

Overcoming Hazards Unique to Temporary Workers

Temporary Worker Program Workbook

7.5 Hour

First Edition



Rutgers School of Public Health

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Section One: Introduction

The Temporary Worker Dilemma

According to labor statistics, private business surveys and forecasts, employers are increasingly relying on temporary workers to fulfill the demand for labor. The result of this economic trend, which has grown from 2004 to 2014 by 23.9%, has been a commoditization of workers as if workers are fungible; that is, interchangeable parts of production, irrespective of skillsets, familiarity with their workplaces and safety and health concerns. According to the Occupational Safety and Health Administration (OSHA), employers cannot differentiate the effectiveness of training and hazard controls between permanent and temporary workers, yet this practice remains common in many industries.

This serious trend is simultaneously exacerbated in various high-risk industries, such as the construction industry, where workers may be unfamiliar with the means and methods of production and lacking the basic skillsets to perform their tasks will make more errors in judgment that equate to more exposures, accidents and deaths. However, occupational hazards to temporary workers are not isolated to the construction industry as a recent fatality of a temporary warehouse worker in Woodbridge, New Jersey echoes the need for additional training for these workers. Other dangers to temporary workers are evidenced from the spike of fatalities of workers during Hurricane Sandy Recovery, and health exposures from the clean-up of the World Trade Center Site at Ground Zero. Unskilled and often untrained seasonal workers are also subject to greater risk due to their lack of experience and familiarity.

The disconnect between permanent and temporary workers is two-pronged where employers and employees do not realize that workers, regardless of their tenure inside of an occupational environment, must be trained in how to perform their work and how to perform it safely without exposure to recognized hazards. This program seeks to educate employers to the many advantages of full-time employees and provide mechanisms that allow employers to protect temporary employees from hazards.

This training will provide an expandable and flexible template so employers can plan, develop, build upon, and utilize best practices and hiring strategies at every occupational level.

Understanding why temporary workers have unique challenges, and not merely knowing they do, is fundamental to long-term growth and can impact the safety culture of a company.

Many businesses, especially smaller ones, find it difficult to establish controls to decrease the hazards associated with temporary or contingent employment. The first step to abatement requires all stakeholders; that is employers, managers, and workers to recognize the unique problems associated with temporary work. The skill to recognize requires big picture perspective and an understanding of what can go wrong, which many employers often ignore during day-to-day operations of a business.

The second prong of training is that many employees do not know an employer's obligations under the OSH Act of 1970. This program creates a "Temporary Worker's Bill of Rights" where workers will understand what to expect their first day on the job, going forward and their employers obligations. Workers need to know what is expected of them and what is required by their employer and the placing agency.

In an economy still in flux, many displaced workers find themselves working in new and completely different industries. Many of these displaced workers must work in industries where they are unaware and unfamiliar with expectations and become vulnerable in many ways. Many of them have lost their unemployment benefits and have little means of substance and hence become subject to any means of maintaining a livelihood, which also makes them less likely to stand up for their rights and object to recognized hazards in their workplaces. Economic hardships, unemployment and underemployment often lead workers to taking work that they are unfamiliar with or would ordinarily not engage.

This program is designed to teach workers what to expect within a temporary workplace and teach employers what OSHA expects of them.

Section Two: Rights and Responsibilities

Responsibilities under the OSH Act: General Duty Clause

It is both wise and mandatory for an employer to start any undertaking with some reasonable anticipation of what hazards and obstacles you may likely encounter because it is essential that in each workplace an employer provides the means of assessing and identifying potential hazards and where applicable utilize measures that seek to eliminate, prevent and protect such hazards from causing harm. It is critical that you perform an assessment of your existing Temporary Worker Safety & Health Program to see if you can benchmark it against, code, best practice and industry standards.

We must always keep in mind the mandatory nature of program management flows directly from The Williams-Steiger Occupational Safety and Health Act of 1970, which can also be referred to as, "The Occupational Safety and Health Act of 1970" (OSH Act). The primary purpose of the OSH Act is to assure, so far as possible, safe and healthful working conditions for every working man and woman, but in various places the OSH Act or OSHA regulations clearly spells out the responsibility of an employer and employees:

The Occupational Safety and Health Act of 1970: "General Duty Clause"

5. General Duties

(a) Each employer

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) Shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

A Right to Be Heard: Your Rights as a Whistleblower

An employee may file a complaint with OSHA if the employer retaliates against them or takes unfavorable personnel action because the employee engaged in protected activity relating to workplace safety and health.

Whistleblower Laws Enforced by OSHA

- ☐ Complaints need to be filed within 30 days after an alleged retaliation.
- ☐ You may file complaints by: telephone calling (800) 321-OSHA for situations where you believe there is an immediate risk that threatens life or injury or call a local area office (number listed below) , you can also go online at <http://www.osha.gov/as/opa/worker/complain.html> and download forms for faxing OSHA at: <http://www.osha.gov/oshforms/osh7.pdf> Contact your local OSHA office as soon as possible, because you must file your complaint within the legal time limits. New York (212) 337-2378
- ☐ OSHA will conduct an in-depth interview with each complainant.
The investigation must reveal that:
 - The employee engaged in protected activity;
 - The employer knew about the protected activity;
 - The employer took an adverse action; and
 - The protected activity was the motivating factor, or under some laws, a contributing factor in the decision to take the adverse action against the employee.

Limited Right to Refuse to Work

- ☐ Employees have a limited right under the OSH Act to refuse to do a job because conditions are hazardous. You may do so under the OSH Act only when:
 - (1) You believe that you face death or serious injury (and the situation is so clearly hazardous that any reasonable person would believe the same thing);
 - (2) you have tried to get your employer to correct the condition, and there is no other way to do the job safely; and
 - (3) the situation is so urgent that you do not have time to eliminate the hazard through regulatory channels such as calling OSHA.

- ☐ Regardless of the unsafe condition, you are not protected if you simply walk off the job



A Right to Be Heard: Your Rights as a Whistleblower

OSHA's Whistleblower Protection Program enforces the whistleblower provisions of more than twenty whistleblower statutes. Rights afforded by these whistleblower acts include, but are not limited to, worker participation in safety and health activities, reporting a work related injury, illness or fatality, or reporting a violation of the statutes.

Protection from discrimination means that an employer cannot retaliate by taking "adverse action" against workers, such as:

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| <input type="checkbox"/> Blacklisting | <input type="checkbox"/> Intimidation |
| <input type="checkbox"/> Demoting | <input type="checkbox"/> Making threats |
| <input type="checkbox"/> Denying overtime or promotion | <input type="checkbox"/> Reassignment affecting prospects for promotion |
| <input type="checkbox"/> Disciplining | <input type="checkbox"/> Reducing pay or hours |
| <input type="checkbox"/> Denial of benefits | |

Applicable Federal Code References

A Temporary Worker Safety & Health Program is a plan where employers evaluate potential workplace hazards in their workplaces and seek to control these hazards, effectively preventing employee risk to injury and illness from accidents and exposures. The basic framework for an IIPP includes; management leadership, worker participation in the program, hazard identification and assessment, hazard prevention and control, education and training, and program evaluation and improvement. Several state have make IIPP mandatory and many companies consider it best practices. However, stopping short of federal law requiring explicit IIPP, plans, federal code does address program management. The following selected code references may be applicable to a IIPP plan as it pertains to the use of temporary workers. **Contractor**

Requirements

- ☐ 1926.20(a)(1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of

1950 (64 Stat. 1267), as defined in 1926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

Accident Prevention Responsibilities

- ☐ 1926.20(b)(1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.
- ☐ 1926.20(b)(2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.
- ☐ 1926.20(b)(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.
- ☐ 1926.20(b)(4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

General Training Requirements

The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.

- ☐ Employer responsibility. 1926.21(b)(1) The employer should avail himself of the safety and health training programs the Secretary provides.
- ☐ 1926.21(b)(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Letters of Interpretations

The following excerpts of OSHA of a letter of interpretation can provide us with guidance on what OSHA expects from employers and employees.

Letter of November 21, 2012

Question:

Your letter presents several scenarios in which the temporary agency and host employer have varying amounts of supervisory authority and worksite control. In some cases, the temporary agency has no managers on site, whereas in others, it has low-level supervisors or supervisors with significant authority over workers on site. In each scenario, you ask whether the temporary agency or the host employer is responsible for: (1) OSHA-required safety training; (2) OSHA hazard communication; and (3) OSHA injury reporting and log requirements.

Response

In general, both the temporary agency and the host employer have the responsibility to ensure that training, hazard communication, and recordkeeping requirements are fulfilled. Therefore, the issue at hand is the division of responsibility. With each of the scenarios you presented, the extent of responsibility is dependent upon the specific facts of the situation. Information regarding the division of responsibilities with respect to the three particular issues you raised in your letter—training, hazard communication, and recordkeeping—appears below. Please note that all documents to which this letter refers are available at www.osha.gov.

To ensure that there is clear understanding of each employer's role in protecting employees, OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

TRAINING

Although your letter does not inquire about any particular industry or training program, you should know that there are specific OSHA standards which cover training requirements depending on the industry, worksite, and job duties to which the temporary agency sends its employees. In general, however, it is the responsibility of the temporary agency to ensure that employees have received proper training. In practice, even when the temporary agency has provided basic training, the host employer provides the workplace-specific training appropriate to the employees' particular tasks. In order to fulfill its obligation under such circumstances, the temporary agency must have a reasonable basis for believing that the host employer's training adequately addresses potential hazards employees may be exposed to at the host worksite.

HAZARD COMMUNICATION

Both the temporary agency and the host employer are responsible for ensuring that employees are effectively informed and trained regarding exposure to hazardous chemicals. The directive titled Inspection Procedures for the Hazard Communication Standard, 29 CFR § 1910.1200, CPL 02-02-038, specifically discuss this issue:

[Hazard Communication Standard] training of temporary employees is a responsibility that is shared between the temporary agency and the host employer. The host-employer holds the primary responsibility for training since the host employer uses or produces chemicals, creates and controls the hazards, and is, therefore, best suited to inform employees of the chemical hazards specific to the workplace environment. The temporary agency, in turn, maintains a continuing relationship with its employees, and would be, at a minimum, expected to inform employees of the requirements of the standard. (CPL 02-02-38, Appendix A, Section h, March 20, 1998)

Please see OSHA's February 3, 1994 interpretation letter to Michael F. Moreau for further discussion (enclosed).

RECORDKEEPING

The OSHA injury and illness recording and reporting regulation, 29 CFR § 1904.31, requires that an employer "record on the OSHA 300 Log the recordable injuries and illnesses of all employees on [the employer's] payroll" and of "employees who are not on [the employer's] payroll if [the employer] supervise[s] these employees on a day-to-day basis." 29 CFR §

1904.31(a). The regulation goes on to reiterate that if an employer "obtain[s] employees from a temporary help service, employee leasing service, or personnel supply service," that the host employer is obligated to record any recordable injuries and illnesses if it "supervise[s] these employees on a day-to-day basis." Id. § 1904.31(b)(2). Therefore, in your first scenario, in which the host employer has full supervisory control over employees, the host employer is responsible for injury and illness recording and reporting. In your last scenario, in which only the temporary staffing agency exercises day-to-day supervision over employees, the temporary staffing agency is responsible for injury and illness recording. In your other scenarios, the temporary staffing agency and host employer share the supervisory role, so it is not readily apparent which employer must comply with 29 CFR § 1904.31. In that case, OSHA advises that the two employers reach an agreement regarding the responsibilities in question. Please note that only one employer's log should contain a record of injuries and illnesses of the employees. Id. § 1904.31(b)(4).

