



# Safety and Health Programs in the States

## White Paper

April 2016

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# SAFETY AND HEALTH PROGRAMS IN THE STATES WHITE PAPER

## 1. INTRODUCTION

This white paper analyzes and inventories state-level activities that require (by rule or statute), incentivize (through premium credits or public recognition), and support (with free training and consultations) the establishment of comprehensive workplace safety and health plans or committees. Table 1 in this section summarizes the state-by-state information detailed in the following sections. Five categories of safety and health program promotion at the state level were investigated. These are described below.

### 1.1 WORKPLACE SAFETY PLAN OR PROGRAM REQUIRED BY STATUTE

Employers in all states must comply with OSHA regulations. There is no general OSHA requirement for employers to establish or maintain a written, comprehensive safety plan or program. The focus of this section is on requirements for general safety plans or programs that have been enacted by states, and their applicability.<sup>1</sup>

Twenty-four states require a safety plan or program—sometimes called an accident prevention plan (APP), injury and illness prevention plan (IIPP), qualified loss management plan (QLMP), or safety and health management system (SHMS), among other terms—of all or some employers:

- **All employers.** Five states (California, Minnesota, Montana, Nebraska, and Washington) require a safety plan of all employers.
- **High-hazard or high-risk employers.** Eight states (Arkansas, Connecticut, Maine, New Mexico, New York, North Carolina, Texas, and Vermont) require “high hazard” or high risk employers to have a written plan. These designations are usually determined by workers’ compensation experience modifier rate (EMR), ranging from 1.2 to 2.0.<sup>2</sup>
- **Employers of a minimum size.** Five states require written plans only of employers beyond a certain size, the thresholds ranging from 10 to 25 employees per workplace.
- **Employers self-insuring for workers’ compensation.** Seventeen states specifically require that employers seeking to self-insure for workers’ compensation have written safety programs.
- **Employers in specific sectors.** Oregon and Michigan require all employers in the Forestry and Construction sectors, respectively, to have a written workplace safety plan. Idaho requires public sector workplaces to have written safety programs; Wisconsin limits the requirement to state employers.

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<sup>1</sup> OSHA has requirements for written workplace safety plans that cover 18 specific industries, situations, or activities, such as those for HAZWOPER, bloodborne pathogen exposure, respiratory protection, permit-required confined spaces, lockout/tagout, process safety management, etc. OSHA also has 10 written plan requirements affecting the construction sector covering, for example, fall protection and construction excavation.

<sup>2</sup> An employers’ experience modifier rate, or EMR, is a ratio that compares the employer’s compensation claim history to those of similar employers in their industry or risk class. The EMR is used by the insurer to adjust the employer’s workers’ compensation premium. An EMR of greater than 1.0 means that the employer’s claim history is higher than average and as a result, their premiums will also be higher than average. An EMR of less than 1.0 means that the employer’s claim history is below average, in which case their premiums will also be lower than average. For more information on how EMRs are calculated and used, see the National Council on Compensation Insurance publication titled *ABCs of Experience Rating*. Available at: [https://www.ncci.com/Articles/Documents/UW\\_ABC\\_Exp\\_Rating.pdf](https://www.ncci.com/Articles/Documents/UW_ABC_Exp_Rating.pdf).

## **1.2 SAFETY COMMITTEE REQUIREMENT**

Fourteen states require an employee/employer safety committee at some or all workplaces in their jurisdiction. Six states (Connecticut, Minnesota, North Carolina, Tennessee, Vermont, and West Virginia) require high hazard/high risk workplaces to have safety committees. This designation is usually based on high EMR, high DART rate,<sup>3</sup> or high workers' compensation premiums. Alabama requires employers to form a safety committee if requested to do so by an employee. Eight states use establishment size as a criterion for requiring a safety committee, ranging from 5 or more employees (Montana) to 25 or more employees (Connecticut, Nevada, and Minnesota).

## **1.3 CONSULTATION AND TRAINING**

OSHA provides free workplace safety consultations and training in all states, usually giving priority to small to medium employers (up to 250 employees per location, up to 500 nationwide) and high hazard workplaces. These consultations are usually coordinated through universities or state agencies responsible for workplace safety and health, and are primarily funded by OSHA. Six states (Arkansas, Kansas, Kentucky, Louisiana, Missouri, and Texas) require all workers' compensation insurance providers to establish a program that makes comprehensive workplace safety and health consultations available to covered employers. North Dakota makes free consultations available to all employers covered by workers' compensation insurance. These consultations and trainings invariably include and emphasize written, comprehensive safety and health programs.

## **1.4 WORKERS' COMPENSATION PREMIUM REDUCTIONS**

This category is for states that have mandated specific premium reductions for employers that have an approved safety and health plan or program.<sup>4</sup>

Ten states (Colorado, Delaware, Florida, Hawaii, New Hampshire, North Dakota, Ohio, Pennsylvania, West Virginia, and Wyoming) require insurers to provide premium discounts of between two percent and 25 percent to employers having a written safety and health program. Four states (Louisiana, Massachusetts, New York, and Oklahoma) have made premium discounts available to employers with high EMRs who establish effective safety and health programs. Washington provides a partial premium refund depending on a company's employee safety and health performance record.

## **1.5 SAFETY AWARDS AND RECOGNITION**

All but 18 states present publicized awards to employers for achieving outstanding safety records, most often measured in workdays or years worked without lost time due to injury, improvement in safety record, or outstanding innovations in workplace safety. State involvement ranges from co-sponsoring awards with local safety councils or trade groups, to providing testimonial dinners for numerous award winners, as well as cash awards. Some states limit their official workplace safety awards to specific niches, e.g., Rhode Island has an award for keeping teen-aged employees safe; Virginia presents a safety

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<sup>3</sup> DART stands for "days away, restricted or transferred." A workplace's DART rate is calculated using the formula  $\text{Rate} = (\text{N}/\text{EH}) \times 200,000$ , where: N = number of OSHA-recordable injuries or illnesses resulting in days away from work, restricted work activity, and/or job transfer; EH = total employee hours worked in a year; and 200,000 is the number of hours per year worked by 100 full-time employees (40 hours per week, 50 weeks per year).

<sup>4</sup> Note: In states where such discounts are not mandated, individual insurance companies may offer incentives to employers with safety and health programs, but examining the policies of individual insurers was outside the scope of this report.

award to individual state employees. (Awards and recognition associated with OSHA’s VPP and SHARP programs were not considered to be state-sponsored.)

## **1.6 SUMMARY TABLE**

Table 1 provides a summary of each state’s current approach to workplace safety and health programs and safety committees. If a state mandates programs or committees for employers (beyond the current OSHA regulations), the table indicates which employers fall under the state’s mandate(s). The table also shows how states participate in providing safety consultations and training to employers, either through state/OSHA partnerships, state programs, or by requiring workers’ compensation insurers to provide free safety consultations to covered employers. The last two columns identify states that incentivize safety programs through mandated workers’ compensation premium reductions, or encourage workplace safety in general, through programs of publicized safety awards and prizes.

Each state name in the left column links to a detailed narrative summary of that state’s current activities regarding each of the five topics in the column headers.

**Table 1. Summary of State Safety and Health Program Activities**

State	State Activity and Applicability				
	Mandatory		Voluntary		
	Program or Plan	Safety Committee	Consultation/ Training	WC Premium Reduction (% discount)	Awards
<a href="#">Alabama</a>	–	If requested by employee(s)	All	–	–
<a href="#">Alaska</a> *	Self-insured	–	All	–	All
<a href="#">Arizona</a> *	Self-insured	–	All	–	–
<a href="#">Arkansas</a>	High incident rate	–	High incident rate; insurer-provided	–	All
<a href="#">California</a> *	> 10 employees	– <sup>1</sup>	All	–	All
<a href="#">Colorado</a>	–	–	Small	Plan and committee (10%)	All
<a href="#">Connecticut</a> †	Self-insured; > 25 employees or high incident rate <sup>2</sup>	Self-insured; > 25 employees or high incident rate	All	–	–
<a href="#">Delaware</a>	–	–	Small/medium	Plan (19%)	Construction
<a href="#">District of Columbia</a>	–	–	Private sector	–	–
<a href="#">Florida</a>	Self-insured	–	All	Plan (2%)	All
<a href="#">Georgia</a>	–	–	Small	–	All
<a href="#">Hawaii</a> *	Self-insured; ≥ 25 employees	– <sup>3</sup>	All	Plan (≥ 5%)	–
<a href="#">Idaho</a>	Public sector	–	Small	–	–
<a href="#">Illinois</a> †	Self-insured	–	Small/medium	–	All
<a href="#">Indiana</a> *	–	–	All	–	All
<a href="#">Iowa</a> *	–	–	All	–	–
<a href="#">Kansas</a>	–	–	All; Insurer-provided	–	Public sector
<a href="#">Kentucky</a> *	–	–	All; Insurer-provided	–	All
<a href="#">Louisiana</a>	Self-insured; > 15 employees	– <sup>4</sup>	All; Insurer-provided	EMR > 1.5 and plan (≤ 7%)	–
<a href="#">Maine</a>	Self-insured; EMR ≥ 2	–	All	–	Public sector or MEMIC-insured <sup>5</sup>
<a href="#">Maryland</a> *	Self-insured	–	Small/high hazard	–	–
<a href="#">Massachusetts</a>	Self-insured; Public sector	–	Small/high hazard	Plan and assigned risk insured (% varies)	–
<a href="#">Michigan</a> *	Construction	–	All	–	All
<a href="#">Minnesota</a> *	All <sup>6</sup>	> 25 employees or high incident rate	Small/high hazard	–	All
<a href="#">Mississippi</a>	–	–	Small/medium/high hazard	–	–
<a href="#">Missouri</a>	Self-insured	–	Small/ high hazard; Insurer-provided	–	–
<a href="#">Montana</a>	All	> 5 employees	Small/high hazard	–	All
<a href="#">Nebraska</a>	All	All	Private sector	–	–
<a href="#">Nevada</a> *	Self-insured; > 10 employees	> 25 employees	All	–	All
<a href="#">New Hampshire</a>	> 15 employees	> 15 employees	Private sector	Plan (≤ 10%)	–
<a href="#">New Jersey</a> †	–	–	Small	–	All

**Table 1. Summary of State Safety and Health Program Activities**

State	State Activity and Applicability				
	Mandatory		Voluntary		
	Program or Plan	Safety Committee	Consultation/ Training	WC Premium Reduction (% discount)	Awards
<a href="#">New Mexico*</a>	Self-insured; High incident rate <sup>7</sup>	–	High hazard industries	–	–
<a href="#">New York†</a>	Payroll > \$800k and EMR >1.20	Group dividend plans	All	EMR < 1.30 and WC premium > \$5,000 (10% over 3 years)	–
<a href="#">North Carolina*</a>	High incident rate	High incident rate; > 10 employees	Small/high hazard	–	All
<a href="#">North Dakota</a>	–	–	All	Plan, etc. (≤ 25%) <sup>8</sup>	–
<a href="#">Ohio</a>	Self-insured	–	All	Plan, etc. (≤ 7%)	All
<a href="#">Oklahoma</a>	–	–	Small	Plan, EMR ≥ 1.0 (15%)	All
<a href="#">Oregon *</a>	Self-insured; Forestry	>10: committees; ≤10: meetings	Small	–	All
<a href="#">Pennsylvania</a>	Self-insured	–	All	Committee (5%)	All
<a href="#">Puerto Rico</a>	–	–	All	–	–
<a href="#">Rhode Island</a>	–	–	Small	–	Teen safety
<a href="#">South Carolina*</a>	–	–	Small	–	≥ 100 employees
<a href="#">South Dakota</a>	–	–	Private sector	–	All
<a href="#">Tennessee *</a>	–	High incident rate	Small	–	Manufacturing and construction
<a href="#">Texas</a>	High-risk employers	–	Private sector; Insurer-provided	–	All
<a href="#">Utah *</a>	–	–	All	–	– <sup>9</sup>
<a href="#">Vermont *</a>	High incident rate	High incident rate	All	–	All
<a href="#">Virginia *</a>	–	–	Small/high hazard	–	Public sector
<a href="#">Washington *</a>	All	> 10 employees	All	All (% varies)	All
<a href="#">West Virginia</a>	–	High incident rate	All	Plan (% varies)	–
<a href="#">Wisconsin</a>	Self-insured; Public sector	–	Private sector	–	All
<a href="#">Wyoming*</a>	–	–	All	Plan (10%)	All <sup>10</sup>

Notes

\* State plan state.

† State plan only covers public employers.

<sup>1</sup> Not required, but employers having a safety committee are considered to be in compliance with the communication requirement of the California IIPP rule.

<sup>2</sup> Generating a written safety plan is one of the required duties of the safety committees that are themselves required of all high risk employers, and of all employers with > 25 employees.

<sup>3</sup> The safety plans required for workplaces with ≥ 25 employees must include a safety committee or “a person designated and trained by the employer for the facility’s safety and health program.”

<sup>4</sup> Safety plan includes requirements for “designation of employees responsible for safety” and for regular safety meetings.

<sup>6</sup> Plan required of employers in NAICS 11, 23, 31-33, 42-43, 44-45, 48-49, 56, 62, 71, 72, and 92.

<sup>7</sup> Mandatory for workplaces with EMR higher than the state average for their industry, or if a safety audit reveals frequent or severe workplace injuries.

<sup>8</sup> Companies participating in retrospective rating, deductible, Risk Management Program Plus, or Safety Outreach Program(s) are not eligible for the Safety Management Plan (10% premium reduction).

<sup>9</sup> Safety awards are given by a non-profit, not by the state; however, the RI Department of Health provides workplace health and wellness awards, which have a safety component.

<sup>10</sup> Awards available to employers in construction, general industry, oil and gas, mining, and mine-site contracting.



## **2. ALABAMA**

### **2.1 PROGRAM OR PLAN**

Not required.

### **2.2 SAFETY COMMITTEE**

Alabama's Workers' Compensation Act includes a provision (Ala Admin. Code §25-5-15, *Safety Committee*) that requires employers to establish a safety committee if so requested by any employee. The safety committee must include at least three committee members, at least one of whom must be a nonsupervisory employee. The committee's functions are to advise the employer regarding safety in the workplace, including suggestions from employees regarding safety conditions in the workplace; to receive employee notifications of workplace safety conditions; and to develop procedures by which an employee can notify the committee of workplace safety conditions.

### **2.3 CONSULTATION AND TRAINING**

The Safe State Occupational Safety and Health Consultation Program provides consultations to all employers requesting them. The program is operated through Alabama State University and is 90 percent funded by U.S. OSHA and 10 percent by the state of Alabama (University of Alabama, 2015).

### **2.4 PREMIUM REDUCTION**

Not available for safety and health program.

Self-insured members of the Alabama self-Insured Workers' Compensation Fund who are certified in the Safety Credit Program receive a 5% credit. Eligibility requirements include:

- Written safety policy statement.
- Designated safety coordinator.
- Written safety rules and regulations.
- Safety training and meetings.
- Accident investigation and loss analysis.

### **2.5 AWARDS AND PUBLIC RECOGNITION**

The Alabama Department of Labor (DOL) offers a workplace safety award to any Alabama employer in the private or public sector that has gone without an employee lost-time injury for 12 or 24 consecutive months, with tiered awards for the 12 and 24 month categories. (Alabama DOL, 2015).

### **2.6 REFERENCES**

Ala. Code §25-5-15. 1984. Workers' Compensation Act. Available at <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/25-5-15.htm>.

Alabama Department of Labor (AL DOL). 2015. Alabama Workplace Safety Awards. Available at <https://labor.alabama.gov/wc/awards.aspx>.

University of Alabama. 2015. Safety and Health Consultation. Available at <http://alabamasafestate.ua.edu/safety-consultation/>.

### **3. ALASKA**

#### **3.1 PROGRAM OR PLAN**

Alaska requires workplaces that seek to self-insure for workers' compensation to provide "A copy of or a detailed outline of its safety/loss control program." (Alaska DOL, 2016).

#### **3.2 SAFETY COMMITTEE**

Not required.

#### **3.3 CONSULTATION AND TRAINING**

Alaska Occupational Safety and Health (AKOSH), within the Division of Labor and Safety Standards, offers safety and health consultations to all employers to help identify and eliminate serious workplace hazards (AKOSH, 2015a). The state also has a consultation service geared specifically to the construction industry, the Construction Health and Safety Excellence Program (CHASE) (AKOSH, 2015a). Under the CHASE program, safety and health professionals assess the company's current safety and health management system by conducting a survey, and then develop a set of tailored improvement measures for the contractor to implement based on the survey results. The AKOSH professionals work with the contractors to help them implement and evaluate the improvement measures; helping them attain the blue level of participation in the CHASE program for a period of five years.

#### **3.4 PREMIUM REDUCTION**

None for safety program.

#### **3.5 AWARDS AND PUBLIC RECOGNITION**

The Governor's Innovation in Safety Award recognizes a company that has developed and instituted an "innovative method, design, tool, procedure or concept that has significantly contributed to a positive impact on safety, thus improving health and quality of life in the workplace" (AK GHSC, 2015).

Governor's Safety Award of Excellence is awarded to groups demonstrating excellence in safety and health systems that protect employees in the workplace and promote corporate citizenship (Alaska DOL, 2015).

CHASE participant companies are listed on the DOL web site, with accompanying photographs of company personnel. Once accepted as partners with AKOSH, participating construction contractors can promote the agreement and their partnership status (AKOSH 2015b).

#### **3.6 REFERENCES**

Alaska Department of Labor and Workforce Development (AK DOL). 2014. Self-Insured Employers – Introduction. Available at <http://labor.state.ak.us/wc/selfi.htm>.

Alaska Department of Labor and Workforce Development (AK DOL). 2015. Alaska Safety Leaders Recognized at Governor’s Safety and Health Conference. Available at <http://labor.alaska.gov/news/2015/news15-10.pdf>.

Alaska Governor’s Health and Safety Conference (AK GHSC). 2015. Alaska Governor’s “Innovation in Safety Award”. Available at [http://akgshc.com/files/3314/2427/6965/GSHC\\_2015\\_-\\_Innovation\\_Award-4rev.pdf](http://akgshc.com/files/3314/2427/6965/GSHC_2015_-_Innovation_Award-4rev.pdf).

Alaska Occupational Safety and Health (AKOSH). 2015a. Services. Available at <http://labor.state.ak.us/lss/oshhome.htm>.

Alaska Occupational Safety and Health (AKOSH). 2015b. Construction Health and Safety Excellence Program (CHASE). Available at [http://labor.state.ak.us/lss/ak\\_chase.htm](http://labor.state.ak.us/lss/ak_chase.htm).

## **4. ARIZONA**

### **4.1 PROGRAM OR PLAN**

A safety and health program or plan is not required. Under Ariz. Admin. Code R20-5-202(A)(1)(i) (1993), however, individual companies applying to self-insure for workers’ compensation must present their “program for compliance with occupational safety and health standards, rules, and laws of this state.” Similarly, workers’ compensation pools seeking to self-insure are required under Ariz. Admin. Code R20-5-727(A) (1995), *Loss control and underwriting programs*, to “maintain during all periods of self-insurance a loss control program that includes, at a minimum, written safety requirements and training programs for all employees of members.”

### **4.2 SAFETY COMMITTEE**

Not required.

### **4.3 CONSULTATION AND TRAINING**

The Arizona Division of Occupational Safety and Health (ADOSH) offers consulting services to employers throughout the state. Services offered include:

- On-site safety and health surveys.
- Establishing safety and health programs.
- Safety and health literature.
- Construction partnership opportunities.
- Safety and health recognition programs.
- A wide range of training classes including regulatory reviews, safety awareness presentations, workplace assessment, and safety management programs.

(ADOSH 2015).

### **4.4 PREMIUM REDUCTION**

Not available for safety and health program.

## 4.5 AWARDS AND PUBLIC RECOGNITION

No state-sponsored award.

## 4.6 REFERENCES

Ariz. Admin. Code R20-5-202. 1993. Self-insurance Application; Requirements. Available at [http://apps.azsos.gov/public\\_services/Title\\_20/20-05.pdf](http://apps.azsos.gov/public_services/Title_20/20-05.pdf).

Ariz. Admin. Code R20-5-727. 1995. Loss control and underwriting programs. Available at [http://apps.azsos.gov/public\\_services/Title\\_20/20-05.pdf](http://apps.azsos.gov/public_services/Title_20/20-05.pdf).

Arizona Division of Occupational Safety and Health (ADOSH). 2015. Information on Consultation Services. Available at [http://www.ica.state.az.us/ADOSH/Forms/ADOSH\\_Brochure\\_ConsultationServices.pdf](http://www.ica.state.az.us/ADOSH/Forms/ADOSH_Brochure_ConsultationServices.pdf).

# 5. ARKANSAS

## 5.1 PLAN OR PROGRAM

Ark. Workers' Compensation Laws and Rules Ann. §099.32 (2008) requires that "hazardous employers" establish a safety and health plan. Criteria used include employer incidence rate,<sup>5</sup> expected incidence rate,<sup>6</sup> and calculation of hazard indices.<sup>7</sup> Employers with a hazard index score greater than 1.0 are considered hazardous employers. Arkansas notifies employers annually if they meet these criteria, and a notice is sent to their workers' compensation insurance carrier. The Rule 32 program, as it is known, is administered by the Arkansas Workers' Compensation Commission (AWCC), Health and Safety Division (HSD).

Notified employers must obtain a safety and health consultation within 30 days by the Arkansas Department of Labor, or by an Approved Professional Safety Source (e.g., external consultant, employer's insurance carrier). This consultation must include an onsite survey to assess potential hazards in the workplace, control mechanisms, and health and safety plans currently in place.

Notified employers must develop a health and safety plan within 30 days of the documented consultation, and the plan must include a six-month implementation timeline. The plan must include each of the following seven elements:

- Management – Requires a written safety policy statement and assignment, by position or title, of health and safety responsibilities and authority.
- Analysis – Requires identification of operational, health and safety hazards.
- Program record keeping system.
- Safety and health education and training.
- Safety and health audit/inspection – Requires identification, by title or position, of a qualified person(s) to conduct the audits/inspections.

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<sup>5</sup> The Employer Incidence Rate is calculated as the number of incidents/number of employees × 100. The regulation defines an incident as a work-related illness or injury whereby an affected employee misses eight or more calendar days of work, or which results in permanent partial disability.

