

SAFETY NEWSLETTER

SELF INSURED WORKER'S COMPENSATION FUND MEMBERS

March 2019

Spring Ahead Safety in 2019 are You Compliant

Putting It Into Perspective

When we discuss OSHA and MIOSHA, what we are talking about are "Federal Laws" and "State Laws". They are not suggestions, opinions options, or recommendations.

Sense of Enormity

Allow me the opportunity to quickly scroll through the MIOSHA and OSHA Standards, to provide a sense of the enormity of safety related regulations.

MIOSHA Standards:

General Industry Safety and Health Standards (94 Safety Standards & 38 Health Standards)
Construction Safety and Health Standards (37 Safety Standards & 28 Health Standards)
Administrative Standards For All Industries (7 Standards)
Agriculture Operations Standards (11 Standards)

OSHA Standards:

The OSHA standards are divided into four major categories based on the type of work being performed: agriculture (29 Code of Federal Regulations (CFR) Part 1928), construction (Part 1926), general industry (Part 1910) and maritime (Parts 1915, 1917 and 1918) employment.

Other Regulatory Agencies:

- NFPA National Fire Protection Agency
- DOT Department of Transportation
- US Securities and Exchange Co
- Nuclear Regulatory Commission
- United States Department of Labor
- Federal Maritime Commission
- Medicines and Health care Regulatory Agency
- Consumer Product Safety Commission (CPSC)
- Environmental Protection Agency (EPA)
- Equal Employment Opportunity Commission (EEOC)
- Federal Aviation Administration (FAA)
- Federal Communications Commission (FCC)
- Federal Deposit Insurance Corporation (FDIC)
- Federal Reserve System (the FED)
- Federal Trade Commission (FTC)
- Food and Drug Administration (FDA)
- Interstate Commerce Commission (ICC)
- National Labor Relations Board (NLRB)
- Nuclear Regulatory Commission (NRC)
- Federal Highway Administration (FHA)
- United States Securities & Exchange Commission (SEC)
- Drug Enforcement Administration (DEA)
- Department of Veterans Affairs (VA)
- Bureau of Alcohol, Tobacco and Firearms (ATF)
- Financial Crimes Enforcement Network (FinCEN)
- Office of the Comptroller of the Currency (OCC)

Other Procedures and Policies that may be required:

Ethics, Sexual Harassment, Cyber Security, Contractor Money Laundering, Email and Internet, Texting and Driving (mobile phone), Smoking, Drug and Alcohol, Anti-Discrimination and Harassment, Grievance and Code of Conduct.

Feeling Overwhelmed?

You are not alone.

Every business is required to comply with the same regulations.

Compliance requires a strategy, commitment & resources.

Let's take a moment to discuss the reason why these regulations exist in the first place.

The Human Toll

More than 4,500 workers are killed on the job every year, and approximately 3 million are injured, despite the fact that by law, employers are responsible for providing safe and healthful workplaces for their workers.

If all employers simply corrected the top 10 hazards, we are confident the number of deaths, amputations and hospitalizations would decline dramatically.

The top 10 for FY 2018 are:

- 1) Fall Protection – General Requirements (1926.501), 7,270 violations
- 2) Hazard Communication (1910.1200), 4,552
- 3) Scaffolding (1926.451), 3,336
- 4) Respiratory Protection (1910.134), 3,118
- 5) Lockout/Tagout (1910.147), 2,944
- 6) Ladders (1926.1053), 2,812
- 7) Powered Industrial Trucks (1910.178), 2,294
- 8) Fall Protection – Training Requirements (1926.503), 1,982
- 9) Machine Guarding (1910.212), 1,972, and
- 10) Eye and Face Protection (1926.102), 1,536.

One remarkable thing about the list is that it rarely changes. Year after year, our inspectors see thousands of the same on-the-job hazards, any one of which could result in a fatality or severe injury.



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Myth's:

Governmental entities are exempt from OSHA / MIOSHA regulations (or) have some special professional courtesy whereby we will not be held to the same standard as private industry.

This is incorrect. In fact, we have seen an up-tick in visits to cities, and counties over the last 18 months.

The OSHA / MIOSHA Process:

No matter what brought the inspector to your place of business, the process is always the same



Getting Back To Basics:

Written Procedures this is were MIOSHA/OSHA Start looking if they are not written they do not exist. MIOSHA /OSHA review to see if your current written procedures meet or exceed current standards and regulations.

Today we are focusing on the First Step: Written Procedures

Critical word's in regulatory narrative that we all need to pay attention and to make sure we understand these terms like:

Potential: Possible, as opposed to actual, capable of being or becoming (a potential danger to safety)

Shall: Plan to, Intend to, Will have to, and in law means must is or are obliged to.

Application of "Accountability"

Better Defined Expectations:

Competency: A competent person is an employee who is able to recognize hazards associated with a particular task, and has the ability to mitigate those hazards. Many MIOSHA/OSHA construction standards require someone on site – such as a foreman, supervisor or other employee – to be designated as a competent person (making sure those you are training have retained the knowledge of the subject and understand its application)



How Accountable is Accountable?

The "Worker Endangerment Initiative," a joint effort between the Justice Department and Department of Labor to utilize the enhanced penalties available under environmental and Title 18 felonies to prevent and deter crimes that put the lives and health of workers at risk.

Yates said (Sally Quillian Yates Former United States Deputy Attorney General) "Given the troubling statistics on workplace deaths and injuries, the Department of Justice is redoubling its efforts to hold accountable those who unlawfully jeopardize workers' health and safety."

Value of Writing Procedures:

Operational Value; Policies and Procedures are the strategic link between the Company vision, and its day-to-day operations. So why is this important to you?

Well-written business policies and procedures allow employees to clearly understand their roles and responsibilities within predefined limits.

Developing clearly written policies and procedures that are documented, updated, and followed brings structure to an organization and assists in the day-to-day decision making processes.

Policies and procedures need to be adaptable to the needs of the company and enforced across the organization.

Policies and procedures also serve as an internal control method so managers cannot take free license to make creative or unauthorized decisions.

Safety Based Value:

Written policies and procedures are important tools for preventing losses and defending your organization in legal proceedings should they occur.

Clear description of work duties and how to perform them will decrease and minimize the Frequency and Severity of Incidents.

Involve Entire Workforce:

Ideally, employees and volunteers should be asked to sign off or otherwise acknowledge their receipt and understanding of your organization's policies and procedures.

Major benefits they provide:

- Employees are provided with information that allows them freedom to carry out their job and make decisions within defined boundaries.
- Employees understand the constraints of their job without using a 'trial and error' approach, as key points are visible in well-written policies & procedures.
- Everyone is working off the same page; employees can get the "official" word on how they should go about their tasks quickly and easily.
- Policies and procedures enable the workforce to clearly understand individual & team responsibilities, thus saving time and resources.
- Clearly written policies and procedures allow managers to exercise control by exception rather than 'micro-manage' their staff.
- Clearly written policies and procedures provide legal protection. Courts apply the 'common person' standard. If written clearly so that outsiders understand, the company has better legal footing if challenged in court.
- They send a "We Care!" message. 'The company wants us to be successful at our jobs.'
- A safe work environment produces happier employees.

So Where Does Your Company Stand?

- Have you completed an Management Procedure / Policy Audit?
- Have you completed an Site Audit?
- Is there sincere executive level support?

Internal Question's To Ask

- Are your Policies and Procedures current with todays Standards and Regulatory requirements?
- Can you demonstrate through documentation, that the an annual review of these policies and procedures has been completed?