Since you are supplying workers to many different industries and OSHA recordkeeping requirements can vary between industries, please know that general information on recordkeeping requirements is available at <http://www.osha.gov/recordkeeping/index.html>. For additional information about injury and illness recording and reporting requirements where workers have been sent by a temporary staffing agency, see OSHA's June 23, 2003 letter available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=24518.

Additionally, the Recordkeeping Rule has been revised for 2015 to include two key changes; first, the rule updates the list of industries that are exempt from the requirement to routinely keep OSHA injury and illness records, mainly due to their relatively low injury rates. The second expands the list of work-related injuries that all covered employers **must** report to OSHA. The revised rule retains the current requirement to report all work-related fatalities within 8 hours and adds the requirement to report all work-related in-patient hospitalizations, amputation and loss of an eye within 24 hours to OSHA. See <https://www.osha.gov/recordkeeping2014/index.html> for further information.

Last and most importantly, Section 5(a)(1) of the Occupational Safety and Health Act states "that each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause

death or serious physical harm to his employees." Both the temporary employer and the host employer will be cited, therefore, if OSHA finds that both employers were responsible for the violative condition(s).

OSHA Letter of Interpretation: February 3, 1994

Question 1. Who is responsible for hazard communication training of the temporary employee is it the temporary agency or the client employer?

Response:

OSHA considers temporary employment agencies who send their own employees to work at other facilities to be employers whose employees may be exposed to hazards. Since it is your company, which maintains a continuing relationship with its employees, but another employer (the client) who creates and controls the hazards, there is a shared responsibility for assuring that your employees are protected from the workplace hazards. The client has the primary responsibility of such protection. The "lessor employer" likewise has a responsibility under the Occupational Safety and Health Act.

In meeting the requirements of OSHA's Hazard Communication standard the lessor employer would, for example, be expected to provide the training and information requirements specified by the HCS section (h)(1). Client employers would then be responsible for providing site-specific training and would have the primary responsibility to control potential exposure conditions. The client, of course, may specify what qualifications are required for supplied personnel, including training in specific chemicals or personal protective equipment (PPE). Contracts with your client employer and your employees should clearly describe the responsibilities of both parties in order to ensure that all requirements of the regulation are met.

Question 2. Who is responsible for the provision and assured use of appropriate personal protective equipment by the temporary employees?

Response:

Client employers would be responsible for providing PPE for site- specific hazards to which employees may be exposed. However, again, the client may specify the services that it wants

the lessor employer to supply, including provision of PPE for the placed employees. Contracts with the client employer should clearly describe the responsibilities of both parties in order to ensure that all requirements of OSHA's regulations are met.

Question 3. When medical surveillance or monitoring is indicated, who is responsible for conducting the monitoring and maintaining records?

Response:

The client employer must offer and perform the required medical surveillance or evaluations. The lessor employer must ensure that the records of the required medical surveillance or evaluations are maintained in accordance with the appropriate OSHA standards.

Question 4. Is the temporary help service required to maintain cumulative exposure data (eg. 30 day lead exposure, 6 months noise exposure, etc.), when the employee works for several different companies during the year?

Response:

Yes, the temporary help service must maintain employee records in accordance with the appropriate OSHA standard (e.g. the Lead standard, the Occupational Noise Exposure standard, etc.). However, the client employer must perform the site characterization and monitoring of exposure to hazardous chemicals on the work site.

Question 5. If 29 CFR 1910.1200(h) requires training on hazardous chemicals in the work area at the time of the initial assignment and whenever a new hazard was introduced into their work place, when does the initial assignment begin and who is responsible for the initial training and the on-going training?

Response:

The lessor employer would be expected to provide some generic training and client employers would be responsible for providing site-specific training, or training to update employees on new hazards in the workplace. Please see the answer to question 1 for a further explanation.

Question 6. How does hazard communication training tie into the SIC code 7363?

Response:

The current HCS final rule covers all Standard Industrial Classification (SIC) codes. In 1987 the Office of Management and Budget (OMB) prevented OSHA from enforcing HCS in the construction industry. On OMB's advice, OSHA published a statement of concurrence in the Federal Register on August 8, 1988 (Volume 53, page 29822). However, on August 19, 1988, the U.S. Court of Appeals for the Third Circuit invalidated OMB's actions as being outside OMB's authority under the Paperwork Reduction Act (see *United Steelworkers of America v. Pendergrass*, 855 F.2d 108, (3rd Cir. 1988), Ex. 4-190). As ordered by the Court, OSHA published a notice in the Federal Register on February 15, 1989 (Volume 54 page 6886) to inform affected employers and employees that all provisions of the HCS would be in effect in all industries, and set March 17, 1989, as the date for initiation of programmed compliance inspections.

We hope this information is helpful. If you have any further questions please contact the Office of Health Compliance Assistance at (202) 219-8036.

Section Three: Managing Temporary Workers in Your Workplace

Introduction

The use of temporary workers poses unique hazards in American workplaces. Businesses often have to increase the number of workers to meet necessary labor demands brought about by various fluctuations, such as seasonal upticks in sales, increased emergency efforts after a hurricane, or a construction contractor swelling their ranks to expedite the completion of a project. No matter the circumstance that necessitates the use of temporary workers, the statistical rates injury illness and fatality are increasing. Very often an employer is guessing at competency, skill level, aptitude and training.

Exercise: Critical Assessment: It would be wise to start any undertaking with some reasonable assessment of what your company has in place already. What has been your experience been working with temporary workers and what would you suspect are the problems?

Temporary Workers' Safety and Health Bill of Rights

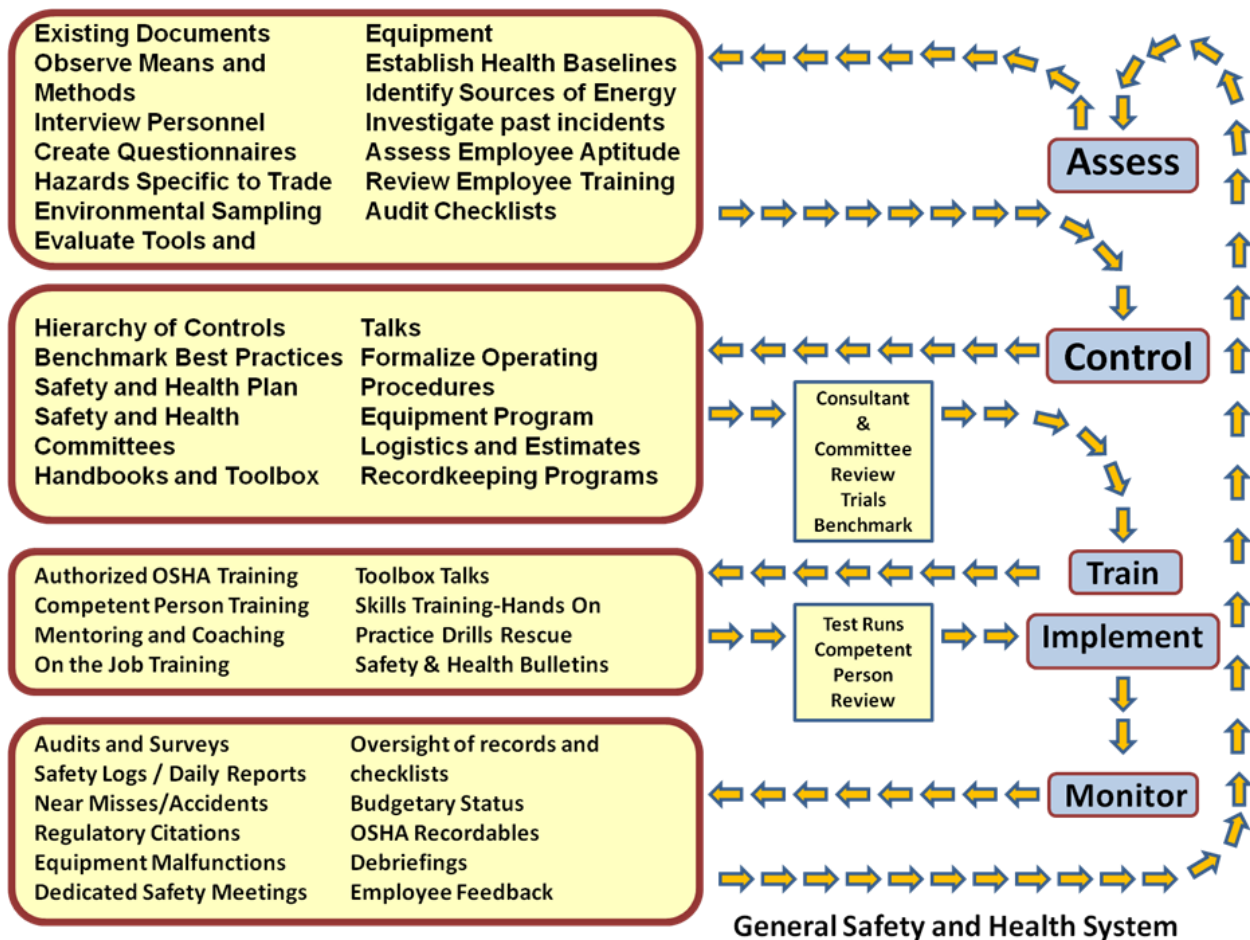
1. You have a right to work in a workplace that is free from recognized hazards that can harm you.
2. You have a right to know about and receive training on hazardous chemicals that you may work with or come in contact and how to recognize, avoid and prevent exposure.
3. You have a right to receive, at no cost to you, appropriate personal protection equipment and be trained in its proper use and limitations.
4. You have a right to receive clear workplace orientations explaining the scope and tasks you are hired to perform and the associated hazard and controls.
5. You have a right to training in hazard avoidance, prevention and protection for the tasks you are employed to perform in an effective manner in a language you understand.
6. You have a right to refuse to work if you have told your employer of a safety or health concern, they have not abated the condition and you cannot easily reach OSHA.
7. You have a right to speak-up about occupational safety and health concerns without fear of retaliation.
8. You have a right, if you are sent from a staffing agency, that the agency's client (the host employer) and your employer agency cooperate together to provide you with a safe work environment.
9. You have right to work in an establishment where your employer keeps accurate records regarding recordable injuries and illnesses and follows OSHA standards and all other regulatory requirements under the law.
10. You have a right to workplace where your employer, either the host employer or your agency employer, frequently and regularly evaluates your workplace for new occupational safety and health hazards.