<sup>6</sup> The Expected Incidence Rate is a benchmark rate for an individual industrial sector as reported to OSHA and reported by the Bureau of Labor Statistics (BLS).

<sup>7</sup> The Hazard Index is calculated as the Employer Incident Rate divided by the Expected Incident Rate.

- Incident investigation – Requires procedures to identify factors contributing to near-misses and accidents and institute corrective measures.
- Periodic review and revision of the health and safety program and operational procedures, to determine the effectiveness of abatement measures.

Within six months of submission of the plan, HSD is required to perform an on-site inspection to determine if the plan is being fully implemented and is effective. After the inspection, the HSD may make recommendations to address deficiencies. If the safety and health plan is determined to have been effective, the employer may be removed from the hazardous employer list and program.

## **5.2 SAFETY COMMITTEE**

Not required.

## **5.3 CONSULTATION AND TRAINING**

Ark. Code Ann. Section 11-9-409(d) provides that every company “desiring to write workers’ compensation insurance in Arkansas shall maintain or provide accident prevention services as a prerequisite to write workers’ compensation insurance. The services shall be adequate to furnish accident prevention programs required by the nature of its policyholders’ operations and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene, and industrial health services to implement the program of accident prevention services.”

HSD periodically reviews the provision of these services by insurance companies currently writing workers compensation insurance in Arkansas.

## **5.4 PREMIUM REDUCTION**

Not available for safety and health program.

## **5.5 AWARDS AND PUBLIC RECOGNITION**

Arkansas, through AWCC and the Arkansas Insurance Commission, runs a Safety Awards Program that includes Million Work Hour Awards for employers having achieved one or more million hours of work without a lost day accident; the Accumulative Years Safety Award, for smaller employers who go a year and more without a lost work day, but who are unlikely to ever log a million work hours due to their size; and the Meritorious Service Award, for individuals who assisted others by performing a life-saving act (AR DOL, 2012).

## **5.6 REFERENCES**

Ark. Workers’ Compensation Laws and Rules Ann. §099.32. 2008. Hazardous Employer Program. Available at [http://www.awcc.state.ar.us/rules/rule099\\_32.pdf](http://www.awcc.state.ar.us/rules/rule099_32.pdf).

Arkansas Department of Labor (AR DOL). 2012. Safety Award Program. Available at <http://www.labor.ar.gov/divisions/Pages/safetyAwardProgram.aspx>.

Arkansas Workers’ Compensation Commission. 2014. Biennial Report. Available at <http://www.awcc.state.ar.us/reports/biennial/fullbiennialreportfor2014.pdf>.

## **6. CALIFORNIA**

### **6.1 PROGRAM OR PLAN**

Cal. Lab. Code §6401.7 (1991), promulgated by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), established an Injury Illness Prevention Program (IIPP) standard. All employers are required to develop and implement a written IIPP that, at minimum, provide for the following elements:

- Identification of person(s) responsible for implementing the program.
- Establishment of a system to identify and evaluate workplace hazards, including scheduled and periodic inspections to identify unsafe conditions and work practices.
- Methods and procedures to correct unsafe or unhealthy conditions and work practices in a timely manner.
- Training program(s) to instruct employees in safe/healthy work practices and the hazards specific to each employee's job assignment.
- System(s) for communicating to employees on workplace safety/health matters, including provisions that encourage employees to report hazards without fear of reprisal.
- System(s) for ensuring employee compliance with safe work practices, which may include disciplinary measures.

All employers, with some exceptions for "small" and "low hazard" employers, are required to keep documentation and records associated with implementing and maintaining the IIPP. The IIPP standard also explicitly permits the use of employer and employee occupational safety and health committees to comply with the communication system requirement (see 6.2, below). In addition, the IIPP must cover all the employer's employees and "all other workers who the employer controls or directs and directly supervises."

Cal/OSHA requires that every agency workplace inspection include an evaluation of the employer's IIPP. If any of the required program elements are not addressed, employers are considered to be non-compliant.

### **6.2 SAFETY COMMITTEE**

A safety committee is not specially required. Under Cal. Code Regs. tit. 8, § 3203, however, employers can elect to use a labor/management safety and health committee to comply with the communication requirements of an IIPP (see 6.1, above). To be in compliance, such a committee must:

- Meet regularly, but not less than quarterly.
- Prepare and make available to the affected employees, written records of the safety and health issues discussed at the committee meetings and, maintained for review by the Division upon request. The committee meeting records shall be maintained for at least one year.
- Review results of the periodic, scheduled worksite inspections.
- Review investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submit suggestions to management for the prevention of future incidents.

- Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions.
- Submit recommendations to assist in the evaluation of employee safety suggestions.
- Upon request from the Division, verify abatement action taken by the employer to abate citations issued by the Division.
- (Cal. Code Regs. tit. 8, § 3203).

### **6.3 CONSULTATION AND TRAINING**

Cal/OSHA provides consultative assistance to employers and employees through a variety of services including: on-site visits, offsite consultation (telephone support), educational materials (publications and eTools), and educational outreach. The Division publishes a guide and a video to acquaint employers with the large array of services and the specific safety and health topics addressed.

Job safety training is required under the IIPP rule for new employees, employees changing work activities, and whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; whenever the employer is made aware of a new or previously unrecognized hazard; and for supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

### **6.4 PREMIUM REDUCTION**

Not available for safety and health program.

### **6.5 AWARDS AND PUBLIC RECOGNITION**

The Golden Gate Partnership Program is for employers demonstrating a continuing commitment to improving the effectiveness of their safety and health management system. Companies requesting and receiving a Cal/OSHA on-site consultation, and that then meet the qualifications for Golden State recognition, may receive a letter of commendation from Cal/OSHA Consultation Services. (Cal OSHA 2016).

### **6.6 REFERENCES**

Cal. Code Regs. tit. 8, § 3203. 1991. Injury and Illness Prevention Program. Available at <https://www.dir.ca.gov/title8/3203.html>.

Cal. Labor (Lab.) Code §6401.7. 2012. Available at [http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=LAB&division=5.&title=&part=1.&chapter=3.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=5.&title=&part=1.&chapter=3.&article=).

Cal/OSHA. 2016. Golden Gate Partnership. Available at [https://www.dir.ca.gov/dosh/cal\\_vpp/gate.html](https://www.dir.ca.gov/dosh/cal_vpp/gate.html).

State of California Department of Industrial Relations. 2015. Cal/OSHA Consultation Services Branch. Available at <https://www.dir.ca.gov/dosh/consultation.html>.

## **7. COLORADO**

### **7.1 PROGRAM OR PLAN**

Not required.

While no statute directly requires a safety program or plan, the major elements of a plan are required to qualify for a 10 percent reduction in workers' compensation insurance premiums (see 7.4, below, for premium reduction requirements).

### **7.2 SAFETY COMMITTEE**

Not required.

A formally-established safety committee and/or coordinator is among the requirements for getting a 10 percent reduction in workers' compensation insurance premiums, as certified by the state's Workers' Compensation Premium Cost Containment Program (see 7.4, below)

### **7.3 CONSULTATION AND TRAINING**

Consultation services for small businesses are provided by Colorado State University, funded partially by the U.S. Department of Labor and partially by the state. These include the following services:

- On-site safety and health audits.
- Health and safety program review and assistance.
- Assessments of health and safety management practices.
- Health and safety training and education.
- OSHA compliance assistance.
- Workplace air and noise monitoring.
- Technical guidance and information.
- Printed materials on occupational safety and health.

(Colorado State University, 2015)

### **7.4 PREMIUM REDUCTION**

Colo. Code Regs. 7 §1101-6 established a Workers' Compensation Premium Cost Containment Program under which employers certified by a Premium Cost Containment Board are eligible for up to a 10 percent reduction in their workers' compensation insurance premiums. Employers must document that there has been a qualified risk management program in force for at least one full year. (CDLE 2015).

In addition to loss history, evaluation of an employer's application includes consideration of the following:

- Formal declaration of a company-wide loss prevention and loss control policy, including designation of a representative responsible for overseeing the policy.
- Formal creation of a documented safety committee and/or coordinator.
- Clearly defined and conspicuously posted loss prevention rules.
- All employees undergo initial and ongoing job/task training.



- A cost containment program in cooperation with a designated medical provider who has knowledge of work injuries, fee schedules, employer's operations, and is decisive on maximum-medical-improvement determinations, and communicates with the employer.
- Written policies and procedures on claims management which include accident investigation and an early return to work/modified duty program.
- A copy of the insurance carrier's loss reports covering the last three full policy years and the current policy year-to-date together with the total number of hours worked by all employees during each of those policy years
- (Colo. Code Regs. 7 §1101-6).

As of June 2014, more than 6,000 employers had been certified in the Premium Cost Containment Program, affecting 368,177 workers (CDLE, 2014).

## **7.5 AWARDS AND PUBLIC RECOGNITION**

During National Safety Month (June), the Colorado Division of Workers' compensation (under the CDLE) presents Workplace Safety Awards to a number of Colorado businesses for their exemplary safety record. The Workplace Safety Awards are announced at a reception at the Governor's Executive Residence (Colorado, 2016).

## **7.6 REFERENCES**

- Colo. Code Regs. 7 §1101-6. Undated. Rules Governing the Issuance of Cost Containment Certificates under the Workers' Compensation Act. Available at [https://www.colorado.gov/pacific/sites/default/files/Premium\\_Cost\\_Containment\\_Rules\\_of\\_Procedure.pdf](https://www.colorado.gov/pacific/sites/default/files/Premium_Cost_Containment_Rules_of_Procedure.pdf).
- Colorado. 2016. Workplace Safety Awards. Available at <https://www.colorado.gov/workplace-safety-awards>.
- Colorado Department of Labor and Employment (CDLE). 2014. State honors six companies for outstanding workplace safety records. Available at <https://www.colorado.gov/pacific/cdle/news/state-honors-six-companies-outstanding-workplace-safety-records>.
- Colorado Department of Labor and Employment (CDLE). 2015. Safety and Loss Control. Available at <https://www.colorado.gov/pacific/cdle/safety-and-loss-control>.
- Colorado State University. 2015. OSHA Consultation Services. Available at <http://csu-cvmb.colostate.edu/academics/erhs/osha/Pages/default.aspx>.

# **8. CONNECTICUT**

## **8.1 PROGRAM OR PLAN**

No safety plan or program is required by statute, but several elements of a safety plan or program are required under Connecticut General Statute §31-40v, *Establishment of Safety and Health Committees by Certain Employers* (see 8.2, below).

Connecticut also requires that employers seeking to self-insure for workers' compensation "must provide a description of the safety organization established by the employer to prevent accidents... Section 31-40v-1 (attached)." Section 31-40v is described below, in 8.2.

## **8.2 SAFETY COMMITTEE**

Connecticut General Statutes §31-40v, *Establishment of Safety and Health Committees by Certain Employers*, requires that every employer with 25 or more employees, or whose rate of work-related injury and illness exceeds the average incidence rate of all industries in the state, must administer a safety and health committee to promote safety and health. The general statutory requirements are:

- "The committee shall be composed of at least as many employee members as employer members. The number of employee members on the committee may be greater than the number of employer members.
- The employer's non-managerial employees shall select employee safety and health members.
- The committee's duties and responsibilities shall include, but not be limited to, establishing procedures for sharing ideas with the employer concerning:
  - (a) Safety inspections.
  - (b) Investigating safety incidents, accidents, illnesses and deaths.
  - (c) Evaluating accident and illness prevention programs.
  - (d) Establishing training programs for the identification and reduction of hazards in the workplace which damage the reproductive system of employees.
  - (e) Establishing training programs to assist committee members in understanding and identifying the effects of employee substance abuse on workplace accidents and safety.
- Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate of pay for all time spent on such activities.
- All records regarding safety and health committees shall be provided to the chairman or his designee. The retention time for such records is three (3) years, after which said records may be purged."

## **8.3 CONSULTATION AND TRAINING**

CONN-OSHA offers a variety of consulting services to both public and private employers in Connecticut. All consulting services are available at no charge and are tailored to fit individual employer needs. Consultations are available in the areas of safety, industrial hygiene, ergonomics, safety and health programs, and new business assistance.

Consulting services offered by the department include:

- Ergonomic evaluations.
- Evaluation of occupational injury and illness logs.
- Health and safety training and education.
- Indoor air quality surveys.
- Job hazard analysis.
- Noise monitoring.

- Non-ionizing radiation monitoring.
- OSHA standard-specific program development (hazard communication, lockout/tagout, confined space, respirators, et al.).
- Standard specific sample programs.
- Personal exposure monitoring for biological contaminants.
- Personal exposure monitoring for chemical contaminants.
- Safety and health program development.

(CONN-OSHA, 2016).

#### **8.4 PREMIUM REDUCTION**

Not available for safety and health program.

#### **8.5 AWARDS AND PUBLIC RECOGNITION**

As of 2010, the Workers' Compensation Commission had presented awards for excellence and innovation in the area of safety and health for over 20 years. When this report was written, the safety award program was no longer in place (Cohen, 2016).

#### **8.6 REFERENCES**

- Cohen, David. 2016. E-mail communication between David Cohen, Connecticut Workers Compensation Commission, and Andreas Lord, Eastern Research Group, Inc. Feb. 29. ()
- Conn. Gen. Stat. §31-40v. 2001. Available at <http://wcc.state.ct.us/law/rel-stat/2001/31-40v.htm>.
- Conn-OSHA. 2016. Consultation Services. Available at <https://www.ctdol.state.ct.us/osha/consulti.htm>.
- Connecticut Workers' Compensation Commission. Undated. Information on Self-Insurance. Available at <http://wcc.state.ct.us/download/acrobat/si-app.pdf>.

## **9. DELAWARE**

#### **9.1 PROGRAM OR PLAN**

Not required.

#### **9.2 SAFETY COMMITTEE**

Not required.

#### **9.3 CONSULTATION AND TRAINING**

The Office of Safety and Health Consultations within the Division of Industrial Affairs (DIA) offers a consultation program to small and medium general industry and construction businesses. The on-site consultations aim to “identify potential workplace hazards, improve safety management systems and assist in voluntary compliance with federal Occupational Safety and Health Administration (OSHA) regulations” (DE DIA, 2015).

## **9.4 PREMIUM REDUCTION**

19 Del. Admin. Code §2379, *Workplace safety program*, provides lower insurance premiums for employers with qualifying workplace safety programs who currently pay \$3,161 or more in annual Delaware workers' compensation premiums. "Employers must qualify annually via a two-tier inspection procedure, conducted by independent safety inspectors and paid for by the employer. The credit received by the employer, up to 19 percent, is determined by the following formula: 20 percent x [1.0000 — C], "where "C" is the credibility of the qualified employer in the uniform Experience Rating Plan for the policy period expiring immediately prior to the application of the safety credit."

## **9.5 AWARDS AND PUBLIC RECOGNITION**

The Delaware Department of Labor and the Delaware Contractor's Association co-sponsor an annual Governor's Safety Award "in recognition of those firms which emphasize safety as they bring distinction, skill, and integrity to the construction industry" (Greater Georgetown Chamber of Commerce 2012).

## **9.6 REFERENCES**

19-23 Del. Admin. Code §2379. Undated. Workplace safety program. Available at <http://delcode.delaware.gov/title19/c023/sc04/index.shtml#2379>.

Delaware Division of Industrial Affairs (DE DIA). 2015. Office of Safety and Health Consultation. Available at <http://dia.delawareworks.com/osha-consultation/>.

Greater Georgetown Chamber of Commerce. 2012. Nickle Electrical Wins Governor's Safety Award. Available at <http://georgetowncoc.com/news/business/nickle-electrical-wins-governor%E2%80%99s-safety-award>.

# **10. DISTRICT OF COLUMBIA**

## **10.1 PROGRAM OR PLAN**

Not required.

## **10.2 SAFETY COMMITTEE**

Not required.

## **10.3 CONSULTATION AND TRAINING**

The District of Columbia Office of Occupational Safety and Health (DC OSH) provides onsite consultation services to private-sector employers in the District of Columbia. OSH assists employers in establishing and maintaining a safety and health management program that ensures, to the maximum extent possible, a safe, healthful work environment for employees. OSH provides the following services:

- Voluntary safety and health consultation visits, including training and program assistance.
- Worksite surveys in accordance with OSHA standards.
- Technical and educational assistance/training to employees and employers.

- Recommendations for corrective action and engineering controls to abate hazards.
- Follow-up visits to assess corrections of serious hazards.

(DC Department of Employment Services, 2015).

#### **10.4 PREMIUM REDUCTION**

None for safety program.

#### **10.5 AWARDS AND PUBLIC RECOGNITION**

No District-sponsored safety awards.

#### **10.6 REFERENCES**

District of Columbia Department of Employment Services. 2015. Occupational Safety and Health. Available at <http://does.dc.gov/service/occupational-safety-and-health>.

## **11. FLORIDA**

### **11.1 PROGRAM OR PLAN**

Employers seeking to self-insure for workers' compensation must have a certified safety and loss control program. (FL Rule 69L-5.216, 2013).

### **11.2 SAFETY COMMITTEE**

Not required.

### **11.3 CONSULTATION AND TRAINING**

University of Southern Florida's (USF) SafetyFlorida consulting program, funded by federal OSHA and the state of Florida, uses OSHA's Safety and Health Program Management Guidelines to help private businesses prevent occupational injuries and illnesses. The guidelines focus on management commitment and employee involvement; worksite analysis; hazard prevention and control; and training for employees. According to USF, consultants provide the following services:

- Explain which safety and health programs are required by OSHA for their particular industry and help them develop the necessary written and educational programs to meet these requirements in understandable language.
- Provide guidance, direction and material that will be helpful in developing educational programs such as new employee orientation, safety training programs, safety committees, and incentive programs.
- Introduce Job Hazard Analysis (JHA) in the workplace for all to understand how to identify hazards, corrective measures to take for abatement and prevention programs.
- Conduct full-service worksite evaluations to identify deficient safety and health conditions in the workplace and suggest abatement methods.
- Recognize companies with outstanding safety management programs and work practices.

(USF SafetyFlorida, 2013).

#### **11.4 PREMIUM REDUCTION**

The Florida Office of Insurance Regulation (FL OIR) requires that workers' compensation insurers provide an employer safety premium credit of 2 percent to employers that certify the establishment of a safety program. (FL OIR, 2015). Initial applications must include the written workplace safety program, including the following elements:

- Written safety policy and safety rules.
- Safety inspections.
- Preventative maintenance.
- Safety training.
- First aid.
- Accident investigation.
- Necessary record keeping

#### **11.5 AWARDS AND PUBLIC RECOGNITION**

Since 2006, USF SafetyFlorida has administered the Sunshine State Safety Recognition Awards, which commend Florida employers and employees in all industries who "proactively and routinely engage in job safety." The award is presented to approximately 40 small businesses annually. The award requires on-site inspection by a safety consultant who evaluates the applicant establishment for:

- Administration and oversight of safety management programs.
- Safety and health management practices.
- Safety training and instruction.
- Employee safety rules.
- Internal safety inspection routines for new and existing substances, processes and equipment.

(USF SafetyFlorida, 2016).

#### **11.6 REFERENCES**

FL Rule 69L-5.216. 2013. Provision of Benefits and a Safe Working Environment by Self-Insurers. Available at <https://www.flrules.org/gateway/ruleno.asp?id=69L-5.216&Section=0>

Florida Office of Insurance Regulation (FL OIR). 2015. 2015 Worker's Compensation Annual Report. Available at <http://www.floir.com/siteDocuments/2015WorkersCompensationAnnualReport.pdf>.

USF SafetyFlorida. 2016. The Sunshine State Safety Recognition Award. Available at <http://www.usfsafetyflorida.com/Sunshine-State-Award>.

USF SafetyFlorida. 2013. Small Companies and the Priority of Job Safety: How On-Site Consultation Makes a Difference. Available at <http://www.usfsafetyflorida.com/Get-the-Most-from-a-Consultation>.

## **12. GEORGIA**

### **12.1 PROGRAM OR PLAN**

Not required.

### **12.2 SAFETY COMMITTEE**

Not required.

### **12.3 CONSULTATION AND TRAINING**

The Georgia Tech Research Institute (2016) operates the U.S. OSHA 21D Consultation Program, providing a free, confidential, on-site consultation service for small Georgia companies (fewer than 250 and not more than 500 employees corporate wide) needing assistance in occupational safety and health. The consultation program also offers free seminars, technical guides, and other information.

### **12.4 PREMIUM REDUCTION**

None for safety program.

### **12.5 AWARDS AND PUBLIC RECOGNITION**

The Georgia DOL sponsors the Award of Excellence, “given to any employer in the public or private sector who has experienced at least 250 workdays during the previous calendar year with no “days away from work” due to workplace injuries or illnesses” (Georgia Safety, Health and Environmental Conference, 2016).

### **12.6 REFERENCES**

Georgia Safety Health and Environmental Conference. 2016. Georgia Department of Labor Award of Excellence. Available at <http://www.georgiaconference.org/Award-Programs>.

Georgia Tech Research Institute. 2016. About the Consultation Program. Available at <http://www.oshainfo.gatech.edu/about.html>.

## **13. HAWAII**

### **13.1 PROGRAM OR PLAN**

Haw. Code R. §12-60-2(b)(1) (1982) requires all employers with 25 or more employees doing business in the state to have a written safety and health program. This standard, which predates OSHA’s approval of Hawaii’s State Plan, requires employers to “institute and maintain an effective health and safety program to identify, evaluate and control workplace hazards.” The program is expected to be in written form, although employers with less than twenty-five employees are exempt from this particular documentation requirement.

The minimum criteria for an acceptable safety and health program require employers to:

- Establish policies, procedures, and practices that recognize and protect employees from occupational safety and health hazards.

- Establish and communicate clear goals for the program and mechanisms that will be utilized to achieve them.
- Provide for visible top management leadership and ensure that all workers, including contract workers, are provided with high quality safety and health protection.
- Provide for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health.
- Assign and communicate responsibilities for all aspects of the safety and loss prevention program to managers, supervisors, and employees (and hold them accountable).
- Provide a system for employees to notify management (or safety and health committee members), of hazardous conditions or instances of program non-compliance, without fear of reprisal. A mechanism should also be established to ensure timely and appropriate responses to correct these conditions.
- Investigate accidents and “near miss” incidents, so that the root cause and means for preventing a recurrence are identified.
- Provide a means to review injury and illness trends over time, so patterns with common causes can be identified and eliminated.
- Establish a mechanism to conduct ongoing, periodic in-house safety and health inspections so that new or previously missed hazards or failures in controls are identified.
- Address the impact of emergency situations and develop written plans and procedures to insure ensure employee safety during emergencies.
- Establish procedures for communicating and enforcing safety work practices through training, positive reinforcement, correction of unsafe performance, and, if necessary, reinforcement of work practices through a clearly defined and communicated disciplinary system.

