

Safety Isn't Expensive; It's Priceless

Pennsylvania Department of Labor and Industry

Bureau of Workers' Compensation

23rd Annual Pennsylvania Workers' Compensation Conference



"Safety First" is "Safety Always."

— *Charles Melville Hays* —

AZ QUOTES

Does My Business Need a
Safety Policy?

Every injury Has a Cost

- Lost production time
- Time lost by the injured employee
- Time lost by those helping the victim
- Cleanup time
- Time spent hiring and training a replacement worker
- Property damage
- Decreased morale among other workers
- OSHA penalties

**“Working safely may
get old, but so do those
who practice it.”**

Author unknown

The Safest Possible Work Environment

- The process begins by creating safety policies and procedures. These instruct employees on how to perform the duties of their position in a safe and responsible manner.
- The safety policy is a comprehensive, written document that serves as a set of guidelines for safety in the workplace.
- Procedures and protocols are the specific plans of action that implement the policy.

What Are The Benefits?

- An effective safety policy directly contributes to a safer work environment.
 - Fewer employee injuries,
 - Less lost time and less cost.
 - Safe work culture promotes the health of your employees.
- An effective safety policy can reduce the cost of worker compensation payments and plans.
- An effective safety policy can limit liability – affirmative defenses.
- An effective safety policy can improve operational efficiency.

What is the OSHA “General Duties Clause”?

- **“Employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees...”**
- **Elements**
 - *The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed;*
 - *The hazard was recognized;*
 - *The hazard was causing or was likely to cause death or serious physical harm;*
 - *There was a feasible and useful method to correct the hazard*

OSHA Proposed Rule – Improved Tracking

- OSHA published a [proposed rule](#), Improve Tracking of Workplace Injuries and Illnesses on March 30, 2022 that would require:
- Establishments with 20 or more employees, in certain high-hazard industries, continue to electronically submit Form 300A Annual Summary information once a year to OSHA.
- Establishments with 100 or more employees in the highest-hazard industries to submit Form 300 Log and Form 301 Incident Report information once a year to OSHA. These establishments would continue to be required to electronically submit information from their Form 300A Annual Summary.

The proposal was based on OSHA's preliminary determination that the electronic submission of establishment-specific and case-specific information from the Forms 300 and 301 **will improve workplace safety and health by:**

- **Allowing OSHA to use its resources more effectively** by better enabling the Agency to identify workplaces where workers are at greatest risk from specific hazards, and to target its compliance assistance and enforcement efforts accordingly,
- **Improving the ability of employers to compare their own injury and illness data** on hazards with the data from similar establishments in the same industry,
- **Improving the ability of stakeholders to make more informed decisions** using recent establishment-specific, case-specific, injury/illness information, and
- **Improving research on occupational safety and health.**

What Is A Recordable Injury or Illness?

- Any work-related fatality.
- Any work-related injury or illness that results in loss of consciousness, days away from work, restricted work, or transfer to another job.
- Any work-related injury or illness requiring medical treatment beyond first aid.
- Any work-related diagnosed case of cancer, chronic irreversible diseases, fractured or cracked bones or teeth, and punctured eardrums.
- There are also special recording criteria for work-related cases involving:
 - needlesticks and sharps injuries;
 - medical removal;
 - hearing loss;
 - and tuberculosis

Recordkeeping, Reporting and Posting

- **Recordkeeping:** employers must keep records of workplace injuries and illnesses
- **Reporting Fatalities and Severe Injuries:** all work-related fatalities must be reported within 8 hours. All work-related inpatient hospitalizations, all amputations, and all losses of an eye within 24 hours
- **Electronic Submission of Injury and Illness Data.**
- **OSHA Poster:** must post in a prominent location in the workplace.

Access to Employee Exposure and Medical Records

Requires employers to provide access to employee exposure and medical records. Employers generally must maintain employee exposure records for 30 years and medical records for the duration of the employee's employment plus 30 years

There are two exemptions to OSHA's recordkeeping requirements.

The first exemption is for companies with 10 or fewer employees. These companies must keep injury and illness records only if OSHA specifically requires them to do so.

