

# The Safety & Health Advisor

Winter 2004 - 2005



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## Safety and Health Seminar

The Safety and Health Department is planning to hold a seminar for its manufacturing insureds in March of 2005. This ½-day seminar will focus on select safety topics that we hope will be of most interest to our audience. **Watch for invitations and additional information in January 2005.**

Safety seminars for our non-manufacturing insureds will be held in the near future. Targeted industries may include healthcare, car dealerships, and/or contractors.

## OSHA Reminds Employers to Post Injury/Illness Summaries on February 1

Now is the time to ensure that your OSHA 300 log is up-to-date before the end of the calendar year.

On February 1, employers must post a summary of the total number of work-related injuries and illnesses that occurred in 2004. Employers are required to post only the **Log Summary** (OSHA Form **300A**) from Feb. 1 to Apr. 30, 2005.

The summary must list the total number of work-related injuries and illnesses that occurred in 2004 and were logged on the OSHA 300 form. Employment information about annual average number of employees and total hours worked during the calendar year is also required to assist in calculating incidence rates. Companies with no recordables in 2004 must post the form with zeros on the total line.

All establishment summaries must be certified by a company executive. The form is to be displayed in a common area wherever notices to employees are usually posted. Employers with ten (10) or fewer employees and employers in certain industry groups are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements. A complete list of exempt industries in the retail, services, finance and real estate is posted on OSHA's website.

Copies of Forms 300, 300A and 301 are available at <http://www.osha.gov/recordkeeping/index.html> in either Adobe PDF or Microsoft Excel Spreadsheet format.

## OSHA Inspection: "What to expect?"

An OSHA compliance officer has knocked on your door. Now what do you do as the employer?

First, let's consider some background information. What would have to take place to have an OSHA inspection in the first place? *OSHA's inspection priorities are:*

- **Top Priority**- Reports of imminent danger(s)-accident(s) about to happen
- **Second**- Fatalities or accidents serious enough to send three or more employees to the hospital
- **Third**- Employee or anonymous complaints
- **Fourth**- Targeted inspections- Site Specific Targeting Program- which focuses on employers that report high injury and illness rates
- **Final Priority** – Follow up inspections

Inspections are usually conducted without providing an advance notice. When an OSHA compliance officer arrives at your door, you could grant them access or you have the right to ask the compliance officer to obtain a warrant to conduct the inspection before entering the work site. If an authorized inspection warrant is obtained and you still do not let them in, the compliance officer can take legal action.

Prior to conducting an inspection, the OSHA compliance officer will display his/her credentials. Then there will be an **opening conference** where the OSHA officer will explain why the business was selected for the inspection. The compliance officer will determine if an OSHA funded consultation program is in process or whether the facility has received an exemption. If the latter is the case, the OSHA officer will usually end the inspection.

The OSHA compliance officer can ask for an employee representative to accompany him or her throughout the facility. The employer does not select the employee. Talking with employees during the walk-through helps the officer identify and evaluate the extent of the

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hazards at the worksite. The officer may consult privately with employees during the inspection.

The OSHA compliance officer will **inspect the premises** for potential safety and health hazards and discuss corrective measures with the employer. In rare instances, the officer may come across an "imminent danger" situation. If this happens, then the employer must take immediate action to correct the situation before the employees are harmed.

Recordkeeping practices are evaluated such as whether the employer is keeping the current OSHA 300 log (revision 01/2004) and posting the current OSHA 300A log summary during the months from February 1 to April 30 of the following year. The officer also evaluates whether the OSHA poster is placed in a conspicuous location. Written programs and training records may be evaluated during the visit covered by standards such as Hazard Communication, Lockout/Tagout, Hearing Conservation, Forklift, Respiratory Protection and Fall Protection to name a few. The compliance officer may also review applicable exposure records such as industrial hygiene sampling for noise, chemicals or harmful physical agents to determine employee exposure and evaluate control measures.

The final step of the inspection is the **closing conference**, which may or may not occur on the same day. The compliance officer will discuss with the employer the unsafe conditions found and the violations for which a citation may be given. The officer will then explain the appeal and anti-discrimination rights under 11(c) of the Occupational Safety and Health (OSH) Act and the procedures for contesting the citations. During the closing conference, the compliance officer does not discuss the proposed penalties. Only the OSHA Area Director has the authority of issuing the citations after reading the report.

*Citations* inform the employer and employees of the regulations and standards that the employer violated, any hazardous working condition covered by section 5 (a) of the General Duty Clause of the OSH Act, the suggested length of the time set for abatement and proposed penalties. OSHA will hand deliver or send the proposed penalties by certified mail. The employer *must* post the citations at or near where the citations were noted for three days or until the employer abates the violation. The employer must also post the response to OSHA as to how the violations were or are being corrected.