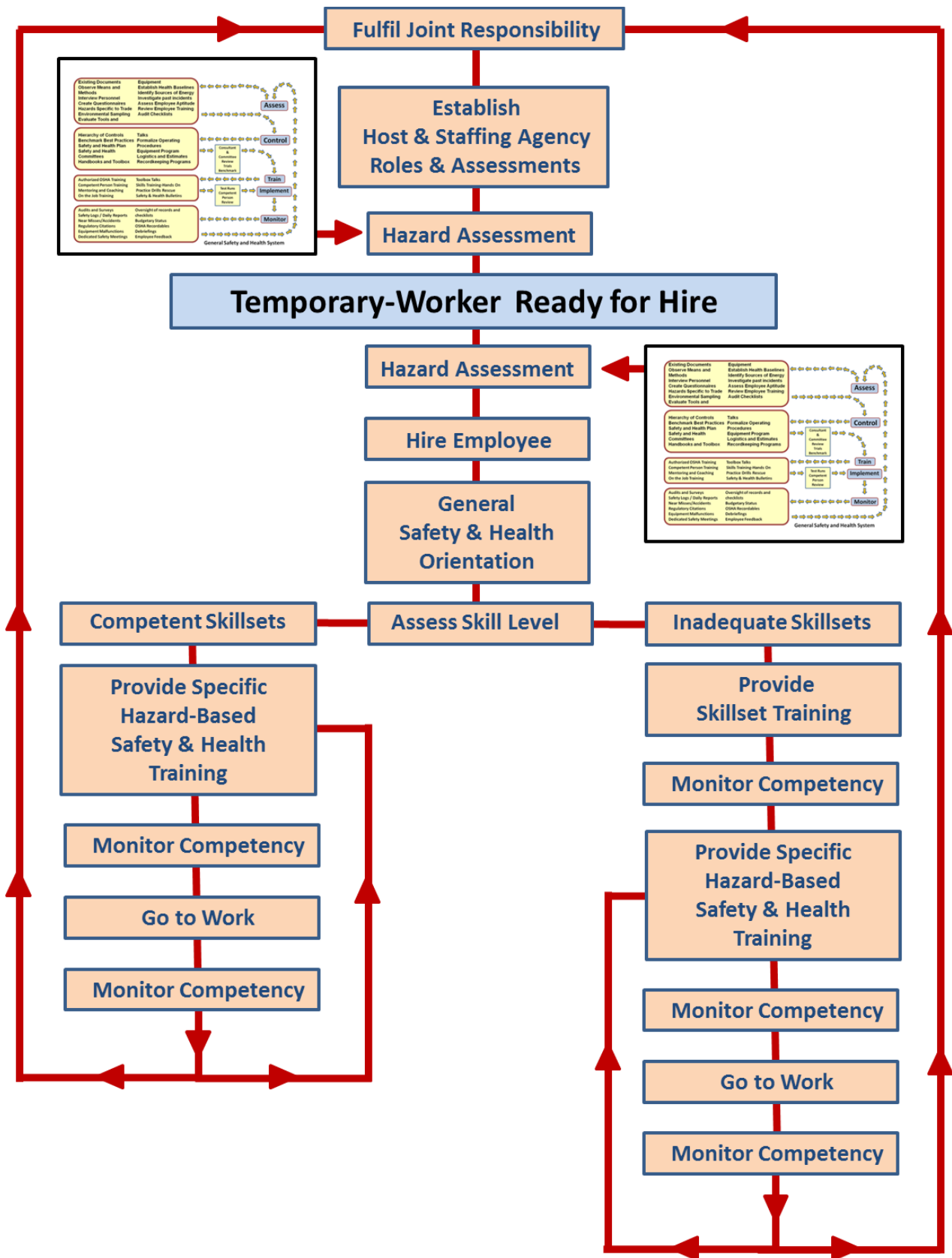
Temporary Workers' Safety and Health

Bill of Rights

- 1. You have a right to work in a workplace that is free from recognized hazards that can harm you.*
- 2. You have a right to know about and receive training on hazardous chemicals that you may work with or come in contact and how to recognize, avoid and prevent exposure.*
- 3. You have a right to receive, at no cost to you, appropriate personal protection equipment and be trained in its proper use and limitations.*
- 4. You have a right to receive clear workplace orientations explaining the scope and tasks you are hired to perform and the associated hazard and controls.*
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- 10. You have a right to workplace where your employer, either the host employer or your agency employer, frequently and regularly evaluates your workplace for new occupational safety and health hazards.*

How Temporary Worker Programs fit into an employer's safety process





Key Elements to a Temporary Worker Safety & Health Program

There are several key elements to a Temporary Worker Safety & Health Program that emphasize the important characteristics of effective programs, including perhaps working with employment agencies, unions, community outreach placement centers and other temporary labor providers.

Although it is very often not noticeable, a staffing agency and a staffing agency's client (the host employer) are both joint-employers of temporary workers and therefore, both are responsible for providing and maintaining a safe work environment for those workers. This means that there must be a vigorous communication between the staffing agencies and their clients the host employers and together they must work ensure that regulatory requirements are met and their employees work in an environment that is free from recognized hazards. The respective extent of each employer will vary depending on workplace conditions and should therefore be described explicitly in an agreement or contract between the two employers. While their safety and health responsibilities will sometimes overlap, one of the employers, a staffing agency or a host employer, may be better suited to ensure compliance with a particular requirement, and may assume primary responsibility. The joint employment structure requires effective communication and a common understanding of the division of responsibilities for safety and health. Ideally, these will be set forth in a written contract.

Establish Bilateral Employer Relationship and Fulfil Joint Responsibility

To ensure that there is a clear understanding of each employer's role in protecting employees; OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

While the extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case, staffing agencies and host employers are jointly responsible for maintaining a safe work environment for temporary workers - including, for example, ensuring that OSHA's training, hazard communication, and recordkeeping requirements are fulfilled. These joint obligations make it necessary to cooperate since OSHA

could hold both the host and temporary employers responsible for violations that could include lack of adequate training regarding workplace hazards, lack of appropriate hazard controls or lack of appropriate hazard assessments. Temporary staffing agencies and host employers share control over the worker wellbeing while at work, and therefore share regulatory responsibility for temporary workers' safety and health.

OSHA has concerns that some employers may use temporary workers as a way to avoid meeting all their compliance obligations under the OSH Act and other worker protection laws; that temporary workers get placed in a variety of jobs, including the most hazardous jobs; that temporary workers are more vulnerable to workplace safety and health hazards and retaliation than workers in traditional employment relationships; that temporary workers are often not given adequate safety and health training or explanations of their duties by either the temporary staffing agency or the host employer. In addition, unfamiliar surroundings, lack of adequate experience and possible language barriers can also exacerbate inherent hazards. Therefore, it is essential that both employers comply with all relevant OSHA requirements.

Establish Host Employers and Staffing Agencies Roles

Any relationship is made stronger by establishing rules and roles for various participants. Since both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health, it is a best practice to establish explicitly what these specific responsibilities include.

A key concept is that each employer should consider the hazards it is in a position to eliminate, prevent, protect and or control and correct; always keeping in mind OSHA's standards found in the Code of Federal Regulations and the General Duty Clause of the OSH Act of 1970. For example: staffing agencies might provide general safety and health training, and host employers provide more specific training tailored to the particular workplace equipment or chemical hazards. Both employers should keep certain key elements in mind:

- The key is communication between the agency and the host to ensure that the necessary protections are provided.
- Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces. They must ensure that they are sending workers to a safe workplace.

- ☐ Ignorance of hazards is not an excuse.
- ☐ Staffing agencies need not become experts on specific workplace hazards, but they should determine what conditions exist at their client (host) agencies, what hazards may be encountered, and how best to ensure protection for the temporary workers.
- ☐ The staffing agency has the duty to inquire and verify that the host has fulfilled its responsibilities for a safe workplace.

Evaluate the Host Employer's Worksite.

Prior to accepting a new host employer as a client, or a new project from a current client host employer, the staffing agency and the host employer should jointly review all worksites to which the worker might foreseeably be sent, the task assignments and job hazard analyses in order to identify and eliminate potential safety and health hazards and identify necessary training and protections for each worker. The staffing agency should provide a document to the host employer that specifies each temporary worker's specific training and competencies related to the tasks to be performed.

Staffing agencies need not become experts on specific workplace hazards, but should determine what conditions exist at the worksite, what hazards may be encountered, and how to best ensure protection for the temporary workers. Staffing agencies, particularly those without dedicated safety and health professionals on staff, should consider utilizing a third-party safety and health consultant. For example, staffing agencies may be able to utilize the safety and health consultation services provided by their workers' compensation insurance providers. These consultation services are often offered to policyholders at little to no charge. Employers (staffing agencies and host employers) should inquire with their insurance providers about these services. Small and medium-sized businesses may request assistance from OSHA's free on-site consultation service. On-site consultations are separate from enforcement and do not result in penalties or citations.

If information becomes available that shows an inadequacy in the host employer's job hazard analyses, such as injury and illness reports, safety and health complaints or OSHA enforcement history, the staffing agency should make efforts to discuss and resolve those issues with the host employer to ensure that existing hazards are properly assessed and abated to protect the workers. In assessing worksite hazards, host employers typically have the safety and health knowledge and control of worksite operations. However, the staffing agency may itself perform

an inspection of the workplace, if feasible, to conduct their own hazard assessment or to ensure implementation of the host employer's safety and health obligations for temporary workers.

Train Agency Staff to Recognize Safety and Health Hazards

Many staffing agencies do not have dedicated safety and health professionals and, even when they do, these experts cannot be everywhere at once. By teaching agency representatives about basic safety principles and the hazards commonly faced by its temporary workers, the agency will be better equipped to discover hazards and work with the host employer to eliminate or lessen identified workplace hazards before an injury or illness occurs.

Ensure the Employer Meets or Exceeds the Other Employer's Standards

When feasible, the host employer and staffing agency should exchange and review each other's injury and illness prevention program. Host employers should also request and review the safety training and any certification records of the temporary workers who will be assigned to the job. Host employers in certain industries, for example, will only accept bids from and hire staffing agencies that the host has previously verified as meeting the host employer's safety standards. Similarly, some staffing agencies work only with clients that have robust safety programs.

Assign Occupational Safety and Health Responsibilities and Define the Scope of Work in the Contract.

The extent of the responsibilities the staffing agency and the host employer have will vary depending on the workplace conditions and should be described in their agreement. Either the staffing agency or the host employer may be better suited to ensure compliance with a particular requirement, and may assume primary responsibility for it. When feasible, the agency-host contract should clearly state which employer is responsible for specific safety and health duties. The contract should clearly document the responsibilities to encourage proper implementation of all pertinent safety and health protections for workers. This division of responsibilities should be reviewed regularly.