(Haw. Code R. § 12-60-2(b)(1)(B)(i-xii).

In addition, Hawaii’s program requires employers to eliminate or control all existing and potential hazards within the workplace in a timely manner using a tiered hierarchy of preferred controls. Hawaii OSHA (HIOSH) provides a sample written program with notations on how it can be customized and implemented (HIOSH, 2016).

### **13.2 SAFETY COMMITTEE**

Not required. Under §12-60-2(b)(3), employers apparently must have either a safety committee or “a person designated and trained by the employer for the facility’s safety and health program.”

### **13.3 CONSULTATION AND TRAINING**

Haw. Code R. §12-60-2(b)(4), Safety and health training, requires that employers “develop and institute a safety and health training program for all employees so they have an understanding of the hazards to which they may be exposed, and the procedures or practices needed to protect them from these hazards.” In addition, §12-60-2(b)(4) requires that “supervisors and managers shall be trained in the elements of the employer’s safety and health program and in the specific responsibilities assigned to them under the program;” that they understand their responsibilities under the safety and health program and their importance to the safety and health of the workplace; and that they be trained to recognize potential



hazards, maintain safety and health protection in the workplace, and to reinforce employee training on the nature of the potential hazards and required protective measures.

A U.S. OSHA-sponsored, no-cost consultation service is available to Hawaii employers through HIOSH Consultation. The service is aimed primarily at smaller businesses. The service will:

- Help employers recognize hazards in your workplace.
- Suggest general approaches or options for solving a safety or health problem.
- Identify kinds of help available if further assistance is needed.
- Provide you a written report summarizing findings.
- Assist employers to develop or maintain an effective safety and health program.
- Provide training and education for management and employees.
- Recommend employers for a one-year exclusion from OSHA programmed inspections, once program criteria are met.

(HIOSH, 2015)

### **13.4 PREMIUM REDUCTION**

Haw. Rev. Stat. §431:14-103(d) provides for workers' compensation insurers to issue a discount of at least 5 percent to employers with an effective safety and health program, as certified by a HIOSH-certified safety and health professional. An additional discount of at least 5 percent is to be provided to employers with a certified effective return-to-work program.

Procedures and criteria to be employed by the auditing safety and health professional were established under Haw. Code R. §12-58-2(b)(2)(G) and include the following:

(vii) A complete review of each of the required elements of the safety and health program set forth in chapters 12-60 and 12-110 and an assessment of the employer's compliance with these requirements, including a discussion of the reasons why the program elements have been determined to be adequately met or why deficiencies have been identified;

(viii) An identification and description of all safety and health hazards found at the establishment;

(ix) A description of all monitoring performed at the establishment, including the methodology used, the Identification of the laboratory processing the sample, and the monitoring results achieved;

(x) Recommendations for the correction of all safety and health hazards or deficiencies noted during the audit, including either a recommended time frame for correction of each hazard identified or a categorization of the hazards by severity, utilizing the HIOSH protocols established for this purpose; and

(xi) A signed statement by the safety and health professional who conducted the audit and prepared the report signifying that the information contained in the audit report is technically accurate and meets the requirements and intent of this standard.

(Haw. Code R. §12-58-2(b)(2)(G)).

### **13.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety awards.

## 13.6 REFERENCES

Haw. Code R. §12-58-2(b)(2)(G). 1999. Safety and health professional audits. Available at <http://labor.hawaii.gov/hiosh/files/2012/12/Section12-58-2HRS-tag.pdf>.

Haw. Code R. §12-60-2(b)(1). 1982. Written safety and health program. Available at <http://labor.hawaii.gov/hiosh/files/2012/12/12-60-General-Safety-Health-Requirements.pdf>.

Haw. Rev. Stat. §386-194(h). 2015. Hawai'i Workers' Compensation Law. Qualifications for initial approval and continued authority to act as a workers' compensation self-insurance group. Available at <http://www.hawaii.edu/uhowo/clear/home/HRS386-6.html#S194>

Haw. Rev. Stat. §431:14-103(d). 2006. Workers' Compensation; Return to Work Program; Premium Discount. Available at [http://www.capitol.hawaii.gov/session2006/bills/HB1802\\_.htm](http://www.capitol.hawaii.gov/session2006/bills/HB1802_.htm).

Hawaii Occupational Safety and Health (HIOSH). 2015. Consultation. Available at <http://labor.hawaii.gov/hiosh/home/for-employers/consultation/>.

## 14. IDAHO

### 14.1 PROGRAM OR PLAN

A safety and health program or plan is not required for private sector employers.

For public sector employers, Idaho Executive Order 99-06 requires directors of state agencies or departments to “continue to develop, maintain, and monitor a systematic program of safety and loss control for each agency that will minimize the risk of injury or damage to: (a) the public employee, (b) the general public, (c) state property, (d) the ability of the agency to fulfill its mission and (e) the environment. The continued development, maintenance, and monitoring of a systematic program of safety and loss control should be a priority objective for each agency.”

### 14.2 SAFETY COMMITTEE

Not required.

### 14.3 CONSULTATION AND TRAINING

The Idaho Occupational Safety and Health Consultation Program (OSHCon), funded by U.S. OSHA and operating through Boise State University, provides free occupational safety and health consulting services to small Idaho businesses to help them understand and comply with OSHA rules and regulations. OSHCon provides onsite consultation services, including hazard recognition, reduction and elimination; industrial hygiene monitoring; and written program requirements (Boise State University, 2016).

The Idaho State Insurance Fund (SIF) has risk management consultants available to provide the following services to covered employers:

- Developing a written management safety policy.
- Establishing a claims management program to monitor claims progress and return injured workers to light duty, modified duty or regular work as soon as possible.

- Safety training for managers, supervisors and employees.
- On-site visits to help identify and correct physical hazards.
- Work observations to analyze work processes and help develop safe work procedures.
- Loss prevention surveys to help reduce or eliminate potential injuries.
- Industrial hygiene surveys: evaluation of chemical, physical, biological and ergonomic stresses in the workplace and recommendations to reduce or control potential risks.
- One-hour supervisor accident investigation and report training: helps supervisors to complete an accident investigation report, determine the root causes, and take corrective action.
- Analysis of loss history to develop recommendations on how to reduce workers' compensations costs and business expenses.
- 
- (SIF, 2016).

#### **14.4 PREMIUM REDUCTION**

None for safety program.

#### **14.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored award.

#### **14.6 REFERENCES**

Boise State University. 2015. Welcome to OSHCON. Available at <http://oshcon.boisestate.edu/>.

Idaho Division of Building Safety. 2015. General Safety and Health Standards. Available at [http://dbs.idaho.gov/safety\\_code/](http://dbs.idaho.gov/safety_code/).

Idaho Executive Order 99-06. 2002. Continuing State of Idaho Comprehensive Safety and Loss Control Policy. Available at [http://adm.idaho.gov/risk/pdf/Safety\\_and\\_Loss\\_Model\\_2002.pdf](http://adm.idaho.gov/risk/pdf/Safety_and_Loss_Model_2002.pdf).

Idaho State Insurance Fund (SIF). 2016. Risk Management Services. Available at <https://www.idahosif.org/info/risk/risk.aspx#RiskManagement>.

## **15. ILLINOIS**

### **15.1 PROGRAM OR PLAN**

Not required. For employers seeking to self-insure for workers' compensation in Illinois, the state requires that "[a] narrative description of the safety program components for each operation in Illinois" accompany the application. (Illinois Workers' Compensation Commission, 2012).

### **15.2 SAFETY COMMITTEE**

Not required.

### **15.3 CONSULTATION AND TRAINING**

The Illinois Department of Labor (IDOL) provides safety and health consultation to small and medium size businesses through the On-Site Safety and Health Consultation Program. Services include:

- Written program review.
- Hazard identification and control.
- Industrial hygiene monitoring (air and noise).
- Injury and illness record keeping review and analysis.
- Safety and health management program evaluation.
- Informal training.

(IDOL, 2016).

### **15.4 PREMIUM REDUCTION**

None for safety program.

### **15.5 AWARDS AND PUBLIC RECOGNITION**

In 2015, the Illinois DOL presented the Governor’s Award for Contributions in Health and Safety to a company for the first time. Previously, the award had been given to individuals. The award “recognizes the efforts of businesses who implement and maintain safe work environments for employees.” (IDOL, 2015).

### **15.6 REFERENCES**

820 Ill. Comp. Stat §219/1. 2015. Available at

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3572&ChapterID=68> .

Illinois Department of Labor (IDOL). 2015. IL On-site Safety and Consultation Program.

Available at <https://www.illinois.gov/idol/Laws-Rules/safety/Consultation/Pages/default.aspx> .

Illinois Department of Labor (IDOL). 2015. Illinois Department of Labor Director Hugo Chaviano Awards Governor’s Award for Contributions in Health and Safety to the Illinois Refining Division of Marathon Petroleum Company LP. Available at

[http://www.illinois.gov/IISNews/15-0971-IDOL\\_Governor%E2%80%99s\\_Award\\_Release.pdf](http://www.illinois.gov/IISNews/15-0971-IDOL_Governor%E2%80%99s_Award_Release.pdf) .

Illinois Workers’ Compensation Commission. 2012. Illinois Workers’ Compensation Commission Application for Self-Insurance. Available at

<http://www.iwcc.il.gov/ic50FORM.pdf>.

## **16. INDIANA**

### **16.1 PROGRAM OR PLAN**

Not required.

### **16.2 SAFETY COMMITTEE**

Not required.

### **16.3 CONSULTATION AND TRAINING**

Indiana's Department of Labor (IDOL) administers INSafe, the state's OSHA consultation program, which offers employers assistance in designing and implementing effective safety and health management systems. Consultations encourage employee-management participation in an onsite hazard assessment, bringing workers and employers together to develop and implement programs to control hazards and improve prevention of worker injuries and illnesses (IDOL, 2015).

### **16.4 PREMIUM REDUCTION**

None for safety program.

### **16.5 AWARDS AND PUBLIC RECOGNITION**

The Governor's Workplace Safety Awards are sponsored by INSafe, Indiana Chamber of Commerce, and the American Society of Safety Engineers (ASSE). The awards recognize companies implementing best practices in eliminating workplace injuries and illnesses, and salutes those who have made safety and health a top priority. The awards are for construction and general industry employers, and for both public and private workplaces. They are given in the following categories: Rising Star Award, Innovation, Education and Outreach, and Partnership (IDOL, 2016).

### **16.6 REFERENCES**

Indiana Department of Labor (IDOL). 2015. INSafe Home. Available at <http://www.in.gov/dol/insafe.htm> .

Indiana Department of Labor (IDOL). 2016. Governor's Workplace Safety Awards. Available at <http://www.in.gov/dol/2381.htm> .

## **17. IOWA**

### **17.1 PROGRAM OR PLAN**

Not required.

### **17.2 SAFETY COMMITTEE**

Not required.

### **17.3 CONSULTATION AND TRAINING**

Iowa offers health and safety consultations to public and private employers through the state's OSHA On-Site Consultation Service. At the employer's request, "trained Industrial Hygienists and/or Safety Consultants will visit the workplace, assist in identifying hazards, and, help improve the employer's safety and health management system." (Iowa OSHA 2016a). Iowa OSHA Education offers free training on safety and health topics and numerous safety education videos available for public presentation. Consultants are also available to answer questions and attend seminars and conferences (Iowa OSHA, 2016b).

### **17.4 PREMIUM REDUCTION**

None for safety program.

### **17.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety awards.

### **17.6 REFERENCES**

Iowa OSHA. 2015. Iowa OSHA On-Site Consultation. Available at <http://www.iowaosha.gov/iowa-osha-site-consultation>.

Iowa OSHA. 2016. Iowa OSHA Education Services. Available at <http://www.iowaosha.gov/iowa-osha-education-services>.

## **18. KANSAS**

### **18.1 PROGRAM OR PLAN**

Not required. Workers' compensation insurers are required to maintain and provide accident prevention programs specific to the needs of covered employers, available on request by covered employers.

### **18.2 SAFETY COMMITTEE**

Not required.

### **18.3 CONSULTATION AND TRAINING**

Kan. Stat. Ann. §44-5,104 requires workers' compensation insurers to maintain and provide accident prevention programs to employers: "Each insurance company or group-funded self-insurance plan providing workers' compensation insurance coverage in Kansas shall maintain and shall provide accident prevention programs upon request of the covered employer as a prerequisite for authority to provide such insurance or coverage. The accident prevention programs shall be adequate to furnish accident prevention services required by the nature of the operations of the policyholders or other covered entities and the accident prevention services shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene and industrial health services to implement the program of accident prevention services."

Kansas Department of Labor (KDOL) provides safety assistance and consultations to employers in the state. Services include:

- Advice from skilled consultants in the recognition, evaluation and control of hazards in the workplace.
- Assistance with safety program initiation and development.
- Training, both formal and informal, in all areas of safety and health.
- (KDOL, 2015).

#### **18.4 PREMIUM REDUCTION**

None for safety program.

#### **18.5 AWARDS AND PUBLIC RECOGNITION**

The KDOL's Safety and Health Award for Public Employees (SHAPE) provides recognition to public employers based on achieving a DART rate of 2.1 and a TRC rate of 3.9. Successive levels of awards are provided as the employer reaches those targets in consecutive years (KDOL, 2016).

#### **18.6 REFERENCES**

- Kan. Stat. Ann. 44-5,104. 2014. Accident Prevention Programs; Requirements and Reports; Inspections; Duties of Secretary of Labor; Failure to Maintain, Penalties. Available at [http://kslegislature.org/li\\_2014/b2013\\_14/statute/044\\_000\\_0000\\_chapter/044\\_005\\_0000\\_article/044\\_005\\_0104\\_section/044\\_005\\_0104\\_k/](http://kslegislature.org/li_2014/b2013_14/statute/044_000_0000_chapter/044_005_0000_article/044_005_0104_section/044_005_0104_k/).
- Kansas Department of Labor (KDOL). 2015. Safety Assistance and Consultations. Available at <http://www.dol.ks.gov/safety/assistance.aspx>.
- Kansas Department of Labor (KDOL). 2015. Workplace Laws and Requirements. Available at <http://www.dol.ks.gov/Laws/FAQlaws.aspx#work>.
- Kansas Department of Labor (KDOL). 2016. Qualifications for SHAPE (Safety and Health Award for Public Employees). Available at <http://www.dol.ks.gov/Safety/ShapeProgram.aspx>.

## **19. KENTUCKY**

### **19.1 PROGRAM OR PLAN**

Ky. Rev. Stat. Ann. § 342.833 (1996), *Workplace safety program for policyholders—On-site examinations*, mandates that workers' compensation insurers be able to provide all policyholders with a workplace safety program, a written workplace accident and injury reduction plan, as follows:

1. The manager shall formulate, implement, and monitor a workplace safety program for all policyholders.
2. The manager shall develop a written workplace accident and injury reduction plan that promotes safe working conditions and which is based upon clearly stated goals and objectives. The manager or employees of the authority shall have reasonable access to the premises of any policyholder or applicant during regular working hours.

3. The manager or board shall refuse to insure or shall terminate the insurance of any policyholder who refuses to permit on-site examinations or who disregards or fails to comply with workplace safety goals and objectives required by the authority as conditions for obtaining and maintaining coverage.

## **19.2 SAFETY COMMITTEE**

Not required.

## **19.3 CONSULTATION AND TRAINING**

The Kentucky Division of Occupational Safety and Health Education and Training (E&T) administers the Safety Partnership Program (SPP). SPP is described as “an outgrowth of federal OSHA’s Regional Pilot Project, the Comprehensive Assistance for Safety and Health (CASH) program...designed to offer long-term assistance to the smaller employer who has a history of high injury/illness rates and high workers’ compensation costs.” The program is available to establishments in NAICS codes 22 and 31 through 81 with between 100 and 250 employees and an EMR > 1.0. Among the benefits provided by E&T is ongoing assistance in developing a proactive safety and health management system, including safety committees and long-term planning (Kentucky Labor Cabinet 2015b).

E&T’s occupational safety and health consultants also conduct safety and health surveys to identify hazards related to such areas as machine safeguarding, electrical safety, fire prevention and protection, confined space entry, indoor air quality, respiratory protection, hearing conservation, and many other safety and industrial hygiene topics. Upon request, the consultants visit the workplace and identify safety and health hazards, discuss specific safety and health problems and concerns, and assess the effectiveness of an employer’s safety and health program (Kentucky Labor Cabinet, 2015a)

E&T also provides an interactive, web-based training presence at [www.laborcabinetetrain.ky.gov](http://www.laborcabinetetrain.ky.gov) to employers and employees of the Commonwealth of Kentucky. The instant accessibility of this training resource fulfills the demand for on-the-job safety and health training while reducing training-based expenses to the employer (Kentucky Labor Cabinet, 2015c).

## **19.4 PREMIUM REDUCTION**

None for safety program.

## **19.5 AWARDS AND PUBLIC RECOGNITION**

Kentucky’s Governor’s Safety Award is given to employers and their employees, who together have achieved the minimum required number of hours worked without experiencing a lost-time injury or illness at their establishment.

The Thoroughbred Safety and Health Award recognizes outstanding safety and health performance by smaller employers and encourages development of programs that reduce and even eliminate occupational injuries and illnesses. The Thoroughbred Safety and Health Award is given to employers and their employees, who together have achieved two years without a lost-time injury or illness at their establishment (Kentucky Labor Cabinet, 2016).

## **19.6 REFERENCES**

Kentucky Labor Cabinet. 2015. Division of Education and Training. Available at <http://labor.ky.gov/dows/oshp/doet/Pages/Division-of-Education-and-Training.aspx> .



- Kentucky Labor Cabinet. 2016. Safety Awards. Available at <http://labor.ky.gov/dows/oshp/doet/Pages/Safety-Awards.aspx>. .
- Kentucky Labor Cabinet. 2015a. Consultative Services. Available at <http://labor.ky.gov/dows/oshp/doet/Pages/Division-of-Education-and-Training.aspx>. .
- Kentucky Labor Cabinet. 2015b. Safety Partnership Program (SPP). Available at <http://labor.ky.gov/dows/oshp/doet/partnership/Pages/SPP---Safety-Partnership-Program.aspx>. .
- Kentucky Labor Cabinet. 2015c. Training. Available at <http://labor.ky.gov/dows/oshp/doet/Pages/Training-Programs.aspx>. .
- Kentucky Rev Stat § 342.833. 1994. Workplace Safety Program for Policyholders—On-site Examinations. Available at <http://www.lrc.ky.gov/statutes/statute.aspx?id=32576>. .

## 20. LOUISIANA

### 20.1 PLAN OR PROGRAM

Under La. Rev. Stat. § 23:1291(B)(4), the director of Louisiana’s Workers’ Compensation Administration is directed to “require that every Louisiana employer of more than fifteen employees provide, if self-insured, or is provided by the insurer, if privately insured, plans for implementation of a working and operational safety plan.” Under La. Admin. Code 40 §901-913, required elements of the plan include:

- A management policy statement acknowledging management’s responsibility for and commitment to the safety plan.
- Designation of employees responsible for safety.
- Safety inspections conducted monthly or quarterly (for employers with a workers’ compensation premium rate above or below \$5 of premium per \$100 of payroll, respectively).
- Accident investigations for any workplace accident that requires a visit to a clinic or physician.
- Safety meetings conducted monthly or quarterly (for employers with a workers’ compensation premium rate above or below \$5 of premium per \$100 of payroll, respectively).
- Written safety rules provided to each employee.
- Training for new employees and employees beginning a new process or using new equipment.
- Recordkeeping, including inspection reports, accident investigation reports, minutes of safety meetings, training records and the Louisiana workers’ compensation quarterly report of injuries and illnesses.
- A first aid program.
- An emergency preparedness program, including a written plan and employee training.

Additional elements which are not required but suggested include: planning, cost containment procedures, setting of objectives, performance evaluations, and incentive programs (La. Rev. Stat. 40 §901-913).

## **20.2 SAFETY COMMITTEE**

Not required.

## **20.3 CONSULTATION AND TRAINING**

As mentioned in 20.1, above, employers with more than 15 employees that self-insure for workers' compensation are required to provide safety training for new employees, employees starting a new job, and emergency preparedness training. Workers' compensation insurers must incorporate such training as part of the working and operational safety plan that they must make available to their covered employers, by request.

## **20.4 PREMIUM REDUCTION**

The Louisiana Workforce Commission's (LWC) Cost Containment Program (CCP) offers reduced workers' compensation premiums to high hazard employers who work with the LWC to improve their safety programs. Employers with an EMR of at least 1.5 for the previous year who participate in on-site consultations with the LWC's Workplace Safety Section receive an initial 2 percent premium reduction. Employers who go on to participate in a comprehensive on-site safety and health survey and implement components of a workplace safety and health program for six months receive an additional 5 percent premium reduction (LA Works, 2015; La. Rev. Stat. 23 §1177-1179).

## **20.5 AWARDS AND PUBLIC RECOGNITION**

No state sponsored award.

## **20.6 REFERENCES**

La. Rev. Stat. 23 §1177-1179. 1995. Collection of Information; Target List. Cost Containment Meeting; Incentive Discount. Occupational safety and health program; incentive discount. Available at [https://legis.la.gov/Legis/Laws\\_Toc.aspx?folder=75&level=Parent](https://legis.la.gov/Legis/Laws_Toc.aspx?folder=75&level=Parent).

La. Rev. Stat. 23 §1291(B)(4). 2008. Creation, Powers, and Duties of the Office of Workers' Compensation Administration. Available at <https://legis.la.gov/Legis/Law.aspx?d=83469>.

La. Admin. Code tit. 40, §901-913. 1993. Safety Requirements. Available at <http://www.laworks.net/Downloads/OWC/safetyrequirements.pdf>.

