IUE-CWA Health & Safety

Leadership Guide 2014
Objective

As a Union Leader you may be confronted by members who are affected daily with health and safety issues. These hazards range from exposure to noise, toxic chemicals, and unguarded machinery, to problems associated with the work organization and work restructuring: understaffing, mandatory overtime, stress and fatigue. In addition, workplaces often lack comprehensive worksite health and safety programs aimed at identifying and eliminating hazards.

Being a good union leader depends on your knowledge of your rights and how to use them. It is also about using your experience within the workplace and having the support of your members. With the right approach, some basic skills, knowledge and organization you can become very effective.

Understanding your rights and how to use them will help you to ensure that your employer safeguards the health, safety and welfare of the members who you represent. It is your employer's responsibility to manage health and safety. Your role is to make sure that management fully complies with its obligations, through cooperation, discussion, and negotiation with you on behalf of your members.

As an IUE-CWA union leader, you know that leading, organizing, and building your local is complex. Whether you are the Local President or a member of the Local Executive Board, Bargaining Committee, or Political Committee, there is a great deal to know and understand. This section of the book is designed to be used as a reference resource; it does not contain detail on every aspect of health and safety, or address all of the problems that you will face in trying to achieve the highest standards of health and safety possible within your workplaces.

This guide does include a basic overview of the facts and tools necessary to address your health and safety concerns, including concepts and methods to develop and maintain an effective Occupational Health and Safety Committee.

There are 2 basic types of health and safety committees:

1. *Local* - composed exclusively of union members

2. *Joint* - composed of representatives from union and management.

Both types can be significant in efforts to improve workplace safety; yet your resources may limit your ability to have both a local union only and joint health and safety committee. IUE-CWA Local Leaders are encouraged to establish at minimum a joint labor-management health and safety committee with each business they represent.
Introduction

What is occupational health and safety (OHS)?
Occupational health and safety addresses the health, safety, and welfare of workers. The goal of a health and safety committee is to foster a safe work environment. OHS includes the promotion of physical and mental well-being of workers in all occupations and the prevention of workplace-related injury and illnesses.

Effective health and safety programs require the cooperation and participation of both employers and employees, and involve the attention of issues relating to occupational medicine, industrial hygiene, toxicology, education, engineering safety, ergonomics, psychology, etc.

OHS Committees work towards the prevention of poor working conditions. Poor working conditions include any type of condition which has the potential to affect a worker’s health and safety. To establish prevention, members must remember these simple facts:
- Unhealthy or unsafe working conditions can be found in any type workplace
- Poor working conditions can also affect friends, families and communities

Overall, efforts in occupational health and safety must aim to prevent industrial incidents and diseases, and at the same time recognize the connection between worker health and safety, the workplace, and the environment outside the workplace.

Why is health and safety important?
There are sound economic reasons for reducing work-related injuries and illnesses, as well as regulatory reasons, but since most of our members spend at least eight hours a day in the workplace, that environment plays a significant role in their lives. Ensuring that our members’ workplaces are safe and healthy is ethically the right thing to do.

Costs of occupational injury/disease
In addition to their social costs, workplace injuries and illnesses have a major impact on an employer's bottom line. It has been estimated that employers pay almost $1 billion per week for direct workers' compensation costs alone. The costs of workplace injuries and illnesses include direct and indirect costs. Direct costs include workers' compensation payments, medical expenses, and costs for legal services. Examples of indirect costs include training replacement employees, accident investigation and implementation of corrective measures, lost productivity, repairs of damaged equipment and property, and costs associated with lower employee morale and absenteeism. As union leaders, we recognize that economics affect our ability to negotiate sustainable contractual agreements.

Health and safety programs
Effective workplace health and safety programs can help save the lives of members by reducing hazards and their consequences. Health and safety programs also have positive effects on both worker morale and productivity, which are important. At the same time, effective programs can support union building and save employers a great deal of money. For all of the above reasons, it is key that IUE-CWA union leaders, local members and their employers be committed to health and safety.
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1. Key Elements of a Health and Safety Committee

A. Purpose of a Health and Safety Committee
The main purpose of a health and safety committee is to promote and develop safety recognition and hazard prevention. A safety and health committee is a group that aids and advises both union and management about matters of health and safety pertaining to workplace or company operation. In addition, the committee performs essential monitoring, facilitates health and safety education, and conducts investigations.

B. Local Union Health and Safety Committee
A local does not need contract language to establish a union-only committee. Although not required, a local union may choose to establish an active occupational health and safety committee to primarily investigate health and safety conditions and issues on behalf of the union, communicate with union membership and leadership on health and safety matters, and recommend strategies and actions to improve conditions.

Who Serves on Local Union Health and Safety Committees?
Members of the committee depend on the local’s specific situation. Amalgamated locals may choose members representing each employer with whom the union has a contract. If the local is working with only one employer the committee is often comprised of members of different departments and/or shifts. Some local unions include a local negotiating team representative, a local union officer, and/or a community group representative.

When selecting people to serve on your Local’s committee, consider members who can help carry out the committee’s purpose and mission—responsible, extroverted members who are willing to learn how to best protect the interests of their fellow workers and who display a willingness to ensure that management is living up to its legal responsibilities.

Functions of a Local Union Health and Safety Committee:
- Identify current and potential health and safety hazards and problems
- Identify appropriate measures to eliminate or control hazards and problems
- Identify effective union strategies for improving conditions
- Evaluate the effectiveness of control measures put in place
- Communicate with and educate union leadership and membership and build member involvement in the union's health and safety efforts.

Active Local health and safety committees will increase members’ awareness of and enthusiasm for hazard recognition and control. Educational programs might be organized to emphasize safe work practices and procedures. Local health and safety committees should, where possible, work with the employer to provide a safe and healthful workplace.

Strongly Suggested activities to support the local committee functions:
- Distribute membership surveys regarding members’ health and safety concerns as well as work-related symptoms, injuries, illnesses and stresses.
- Conduct body mapping, hazards mapping and other activities for identifying and tracking hazards and their impacts on the membership.
• Conduct investigations of incidents, illnesses and near-misses. (*Note: Contract language may be needed to give union health and safety committee members’ notification of events, time to investigate events, and access to the workplace in order to carry out these investigations on-site.*)
• Review health and safety-related grievances.
• Develop health and safety contract proposals.
• Identify opportunities for mid-term bargaining over health and safety. (*Note: Unions have the right to bargain during the life of the contract over certain changes management seeks to implement, if these changes involve wages, hours or conditions of work. Health and safety has been ruled to be a "condition of work."*)
• Access and regularly review information on hazards, monitoring data, incident reports, OSHA 300 logs of injuries and illnesses, workers' compensation records, health and safety complaints, and summary data from medical exams.
• Identify and communicate with community-based allies who may be able to support the union in its efforts to improve workplace health and safety conditions.

**Resources Needed by a Local Union Health and Safety Committee:**
To be effective in their roles on local union health and safety committees, committee members need several things: time, access to the workplace, resources, and training.

• **Time:** Union health and safety committee members need time to engage in the activities listed above. Some unions provide lost-time to committee members in order to complete these duties; other unions have negotiated contract language providing time to union health and safety committee representatives to engage in these functions. Unions that are just starting a union-only committee may begin by encouraging committee members to meet at lunch or break time to discuss ideas and begin a planning process for investigating and solving problems.

• **Access to The Workplace:** Ideally, union health and safety committee representatives should have regular access to the workplace to speak with members about health and safety issues and concerns, investigate problems, conduct incident and accident investigations, etc. Some unions have secured such access through contract language.

• **Access to Resources:** In order to stay on top of legal, technical, and strategic information regarding workplace health and safety, local union health and safety committee members should have a basic library of health and safety texts and materials, access to the internet and to a list of resource individuals and organizations who can help them understand problems, create solutions and choose strategies. Some union halls have set aside a space with a library and computer for use by the union's health and safety representatives. Locals have also secured funds for some of these resources for the union committee through contract negotiations. (*Note: International Unions, university-based labor studies programs, committees on occupational safety and health [COSH groups] and others can help identify specific resources for the library, internet resources and other information.*)

• **Access to Training:** Committee members need access to training, including union-based training and education. Local unions can arrange this training through the International Union education programs. The training should cover issues related to...
"traditional" hazards (e.g. toxic chemicals, unsafe equipment); hazards associated with how work is organized or being restructured (like hours of work, staffing levels, work load, work pace); and strategies for getting hazards corrected.

C. Joint Union-Management Health and Safety Committee
Joint labor-management health and safety committees are most often established by contract language. A joint health and safety committee is a group that aids and advises both hourly and salary employees about matters of health and safety relating to worksite or workplace operations. They provide a forum for unions and management to interact on health and safety issues and problems. These committees include representatives from both labor and management and usually meet on a regular basis.

Some joint labor-management committees have been very effective in identifying and addressing health and safety problems over time. Other joint committees are less effective in solving health and safety problems. Much of the potential value of the committee can be lost without careful attention to the purpose, functions and activities of the committee. The committee will function effectively only after the need for the committee is recognized and all welcome its services. At their worst, these committees can be a "negative-minded" group limiting their approach primarily to placing blame. At their best, however, they can become an effective tool to help prevent unsafe practices and conditions, reduce the risk of injury and illnesses, and to help motivate employees and supervisors to become actively involved in the health and safety program.

To increase the likelihood of a successful joint committee structure, the Local should work towards the following:

- Both parties must have an equal number of representatives.
- There must be an equal voice to both parties, possibly by using co-chairpersons.
- Local members must be paid for time spent participating in committee activities.
- The committee will have access to a budget, if necessary.
- Committees should meet once a month or more frequently, if necessary.
- Minutes should be recorded and copies given to all committee members.
- Committee members must be able to conduct periodic workplace inspections.
- Management must agree to minimize/eliminate recognized (potentially) hazardous workplace conditions.
- Management should agree to consequences for departments/managers that do not cooperate with joint efforts.

Again, specific contract language can be develop and negotiated for each of these issues which will ensure that the Joint committee will be effective. Some joint labor-management health and safety committees have established sub-committees to deal with specific issues, such as ergonomics. It is important that the union view these sub-committees in the same way they view the larger joint health and safety committee and apply the same strategies for ensuring these sub-committees' effectiveness. One important thing a local union can do to increase the success of a joint health and safety committee is to assure that the local union's own health and safety committee (which in most cases will include the union's representatives to the joint labor-management committee) meets regularly to plan for the joint meetings.
Training for the Joint Health and Safety Committee:
At minimum each committee member will need training in safety committee functions, hazard identification, and procedures for investigating incidents.

Responsibilities of a Joint Health and Safety Committee member:
1. Regularly attend all meetings and actively participate in discussion and activities.
2. Report all recognized hazards, injuries, and near misses.
3. Contribute ideas and suggestions for improvement of health and safety.
4. Encourage safety-related input from employees.
5. Participate in safety inspections.
6. Support incident investigations when asked.
7. Communicate information/suggestions with others.

Joint Health and Safety Committee Sustainability Skills:
1. Be familiar with:
   a. machinery, materials, and equipment used in the workplace
   b. applicable governing laws (Corporate, Local, State, Federal)
2. Know what special hazards are associated with the chemicals and other materials used in the workplace.
   a. Know if employees have been trained on the proper use of these materials.
3. Be familiar with company health and safety training program.
4. Be familiar with the maintenance repair and preventive maintenance program.
5. Know your organization’s incident reporting procedures.
6. Know locations of workplace first aid facilities/kits.
7. Know who the trained first aid team is.
8. Know what lines of communication and resources are available to the committee.
9. Know the type of injuries/illnesses that are the most common in the organization and what is being done to prevent them.
10. Know what personal protective equipment (PPE) or other safety devices should be used by employees to protect themselves from injury/illness.
11. Know what new processes or equipment is planned in your organization and evaluate the potential effects to the health and safety of employees.
12. The safety committee should oversee the workplace employee health and safety trainings, ensuring all employees both hourly and salary receive effective training in hazard recognition and control.

