



BOSTON CITY COUNCIL

Committee on Government Operations
Gabriela Coletta Zapata, Chair

One City Hall Square 5th Floor, Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ city.council@boston.gov

REPORT OF COMMITTEE CHAIR

August 27, 2025

Dear Councilors,

The Committee on Government Operations was referred the following docket for consideration:

Docket #0135, Ordinance to protect workers from heat-related illness and injuries in the City of Boston.

This matter was sponsored by Councilors Benjamin J. Weber, Enrique J. Pepén and Henry Santana and referred to the Committee on January 8, 2025.

Summary of Legislation

Docket #0135 is an ordinance designed to safeguard workers from heat-related illnesses and injuries at City-operated or City-contracted sites in Boston by mandating protective measures such as cool drinking water, shaded rest areas, and regular rest breaks whenever the heat index reaches 80 degrees Fahrenheit or above. The proposed ordinance further requires contractors to implement comprehensive heat illness prevention plans and establishes oversight and enforcement mechanisms to ensure compliance. As filed, each section described below collectively establishes comprehensive worker protections specifically targeting heat-related risks and outlines clear administrative and enforcement responsibilities.

Section 4-10.1 'Definitions' of the proposed ordinance defines several key terms essential for understanding and enforcing heat-related protections. These include definitions for Acclimatization, Contractor, Heat Illness, Heat Mitigation, Heat Stress, Heat Wave, Drinking Water, Environmental Risk Factors, Recovery Period, Personal Risk Factors for Heat Illness, Rest Break, and Subcontractors.

Under **Section 4-10.2 'Purpose and Scope'**, the proposed ordinance describes the intention of the legislation, which is to ensure that all employees working at worksites under the City of Boston's purview, or at sites operated under City contracts, receive adequate protections whenever the heat index reaches or exceeds 80 degrees Fahrenheit. The ordinance mandates essential safety measures such as access to cool drinking water, shade, rest breaks, and other cooling provisions to prevent heat-related illnesses.

Section 4-10.4 'Administrative Responsibility' details the duties of City departments and the Office of Labor Compliance and Worker Protections. Under this section, departments must incorporate the ordinance's requirements into all relevant contracts and bids. Finally, this section tasks the Office of Labor Compliance and Worker Protections with conducting regular training sessions—at least twice annually—to educate employers on compliance and worker protections against heat illness.

Under **Section 4-10.5 'Failure of Contractors to Comply'**, the proposed ordinance describes enforcement procedures and consequences for non-compliance. Under this section, contractors who fail to adhere to ordinance provisions after notice and an opportunity to rectify issues may face penalties, including fines up to \$100 per day and possible cancellation or suspension of contracts, along with



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ineligibility for future City contracts until full compliance is achieved and fines paid. To carry out the enforcement provisions of this section, the proposed ordinance vests the Office of Labor Compliance and Worker Protections with the responsibility of investigating complaints, issuing notices, and enforcing all provisions of the ordinance.

Section 4-10.6 'Preemption and Severability' section clarifies that the proposed ordinance does not negate or weaken compliance requirements under existing OSHA regulations or other applicable laws.

Section 4-10.7 'Exclusions' clearly states that this ordinance does not apply to contracts, leases, or licenses the City holds with other governmental agencies, delineating a boundary for the ordinance's jurisdiction.

Information Received at Hearing

The Committee held two working sessions (February 10, 2025, and April 11, 2025) to discuss Docket #0135. The Committee heard testimony from Jodi Sugerman Brozan, Deputy Chief of Worker Empowerment in the City of Boston, and Roger Luckmann, Associate Professor of Family Medicine and Community Health, UMass Medical. During the working sessions, Councilors reviewed the proposed ordinance provisions, asked detailed questions about scope and enforcement, and considered how the proposal would apply across City departments, contractors, and related entities.