Louisiana Workforce Commission (LA Works). 2015. Cost Containment Program (CCP). Available at [http://www.laworks.net/WorkersComp/Safety/OWC\\_ccp.asp](http://www.laworks.net/WorkersComp/Safety/OWC_ccp.asp).

# **21. MAINE**

## **21.1 PROGRAM OR PLAN**

Me. Code R. 12-170-8 requires all Maine employers with an EMR of 2 or more to submit a written occupational health and safety plan to the Director of the Bureau of Labor Standards within 90 days of being notified by the Superintendent of Insurance. The Plan must identify the specific actions to be taken, the officials responsible for implementation and the dates by which the actions will be completed. If an appropriate plan already exists, a copy may be submitted. The plan must address the following five elements:

- (a) Management commitment and employee involvement.
- (b) Worksite analysis and accident investigation.
- (c) Hazard prevention and control.
- (d) Safety and health training.
- (e) Medical management of injured or ill workers.

In addition, Maine employers who self-insure for workers' compensation must "set forth a safety engineering plan, which describes the range of services and the schedule upon which services will be delivered either through in-house services or by contracting with a third party." (Me. Code R. 02-031-250(H)(1)(b)).

## **21.2 SAFETY COMMITTEE**

Not required.

## **21.3 CONSULTATION AND TRAINING**

Maine's Department of Labor (MDOL), through its Bureau of Labor Standards, conducts voluntary consultations through its "SafetyWorks!" program. Employers can request free on-site safety consultations, training, and information from Safety Works! consultants (MDOL 2015a, 2015b). On site consultations assist employers to:

- Recognize safety hazards.
- Sample for air and noise exposures.
- Reduce or eliminate hazards.
- Develop or improve a safety program.
- Comply with OSHA regulations.
- Identify training needs.

SafetyWorks also offers on-site training, scheduled in-person classes, and online training, but this is primarily standard-based (e.g., trenching and excavation, scaffolding and fall protection, forklift operator safety) rather than focusing on safety and health programs in general (MDOL, 2015c, 2015d). Employers who experience a mod rate of two or more and request Bureau of Labor Standards consultation services shall be given a priority for those services.

## **21.4 PREMIUM REDUCTION**

The Maine Bureau of Insurance notes that "Many insurers have more than one rate level. The lower rates are used for employers with good safety plans and better claims experience than other employers." The Maine Employers Mutual Insurance Company (MEMIC, a private workers' compensation insurer created by the legislature), while promoting workplace safety programs and providing training and instructional material to employers, apparently does not provide a separate discount for having a safety and health program (MEMIC, 2015).

## **21.5 AWARDS AND PUBLIC RECOGNITION**

At its annual meeting, MEMIC presents Safety Recognition Awards to covered Maine employers with outstanding records or notable achievements.

SafetyWorks! provides a Safety and Health Award for Public Employers (SHAPE), which recognizes public sector employers who maintain an exemplary safety and health management system. Acceptance into SHAPE by the Maine Department of Labor, Bureau of Labor Standards “is an achievement that distinguishes your organization as a model for workplace safety and health.” Among the SHAPE requirements is implementing and maintaining a safety and health management system. Worksites receiving SHAPE certification will be exempt from programmed inspections while the SHAPE certification is valid (MDOL, 2013).

## **21.6 REFERENCES**

- Maine Bureau of Insurance. 2014. An Employer’s Guide to ... Workers’ Compensation Insurance in Maine. Available at [http://www.maine.gov/pfr/insurance/consumer/pdf/Workcomp\\_Employer\\_Guide.pdf](http://www.maine.gov/pfr/insurance/consumer/pdf/Workcomp_Employer_Guide.pdf).
- Maine Department of Labor (MDOL). 2013. Safety & Health Award for Public Employers (SHAPE). Available at [http://www.safetyworksmaine.com/safe\\_workplace/shape.html](http://www.safetyworksmaine.com/safe_workplace/shape.html).
- Maine Department of Labor (MDOL). 2015a. Workplace Safety & Health. Available at [http://www.maine.gov/labor/workplace\\_safety/](http://www.maine.gov/labor/workplace_safety/).
- Maine Department of Labor (MDOL). 2015b. On-Site Safety and Health Consultation. Available at <http://www.safetyworksmaine.com/consultations/index.html>.
- Maine Department of Labor (MDOL). 2015c. Training. Available at <http://www.safetyworksmaine.com/training/index.html>.
- Maine Department of Labor (MDOL). 2015d. SafetyWorks! Class Schedule. Available at [http://www.maine.gov/tools/whatsnew/index.php?topic=Safetyworks\\_Classes&v=ListAll](http://www.maine.gov/tools/whatsnew/index.php?topic=Safetyworks_Classes&v=ListAll)
- Maine Employers Mutual Insurance Company (MEMIC). 2015. Workplace safety is our specialty. Available at <http://www.memic.com/SAFETYACADEMY/tabid/57/Default.aspx>.
- Me. Code R. 12-170-8. 1993. Rules Regarding Workplace Health and Safety Programs for Employers with Workers’ Compensation Modification Rates of Two or More. Available at <http://www.maine.gov/sos/cec/rules/12/chaps12.htm>.
- Me. Code R. 02-031-250(H)(1)(b). Requirements for Eligibility to Self-Insure Workers’ Compensation Benefits—Servicing Requirements. Available at [www.maine.gov/sos/cec/rules/02/031/031c250.doc](http://www.maine.gov/sos/cec/rules/02/031/031c250.doc).

## **22. MARYLAND**

### **22.1 PROGRAM OR PLAN**

Not required. Employers applying to self-insure for workers’ compensation must provide “A narrative description of the safety program components for the applicant’s operations in this state.” (MD WCC, 2009).

### **22.2 SAFETY COMMITTEE**

Not required.

## **22.3 CONSULTATION AND TRAINING**

Maryland Occupational Safety & Health (MOSH) offers voluntary safety consultations that primarily target smaller businesses in high hazard industries. The on-site consultations are focused on helping employers identify hazards, improve their safety and health programs, and train employees. While all private-sector employers can request a consultation, the program is targeted at small businesses (with fewer than 250 employees per establishment or 500 employees nationwide) in high hazard industries (such as manufacturing, healthcare, and construction). Participating employers might qualify for a one-year exemption from routine OSHA inspections (MOSH, 2015a).

The MOSH Training and Education office also offers free seminars that provide an overview of various safety and health topics (MOSH, 2015b). These are primarily standard-based (e.g., excavation site safety, fall protection, lockout/tagout), but course offerings also include topics relevant to safety and health programs more generally, such as “characteristics of an effective safety and health program” (MOSH, 2015c).

## **22.4 PREMIUM REDUCTION**

None for safety program.

## **22.5 AWARDS AND PUBLIC RECOGNITION**

No state sponsored safety awards.

## **22.6 REFERENCES**

Maryland Occupational Safety and Health (MOSH). 2015a. MOSH Consultation Services. Available at <http://www.dlir.state.md.us/labor/mosh/volc.shtml>.

Maryland Occupational Safety and Health (MOSH). 2015b. MOSH Training and Education. Available at <http://www.dlir.state.md.us/labor/mosh/train.shtml>.

Maryland Occupational Safety and Health (MOSH). 2015c. MOSH Seminar Calendar. Available at <https://www.dlir.state.md.us/MOSHCalendar/web/content/Home.aspx>.

Maryland Workers' Compensation Commission (MD WCC). 2009. General Information about Workers' Compensation Self-Insurance Program in the State of Maryland. Labor and Employment Article § 9-405. Available at [http://www.wcc.state.md.us/PDF/PDF\\_Forms/eA05.pdf](http://www.wcc.state.md.us/PDF/PDF_Forms/eA05.pdf).

## **23. MASSACHUSETTS**

### **23.1 PROGRAM OR PLAN**

Not required for private sector employers. Employers seeking to self-insure for workers' compensation must submit “a detailed written description of the group's safety and loss prevention program(s).” (211 Mass. Code Reg. 67.09(4))

For public sector workplaces, Mass. Gen. Law Ann. ch. 149, § 6 and § 6-1/2 provide job safety and health protection for state, municipal, and county workers through the promotion of safe and healthful work conditions. Public employers are required to provide procedures, equipment and training to prevent work-related injuries and illnesses.

## **23.2 SAFETY COMMITTEE**

Not required.

## **23.3 CONSULTATION AND TRAINING**

The Massachusetts Department of Labor Standards (DLS) offers voluntary safety consultations, jointly funded by the DLS and U.S. OSHA. The service is primarily for small businesses (with fewer than 250 employees per establishment or 500 employees nationwide) in high hazard industries, such as manufacturing, healthcare, and construction. The on-site consultations include a walk-through survey, assistance writing and implementing OSHA-required written programs, assistance establishing or strengthening a safety and health program, and training (Massachusetts DLS, 2015a-b).

Additionally, the Department of Industrial Accidents (DIA) through the Office of Safety, awards \$800,000 in “Occupational Safety Health Education and Training Program” grants. The aim of the program is to “promote safe and healthy conditions in the workplace through training, education, and other preventative programs” (EOLWD, 2016).

## **23.4 PREMIUM REDUCTION**

The Workers’ Compensation Rating and Inspection Bureau of Massachusetts (WCRIBMA) administers a Qualified Loss Management Program prospective credit, for a period of up to four years, to the premium of assigned risk covered employers who subscribe to a qualified loss management firm, and remain in such firm’s Loss Management Program during that period (WCRIBMA, 2016).

## **23.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored awards.

## **23.6 REFERENCES**

211 Mass. Code Regs. 67.09(4). Workers’ Compensation Self-Insurance Groups: Uniform Classification System; Premium Contributions; Application to Make Own Rates; Audits. Available at <http://www.mass.gov/ocabr/docs/doi/legal-hearings/211-67.pdf>.

454 Mass. Code Regs. 25. 2015. Occupational Safety and Health for State Workers. Available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/400-499cmr/454cmr.html>.

Mass. Gen. Law Ann. ch. 149, § 6. Undated. Safety Devices and Means to Prevent Accidents and Diseases Generally; Fees for Structural Painting. Available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section6>.

Mass. Gen. Law Ann. ch. 149, § 6 ½. Undated. Adoption of Regulations for the Protection of Employees Consistent with Federal Occupational Safety and Health Act; Occupational Health and Safety Hazard Advisory Board. Available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section61~2>.

Massachusetts Department of Labor Standards (Massachusetts DLS). 2015a. On-Site Consultation Program. Available at <http://www.mass.gov/lwd/labor-standards/on-site-consultation-program/on-site-surveys.html>.

Massachusetts Department of Labor Standards (Massachusetts DLS). 2015b. OSHA Consultation Summary. Available at <http://www.mass.gov/lwd/labor-standards/on-site-consultation-program/on-site-surveys.html>.

Massachusetts Executive Office of Labor and Workforce Development (EOLWD). 2016. Safety Grant Program Overview. Available at <http://www.mass.gov/lwd/workers-compensation/safety/grant-program/safety-grant-program.html>.

Workers' Compensation Rating and Inspection Bureau of Massachusetts (WCRIBMA). 2016. Qualified Loss Management Program (QLMP). Available at <https://www.wcribma.org/mass/ProgramOverview/qlmp.aspx>.

## **24. MICHIGAN**

### **24.1 PROGRAM OR PLAN**

Michigan requires employers in the construction industry to have an accident prevention program, which contains the following five elements:

- Management commitment and planning.
- Employee involvement.
- Worksite analysis.
- Hazard prevention and control.
- Safety and health training
- 
- (MIOSHA 2013; Michigan Construction Safety Standard Part 1 R 408.40114).

### **24.2 SAFETY COMMITTEE**

Not required.

### **24.3 CONSULTATION AND TRAINING**

MIOSHA's Consultation, Education, and Training (CET) Division provides consultative visits to evaluate a workplace for safety issues and recommend abatements. CET's onsite education program trains personnel in hazard recognition and abatement as well as other specific topics, such as developing a safety committee, safe lifting techniques, accident investigation, lockout procedures, machine guarding, noise, and confined spaces (MIOSHA, 2015).

The MIOSHA Training Institute (MTI) provides a wide range of seminars across the state directed toward improving and advancing safety and health in the workplace. MTI courses are offered by CET throughout the state in sponsorship with community colleges and safety and health organizations. MTI assessment-based certificate programs offer participants an opportunity to be recognized for their educational efforts and increased technical expertise. The Safety and Health Management Systems (SHMS) certificate provides in-depth information on the administration and management of workplace safety and health systems for those responsible for implementing SHMSs.

The Michigan Challenge Program (MCP) is designed for companies with above average injury and illness rates. Employers who accept the challenge can work with CET consultants to develop a safety and health management system. The following comprehensive services are provided: injury analysis,

accident cost analysis, hazard assessment, safety and health system review, and training. During the first six months of the challenge, employers receive a deferral from programmed MIOSHA enforcement inspections (MIOSHA, 2015).

MIOSHA also awards annual CET grants to management/employer groups, labor/employee organizations and other non-profits to develop and implement of safety and health training programs to supplement CET Division activities (LARA, 2016).

#### **24.4 PREMIUM REDUCTION**

None for safety program.

#### **24.5 AWARDS AND PUBLIC RECOGNITION**

The Consultation and Education Training (CET) Division recognizes the achievements of Michigan employers and employees through CET Safety Awards based on excellent safety and health performance. Criteria include an outstanding safety and health record and implementation of an effective safety and health management system (SHMS). More emphasis is put on proactive safety indicators (e.g., participation on safety committees, conducting self-inspections, reporting near-misses, thorough root cause analyses, etc.) and other SHMS elements; revised criteria allow for a slight variance in having a better-than-average industry illness and injury rate. Awards include bronze, silver, and gold categories for varying levels of achievement in safety records and SHMS implementation, and an Ergonomics Success award for reductions in musculoskeletal disorders (MIOSHA, 2016).

#### **24.6 REFERENCES**

- Michigan Construction Safety Standard Part 1 R 408.40114. 2015. Available at [http://www.michigan.gov/documents/lara/lara\\_miosha\\_cs\\_part\\_1\\_426600\\_7.pdf](http://www.michigan.gov/documents/lara/lara_miosha_cs_part_1_426600_7.pdf).
- Michigan Department of Labor and Regulatory Affairs (LARA). 2016. Consultation Education and Training (CET) Grants. Available at [http://www.michigan.gov/lara/0,4601,7-154-11407\\_15317\\_15346-35983--,00.html](http://www.michigan.gov/lara/0,4601,7-154-11407_15317_15346-35983--,00.html).
- Michigan Occupational Safety and Health Administration (MIOSHA). 2013. Construction Safety & Health Management System (Accident Prevention Program). Available at [http://www.michigan.gov/lara/0,4601,7-154-11407\\_30453-94654--,00.html](http://www.michigan.gov/lara/0,4601,7-154-11407_30453-94654--,00.html),..
- Michigan Occupational Safety and Health Administration (MIOSHA). 2015. Consultation, Education and Training Services. Available at [http://www.michigan.gov/documents/dleg/wsh\\_cet0165\\_216929\\_7.pdf](http://www.michigan.gov/documents/dleg/wsh_cet0165_216929_7.pdf).
- Michigan Occupational Safety and Health Administration (MIOSHA). 2016. Consultation Education and Training Awards. Available at [http://www.michigan.gov/lara/0,4601,7-154-11407\\_15317\\_15353\\_15356-36130--,00.html](http://www.michigan.gov/lara/0,4601,7-154-11407_15317_15353_15356-36130--,00.html).

## **25. MINNESOTA**

### **25.1 PROGRAM OR PLAN**

Minnesota requires employers in most industries to have a safety and health plan as part of its AWAIR program (“A Workplace Accident and Injury Reduction”). Required program elements include (Minn. Stat. § 182.653):



- How managers, supervisors and employees are responsible for implementing the program and how continued participation of management will be established, measured and maintained.
- The methods used to identify, analyze and control new or existing hazards, conditions and operations.
- How the plan will be communicated to all affected employees so they are informed of work-related hazards and controls.
- How workplace accidents will be investigated and corrective action implemented.
- How safe work practices and rules will be enforced.
- Annual documented review of the workplace accident and injury reduction program and of how the procedures included in the program are being met.

The requirement applies to employers in NAICS 11, 23, 31-33, 42-43, 44-45, 48-49, 56, 62, 71, 72, and 92. (Minn. R. 5208).

## **25.2 SAFETY COMMITTEE**

Minn. Stat. 182.676, *Safety Committees*, requires all employers with more than 25 employees to establish a joint labor-management safety and health committee for their workplace.

Employers with 25 or fewer employees must also establish a joint labor-management safety and health committee if they: (1) have a pure premium rate as reported by the Workers' Compensation Rating Association (WCRA) in the top 25 percent of premium rates for all classes, or (2) have experienced a "days away, restricted or transferred" (DART) rate within the top 10 percent of all rates for employers in the same industry.

Safety committee members must be selected by employees. Safety committees must hold regularly scheduled meetings, unless otherwise provided in a collective bargaining agreement.

Safety and health committees at employers with a high injury rate (an EMR of 1.4 or greater or a workers' compensation premium rate of \$30 or more per \$100 of payroll) must also conduct quarterly safety and health hazard surveys (Minn. R. 5208).

## **25.3 CONSULTATION AND TRAINING**

Minnesota OSHA (MNOSHA) Workplace Safety Consultation provides a free consultation service through which employers can find out about potential hazards at their worksites, improve their safety management systems and apply for a safety grant of up to \$10,000 to abate safety hazards. This program targets small, high-hazard businesses. Services offered include:

- On-site safety consultation visit.
- On-site health consultation visit (airborne contaminants, noise, etc.).
- Workplace violence prevention on-site assistance.
- Labor-management safety committee on-site assistance
- 
- (MN DLI, 2016).

## **25.4 PREMIUM REDUCTION**

None for safety program.

## **25.5 AWARDS AND PUBLIC RECOGNITION**

The Governor’s Workplace Safety Awards recognize Minnesota employers for “excellence in safety.” Employers must submit information for the last three years in order to be considered, including a DART rate, incident rate, and other information used to populate a “Safety Program Evaluation Scorecard” developed by safety professionals from Minnesota Safety Council member organizations. Various awards are given to employers with low DART/incidence rates and high points on the Safety Program Evaluation Scorecard, those who are continuing to improve on these measures, and those that maintain low rates/high scores over time (MSC 2015a, 2015 b).

## **25.6 REFERENCES**

- Minn. R. 5208. 2008. Accident and Injury Reduction Program. Available at <https://www.revisor.leg.state.mn.us/rules/?id=5208&view=chapter>.
- Minn. Stat. § 182.653. 2005. Rights and Duties of Employers. Available at <https://www.revisor.mn.gov/statutes/?id=182.653>.
- Minn. Stat. § 182.676. 1997. Safety Committees. Available at <https://www.revisor.leg.state.mn.us/statutes/?id=182.676>.
- Minnesota Division of Labor and Industry (MN DLI). 2016. Workplace Safety Consultation—Free on-site safety and health consultation assistance. Available at <http://www.dli.mn.gov/WSC/Assistance.asp>.
- Minnesota Safety Council (MSC). 2015a. Governor’s Workplace Safety Award Application. Available at <http://www.minnesotasafetycouncil.org/awards/index.cfm>.
- Minnesota Safety Council (MSC). 2015b. Governor’s Workplace Safety Award Application - Awards Program Guidelines. Available at <http://www.minnesotasafetycouncil.org/awards/guidelines.cfm#categories>.
- Minnesota Workers’ Compensation Rating Association (MWCRA). 2016. Classification Search. Available at <https://www.mwcra.org/OnlineServices/MCISearch.aspx>.

## **26. MISSISSIPPI**

### **26.1 PROGRAM OR PLAN**

Not required. Mississippi formerly required insurers that provide workers’ compensation to develop sample safety programs for the companies that they insure. Beginning in 2014, however, this section of the Mississippi Code was limited to drug and alcohol testing requirements (Miss. Code §71-3-121, 1992; Miss. Code §71-3-121, 2014; Miss. Code Ann. 2012 Cumulative Supplement; Great American Insurance Group, 2011).

### **26.2 SAFETY COMMITTEE**

Not required.

## **26.3 CONSULTATION AND TRAINING**

The OSHA consultation program for Mississippi is administered by Mississippi State University's (MSU) Center for Safety and Health (CSH). CSH provides free consultation services that target small to medium businesses in high hazard industries. Consultations consist of an opening conference, a tour of the facility, an evaluation of safety and health hazards, and a closing conference to discuss findings and suggest corrective measures (MSU, 2015a-b).

## **26.4 PREMIUM REDUCTION**

None for safety program.

## **26.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety awards.

## **26.6 REFERENCES**

- Great American Insurance Group. 2011. Sample Safety Program for Mississippi Employers. Available at [http://www.greatamericaninsurancegroup.com/Lists/LossPrevention/F13894\\_MS%20Safety%20Prg-fillable.pdf](http://www.greatamericaninsurancegroup.com/Lists/LossPrevention/F13894_MS%20Safety%20Prg-fillable.pdf).
- Miss. Code §71-3-121. 1992. Available at <http://law.justia.com/codes/mississippi/2010/title-71/3/71-3-121/>.
- Miss. Code §71-3-121. 2014. Available at <http://www.lexisnexis.com/hottopics/mscode/>.
- Miss. Code Ann. 2012 Cumulative Supplement. Available at <https://law.resource.org/pub/us/code/ms/ms.scan.2012/gov.law.ms.code.15.s.2012.pdf>.
- Mississippi State University (MSU). 2015a. Center for Safety and Health. Available at <http://www.csh.msstate.edu/>.
- Mississippi State University (MSU). 2015b. Center for Safety and Health- On-site Consultation. Available at <http://www.csh.msstate.edu/onsite.php>.
- Mississippi Workers' Compensation Commission (MWCC). 2012. Notice Concerning Changes to the Workers' Compensation Law, Effective July 1, 2012. Available at <http://www.mwcc.state.ms.us/sb2576.pdf>.

## **27. MISSOURI**

### **27.1 PROGRAM OR PLAN**

Not required. Individual employers seeking to self-insure for workers' compensation, as well as self-insurance groups, are required to submit "[a] description of the administrative organization to be maintained by the employer or service company to handle...the safety program..." (Mo. Code Regs. Ann. tit. 8- 50-3.010(3)(A)(4), 2009).

Mo. Rev. Stat. § 287.123.1 requires that workers' compensation carriers must have available comprehensive safety engineering and management services upon a request made by a covered employer for such services. See 27.3, below.