Joint Health and Safety Committee Activities:
Although the joint meeting is a major event, it should not be the only time when members concern themselves with the program. Not all health or safety related problems can wait until the next meeting to be solved.

Outside the regular meeting, members should monitor and audit ongoing health and safety procedures. Hazards can be identified and recommendations made to workers and employers that will eliminate hazards and improve conditions. Members are in a good position to promote cooperation throughout the operation.

Important tasks members do outside the regular meetings:
- Assure work areas are inspected for health and safety hazards
- Assure incidents are reported and investigated
• Support ongoing workplace risk assessments
• Investigate complaints or questions concerning member health or safety
• Promote and participate in health and safety educational trainings

The primary purpose of the joint worksite inspection is to identify health and safety hazards in order to rectify them before injuries or illnesses can occur. Each member of the committee needs to understand how to recognize hazards in the workplace which include but are not limited to the following examples:

**Types of Health Hazards**

- **Physical hazards**
  Physical hazards are forms of energy that can harm the body if exposed. Examples include noise, vibration, temperature extremes (hot or cold), and radiation. The effects of exposure can respectively include temporary or permanent hearing loss, damage to the small blood vessels and nerves, heat cramps, exhaustion and stroke, frostbite and hypothermia, cancer, and eye damage.

- **Chemical hazards**
  Chemical hazards can take the form of solids, liquids, vapors, gases, dusts, fumes or mists. They can be inhaled, ingested or absorbed into the body. Examples include paints, solvents, cleaners, degreasers, acids, and cutting oils. Exposure to chemical hazards can cause irritation, allergic reactions, and depression of the nervous system, asphyxia, lung disease and cancer. Some chemicals can also have harmful effects on the reproductive system.

- **Biological hazards**
  Biological hazards are living things or substances produced by living things that can cause illness in humans. These hazards enter the body by inhalation, ingestion or absorption. Examples of biological hazards include bacteria, viruses, fungi, parasites and plants. Effects of exposure include tuberculosis, tetanus, food poisoning, boils, blood poisoning, ringworm, thrush, hepatitis, mumps, German measles, and rabies.

- **Ergonomic or work design hazards**
  Ergonomic hazards arise from the design and organization of work. They can harm the body by placing strain on the musculoskeletal system and overloading the muscles, tendons, joints, ligaments, nerves and blood vessels. Look for ergonomic hazards in workstation layout and design, tool and equipment design, the overall work environment.

- **Stress or psychosocial hazards**
  Workplace stressors can lead to excess stress or distress and have been identified as important factors in many types of illness, including heart disease and high blood pressure. There are two main types of stressors: physical (e.g., noise and vibration) and organizational stressors (e.g., lack of job control, work overload, role uncertainty and conflict, isolation and workplace violence).

**Safety Hazards**

- **Material handling hazards**
Manual material handling can involve lifting, carrying, lowering, pushing, and pulling. All of these activities can lead to muscle strains, tears and pulls of the back, shoulders, arms and abdomen.

Mechanical material handling can involve such devices as forklift trucks, conveyors, cranes, and hand carts and trucks. These devices can introduce many hazards including accidental contact with moving equipment or parts, loads, or electricity. Handling of hazardous materials, such as corrosives, flammables and reactives is another key area. Exposure can cause serious harm to people and damage to property.

- **Machine hazards**
  Any machine can be a hazard, especially those with moving parts that can get tangled in a worker's clothes or come into contact with a worker's body. Here are some examples:
  - workers may be crushed if they get caught in rotating shafts, belts or pulleys
  - body parts may be injured or severed by presses, blades and saws
  - workers may be struck by flying projectiles from machines

- **Energy hazards**
  Workers can be seriously injured by the sudden movement of machine components, electrical shock or other releases of energy when they are adjusting or maintaining equipment. Energy sources include: electricity, steam, heat, pneumatic or hydraulic pressure and gravity as well as mechanical and chemical energy.

- **Work practice hazards**
  Failure to have or to follow safe work practices is a significant cause of injuries. Performing work safely in accordance with established safe work procedures is a fundamental element in the control of safety hazards.

**There are various sources of information to help in identifying workplace hazards**
- Hazardous materials inventories & safety data sheets/material safety data sheets
- Inventories of on-site machinery, equipment, and manufacturers information
- Work flow or process flow information
- Injury and illness reports for the workplace and industry
- Results of previous workplace inspections and orders from outside identities (e.g., EPA, Insurance Company, Fire Inspections, OSHA)
- Employee reports about hazards
- Results of any workplace testing (e.g., air sampling)

Committees should create their own safety hazard categories as to better suit the specific conditions in their workplace (e.g., vehicle driving hazards or hand tool hazards). It may be helpful for each committee member to be responsible for specific areas, departments, divisions, etc. Members can then monitor their area(s) of responsibility to make sure health and safety activities are being carried out. A jurisdiction map can easily show how area(s) of responsibility are divided up among committee members. This activity can be easily adjusted using the hazard recognition mapping process.
Use a floor plan
A workplace floor plan can help summarize the information collected. For example, mark on the floor plan where accidents and incidents have happened, where chemicals are used and stored, what machines and equipment are used, and where there are special problem areas.

Other activities:
In addition, the Joint Health and Safety Committee may also wish to further promote health and safety awareness by the use of one or more of the following activities/programs:

- Safety Contests (for example: best safety slogan of the month)
- Poster programs/contests
- Audio-visual presentations
- Special safety/health events such as “brown bag” luncheons
- Guest speakers/seminars/training programs
- Employee suggestion programs
- Injury prevention campaigns (backs, slips/falls etc.)
- Special safety recognition awards
- Newsletters/promotional material
- Health/wellness fairs and activities

Joint Health and Safety Committee Workplace Inspections:
Each committee member participating in the inspection must be committed to addressing and resolving identified hazards. Employer participants must have the capability to address and resolve identified hazards. If commitment and capability are lacking, the inspection process will not produce effective results.

Planned inspections should be conducted as scheduled; however, an inspection is recommended whenever there is a tooling, chemical, machine or process change, plant layout change or re-arrangement or new machinery is introduced. A checklist can be very helpful in conducting the worksite inspection, but be aware that checklists do not cover all hazards and all situations.

Before the inspection: Union participants’ caucus to discuss strategies and priorities for the inspection. (Union reps should caucus again after the inspection)

Prior to the inspection: Employer and union representatives meet before the actual walk-around inspection begins. At this time, the parties review existing policies, injury and illness data, and generally prepare for the walk-around.

Prior to the inspection: Inform the appropriate people so that they are not surprised by your inspection. Wear the appropriate personal protective equipment. Be thorough; check the entire area. Talk to employees about hazards and how they may be controlled. Take detailed notes.

Inspection Event: The inspection should be during normal working hours while employees are engaged in normal day-to-day activities. Employees should be available for the auditors to talk with and ask or discuss problems.
Additional suggestions for the walk around inspection:

- Utilize sampling devices, such as noise level meters or chemical indicator tubes
- Interview workers from the area and ask questions of their needs and concerns
- If possible, use a camera to record information
- Establish a record for each recognized hazard
  - What is the hazard? Where is it located? If applicable, map or sketch the area
  - How long has the condition existed? Is there a prior report of this hazard?
  - What caused or allowed this condition to exist?
  - Who and how many are exposed to the hazard?
  - Has anyone been injured or involved in a near miss hit?
  - Record any obvious signs of exposure, such as airborne dust, smoke or mist, accumulations of dust or grease on horizontal surfaces, loud noise, heat, cold, vibration or stress.
  - Are there workforce suggestions for correcting the hazardous condition?
  - How has the hierarchy of controls been applied to the hazard?

After the Inspection: The committee review results and combine notes into one report. Prioritize corrective actions with a timeline of abatement, resource needs, and champions. Members communicate the report, and set date and location for next inspection.

Joint Health and Safety Committee Investigation of Incidents

All incidents, not only injury-related events should be investigated. This does include investigating reported near misses. Near Miss Reporting and Investigation allows you to identify and control hazards before they cause a more serious incident. Accident/incident investigations are a tool for uncovering hazards that either were missed earlier or have managed to slip out of the controls planned for them. It is useful only when done with the aim of discovering every contributing factor to "foolproof" the condition and/or activity and prevent future occurrences. In other words, your objective is to identify root causes, not to primarily set blame.

Definitions:

- **Accident** - An undesired event that results in personal injury or property damage
- **Incident** - An unplanned, undesired event that adversely affects completion of a task
- **Hazard** - An existing or potential condition in the workplace that, by itself or by interacting with other variables, could result in death, injury, property damage, or other loss
- **Risk** - A measure of the probability and severity of adverse effects
- **Near Miss** - An unplanned event that did not result in injury, illness, or damage – but had the potential to do so

Investigators' qualifications

Accident/incident investigations should be carried out by persons knowledgeable in the type of work involved. Where feasible, investigations should include the participation of one worker representative and one employer representative of the joint committee.

Training for incident investigation

No one should investigate incidents without appropriate investigation training.
Intent of an investigation
An incident investigation should determine what caused or allowed the incident. The intent if determining any unsafe conditions, acts or procedures which contributed in any manner to the incident and develop recommended corrective action to prevent similar incidents from future occurrence.

Why look for the root cause
An investigator who believes that incidents are caused by unsafe conditions will likely try to uncover hazards as causes. On the other hand, one who believes they are caused by unsafe acts will attempt to find the human errors. Therefore, it is necessary to examine some underlying factors in a chain of events that ends in an occurrence.

The important point here is that even in the most seemingly straightforward incidents, seldom, if ever, is there only a single cause. For example, an "investigation" which concludes that an incident was due to worker complacency, and goes no further, fails to seek answers to several important questions such as:
- Was the worker distracted? If yes, what caused or allowed the worker to be distracted?
- Was a safe work procedure being followed? If not, what caused or allowed it not to be?
- Were safety devices in order? If not, what caused or allowed them not to be?
- Was the worker trained? If not, what caused or allowed them not to be trained?
An inquiry that answers these and related questions will probably reveal conditions that are more open to correction than attempts to prevent "carelessness or complacency."

D. Involving the Membership
Members have a stake in the success of the safety program—health and safety affects both the business’ sustainability, and the members’ future. Actively encourage each member’s involvement and contribution.

Some workplace suggestions may include:
- Make daily safety inspections part the workplace process
- Communicate results of safety inspections, and injury and illness statistics
- Have members assist with determining workplace safety goals
- Give everyone a meaningful activity that supports safety.
- Ask the affected member for ideas; often they know more specifics of a safety problem at their workstation than anyone else.
- Review safety programs with members and request their ideas and suggestions
- Recognize members who contribute
- Establish effective two-way communication.
- Respond to the needs and concerns of members
The success of the health and safety committee is heavily dependent upon its degree of membership involvement and communication. In order to get the job done, the committee needs input from members on problem areas and support from members for committee activities.

Providing workplace information on hazards to which IUE-CWA members are exposed is crucial for membership contribution. Committees should develop an effective communications and public relations network.
Such a program might consist of:
- Working with Local officers and legislative committee members to identify and develop issues
- Preparing health and safety articles for use in the Local newsletter and other publications
- Making “current news” reports at Local meetings
- Participating in and providing testimony in public hearings as it relates to occupational health and safety
- Organizing letter writing campaigns directed at local, state and national legislators and at newspaper editorial columns
- Developing positive relations with other unions, central bodies, support groups (universities, committees on occupational health and safety, etc.) and coalition organizations.

E. Promote Health and Safety Through Bargaining:
Bargaining for health and safety can produce important contract language and furnish the union with significant leverage over day-to-day working conditions.