The tasks that the temporary worker is expected to perform, and the safety and health responsibilities of each employer, should be stated in the agency-host contract and should be communicated to the worker before that worker begins work at the job site. For example, should the job tasks require personal protective equipment, the contract should state what equipment will be needed and which employer will supply it. The worker should be informed of these details before beginning the job. Clearly defining the scope of the temporary worker's tasks in the agency- host contract discourages the host employer from asking the worker to perform tasks that the worker is not qualified or trained to perform or which carry a higher risk of injury. Defining, clarifying, and communicating the employers' and worker's responsibilities protects the workers of both the staffing agency and of the host employer. The contract should specify who is responsible for all such communications with the temporary worker.

Injury and Illness Tracking

Employer knowledge of workplace injuries and investigation of these injuries are vital to preventing future injuries from occurring. Information about injuries should flow between the host employer and staffing agency. If a temporary worker is injured and the host employer knows about it, the staffing agency should be informed promptly, so the staffing agency knows about the hazards facing its workers. Equally, if a staffing agency learns of an injury, it should inform the host employer promptly so that future injuries might be prevented, and the case is recorded appropriately. The parties should therefore also discuss a procedure to share injury and illness information between the employers, ideally specifying that procedure contractually.

You should note, that both the host employer and staffing agency should track and where possible, investigate the cause of workplace injuries. However, for statistical purposes, OSHA requires that injury and illness records (often called OSHA Injury and Illness Logs) be kept by the employer who is providing day- to-day supervision, i.e., controlling the means and manner of the temporary employees' work (the host employer, generally). See 29 CFR 1904.31(b)(2). The agency-host contract should therefore identify the supervising employer and state that this employer is responsible for maintaining the temporary workers' injury and illness records. Employers cannot discharge or contract away responsibilities that pertain to them under law. Further, the contract should specify which employer will make the records available upon request of an employee or an employee representative.

The supervising employer is required to set up a method for employees to report work-related injuries and illnesses promptly and must inform each employee how to report work-related injuries and illnesses. However, both the staffing agency and the host employer should inform the temporary employee on this process and how to report a work-related injury or illness. See 29 CFR 1904.35(b).

No policies or programs should be in place that discourage the reporting of injuries, illnesses or hazards. The OSH Act prohibits employers from retaliating against a worker for reporting an injury or illness, including for filing a workers' compensation claim for a work-related condition.

Injury and Illness Prevention Program

It is recommended that staffing agencies and host employers each have a safety and health program to reduce the number and severity of workplace injuries and illnesses and ensure that their temporary workers understand it and participate in it. The employers' safety programs should be communicated at the start of each new project, whenever new temporary workers are brought onto an existing project, or whenever new hazards are introduced into the workplace.

You should note that employers are required to have hazard-specific programs when workers are exposed to certain hazards. Such programs include bloodborne pathogens, hearing conservation, hazard communication, respiratory protection, and control of hazardous energy (lock-out/tag-out).

Contractors and employers who do construction work must comply with standards in 29 CFR 1926, Subpart C, General Safety and Health Provisions. These include the responsibilities for each contractor/employer to initiate and maintain accident prevention programs, provide for a competent person to conduct frequent and regular inspections, and instruct each employee to recognize and avoid unsafe conditions and know what regulations are applicable to the work environment.

Conduct Safety and Health Training and New Project Orientation

OSHA standards require site- and task-specific safety and health training. The training must be in a language the workers understand. Training helps to protect the workers of both the staffing agency and the host employer.

- Staffing agencies should provide general safety and health training applicable to different occupational settings, and host employers provide specific training tailored to the particular hazards at their workplaces.
- The host employer and the staffing agency should each provide — separately or jointly — safety and health orientations for all temporary workers on new projects or newly-placed on existing projects, including information on general worker- protection rights and workplace safety and health, emergency procedures.
- At least one of the joint employers, generally the host employer, must provide worksite-specific training and protective equipment to temporary workers, and identify and communicate worksite-specific hazards.
- The temporary workers' tasks, as defined by the agency-host contract, should also be clearly communicated to the workers and reviewed with the host employer's supervisor(s).
- Host employers should provide temporary workers with safety training that is identical or equivalent to that provided to the host employers' own employees performing the same or similar work.
- Host employers should inform staffing agencies when such site-specific training for temporary workers has been completed. Informing workers and supervisors of their respective responsibilities agreed upon by the joint employers protects the workers of both the staffing agency and the host employer.
- First Aid, Medical Treatment, and Emergencies. Procedures should be in place for both reporting and obtaining treatment for on-the-job injuries and illnesses. Temporary employees should be provided with information on how to report an injury and obtain treatment on every job assignment. Host employers should train temporary employees on emergency procedures including exit routes.

Incidents, Injury and Illness Investigation

In addition to reporting responsibilities, employers should conduct thorough investigations of injuries and illnesses, including incidents of close-calls, in order to determine what the root causes were, what immediate corrective actions are necessary, and what opportunities exist to improve the injury and illness prevention programs. It is critical that both the staffing agency and host employer are engaged in partnership when conducting these investigations.

Maintain Contact with Workers

The staffing agency should establish methods to maintain contact with temporary workers. This can be as simple as the agency representatives touching base with the workers throughout the temporary assignment, such as when the representatives are at the site to meet with the host employer or to drop off paychecks, or by phone or email. The staffing agency has the duty to inquire and, to the extent feasible, verify that the host has fulfilled its responsibilities for a safe workplace.

The staffing agency should have a written procedure for workers to report any hazards and instances when a worker's tasks are altered by the host employer from those previously agreed upon. The staffing agency and host employer should inform workers how to report hazards and/or changes to job tasks. For example, some staffing agencies have a hotline for their workers to call to report problems at the host employer's worksite. The staffing agency distributes this phone number during the orientation.

The staffing agency should follow up on a worker's safety and health concerns and any complaints with the host employer, as well as investigate any injuries, illnesses and incidents of close calls.

All Workers are Equal under the Law

Host employers must treat temporary workers like other workers in terms of training and safety and health protections. It does not matter how long a worker will be at a worksite or facility; if workers are exposed to safety and health hazards then the employer must take action to equally control their workplace environments. Equal hazards, equal protections must be the rule.

Why do Employers, Managers and Employees get into Trouble?

“O I F L I E S” is a quick way to remember how accidents happen that affect the safety and health employees. These are often the excuses safety and health professionals and compliance officers hear in the field at the scene of an accident or significant incident. It’s helpful to recognize these potential traps before work starts as they typically alter “normal” operations. Train everyone in your workplace to look for these leading indicators that point to a problem that may be around the corner.

- ☐ Overconfidence
- ☐ Ignorant or Inexperienced.
- ☐ Faster: “It was faster to do it this way.”
- ☐ Less Expensive: “It was cheaper to do it this way.”
- ☐ Improvised: Used equipment in a manner it was not intended to be used.
- ☐ Easier: “It was easier to do it this way.”
- ☐ Short term Exposure: “Was only going to be there for a short time.”

Pre-Arrival Checklist


The following are some helpful techniques to assure that temporary employees are fit for to perform occupational tasks and prepared to work in a safe and hazard free or controlled work environment.

- ☐ Is there a bilateral employer relationship?
- ☐ Is there a Host and Staffing Agency employer contract defining responsibility?
- ☐ Have roles been established between Host Employers and Staffing Agencies?
- ☐ Has there been an evaluation of the Host Employers worksite?
- ☐ Has agency staff been trained to recognize Safety and Health Hazards?
- ☐ Do the standards and best practices between employers coincide?
- ☐ Is there a well-defined scope of work in the contract?
- ☐ Is the temporary employee trained to perform scope of work?
- ☐ Does the temporary employee have experience to perform scope of work?
- ☐ Is there an orientation at the Host Employer's workplace?
- ☐ Has the Host employer's Right-to-Know training performed before work?
- ☐ Is there a mentor program at the Host Employer's workplace?
- ☐ Is there an Injury and Illness tracking system in place for proper recordkeeping?
- ☐ Does Host and Staffing Agency have an Injury and Illness Prevention Program
- ☐ Is communication maintained between employee and Staffing Agency?
- ☐ Is training and direction performed in the language clearly understood?
- ☐ Do all employees know their rights?

Exercise: Can you think of some specific leading indicators that temporary workers may be more susceptible to in your workplace?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Sample Pre-arrival Temporary Employee Form

Employee:				
Host Employer:				
Agency Employer:				
Employee Experience:		Employee Information:		
Employee Training:			Language:	
			Employer that Performed Assessment	
Task	Potential Hazards	Hazard Controls	Host	Agency
Task	Potential Hazards	Hazard Controls	Host	Agency
Task	Potential Hazards	Hazard Controls	Host	Agency
Host Employer Signature:		Agency Employer Signature:		

Section Four: Case Studies

Case Study One: Temporary Mill Worker Killed in Fall Down Manlift Shaft

On December 21, 2007, a 56-year-old temporary worker was killed when he fell down a manlift shaft at an animal-feed processing plant. OR-FACE received notification the same day. This report is based on a site visit and interview with the employer by an OR-FACE investigator, and information from Oregon OSHA, police, and medical examiner reports.

The feed processing plant was one of 65 plants in a national agriculture and dairy cooperative firm. The Oregon plant had been in operation for 35 years, and was purchased by the cooperative about 5 years earlier. The plant employed 14 workers (10 in plant, 4 in administration), working in two shifts. Raw feed material, such as corn, was delivered by rail and augured into bins on the second floor of the plant. The feed was then ground and blended with other food pellets and grains, and dumped into tanker trucks or bagged for shipping.

A temporary hiring agency was used by the firm to provide workers at its two Oregon locations. The temporary agency trained workers with an orientation video on basic safety requirements and a test. The plants provided specific on-the-job training. The safety training provided to temporary workers at the plant in this incident involved instructions on how to operate the manlift. All job instruction and safety training at the agency and the plant were in English.

The plant followed corporate safety programs, held monthly safety meetings, and performed regular safety inspections. Toolbox safety meetings were held periodically. All workers were provided with personal protective equipment. Temporary workers, hired as cleaners (sweeping, shoveling, picking up litter), were given on-the-job training.

The company had a written safety program for the manlift and elevator at the plant, consisting of procedures, inspections, and training. Orientation included the manlift manufacturer's safety video. Manlift safety instructions specified that no freight or handheld tools were allowed while riding the lift.

The foreign-born worker in this incident and a friend were hired together by a temporary agency to work as cleaners at the feed processing plant. The men were both native Spanish speakers. They received on-the-job training at the plant from their supervisor in English. Although the Spanish-speaking cleaner had very limited proficiency in English, he had lived and worked in the USA for 30 years, and was comfortable managing tasks in an English-speaking environment. He had a physical impairment, a “slow” eye that impaired his ability to focus, which may have been a contributing factor in this incident.

Investigation

On the day of the incident, the cleaner had worked at the plant less than 30 days. He arrived at 6 a.m. for the day shift and was assigned to sweep in the basement, where he had worked his previous shift. Two other workers were in the plant at the time.

For an unknown reason, the cleaner went to the second floor, and about 10 minutes later a crashing noise in the manlift was heard by a coworker. The cleaner had fallen down the manlift shaft and was dangling from one of the crossbeams about 8 feet below the second-floor opening. A broom that fell into the shaft with the cleaner lodged against the beams and prevented him from falling farther. A fixed platform step on the continuously moving manlift belt struck him on the back of the head, and was unable to pass. The belt slipped on the drive wheels.