## **27.2 SAFETY COMMITTEE**

Not required.

## **27.3 CONSULTATION AND TRAINING**

As mentioned in 27.1, workers' compensation insurers must make available "comprehensive safety engineering and management services" to all covered employers. In addition, the statute requires that "when the employer requests services under such program and the insurance carrier provides such services, the insurance carrier shall report such services to the division."

Missouri's Division of Labor Standards offers on-site consultations for small employers (those with fewer than 250 employees per establishment and 500 employees nationwide) in high hazard industries. Consultations consist of OSHA-type inspections, a discussion of the most cost-effective way to abate hazards, and assistance preparing a written safety and health program (Missouri Department of Labor, 2015a). The Missouri Department of Labor (2015b) conducted 637 consultations in 2015 and identified 5,638 hazards, 38.2 percent of which were corrected.

In addition to on-site consultation, the Missouri Department of Labor exhibits the "Hazard Lab" at conferences and similar events, which shows attendees the typical hazards encountered during consultations (Missouri Department of Labor, 2015b-c).

## **27.4 PREMIUM REDUCTION**

None for safety program.

## **27.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety awards.

## **27.6 REFERENCES**

Missouri Department of Labor. 2015a. On-Site Safety & Health Consultation. Available at <http://labor.mo.gov/onsite>.

Missouri Department of Labor. 2015b. Annual Report. Available at [http://labor.mo.gov/sites/default/files/pubs\\_forms/2015AnnualReport.pdf](http://labor.mo.gov/sites/default/files/pubs_forms/2015AnnualReport.pdf).

Missouri Department of Labor. 2015c. Speaker's Bureau - Hazard Lab. Available at <http://labor.mo.gov/SpeakersBureau#hazardLab>.

Mo. Code Regs. Ann. tit. 8- 50-3.010(3)(A)(4). 2009. Rules Governing Self Insurance. Individual Self-Insurance—Additional Requirements. Available at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/8csr/8c50-3.pdf>

# **28. MONTANA**

## **28.1 PROGRAM OR PLAN**

The Montana Safety Culture Act of 1993 (MSCA) requires every public and private employer to implement a "comprehensive and effective" safety program with the following elements:

- Designation of employees responsible for safety (except for employers with fewer than 5 employees).
- Procedures for reporting, investigating, and taking corrective action for all work related incidents, accidents, injuries, and illnesses (except for employers with fewer than 5 employees).
- New employee training, job- or task-specific training, and ongoing refresher training.
- A system to develop safety awareness, including newsletters, periodic safety meetings, posters, and safety incentive programs.
- Periodic hazard assessment that identifies hazards, identifies corrective actions needed, and documents actions taken.
- Recordkeeping of training, safety awareness programs, and hazard assessments
- 
- (Mont. Code Ann. §39-71-15, 1993; Montana State Fund, 2015; Montana Department of Labor and Industry, Undated).

## **28.2 SAFETY COMMITTEE**

MSCA also requires all employers with more than five employees to have a safety committee. Safety committees must:

- Be composed of employee and employer representatives and hold regularly scheduled meetings, at least once every four months.
- Include in its employee membership volunteers or members elected by their peers.
- Include safety committee activities that assist the employer in fact finding, such as hazard assessments, communicating with employees, and inspecting the workplace.
- 
- (Montana State Fund, 2015; Montana Department of Labor and Industry, Undated).

## **28.3 CONSULTATION AND TRAINING**

The Montana Department of Labor & Industry's Safety and Health Bureau (MT DLI) (SHB) provides free on-site safety and health consultations to private employers, with small and high hazard employers having priority. The consultations include:

- Workplace hazard assessments.
- Employee sampling to determine workplace exposures.
- Recommendations to control and eliminate safety and health hazards.
- Assistance with OSHA compliance.
- Evaluation and development of safety and health programs.
- Safety and Health Management System evaluation.
- Safety and health training provided at SafetyFestMT.
- Education on the Montana Safety Culture Act requirements.
- Safety brochures and materials

(MT DLI, 2015).

WorkSafeMT, a nonprofit public-private collaboration of business, labor and state agency leaders, health care providers, injured workers and workers' compensation insurers established by the legislature in 2008, promotes effective safety programs, shares safety programs that are succeeding in Montana, and provides free safety training. WorkSafeMT's available resources include case studies, best practices, program templates, public awareness campaigns, speakers and free trainings (WorkSafeMT, 2016a).

In addition, the Montana State Fund, the state's largest workers' compensation insurer, which was established by the legislature in 1915, provides consultations and guidelines in several workplace safety topics. Montana State Fund administers the WorkSafe Champions program, a free safety education program for select Montana State Fund policyholders that "gives participants the knowledge and tools to analyze their organizational weaknesses and develop a plan to make positive, lasting changes" (Montana State Fund, 2016).

#### **28.4 PREMIUM REDUCTION**

None for safety program.

#### **28.5 AWARDS AND PUBLIC RECOGNITION**

Governor's Safety Achievement Awards are presented by WorksafemT. The awards recognize and celebrate Montana employers for safety excellence and leadership in helping keep employees safe from workplace injuries, illnesses, and deaths. Basic eligibility requirements include:

- Better than (industry) average EMR and/or evidence of total recordable incident rate below industry average for the last 3 years (if employer does not have an e-mod.)
- Demonstration of excellence in implementing the Montana Safety Culture Act (MSCA).

(WorkSafeMT, 2016b).

#### **28.6 REFERENCES**

Mont. Code Ann. §39-71-15. 1993. Available at [http://leg.mt.gov/bills/mca\\_toc/39\\_71\\_15.htm](http://leg.mt.gov/bills/mca_toc/39_71_15.htm).

Montana Department of Labor and Industry (MT DLI). 2015. Request a Free Safety Consultation. Available at <http://erd.dli.mt.gov/safety-health/onsite-consultation>.

Montana Department of Labor and Industry (MT DLI). Undated. Montana Safety Culture Act. Available at <http://www.meaghercounty.mt.gov/safety/WSMT-MTSafetyBrochure.pdf>.

Montana Department of Labor and Industry (MT DLI). 2016. Request a Free Safety Consultation. Available at <http://erd.dli.mt.gov/safety-health/onsite-consultation>.

Montana State Fund. 2015. The Montana Safety Culture Act. Available at <http://safemt.com/montana-safety-culture-act/>.

Montana State Fund. 2016. Become a WorkSafe Champion. Available at <http://safemt.com/wp-content/uploads/2013/08/BecomeAWorksafemT-Champion.pdf>.

WorkSafeMT. 2016a. About Us. Available at <http://www.worksafemt.com/about-us/about-us/>.

WorkSafeMT. 2016b. Safety Achievement Awards. Available at <http://www.worksafemt.com/safety/safety-achievement-awards/>.

## **29. NEBRASKA**

### **29.1 PROGRAM OR PLAN**

Neb. Rev. Stat. §§48-443-445 requires that all public and private employers' safety committees adopt and maintain an effective written injury prevention program. This statute also requires that most employers have a safety committee (see 29.2, below).

### **29.2 SAFETY COMMITTEE**

Neb. Rev. Stat. §§48-443-445 requires every public and private employer subject to the Nebraska Workers' Compensation Act<sup>8</sup> to establish a safety committee. Safety committees must meet the following requirements:

- Committees must be composed of an equal number of members representing the employer and employees (unless collective bargaining agreements dictate otherwise).
- Employee members must not be selected by the employer.
- The cost of operating the committee must be minimal.
- Safety committee members must be compensated at the regular wage and benefits while attending meetings or conducting duties.
- Employees must not be terminated or discriminated against if they make a safety complaint to the committee or any government agency.

### **29.3 CONSULTATION AND TRAINING**

Free on-site consultations are provided to private businesses (with one or more employee) through US OSHA, administered by Nebraska's Department of Labor. Consultations focus on identifying hazards and suggesting corrective actions (Neb. Rev. Stat. §48-446; Nebraska Department of Labor, 2015).

### **29.4 PREMIUM REDUCTION**

Not available for safety program.

### **29.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored award.

### **29.6 REFERENCES**

Neb. Rev. Stat. §§48-443-449. 1993. Available at <http://dol.nebraska.gov/webdocs/Resources/Statute/Workplace%20Safety%20Consultation%20Law.pdf>.

Nebraska Department of Labor. 2015. OSHA Consultations. Available at <http://dol.nebraska.gov/Safety/OSHAConsultations>.

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<sup>8</sup> This includes most employees—exemptions include federal employees, railroad employees, most volunteers, and independent contractors are exempt. Domestic servants/agricultural workers are exempt unless the employer elects to provide worker's compensation insurance for them (NWCC, Undated).

Nebraska Workers' Compensation Court (NWCC). Undated. Rights & Obligations under the Nebraska Workers' Compensation Law. Available at <http://dhhs.ne.gov/Documents/rightsobligations.pdf>.

Nebraska Workers' Compensation Court (NWCC). Undated. Rights & Obligations under the Nebraska Workers' Compensation Law. Available at <http://dhhs.ne.gov/Documents/rightsobligations.pdf>.

## **30. NEVADA**

### **30.1 PROGRAM OR PLAN**

Nev. Admin. Code § 618-538—§ 618-544 requires employers with more than 10 employees or that manufacture explosives to develop a written workplace safety program with the following elements:

- A statement that managers, supervisors and employees are responsible for carrying out the program.
- Hazard identification, analysis, and control.
- Employee safety and health training.
- Accident investigation.
- Enforcement methods.
- A description of how safety committees will be formed and operated (for employers with more than 25 employees)
- 
- (Nev. Admin. Code §618-538—§618-544; Nevada Department of Business and Industry, 2015a).

In addition, self-insurance groups (SIGs) are required, under Nev. Admin. Code § 616B.624(1), to file with the insurance commissioner “[a] written statement from the organization or association that describes the safety committee that the organization or association will establish and maintain to reduce the incidence and severity of accidents by carrying out a program to control losses and provide information on the prevention of accidents.”

### **30.2 SAFETY COMMITTEE**

Nevada requires employers with more than 25 employees or that manufacture explosives to form safety committees. The employer’s written workplace safety program must detail the purpose of the committee, how members are selected, and the frequency of committee meetings (but these are not stipulated in the regulations) (Nev. Admin. Code §618-538—§618-544; Nevada Department of Business and Industry, 2015a).

Self-insurance groups are required to have a safety committee, see 30.1, above.

### **30.3 CONSULTATION AND TRAINING**

The Safety Consultation and Training Section (SCATS) of Nevada’s Department of Business and Industry, mainly funded by US OSHA, offers on-site safety consultations and safety and health training courses. Small and/or high-hazard industries have priority. Employers are expected to commit to correcting serious safety and health hazards identified during the consultation. Some participants may be



eligible for an exemption from routine OSHA inspections (Nevada Department of Business and Industry, 2015b).

### **30.4 PREMIUM REDUCTION**

None for safety program.

### **30.5 AWARDS AND PUBLIC RECOGNITION**

The Safe Partner Award is designed to increase both employer and employee knowledge of the value of safety in the workplace. Recognition is granted for using full service consultation services as well as completing significant SCATS formal training. Recipients are publicly recognized for having achieved the award through publicity and recognition activities of the program (SCATS, 2012).

### **30.6 REFERENCES**

Nev. Admin. Code § 616B.624. Approval of Organization or Association of Employers as Group. Available at <http://www.leg.state.nv.us/nac/NAC-616B.html#NAC616BSec424> .

Nev. Admin. Code §§618-538-544. 2000. Establishment of Written Safety Program. Requirements of Written Safety Program. Available at <http://www.leg.state.nv.us/nac/NAC-618.html#NAC618Sec538>.

Nevada Department of Business and Industry. 2015a. Written Workplace Safety Guide. Available at [http://4safenv.state.nv.us/sites/default/files/assets/docs/2015\\_workplace\\_safety\\_FINAL.pdf](http://4safenv.state.nv.us/sites/default/files/assets/docs/2015_workplace_safety_FINAL.pdf).

Nevada Department of Business and Industry. 2015b. Nevada Work Safety Consultation Services. Available at <http://4safenv.state.nv.us/consultation/consultation-services>.

Safety Consultation and Training Section (SCATS). 2012. Recognition Programs. Available at <http://4safenv.state.nv.us/consultation/recognition-programs>.

## **31. NEW HAMPSHIRE**

### **31.1 PROGRAM OR PLAN**

N.H. Rev. Stat. §281-A.64 (2013) requires all employers with 15 or more employees to prepare a written safety program, which includes specific safety rules and a process for disciplining employees who violate those rules. These programs must be filed with the New Hampshire Department of Labor Safety & Training Division, and reviewed/updated at least biennially (NHDOL, 2015).

### **31.2 SAFETY COMMITTEE**

New Hampshire requires all employers with 15 or more employees to form a joint employer-employee safety committee. The committees must include elected employee representatives (or employees selected by a union, if applicable), and meet regularly to develop and carry out the workplace safety program (N.H. Rev. Stat. §281-A.64, 2013).

### **31.3 CONSULTATION AND TRAINING**

WorkWISE NH (formerly the NH Occupational Safety & Health Program), is a program of Keene State College that provides free, on-site occupational safety and health consultation services to

eligible private employers. Although these services are primarily targeted to businesses with fewer than 250 employees at a site (and 500 total), the program welcomes the opportunity to assist employers of any size. Consultants are available to provide employers with assistance ranging from using a specific piece of equipment safely to establishing a complete workplace safety program.

### **31.4 PREMIUM REDUCTION**

New Hampshire's Safety Incentive Program offers workers' compensation premium reductions to employers who work with a certified loss management consultant to develop a loss management program. In order to be eligible, employers must be insured in the residual market and have an annual premium of \$2,500 or more. Participants who remain in the program for at least six months can apply for a 10 percent credit for the first year, 7 percent for the second and 3 percent for the third year (N.H. Rev. Stat. §281-A.64-a, 1994; JOC.com, 1994).

### **31.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety wards.

### **31.6 REFERENCES**

JOC.com. 1994. NH Approves Safety Incentives for Some Workers Comp Policies. June 27, 1994. Available at [http://www.joc.com/nh-approves-safety-incentives-some-workers-comp-policies\\_19940627.html](http://www.joc.com/nh-approves-safety-incentives-some-workers-comp-policies_19940627.html).

N.H. Rev. Stat. §281-A.64. 2013. Workers' Compensation. Safety Provisions; Administrative Penalty. Available at <http://www.gencourt.state.nh.us/rsa/html/XXIII/281-A/281-A-64.htm>.

N.H. Rev. Stat. §281-A.64-a. 1994. Workers' Compensation. Safety Incentive Program; Certification of Loss Management Consultants. Available at <http://www.gencourt.state.nh.us/rsa/html/XXIII/281-A/281-A-64-a.htm>.

New Hampshire Department of Labor (NHDOL). 2015. Safety. Available at <http://www.nh.gov/labor/inspection/safety-training.htm>.

## **32. NEW JERSEY**

### **32.1 PROGRAM OR PLAN**

Not required.

### **32.2 SAFETY COMMITTEE**

Not required.

### **32.3 CONSULTATION AND TRAINING**

The New Jersey Department of Labor and Workforce Development (NJ LWD) offers on-site consultations for both private and public employers. The consultations for private companies are targeted at small businesses with fewer than 250 employees, with priority given to those with fewer than 50 employees. Consultations consist of an opening conference, walk-through to identify hazards, a closing

conference, and a written report that discusses hazard abatement. Employers are required to post a list of hazards identified, and commit to correcting them (NJ LWD, 2016b).

For public sector workplaces, safety training is offered by the state Department of Labor and Workforce Development's Office of Public Employee Occupational Safety and Health; occupational health training is offered by the New Jersey Department of Health's Public Employees Occupational Safety and Health Program (NJ LWD, 2016c).

### **32.4 PREMIUM REDUCTION**

None for safety program.

### **32.5 AWARDS AND PUBLIC RECOGNITION**

The Governor's Occupational Safety and Health Awards Program is presented to those with a yearly lost time incident rate of 3.0 or less. Citation of Merit, Division of Public Safety & Occupational Safety and Health, Commissioner of Labor and Workforce Development, and Governor's Awards are given to those without any work-related lost time from injury or illness over one year to four consecutive years, respectively. A Governor's Continued Excellence Award is awarded for five or more consecutive years. "Since its inception in 1927, thousands of awards have been earned and the program has played an important role in promoting a safer and healthier workplace" (NJ LWD, 2016d).

There are also five dinners held each year to publicly recognize the employers and employees who have worked without any work-related lost time from injury or illness in the last calendar year. The dinners are attended the recognized employers and employees, as well as by New Jersey officials and representatives, the Chairman of the New Jersey State Industrial Safety Committee, and the President of the New Jersey State Safety Council (NJ LWD, 2016d).

### **32.6 REFERENCES**

New Jersey Department of Labor and Workforce Development (NJ LWD). 2016a. Safety & Health. Available at [http://lwd.state.nj.us/labor/lsse/safetyhealth\\_index.html](http://lwd.state.nj.us/labor/lsse/safetyhealth_index.html).

New Jersey Department of Labor and Workforce Development (NJ LWD). 2016b. Occupational Safety & Health On-Site Consultation Program. Available at [http://lwd.state.nj.us/labor/lsse/employer/Occupational\\_Safety\\_and\\_Health\\_Onsite\\_Consultation\\_Program.html](http://lwd.state.nj.us/labor/lsse/employer/Occupational_Safety_and_Health_Onsite_Consultation_Program.html).

New Jersey Department of Labor and Workforce Development (NJ LWD). 2016c. PEOSH On-Site Consultation. Available at [http://lwd.state.nj.us/labor/lsse/employer/peosh\\_consultation.html](http://lwd.state.nj.us/labor/lsse/employer/peosh_consultation.html).

New Jersey Department of Labor and Workforce Development (NJ LWD). 2016d. Governor's Annual Occupational Safety & Health Awards Program. Available at [http://lwd.state.nj.us/labor/lsse/employer/Governors\\_Awards.html](http://lwd.state.nj.us/labor/lsse/employer/Governors_Awards.html).

New Jersey Dept. of Workforce Development (NJ DWD). 2016. PEOSH On-site Consultation. Available at [http://lwd.dol.state.nj.us/labor/lsse/employer/peosh\\_consultation.html](http://lwd.dol.state.nj.us/labor/lsse/employer/peosh_consultation.html).

## **33. NEW MEXICO**

### **33.1 PROGRAM OR PLAN**

N.M. Code R. §11.4.2.9 (2013) requires safety plans for employers with high injury rates through the Risk Reduction Program (RRP). Employers are deemed “extra-hazardous” and must participate in the RRP if they have an EMR higher than the state average for their industry, or if a safety audit reveals frequent or severe workplace injuries. Employers in the RRP must obtain a safety consultation with a consultant from the New Mexico Workers’ Compensation Administration (WCA), after which they receive a written report of hazards identified. Employers must then submit a written accident prevention plan that will correct the hazards identified. The WCA will continue to monitor the implementation of the plan, and conduct a follow-up inspection after 6 months. If the employer continues to have a high EMR or frequent and severe workplace injuries, the employer may be subject to penalties for failing to implement their plan.

Employers applying to self-insure for workers’ compensation must submit “an explanation of the safety program, a copy of the safety manual, and resumes of all personnel responsible for the New Mexico safety program.” (N.M. Admin. Code 11.4.8.8(E)(6)).

In addition, §52-1-6.2 of the Workers’ Compensation Act requires annual safety inspections to be conducted by employers who pay more than \$15,000 annually for workers’ compensation insurance, or who are certified self-insured.

### **33.2 SAFETY COMMITTEE**

Not required for private sector employers.

For state employers, New Mexico Risk Management (the insurer for all state agencies) stated that all state agencies will undergo a risk audit during the last quarter of 2015. The audit requires that all state agencies must have a Loss Control Committee and coordinator, which will take specific steps toward preventing injuries and managing risks. Committees should identify hazards, document notification, as well as all the steps in between first notification of a potential hazard and the remedying of each risk identified.

### **33.3 CONSULTATION AND TRAINING**

New Mexico’s State Occupational Health and Safety Bureau (OHSB) offers on-site consultations that target small employers. Employers must make available to employees and post a list of hazards identified during the consultation, the corrective actions needed, and the due date (New Mexico OSHA, 2016).

The WCA also has safety consultants who can provide training on safety inspections (N.M. Code R. §11.4.2.9, 2013), and workers’ compensation insurers must provide inspections and recommendations for creating a safer workplace upon request (N.M. Stat. Ann. §52-1-6.2, 2013).

### **33.4 PREMIUM REDUCTION**

None for safety program.

### 33.5 AWARDS AND PUBLIC RECOGNITION

N.M. Stat. Ann. §52-1-6.2 (2013) allows employers who provide workers' compensation insurance to provide employee bonuses of up to 10 percent of an employee's wages on the basis of the number of accident-free work days.

There are no state-sponsored safety awards for employers.

### 33.6 REFERENCES

N.M. Admin. Code 11.4.8.8(E)(6). 2015. Individual Self-Insurance. Application. Available at <http://www.workerscomp.state.nm.us/pdf/rules/rule8.pdf>.

N.M. Admin. Code 11.4.2.9. 2013. Available at <http://164.64.110.239/nmac/parts/title11/11.004.0002.htm>.

N.M. Stat. Ann. §52-1-6.2. 2013. Safety Programs; Inspections; Penalties; Bonuses. Available at <http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>.

New Mexico Occupational Health and Safety Bureau (New Mexico OSHA). 2016. Consultation Program. Available at [https://www.env.nm.gov/Ohsb\\_Website/Consultation/](https://www.env.nm.gov/Ohsb_Website/Consultation/).

New Mexico Workers Compensation Administration (NM WCA). 2014. New Mexico Workers' Compensation Administration: Leading the Way in Loss Prevention. *Quarterly Bulletin*, 18(4). Available at <http://www.workerscomp.state.nm.us/research/bulletins/fall2014.pdf>.

New Mexico Workers Compensation Administration (NM WCA). 2016. Contact Us. Available at <http://www.workerscomp.state.nm.us/contact.php>.