Why negotiate health & safety language?
Contract language alone won’t make a workplace safe; however, bargaining for health and safety language can play a vital role in a comprehensive program to eliminate hazards. IUE-CWA represented members shouldn’t have to rely on a government agency to protect them. Since hazards exist in every worksite, their local collective agreement should deliver guarantees and well-designed programs.

Safety written into a union contract can be specific to members’ jobs, stricter than legal requirements, can guard against weakening of the law, and can provide a grievance process which is typically a faster and more effective method of enforcement. For some public-sector workers, contract language may be their only protection regarding occupational safety and health. Contract language can establish a stronger “right to refuse” unsafe work and stronger protection from discrimination for exercising a safety and health right than OSHA or state law.

A contract can establish a procedure for reporting and documenting – safety and health complaints. Contract language can cover safety and health hazards that are not regulated by OSHA. A contract can mandate safety stewards or a joint labor-management safety and health committee.

Key Standards for Collective Bargaining:
1) Negotiate language giving the Union permissive power to exercise control on matters of employee health and safety. For example, the union “may” (not “shall” or “must”) inspect all workplaces. Use of permissive language such as “may,” rather than obligatory language such as “shall” or “must,” negates any inference that the union is obligated to perform a function that would otherwise be the employer’s and eliminates the argument that any contractual duty of fair representation was created.
2) Negotiate protective provisions that clearly emphasize the employer’s responsibility for ensuring a safe and healthful workplace, while maintaining the issue as a subject for bargaining and other union activity. An example of such a protective clause is the duty of care set forth in the OSH Act, Section 5(a)(1) which obligates the employer to “furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm.”

3) Negotiate contractual language obligating the employer to furnish the union with periodic reports about specific areas of concern, and/or to afford the union periodic inspection opportunities, of either work sites generally or particular locations with known hazardous conditions, and/or of equipment, tools or other means of performing the job that have health and safety implications.

4) Negotiate contractual language obligating the employer to train workers about particular hazards or dangerous conditions. Include a role for the union in this training that is advisory and discretionary, but nonetheless keeps the union’s representatives involved in the process.

The union should also take employee complaints about workplace safety seriously, regardless of any defenses it might have to duty of fair representation claims. The grievance process may provide an effective avenue for raising such issues, along with complaints to outside agencies. The more pressure placed on an employer to comply with acceptable safety standards, the less risk of incidents. Ultimately, aggressive expressions of union concern about these issues will benefit every employee, and can also serve as an example for organizing and mobilization in other settings.

For a Health and Safety Committee to make recommendations, it must be aware of any hazards in the workplace. A wide variety of techniques can be used, including workplace inspections, hazard assessments, monitoring and reviews of written records.

II. HAZARD RECOGNITION

A. Recognizing Health Hazards

Health hazards, exposure to toxic substances and physical agents, may be more difficult to identify than safety hazards in many cases. It often takes many years from initial exposure to the time when effects become obvious. Therefore, safety committees should become knowledgeable in good health hazard recognition techniques.

The best method of recognition is to closely observe the work processes at the job site. Talk to workers at the job site to ascertain whether there are any health hazards. Review the employer’s OSHA records to learn of any occupational diseases; in particular, obtain copies of OSHA Form 300 and copies of any OSHA inspections. In addition, request copies of any NIOSH industrial hygiene surveys and exposure studies which the employer may have conducted. (If the employer does not have copies of OSHA and NIOSH surveys, request this information from the respective agency.
Some questions a health and safety committee may want to ask:

- As part of your job do you visit customers’ premises which may contain unknown dangers (e.g., laboratories, foundries, chemical plants, nuclear power plants, etc.)?
- If you feel a customer’s workplace is unsafe, will you be provided personal protective equipment if needed? If not, would you request another assignment until the work location can be made safe?
- Are personal protective devices required at your workplace? Are they properly selected and well maintained?
- Do you use tools that vibrate or that require an uncomfortable hand, wrist, arm, shoulder, or body position?
- Is your workplace unnecessarily hot or cold?
- Do you work with chemicals or other hazardous substances? Do you know what they are and their hazardous properties? Do you know what precautions should be taken with them?
- Is proper ventilation provided in areas where chemicals are used?
- Are there gases, vapors, and dust in the workplace? Do you know the source?
- Are there gases and vapors in the area in which you work that may cause narcotic effects, dizziness, nausea, slower reaction time, etc.?
- Is machinery, tools, or equipment excessively noisy?
- If you use a headset, do you suffer from frequent noise blasts or static which hurts your ears?
- Have members employed in visually fatiguing jobs involving computer use complained of eye strain?
- Has anyone ever mentioned suffering skin or upper respiratory reactions?
- Employers may be required to give blood lead level tests to workers who come in contact with lead on their jobs. Has anyone been removed from their job because of high blood lead levels?
- Have workers been complaining of similar health problems? Does there seem to be a pattern of health problems that warrants further investigation?

B. Recognizing Safety Hazards

Recognizing safety hazards is a primary function of the Local or Joint Health and Safety Committee. Union members and safety committee members should be able to recognize safety hazards and work to have management correct them. By accessing the employer-kept injury log and workers’ compensation reports, committee members can familiarize themselves with the range of hazards encountered by members.

Safety Considerations

Some questions a health and safety committee may want to ask:

- Are electrical appliances and equipment properly grounded & insulated?
- Are all belts, wheels, fans, and other moving parts adequately guarded?
- Are all hand tools and all electrical equipment in good working condition?
- Are trucks and cars in good working condition, e.g., are brakes, lights, seat belts, engines in proper working order?
- Is vehicle maintenance easily obtainable?
- Are floor surfaces clean, dry and free of debris and tools?
- Are you familiar with the correct way to use ladders?
• Are emergency exits clearly marked and visible?
• Are there adequate right-of-ways leading to exits?
• Are stairways accessible and in good condition?
• Are storage cabinets set so drawers or doors do not open into walkways?
• Is your area prepared with a stool or ladder to safely access high objects?
• Does the lighting in offices provide adequate illumination?
• Do you know where fire extinguishers are and how to use them?
• Do you know where fire alarms are and whether they alert the fire dept.?
• Are you familiar with basic first aid procedures in case of an emergency?

C. Incident & Near Miss Investigations
As little time as possible should be lost between the time of an incident or near miss and the beginning of the investigation. In this way, one is most likely to be able to observe the conditions as they were at the time, prevent disturbance of evidence, and identify witnesses. The tools that members of the investigating team may need (pencil, paper, camera, film, camera flash, tape measure, etc.) should be immediately available so that no time is wasted.

The investigation process involves the following steps:

• Develop a plan for corrective action
• Implement the plan
• Evaluate the effectiveness of the corrective action
• Make changes for continuous improvement

• Possible first aid and medical care to injured person(s)
• Investigate the incident or near miss
• Identify the causes
• Report the findings

The Investigating Task
Here the actual work procedure being used at the time of the occurrence is explored. Members of the investigation team will look for answers to questions such as:

• Was a safe work procedure used?
• Had conditions changed to make the normal procedure unsafe?
• Were the appropriate tools and materials available?
• Were safety devices used and working properly?

An important follow-up question is, “What caused or allowed it to” happen?

Possible questions to ask referencing equipment or materials used:

• Was there an equipment failure?
• Was the machinery poorly designed?
• Were hazardous substances involved?
• Were they clearly identified?
• Was a less hazardous alternative substance possible and available?
• Was the raw material substandard in some way?
• Should personal protective equipment (PPE) have been used?

Again, each time the answer reveals an unsafe condition, the investigator must ask, “What caused or allowed it to” happen or exist?
Environment
The physical environments, and especially sudden changes to that environment, are factors that need to be identified. The situation at the time of the occurrence is what is important, not what the "usual" conditions were. For example, accident investigators may want to know:

- What were the weather conditions? Was it too hot or too cold?
- Was poor housekeeping a problem?
- Was noise a problem? Was there adequate light?
- Were toxic or hazardous gases, dusts, or fumes present?

Worker
The physical and mental condition of those individuals directly involved in the event must be explored. The purpose for investigating the accident is not to establish blame against someone but the inquiry will not be complete unless personal characteristics are considered. Some factors will remain essentially constant while others may vary from day to day:

- Were workers experienced in the work being done?
- Had they been adequately trained?
- Can they physically do the work?
- Were they on an excessive amount of mandatory overtime?

Workplace Organization
Management holds the legal duty for the safety of the workplace, and therefore the role of supervisors and higher management and the role or presence of management systems must always be considered in an incident or near miss investigation. Failures of management systems are often found to be direct or indirect factors. Ask questions such as:

- Were health and safety rules communicated to and understood by all?
- Were written procedures and orientation available?
- Were workers trained to do the work?
- Had hazards been previously identified?
- Had procedures been developed to overcome them?
- Was regular maintenance of equipment carried out?
- Were regular safety inspections carried out?

This model of investigations provides a guide for uncovering all possible causes and reduces the likelihood of looking at facts in isolation. Some auditors may prefer to place some of the sample questions in different categories; however, the categories are not important, as long as each pertinent question is asked. Clearly, there is considerable overlap between categories; this reflects the situation in real life. Again it should be emphasized that the above sample questions do not make up a complete checklist.

How are the facts collected?
The steps in investigation are simple: the investigators gather information, analyze it, draw conclusions, and make recommendations. Although the procedures are straightforward, each step can have its pitfalls. An open mind is necessary in an incident or near miss investigation; preconceived notions may result in some wrong paths being followed while leaving some significant facts uncovered. All possible causes should be considered. Making notes of ideas as they occur is a good practice, but conclusions should not be drawn until all the information is gathered.
Physical Evidence
Before attempting to gather information, examine the site for a quick overview, take steps to preserve evidence, and identify all witnesses. Physical evidence is probably the most non-controversial information available. It is also subject to rapid change or obliteration, and therefore should be the first to be recorded. Based on knowledge of the work process, investigators may want to check items such as:

- positions of injured workers
- equipment being used
- materials or chemicals being used
- safety devices in use
- position of appropriate guards
- damage to equipment
- housekeeping of area
- weather conditions
- lighting and noise levels
- time of day

Injured workers(s)
The most important immediate tasks—rescue operations, medical treatment of the injured, and prevention of further injuries—have priority, and others must not interfere with these activities. When these matters are under control, the investigators can start their work.

Investigators may want to take photographs before anything is moved, both of the general area and specific items. Later careful study of these may reveal conditions or observations missed previously. Sketches of the scene based on measurements taken may also help in subsequent analysis and will clarify any written reports. Broken equipment, debris, and samples of materials involved may be removed for further analysis by appropriate experts. Even if photographs are taken, written notes about the location of these items at the incident scene should be prepared.

Witness Statements
Although not always an option, every effort should be made to interview witnesses. In some situations, witnesses may be the primary source of information because investigators may be called upon to investigate an accident without being able to examine the scene immediately after the event. Because witnesses may be experiencing severe emotional stress or fear of retaliation, interviewing witnesses is probably the hardest task facing an investigator.

Witnesses should be kept apart and interviewed as soon as possible after the incident. If witnesses have an opportunity to discuss the event with each other, individual perceptions may be lost in the normal process of accepting a consensus view where doubt exists about the facts.

Witnesses should be interviewed alone, rather than in a group. Deciding to interview a witness at the scene of the accident where it is easier to establish the positions of each person involved and to obtain a description of the events is one option; however it may be preferable to carry out interviews in a quiet office where there will be fewer distractions. The decision may depend in part on the nature of the occurrence and the mental state of the witnesses.

The Interview:
Interviewing is an art which takes time and experience. Here we only discuss a few do's and don'ts. The purpose of the interview is to establish an understanding with the witness and to obtain his or her own words describing the event:
DO...
- put the witness, who is probably upset, at ease
- stress the real reason for the investigation, to determine what happened and how
- let the witness talk, listen
- confirm that you have the statement correct
- try to sense any underlying feelings of the witness
- ask someone else on the team to take notes during the interview
- close on a positive note

DO NOT...
- intimidate the witness
- interrupt or prompt
- ask leading questions
- show your own emotions
- jump to conclusions

Ask open-ended questions that cannot be answered by simply "yes" or "no". The actual questions asked of the witness will naturally vary with each occurrence, but there are some general questions that should be asked each time:
- Where were you at the time of the incident or near miss?
- What were you doing at the time?
- What did you see, hear?
- What were the environmental conditions (weather, light, noise, etc.) at the time?
- What was (were) the injured worker(s) doing at the time?
- In your opinion, what caused the accident?