The General Duty Clause mentioned earlier states that the employer *shall* furnish to each of the employees a place of employment that is free from recognized hazards that are causing or are likely to cause death or serious physical harm the employees. The employer shall also comply with the occupational safety and health standards promulgated under the OSH Act.

*The penalties* that can be given after an OSHA inspection vary depending on how serious the violations are. The penalties range from:

- **Willful**, a violation that the employer intentionally or willfully commits with indifference to the law, or
- **Serious**, a violation where there is substantial probability that death or physical harm could result and the employer knew or should have known of the hazard or
- **Other-than-serious**, a violation that has a direct relationship to job safety and health but probably would not cause death or serious harm
- **Repeat**, a violation of any standard, regulation, rule, or order where OSHA finds a similar violation during a re-inspection (or at another company facility).
- **Failure to Abate**, OSHA may propose an additional penalty of up to \$7,000 for each day the employer fails to correct a prior citation beyond the prescribed abatement date.

The employer can contest the citation, the time set up for abatement and/or the penalty. Within 15 days of receiving the Citation and Notice of Proposed Penalty, the employer should notify the OSHA Area Director in writing. The employer can request another conference within the 15 working day period to further discuss the inspection results. Changes to citations, abatement dates or penalties may be made.

## MA Division of Occupational Safety (DOS)

Where can an employer find services to evaluate his/her workplace? Consultation services are available to small employers with less than 250 employees at a fixed site or 500 total employees nationally. This is a free service funded jointly by the Division of Occupational Safety and the U.S. Department of Labor, OSHA.

The *benefits* of the state consultation service for the employer are:

- Employer requests the inspection, so it is not a surprise
- The consultant is a state employee and not a federal inspector
- There are no fines or penalties
- The employer can find out about potential hazards at his/her worksite

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- Improve company occupational safety and health management systems, and
- Qualify for a one-year exemption from routine OSHA inspections.

The consultant will analyze the entire workplace or only the specific operations that you want evaluated. The employer's obligation is to correct all the serious hazards and potential safety and health violations that the consultant finds. The state consultant will not:

- Issue citations
- Guarantee the employer's workplace will pass an OSHA inspection
- Report violations to the OSHA enforcement staff, however on very rare instances if the hazards are not corrected- results of the inspection can be turned over to OSHA.

In MA, to reach the *Division of Occupational Safety and Health, Department of Workforce Development*, call 617-727-3982. Their website is [www.state.ma.us/dos](http://www.state.ma.us/dos).

You can find information about OSHA's standards, recordkeeping procedures, Consultation Program and other many OSHA topics by accessing [www.osha.gov](http://www.osha.gov). To reach an *OSHA Area Office in MA*, you can call:

- In Braintree, (617) 565-6924
- In Methuen, (617) 565-8110
- In Springfield, (413) 785-0123

*The OSHA Boston Regional Office is (617) 565-9860.*

*Information obtained for the above article was found at [www.osha.gov](http://www.osha.gov) and OSHA's Publication "All About OSHA" printed by the U.S. Department of Labor, Occupational Safety and Health Administration, OSHA 2056.*

## Safety & Health Effects of Shiftwork Operations

The world economy, business competition, customer need, process operating requirements and the efficiency of facilities and machinery are some of the factors that have increased the need for employees to work in extended hour, nighttime or rotating shift operations. U.S. organization's realization of a 24-hour a day, 7-day per week society has driven the need for more support services, which in turn increases the number of people involved with night or extended hour operations. Whether your operation is involved with manufacturing, distribution, healthcare or other round-

the-clock industries it is important to understand some of the potential effects on workers in those circumstances.

This article presents some basic considerations associated with shift work, extended work hours or work arrangements beyond the traditional 7 a.m. to 6 p.m., Monday to Friday eight (8) hour per day work schedule, which may affect safety, health, production, quality of care or product and/or customer service. Of most concern are nighttime or rotating shifts, as they can affect the body's natural rhythm and cause fatigue, which, in turn, can lead to errors, accidents or stress.

People who work night shifts become easily fatigued because they are working at a time when their body tells them they should be asleep. Conversely, night workers are sleeping during the day when their body tells them they should be awake leading to shorter or less satisfying sleep, which in turn may lead to more fatigue.

In 1997, the National Institute for Occupational Safety and Health (NIOSH) examined this very issue and developed a publication called "Plain Language About Shiftwork", which can be viewed or printed at [www.cdc.gov/niosh/pdfs/97-145.pdf](http://www.cdc.gov/niosh/pdfs/97-145.pdf). Some of the critical points in this publication, which incorporates material from other publications and studies, address the safety and health effects of shift, night and extended hours work and coping strategies to help reduce negative effects.

Immediate effects include disruption of sleep patterns and body rhythm, impacts on performance and safety and interference with social and family life. Studies have shown that interruptions to the body's normal or "circadian" rhythm (if work activity time is in conflict with regular patterns) may result in poor work performance, inability to concentrate, errors and accidents especially at night. Sleep loss or disruption may result in falling asleep at inappropriate times, which could have significant consequences both on and off the job. For example, if a worker must drive or operate dangerous machinery at work or drive for commuting purposes, even momentary sleeping or inattention could result in an accident, perhaps a serious or fatal one.