## 34. NEW YORK

### 34.1 PROGRAM OR PLAN

N.Y. Comp. Codes R. & Regs. tit. 12, §59 (1997), *Workplace Safety and Loss Prevention Program* (also cited as Industrial Code 59), provides that employers with an annual payroll of over \$800,000 that have a workers' compensation experience modification rating of more than 1.20 must obtain a comprehensive safety and loss prevention consultation and evaluation from a certified safety and health consultant. Sec. 59-1.9(a) describes the minimum requirements of the consultation results:

“Upon the recommendation of the consultant, the employer shall institute and maintain an effective safety and loss prevention program to identify, evaluate and control workplace hazards. Such program shall be in writing and shall at a minimum: ...

4. Set forth policies, procedures and practices that recognize and protect employees from occupational safety hazards.
5. Establish and communicate a clear goal for the workplace safety and loss prevention program and the mechanisms which will be utilized in meeting this goal.
6. Provide for visible top management leadership in implementing the program and ensure that all workers at the site are provided equally high quality safety protection, so that all will understand that management's commitment is serious.
7. Provide for and encourage employee involvement in the structure and operation of the program, so that they will commit their insight and energy to achieving the goals and

- objectives of the safety program. Such involvement shall be accomplished through the recognized employee organization(s), if any.
8. Assign and communicate responsibilities for all aspects of the workplace safety and loss prevention program to managers, supervisors and employees so that such persons know and understand what is expected of them in the implementation of the program. Provide a system to hold managers and supervisors accountable for their responsibilities under the workplace safety and loss prevention program.
  9. The employer shall ensure that the supervisors, managers and employees understand their responsibilities under the workplace safety and loss prevention program and their importance to the safety of the workplace. In particular, appropriate training for managers, supervisors and employees shall enable them to:
    - i. recognize potential hazards.
    - ii. maintain safety protection in the work area.
    - iii. reinforce employee training on the nature of the potential hazards and required protective measures.
  10. Provide a reliable system for employees to notify management personnel of conditions that appear hazardous or of non-compliance with the terms of the workplace safety and loss prevention program without fear of reprisal and provide a mechanism to ensure timely and appropriate responses.
  11. Provide a mechanism to investigate accidents so that the root cause(s) and means for preventing a recurrence are identified. For the purposes of this rule, the term “accident” shall mean any unexpected happening that interrupts the work sequence or process and that may result in injury, illness or property damage.
  12. Provide a means to review injury and illness trends over time so that patterns with common causes can be identified and eliminated.
  13. Establish a mechanism for the employer to conduct ongoing, periodic in-house safety inspections so that new or previously missed hazards or failures in controls are identified. Such inspections shall be conducted with a frequency necessary to be effective and this frequency shall be reviewed by the consultant performing the workplace safety and loss prevention consultation.
  14. Address the impact of emergency situations and develop written plans and procedures to insure employee safety during such emergencies. For the purposes of this rule, the term “emergency situation” shall mean an unforeseen single event or combination of events that calls for immediate action to prevent, control or contain injury or illness to person(s) or damage to property.
  15. Establish procedures for transmitting and enforcing safe work practices in the workplace through training, positive reinforcement and correction of unsafe performance.” (N.Y. Comp. Codes R. & Regs. tit. 12, §59).

### **34.2 SAFETY COMMITTEE**

Safety committees are not required for private sector entities; however, N.Y. Comp. Codes R. & Regs. tit. 11, § 153.7 provides that employers participating in group dividend insurance plans (or quasi-group plans) must establish a safety committee to monitor progress and problems in implementing their accident prevention and loss reduction plan.

### **34.3 CONSULTATION AND TRAINING**

Free onsite consultation services are provided by the New York State Division of Occupational Safety and Health, funded by the state Department of Labor and U.S. OSHA. The services offered provide:

- On-site consultation surveys to identify safety hazards.
- Industrial hygiene surveys to determine air contaminant, noise exposure levels, and other health hazards.
- Suggestions for mitigation, controlling or eliminating these safety and health hazards.
- Standard-based training programs available for businesses after completion of an initial hazard survey.

(NY DOL, 2016a).

### **34.4 PREMIUM REDUCTION**

N.Y. Comp. Codes R. & Regs. tit. 12, §60 (2009) provides premium credits to covered employers with an experience rating of less than 1.30, with an annual workers' compensation premium of at least \$5,000, and who enact a Workplace Safety and Loss Prevention Program. A "Safety Incentive Program" is among the three programs that may earn the incentive (the other qualifying programs are for "Drug and Alcohol Prevention" and "Return-to-Work" programs). A qualifying Safety Incentive Program under Code 60 must meet requirements parallel to those enumerated above for Code 59 (see 34.1, above). The detailed minimum requirements appear in §60-1.13. Self-insured employers may participate in the Code 60 program and thereby earn a reduction in their required deposit. Employers who were required to participate in Code Rule 59—see 34.1, above—are not eligible for Code Rule 60 unless they have fully complied with the provisions of the Code Rule 59 standard (NY DOL, 2016b). Companies can receive a premium credit of 4 percent in Year 1 and 2 percent in subsequent years for their Safety Incentive Programs (with additional reductions for the "Drug and Alcohol Prevention" and "Return-to-Work" programs) (NY DOL, 2014).

### **34.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored awards.

### **34.6 REFERENCES**

N.Y. Comp. Codes R. & Regs. tit. 11, § 153.7. 2001. Available at

<http://www.dfs.ny.gov/insurance/acrobat/reg135.pdf>.

N.Y. Comp. Codes R. & Regs. tit. 12, §59. 1997. Available at

<http://ww3.nysif.com/SafetyRiskManagement/Code%20Rule%2059.aspx>.

N.Y. Comp. Codes R. & Regs. tit. 12, §60. 2009. Available at

<http://labor.ny.gov/formsdocs/wp/CR60.pdf>.

New York Department of Labor (NY DOL). 2014. Workplace Safety and Loss Prevention

Incentive Program (WSLPIP). Available at <http://labor.ny.gov/formsdocs/wp/p890.pdf>.

New York Department of Labor (NY DOL). 2016a. On-Site Consultation Program. Available at

[http://labor.ny.gov/workerprotection/safetyhealth/DOSH\\_ONSITE\\_CONSULTATION.shtm](http://labor.ny.gov/workerprotection/safetyhealth/DOSH_ONSITE_CONSULTATION.shtm).

New York Department of Labor (NY DOL). 2016b. Workplace Safety & Loss Prevention.  
Available at  
<http://labor.ny.gov/workerprotection/safetyhealth/DOSH%20Wrkplc%20Sfty%202.shtm>.

## **35. NORTH CAROLINA**

### **35.1 PROGRAM OR PLAN**

North Carolina General Statutes (NCGS) Chapter 95 Article 22 - *Safety and Health Programs*, requires all employers with an EMR of 1.5 or above develop a written safety program. N.C. Administrative Code 13 NCAC 7A.0600 - *Safety and Health Programs* requires that the program incorporate the following elements::

- How manager, supervisor, and employees will implement the program and how continued participation will be maintained.
- How the plan will be communicated to employees and contractors at the site.
- How safety rules will be enforced.
- How workplace accidents and near-miss incidents will be investigated and documented.
- How hazards will be identified, analyzed, and controlled.
- Written programs for compliance with OSHA standards or mine safety laws (as applicable).
- A written checklist of hazards to be inspected during quarterly self-inspections.
- An annual self-audit of safety and health programs (except for employers with fewer than 11 employees).
- The purpose and operation of a safety committee (if a committee exists).

### **35.2 SAFETY COMMITTEE**

§95-252 - *Safety and Health Committees Required* states that each employer with 11 or more employees and an EMR of 1.5 or greater shall provide for the establishment of safety and health committees and the selection of employee safety and health representatives.

In addition to specific requirements relating to committee membership and meeting frequency, §95-252(1)-(5) - *Safety and Health Committee Requirements* provides that committees perform the following activities:

- Review any safety and health program established by the employer under §95-251 - *Safety and Health Programs*.
- Review incidents involving work-related fatalities, injuries and illnesses, and complaints by employees regarding safety or health hazards.
- Review, upon the request of the committee or upon the request of the employer representatives or employee representatives of the committee, the employer's work injury and illness records, other than personally identifiable medical information, and other reports or documents relating to occupational safety and health.



- Conduct inspections of the worksite at least once every three months and in response to complaints by employees or committee members regarding safety or health hazards.
- Conduct interviews with employees in conjunction with inspections of the worksite.
- Conduct meetings, at least once every three months, and maintain written minutes of the meetings.
- Observe the measurement of employee exposure to toxic materials and harmful physical agents.
- Establish procedures for exercising the rights of the committee.
- Make recommendations on behalf of the committee, and in making recommendations, permit any members of the committee to submit separate views to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health, except that recommendations shall be advisory only and the employer shall retain full authority to manage the worksite.
- Accompany, upon request, the Commissioner or the Commissioner's representative during any physical inspection of the worksite.

In addition, §95-252 (c)(5) - *Time for Committee Activities*, provides that "the employer shall permit members of the committee established under this section to take the time from work reasonably necessary to exercise the rights of the committee without suffering any loss of pay or benefits for time spent on duties of the committee."

### **35.3 CONSULTATION AND TRAINING**

§95-255.1 - *Technical Assistance*, provides that employers notified that they are required to establish a safety program and/or safety committee "shall be offered technical assistance from the Division of Occupational Safety and Health to reduce injuries and illnesses in their workplaces."

In addition to assistance provided to notified employers under §95-255.1, the North Carolina Department of Labor (NC DOL) Consultative Services Bureau provides consultations to public and private employers. For private employers, consultations are limited to businesses with fewer than 500 employees nationwide, and for public employers, priority is given to smaller municipal and state agencies. These expert consultations include:

- Full-service on-site safety and health surveys, or specific surveys tailored to employer's request.
- Technical assistance.
- Safety and health program assessment and assistance.
- Ergonomics evaluation and assistance.
- Air sampling and analysis.
- Noise measurements.
- Recognition/exemption programs.

(NC DOL, 2016a).

The Training and Education Section of the Education, Training and Technical Assistance Bureau (ETTA) offers free speaking engagements, booth displays and training courses on a variety of workplace safety and health topics throughout the state (NC DOL, 2016b).

## **35.4 PREMIUM REDUCTION**

Not available for safety program.

## **35.5 AWARDS AND PUBLIC RECOGNITION**

The N.C. Department of Labor's Safety Awards Program, administered by ETTA , recognizes private and public employers throughout the state that achieve and maintain good safety records. Two types of awards are administered through the program: Annual Safety Awards (based on DART rate) and Million-Hour Awards (for accumulating one million employee hours with no lost work time injuries or illnesses) (NC DOL, 2016c, 2016d).

## **35.6 REFERENCES**

- 13 NCAC 7A.0600. 1992. General Rules and Operational Procedures. Safety and Health Programs and Committees. Available at [http://www.nclabor.com/osha/etta/state\\_specific\\_rules/7a06.pdf](http://www.nclabor.com/osha/etta/state_specific_rules/7a06.pdf).
- North Carolina Department of Labor (NC DOL). 2016a. Consultative Services Bureau. Available at <http://www.nclabor.com/osha/consult/consult.htm>.
- North Carolina Department of Labor (NC DOL). 2016b. Training and Education Section. Available at <http://www.nclabor.com/osha/etta/outreach/outreachprocedure.htm>.
- North Carolina Department of Labor (NC DOL). 2016c. Recognition Program. Available at [http://www.nclabor.com/osha/etta/safety\\_programs/recognition.htm](http://www.nclabor.com/osha/etta/safety_programs/recognition.htm).
- North Carolina Department of Labor (NC DOL). 2016d. Safety Award Program. Available at [http://www.nclabor.com/osha/etta/safety\\_programs/safety\\_award.htm](http://www.nclabor.com/osha/etta/safety_programs/safety_award.htm).
- NCGS 95(250)-(255.1). 1992. Safety and Health Programs and Committees. Available at [http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/byarticle/chapter\\_95/article\\_2.pdf](http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/byarticle/chapter_95/article_2.pdf).

## **36. NORTH DAKOTA**

### **36.1 PROGRAM OR PLAN**

Not required.

### **36.2 SAFETY COMMITTEE**

Not required.

### **36.3 CONSULTATION AND TRAINING**

North Dakota's Workforce Safety and Insurance (WSI) is the sole provider and administrator of the workers' compensation system in North Dakota. WSI offers numerous products and services to assist and encourage ND employers to prevent workplace injury and illness.

Consultative services provided by WSI include:

- Safety management assessments.

- Developing safety courses, plans, and programs.
- Responding to safety complaints.
- Responding to requests for technical assistance.
- Conducting courtesy walk-through inspections.
- Providing general safety consultations.
- Conducting accident and hazard investigations.
- Providing internal risk management services

(North Dakota Workforce Safety and Insurance, 2015b; Undated, a & b).

Training services include:

- Live training by WebEx.
- Safety training seminars and conferences.
- Individualized training at employer’s location upon request.
- Learning Management System (LMS) – 300+ free online safety training courses.
- Video Resource Library – over 600+ VHS/DVD safety training videos.
- Loss Control education for employers.
- Focus group discussions to get the pulse of employers’ needs.
- Members of and partner with local safety associations to promote safety

(North Dakota Workforce Safety and Insurance, 2015b; Undated, a & b).

### **36.4 PREMIUM REDUCTION**

WSI offers two safety-related premium discount programs:

- The safety management program (SMP), which “is designed to assist employers in developing or improving current safety management systems.” Employers can earn up to a 10 percent premium discount.
- The safety action menu (SAM), which offers employers several targeted program options, including: certified safety program; safe lifting; drug free workplace; safe driver; learning management system; and safety committee. Employers can earn up to a 15 percent premium discount.

WSI recommends that employers enter both SMP and SAM, thus qualifying for up to a 25 percent premium credit. Participation in the SMP is limited to those companies not participating in the retrospective rating, deductible, Risk Management Program Plus, or Safety Outreach Program(s) (ND WSI, 2015).

### **36.5 AWARDS AND PUBLIC RECOGNITION**

No state-sponsored safety awards.

### **36.6 REFERENCES**

North Dakota Workforce Safety and Insurance (ND WSI). 2015a. Safety Incentive Programs. Available at <https://www.workforcesafety.com/employers/safety/safety-incentive-programs>.

North Dakota Workforce Safety and Insurance. 2015b. Professional Safety Services. Available at <https://www.workforcesafety.com/employers/safety/safety-services/professional-safety-services>.

North Dakota Workforce Safety and Insurance. Undated-b. Safety Management Program. Available at <https://www.workforcesafety.com/sites/default/files/employers/SMPBooklet.pdf>.

North Dakota Workforce Safety and Insurance. Undated-a. What does WSI do to prevent injuries in ND? Available at <https://www.workforcesafety.com/sites/default/files/employers/What%20Does%20WSI%20do.pdf>.

## **37. OHIO**

### **37.1 PROGRAM OR PLAN**

Not required. Workplaces seeking to self-insure for workers' compensation must submit "Information on [their] company's risk- and claims-management procedures to establish a safe and more cost-effective workplace, including:

1. Active senior management leadership;
2. Employee involvement;
3. Return-to-work practices;
4. Communications affecting employee safety and health;
5. Claims reporting practices;
6. Coordination of safety and health practices;
7. Training;
8. Written and communicated safe work practices;
9. Written safety and health policy;
10. Record keeping."

(Ohio BWC, 2016g)

### **37.2 SAFETY COMMITTEE**

Not required.

### **37.3 CONSULTATION AND TRAINING**

The Ohio Bureau of Workers' Compensation's (Ohio BWC) safety, industrial hygiene and ergonomics specialists can visit an employer's workplace or consult by telephone and/or email to assist a business in the development of effective injury and illness prevention strategies. Onsite consultations provide:

- Appraisal of mechanical and environmental hazards and physical work practices.
- Appraisal of the present job safety and health program or the establishment of one.
- Conference with management on findings.
- Written report of recommendations and agreements.
- Training and assistance

(Ohio BWC, 2016a, 2016b, 2016c).

### **37.4 PREMIUM REDUCTION**

Ohio Admin. Code 4123-17-56.3, *Industry-specific Safety Program*, provides for premium reduction of 3 percent for private employers who participate in one or more of the following three loss prevention activities: (1) industry-specific safety classes prescribed by the Division of Safety and Hygiene; (2) individual safety consulting with staff from the Division of Safety and Hygiene or a sponsor approved by the Division of Safety and Hygiene to conduct such consulting; and (3) the Division of Safety and Hygiene’s annual safety congress. Employers with payrolls over \$300,000 must participate in all three activities to qualify for the industry-specific safety program, and employers with payrolls from \$200,000 to \$300,000 must participate in two of the activities.

Ohio Admin. Code 4123-17-56.2, *Safety Council Rebate Incentive Program*, provides a 4 percent premium bonus to covered employers who participate in (2 percent) and successfully complete (2 percent) a safety campaign provided by safety contracting entities, in accordance with standards set forth by the superintendent of Division of Safety and Hygiene.

### **37.5 AWARDS AND PUBLIC RECOGNITION**

Ohio BWC administers an annual Safety Innovations Competition, which provides cash prizes to employers who have developed innovative solutions that lower the risk of workplace injuries and illnesses. There are six prizes ranging from \$1,000 to \$6,000. (Ohio BWC, 2016d).

BWC also provides several grants to employers for implementation of health and safety equipment, programs, or research, including a Safety Grant Program for employers to purchase equipment to reduce or eliminate injuries and illnesses associated with a particular task or operation. The grants provide \$3 for every \$1 dollar spent by employers, up to \$40,000 per “eligibility cycle,” which ranges from 3 years to 10 years, depending on the size of the employer (as determined by payroll). Grant recipients provide BWC with quantitative data and case studies of their experiences with the acquired equipment (Ohio BWC, 2016e).

In addition, BWC’s Division of Safety & Hygiene sponsors 83 safety councils throughout Ohio. These councils are “organized through chambers of commerce, trade and manufacturing associations, American Red Cross chapters or other local safety-minded organizations.” Many of these organizations have their own safety award presentations (co-sponsored with BWC), typically based on incident rate or time without lost work days (Ohio BWC, 2016f).

### **37.6 REFERENCES**

Ohio Admin. Code 4123-17-56.2. 2015. Safety Council Rebate Incentive Program. Available at <http://codes.ohio.gov/oac/4123-17-56.2>.

Ohio Admin. Code 4123-17-56.3. 2015. Industry-specific Safety Program. Available at <http://codes.ohio.gov/oac/4123-17-56.3v1>.

Ohio Bureau of Workers’ Compensation (Ohio BWC). 2015. Drug-Free Safety Program (DFSP) Information. Available at <https://www.bwc.ohio.gov/employer/programs/dfspinfo/dfspdescription.asp>.

Ohio Bureau of Workers’ Compensation (Ohio BWC). 2016a. Division of Safety & Hygiene Services. Available at <https://www.bwc.ohio.gov/employer/programs/safety/default.asp>.

- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016b. OSHA On-Site Consultation Program - Programs and services. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SandHOSHAOnsiteDetails.asp>.
- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016c. Safety, Ergonomics and Industrial Hygiene Consulting Services. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SandHOnSite.asp>.
- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016d. Safety Innovations Competition. Available at <https://www.bwc.ohio.gov/employer/programs/safety/InnovationAwards.asp>.
- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016e. Safety Grants. Available at <https://www.bwc.ohio.gov/employer/programs/safety/empgrants.asp>.
- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016f. Ohio Safety Councils. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SafetyCouncils.asp>.
- Ohio Bureau of Workers' Compensation (Ohio BWC). 2016g. Obtaining Self-insurance. Available at <https://www.bwc.ohio.gov/employer/programs/siinfo/obtainingsiintroduction.asp>

## **38. OKLAHOMA**

### **38.1 PROGRAM OR PLAN**

Not required.

### **38.2 SAFETY COMMITTEE**

Not required.

### **38.3 CONSULTATION AND TRAINING**

The OSHA Consultation program is a free and confidential service designed to help small, private sector Oklahoma employers understand and comply with OSHA standards. Although the program is primarily focused on assisting smaller business, all employers are welcome to take advantage of the services provided (Oklahoma Department of Labor, 2015).

Services include: hazard recognition; industrial hygiene monitoring; suggestions for safety solutions and identifying sources of help available for further assistance; written report summarizing findings; assistance in developing or maintaining an effective safety and health program; informal training and education; evaluating injury & illness records & identifying trends (Oklahoma Department of Labor, 2015).

### **38.4 PREMIUM REDUCTION**

Oklahoma Department of Labor administers the Workers' Compensation Premium Reduction Program (WCPRP), which enables covered small employers (250 or fewer locally, fewer than 500 nationally) with an experience modifier of 1.0 or higher to gain up to a 15 percent reduction in their workers' compensation premium. Employers are required to:

- Conduct a comprehensive safety and health survey by Oklahoma Department of Labor consultants at each facility covered by the workers' compensation policy.
- Correct all hazards identified during the survey process.
- Implement and maintain an effective occupational safety and health management program

(Oklahoma Department of Labor, 2010).

In addition, Title 68 O.S. § 2358 provides for an exemption from taxable income of \$1,000.00 for the tax year in which eligible employers successfully complete the Safety Pays OSHA Consultation Services provided by ODOL. Oklahoma employers meeting the eligibility requirements for consultation services prescribed by the current CPPM, that request and successfully complete a full-service consultation visit (safety, health, or both) and meet the conditions of the opening conference agreement, may be eligible for the \$1,000.00 tax exemption for the physical location covered by the request for consultation services. The tax exemption will be awarded for the year the full-service consultation service was successfully completed. Upon this successful completion, a letter to that effect will be provided by the ODOL Consultation Division that will serve as the official notification that the employer has met the requirements and is eligible for the tax exemption through the Oklahoma Tax Commission.

### **38.5 AWARDS AND PUBLIC RECOGNITION**

Oklahoma DOL and the Oklahoma Safety Council sponsor an annual safety conference at which a variety of awards are given to small and large employers for outstanding safety records at a safety awards luncheon (Oklahoma DOL, 2013)

### **38.6 REFERENCES**

68 OK Stat § 68-2358 (2014). Adjustments to arrive at Oklahoma taxable income and Oklahoma adjusted gross income.

Oklahoma Department of Labor. 2010. Workers' Compensation Premium Reduction Program Fact Sheet. Available at [https://www.ok.gov/odol/documents/OSHAWCPRFact\\_Sheet.pdf](https://www.ok.gov/odol/documents/OSHAWCPRFact_Sheet.pdf).