If the investigator was not at the scene at the time, asking questions is a straightforward approach to establishing what happened. Obviously, care must be taken to assess the credibility of any statements made in the interviews. Answers to a first few questions will generally show how well the witness could actually observe what happened.

Another technique sometimes used to determine the sequence of events is to re-enact or replay them as they happened. Obviously, great care must be taken so that further injury or damage does not occur. A witness (usually the injured worker) is asked to reenact in slow motion the actions that preceded the incident or near miss.

**Background Information**
A third, and often an overlooked source of information, can be found in documents such as technical data sheets, health and safety committee minutes, inspection reports, company policies, maintenance reports, past accident reports, formalized safe-work procedures, and training reports. Any pertinent information should be studied to see what might have happened, and what changes might be recommended to prevent recurrence of similar accidents.

**Making the analysis and conclusions?**
At this stage of the investigation most of the facts about what happened and how it happened should be known. This has taken considerable effort to accomplish but it represents only the first half of the objective. Now the key question—what caused or allowed it happen? To
prevent recurrences of similar incidents or near misses, the investigators must find all possible answers to this question.

Investigators have kept an open mind to all possibilities and looked for all pertinent facts. There may still be gaps in the understanding of the sequence of events that resulted in the incident. The investigation team may need to re-interview witnesses to fill these gaps of knowledge. When the analysis is complete, write down a step-by-step account of what happened (conclusions) working back from the moment of the event, listing all possible causes at each step. This is not extra work; it is a draft for part of the final report. Each conclusion should be checked to see if:

- it is supported by evidence
- the evidence is direct (physical or documentary) or based on eyewitness accounts
- or the evidence is based on assumption

This list serves as a final check on discrepancies that should be explained or eliminated.

Why should recommendations be made?
It is essential to come up with a set of well-considered corrective actions designed to prevent recurrences of similar events. Once the investigation team is knowledgeable about the work processes involved and the overall situation in the organization, it should not be too difficult to come up with realistic recommendations. Recommendations should:

- be specific
- be constructive
- get at root causes
- identify contributing factors

Resist the temptation to make only general recommendations to save time and effort. For example, the team has determined that a worn-out tool contributed to an event. Rather than just recommending "eliminate worn out tools," it would be better to suggest:

A. replace worn-out tools at station B-northwest of building X (specific to this event)
B. replace worn-out tools where required throughout the worksite (general)

Never make recommendations about disciplining a person or persons who may have been at fault. This would not only be counter to the real purpose of the investigation, but it may jeopardize the chances for a free flow of information in future investigations. In the unlikely event the investigation team has not been able to determine the causes of an event with any certainty, there are probably still uncovered safety weaknesses in the operation. It is appropriate that recommendations be made to correct these deficiencies.

The Written Report
Most businesses have a standard form that must be used; investigation teams will have little choice in the form the written report is to be presented. Nevertheless, investigators should be aware of, and try to overcome, shortcomings such as:

- If a limited space is provided for an answer, the tendency will be to answer in that space despite recommendations to "use back of form if necessary."
- If a checklist of causes is included, possible causes not listed may be overlooked.
- Headings such as "unsafe condition" will usually elicit a single response even when more than one unsafe condition exists.
- Differentiating between "primary causes" and "contributing factors" can be misleading.
All incidents and near miss causes are important and warrant consideration for possible corrective actions. The previously prepared draft of the sequence of events can now be used to describe what happened. Remember that readers of the report do not have the intimate facts of the event that investigators have so include all pertinent details.

Photographs and diagrams may save many words of description. Identify clearly where evidence is based on certain facts, eyewitness accounts, or assumptions. Weed out extra material that is not required for a full understanding of the event and its causes, such as photographs that are not relevant and parts of the investigation that led nowhere. The measure of a good incident or near miss reports is quality, not quantity.

Always communicate findings with workers, and both salary and union leadership. Present information 'in context' so everyone understands how the event occurred and the actions in place to prevent it from happening again.

**What should be done if the investigation reveals human error?**
A concept that has bothered many union leaders and union health and safety investigators is the idea that one does not want to lay blame. When a thorough worksite incident or near miss investigation reveals that some person or persons in supervision or the workers were apparently at fault, however, then this fact should be pointed out. The intention here is to remedy the situation, not to discipline an individual.

Failing to point out human error that contributed to an event will not only downgrade the quality of the investigation, but it will also allow future events to occur from similar causes because they have not been addressed. Never recommend disciplining anyone who may be at fault. Any disciplinary steps should be done within the normal personnel procedures.

**How should follow-up be handled?**
Management is responsible for acting on the recommendations in the incident or near miss investigation report. The health and safety committee, if you have one, can monitor the progress of these actions. Follow-up actions include:

- Define corrective actions
- Develop a timetable for corrective actions.
- Monitor that the scheduled actions have been completed.
- Check the condition of injured worker(s).
- Inform and train other workers at risk.

**In Summary:** A more productive investigation approach goes far beyond placing blame. Instead, it focuses on identifying flaws in the process leading up to the incident and the safety procedures that were supposed to prevent it from happening. The ultimate goal is not only to ensure that the event isn’t repeated; it’s to use what you learn to head off other types of incidents. Another purpose is to prepare for the possibility of litigation, especially in incidents that result in severe injuries or fatalities.

A thorough, effective investigation should include the following:

- Immediate Response
- Information Gathering
- Release the scene
- Event Analysis
- A Report
- Communication of findings
- Corrective Actions
D. Hazard Controls
As you read earlier, there are many types of hazards in the workplace. Hazardous conditions may include unsafe materials, equipment, the environment, and workers. Unsafe work practices include allowing unqualified workers to perform tasks, taking unsafe shortcuts, or mandatory overtime. To combat these hazardous conditions and unsafe work practices, control strategies, called the "Hierarchy of Controls" have been established.

ANSI Z10-2005, Occupational Health and Safety Management Systems, encourages employers to use the following five hazard control strategies:
1. Elimination
2. Substitution
3. Engineering controls
4. Administrative controls
5. Personal protective equipment

The theory behind this hierarchy is that the control methods at the top of the list are potentially more effective and protective than those at the bottom. Following the hierarchy typically leads to the operation of inherently safer systems.

What are "feasible" controls?
Hazard abatement (reduction) measures required to correct a hazard must be technologically and economically feasible for the employer. OSHA uses the following criteria to determine feasibility of engineering and administrative controls:

Technical Feasibility is the technical knowledge of techniques available or adaptable to specific conditions which can be applied with a reasonable possibility that employee exposure to hazards will be reduced.

Financial Feasibility means that the employer is financially able to start the actions necessary to abate recognized hazards. As leaders you may need to allow the use of PPE to abate a hazard, at least until such time an engineering control becomes a less significant monetary burden for the company when the following conditions are met: 1) If substantial project involving a capital expenditure would seriously jeopardize the company’s financial situation is the only method whereby the employer could achieve effective engineering controls 2)If adequate personal protective equipment or devices are available 3) If there are no practicable administrative controls

OSHA Section 5-General Duty Clause
Section 5(a)(1) of the OSH Act, often referred to as the General Duty Clause, requires employers to "furnish to each of his employees 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 his employees."
Section 5(a)(2) requires employers to "comply with occupational safety and health standards" promulgated under this Act
Section 5(b) requires each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.
III. WORKER AND EMPLOYER RIGHTS AND RESPONSIBILITIES UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

A. Worker Rights and Responsibilities

As a worker, you have a right to:

1. Get training from the employer as required by OSHA standards.
   Get training from your employer on chemicals you are exposed to during your work and information on how to protect yourself from harm. Employers must establish a comprehensive, written hazard communication program (Chemical Hazard Communication) Your employer must label chemical containers, make safety data sheets available to workers, and train you about the health effects of the chemicals you work with and what the employer is doing and what you can do to protect yourself from these hazards.
   Get training from your employer on a variety of other health and safety hazards and standards that your employer must follow. These include lockout-tagout, Bloodborne pathogens, confined spaces, construction hazards and a variety of other subjects.

2. Request information from your employer about OSHA standards, worker injuries and illnesses, job hazards and workers' rights.
   Request information from your employer on safety and health hazards in your workplace, chemicals used in your workplace, tests your employer has done to measure chemical, noise and radiation levels, precautions you should take and procedures to be followed if you or other workers are involved in an incident or are exposed to hazardous chemicals or other toxic substances.

   You have a right to:
   - Request copies of appropriate standards, rules, regulations and requirements that your employer should have available at the workplace.
   - Review the Log and Summary of Occupational Injuries and Illnesses (OSHA 300) at a reasonable time and in a reasonable manner or have an authorized representative do so for you. (29 CFR 1904.7)
   - Access relevant exposure and medical records. (29 CFR 1910.1020)

Employers must inform you of the existence, location and availability of your medical and exposure records when you first begin employment and at least annually thereafter. Employers also must provide these records to you or your designated representatives within 15 working days of your request.

When an employer plans to stop doing business and there is no successor employer to receive and maintain these records, the employer must notify you of your right of access to records at least 3 months before the employer ceases to do business.

You also have a right to observe any monitoring or measuring of toxic materials or chemicals, as well as harmful physical agents, such as noise, and see the resulting records. If the exposure levels are above the OSHA limit, the employer must tell you what will be done to reduce the exposure -- the right to observe monitoring exists only
where monitoring is performed pursuant to a standard that provides employees with the right to observe.

3. Request action from your employer to correct hazards or violations.
You may ask your employer to correct hazards even if they are not violations of specific OSHA standards. Be sure to keep copies of any requests you make to your employer to correct hazards.

4. File a complaint with OSHA if you believe that there are either violations of OSHA standards or serious workplace hazards.
File a complaint and request OSHA to conduct an inspection if you believe serious workplace hazards or violations of standards exist in your workplace.

5. Be involved in OSHA’s inspection of your workplace.
You have a right to have an authorized employee representative accompany the OSHA compliance officer during the inspection tour. The employee representative has a right to accompany an OSHA compliance officer during an inspection. Under no circumstances may the employer choose the workers' representative.

You have a right to respond to questions from the compliance officer and tell the compliance officer about workplace hazards. You and co-workers have a right to talk confidentially to the compliance officer. You may point out hazards, describe injuries or illnesses or near misses that resulted from those hazards and describe past complaints about hazards. Inform the inspector if working conditions are not normal during the inspection. Make sure that the inspector is aware if equipment has been shut down, windows opened or other conditions changed from normal.

6. Find out the results of OSHA inspections.
You have a right to find out the results of OSHA inspections and request a review if OSHA decides not to issue a citation. The inspector may take samples to measure levels of chemicals or other hazardous materials. OSHA will let the employee representative know if your employer is in compliance. The inspector also will gather detailed information about your employer’s efforts to control health hazards, including results of tests your employer may have conducted.

7. Get involved in any meetings or hearings to discuss any objections your employer has to OSHA’s citations or to changes in abatement deadlines.

8. File a formal appeal of deadlines for correction of hazards.
File an appeal of the deadlines that OSHA sets for your employer to correct any violation in the citation issued to the employer. Write to the OSHA Area Director within 10 working days from the date the employer posts the notice requesting on extension of the abatement deadline if you feel the time is too long.

File a discrimination complaint (under Section 11(c) of the OSH Act) within 30 days if you are punished or discriminated against for exercising your safety and health rights.