A coworker climbed the ladder in the manlift shaft and located the victim on the down side. Another coworker stopped the manlift and called for emergency assistance. Rescue workers found the victim dead at the scene.

Workers used the manlift to move up and down between floors. The 15.5-inch-wide manlift belt ran in a continuous loop from the basement through holes in the first and second floors, then through a roof housing; one side up and one side down. Platform steps were attached to the belt every 11½ feet, with hand grips halfway between the steps. The floor openings were roughly circular, about 2x2½ feet in diameter. A fixed ladder ascended the shaft, and a stop cord was installed next to the belt, which could be grabbed to pull in the direction of the lift to stop.

Gates guarded the manlift floor openings. Floor surfaces were not always clear and secure. On the second floor, where the incident occurred, bolt heads protruded one-half inch from the floor about 10 feet from the down shaft. On the third floor, a raised plywood floor around the shaft was spongy when walked upon.

Safety instructions on the belt and on the wall near the first-floor access shaft were in English only, and partially obscured due to wear. Although each floor was well lit, the environment was dusty and the shaft openings were unlit.

This event was unwitnessed. The Oregon OSHA investigator suggested two possible scenarios.

1. The cleaner may have tripped on the way to the access shaft down, and fallen with his head over the hole; a descending step then struck and pulled him down the shaft. A fracture on the right side of his face above the right eye indicates he may have been knocked unconscious.

2. The cleaner may have misjudged the handhold while stepping onto the downside manlift, causing him to fall.



A close-up view of a platform step on the manlift shows the metal framework on the left and emergency ladder on the right

A worker at the mill demonstrates use of the manlift to ride between floors.



The victim fell through this manlift shaft opening. A platform step is shown on the lift belt, and the fixed ladder and stop cord at left.



A gate guarded the manlift floor openings. At one opening, a raised plywood floor was spongy when walked upon, reducing secure footing.

Case Study Two: Temporary Worker Killed when Caught in Machinery at a Bottling Plant in Washington State

On February 28, 2000, the Washington State FACE Program was notified by WISHA*, of the death of a 24-year-old bottling plant worker in western Washington. The Washington FACE Field Investigators met with the WISHA enforcement representatives for the region in which the fatal incident occurred. The WA FACE team then traveled to the incident site with the compliance inspectors where they met with the representatives of the bottling plant involved in the incident.

The Washington FACE team also contacted the temporary employment service agency (TESA), the primary employer in this case, and met with representatives of the agency. The TESA has been in business nationally for over 50 years and has over 4,000 owned and franchised offices worldwide. The local office had been in the area for about 25 years. The total TESA office staff varied from two to five full-time and part-time employees.

The local office of the TESA does not employ a safety person to oversee their operations' health and safety processes or training, but their corporate and regional management did assign responsibilities and guidance to the local office staff. When a new employee signs with the agency, a local staff member provides a very brief, general safety orientation to the new employee. The secondary employer (the bottling plant) involved in the incident had a regular working relationship with the TESA to contract labor to work at the bottling plant and at the time, only about 5% of their employees were employed by the TESA.

The bottling plant is part of a multi-plant co-op of 10 soft drink franchise operations located throughout the northwest. The bottling plant has been in operation since 1992 and employs approximately 125 workers. The plant had both new and temporary employee orientation processes. Written orientation checklists were essentially identical for both new and temporary employees. The plant supervisors, along with the human resources manager, had the responsibility for new and temporary employee orientation. The company did not have written job descriptions that outlined the duties of each operation.

Either a plant supervisor or employee conducts “on the job” training with the new and temporary employees prior to the employee being assigned a job duty on their own. Depending on the complexity of the job and other factors, training can range from one day to one week. Once the new employee has been given the job to run on their own, there also may be a week of observation.

The facility had an accident prevention program and had conducted hazard analysis reviews on some elements of their production operations, but the analyses were limited in scope and did not address the hazard involved in the fatal incident. The plant had a safety committee that met on a monthly basis at their facility, though none of the temporary employees were on this committee.

The bottling plant was running their “plastic container” soft drink bottling process under routine conditions at the time of the incident. The victim was a 24-year-old male (temporary employee), who was working as a depalletizer line operator at the bottling plant on the date of the incident. His primary job was to manage the depalletizer machine, which introduces empty containers (20 oz. bottles on the date of the incident) into the production process, which are then filled with the soft drink product that the line was running that day. The victim had worked at the bottling plant on and off, as a temporary employee for just under two years. Most of that time he had worked as a depalletizer operator.

The TESA records showed, via signed documents, that the victim had received the agency’s very basic health and safety training prior to entering employment at the bottling plant, approximately 2 years prior to the incident. Specific training related to the employee’s job and the bottling plant safety process were conducted at the bottling plant. The bottling plant did not have any documentation of the victim’s training, as they believe the records were purged after maintaining them for a year.

On the evening of February 26, 2000, the victim was caught in the depalletizer machine that he was operating as part of the company’s soft drink processing line. Co-workers responded after they noticed the process line had stopped and saw the victim caught in the machine. A call was placed to 911 and they began CPR prior to the arrival of a local fire department’s emergency medical rescue unit. The victim died of his injuries at the scene of the incident.

Investigation

On February 26, 2000, a Saturday evening, the victim was working the second shift at a bottling plant in western Washington State. He had reported to work at 2:30 PM, which was the normal start time for second shift.

The victim had been hired as a temporary employee via a TESA to work at the bottling plant. He had worked there on and off for about two years. His job at the time of the incident was to run the depalletizer line and he had performed that job for about a year.

A supervisor at the plant indicated that the victim was very familiar with the operation of the depalletizer. He also said that this part of the process line was one of the easier parts of the operation and required only a limited amount of training and supervision.

The depalletizer is an automated machine that transfers empty containers (bottles and cans) from stacked pallets to single-file on the processing line (see Figures 1, 2, and Photo 1). Pallets are brought by forklift from the bottling plant's container storage area and set into the initial feed mechanism of the depalletizer.

The depalletizer raises the palletized stack of bottles up from floor level to the operator's workstation level (approximately 12ft from the floor). The depalletizer mechanism then sweeps forward one layer of the palletized bottles that are packed in an 11 by 12 formation, and funnels them into a single file where a conveyor moves the bottles to the labeling and fill line.

Each layer of bottles on the pallet was separated by a piece of chipboard (tier sheet/slip sheet) which travels with the stack of bottles up the depalletizer hoist until it reaches the chipboard remover mechanism at the top. The chipboard remover has five vacuum suction cups which descend automatically onto the chipboard that covers each layer of bottles and lifts the chipboard off the bottles (Photo 2 and 3). An electronic sensor triggers this action when it senses the layer of bottles entering the chipboard remover area. The suction cups apply approximately 20 pounds of vacuum pressure to lift the chipboard approximately 2-1/2 ft off the layer of bottles. The chipboard remover then moves approximately 5 -1/2 ft to the right and

drops the chipboard onto a stack of removed chipboards. The stack is periodically taken out of the system by one of the bottling plant workers.

Once the chipboard is placed in the stack, the chipboard remover swings back to the original position to pick up the next chipboard. Simultaneously, the new layer of bottles is moved to the left by the sweeper arm onto the conveyor that sends the bottles to the labeling and filling operations. As the bottles travel along the conveyor system, an electronic sensor sends a signal to the system to raise the next layer of bottles in place for depalletizing. According to a bottling plant supervisor, this process takes approximately 20-25 seconds to cycle each layer of bottles through the system.

Sliding Plexiglas interlocked guards (doors) prevent access to the front of the chipboard remover from the operator's side of the work platform. There was a 16" x 24" opening in the guarding between the stack of bottles and the removed chipboard sheets to allow the worker access to remove the wooden stabilizing ring that is placed on top of the pallet load of bottles. Prior to the chipboard remover cycling through its process, the depalletizer operator had to reach into the opening and cut and remove two straps and a large wooden ring off the top of the pallet of empty bottles while it was in the depalletizer. This operation was done while the machine was turned off.

Once the bands are cut and the wooden ring removed, the depalletizer operator had to walk off the work platform and go down to the depalletizer control panel located on the manufacturing floor level and set the machine to the run mode. This re-activates the automatic cycle of removing the chipboard and sweeping each layer of empty plastic bottles onto the conveyor. The operator then walks back up to the operating platform and activates the system at the control panel.

On the afternoon of Saturday February 26, 2000, the victim reported to work at 2:30 PM as usual for the start of the second shift at the bottling plant. A supervisor relieved the victim at approximately 4:15 PM for his first break during the shift. Sometime between 6:00 and 6:30 PM, the supervisor noted the victim at his workstation and noticed nothing out of the ordinary. Between 7:15 PM and 7:45 PM the victim ate dinner with a co-worker in the facility break area.

The line had been running well that evening until 8:01 PM, when down time was recorded for a gap in the bottles traveling down the conveyor from the victim's work station to the fill line (i.e. the bottles weren't continuously being supplied to the processing line). At 8:05 PM the line was running again.

At 8:10 PM there was another gap in the bottles in the process line. This time the line did not resume running and the system "jam" warning light remained on. The labeler operator went to check to see why bottles were not moving. He saw a bottle jam and went to clear the line. He was about 30 feet from the depalletizer and observed the victim bent over doing something on the machine. The labeler operator went back to his work area, looked back and saw the victim caught in the chipboard remover apparatus. Then he ran up to the victim's location and found the victim face down on a piece of the chipboard in the chipboard removing apparatus. The labeler operator yelled at the victim to see if he was all right but the victim did not respond.

The labeler operator hit the manual depalletizer control button to lift the chipboard remover mechanism off of the victim but it was already at its highest point. He noticed that the victim's shirt was tangled around one of the chipboard remover's suction cups. When he realized that he was not going to be able to get the victim free of the machine, he yelled to another co-worker to call 911 and get additional help using his portable radio.

Several co-workers and the operation supervisor responded to the call for help. They found the victim jammed in the machine. One of the co-workers removed the interlocked safety doors from the front of the machine in order to get to the victim. The victim was laying face down with his right arm pressed under his body. His left arm was hanging down near the depalletizer hoist. His upper body was wedged in the machine past his waist. It appears as if the victim may have reached into the machine, past the safeguarding system. His shirt and belt were tangled in the suction cups. It was noted that the victim had a gash on his forehead and he had a blue color and no pulse. The victim was eventually removed from the depalletizer by co-workers.

Co-workers started CPR as soon as they got the victim free of the machine. The local fire department arrived within 10 minutes of being summoned and continued CPR on the victim but to no avail. The victim was pronounced dead at the scene.