The second exemption is for establishments classified in certain low-hazard industries.

However, it's good to remember that most requirements are designed to keep employees safe

Does My Company Need
A Safety Committee?

Employers with 300 or more employees are required to establish a policy health and safety committee. The purpose of the committee is to handle issues that are organization-wide in nature

Pennsylvania Safety Committees

- Organizations with Certified Workplace Safety Committees (CWSC) in place for 3 to 5 years will reduce incident rates by 24 – 28%. This results in lower premiums and workers' compensation costs.
- CWSCs must renew their certification prior to the beginning of their insurance policy period for a 5% gross workers' compensation premium discount.
 - Initial and renewal applications are reviewed by the BWC Health & Safety Division for approval. Organizations can renew annually ad infinitum.
- Recognized Safety Committees – Same process as Certified Audit Process but do not receive a discount. Primarily for organizations that want to comply with the safety committee regulatory requirements:
 - Self-Insureds
 - High Deductible policies
 - Captives

Certified Workplace Safety Committee Regulatory Requirements

- 4* or more members - Composition:
 - 2 employer representatives – Can 'Hire OR Fire OR Direct OR Control other employees.
 - 2 employee representatives – Cannot 'Hire OR Fire OR Direct OR Control other employees.

* Even number of employee & employer reps or more employer reps beyond the minimum 4 requirement.
- Written Bylaws or Operating Procedures including 'Rotation' requirement and Majority vote.
- Meet Monthly with Quorum of committee members – Half of the membership plus 1
i.e. 4 members – 3 attend, 5 members 3 attend.
- Agenda issued prior to the meeting
- Meeting Minutes published to the entire organization
- Meeting Attendance records
- Periodic Workplace Inspections
- Annually Required Training for all committee members in 4 elements:
 - 1) Safety Committee Operations
 - 2) Hazard Identification
 - 3) Opioid & Substance Abuse & Awareness
 - 4) Accident Investigation

What Can A Safety Committee Do?

- Developing safe work practices.
- Crafting written safety programs.
- Leading safety training.
- Conducting workplace inspections and safety audits.
- Reviewing incidents, near misses, accident investigation reports, claim summaries and loss analyses to prevent reoccurrences of similar incidents.
- Establishing dispute resolution procedures.
- Proposing and creating safety checklists.
- Promoting employees' interests in health and safety issues.
- Providing a forum in which labor and management can discuss health and safety issues and collaborate on solutions

Employees Are An Exceptional Resource

- Create a safety and health committee
- Utilize employees to conduct safety inspections
- Inform employees about safety inspections, injury and illness data, and other safety issues
- Solicit feedback from your employees
- Hold employees accountable
 - including safety responsibilities in their performance evaluation,
 - Set clear safety goals,
 - Discipline violations,
 - Establish a reporting system for hazards and injuries

Hazard Identification and Assessment

- OSHA Logs
- First Aid Logs
- Workers Compensation Reports
- Complaints

Who Should Comprise The Safety Committee?

Safety committees should be composed of a mixed population of employees and managers, with representatives from both production and administration.

Elements Of An Effective Committee

- Regular meetings.
- Clear agendas.
- Meeting minutes
 - issues discussed,
 - proposed action plans
 - people responsible
 - published
- Require attendance.
- Celebrate accomplishments.
- Set goals.
- Improve inspection process and protocols.
- Address legitimate issues.
- Be a catalyst for positive change!

**“Safety isn't expensive,
it's priceless.”**

Author unknown

Complete “Buy-in” and 100% Participation.

- Front-line workers are often the individuals with the most direct knowledge and exposure to potential safety hazards.
- An effective safety program encourages workers to report potential safety concerns.
- It provides a protocol that assures that the information collected will not be used for other purposes and ensures good faith reports will be free from any type of reprisal.
- The program should also seek to make workers a direct component of the plan by utilizing their input in its design and revisions, freely providing them information about the program and incidents, and removing barriers to their participation.
- A good example is to build safety training and policy review into their work schedule.
- Employers should document all efforts to develop and promote their policy and a safe work environment.