During the February working session, discussion focused on the proposed ordinance's core requirements, including access to cool drinking water, shade, acclimatization practices, work-rest schedules, and training in multiple languages when the heat index reaches 80 degrees or higher. The Administration explained that the most practical enforcement model would rely on affidavit-based compliance, drawing on the framework of Boston's Construction and Demolition Safety Ordinance. Councilors raised questions about the capacity of the Office of Labor Compliance and Worker Protections, the balance between worker protections and contract feasibility, and the need to extend coverage to subcontractors, permit holders, and workers at City-licensed sites. Expert testimony highlighted national standards for rest breaks and recommended tools such as reporting mechanisms to ensure compliance.

During the April working session, the Committee returned to reviewing specific language and potential amendments. Councilors discussed definitions for "Heat Illness Prevention Plans" and the required affidavits, and considered whether quasi-public agencies such as the Boston Housing Authority and Boston Water and Sewer Commission should be explicitly named in the ordinance. Councilors raised questions about coverage for municipal employees in heat-exposed roles, including public safety staff, lifeguards, and traffic flaggers, and about how departmental prevention plans would interact with collective bargaining agreements. The Committee agreed that individual risk factors should be addressed through training requirements rather than codified definitions, to maintain flexibility. Enforcement provisions were reviewed, with Councilors supporting affidavit language that clearly outlines penalties for non-compliance, including fines and potential contract suspension. Regarding implementation timelines, the Administration informed the Committee that relevant training materials and templates could be developed quickly, but that integration of affidavit language into contract documents would take longer, and suggested a phased rollout. Councilors emphasized the importance of readiness before the summer months and reviewed options to ensure protections would be in place for both City employees and contracted workers.



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Across both working sessions, the Committee examined legal, operational, and public-health considerations; weighed potential impacts on City employees, contractors, subcontractors, and permittees (including relevant quasi-public entities); and sought to ensure that the ordinance would align with OSHA-related frameworks and other existing City safety ordinances.

Summary of Amendments

The ordinance as amended makes minor editorial changes throughout, striking and replacing the words “the Ordinance” with “this section” to maintain uniform language across ordinances within the City of Boston Code. The amended ordinance also revises numbering structure, by adding a Section 4-10.3 (as this was not included in the proposed draft), striking Section 4-10.4 Contract Language and replacing said section and the subsequent sections thereafter with the remaining proposed ordinance language, as revised, and finally, by inserting a new section regarding the ordinance’s effective implementation date.

The ordinance as amended revises **4-10.1 Definitions** to broaden applicability and strengthen enforceability by striking the following terms in their entirety: *Acclimatization*, *Heat mitigation*, *Heat stress*, *Heat wave*, *Environmental risk factors for heat illness*, *Recovery period*, and *Personal risk factors for heat illness*; striking language from *Heat illness* by removing references to the body’s inability to cope and immediate medical attention, and from *Rest break* by removing the ten-minute minimum; striking and replacing *Contractor* to specify a “Covered Contractor” whose employees work in heat-risk settings as determined by the Office of Labor Compliance and Worker Protections; striking and replacing *Subcontractors* to cover any person or entity with a contract with a Covered Contractor; and inserting new terms for *Heat Illness Prevention Plan* and *Heat Illness Prevention Plan Affidavit*.

As amended, **4-10.1 Definitions** now reads as follows:

“Covered Contractor” refers to any person or entity that is a party to a City service or construction contract, City lease, or City license whose employees perform work in a setting at risk of causing Heat Illness, as determined by the Office of Labor Compliance and Worker Protections.

“Drinking Water” means potable, cool or cold water that is suitable for human consumption and is maintained in safe and sanitary conditions to prevent contamination and illness where such is not supplied through plumbed fixtures or otherwise continuously supplied. The term also includes commercially available electrolyte-replenishing beverages that do not contain caffeine.

“Heat Illness” means any medical condition caused by high temperatures and humidity, including but not limited to heat cramps, heat exhaustion, heat syncope, heat stroke, and heat edema.

“Heat Illness Prevention Plan” or “HIPPP” refers to a written plan to prevent Heat Illness pursuant to the requirements of subsection 4-10.3 of this Section.

“Heat Illness Prevention Plan Affidavit” refers to a sworn statement on a form determined by the Office of Labor Compliance and Worker Protections certifying that the Covered Contractor, or his or her designee, has prepared and will implement a project-specific Heat Illness Prevention Plan that defines planned protections from potential heat hazards.