The incident was unwitnessed, so no one saw the victim at the point in time when he got caught in the machine. The victim's co-workers thought that he may have been pulled into the machine while trying to reach in to align a bottle that had fallen. It was reported that sometimes a plastic bottle will fall and block the electronic eye and stop the depalletizer process until the bottle is cleared. Workers indicated that the 20 oz. bottles, that were being run, had more instability problems than other types of containers. They indicated that they often had to clear a minor jam or re-align these bottles during the depalletizer process. On average the workers indicated that they might have to deal with this 9 or 10 times a shift while working the depalletizer.

The workers all agreed that there should be no reason for anyone to get their hands or body into the system while the machine was running. The way operators were instructed to deal with a "downed" bottle was to switch the machine from automatic to manual mode at the control panel, and then open the interlocked sliding doors that are the physical machine guards for that apparatus. The interlocked doors shut the machine down. The operator can then safely reach in and take care of the fallen bottle. With the interlocked doors placed back in position, the machine would then be reactivated and placed into automatic mode and the line could proceed with the bottling process.

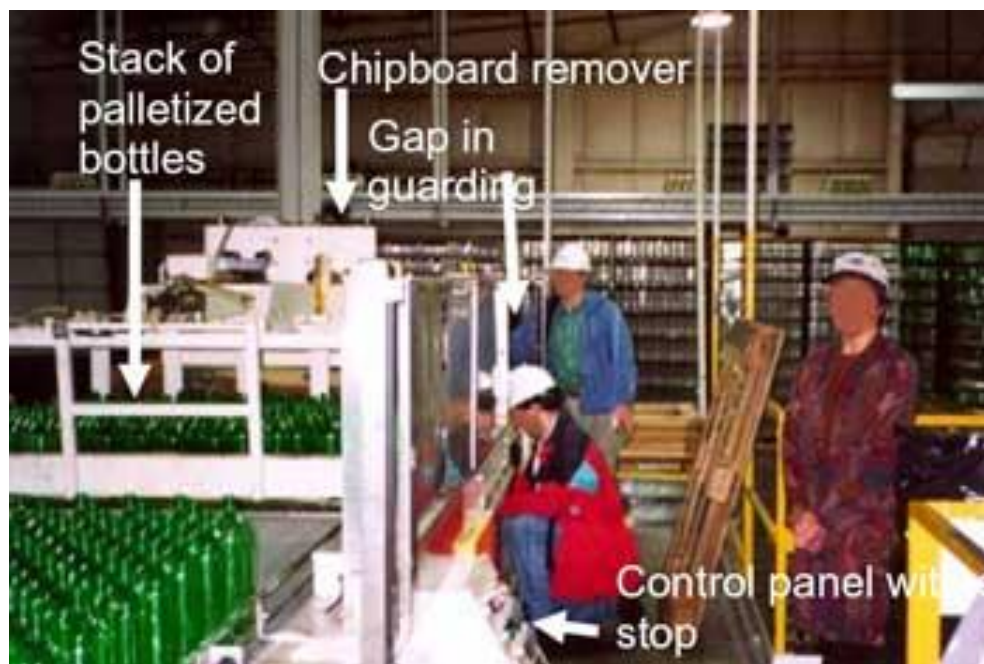


Photo 1. View of depalletizer from operator's platform.

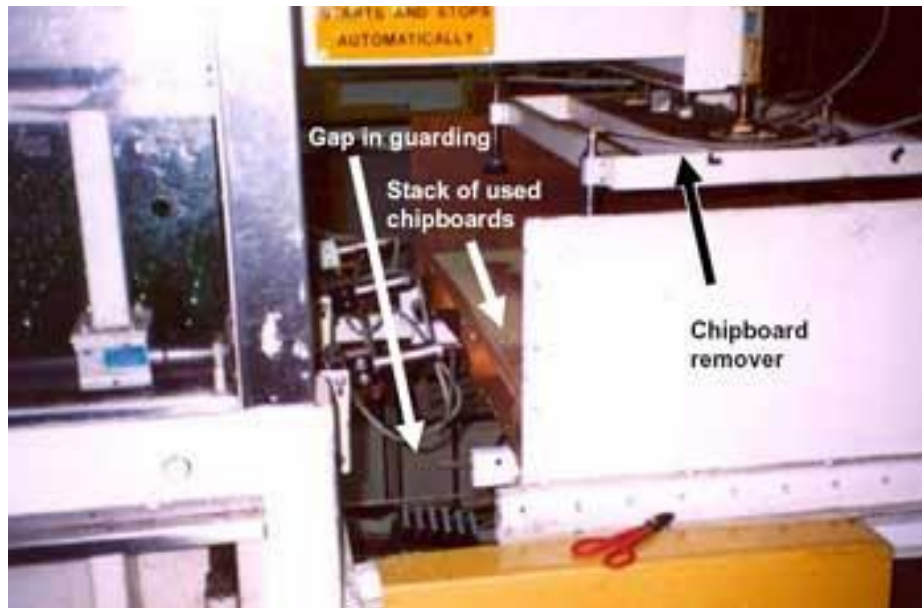


Photo 2. Gap in guarding showing chipboard remover.

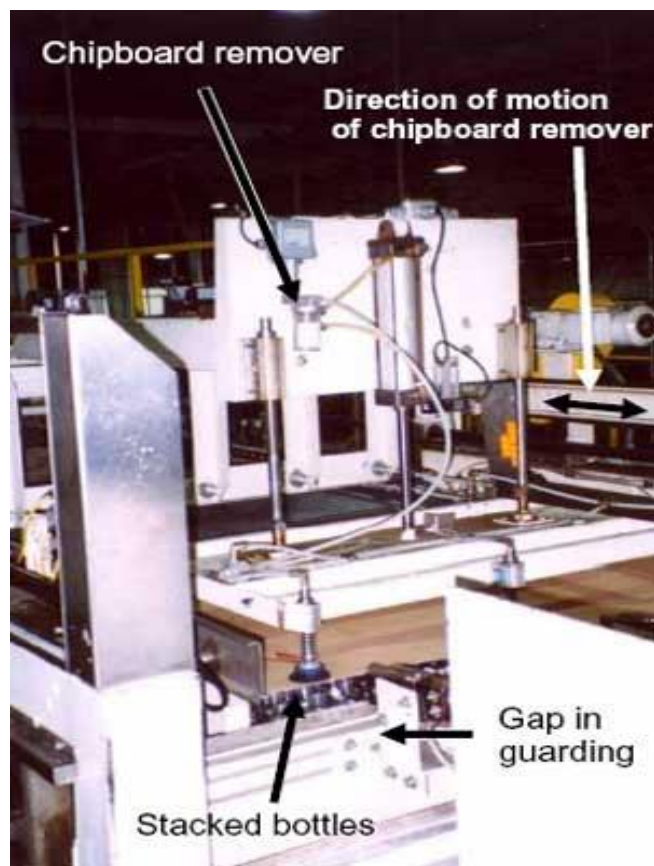


Photo 3. Bottles and chipboard remover.

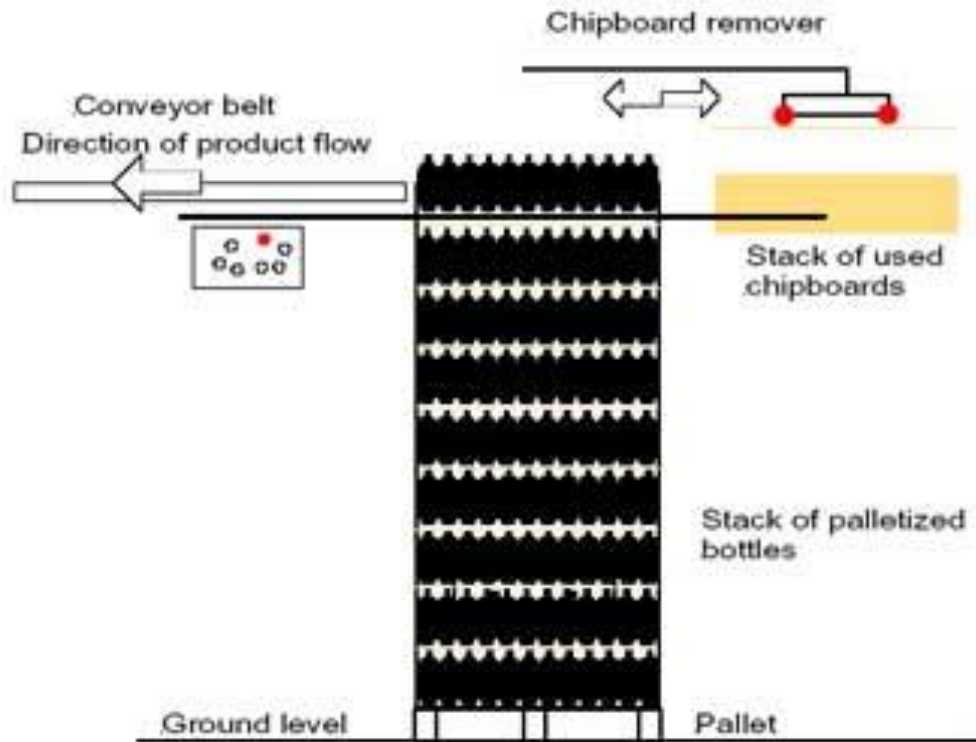


Figure 1. Side view of depalletizing operation.

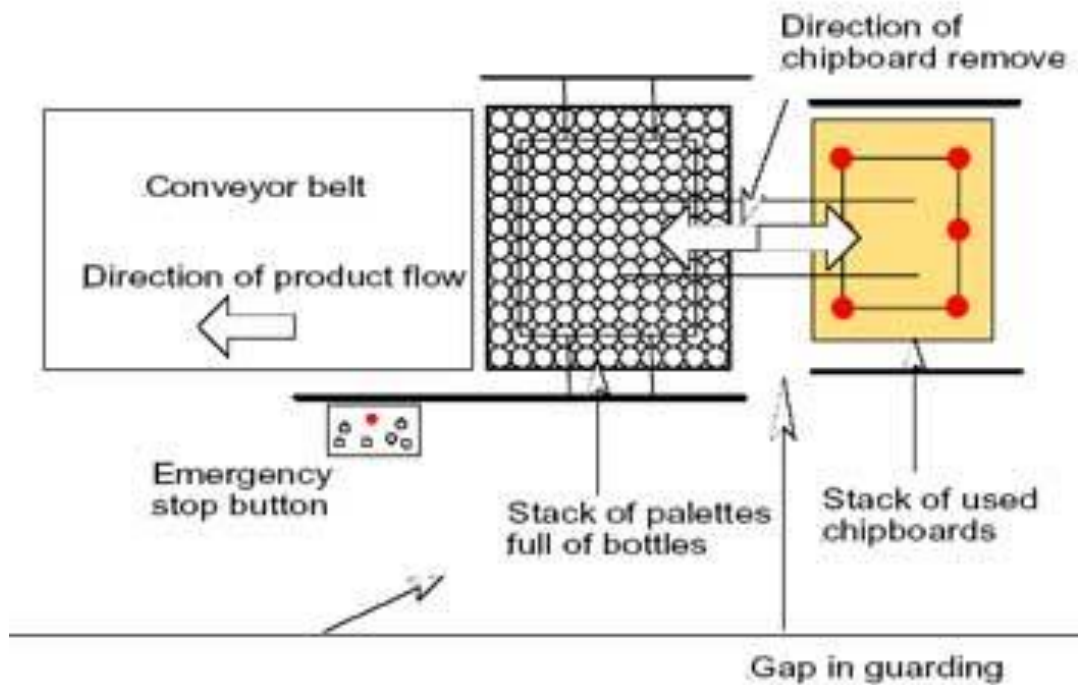


Figure 2. Plan view of depalletizing operation.