Oklahoma Department of Labor. 2013. Oklahoma Safety Council and Oklahoma Department of Labor Host Largest Safety Conference in Oklahoma. (Media release, July 2, 2013). Available at [https://www.ok.gov/odol/About\\_ODOL/News\\_and\\_Media\\_Releases/2013\\_Press\\_Releases/index.html](https://www.ok.gov/odol/About_ODOL/News_and_Media_Releases/2013_Press_Releases/index.html)

Oklahoma Department of Labor. 2015. Workplace Safety and Health Division. Available at [https://www.ok.gov/odol/About\\_ODOL/Divisions/Workplace\\_Safety\\_and\\_Health/index.html](https://www.ok.gov/odol/About_ODOL/Divisions/Workplace_Safety_and_Health/index.html).

## **39. OREGON**

### **39.1 PROGRAM OR PLAN**

Not generally required. Or. Admin. R. 437-007-0100 et seq. (undated) provides that forestry industry employers must implement a written safety and health program that establishes management

commitment, supervisory responsibilities, accident investigation, employee involvement, hazard identification, training, and annual evaluation of the program.

Employers applying to self-insure for workers' compensation in Oregon are required to document "[e]vidence of an occupational safety and health loss control program" and submit "a narrative description of [their] safety and health program." (OR WCD, 2016)

### **39.2 SAFETY COMMITTEE**

In accordance with Or. Rev. Stat. §654.182, Or. Admin. R. 437-001-0765 (2009), *Safety Committees and Safety Meetings*, requires all public and private workplaces with more than 10 employees to form a safety committee. Workplaces with 10 or fewer employees may hold safety meetings to comply with this rule.

Or. Admin. R. 437-001-0765(4) provides that safety committee members must:

- Have a majority agree on a chairperson.
- Serve a minimum of one year, when possible.
- Be compensated at their regular rate of pay.
- Have training in the principles of accident and incident investigations for use in evaluating those events.
- Have training in hazard identification.
- Be provided with meeting minutes.
- Represent major activities of the employer's business.
- 

Safety committees must perform the following activities:

- Work with management to establish, amend or adopt accident investigation procedures that will identify and correct hazards.
- Have a system that allows employees an opportunity to report hazards and safety and health related suggestions.
- Establish procedures for reviewing inspection reports and for making recommendations to management.
- Evaluate all accident and incident investigations and make recommendations for ways to prevent similar events from occurring.
- Make safety committee meeting minutes available for all employees to review.
- Evaluate management's accountability system for safety and health, and recommend improvements. Examples include use of incentives, discipline, and evaluating success in controlling safety and health hazards.

(Or. Admin. R. 437-001-0765(4)).

### **39.3 CONSULTATION AND TRAINING**

Voluntary consultation services are available at no cost. Oregon's OSHA Consultation Program focuses on safety, health, or ergonomic issues; safety and health program evaluation; SHARP and VPP



evaluations; and process safety management (PSM). A comprehensive consultation covers the entire establishment – injury and illness records, written programs, safety committee operations, workplace hazards, the safety and health program, industrial hygiene sampling, and ergonomic videotaping as needed. Specific consultations provide an assessment of specific work conditions of an operation, specific equipment, machines, processes or hazards (Oregon OSHA, 2015).

### **39.4 PREMIUM REDUCTION**

None for safety program.

### **39.5 AWARDS AND RECOGNITION**

Oregon’s Governor’s Occupational Safety and Health (GOSH) awards are awarded at a biennial conference. Awardees (either individuals or organizations) are nominated by their peers and then selected by a committee. Award categories include “small business, new business, and safety committees.” (Oregon OSHA, 2016).

### **39.6 REFERENCES**

- Or. Admin. R. 437-001-0765. 2009. Available at [http://www.cbs.state.or.us/oshapdf/rules/division\\_1/437-001-0765.pdf](http://www.cbs.state.or.us/oshapdf/rules/division_1/437-001-0765.pdf).
- Or. Admin. R. 437-004-0251. Undated. Safety Awareness. Available at [http://www.cbs.state.or.us/oshapdf/rules/division\\_4/div4c.pdf](http://www.cbs.state.or.us/oshapdf/rules/division_4/div4c.pdf).
- Or. Admin. R. 437-007-0100 et seq. Undated. Safety and Health Program. Available at [http://www.cbs.state.or.us/oshapdf/rules/division\\_7/div7\\_b.pdf](http://www.cbs.state.or.us/oshapdf/rules/division_7/div7_b.pdf).
- Or. Rev. Stat. § 654.176. 2013. Available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors654.html](https://www.oregonlegislature.gov/bills_laws/ors/ors654.html).
- Oregon OSHA. 2015. Consultation Reference Guide. Available at [http://www.orosha.org/consult/refguide/consult\\_srvc\\_ref.pdf](http://www.orosha.org/consult/refguide/consult_srvc_ref.pdf).
- Oregon OSHA. 2016. Employer Recognition Programs. Available at <http://www.orosha.org/consult/recognition.html>.
- Oregon OSHA Standards and Technical Resources. 2011. Oregon OSHA Fact Sheet. Safety committees and safety meetings for agricultural employers. Available at [http://www.cbs.state.or.us/oshapdf/pubs/fact\\_sheets/fs40.pdf](http://www.cbs.state.or.us/oshapdf/pubs/fact_sheets/fs40.pdf).
- Oregon OSHA Standards and Technical Resources. Undated. Oregon OSHA’s quick guide to safety committees and safety meetings for general industry and construction employers. Available at <http://www.cbs.state.or.us/oshapdf/pubs/0989.pdf>.
- Oregon Workers’ Compensation Division (OR WCD). 2016. Self-Insured Employer Certification. Available at <http://www.cbs.state.or.us/wcd/communications/sie.html>.

## **40. PENNSYLVANIA**

### **40.1 PROGRAM OR PLAN**

A program is required for employers self-insuring for workers’ compensation. PA Code § 129.402(a) requires that “[a]n individual self-insured employer shall maintain an adequate accident and

illness prevention program and maintain records for this program for the 3 most current, complete fiscal years. The program shall include the following elements:

1. A safety policy statement.
2. A designated accident and illness prevention program coordinator.
3. Assignment of responsibilities for developing, implementing and evaluating the accident and illness prevention program.
4. Program goals and objectives.
5. Methods for identifying and evaluating hazards and developing corrective actions for their mitigation.
6. Industrial hygiene surveys required by the nature of the individual self-insured employer's workplace and worksite environments, for example, air quality testing.
7. Industrial health services required by the nature of the individual self-insured employer's workplace environment, for example, health screenings, substance abuse awareness and prevention training programs.
8. Accident and illness prevention orientation and training.
9. Regularly reviewed and updated emergency action plans.
10. Employee accident and illness prevention suggestion and communications programs.
11. Mechanisms for employee involvement, which may include establishment of a workplace safety committee as described in Subchapter F (relating to workplace safety committees).
12. Established safety rules and methods for their enforcement.
13. Methods for accident investigation, reporting and recordkeeping.
14. Prompt availability of first aid, CPR and other emergency treatments.
15. Methods for determining and evaluating program effectiveness. These may include:
  - (i) Comparison of the individual self-insured employer's incidence rate as derived using the OSHA/BLS formula to the current OSHA/BLS industry-wide rate published annually in the BLS Survey of Occupational Injuries and Illnesses.
  - (ii) Comparison of individual employer injury and illness rates determined by means of a formula prescribed by the Bureau to current, Statewide rates by industry published annually by the Bureau in the Pennsylvania Work Injuries and Illnesses Report.
  - (iii) Experience modification factor.
  - (iv) Loss ratio.
  - (v) Other methods used by individual self-insured employers deemed appropriate by the Bureau.
16. Protocols or standard operating procedures, when applicable to the workplace and worksite environments for: [11 protocols listed]."

(PA Code § 129.402(a))

## **40.2 SAFETY COMMITTEE**

Not required.

### **40.3 CONSULTATION AND TRAINING**

The Pennsylvania Department of Labor & Industry, Health & Safety Division offers no-cost workshops on safety committee operation, hazard identification and incident investigation. These three workshops satisfy the initial and annual requirement for safety committee training (Pennsylvania Department of Labor and Industry, 2012).

### **40.4 PREMIUM REDUCTION**

As stated in the Pennsylvania Workers' Compensation Act (P.L.736, 2009), employers receive a workers' compensation insurance premium reduction of 5 percent for setting up a workplace safety committee that meets the requirements for state certification.

- Committees must have a minimum of 2 employer and 2 employee representatives, meet monthly and be in operation for at least 6 full months.
- All committee members must be trained by qualified trainers in safety committee operation, hazard inspection and accident investigation.
- Committee meeting agendas, attendance lists and meeting minutes must be kept.

### **40.5 AWARDS AND PUBLIC RECOGNITION**

The Pennsylvania Governor's Award for Safety Excellence is awarded based on the rate of workplace injuries and illnesses as compared to industry standards, as well as for developing innovative safety policies and programs (PR Newswire/US Newswire, 2015).

### **40.6 REFERENCES**

PA Code § 129.402(a). Individual Self-Insured Employer's Accident and Illness Prevention Programs. Program Requirements. Available at <http://www.pacode.com/secure/data/034/chapter129/subchapCtoc.html>.

P.L.736, No.338. 2009. Pennsylvania Workers' Compensation Act. Available at <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=438530&mode=2>.

Pennsylvania Department of Labor and Industry. 2012. Workplace Safety Committee Technical Assistance/Certification Assistance Manual. Available at <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=1298935&mode=2>.

Pennsylvania Department of Labor and Industry. 2016. Certification Process Overview. Available at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=552328&mode=2>.

Pennsylvania Department of Labor and Industry (PA DOLI). 2016. PA Workplace Safety Committee Certification Program. Available at [http://www.portal.state.pa.us/portal/server.pt/community/health\\_safety\\_division/10387](http://www.portal.state.pa.us/portal/server.pt/community/health_safety_division/10387)

PR Newswire/US Newswire. 2015. Governor's Award for Safety Excellence Award Winners Announced. Available at <http://news.yahoo.com/governors-award-safety-excellence-award-winners-announced-191900156.html>.

## **41. PUERTO RICO**

### **41.1 PROGRAM OR PLAN**

A safety and health program or plan is not required under the Occupational Safety and Health Act of Puerto Rico of 1975 (Act Number 16 of August 5, 1975), as amended. § 2-5, however, encourages employers to develop, institute, and improve their written safety and health programs.

### **41.2 SAFETY COMMITTEE**

Safety committees are not required, but § 7(a)(8) of the Occupational Safety and Health Act of Puerto Rico of 1975 encourages employers to establish safety and health committees at their job sites.

### **41.3 CONSULTATION AND TRAINING**

The Puerto Rico Occupational Safety and Health Administration (PR OSHA) Voluntary Program Division provides free consulting services to employers throughout Puerto Rico to help them to understand and comply with PR OSHA rules and regulations. Consultations are available in the areas of safety, industrial hygiene, ergonomics, safety and health programs and small employers' assistance.

Consulting services offered by the Voluntary Program Division include the following:

- Ergonomics evaluations.
- Evaluation of injury and illness logs.
- Indoor air quality monitoring.
- Noise monitoring.
- Non-ionizing radiation monitoring.
- Lead monitoring.
- Asbestos monitoring.
- Isocyanate monitoring.
- Heat stress monitoring.
- Job Hazard Analysis.
- Conduct full worksite evaluations to identify safety and health conditions in the workplace and recommend abatement methods.
- Safety and Health management system evaluations.
- Assistance to employers in developing, establishing, or improving their safety and health programs.
- Develop and provide safety and health educational materials for employers, employees, and general public.

Training services include:

- 10 and 30 hour construction outreach training.
- 10 and 30 hour general industry outreach training.
- Safety and health seminars and conferences.
- Individualized training at employer's worksite, upon request.
- Formal safety and health trainings to employers.

PR OSHA also has a “Construction Industry Door-to-Door Initiative,” which promotes health and safety awareness among employers and employees. Active participants are exempted from programmed inspections. To participate, the contractor is required to commit to employee safety and health at the worksite, correct hazards identified by the consultant, and receive consultation visits at least every three months, until the project ends.

#### **41.4 PREMIUM REDUCTION**

Not available for safety and health programs. The Workers Compensation Act (Act number 45 from April 18, 1935), created the Public Corporation (CSIF) that administers the Act. The premiums are based on Industry Type and modified by the State Injury and Health Index. The cost of the policy to the employer can increase or decrease depending on the number of claims. If a company reports fewer accidents than others in the same risk classification, it pays a lower premium.

#### **41.5 AWARDS AND PUBLIC RECOGNITION**

Participants in the Construction Industry Door-to-Door Initiative (see 41.3) are provided with a banner, which is displayed at their construction sites and reads: “PR OSHA es Seguridad” (PR OSHA is Safety).

#### **41.6 REFERENCES**

Act No. 16 of August 5, 1975, as amended. *Puerto Rico Occupational Safety and Health Act.*

Available at [http://www.trabajo.pr.gov/prosha/download/Ley\\_16\\_1975.pdf](http://www.trabajo.pr.gov/prosha/download/Ley_16_1975.pdf)

PR OSHA. Enforcement, Consultation, Regulations, Publications and General Information.

Available at <http://www.trabajo.pr.gov/prosha/index.asp>

The Puerto Rico State Insurance Fund Corporation. Available at <http://web.fondopr.com/>.

## **42. RHODE ISLAND**

### **42.1 PROGRAM OR PLAN**

Not required.

### **42.2 SAFETY COMMITTEE**

Not required.

### **42.3 CONSULTATION AND TRAINING**

Federal OSHA, in cooperation with the RI Department of Health, provides free safety and health consultations to businesses with fewer than 250 employees. Formal or informal training is also available to employers looking to improve their safety and health management programs (RI Department of Health, 2016). The RI Department of Labor and Training (2005) has a manual on establishing workplace safety committees.

### **42.4 PREMIUM REDUCTION**

Not available for safety and health program.

## **42.5 AWARDS AND PUBLIC RECOGNITION**

The Safe Place for Teens to Work award is given annually to an organization in Rhode Island with an exceptional commitment to the safety and health of its teenage employees (RI Department of Health, 2016).

## **42.6 REFERENCES**

RI Department of Health. 2016. OSHA Consultation Program. Available at [http://health.ri.gov/programs/detail.php?pgm\\_id=24](http://health.ri.gov/programs/detail.php?pgm_id=24).

RI Department of Health. 2016. Teen Worker Safety. Available at <http://www.health.ri.gov/work/teenworkersafety/>.

RI Department of Labor and Training. 2005. Health and Safety Committees. Available at [http://www.dlt.ri.gov/wc/pdfs/Health\\_and\\_Safety\\_Committees.pdf](http://www.dlt.ri.gov/wc/pdfs/Health_and_Safety_Committees.pdf).

## **43. SOUTH CAROLINA**

### **43.1 PROGRAM OR PLAN**

Not required.

### **43.2 SAFETY COMMITTEE**

Not required.

### **43.3 CONSULTATION AND TRAINING**

The South Carolina Occupational Safety and Health Administration's (SC OSHA) Office of Voluntary Programs (OVP) provides free training to employers with 250 or fewer employees. Training sessions are available in a variety of areas, including Safety Management Accident Reduction Training (SC SMART) (SC OSHA, 2016a).

SC OSHA also offers a free consultation service (largely funded by OSHA) to employers who want help in recognizing and correcting safety and health hazards and in improving their safety and health programs (SC OSHA, 2016b).

### **43.4 PREMIUM REDUCTION**

Not available for safety and health program.

### **43.5 AWARDS AND PUBLIC RECOGNITION**

The South Carolina Department of Labor, Licensing and Regulation (SC LLR) conducts a Safety Achievement Awards program for employers with an average of 100 or more employees. The program recognizes a firm's efforts to reduce recordable occupational injuries and illnesses among their workers during the previous year. The Awards are presented in four categories: (1) no recordable injuries or illnesses; (2) a reduction of at least 40 percent in an employer's incident rate from one year to the next; (3) a difference of at least 75 percent in an employer's incidence rate and the South Carolina average rate

for that industry; and (4) at least one million work hours without a lost-time injury or illness. (SC LLR, 2014).

#### **43.6 REFERENCES**

South Carolina Department of Labor, Licensing, and Regulation (SC LLR). 2014. LLR Recognizes Safe Workplaces. Available at [http://www.llronline.com/AboutUs/MediaCenter/news/2015/2014\\_Safety\\_Awards\\_Release.pdf](http://www.llronline.com/AboutUs/MediaCenter/news/2015/2014_Safety_Awards_Release.pdf) (February 20, 2014).

South Carolina OSHA. 2016a. Training Classes. Available at <http://www.scosha.llronline.com/index.asp?file=scovp/train.htm>.

South Carolina OSHA. 2016b. OSHA Consultation. Available at <http://www.scosha.llronline.com/index.asp?file=scovp/consult.htm>.

### **44. SOUTH DAKOTA**

#### **44.1 PROGRAM OR PLAN**

Not required.

#### **44.2 SAFETY COMMITTEE**

Not required.

#### **44.3 CONSULTATION AND TRAINING**

South Dakota State University administers the Occupational Safety and Health Consultation Program, funded by federal OSHA. Consultations are available to any business with one or more employees. The service is not provided to municipal, county, state, or federal organizations. There is no charge to any business that requests services. Safety and health program assistance is available to employers under this consultation program (South Dakota State University, 2016).

#### **44.4 PREMIUM REDUCTION**

Not available for safety and health program.

#### **44.5 AWARDS AND PUBLIC RECOGNITION**

The South Dakota Safety Council administers the Governor's Safety Awards. Three tiers of awards are offered, based on an employer's DART rate/incident rate, as well as their score on a "Safety Program Evaluation Scorecard" developed by a team of safety professionals (South Dakota Safety Council, 2016).

#### **44.6 REFERENCES**

South Dakota Safety Council. 2016. South Dakota Safety Council: Governor's Award Application. Available at <http://www.southdakotasafetycouncil.org/awards/guidelines.cfm#categories>.

South Dakota State University. 2010. Consultation Services & Assistance. Available at <https://www.sdstate.edu/engr/extension/services.cfm>.

## **45. TENNESSEE**

### **45.1 PROGRAM OR PLAN**

Not required.

### **45.2 SAFETY COMMITTEE**

2010 Tennessee Code 50-6-501 requires that every public or private employer that is subject to the Workers' Compensation Law shall establish and administer a safety committee if the Commissioner of Labor finds that the employer has an experience modification factor (or rate) applied to the premium greater than or equal to 1.20.

Tennessee Code 50-6-502, *Rules governing committees Duties of committees Training Operation under collective bargaining agreement*, directs the Commissioner to prescribe rules for these committees that, at a minimum, provide for:

- Equal numbers of hourly employees and employer representatives as well as specifying the frequency of meetings.
  - Employers to make adequate written records of each meeting and to maintain the records subject to inspection by Tennessee occupational safety and health administration representatives.
  - Employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.
- (b) The duties and functions of the safety committee shall include, but are not limited to:
- 1) Assisting in establishing procedures for workplace safety inspections by the committee;
  - 2) Assisting in establishing procedures for investigating all safety incidents, accidents, illnesses and deaths; and
  - 3) Assisting in evaluating accident and illness prevention programs.
- (c) The employer shall provide training for safety committee members in their duties and responsibilities provided in subsection (b).

(Tennessee Code 50-6-502)

### **45.3 CONSULTATION AND TRAINING**

Consultative Services is a program offered to employers, especially smaller employers, to assist them in achieving a safe and healthful workplace for their employees. Consultative Services offers both occupational safety and industrial hygiene services to manufacturing, construction, and other types of businesses in Tennessee. This no-cost service is designed to assist employers in developing or enhancing safety and health management systems. The industrial hygienist and occupational safety specialist will identify safety and health hazards and help employers implement cost-effective hazard control solutions. (Tennessee OSHA, 2016).



#### **45.4 PREMIUM REDUCTION**

Not available for safety and health program.

#### **45.5 AWARDS AND PUBLIC RECOGNITION**

Tennessee has two safety awards, available to any Tennessee manufacturing (NAICS 31-33) or construction (NAICS 23) firm. Facilities must have a written Safety and Health Program in place to be eligible. The awards are:

- The Governor's Award of Excellence, which honors employers and their employees who together have achieved the required number of hours worked without experiencing a lost workday or restricted duty case at their establishments. The required number of hours increases with the size of the establishment, from 50,000 for the smallest firms (1-25 employees) to 1 million hours for the largest (more than 400 employees).
- The Commissioner's Award, which honors employers and their employees, who together have achieved the required number of hours worked without experiencing a lost workday case and have maintained total injury and illness incidence rates below the national average

(DLWD, 2016).

#### **45.6 REFERENCES**

Department of Labor and Workforce Development. 2016. TOSHA Safety Awards. Available at <https://www.tn.gov/workforce/article/tosha-safety-awards>.

Rules of the Tennessee Department of Labor, Division of Workers' Compensation §0800-2-3. 1993. Available at <http://share.tn.gov/sos/rules/0800/0800-02/0800-02-03.pdf>.

Tenn. Code 50-6-501. 2010. *Establishment of Safety Committees. Reporting by Insurance Companies. Civil Penalty*. Available at <http://law.justia.com/codes/tennessee/2010/title-50/chapter-6/part-5/50-6-501>.

Tenn. Code 50-6-502. 2010. *Rules governing committees Duties of committees Training Operation under collective bargaining agreement*. Available at <http://law.justia.com/codes/tennessee/2010/title-50/chapter-6/part-5/50-6-502>.

Tennessee Department of Labor and Workforce Development (DLWD). 2016. Safety Committees. Available at <http://www.tennessee.gov/workforce/article/wc-safety-committees>.

Tennessee OSHA. 2016. TOSHA Consultative Services. Available at <https://www.tn.gov/workforce/topic/tosha-consultative-services-and-education>.