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“Rest” means a break from work within working hours, during which an employee may not work.

“Shade” refers to an area that is not in direct sunlight. Shade may be provided by any natural or artificial means, such as a tree, tarp, tent, canopy, or other similar structure.

“Subcontractor” refers to any person or entity that has a contract with a Covered Contractor to perform all or part of the work covered by a City contract.”

The ordinance as amended revises **4-10.2 Purpose and Scope** by striking: the fixed threshold “when the heat index is 80 degrees Fahrenheit or higher”; language requiring “access to cool/cold drinking water, shade, rest breaks and other provisions necessary to cool down their bodies and prevent heat exhaustion and/or heat illness”; and the second paragraph's reference to “when under the jurisdiction of the City of Boston or at worksites operated by an entity under a City contract”; and replacing such language with broader provisions that vests the Office of Labor Compliance and Worker Protections with the authority to determine the specific scope of coverage.

As amended, **4-10.2 Purpose and Scope** now reads as follows:

- A. *“The purpose of this Section is to ensure that all employees working for the City of Boston or under City of Boston contracts, leases, and licenses are afforded certain protections when the heat index reaches a threshold identified by the Office of Labor Compliance and Worker Protections. These protections are intended to reduce the likelihood of employee Heat Illness.*
- B. *This Section applies to all worksites and projects identified by the Office of Labor Compliance and Worker Protections as likely to cause Heat Illness.”*

The ordinance as amended corrects the section numbering error (i.e., 4-10.3 was missing) by inserting a new section titled **“4-10.3 Employees Working for the City of Boston or a Covered Contractor or Subcontractor.”** This new section also replaces **Section 4-10.4 Contract Language**, which is struck in its entirety. **Section 4-10.3** establishes direct obligations to meet the requirements of the ordinance rather than relying on contract clauses. It does so by requiring City departments to prepare Heat Illness Prevention Plans, Covered Contractors and Subcontractors to submit a sworn Heat Illness Prevention Plan Affidavit before beginning work, ensuring plans are accessible in languages understood by employees, incorporating protections into all subcontracts and related agreements, providing employees with information on their protections and complaint processes, and requiring Covered Contractors to furnish documentation to the City upon request.

As amended, following **Section 4-10.2** the ordinance now reads as follows:

“4-10.3 Employees Working for the City of Boston or a Covered Contractor or Subcontractor.

- A. *Subject to any bargaining obligations under G. L. c. 150E, all City of Boston departments whose employees perform work in a setting at risk of causing Heat Illness, as determined by the Office of Labor Compliance and Worker Protections, must develop and implement a Heat Illness Prevention Plan (HIPP) consistent with a template made available by the Office of Labor Compliance and Worker Protections. The HIPP may include, but need not be limited to:*
 - 1. *Appropriate opportunities for shade, rest, and water for employees;*



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2. *Appropriate responsive actions in the event of an emergency or Heat Illness; and*
 3. *Relevant training and materials to employees in advance of reasonably anticipated exposure to the risk of Heat Illness.*
- B. *Covered Contractors and Subcontractors whose employees perform work in a setting at risk of causing Heat Illness, as determined by the Office of Labor Compliance and Worker Protections, must provide a Heat Illness Prevention Plan Affidavit on a form provided by the Office of Labor Compliance and Worker Protections before they can begin work. The Affidavit may include, but need not be limited to, attestations that:*
1. *The HIPP will be made available to the City upon request;*
 2. *The HIPP will be accessible to each employee in a language understood by the employee;*
 3. *The HIPP will be implemented when the heat index reaches a threshold identified by the Office of Labor Compliance and Work Protections;*
 4. *The HIPP will be incorporated in all subcontracts, subleases, sublicenses, and other agreements with any third party engaged to perform labor or services in connection with the contract; and*
 5. *The Covered Contractor understands it is the obligation of the Covered Contractor to ensure compliance by its Subcontractor(s).*
- C. *Covered Contractors and Subcontractors must make available to their employees information, to be provided by the Office of Labor Compliance and Worker Protections, on the requirements of this Section and how to submit a complaint should employees feel they are not receiving the protections required. Notice to employees may be made by posting signage provided by the Office of Labor Compliance and Worker Protections setting forth the protections afforded to workers pursuant to this section.*
- D. *Upon request, Covered Contractors shall provide the City with additional documentation to verify compliance with this Section, consistent with the Covered Contractor's contract with the City."*