Section Five: “Straw-man” Group Exercise

Drawing from the previous case studies or your own experiences or perhaps from stories you may have read or heard about involving near-misses or accidents involving temporary workers, see if you can paste together what went wrong and how your interventions, utilizing the tools and advice from this program may have prevented such an unfortunate occurrence. From that discussion identify specific hazards and provide specific controls to each of those hazard utilizing a hierarchy of controls.

Section Six Debriefing:

As is proper with any form of training or education, there should be a means of evaluating the experience and assessing its effectiveness. Let us take a few moments and talk about what this program has achieved and where it can be made better. Also, let's take notes so we can look back on our notes say in the months to come and see if, at all, has this training and what we accomplished today had some longer-term effect on our workplace.

[illegible]

Appendix A: Some Tools to Help Manage Temporary Worker Programs

When setting out to implement an effective Temporary Worker Safety & Health Program there are certain tools that are helpful. The following tools can help you initiate the 6 core elements. Establishing a Temporary Worker Safety & Health Program may seem daunting. Any program based on formal structures can be difficult to establish in a small organization because of tight budgets and the tendency to resist change. Your Temporary Worker Safety & Health Program can lend itself to low-cost approaches because they can be highly flexible but always based upon the recognized hazards that the employer has assessed in a specific worker's work environment.

Unlike most health and safety programs, a Temporary Worker Safety & Health Program requires reaching across to other employers in the labor supply chain to assure those temporary workers that you receive into your workforce have all the necessary skills and training in addition to site specific training you may require.

Review Existing Documents

Looking *back* at the past is often the best way of planning how we look forward to the *future*. Ideally, we study the painful events of history so we *learn from history* and avoid reliving history's often tragic consequences. In a very real sense, safety and health standards and regulations are negotiated from the consequences of painful events borne out of unsafe conditions and or unsafe acts in occupational history. Assessing your company's actual written record is a great way to start looking at the past. Begin by reviewing:

- ☐ Existing written safety and health plans and programs.
- ☐ Top management endorsement of Health and Safety Plans (HASP).
- ☐ Insurance claims.
- ☐ OSHA citations.
- ☐ State or local jurisdictional citations.
- ☐ OSHA 300, 300A and 301 forms.
- ☐ Accident investigations.
- ☐ Safety logs and inspection reports.
- ☐ Job safety analysis.

Observe Means and Methods

There is nothing better than *seeing with your own eyes*. Primary observation is the most direct means of collecting information to base your assessments of safety and health issues. You should observe typical processes to assess deficits that you see and make notations. If there are activities that would affect life and health, immediately comment and take corrective action. An inherent weakness to primary observation is the “snapshot” audit where at the time of the visit things are better than they usually are, providing the auditor with an unrealistic view. This unrealistic snapshot may be due to workers and managers anticipating the visit, so it is best to perform such observations with as little advanced notices as reasonable. Audits should be frequent and regular and you should take photographs and notes that describe findings for later evaluation. In addition you should:

- ☐ Take corrective action if you are able to.
- ☐ Identify what can go wrong.
- ☐ Identify possible consequences.
- ☐ How likely is it that the hazard will cause harm.

No matter what you observe you will find the issue falls into one of two categories; unsafe acts and unsafe conditions.

Interview Personnel

Interviewing participants whom perform or oversee various functions inside of the workplace adds incredible insight into possible deficits, deficiencies and vulnerabilities. Often auditors or managers possess limited views of processes because they do not perform them on a regular basis. It is important to remember that interviews can often be subjected to problems due to various interviewee apprehensions; they may feel as if they are incriminating someone or use their own defense mechanisms. It is important to make interviewees feel comfortable and clearly state the good faith purpose of your interview. The interviewer should seek cooperation and openness, which inevitably leads employees to feel part of the “solution” to the problems.

- ☐ State your good-faith purpose is to improve the system.

- ☐ Do not intimidate or bully.
- ☐ Allow open ended dialogue as if guiding a conversation.
- ☐ Take notes but do so casually not writing every word, which can be intimidating and unnerving. Remember, these are interviews not legal “depositions.”
- ☐ Keep an “open door” policy to encourage future employee input.
- ☐ Ask for the interviewee’s suggestions and input.
- ☐ Conclude the interview with a statement of appreciation for their contribution. Ask them to contact you if they think of anything else. If possible, advise those interviewed personally of the outcome of the investigation before it becomes public knowledge.
- ☐ Create notes that create a more comprehensive summary of the interview.

Create Questionnaires

Creating questionnaires about specific tasks and or general conditions inside the workplace is a good means of measuring the level of compliance. As with interviewing, you should try to keep questionnaires anonymous to avoid apprehension, which can lead to results skewed from reality or an undercounting of unsafe conditions or activities. An example of an abbreviated employee safety satisfaction survey is presented in Appendix C.

Hazards Specific to Trade or Industry

The concept of keeping the workplace safe and free from health hazards hinges on the avoidance of hazardous and recognizable conditions and activities. Unfortunately, a lot of what we know about occupational safety and health comes to us through human hardship and loss of life. Very often there are disproportioned hazards more common among specific trades or industries. With the accessibility of modern electronic information there are many Internet resources available to us that allow us to collect data specific to our trade or industry.

- ☐ Bureau of Labor Statistics: <http://www.bls.gov/iif/>
- ☐ OSHA’s Establishment Specific Injury and Illness Data: http://www.osha.gov/pls/odi/establishment_search.html
- ☐ Fedstats: <http://www.fedstats.gov/>
- ☐ National Institute of Occupational Safety and Health Databases:

<http://www.cdc.gov/niosh/database.html>

- ☐ OSHA's directives often point to relevant areas of concern – do a search at <http://www.osha.gov>

The Environmental

There are many externalities that can affect how our system functions and hence any thorough assessment is obligated to consider the effects of the environment on the system. So it is important to realize, and account for, the likelihood that employees will perform various tasks under different environmental conditions. Environmental conditions can affect us in many ways some of which are obvious such as temperature or precipitation, but others are not so obvious such as those that involve the shape of a work space, the unseen presence of hazardous materials, or the possibility that our work activity can change or create an environmental hazard. The following are some environmental variables we may assess.

- ☐ Sampling for atmospheric conditions.
- ☐ Sampling for hazardous chemicals.
- ☐ Extreme temperatures hot and cold.
- ☐ Illumination.
- ☐ Sound levels.
- ☐ Slippery conditions effects of snow and ice.
- ☐ Atmospheric hazards, noxious, toxic, explosive.
- ☐ Configuration hazards and means of emergency egress.
- ☐ Engulfment hazards.

Evaluate Tools and Equipment

Invariably equipment plays a large role in accidents in the workplace. Review maintenance programs and schedules that check for mechanical integrity and working conditions and check to see if changes in such equipment necessitate management of change procedures such as employee retraining and modifications of existing means and methods.

- ☐ Are employees using tools appropriate for the tasks?
- ☐ Are employees properly trained to use such tools and equipment?
- ☐ Are tools maintained in good condition?

- ☐ Are tools ergonomically designed to reduce stress and fatigue?
- ☐ Is there a maintenance record for inspection and repair of tools and equipment?
- ☐ Is there a list that compiles and categorizes tools and equipment?
- ☐ Is there a mechanical integrity program that includes a quality assurance program?

Establish Health Baselines

Employees should be able to perform the tasks that an employer asks them to perform in a manner that will not adversely affect them or their fellow workers. Baseline testing and medical assessments allow the employer to safely issue respiratory protection and monitor the possibility of future risk exposures. Baseline testing should be provided to employees who have some of the following exposures:

- ☐ Working with hazardous chemicals.
- ☐ Exposed to high levels of noise.
- ☐ Required to wear a respirator.

Identify Sources of Energy

In the construction industry, the release of energy can cause injury in one form or another. Training ourselves to recognize sources of energy allows us to better assess our workplaces. The following are some energy sources we should try to identify in our assessments:

- ☐ Moving objects or objects that have the potential to move or fall.
- ☐ Mechanical energy such as springs.
- ☐ Noise.
- ☐ Unprotected electrical devices and electrical panels.
- ☐ Chemicals such as acids and bases.
- ☐ Hydraulic (oil pressure).
- ☐ Pneumatic (air pressure).
- ☐ Radiation and thermal.
- ☐ Flammables, combustibles and explosives.
- ☐ Fall potentials and gravity.

Investigate Past Incidents

We never want to wait for incidents to happen to correct what's wrong with our system. The failure of people, equipment, supplies or environment to behave or react as expected causes most of the incidents. Incident investigations determine how and why these failures occur. By using the information gained through an investigation, a similar or perhaps more serious incident may be prevented.

Assess Employee Aptitude

Very often there is a *disconnect* between the policies and procedures a company creates and the adherence to such policies. Sometimes this is due to the employer not assessing the learning aptitude of the workforce. Policies and procedures should be created in an easily understandable manner that encourages interaction, questions and feedback. We should assess:

- ☐ General educational background.
- ☐ Job duties and responsibilities.
- ☐ History of training.
- ☐ Length of employment.
- ☐ Attitudes toward training.
- ☐ Mastery of prerequisite skills/knowledge.
- ☐ Environments to which we ordinarily train.
- ☐ Readiness to learn.

Review Employee Training

As with learning aptitude of policies and procedures it is also important that training modules be easily understood and retained and the people whom present such training are qualified. There are several types of training that typically occur in the workplace try to categorize and assess them accordingly and pay special attention to new employee training and jobsite orientations.

- ☐ Is there a training program?
- ☐ Is training performed by qualified persons?
- ☐ Is training on going?
- ☐ Is it applicable to the tasks workers perform?
- ☐ Is the training interesting and understandable?
- ☐ Is training conducted in an environment that is conducive to learning?
- ☐ Is there mentoring?

Audit Checklists

No matter how much experience a practitioner of safety and health may possess, chances are, they will fail to see everything during an audit. The use of checklists helps keep the auditor to some path and often encourages further inspection. Checklists should not be static documents that never change and each checklist should have space for comments and explanations of findings. No matter whomever performs a checklist audit, competent persons, managers, safety and health professionals; items on checklists should be addressed one item at a time, preferably adding comments to each check hence adequately addressing to findings. We should avoid a rapid “check-off” style of filling out a checklist, where the auditor merely place checks as flipping switches. See an example of a Construction Checklist in Appendix A.

Create a List of Priorities

List jobs with hazards that present unacceptable risks, based on those most likely to occur and with the most severe consequences. These jobs should be your first priority for analysis.