10. Request a research investigation on possible workplace health hazards.
* Contact the National Institute for Occupational Safety and Health (NIOSH) to request a health hazard evaluation if you are concerned about toxic effects of a substance in the workplace.

11. Provide comments and testimony to OSHA during rulemaking on new standards.

As a worker, you have Responsibilities to:

Although OSHA does not cite employees for violations of their responsibilities, each employee "shall comply with all occupational safety and health standards and all rules, regulations, and orders Issued under the Act" that are applicable. Employee responsibilities and rights in states with their own occupational safety and health programs are generally the same as for workers in federal OSHA states.

As an employee, you should:

- Read the OSHA poster at the job-site.
- Comply with all applicable OSHA standards.
- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work.
- Report hazardous conditions to the supervisor.
- Cooperate with the OSHA compliance officer conducting an inspection if he or she inquires about safety and health conditions in your workplace.
- Exercise your rights under the Act in a responsible manner.

Employee and Union Rights to Records [1904.35]

Under the rule, employers are required to inform workers how to report injuries or illnesses. Employers are required to set up a way to receive these reports promptly. The employer must also provide workers, former workers, their personal representatives, and their authorized employee representative (union representative) with access to injury and illness records, including a copy of the OSHA 300 Log. Copies must be provided by the end of the next business day following a request. The names of employees must be left on the OSHA 300 Log unless they are "privacy concern cases."

Employees, former employees, or personal representatives must be given a copy of a requested Form 301 Incident Report by the end of the next business day following a request. However, when an authorized employee representative (union representative) asks for a copy of the Form 301 Incident Report, the employer is only required to provide copies of the part of the form that contains information about the case, with all personal information about the employee removed, within seven (7) calendar days.

Employers must provide copies of the OSHA 300 Logs and Form 301 Incident Reports free of charge the first time they are requested.

No Discrimination Allowed [1904.36]

The rule notes that Section 11(c) of the OSH Act prohibits the employer from discriminating against a worker for reporting a work-related injury, illness or death; filing a safety and health complaint; asking for access to injury and illness records; or for exercising any other rights under the OSH Act.
The Whistleblower Program

The Occupational Safety and Health Act was enacted to achieve safer and more healthful workplaces throughout the nation. The Act provides for a wide range of substantive and procedural rights for employees and representatives of employees.

To help ensure that employees are, in fact, free to participate in safety and health activities, Section 11(c) of the Act prohibits any person from discharging or in any manner discriminating against any employee because the employee has exercised rights under the Act.

These rights include complaining to OSHA and seeking an OSHA inspection, participating in an OSHA inspection, and participating or testifying in any proceeding related to an OSHA inspection. "Discrimination" can include the following actions:

- Firing or laying off
- Assigning to undesirable shifts
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denial of benefits
- Failure to hire or rehire
- Intimidation
- Transferring
- Reassigning work
- Reducing pay or hours

OSHA also administers the whistleblowing provisions of thirteen other statutes, protecting employees who report violations of various trucking, airline, nuclear power, pipeline, environmental, and securities laws.

Not covered by the OSH Act:

- Self-employed;
- Immediate family members of farm employers that do not employ outside employees; and
- Workplace Hazards regulated by another Federal agency (for example, the Mine Safety and Health Administration, the Federal Aviation Administration, the Coast Guard).

What to do if there is a Dangerous Situation at Work

Workers' Right to Refuse Dangerous Work

If members believe working conditions are unsafe or unhealthful, the member must bring the conditions to their employer's attention. It is recommended that the workers state they are willing to work a safe job and are waiting for their Union Representative and management to resolve the tasks the member believes puts their life in imminent danger. It is the job of the Union Representative to protect workers who believe that they are in danger of performing unsafe work. OSHA does not guarantee the right to refuse work or walk off the job because of potentially unsafe working conditions—Union representatives must know the approaches for protecting members disciplined for refusing what they believe as unsafe work.

What is OSHA's position on?

Accountability: Helps employees understand management's commitment to achieve and maintain a safe and healthful workplace. There is little possibility of effective safety and health
protection without carefully designed policies and rules for safe and healthful practices that cover all personnel, from the site manager to the hourly employee.

**Appropriate Performance:**
It is appropriate to hold employees accountable for actions which they have control. Generally, appropriate actions for employees include:
- complying with safety policies and rules,
- reporting injuries and hazards immediately
- warning other employees of hazardous conditions or actions

It is not appropriate to hold employees accountable for activities and results over which they do not have control.
- Employees should not be held accountable for correcting a hazard if they only have authority to report it, not correct it.
- Employees should not be held accountable for the number of incidents they’ve suffered because, in most instances, they do not have control over the many factors that may have directly caused or contributed to the event.

*Working safe* is a behavior and should be defined in behavioral terms such as, "using safe procedures and practices." Working safe should not be defined as a result with terms like, "working injury-free." In the workplace, lucky employees can work all year, regularly violating safety rules, and not get hurt. Other employees can consistently comply with safety rules, yet get injured. Using safe procedures and practices will reduce exposure and, therefore, probability of injury, but it does not eliminate the possibility.

**B. Employer Rights & Responsibilities**

Employer Responsibilities under the OSHA Act of 1970

The checklists that follow provide a review of many of these. Employer responsibilities and rights in states with their own occupational safety and health programs are generally the same as in federal OSHA states.

*Employer Responsibilities*
- Meet your general duty responsibility to provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and comply with standards, rules and regulations issued under the Act.
- Be familiar with mandatory OSHA standards and make copies available to employees for review upon request.
- Inform all employees about OSHA.
- Examine workplace conditions to make sure they conform to applicable standards.
- Minimize or reduce hazards.
- Make sure employees have and use safe tools and equipment (including appropriate personal protective equipment), and that such equipment is properly maintained.
• Use color codes, posters, labels, or signs when needed to warn employees of potential hazards.
• Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
• Provide training required by OSHA standards (e.g., hazard communication, lead, etc.).
• Report to the nearest OSHA office within 8 hours any fatal accident or one that results in the hospitalization of three or more employees.
• Keep OSHA-required records of work-related injuries and illnesses, and post a copy of the totals from the last page of OSHA No. 200 during the entire month of February each year. (This applies to employers with 11 or more employees.)
• Post, at a prominent location within the workplace, the OSHA poster (OSHA 2203) informing employees of their rights and responsibilities. (In states operating OSHA-approved job safety and health programs, the state's equivalent poster and/or OSHA 2203 may be required.)
• Provide employees, former employees and their representatives' access to the Log and Summary of Occupational Injuries and Illnesses (OSHA 200) at a reasonable time and in a reasonable manner.
• Provide access to employee medical records and exposure records to employees or their authorized representatives.
• Cooperate with the OSHA compliance officer by furnishing names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection. (If none, the compliance officer will consult with a reasonable number of employees concerning safety and health in the workplace.)
• Not discriminate against employees who properly exercise their rights under the Act.
• Post OSHA citations at or near the worksite involved. Each citation, or copy thereof, must remain posted until the violation has been abated, or for three working days, whichever is longer.
• Abate cited violations within the prescribed period.

Employer Rights:
• Seek advice and off-site consultation as needed by writing, calling or visiting the nearest OSHA office. (OSHA will not inspect merely because an employer requests assistance.)
• Be active in your industry association's involvement in job safety and health.
• Request and receive proper identification of the OSHA compliance officer prior to inspection.
• Be advised by the compliance officer of the reason for an inspection.
• Have an opening and closing conference with the compliance officer.
• Accompany the compliance officer on the inspection.
• File a Notice of Contest with the OSHA area director within 15 working days of receipt of a notice of citation and proposed penalty.

• Apply to OSHA for a temporary variance from a standard if unable to comply because of the unavailability of materials, equipment or personnel needed to make necessary changes within the required time.

• Apply to OSHA for a permanent variance from a standard if you can furnish proof that your facilities or method of operation provide employee protection at least as effective as that required by the standard.

• Take an active role in developing safety and health standards through participation in OSHA Standard Advisory Committees, through nationally recognized standards-setting organizations and through evidence and views presented in writing or at hearings.

• Be assured of the confidentiality of any trade secrets observed by an OSHA compliance officer during an inspection.

• Submit a written request to NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used.

C. Penalties

Citations Issued by the Area Director:
After the compliance officer reports findings, the area director determines what citations, if any will be issued, and what penalties, if any, will be proposed.

Citations inform the employer and employees of the regulations and standards alleged to have been violated and of the proposed length of time set for their abatement. The employer will receive citations and notices of proposed penalties by certified mail. The employer must post a copy of each citation at or near the place a violation occurred, for three days or until the violation is abated, whichever is longer.

Penalties:
These are the types of violations that may be cited and the penalties that may be proposed:

Other Than Serious Violation - A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A proposed penalty of up to $7,000 for each violation is discretionary. A penalty for an other-than-serious violation may be adjusted downward by as much as 95 percent, depending on the employer's good faith (demonstrated efforts to comply with the Act), history of previous violations, and size of business. When the adjusted penalty amounts to less than $100, no penalty is proposed.

Serious Violation - A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. A mandatory penalty of up to $7,000 for each violation is proposed. A penalty for a serious violation may be adjusted downward, based on the employer's good faith, history of previous violations, the gravity of the alleged violation, and size of business.

Willful Violation- A violation that the employer knowingly commits or commits with plain indifference to the law. The employer either knows that what he or she is doing constitutes a
violation, or is aware that a hazardous condition existed and made no reasonable effort to eliminate it. Penalties of up to $70,000 may be proposed for each willful violation, with a minimum penalty of $5,000 for each violation. A proposed penalty for a willful violation may be adjusted downward, depending on the size of the business and its history of previous violations. Usually, no credit is given for good faith.

If an employer is convicted of a willful violation of a standard that has resulted in the death of an employee, the offense is punishable by a court-imposed fine or by imprisonment for up to six months, or both. A fine of up to $250,000 for an individual, or $500,000 for a corporation, may be imposed for a criminal conviction.

**Repeated Violation** - A violation of any standard, regulation, rule, or order where, upon re-inspection, a substantially similar violation can bring a fine of up to $70,000 for each such violation. To be the basis of a repeated citation, the original citation must be final; a citation under contest may not serve as the basis for a subsequent repeated citation.

**Failure to Abate Prior Violation** - Failure to abate a prior violation may bring a civil penalty of up to $7,000 for each day the violation continues beyond the prescribed abatement date.

**De Minimis Violation** - De minimis violations are violations of standards which have no direct or immediate relationship to safety or health. Whenever de minimis conditions are found during an inspection, they are documented in the same way as any other violation, but are not included on the citation.

**Additional violations for which citations and proposed penalties may be issued upon conviction:**
- Falsifying records, reports or applications can bring a fine of $10,000 or up to six months in jail, or both.
- Violations of posting requirements can bring a civil penalty of up to $7,000.
- Assaulting a compliance officer, or otherwise resisting, opposing, intimidating, or interfering with a compliance officer while they are engaged in the performance of their duties is a criminal offense, subject to a fine of not more than $5,000 and imprisonment for not more than three years.

Citation and penalty procedures may differ somewhat in states with their own occupational safety and health programs.

**D. Employer Recordkeeping Requirements**

**Recordkeeping:** OSHA-approved state plan states must adopt occupational injury and illness recording requirements that are substantially identical to the Federal OSHA requirements. Since each state plan's requirements may differ slightly, the Federal OSHA requirements are described below.

**Records for employers with 10 or fewer employees:** Employers with 10 or fewer employees at all times during the last calendar year do not need to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that records must be kept. However, all employers covered by the OSH Act must
report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.

**Records for employers in certain industries:** If an employer's business is in an industry that is classified as low hazard, the employer does not need to keep records unless OSHA or the BLS asks them to do so in writing. The *partial industry classification exemption* applies to individual establishments. If a company has several establishments engaged in different classes of business activities, some of the company’s establishments may be required to keep records, while others may be exempt. Industries currently designated as low-hazard include:

- Automobile dealers
- Apparel and accessory stores
- Eating and drinking places
- Most finance, insurance, and real estate industries
- Certain service industries, such as personal and business services, medical and dental offices, and legal, educational, and membership organizations

Business establishments classified in agriculture, mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services, or wholesale trade are not eligible for the partial industry classification exemption.

