

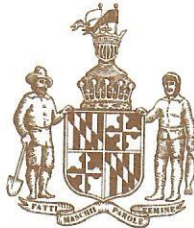
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## *The Maryland House of Delegates*

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### **HB 923 – Labor and Employment – Worker Safety and Health – Injury and Illness Prevention Program (as Amended)**

#### **Testimony of Delegate Joseline A. Peña-Melnyk (Favorable)**

Chairman Davis, Vice Chair Dumais, and members of the Economic Matter Committee, I am pleased to present House Bill (HB) 923. This bill would require the implementation of Health and Safety Committees by employers. It was strongly inspired by Senate Bill 943 (2020), sponsored last year by my esteemed colleague, Senator Antonio Hayes.

Every year thousands of Maryland workers get injured and sick on the job and dozens more are killed.<sup>1</sup> Nationally, businesses spend nearly \$60 billion on disabling workplace injuries a year.<sup>2</sup> It doesn't have to be this way. Work-related injuries and illnesses are preventable. HB 923 requires in section one that Maryland employers who have work-related injury rates that exceed the average statewide incidence rate, and those with 10 or more employees, to establish a health and safety committee with their employees to promote a collaborative culture of health and safety. Health and safety committees have proven to be effective in reducing work-related injuries and illnesses.<sup>3</sup> HB 923 also provides some functional parameters for these health and safety committees so that they operate in the most effective manner.

Section two of the Bill requires all Maryland employers to establish, implement, and maintain a written injury and illness prevention program; and in conjunction with health and safety committees where they are required. Injury and illness prevention programs are designed to proactively help employers find and fix hazards before workers get hurt. HB 923 requires that that injury and illness prevention programs:

- I. Are in a language the majority of workers at the worksite understand;
- II. Identify who is in charge of implementation;
- III. Include a process to ensure all employees comply with health and safety policies;
- IV. Include a process for encouraging open communication about safety hazards between employer and employee;
- V. Have procedures for identifying hazards;
- VI. Include methods for correcting hazards, and;
- VII. Provide training on the program to employees upon hire and as new hazards get identified.

<sup>1</sup> [https://www.bls.gov/iif/state\\_archive.htm#MD](https://www.bls.gov/iif/state_archive.htm#MD)

<sup>2</sup> <https://viewpoint.libertymutualgroup.com/article/2020-workplace-safety-index-the-top-10-causes-of-disabling-injuries/>

<sup>3</sup> <https://drive.google.com/file/d/10C6OLjwARV9J64TFFzBMvGSKwKx4Aw3J/view?usp=sharing>

Sections one and two are enforced under the Commissioner of Labor and Industry in the same way other state and federal occupational safety and health standards are enforced. Section three maintains health and safety as a mandatory subject where workers have the right to collectively bargain. Section five requires the Commissioner to establish standards specific to the hazards that are causing above-average rates of work-related injuries and illnesses in Maryland.

Upon enactment, Maryland would join at least 11 other states who mandate health and safety committees, and at least 14 states who mandate Injury and Illness Prevention Programs. Maryland would also join 5 other states who mandate both.<sup>4</sup>

We are pursuing two amendments after discussions with the Department of Labor to clarify and ease reporting requirements. The first increases the minimum employee threshold to establish committees to 20 from 10. The second amendment aligns incident rate reporting to the calendar used by the U.S. Department of Labor's Bureau of Labor Statistics rather than the fiscal year.

Injury and Illness Prevention Programs that include health and safety committees are proven tactics in reducing the likelihood that workers get sick or injured on the job. This benefits everyone. HB 923 is pro-worker and pro-business. It is smart policy from the state's perspective. Had Maryland had this law prior to the COVID-19 pandemic, countless lives could have been saved. Whether it's a deadly virus that is the workplace hazard or a wobbly floorboard causing workers to slip and fall; the principles for preventing these incidents are the same. Work with employees to find and fix hazards before workers get hurt and have standards for the hazards that are causing the most incidents annually. HB 923 is data-driven and promotes a collaborative and proactive approach to workplace safety which will help Maryland workers stay safe and Maryland businesses save money.

Thank you for the opportunity to present House Bill 923. I respectfully request a favorable report.

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<sup>4</sup> <https://www.osha.gov/dsg/InjuryIllnessPreventionProgramsWhitePaper.html#footnote1>

Mandated Health and Safety Committees: AL, CT, MN, NC, NE, NH, NV, TN, VT, WA, WV.

Mandated Injury and Illness Prevention Programs: CA, HI, LA, MI, MN, MS, MT, NC, NH, NV, NY, OR, UT, WA

Mandates Both: MN, NC, NH, NV, WA