Audit of Committee Regulatory Requirements

Certified Safety Committee Audits

- Compliant – Organization will retain Certification
- Non-Compliant

Remedy satisfied – Certification is maintained

Revocation – Insurer will take back monies from discounted periods

Safety Committee Audit – Covers most current 3 policy periods or 2 periods and 6 or more months of the current period:

60 Days notice – On Site or Virtually

- Auditor will contact you to begin collecting the documents
- Auditor will review documents prior to the day of the Audit
- Formal Audit
- Findings issued: Compliant or Non-Compliant
- 60-day correction period following Audit
 - Health & Safety Manager issues Non-Compliant 'Remedy'
 - Remedies:
 - Submit the most current 6 months of documents – Meeting Minutes, Attendance Records, Agendas, Training, and Inspections.
 - Submit documentation supporting issue(s) corrections.
 - Failure to satisfy remedy results in Revocation of Certification

Self-Insured AIPP Regulatory Requirements

IV. State the elements contained within your Accident & Illness Prevention Program (A&IP = Accident and Illness Prevention)

- 1. Safety Policy Statement
- 2. Protocol or Standard Operating Procedures, when applicable to the workplace and workplace
- 3. Assignment of responsibilities for developing, implementing, and evaluating the A&IP Program.
- 4. A&IP Program goals and objectives
 - i. Electrical and Machine Safeguarding
- 5. Methods for identifying and evaluating hazards and developing corrective actions for their mitigation.
 - ii. Personal Protective Equipment
 - iii. Hearing and Sight Conservation
- 6. Industrial Hygiene Surveys (see instructions)
- 7. Industrial Health Services (see instructions)
- 8. A&IP orientation and training and Disposal Procedures
- 9. Regularly reviewed and updated emergency action plan
- 10. Employee A&IP suggestion and communications
 - vi. Confined Space Entry
 - vii. Fire Prevention and Control programs
 - viii. Substance Abuse Awareness and
- 11. A&IP Program Employee Involvement Prevention Policies and Programs
- 12. Established safety rules and methods for their enforcement
 - ix. Control of Exposure to Bloodborne Pathogens
- 13. Methods for accident investigation, reporting and recordkeeping.
 - x. Preoperational Process Review
 - xi. Other protocols as may be appropriate
- 14. Prompt availability of first aid, CPR and other emergency treatments.
- 15. Methods for determining and evaluating program for the individual self-insured employer's operations [Explain – Identify as Item #IV (16, xi) on additional sheet.

That Hurts!

Apathy

Lack of Organization

Lack of Funding

Lack of Consistency

Deference to Operations

Management Intervention

**“Teaching the world to
be careful is a
constructive service
worthy of God's great gift
of life to man.”**

U.S. Supreme Court Justice Harold H. Burton (1946)