**All other employers:** Employers are required to use the Form 300 Log of Work-Related Injuries and Illnesses to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, the Log is used to record specific details about what happened and how it happened. If the employer has more than one establishment or site, separate records for each physical location that is expected to remain in operation for one year or longer must be kept.

Employers are required to keep a separate Log (Form 300) and Summary of Work-Related Injuries and Illnesses (Form 300A) for each physical location that is expected to be in operation for one year or longer. The Injury and Illness Incident Report (Form 301) is filled out when a recordable work-related injury or illness has occurred. Together with the Form 300 and Form 300A, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

**Employers must record work-related injuries and illnesses that result in:**

- Death
- Days away from work
- Restricted work activity or job transfer
- Medical treatment beyond first aid
- Loss of consciousness

Employers must record any significant work-related injuries and illnesses that are diagnosed by a physician or other licensed health care professional, such as any work-related case involving cancer, chronic irreversible disease, a fractured or cracked bone or a punctured eardrum.

**Employers must record the following conditions when they are work-related:**
• Any needle-stick injury or cut from a sharp object that is contaminated with another person’s blood or other potentially infectious material
• Any case requiring an employee to be medically removed under the requirements of an OSHA health standard
• Work-related cases involving hearing loss under certain conditions
• Tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis

Employers do not have to record certain injury and illness incidents such as a visit to a doctor solely for observation and counseling or those requiring first aid treatment only.

E. Notices and Posters

Posters:
All covered employers are required to display and keep displayed the OSHA “Job Safety and Health: It’s the Law” poster unless the employer’s workplace is located in a state that operates an OSHA-approved state plan. There is a separate poster for Federal agencies.

The OSHA poster must be displayed in a conspicuous place where employees can see it. Reproductions or facsimiles of the poster shall be at least 8 1/2 by 14 inches with 10 point type. This poster is also available in Spanish. Posting of the notice in languages other than English is not required. Each state or territory with a state plan has a poster that employers covered by the plan must display. State plan OSHA offices can be contacted to obtain a copy.

Notices:
Employees, former employees and their representatives have the right to review the OSHA Form 300, Log of Work-related Illnesses and Injuries, in its entirety. Employers are required to post the Summary of Work-related Injuries and Illnesses (Form300A) in a visible location so that employees are aware of the injuries and illnesses that occur in their workplace. Employers are required to post the Summary Form (300A) by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year.

F. State Plans

OSHA covers most private sector employers and workers in all 50 states, the District of Columbia, and other U.S. jurisdictions, either directly through Federal OSHA or through an OSHA-approved state plan.

State plans are OSHA-approved job safety and health programs operated by individual states instead of Federal OSHA. State-run safety and health programs must be at least as effective as the Federal OSHA program.

The following states have approved state plans:
- Alaska
- Arizona
- California
- Connecticut
- Hawaii
- Illinois
- Indiana
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- Nevada
- New Jersey
- New Mexico
- New York
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virgin Islands
- Virginia
- Washington
- Wyoming
Note: The Connecticut, Illinois, New Jersey, New York and Virgin Island plans cover public sector (State and Local government) employment only.

Summary:
A great deal of additional information is available to the union representative to support in dealing with health and safety problems. When a local union has a health and safety concern, the staff representative and local union leadership can call on the IUE-CWA Health, Safety office for help. The goal of the office is to improve the safety of working conditions for our members and all workers.

What does the Health and Safety office do?
- Provide technical assistance to local unions on health, safety, environmental, wellness concerns;
- Assist local unions in working with regulatory agencies (OSHA/EPA/etc.);
- Conduct training programs for local union members, and committees;
- Work for better regulations, laws and standards to protect workers;
- Respond to incidents involving fatalities and serious injuries to help the local union find the root cause and prevent a similar incident;
- Provide workplace inspections, give recommendations to both the Local Union and the local management;
- Help negotiate better health and safety language in local union contract;
- Provide Health & Safety communication to locals and their members;
- Coordinate the IUE-CWA health and safety efforts with the AFL-CIO, CWA, and other unions and worker health & safety organizations.

Local Leaders are encouraged to work with their local/joint health & safety committee and staff representative when an issue arises. If assistance is needed, those individuals should alert their regional leadership and the Health and Safety office for help.
IV. Appendix

SAMPLE HEALTH AND SAFETY COMPLAINT FORM

☐ Employee  ☐ Health & Safety Representative  ☐ Union Steward  ☐ Other: ______________________________

Name ___________________________ Badge No. ___________ Shift _______ Date ___________

Complaint Location ____________________________________________________________

Previously Discussed - Supervisor ___________________________ Date ___________

Supervisor ___________________________ Date ___________

Supervisor ___________________________ Date ___________

Full Statement of Complaint:


Date ___________________ Signed ___________________________

Position of Higher Supervisor:

Date ___________ Title ___________ Signed ___________________________ Yes ☐ No ☐

☐ Local Health and Safety Committee Decision:  ☐ Referred to Special Step

Date _______ Management Representative ___________________________ Settled
SAMPLE HEALTH AND SAFETY MEETING PLANNING CHECKLIST

When planning a meeting, consider using a checklist to make sure you do not forget anything. You may want to include other items on your checklist.

<table>
<thead>
<tr>
<th>Meeting Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants</td>
</tr>
<tr>
<td>Schedule</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Start Time:</td>
</tr>
<tr>
<td>End Time:</td>
</tr>
<tr>
<td>Planning</td>
</tr>
<tr>
<td>Emergency instructions (fire/take cover):</td>
</tr>
<tr>
<td>Visitors/Speaker:</td>
</tr>
<tr>
<td>Agenda:</td>
</tr>
<tr>
<td>Activities:</td>
</tr>
<tr>
<td>Visuals:</td>
</tr>
<tr>
<td>Demonstration materials:</td>
</tr>
<tr>
<td>Location</td>
</tr>
<tr>
<td>Building:</td>
</tr>
<tr>
<td>Room number:</td>
</tr>
<tr>
<td>Reservations:</td>
</tr>
<tr>
<td>Materials</td>
</tr>
<tr>
<td>Name/place cards:</td>
</tr>
<tr>
<td>Handouts:</td>
</tr>
<tr>
<td>Notepads/writing instrument:</td>
</tr>
<tr>
<td>Demonstration materials:</td>
</tr>
<tr>
<td>Equipment</td>
</tr>
<tr>
<td>Flipchart (markers/paper):</td>
</tr>
<tr>
<td>Projector:</td>
</tr>
<tr>
<td>Extension Cords:</td>
</tr>
<tr>
<td>Speakers:</td>
</tr>
<tr>
<td>Video/DVD:</td>
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<tr>
<td>Video/DVD player:</td>
</tr>
<tr>
<td>Computer:</td>
</tr>
<tr>
<td>Pointer:</td>
</tr>
<tr>
<td>Beverages/Snacks</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>
PREPARE AN AGENDA

The agenda is the single most important meeting management tool. Those who consistently prepare and follow agendas are among the most effective of committees. Let’s recognize why agendas are important, and review items that you may consider including on an agenda.

Why have an agenda?

- It forces you to plan your meeting
- It helps you organize your meeting
- It helps ensure all parties involved have equal time, involvement, and voice
- It is an effective way to notify people of the meeting
- It is an effective tool for keeping the meeting on time
- It clarifies the purpose of the meeting and participants reason for being invited
- It assists as a follow-up tool

What should be included on the agenda?

- Meeting Title
- Contact information of the meeting champion and co-champion
- Meeting objective
- Time
- Location
- Attendees
- Individual action items including
  - Person Responsible
  - Expected outcome
  - Time Allotted
- Summary of how participants should prepare for the meeting

What should be included on the agenda?

- Health and Safety complaint discussions
- Grievances (open or closed) discussions

Any and ALL officially filed complaints should be handled separately, and not during the joint health and safety committee meeting

Some Agenda Tips:

- Have the joint committee determine the agenda
- Keep the meeting closed to only the joint committee members
- Be realistic about what can be accomplished.
- Allow enough time for adequate discussion.
- Allow participants enough time to prepare for the meeting. Notify members early.
SAMPLE HEALTH AND SAFETY MEETING AGENDA TOPICS

1. Incidents (accidents, injuries, workers' comp, and near-misses) discuss
   - Plant Safety Matrix
   - % Incidents that have occurred since the last meeting (last 30 days)
   - % of Control Measures Implemented since incident investigations
   - % Over-due SIR (safety incident report) action items
   - Incidents that have happened in other companies/Lessons Learned
   - % Changes/Updates to Policies, Processes, Rules (incident related)

2. Results of safety inspections (5S, Observations, Housekeeping, and any additional)
   - % results of recent safety inspections (summary of past 30 days)
   - % Follow up on action items for abating/controlling identified hazards

3. Leading Indicator Review

   **Job Station Risk Assessments**
   - % Risk Assessments Complete
   - % Control Measures Implemented
   - % of Incident Reports stating “missed in job hazard analysis” as a root cause or contributing factor (measures effectiveness of assessments)

   **Behavior Based Safety Observations**
   - % Employees Working Safely (Following standardized work or pre-task plan)
   - % Employees Completing Full Rotation within team or group
   - % Employees Observed Waiting for the Wave
   - % PPE Compliance

   **Hazard Based Safety Observations**
   - % Identified hazards
   - % Control Measures Implemented (Type of Measure)
   - % of Incident Reports related to same type of hazard
   - % of Communication of the hazard and who to

   **Effective Safety Committees**
   - # Of Issues Identified by particular committee vs. # Of Issues Resolved by that same committee

   **Training**
   - % Complete on Required Training
   - % of Training follow-up questions answered correctly
   - % new safe work procedures/other policies and procedures needed
   - Safety Topic of the Month: presentation/discussion/Thursday Team Package

   **Preventative Maintenance**
   - # PM's Complete vs. number required (both vehicle and equipment can be monitored)
   - % Employees Trained to complete PMP's

   **Employee Recognition**
   - % Employees Recognized for Safe Actions

4. Open forum.
• Concerns about safety, health, environmental discussion.

SAMPLE HEALTH AND SAFETY MEETING AGENDA

MEETING TITLE
DATE
TIME
LOCATION

Meeting Champion:               Telephone:
Meeting Co-Champion:              Telephone:
Meeting Objective:

<table>
<thead>
<tr>
<th>Attendees:</th>
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<tbody>
<tr>
<td>Name</td>
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<table>
<thead>
<tr>
<th>Visitors:</th>
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<tbody>
<tr>
<td>Name</td>
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<td>------------</td>
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<table>
<thead>
<tr>
<th>Item</th>
<th>Expected Outcome</th>
<th>Person</th>
<th>Timing</th>
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Pre-Meeting Preparation:
SAMPLE ISSUE LOG

Use an issue log to record issues and concerns that come up in your meetings. Identify the person or persons responsible for addressing the issue and the date the person was assigned the concern. When the person completes or abates the concern, record the date.

Keeping the issue log posted or sharing the information with the workforce is a good tool for employee engagement and finding similar concerns. Employee involvement also leads to better more effective abatements.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Person Responsible</th>
<th>Date Assigned</th>
<th>Completion Date</th>
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<tbody>
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SAMPLE HEALTH AND SAFETY MEETING AGENDA

Joint Health and Safety Committee Agenda

Date:
Time:
Location:

1. Review of Agenda and Minutes of Previous Meeting

2. Old Business
   
   (a) Action Items from Previous Minutes
   
   (b) Approvals/Responses Received

3. Incident Summary

4. Monthly Reports from Worker Members
   
   (a) Inspections
   
   (b) Audits

5. Policy or Program Updates
   
   (a) Policy review and/or updates
   
   (b) New health and safety programs

6. New Business
   
   (a) New items/issues
   
   (b) Regulatory visits (if any)
   
   (c) Policies or programs

7. Annual Reviews
   
   (a) Training requirements/needs
   
   (b) Statistics summary
   
   (c) Policies or programs

8. Other Business

Contacts:
   
   Salary co-chair:
   Union co-chair:
   Minutes prepared by:
SAMPLE HEALTH AND SAFETY MEETING ACTION PLAN

Instead of producing minutes that are verbatim summary of the meeting, consider using a meeting action plan. Here is an example.