### **46. TEXAS**

#### **46.1 PROGRAM OR PLAN**

Texas Admin. Code 28, § 165, *Rejected Risk: Injury Prevention Services*, provides that employers who cannot obtain insurance elsewhere because of their high risk profiles (so-called Rejected Risk employers) must be accepted by Texas Mutual Insurance Corporation and are required to implement an accident prevention program (APP)—or, if they have an APP, they must submit it for review by the

Texas Workers' Compensation Commission's Division of Workers' Health and Safety. Under §165.3, the required APP must comprise at least the following elements:

1. A management component with a written safety policy statement and assignment of responsibilities and authority.
2. Analysis component which includes a review of safety program documentation, existing operations, and injury trends. The analysis will be used to evaluate the effectiveness of the existing programs and to detect existing or potential trends. The analysis component will contain a statement as to the interval between the accomplishment of the analyses.
3. A safety program recordkeeping system component.
4. A safety and health education and training component with a statement as to the interval between training sessions.
5. A safety audit/inspection component with a statement as to the interval between safety audits/inspections.
6. An accident investigation component to identify the cause factors of injuries, and plan and record corrective actions.
7. A component to ensure review and revision of the safety program when changes in operations, DWC Rules (12/6/2011) 28 TAC Chapter 165 3 of 6 equipment, or employee activities are determined or anticipated, to ensure continued effectiveness of the program requirements. This component also includes the periodic review and revisions of the safety program including a statement as to the interval (minimum of annually) between reviews.

(Texas Admin. Code 28, §165.3)

Under §165.2, the consultations that lead to the establishment of the required APP (or approval of an existing APP) may be performed by the Texas Workers' Compensation Commission's Division of Workers' Health and Safety, the Texas Mutual Insurance Company, or another approved source. Employers may be charged fees for these consultations.

#### **46.2 SAFETY COMMITTEE**

Not required.

#### **46.3 CONSULTATION AND TRAINING**

Workers' compensation insurance companies are required to have the capacity to provide accident prevention plan (APP) services to employers. These services include surveys, recommendations, training programs, consultations, analysis of accident causes, industrial hygiene, and industrial health services. Applicable statute and rules include the Texas Labor Code 411 E (1993) and 28 Texas Administrative Code, Chapter 166 (2013 rev.).

The Texas Department of Insurance (TDI) Division of Workers' Compensation administers the Occupational Safety and Health Consultation (OSHCON) program, a free service available to private Texas employers. OSHCON's professional safety and health consultants help employers identify and eliminate occupational hazards in the workplace. Employers not carrying workers' compensation insurance may also use these services. The consultations aim to help employers understand and comply with OSHA health and safety requirements, and help them maintain safe and healthy workplaces (TDI, 2016a).

## **46.4 PREMIUM REDUCTION**

None for safety plan or program.

## **46.5 AWARDS AND PUBLIC RECOGNITION**

The TDI-DWC (Division of Workers' Compensation) Lone Star Safety Program recognizes Texas employers with injury incidence rates below the national average for three years prior to application, and no work-related fatalities within the prior 12 months (TDI, 2016b).

## **46.6 REFERENCES**

Texas Admin. Code 28, §165. Rejected Risk: Injury Prevention Services. 2011. Available at <http://www.tdi.texas.gov/wc/rules/documents/165.pdf>.

Texas Admin. Code 28, §166. 2013 rev. Accident Prevention Services. Available at <http://www.tdi.texas.gov/wc/rules/documents/166.pdf>.

Texas Department of Insurance. 2016. Lone Star Safety Program. Available at <http://www.tdi.texas.gov/wc/safety/lonestarsfty.html>.

Texas Department of Insurance. 2016. OSHCON: Occupational Safety and Health Consultation Program. Available at <http://www.tdi.texas.gov/oshcon/>.

Texas Labor Code § 411 E. 1993. Subchapter E. Accident Prevention Services. Available at <http://www.statutes.legis.state.tx.us/Docs/LA/htm/LA.411.htm>.

## **47. UTAH**

### **47.1 PROGRAM OR PLAN**

Not required.

### **47.2 SAFETY COMMITTEE**

Not required.

### **47.3 CONSULTATION AND TRAINING**

Utah Labor Commission OSHA (UOSH) Consultation Program is available at no charge to Utah employers, with priority given to small business employers in high hazard industries.

Services available include:

- A comprehensive safety and health walk-through survey to help employers recognize and correct hazards in the workplace to prevent injuries and improve productivity.
- Recommendations or options for remediating any workplace safety and health problems.
- A written report to summarize findings and recommendations.
- Assisting employers in developing and maintaining an effective safety and health program.
- Training and education for employers and employees at the workplace.
- Industrial hygiene assistance, noise measurements, air sampling and analysis.

(Utah Labor Commission, 2016).

#### **47.4 PREMIUM REDUCTION**

Not available for safety and health program.

#### **47.5 AWARDS AND PUBLIC RECOGNITION**

The Utah Safety Council, a private non-profit organization, holds an annual Safety Awards Luncheon and presents Awards of Merit to recognize outstanding achievements in corporate safety programs (Utah Safety Council, 2015).

Under the state Department of Health, the Utah Council for Worksite Health Promotion (UCWHP), formerly the Governor’s Council on Health and Fitness, administers the Healthy Worksite Awards Program. While most of the criteria relate to wellness promotion activities (such as fitness and nutrition), safety and “general worksite” are also among the criteria for the award (Utah Department of Health, 2016).

#### **47.6 REFERENCES**

Utah Department of Health. 2016. A Healthier You—Legacy Awards. Available at [http://www.health.utah.gov/ahy/Worksite/Worksite\\_home.htm](http://www.health.utah.gov/ahy/Worksite/Worksite_home.htm).

Utah Labor Commission. 2016. OSHA Consultation Services. Available at <http://www.laborcommission.utah.gov/divisions/UOSH/PrivateSector.html>.

Utah Safety Council. 2016. Annual Meeting and Safety Awards Luncheon. Available at <https://www.utahsafetycouncil.org/Content/Default.aspx>.

### **48. VERMONT**

#### **48.1 PROGRAM OR PLAN**

21 V.S.A. § 624(k) (2012) requires employers with unusually poor safety records to create workplace safety committees (see 48.2, below). These safety committees are tasked with developing and implementing written accident prevention plans that shall be distributed to all employees.

#### **48.2 SAFETY COMMITTEE**

Employers with unusually poor safety records are required by 21 V.S.A. § 624(k) to form workplace safety committees with balanced representation between management and employees.

#### **48.3 CONSULTATION AND TRAINING**

The Vermont Department of Labor (DOL) administers Project WorkSAFE, which works with employers to maintain safe working standards. Employers invite section staff to inspect their facilities, list a summary of hazards, and help with hazard correction. The employer avoids any citations or penalties, but is required to correct all hazards discovered during the inspection. Services are free and confidential (Vermont Department of Labor, 2016).

#### **48.4 PREMIUM REDUCTION**

Not available for safety and health program.

## 48.5 AWARDS AND PUBLIC RECOGNITION

Vermont DOL and the Vermont Safety Council sponsor the annual Governor's Awards for Outstanding Workplace Safety, which are presented by officials from the Vermont Department of Labor, the Vermont League of Cities & Towns, and the President of the Vermont Safety & Health Council. The awards recognize specific employers for their commitment to excellence in workplace safety and health policy and practice (Vermont DOL, 2015).

## 48.6 REFERENCES

Vermont 21 V.S.A. § 624. 2014. Dual Liability; Claims, Settlement Procedure. Available at <http://law.justia.com/codes/vermont/2014/title-21/chapter-9/section-624/>.

Vermont Department of Labor (VDOL). 2016. Project WorkSAFE. Available at <http://labor.vermont.gov/project-worksafe/>.

Vermont Department of Labor (VDOL). 2016. Vermont Companies Recognized for Workplace Safety. Available at <http://labor.vermont.gov/wordpress/wp-content/uploads/Govs-Safety-Awards-Press-Release-2015.pdf>.

## 49. VIRGINIA

### 49.1 PROGRAM OR PLAN

Not required.

### 49.2 SAFETY COMMITTEE

Not required.

### 49.3 CONSULTATION AND TRAINING

The Department of Labor and Industry (VA DOLI) provides on-site consultation services. This program helps employers identify and correct potential safety and health hazards. Priority is given to high hazard workplaces with 250 or fewer employees. The on-site consultation services include:

- *Safety and Health Walk-Through Surveys.* Hazards and violations will be identified during a workplace walk-through by a safety and health consultant. This walk-through is similar to a Virginia Occupational Safety and Health (VOSH) compliance inspection, except no citations or penalties will be issued.
- *Abatement Advice.* Any hazards or violations identified by the consultant will be discussed during the walk-through. A written report of the findings will be presented, including advice for eliminating existing and potential safety or health hazards.
- *Training* will be conducted on-site and recommendations for ongoing training will be provided.
- *Program assistance* will be provided to develop safety and health programs that will prevent injuries and illnesses by eliminating and controlling hazards.

(VA DOLI, 2016).

#### **49.4 PREMIUM REDUCTION**

Not available.

#### **49.5 AWARDS AND PUBLIC RECOGNITION**

The Virginia Governor’s Award for Workplace Safety and Health is presented to a state employee who “leads the way in promoting a safe and healthy work environment, suggests workplace improvements, and promotes and supports the importance of a safe and healthy work environment.” Awards are only issued periodically, as there are years in which nominations are not requested by the Governor’s office (Virginia Tech, 2016).

#### **49.6 REFERENCES**

Virginia Department of Labor and Industry (VA DOLI). 2016. Safety and Health Consultation Services. Available at [http://www.doli.virginia.gov/vosh\\_coop/vosh\\_consultation\\_p1.html](http://www.doli.virginia.gov/vosh_coop/vosh_consultation_p1.html).

Virginia Tech. 2016. Awards and Recognition: Governor’s Awards. Available at <http://www.hr.vt.edu/compensation/employaward/governors-award/index.html>.

### **50. WASHINGTON**

#### **50.1 PROGRAM OR PLAN**

Wash. Admin. Code 296-800-14005 (2003 rev.) requires all employers to have a “formal written accident prevention program.” At a minimum, this program should include:

- A description of your total safety and health program.
- On-the-job orientation showing employees what they need to know to perform their initial job assignments safely.
- How and when to report on-the-job injuries including instruction about the location of first-aid facilities in your workplace.
- How to report unsafe conditions and practices.
- The use and care of required personal protective equipment (PPE).
- What to do in an emergency, including how to exit the workplace.
- Identification of hazardous gases, chemicals, or materials used on-the-job and instruction about the safe use and emergency action to take after accidental exposure

(Wash. Admin. Code §296-800-14005, 2003).

#### **50.2 SAFETY COMMITTEE**

Wash. Admin. Code 296-800-130 requires employers with 11 or more workers at the same location on the same shift to form a safety committee. Smaller entities may have safety meetings instead.

### **50.3 CONSULTATION AND TRAINING**

The Washington Department of Labor and Industries (WA L&I (2016a) provides consultations to help employers address specific safety concerns or to provide a complete overview of the employer's safety and health program. Consultants can also help companies develop an accident prevention program, (WA L&I, 2016a).

WA L&I (2016b) also offers numerous on line trainings, workshops, videos, and sample safety programs and sample plans to assist employers in developing accident prevention programs, performing job hazard analyses, and addressing safety through compliance with various OSHA standards.

### **50.4 PREMIUM REDUCTION**

Washington Administrative Code 296-17B established a retrospective rating for workers' compensation insurance by which employers may receive a partial premium refund depending on their employee safety and health performance record during the covered period. Participation is optional.

A Preferred Worker Program provides lower premiums (and other benefits) for employers who hire a previously injured worker who has an open workers' compensation claim (or one that was closed within 60 days of hiring). Other reductions can be realized by returning injured employees to work sooner by offering shorter hours, light duty jobs, or by physical alteration of the job site to meet their limitations (WA L&I 2016c).

### **50.5 AWARDS AND PUBLIC RECOGNITION**

The Division of Occupational Safety and Health (DOSH) under WA L&I, administers the Safety and Health Investment Projects (SHIP) grant program. The grants are provided for workplace safety projects (for developing and implementing new ideas that prevent workplace injuries, illnesses and fatalities) and for return-to-work projects (for developing and implementing an effective and innovative return to work program for injured workers). Winners and their projects are listed and described on the L&I web site (WA L&I 2016d).

### **50.6 REFERENCES**

Wash. Admin. Code § 296-17B. 2003. Retrospective Rating for Workers' Compensation Insurance. Available at <http://leg.wa.gov/CodeReviser/WACArchive/Documents/2013/WAC-296-17B-CHAPTER.pdf>.

Wash. Admin. Code §296-800-130. 2003. Safety Committees/Safety Meetings—Summary. Available at <http://apps.leg.wa.gov/WAC/default.aspx?cite=296-800-130>.

Wash. Admin. Code §296-800-14005. 2003. Develop a Formal, Written Accident Prevention Program. Available at <http://apps.leg.wa.gov/WAC/default.aspx?cite=296-800-14005>.

Wash. Admin. Code §296-800-14020. 2003. Develop, Supervise, Implement, and Enforce Safety and Health Training Programs that are Effective in Practice. Available at <http://apps.leg.wa.gov/wac/default.aspx?cite=296-800-14020>.

Washington Department of Labor and Industry (WA L&I). 2016a. About Workplace Safety & Health Consultation. Available at <http://lni.wa.gov/Safety/Consultation/About.asp>.

Washington Department of Labor and Industry (WA L&I). 2016b. Online Training. Available at <http://lni.wa.gov/safety/trainingprevention/online/default.asp>.

Washington Department of Labor and Industry (WA L&I). 2016c. Help Your Employee Return to Work. Available at <http://www.lni.wa.gov/ClaimsIns/Insurance/Injury/LightDuty/Default.asp>.

Washington Department of Labor and Industry (WA L&I). 2016d. About SHIP Grants. Available at <http://www.lni.wa.gov/safety/GrantsPartnerships/SHIP/about.asp>.

## **51. WEST VIRGINIA**

### **51.1 PROGRAM OR PLAN**

Any employer that subscribes to the state workers' compensation fund may receive credit toward their premium rate if the employer participates in a qualified loss management program (QLMP) (see 51.4, below).

### **51.2 SAFETY COMMITTEE**

West Virginia Code 23-2B-2 (2015) provides that, “[f]or any employer whose experience modification factor exceeds the criteria established by the board of managers, the executive director may require the employer to establish a safety committee composed of representatives of the employer and the employees of the employer.”

### **51.3 CONSULTATION AND TRAINING**

The West Virginia Division of Labor (WV DOL) offers on-site consultations to help employers identify and eliminate workplace hazards. The program aims to provide training and education for both the employer and employees (WV DOL, 2016).

Training courses in numerous specific safety topics are offered (for course fees up to \$750) at the National Resource Center for OSHA Training, a consortium of the George Meany Center for Labor Studies – National Labor College, the Center to Protect Workers' Rights on behalf of the Building and Construction Trades Department, AFL-CIO; and West Virginia University Safety and Health Extension (WVU Extension, 2016).

Training courses (for course fees) are also available from the Regulatory Training Center (2016), a division of Kanawha County Schools.

### **51.4 PREMIUM REDUCTION**

West Virginia Code 23-2B-3 provides that an employer that is not self-insured and subscribes to the state Workers' Compensation Fund may receive credit toward its premium rate if the employer participates in a QLMP. The employer must obtain the services of a recognized loss management firm to administer its QLMP. The credit is primarily determined by the loss reduction success experienced by all of the subscribing employers of the sponsoring loss management firm.

### **51.5 AWARDS AND PUBLIC RECOGNITION**

None by state agencies.



## **51.6 REFERENCES**

- The Regulatory Training Center. 2016. The Regulatory Training Center. A Division of Kanawha County Schools. Available at <http://www.rtc4safety.com/>.
- W. VA. Code §23-2B-2. 2015 update. Mandatory Programs; Safety Committees; Requirements; Rules; Exceptions. Available at <http://www.legis.state.wv.us/WVCODe/ChapterEntire.cfm?chap=23&art=2B>.
- West Virginia Code §23-2B-3. 2015. Premium Rate Credits; Qualified Loss Management Program; Loss Management Firms; Penalties; Rules. Available at <http://law.justia.com/codes/west-virginia/2015/chapter-23/article-2b/section-23-2b-3>.
- West Virginia Division of Labor. 2016. Safety Section OSHA Consultation. Available at [http://www.wvlabor.com/newwebsite/pages/Safety\\_osh\\_consultation.html](http://www.wvlabor.com/newwebsite/pages/Safety_osh_consultation.html) ( 2/25/2016).
- West Virginia University Extension Services (WVU Extension Services). 2016. National Resource Center for OSHA Training. Available at [http://safetyandhealth.ext.wvu.edu/osh\\_ed\\_center](http://safetyandhealth.ext.wvu.edu/osh_ed_center).

## **52. WISCONSIN**

### **52.1 PROGRAM OR PLAN**

There is no general program or plan requirement for private employers. The state of Wisconsin Governor's Executive Order #194 (1993) directs all state agencies and all University of Wisconsin system campuses to attain certain occupational safety objectives through the development of a written health and safety program (Executive Order 194, 1993).

In evaluating employer applications for workers' compensation self-insurance status, the Department of Workforce Development's Worker's Compensation Division examines several factors in addition to the minimum requirements. These additional factors include: "The existing or proposed...occupational health, safety, and loss control programs to be maintained by the employer. The department may require certification of the occupational safety and health program by state or independently qualified specialists." (Wisconsin Department of Workforce Development, 2016)

### **52.2 SAFETY COMMITTEE**

Not required.

### **52.3 CONSULTATION AND TRAINING**

The Wisconsin Department of Workforce Development (DWD) offers a publication, *Putting Together a Safe Workplace* (10/2004).

The Wisconsin State Laboratory of Hygiene at UW Madison runs the WisCon program in conjunction with the U.S. Department of Labor. WisCon offers on-site consultation services to assist private sector Wisconsin employers in meeting their obligations and responsibilities under the federal Occupational Safety and Health Act. Among other services, the program evaluates and assists in developing and implementing necessary programs and developing and implementing a comprehensive safety and health management program (Wisconsin State Laboratory of Hygiene, 2016).

## **52.4 PREMIUM REDUCTION**

No program-related reduction available.

## **52.5 AWARDS AND PUBLIC RECOGNITION**

DWD cosponsors the annual Corporate Safety Awards with the Wisconsin Safety Council. Awards are given in several industry categories, including manufacturing, agriculture, forestry, transportation, mining and utilities; construction; and a category for all other employers. Separate awards are given to companies that have “a strong record of zero lost-time incidents.” Winners are announced on the DWD web site (Wisconsin Department of Workforce Development, 2012; Wisconsin Safety Council, 2015).

## **52.6 REFERENCES**

Executive Order 194. 1993. Relating to Workplace Health and Safety of State Employees.

Available at

[https://docs.legis.wisconsin.gov/code/executive\\_orders/1987\\_tommy\\_thompson/1993-194.pdf](https://docs.legis.wisconsin.gov/code/executive_orders/1987_tommy_thompson/1993-194.pdf).

Wisconsin Department of Workforce Development. 2012. Nominations Sought for Corporate Safety Awards. Awards Celebrate 18<sup>th</sup> Year of Recognizing Workplace Safety. Available at

[http://dwd.wisconsin.gov/dwd/newsreleases/2012/120105\\_corporate\\_safety\\_awards.pdf](http://dwd.wisconsin.gov/dwd/newsreleases/2012/120105_corporate_safety_awards.pdf).

Wisconsin Department of Workforce Development. 2016. Admission to the Self-Insurance Program. Available at

[https://dwd.wisconsin.gov/wc/insurance/self\\_insurance\\_admission.htm](https://dwd.wisconsin.gov/wc/insurance/self_insurance_admission.htm).

Wisconsin Safety Council. 2015. Corporate Safety Award. Available at

<https://www.wmc.org/programs/wisconsin-safety-council/corporate-safety-award/corporatesafetyaward/>.

Wisconsin State Laboratory of Hygiene. 2016. WisCon: Onsite Safety & Health Consultation in Wisconsin. Available at <http://www.slh.wisc.edu/occupational/wiscon/>.

## **53. WYOMING**

### **53.1 PROGRAM OR PLAN**

Not required, but is necessary to gain up to a 10 percent discount in workers' compensation insurance premiums (see 53.4, below).

### **53.2 SAFETY COMMITTEE**

Not required.

### **53.3 CONSULTATION AND TRAINING**

Consultations are provided by the Wyoming OSHA consultation staff. Employers may also request training/seminars or assistance with written programs. There is no charge to the employer. All serious hazards or program deficiencies identified during any consultation survey and/or program

assistance visit must be corrected. Failure to do so may result in referral to the Assistant Administrator for possible enforcement action (Wyoming Department of Workforce Services, 2016).

In addition, the Wyoming Department of Workforce Services provides risk management to policy-holder companies. Risk Management studies focus on where a company is experiencing injuries and how those injuries will impact the company financially. These studies advise employers on benefits, methods, costs and potential savings (Wyoming Department of Workforce Services, 2015a)

### **53.4 PREMIUM REDUCTION**

Through participation in the Wyoming Department of Workforce Services, OSHA Division's Health and Safety Consultation Employer Discount Program, employers adopting a written health and safety program, with specific requirements, may receive a premium base rate Workers' Compensation insurance discount of up to 10 percent. Applications to participate in the program may be submitted to the OSHA Division at any time and upon approval, premium base rate discounts are implemented in the subsequent calendar quarter. Discount rates are effective for up to three years unless the OSHA Division finds the employer to be in non-compliance with any of the program requirements. There are four tiers in this program with possible discount rates of 3 percent, 5 percent, 7 percent and 10 percent (Wyoming Department of Workforce Services, 2015b).

### **53.5 AWARDS AND PUBLIC RECOGNITION**

The Wyoming Governor's Workplace Safety Awards are presented at the Wyoming Safety & Workforce Summit's annual banquet to a large employer and a small employer in each of the following industry categories: construction, general industry, oil and gas, mining, and mine-site contracting (Sweetwater Now, 2015).

### **53.6 REFERENCES**

Sweetwater Now. 2015. Outstanding Wyoming Workplaces and Individuals Receive Governor's Safety, Workforce Awards. Available at <http://sweetwaternow.com/outstanding-wyoming-workplaces-individuals-receive-governors-safety-workforce-awards-winners-include-degerstrom-converters-rock-springs/>.

Wyoming Department of Workforce Services. 2016. Consultation Services Request. Available at <http://www.wyomingworkforce.org/businesses/osha/services/>.

Wyoming Department of Workforce Services. 2015a. Risk Management Program. Available at <http://wyomingworkforce.org/businesses/workerscomp/risk/>.

Wyoming Department of Workforce Services. 2015b. Health & Safety Consultation Employer Discount Program. Available at <http://www.wyomingworkforce.org/businesses/osha/discount/>.