes any electronic videoscreen

14 data presentation machine, commonly known as a VDT or  
15 cathode ray tube. Nothing in this definition shall be construed to  
16 apply to television or oscilloscope screens, except to the extent  
17 that they are used as terminals for presentation of verbal or  
18 numerical data.

19 “Video Display Terminal Operator” — any employee whose  
20 primary duties require use of a VDT.

21 VDT work-station — that area of a work-space where a VDT  
22 is located, consisting of the desk or table upon which the VDT  
23 rests, the chair upon which the VDT operator sits, the lighting  
24 devices illuminating the area, and any other adjacent equipment  
25 including printers.

26 Section 141C. The department shall develop and enforce  
27 regulation to protect the vision, health and safety of VDT  
28 operators and to provide VDT work-station conditions which are  
29 ergonomically correct. Such regulations shall include, but not be  
30 limited to, the following: —

31 a.) Tables and desks upon which VDTs sit shall be height  
32 adjustable unless the entire VDT unit is height adjustable. Chairs  
33 shall be capable of adjustment of seat and backrest heights.

34 b.) Maximum illumination and glare levels and procedures for  
35 reducing glare from windows and light sources shall be established  
36 in order to minimize eye strain and eye fatigue. Anti-glare filters  
37 shall be installed at VDT operator’s request.

38 c.) VDT equipment shall feature detachable and height  
39 adjustable keyboards, tiltable and height adjustable screens,  
40 unless VDT unit is adjustable, bright and contrast controls  
41 accessible by VDT operator.

42 d.) Noise levels shall be controlled in order to minimize  
43 interference with satisfactory job performance. Noise levels shall  
44 not exceed 75 decibels. All printers shall have acoustical covers.

45 e.) Heating and ventilation standards shall be established in  
46 order to accommodate the VDT equipment. The ventilation  
47 standards shall at a minimum meet the criteria recommended by  
48 the division of occupational hygiene as reflected in Protocol No.  
49 1340.

50 Terminals shall not be arranged such that their primary heat  
51 exhausts are located within four feet of the place where any  
52 employee is customarily stationed for periods of time, unless there

53 are intervening ducts, walls or insulation.

54 f.) VDT units shall be inspected on a semi-annual basis to  
55 ensure clear presentation of display, proper functioning of all  
56 terminal components and to provide any other necessary  
57 maintenance. Each employer shall keep a record of all inspections  
58 and maintenance performed on the terminals, such records shall  
59 be available for examination by VDT users.

60 g.) Should research and testing indicate the possibility of  
61 radiation emission from VDTs, methods to prevent exposure shall  
62 be established.

63 h.) VDT operators with low visual demands shall not be  
64 required to work more than two consecutive hours on a terminal  
65 without a fifteen minute break or alternative work assignment.  
66 VDT operators with high visual demands shall not be required  
67 to work more than two consecutive hours on a terminal without  
68 a thirty-minute break or alternative work assignment. Said breaks  
69 shall not be required to be in addition to intervals for meals or  
70 other rest periods.

71 Section 141D. Every employer shall provide for the visual  
72 health and safety of VDT users in the following manner:

73 (1) Ophthalmological/optometric examinations for all VDT  
74 users shall be paid for by the employer unless such exams are  
75 provided under a group medical insurance plan which is available  
76 to employees and to which the employer is a contributor. These  
77 exams shall be performed during paid working hours;

78 (2) Ophthalmological/optometric examinations are to be  
79 performed with a view toward the particular demands and strains  
80 of VDT work and the specific requirements for visual correction  
81 that may be needed by each VDT user for the job;

82 Every visual examination shall include in addition to the  
83 minimum optometric testing established by the American  
84 Optometric Association:

85 a.) complete health and work history;

86 b.) inspections of the exteriors and interiors of the eye as well  
87 as the surrounding areas;

88 c.) tests of visual acuity — far and near, including refractive  
89 status;

90 d.) a check of eye muscle control and eye co-ordination;

91 e.) a test of eye's ability to focus easily from near to far and  
92 back again.

93 (3) Records of visual examinations shall be made available to  
94 VDT operators, to the medical advisory group established in  
95 section 141K and, with the VDT operator's consent, to their  
96 representatives. Records shall be maintained by employers  
97 throughout the VDT operator's period of employment and for five  
98 (5) years following termination of employment.

99 (4) Payment for visual aids prescribed solely for VDT  
100 operation shall be provided by employers through medical  
101 insurance policies or through direct payment.

102 (5) No employer shall use the results of ophthalmological/  
103 optometric examinations to screen prospective VDT users for  
104 suitability for employment.