**MEETING ACTION PLAN**

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>Meeting Purpose:</th>
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<tbody>
<tr>
<td>Chairperson:</td>
<td>Co-Chairperson:</td>
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<tr>
<td>Recorder:</td>
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<tr>
<td>Objectives:</td>
<td></td>
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<tr>
<td>Attendees:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Actions to be taken</th>
<th>Person(s) responsible</th>
<th>Timeline</th>
<th>Completed</th>
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<tr>
<td></td>
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Key issues or discussions:

Next meeting date/time:
Evaluating your meetings is a good tool for continuous improvement. You may use the following data to evaluate your meetings. Include specific comments as they will help you plan future meetings.

<table>
<thead>
<tr>
<th>Evaluation Item</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
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<tbody>
<tr>
<td>The meeting objective/purpose was clear</td>
<td></td>
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<tr>
<td>The meeting logistics were well-planned and organized</td>
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<tr>
<td>An agenda was distributed ahead of time</td>
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<tr>
<td>Participants had enough time to prepare</td>
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<tr>
<td>The meeting started on time</td>
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<td>Clear roles were assigned</td>
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<tr>
<td>There was an agenda and the meeting was kept on track</td>
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<tr>
<td>The meeting ended with clear action plans and assignments</td>
<td></td>
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<tr>
<td>The meeting objectives were met</td>
<td></td>
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What went well at the meeting? What should be continued?

What didn’t go so well in the meeting? What should be improved?
Recordkeeping Tool: Formulas for Calculating Rates

- OSHA Recordable Incident Rate
- Lost Work Day Rate (LWD)
- DART Rate (Days Away/Restricted or Job Transfer Rate)

Useful Definitions:

**OSHA recordable incident rate** – A mathematical calculation that describes the number of employees per 100 full-time employees that have been involved in a recordable injury or illness.

**Lost workday rate** – a mathematical calculation that describes the number of lost workdays per 100 full-time employees in any given time frame.

**DART rate** - a mathematical calculation that describes the number of recordable incidents per 100 full time employees that resulted in lost or restricted days or job transfer due to work related injuries or illnesses.

Incident Rate(S) Uses

Rates are indications only of past performance (lagging indicators) and are not indications of what will happen in the future performance of the company (leading indicators). Incident rates have been standardized, so that OSHA and other regulatory agencies can compare statistically significant data, and determine where industries may need additional program assistance. OSHA uses the recordable incident rates to determine where different classifications of companies (manufacturing, food processing, textiles, etc.) compare to each other with regard to past safety performance.

OSHA has established specific mathematical calculations for evaluation and comparison across any industry or group. The standard base rate for the calculations is based on a rate of 200,000 labor hours. This number (200,000) equates to 100 employees, who work 40 hours per week, and who work 50 weeks per year. Using this standardized base rate, any company can calculate their rate(s) and get a percentage per 100 employees.

CALCULATIONS:

**OSHA Recordable Incident Rate**

The OSHA Recordable Incident Rate (or Incident Rate) is calculated by multiplying the number of recordable cases by 200,000, and then dividing that number by the number of labor hours at the company.

\[
IR = \frac{\text{Number of OSHA Recordable Cases} \times 200,000}{\text{Number of Employee labor hours worked}}
\]

*Rate Calculation Example* - a company has 17 full-time employees and 3 part-time employees that each work 20 hours per week. This equates to 28,400 labor hours each year. If the company experienced 2 recordable injuries, then the formula works like this:

\[
IR = \frac{2 \times 200,000}{28,400} = \frac{400,000}{28,400} = 14.08
\]

What is now known is that for every 100 employees, 14.08 employees have been involved in a recordable injury or illness. Please note that smaller companies that experience recordable incidents will most likely have high incident rates, or the incident rates will fluctuate significantly from year to year. This is because of the small number of employees (and hence the lower number of labor hours worked) at the company.

*Calculations are more meaningful at larger companies that have a higher labor hour count.*
Lost Time Case Rate (LTC)
The Lost Time Case Rate is a similar calculation, only it uses the number of cases that contained lost work days. The calculation is made by multiplying the number of incidents that were lost time cases by 200,000 and then dividing that by the employee labor hours at the company.

\[
\text{LTC Rate} = \frac{\text{Number of Lost Time Cases} \times 200,000}{\text{Number of Employee Labor Hours Worked}}
\]

*Rate Calculation Example*—assume that one of two recordable cases had lost work days associated with the incident. The calculations would look like this:

\[
\begin{align*}
1 \times 200,000 & = 200,000 \\
\text{LTC Rate} & = \frac{28,400}{28,400} \quad \text{LTC Rate} = \frac{28,400}{28,400} \quad \text{LTC Rate} = 7.04
\end{align*}
\]

What is now known is that for every 100 employees, 7.04 employees have suffered lost time because of a work related injury or illness.

DART Rate (Days Away/Restricted or Job Transfer Rate)
The DART rate is relatively new to industry. This rate is calculated by adding up the number of incidents that had one or more Lost Days, one or more Restricted Days or that resulted in an employee transferring to a different job within the company, and multiplying that number by 200,000, then dividing that number by the number of employee labor hours at the company.

\[
\text{DART Rate} = \frac{\text{Total Number of DART incidents} \times 200,000}{\text{Number of Employee Labor Hours Worked}}
\]

*Rate Calculation Example*—assume that one of two recordable incidents resulted in limited or restricted work activity that necessitated a job transfer to a different position in the company. The first was a broken leg that had only lost time associated with it (no restriction or transfer). The calculations would look like this:

\[
\begin{align*}
2 \times 200,000 & = 400,000 \\
\text{DART Rate} & = \frac{28,400}{28,400} \quad \text{DART Rate} = \frac{28,400}{28,400} \quad \text{DART Rate} = 14.08
\end{align*}
\]

What is now known is that for every 100 employees, 14.08 incidents resulted in lost or restricted days or job transfer due to work related injuries or illnesses.

Strategies for Maintaining Low Incidence Rates
One recognizable strategy to lower OSHA Incidence Rates is to avoid recordable incidents in the first place by practicing well-documented injury/illness prevention plans and trade best practices.

*Additional strategies for your joint health and safety committees to consider:*
- Be sure to include all "eligible" hours worked in the IR calculation
- Ensure those responsible for maintaining the OSHA logs are properly trained
- Periodically have the joint safety committee audit the recordkeeping logs
- Include recordkeeping assessment report outs as a quarterly meeting focus
- Implement a return-to-work program to minimize the number of lost workday cases

It cannot be stressed enough how important the OSHA Incident Rates are to a union trying to secure a contract and future work. Promoting injury and illness prevention is a key factor to keeping our members, and workplaces safe while improving our company's competitive advantage.
PLANNING YOUR HEALTH AND SAFETY INSPECTIONS

Note--Before conducting any safety inspections, there needs to be some preliminary planning. There are 6 key steps to planning for safety inspections.

1. Decide what to inspect
2. Create a safety inspection checklist
3. Determine how to conduct inspections
4. Determine when to inspect
5. Determine who should inspect
6. Train the inspectors

DETERMINE WHAT TO INSPECT

The first step in planning for safety inspections is to determine what to inspect. An effective way to do this is to divide your organization into areas of responsibility. Make sure each of the areas of responsibility is practicable. If they are not, simply divide each area further into smaller divisions. Once you have practicable divisions you can start making inspection lists for each.

Create Categories for the inspection Lists

There are 3 primary categories of items

1. The facility (e.g. lighting, electrical systems, ventilation, fire protection, emergency response equipment, and housekeeping)
2. Equipment and processes (e.g. hand tools, electrical equipment, material handling equipment, production, construction, and welding)
3. Work practices (e.g. use of PPE, Lockout/tagout procedures, safe lifting techniques, procedures for handling and storing hazardous materials, and the use of machine guarding)

Review Inspection Requirements and Information Sources

- Industry standards, regulations, laws, and codes
- Manufacturers' manuals
- Safety Data Sheets (SDS)/(MSDS) Material Safety Data Sheets
- Written work rules and procedures
- Safety and health records such as incident reports and logs

Get Employees Involved

Employees at all levels should contribute to these inspection lists. Their knowledge of the items, conditions, and processes that need inspection will ensure that the inspection list you develop is comprehensive

Set Priorities

The joint health and safety committee should review all the data, set priorities, and create a safety inspection checklist. This list should consist of all the possible items that can be inspected. Once you this checklist, you will use it to decide what to inspect.
## SAMPLE SAFETY WALK-THRU INSPECTION CHECKLIST

**Department/Area:** ________________________________  **Date:** __________________

**Inspector(s):** ____________________________________  **Time:** ______  **Shift:** ______

<table>
<thead>
<tr>
<th>Item</th>
<th>Accept</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housekeeping</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas Cylinder Use/Storage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye Wash Stations/Showers</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Lighting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Extinguishers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walking Surfaces</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ladders</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Elevated Work Platforms</td>
<td></td>
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<tr>
<td>Means of Egress</td>
<td></td>
<td></td>
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<tr>
<td>Material Storage</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Air Hoses</td>
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<td></td>
<td></td>
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<tr>
<td>Ventilation/Exhaust</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Access to Electric Panels/Cabinets</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Fork Truck Operation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fork Truck Maintenance (daily inspection form)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Lockout/Tagout Procedures Posted</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Personal Protection Equipment</td>
<td></td>
<td></td>
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<tr>
<td>First-Aid Kits/Supply</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Chemical Container Labeling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SDS/MSDS Accessible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety Rules Posted</td>
<td></td>
<td></td>
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<tr>
<td>Unsafe Practices</td>
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<tr>
<td>Machine Guarding</td>
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<tr>
<td>Safety Controls</td>
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<tr>
<td>Tools</td>
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<tr>
<td>Personal Protection Equipment - Condition/Availability</td>
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</tbody>
</table>

**Comments:** ________________________________
SAMPLE SAFETY INSPECTION CHECKLIST

Department ___________________ Job Operation # __________ Location ______________

Job Description ___________________ Department ___________________ Date ___________

Identified Hazard(s) - Check Applicable Box

☐ Sharp objects or materials  ☐ Falling objects

☐ Eye hazard (physical/chemical)  ☐ Noise

☐ Chemical (skin)  ☐ Impact

☐ Light (optical) radiation  ☐ Electrical

☐ Thermo (cold / heat)  ☐ Other________________________

Body parts at risk:

Whole Body (fall) ☐  Head ☐  Eye ☐  Neck ☐  Shoulder ☐  Arm ☐  Wrist ☐

Hand ☐  Finger ☐  Leg ☐  Knee ☐  Ankle ☐  Foot ☐  Toe ☐  Back ☐

Personal Protection Equipment required:

☐ Hard Hat ☐  Safety Glasses with side shields ☐  Face shield ☐  Splash proof Goggles ☐

Welding Hood ☐  Hearing ☐  Fall arrest system ☐  Safety shoes ☐  Metatarsal guard ☐

Glove type: cut resistant ☐  rubber ☐  vinyl ☐  canvas ☐  cotton ☐  leather ☐

Other ☐___________________________________________

Are Chemical Products Used on this Operation? Yes_____ No _____ List all chemicals

<table>
<thead>
<tr>
<th>Chemical / HMC#</th>
<th>Manufacturer</th>
<th>SDS/MSDSs reviewed/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Comments:
# Health & Safety Assessment Example