Often overlooked is interference with family life or social events, which primarily occur during evening hours or on the weekends. Even if workers are not on the job at those times they may want to be involved with activities when they should be sleeping leading to more sleep deprivation and reduced enjoyment of those gatherings. This type of juggling can also lead to increased stress, which not only affects workers mentally, but physically as well. Long-term effects may include digestive

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problems and heart disease, although current research appears to be inconclusive.

There have been other publications and studies related to this topic both in and outside of the United States, but many predate the NIOSH publication and were referenced by it and most later articles reference the NIOSH work. A recommended reading list is in Section 6 of the NIOSH document. A 1998 publication from New Zealand titled "Healthy Work" about stress and fatigue may prove useful and can be viewed at [www.workstress.net/downloads/stressfatigue.pdf](http://www.workstress.net/downloads/stressfatigue.pdf). Private companies that specifically focus on evaluation and design of work scheduling strategies (although not necessarily endorsed by Atlantic Charter) include Circadian Technologies at [www.circadian.com](http://www.circadian.com) and Round-The-Clock Systems at [www.roundtheclocksystems.com](http://www.roundtheclocksystems.com), which may provide additional insight into the subject matter and may provide beneficial reading.

The NIOSH publication highlights some of the company and personal strategies that can be utilized to help cope with these concerns. Company strategies should include work schedule planning considerations (i.e. time of shifts, direction of shift rotation, hazardous or demanding work impacts) as well as the work environment and special wellness and awareness programs. Individuals should make efforts to get enough meaningful sleep, exercise, use relaxation techniques and maintain a proper diet among other potential beneficial strategies.

Workers and organizations should closely evaluate their activities and operations with respect to shift, night or extended hours work to avoid potential pitfalls and create and sustain a productive and safe work environment. The aforementioned NIOSH publication is a good resource in this regard.

## Software and Internet Resources for Safety

Along with the rapid growth of the internet, there has been an ever growing list of computer based resources and programs available to safety professionals to help them better control workplace injury risk and meet regulatory requirements. Many of these resources can help write customized safety programs or maintain OSHA recordkeeping requirements.

The OSHA website ([www.osha.gov](http://www.osha.gov)) has excellent computer based resources to assist the safety professional. One of their applications known as "eTools" are stand-alone, interactive, Web-based programs. Some of these applications use expert system modules, which enable the user to answer

questions, and receive reliable advice on how OSHA regulations apply to their work site. To find these, simply go to the OSHA main page and click on "eTools" under the compliance assistance menu along the right side of the page. Keep in mind that these are downloadable files that can also be used off-line as well.

Many safety resources can now be downloaded from the Internet at no cost. One of these sites which connect to a wide variety of Internet sites is [www.ehsfreeware.com](http://www.ehsfreeware.com). There are also subscription service sites available to quickly locate and create customized written programs and safety policies. SafetyInfo ([www.safetyinfo.com](http://www.safetyinfo.com)) offers twelve (12) months of unlimited access to their written programs and training resources for \$249. They also have free sample safety checklists and sample written programs such as confined space program and a training presentation on back safety.

One of the best known companies that have extensive computer-based safety training resources is JJ Keller ([www.jjkeller.com](http://www.jjkeller.com)). Other companies that offer a wide variety safety training materials include: Compliware ([www.compliware.com](http://www.compliware.com)), PureSafety ([www.puresafety.com](http://www.puresafety.com)), Lab Safety Supply ([www.labsafety.com](http://www.labsafety.com)), and Clicksafety ([www.clicksafety.com](http://www.clicksafety.com)). The Atlantic Charter website ([www.atlanticcharter.com](http://www.atlanticcharter.com)) also lists additional industry links on safety, health and ergonomics, such as the National Institute for Occupational Safety and Health ([www.cdc.gov/niosh](http://www.cdc.gov/niosh)) and the National Safety Council ([www.nsc.org](http://www.nsc.org)).

Finally, there are also many excellent industrial and office ergonomics resources available via the Internet. Some of these sites include: Cornell University ([www.ergo.human.cornell.edu](http://www.ergo.human.cornell.edu)) and ErgoWeb ([www.ergoweb.com](http://www.ergoweb.com)).

This summary is not meant to be a specific endorsement of any of these companies or products. It is also not an exhaustive list of software and tools available to the safety professional. If you would like more suggestions regarding a specific topic area, please contact our Safety and Health Department.

*If you need assistance in developing your ergonomics or safety and health program, please contact Neal Freedman, John Cotnam, Christine Boudouris, or Mark Hickox from Atlantic Charter's Safety and Health Department at (617) 488-6500.*