Training

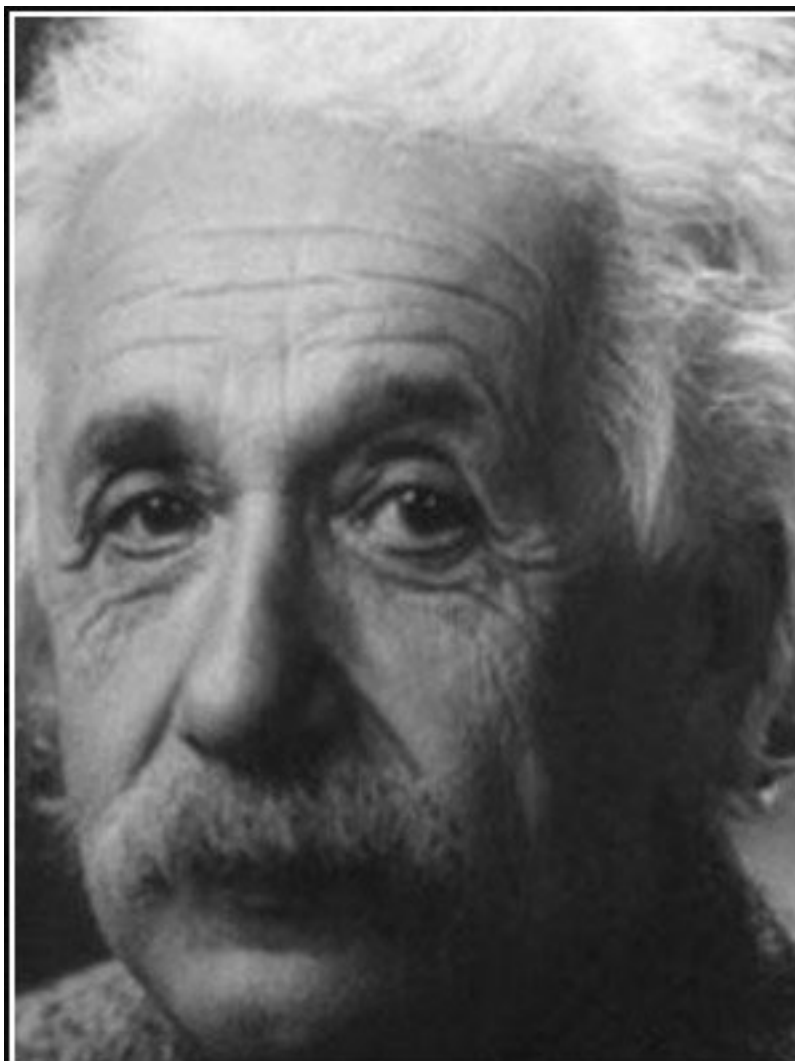
- Train employees in workplace health and safety policy and procedure.
 - Identify workplace hazards
 - Demonstrating how they should protect themselves.
- Document this training to reduce your liability – affirmative defenses.
- Best practices include safety orientation for all new employees as well as existing employees who are starting a new position.
- Retrain your employees in these measures as required by OSHA standards, or when employees return from an absence.
- Listening to employees and the safety concerns they identify.

Requirements That Apply to Most Employers

- **Hazard Communication Standard:** employees know about hazardous chemicals and appropriate protection protocols.
- **Emergency Action Plan Standard:** describes the actions employees should take to ensure their safety in a fire or other emergency.
- **Fire Safety:** all employers should have a Fire Prevention Plan
- **Exit Routes.** All employers must comply with OSHA's requirements for exit routes in the workplace
- **Walking/Working Surfaces:** OSHA issued a final rule on November 18, 2016 on walking-working surfaces and personal fall protection systems to better protect workers
- **Medical and First Aid:** employers should provide medical and first-aid personnel and supplies commensurate with the hazards of the workplace

Requirements That May Apply to Your Workplace

- **Machine Guarding**
- **Lockout/Tagout**
- **Electrical hazards**
- **Personal Protective Equipment (PPE)**
- **Respirators**
- **Noise**
- **Confined Spaces**
- **Blood or Bodily Fluids**
- **Powered Industrial Trucks**



Condemnation without investigation
is the height of ignorance

— *Albert Einstein* —

AZ QUOTES

Accident Investigation

The process of determining the root causes of accidents, on-the-job injuries, property damage, and close calls in order to prevent them from occurring again.

Analyze Collected Data

- Types of injuries or illnesses,
- Parts of the body that are injured,
- Times of day when accidents occur,
- Locations or departments,
- Equipment and protective gear,
- Conduct periodic site inspections,
- Observe employees to identify safety risks or hazards in the workplace.

Hazard Prevention and Control

- Prioritize hazards.
- Devise a corrective plan for correcting or controlling the hazards
- Eliminate hazards
 - safer tools or equipment
 - incorporate safety training programs,
 - rotating workers,
 - Adjust schedules and add breaks.
- Consider advanced or alternative personal protective equipment
- Wash, Rinse and Repeat - evaluate the changes to make sure they have addressed the problem.

**What is the 80/20
Rule?**

4 Elements

- 1. Preserve and document the scene**
- 2. Collect Data**
- 3. Determine root causes**
- 4. Implement corrective actions**



**NOBODY
GETS HURT
TODAY !**