**Date inspection conducted:** June 02, 2015  
**Location:** The ABC Manufacturing Co.

**Name(s) of those participating in this inspection:** Joint H&S Committee Member Names  
Plus Name of participating (Steward), and participating (Safety Manager)

**INDICATE EITHER:** ◆ = Acceptable/Yes; ◼ = Unacceptable/No; X = Not Applicable or Assessed

## Personal Protective Equipment

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPE use is specified in writing/communicated?</td>
<td>◆ Signs/Safety rules in contract &amp; discussed at safety training</td>
</tr>
<tr>
<td>Eye Protection (safety glasses/goggles) available/used?</td>
<td>◆ Upon request at crib, various types, all workers wearing</td>
</tr>
<tr>
<td>Face shield available for bulk liquid tasks? Grindind?</td>
<td>◆ Visible in maintenance shops</td>
</tr>
<tr>
<td>Hand protection used/worn as required?</td>
<td>◆ Upon request at crib, various types, visible use on floor</td>
</tr>
<tr>
<td>Foot protection worn as required?</td>
<td>◆ Signs of requirements in areas/visible/audited by security</td>
</tr>
<tr>
<td>Hearing protection worn where required?</td>
<td>◆ Upon request at crib, various types, visible multi use</td>
</tr>
<tr>
<td>Hard hats worn when falling object hazard is present?</td>
<td>X Did not see any in use during this visit/did not inquire</td>
</tr>
<tr>
<td>Supplies on hand for incidental chemical spills?</td>
<td>◆ Visible supplies in crib and on shop floor</td>
</tr>
</tbody>
</table>

## Wide Aisle Walk-thru Assessment

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments: 300 hourly/2 shifts (54 night; 4p-2:30a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General housekeeping is neat and orderly?</td>
<td>◆ Aisles and walkways are free of debris and obstructions.</td>
</tr>
<tr>
<td>Vehicle and Pedestrian interference?</td>
<td>◆ Job stations/break areas are organized and defined.</td>
</tr>
<tr>
<td>Material handling? Stacking and storage?</td>
<td>◆ Pedestrians have the right away. No formal campaigns,</td>
</tr>
<tr>
<td>Ergonomics?</td>
<td>◆ workers are trained/back-up alarms/ All asked knew rule.</td>
</tr>
<tr>
<td>Machine guarding in place?</td>
<td>◆ Racks, cabinets, tables available. (No rule on height,</td>
</tr>
<tr>
<td>Lockout/Tagout is being used for appropriate tasks?</td>
<td>◆ stable, secure loads) Listed in opportunities</td>
</tr>
<tr>
<td>Fire extinguisher available, accessible + inspected?</td>
<td>◆ Multiple jobs observed repetitive/stretching overhead</td>
</tr>
<tr>
<td>Grinders (portable + stationary) have guards in place?</td>
<td>◆ Missing guard on 3 stations located on machine number 2</td>
</tr>
<tr>
<td>Hot work permits used for grinding, cutting, welding?</td>
<td>◆ Maintenance worker (4) assessed. LOTO form on file</td>
</tr>
<tr>
<td>Stationary grinding wheel tongue guard is ⅛ inch or less?</td>
<td>◆ 7 (Seven) audited. No deficiencies found</td>
</tr>
<tr>
<td>Compressed gas cylinders not in use/caps in place?</td>
<td>◆ 2 checked in maintenance shop</td>
</tr>
<tr>
<td>Compressed gas cylinders stored secured + upright?</td>
<td>◆ Welding in maintenance shop/permit not checked</td>
</tr>
<tr>
<td>All Chemical containers labeled appropriately?</td>
<td>◆ Did not check this visit.</td>
</tr>
<tr>
<td>Storage cabinets?</td>
<td>◆ 2 (two) cylinders visibly noted in proper storage</td>
</tr>
<tr>
<td>Flammable liquids storage containers labeled properly?</td>
<td>◆ 2 (two) cylinders visibly noted in proper storage</td>
</tr>
</tbody>
</table>

## EMERGENCY ITEMS

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments: (Did not verify last drills)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency evacuation map posted near work area?</td>
<td>X Did not verify this</td>
</tr>
<tr>
<td>Emergency phone numbers posted and known by all?</td>
<td>X Did not verify this</td>
</tr>
<tr>
<td>Emergency eyewash and/or shower units accessible?</td>
<td>Visible; (plumbed and portable)</td>
</tr>
<tr>
<td>First aid kit available at work site?</td>
<td>Visible; multiple stations and medical on site</td>
</tr>
<tr>
<td>First aid trained competent person available?</td>
<td>Yes, security and medical trained by Red Cross</td>
</tr>
<tr>
<td>BP kit available/BBP trained individual on site?</td>
<td>part of first aid kits, and medical dept.</td>
</tr>
<tr>
<td>Fire extinguishers readily available (not blocked)?</td>
<td>Visible, Assessable. (Did not verify welding booth)</td>
</tr>
</tbody>
</table>

### Wide Aisle Walk-thru Assessment

| Ladders are safe and inspected, stored as appropriate? | Did not see any ladder use, or inspections, did see stored properly. |
| Fall protection required above 4ft? | Verbal confirmation from worker in maintenance area; did not see worker at heights. |
| Stepladder or commercial stepstool used for high access? | Available, did not see in use |
| Impact tools, hammers kept free of splinters/mushrooms? | maintenance and wire weaving stations no deficiencies |
| Unsafe hand tools are prohibited? | Verbal confirmation from worker in dept. 321 |
| Portable circular saws equipped with protective guards? | Yes, per worker/did not verify guards |
| Crane use? | No mobile cranes used on site |
| Rigging use? Removal of motors? | Attachment on site to use with Fork truck if needed. Not in regular use. Most work is accomplished with overheads. |
| Hooks used for lifting have safety latch in place? | 3 (three) verified |
| Rigging equipment (chains, ropes, wire) wear, and removal procedures? | Available, some wear, plan to remove when defective (per worker), chains have inspections tags attached. |
| Overhead hoist operator instructions? | 9 (nine) overheads with instructions present verified |
| Overhead hoist inspections? | Pre-ops by worker, additional by contractor (Kone Crane) |
| Walkie Truck inspections? | Inspection sheet attached, filled out for today. (x2) |
| Extension Cords? | (Machine 32/Column A-2) Not in use for fixed fan, but no stationary outlet available. Listed in opportunities |
| Robot use, training; awareness, authorized? | No robots in use. |
| Monthly Safety Training? | Content: 1 Benefit comment/review of PPE safety rules/Golf cart & LSV focus. Given by safety manager only Topic effective: Subject On job and Off 1. 3 prior incidents involving golf cart at worksite 2. Specific weight capacity, speed of onsite equipment discussed. 3. Associated hazards, limitations, worker expectations discussed. 4. Time allowed for questions and comments. |
| Daily Safety activities and talks? | Front line supervisors provide a daily safety message prior to shift. End of Day activity includes time given for  
  - Housekeeping tasks  
  - Workforce to change required clothing-street cloths  (Time is allotted in morning for donning clothes)  
  - Laundry provided |
## Opportunities

<table>
<thead>
<tr>
<th>Focus</th>
<th>Comment: OSHA rates warrant an inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Committee Monthly Meetings</td>
<td>1. Review monthly safety rates</td>
</tr>
<tr>
<td></td>
<td>2. Include discussion of past 30 day incidents/action items of hazard abatement</td>
</tr>
<tr>
<td></td>
<td>3. Review all open incidents</td>
</tr>
<tr>
<td>Safety Committee Jointly</td>
<td>1. Audit one dept. per month for a specific topic (e.g. slips, trips, falls)</td>
</tr>
<tr>
<td></td>
<td>2. Create an action plan to lower safety rates</td>
</tr>
<tr>
<td></td>
<td>3. Communicate all incidents to workforce per event</td>
</tr>
<tr>
<td>First Aid Responders</td>
<td>Consider training hourly workers in basic first aid, AED. (Especially those who perform electrical work)</td>
</tr>
<tr>
<td>Electrical</td>
<td>1. Provide an electrical outlet for the fixed fan at column (Machine 32/Column A-2)</td>
</tr>
<tr>
<td></td>
<td>2. Provide updated 70E training for all</td>
</tr>
<tr>
<td></td>
<td>3. Audit and label equipment with voltage</td>
</tr>
<tr>
<td>Eyewash stations</td>
<td>Include cleaning eye wash stations to workers regular housekeeping tasks</td>
</tr>
<tr>
<td>Near Miss</td>
<td>Establish a common form and box for workers to communicate information</td>
</tr>
<tr>
<td>Material Handling</td>
<td>Establish a common height and secure load process to eliminate hazards associated. (e.g. shifting, container integrity)</td>
</tr>
<tr>
<td>stacking and storage including rack storage</td>
<td></td>
</tr>
<tr>
<td>Ergonomics</td>
<td>Develop plant guide on forces, design in for engineers, and provide awareness training during the year</td>
</tr>
<tr>
<td>Training</td>
<td>1. Establish an annual training matrix to determine compliance</td>
</tr>
<tr>
<td></td>
<td>2. After establishing compliance: Concentrate training on hazards associated to plant incidents</td>
</tr>
<tr>
<td></td>
<td>3. Include IU-E-CWA worker trainings into the matrix (cost effective/Stewards receive an annual manual of classes available)</td>
</tr>
</tbody>
</table>

### Next Health & Safety Assessment: Date and time to be determined

### Plan:

- **Review last incident**
  - visit dept./worker/work station of incident if applicable

- **Wide aisle compliance:**
  - Egress
  - Safety Signage

- **Audit 1-2 specific departments:**
  - Machine Safety
    - Guarding/devices/worker instructions
  - Workstation hazard recognition
    - Housekeeping
    - PPE
    - Lockout
    - Tooling
    - Electrical

- **Worker Dialogue: Emergency Procedures**
  - Take cover procedure
  - Injured worker procedure
V. Health and Safety References

*ES&H Self-Auditing for Compliance and Continuous Improvement*, Stephen C. Wilson; Handout of presentation to ASSE Kitty Hawk, Dayton, Ohio (2013)


*The Safety Professionals Handbook Volumes I & II*, Joel M. Haight, Editor

Lessin, N. *Workers need real rights*. *Industrial Safety & Hygiene News*,

United Auto Workers (UAW) Health and Safety Department. (1999) *Warning! Behavior-based safety can be hazardous to your health and safety program*. Detroit, MI; Author


United Steel Workers (USW) Health and Safety Department. *Union Approach to Health and Safety*. Pittsburgh, PA


Minnesota Department of Labor and Industry Workplace Safety Consultation; 443 Lafayette Road N. St. Paul, MN 55155-4307

Health and Safety Internet Sites

CWA Health & Safety Page
http://www.cwa-union.org/issues/entry/c/health-and-safety#.UtSmbTy0dks

AFL-CIO Health and Safety Job Safety
http://www.aflcio.org/Issues/Job-Safety

American Society of Safety Engineers
www.asse.org

Canadian Centre for Occupational Health and Safety
http://www.ccohs.ca/

Environmental profiles for industrial facilities
http://www.epa.gov/enviro/html/tris/ez.html

National Fire Protection Association
www.nfpa.org

National Safety Council
www.nsc.org

New Jersey Fact Sheets
http://www.state.nj.us/health/coh/rtkweb/rtkhsfs.htm

NIOSH
http://www.cdc.gov/niosh/

OSHA
http://www.osha.gov/

Right To Know Net
http://www.rtk.net/

New York COSH
http://www.nyeosh.org/

National COSH Organization
http://coshnetwork.org/

Labor Occupational Health Program-University of California
http://lohp.org/

Pipeline and Hazardous Materials Safety Administration (PHMSA)
http://phmsa.dot.gov/hazmat

FEMA
http://www.fema.gov/