105 (6) No employee shall be required to be examined.

106 Section 141E. Any VDT operator who provides her employer  
107 with a certificate of a legally qualified medical practitioner  
108 indicating that she is pregnant may, during her pregnancy, request  
109 alternative duties during the term of the pregnancy without loss  
110 of pay, seniority or other benefits, and such request must be  
111 granted.

112 Any operator who provides his or her employer with a certificate  
113 of a legally qualified medical practitioner indicating that he or she  
114 suffers from any physical condition that may be caused by  
115 operation of a terminal may request alternative duties without loss  
116 of pay, seniority or other benefits and such request must be  
117 granted.

118 Where an operator requests not to work at a terminal and does  
119 not provide his or her employer with the certificate hereinbefore  
120 referred to within ninety days from the day of his or her refusal,  
121 the employer may require him or her to resume work at a terminal.

122 Upon an operator's request not to work at a terminal under  
123 the alternative work provisions hereinbefore stated, the employer  
124 may require him or her to perform reasonable alternative work  
125 where available.

126 Where an employer is unable to provide an operator with  
127 alternative work pursuant to a request made under this section,  
128 the employee shall be deemed terminated for lack of work and  
129 therefore eligible to collect unemployment benefits. Nothing in

130 this section shall be construed to preclude the operator from  
131 exercising his or her option to continue working.

132 Section 141F. No employer shall discharge, discriminate  
133 against or in any other way affect the employment status of any  
134 VDT operator or any other employee who seeks to invoke or  
135 exercise on behalf of him/herself or other employees any  
136 provision or right established by this act, or the rules and  
137 regulations promulgated hereunder or any VDT users for seeking  
138 enforcement of this Act or the rules and regulations promulgated  
139 hereunder.

140 Section 141G. Every employer shall inform all employees who  
141 are or will be using a terminal of the rights and duties created  
142 under this Act. Posting of the Act in a prominent place will satisfy  
143 this paragraph.

144 Section 141H. The Department is charged with the adminis-  
145 tration and enforcement of the minimum requirements established  
146 by this Act and may make reasonable rules, regulations and/or  
147 recommendations for the enforcement of this Act. Through its  
148 offices or agents, the Department may inspect at all reasonable  
149 times any workplace where VDTs are used in order to enforce  
150 any provisions of or rules and regulations promulgated under this  
151 Act.

152 Section 141I. Failure to conform with the provisions of this  
153 Act or any rule or regulation promulgated by the department to  
154 effectuate this Act, shall subject the employer to a fine of not less  
155 than one thousand dollars (\$1000) for each violation. Each day  
156 that such violation continues shall constitute a separate violation.

157 Section 141J. The provisions of section 141B through 141I,  
158 inclusive, shall become binding upon employers who, on the  
159 effective date of this act, employ at least one VDT operator, when  
160 they supplement an existing information processing system with  
161 at least \$20,000 of hardware or replace an existing system with  
162 at least \$50,000 of hardware and software; and upon employers  
163 who, on the effective date of this act, do not employ at least one  
164 VDT operator, when they initially introduce or supplement an  
165 existing information processing system which will be utilized by  
166 at least one VDT operator.

167 Section 141K. The department shall establish a medical  
168 advisory group. Said group will receive eye examination reports

169 forwarded in accordance with section eleven for review and data  
170 compilation in order to detect among VDT operators trends in  
171 vision and eye health problems and deterioration. Said medical  
172 advisory group shall also study the incidence of pregnancy  
173 complications among VDT operators. Recommendations of the  
174 medical advisory group for methods of mitigating health threats  
175 to VDT operators shall be forwarded to the commissioner for  
176 public hearing pursuant to section eight of this chapter.

1 SECTION 3. The commissioner of the department of labor  
2 and industries, pursuant to section seven of chapter one hundred  
3 forty-nine of the General Laws, shall appoint a committee for the  
4 purpose of recommending rules and regulations in order to  
5 implement sections one and two of this Act. Said committee shall  
6 include a representative from each of the following: — Mass.  
7 AFL-CIO, Mass. 9 to 5, Associated Industries of Mass., Mass.  
8 High Tech Council, the Executive Office of Economic Affairs, as  
9 well as an occupational health physician, an occupational health  
10 nurse, an optometrist, an ergonomics expert, and an office design  
11 consultant. Said rules and regulations shall be promulgated no  
12 later than ninety days after the date of enactment of this act.

CHAPTER I  
THE EARLY HISTORY OF THE UNITED STATES

THE HISTORY OF THE UNITED STATES OF AMERICA  
FROM THE FIRST SETTLEMENTS TO THE PRESENT

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