The ordinance as amended replaces **Section 4-10.4** with revised language from **Section 4-10.5** as proposed and re-names the section **"4-10.4 Administrative Responsibility."** The language of this section is revised under the first paragraph to require the ordinance's protections in all bids, proposals, written quotes, and requests for qualifications for covered contracts, leases, and licenses, striking the words "contractual agreement." The language of this section is further revised under the second paragraph to expand training requirements by striking language that required at least two annual trainings "or as much as necessary in order for employers to understand the requirements of this Ordinance" and replacing it with language that requires at least two annual trainings in order to effectuate the understanding of the ordinance's requirements for all City departments, Covered Contractors, and Subcontractors, as opposed to only those found to be out of compliance.

As amended, **Section 4-10.4** now reads as follows:

"4-10.4 Administrative Responsibility



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- A. *City departments shall include the requirements of this Section in all bids, proposals, written quotes, or requests for qualifications for contracts, leases, or licenses which are designated as covered by the Office of Labor Compliance and Worker Protections.*
- B. *The Office of Labor Compliance and Worker Protections shall conduct at least two trainings annually on Heat Illness and protections for both indoor and outdoor workers in order for City departments, Covered Contractors, and Subcontractors to understand the requirements of this Section. These trainings shall be offered to all City departments, Covered Contractors, and Subcontractors, and shall be required of those who are found to be out of compliance with this Section."*

The ordinance as amended replaces **Section 4-10.5** by shifting and revising language from **Section 4-10.6** as proposed and re-names the section **"4-10.5 Failure of Covered Contractors to Comply."** The language of this section was slightly revised in a way that strengthens the Office of Labor Compliance and Worker Protection's enforcement strategies, by adding language to allow the Office to monitor compliance, receive complaints, conduct investigations, issue notices to cure, and carry out the appropriate enforcement actions. Revisions to this section were also made to clarify penalties and related procedures, by inserting language regarding notice and opportunity to cure, and by striking the word "contractor" to ensure that penalties will apply to any person or entity covered by the ordinance.

As amended, **Section 4-10.5** now reads as follows:

"4-10.5 Failure of Covered Contractors to Comply

The Office of Labor Compliance and Worker Protections shall monitor compliance with the provisions of this Section and may receive complaints, conduct investigations, issue notices to cure, and carry out enforcement actions. Any person or entity found to be in violation of this Section must be given notice and an opportunity to cure the violation(s) prior to further enforcement.

Any person or entity who fails to comply with the provisions of this Section after receiving notice and an opportunity to cure shall be subject to those sanctions allowed by law, including but not limited to:

1. *Fines up to \$100 per day after issuance of notice to cure up to the date of full compliance;*
2. *Cancellation, termination, or suspension of the contract; and/or*
3. *Ineligibility for future contracts with the City until achieving compliance and paying all fines in full."*

The ordinance as amended replaces **Section 4-10.6** by shifting language from **Section 4-10.7** as proposed and re-names the section **"4-10.6 Preemption and Severability."**

Similarly, the ordinance as amended replaces **Section 4-10.7** by shifting language from **Section 4-10.8** as proposed and re-names the section **"4-10.7 Exclusions."**

The ordinance as amended replaces **Section 4-10.8** by inserting a new title and new language to establish an implementation timeline, providing that the ordinance shall take effect six months from passage.



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As amended, **Section 4-10.8**, now reads as follows:

“4-10.8 Effective Date. This Section shall take effect six months from passage.”

Committee Chair Recommended Action

As Chair of the Committee on Government Operations, I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At this time, my recommendation to the full Council will be that this matter **OUGHT TO PASS IN A NEW DRAFT**.

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