Applying a Hierarchy of Controls

Performing a Job Hazard/Safety Analysis JHA/JSA is fundamental to controlling events that could cause harm to employees or property. Since it is always best to work through some delineated structure to avoid haphazard and arbitrary guesswork, safety and health professionals have long used the Job Hazard Analysis (JHA), also commonly referred to as Job Safety Analysis (JSA) along with an applied hierarchy of controls. Just as a checklist may guide us through a walk-through audit on a worksite, so does the structure of a JHA/JSA and a hierarchy of controls guide us when applying controls to our workplaces. Keep in mind that you always want to start to select controls first from the most protective choices and work your way downward, only discounting more protective controls because of infeasibility. Nearly every job can be broken down into smaller job tasks or steps. When beginning a job hazard analysis, watch the employee perform the job and list each step as the worker takes it. Be sure to record enough information to describe each job action without getting overly detailed. Avoid making the breakdown of steps so detailed that it becomes unnecessarily long or so broad that it does not include basic steps. You may find it valuable to get input from other workers

who have performed the same job. Later, review the job steps with the employee to make sure you have not omitted something. Point out that you are evaluating the job itself, not the employee's job performance. Always keep in mind that employee involvement is critical to ultimate success of our venture, so include the employee in all phases of the analysis—from reviewing the job steps and procedures to discussing uncontrolled hazards and recommended solutions.

Job Hazard/Safety Analysis Matrix

Task	Hazard	Control	Means of Implementation
Break tasks down to smaller sub-tasks.	List all possible associated hazards preferably in an order of severity	Use the Hierarchy of Controls 1. Elimination 2. Engineering 3. Mitigation	Should set out procedures that are easy to understand and accomplish in the field. Include the use equipment and requisite training and administrative

A job hazard analysis is a technique that focuses on job tasks as a way to identify hazards before they occur. It focuses on the relationship between the worker, the task, the tools, the work environment and the necessary steps to control a hazard.

Benchmarking Best Practices

Best practices are means and methods that have proven themselves in the marketplace, business or government to achieve some beneficial end. Best Practices often bring about higher levels of compliance than codes or minimal standards prescribe. In business there exists a technique referred to as *benchmarking* where companies look around at other more successful companies and strive to follow the more successful models. Sometimes groups of companies form trade or business associations that collectively try to create *best practices* for their members. Since it is extremely rare that safety and health strategies and techniques are tightly guarded trade secrets, it is relatively easy to benchmark your company against other companies and industry associations in order to find and implement best practices. Belonging to builders associations, trade organizations, union affiliations or monitoring the results borne out of

OSHA's Voluntary Protection Program (VPP) itself are ways of obtaining such best practices modeling. This is a cornerstone to business because all advantages one company has over another translates to a greater market share. Some methods of benchmarking could include:

- ☐ Trade Organizations.
- ☐ Outside Consultants.
- ☐ OSHA Voluntary Protection Programs.

Write Health and Safety Plan (HASP)

Committing a plan to writing formalizes and makes the plan easier to follow with less misunderstandings and interpretations. Imagine how distorted and convoluted the study of *history* or *science* might be if we learned everything solely by word of mouth; orally passed down from generation to generation. A written HASP helps us formalize: the hazards we assess at our worksites, the controls we choose, and a clear means of implementation. An effective HASP should be:

- ☐ Current.
- ☐ All-encompassing.
- ☐ Understandable.
- ☐ Open for expansion and refinement.
- ☐ Easy to follow in the field.

Safety and Health Committees

Safety and health committees are the backbone of a solid plan to improve working conditions and prevent injuries and illnesses. Since there are typically many problems to solve, the committee will need to see its work as an ongoing process. A well-run safety and health committee should have a balance of labor and management representatives. The committee will work best if management representatives have real decision-making power and the committee itself has the firm, full and sincere support of the top management. Here are some of the characteristics, roles and traits a committee should possess:

- ☐ Create a process to identify hazardous conditions.
- ☐ Initiate a policy for frequent and regular inspections.
- ☐ Investigate and keep track of all injuries and accidents.
- ☐ Initiate and plan training and education programs for managers and workers at all job titles.
- ☐ Create a means of distributing information, i.e.: newsletters, emails.
- ☐ Review and approve new equipment before it is bought.
- ☐ Keep an open line of communication between managers and workers.
- ☐ Meet on a regular basis, at least monthly and have a plan to meet in case an emergency.
- ☐ Work from an agenda.
- ☐ Keep minutes and check them carefully.
- ☐ Union representatives should talk to all local officers, chapter chairpersons, shop stewards, and all workers about the ongoing work of the committee.

Write Handbooks and Toolbox talks

Handbooks and toolbox talks should be skewed to the actual work of the targeted group of workers to an extent they proceed from the general to the more specific. Toolbox talks should assure full saturation of information and be presented by a competent or qualified presenter. There are many sources for toolbox talks and handbooks you can go to the links below or to OSHA's publication page.

- ☐ OSHA Brochures/Booklets

<http://www.osha.gov/pls/publications/publication.AthruZ?pType=AthruZ>

- OSHA Quicktakes Quicktips
<http://www.osha.gov/as/opa/quicktakes/index.html>
- OSHA Quick Cards
<http://www.osha.gov/OshDoc/quickcards.html>

Formalize Operating Procedures

A great deal of system management concerns itself with knowing the roles and responsibilities of all personnel at every level and every function within an organization. Formalizing a scope of operational procedures allows for better accountability. Roles and responsibilities should be broken down going from the general to the specific requirements.

Equipment Program

Establish an inventory and maintenance schedule for all tools and equipment assuring they are maintained in good working order (i.e.: no frayed or exposed wire or insulation). The program will create maintenance schedules for all vehicles and equipment abiding by manufacture's requirements with services performed by qualified persons. Keep in mind that inspections that come out of this program are in addition to daily inspections performed by operators or competent persons before using the vehicles and equipment.

The equipment program should include:

- All power tools.
- All portable or stationary equipment.
- Compressors, generators, welding machines.
- Fleet Program.

The program should coordinate with the training program; it should ensure that all factory installed safety devices will remain intact and that recordkeeping of maintenance logs be carried out as required by company policy.

Logistics and Estimates

In the “real world” of construction, very often money or the lack thereof, becomes an obstacle to fulfill regulatory compliance. A simple cost-to-benefit comparison (see below) clearly illustrates why, from a fiscal perspective, we must pay attention to the safety on the worksite. However, management and estimators must address these issues in their bids. It is true that the cost of an accident is greater than the protections necessary to keep such accidents from happening. There still is, however, the actual cost of safety and health measures that must be factored into each job to prevent problems from occurring later, in the field. Those who make estimates from the plans must be trained to look at those plans from the perspective of a safety professional, hence avoiding cost overruns necessitated by adding safety equipment or programs later. It may be a good idea to affix a line item for safety to each subsection of your company’s bid sheets and if necessary remind (or educate) potential clients of the necessity of safety and health considerations and their factoring in your bid. In this manner, safety compliance can provide your firm with a competitive advantage in the marketplace.

To understand the real cost of an incident, OSHA provides an on-line calculator known as \$afety Pays. It can be found at

<http://www.osha.gov/dcsp/smallbusiness/safetypays/index.html>

Cost-to-Benefit Comparison: Sample

A simple cost-benefit analysis

A simple cost-benefit analysis assumes that there is a reasonable expectation that a disabling injury is likely in the foreseeable future (five years) when employees are exposed (place themselves within a danger zone) to a workplace hazard. The object is to contrast the relatively **high cost/low benefit** if the hazard is not eliminated, with the **low cost/high benefit** if the hazard is eliminated.

The analysis answers the following questions:

What are the potential costs to the company if the hazard is not eliminated?
What are the potential costs to the company if the hazard is eliminated?
What is our return on investment (ROI) if corrective actions are taken?

To be effective, recommendations should be supported by a bottom-line cost/benefit analysis that contrasts the relative high costs of accidents against the much lower costs associated with corrective actions. Doing a cost benefit analysis is even more important when recommending corrective actions before an accident occurs.

Listed below are average **direct costs** for selected types of disabling claims (adjusted for inflation to 2010) from one Midwestern state:

Struck by falling object:	\$12, 327
Fall to lower level:	\$17,320
Lifting objects:	\$11,433
Caught in equipment/objects	\$14,450

Recordkeeping Programs

A recordkeeping program provides the fundamental basis for accounting in any system of safety; without such a program it would be difficult to manage resources. From a regulatory perspective, the recordkeeping program also provides the base data to the Bureau of Labor Statistics Survey Of Occupational Injuries And Illnesses (300 Log, 300A Summary, and a 301 Incident Report), which helps OSHA direct its resources

Training Managers and Workers

Training is part of the system of safety that links and delivers an employer's planned strategies to managers and labor. It is in essence what *makes or breaks* a system because ultimately systems are about *people*. There are many types of training and many training techniques. Over 150 explicit OSHA regulatory references require one form of training or another and that would

only skim the surface if you were to start to count numerous other implicit trainings. The employer must train and hence determine the most effective means of transferring knowledge that will affect behavior in a positive direction. All too often training is viewed and determined adequate by the number of hours inside of training rather than the effectiveness of the training. Training must be general and specific. Thankfully, there is a great deal of study and field experience to rely on when implementing training; OSHA's website (<http://www.OSHA.gov>) provides numerous sections on training, guided tutorials and outreach programs. (<http://www.osha.gov/SLTC/etools/construction/index.html>). A training program should be well planned and fit the needs of trainees, especially "at-risk" employees such as newly hired employees. Each program should have a means of evaluation, to gauge employee comprehension and performance measurements from the field. It is always best that trainers debrief what they *learn* by teaching, which is almost always the case. A trainer *learning* rather than *teaching* seems counterintuitive but good trainers whom are interactive with trainees often learn about deficits and vulnerabilities.

Keep in mind, as noted above that training employees and employers is mandated and codified in Title 29 CFR 1926.21:

§1926.21 Safety training and education

(a) General requirements. The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.

(b) Employer responsibility.

(1) The employer should avail himself of the safety and health training programs the Secretary provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Authorized OSHA Trainers

The Occupational Safety and Health Administration authorizes trainers to fulfill the Secretary's above cited requirements and allows them to issue 10 and 30 hour Outreach

training completion training cards for their students. To become an authorized trainer, you must complete a required OSHA trainer course (OSHA 500) and have prerequisite training (OSHA 510 Standards for the Construction Industry) and experience, which may include five years of construction safety experience, a college degree in occupational safety and health, a Certified Safety Professional (CSP), or Certified Industrial Hygienist (CIH) designation. It is important that employers interview authorized trainers for the ability to conduct trainings based on the aptitudes and experience of their employees. Authorized trainers have their strengths and weakness and these attributes should be paired. Training:

- ☐ Must be relevant to the trainees day-to-day activities.
- ☐ Needs to affect the trainee's behavior in the workplace.
- ☐ Needs to stimulate the trainees.
- ☐ Needs to be interesting.
- ☐ Should teach principles and procedures.
- ☐ Should demonstrate the whole picture or system and their context within.
- ☐ Should allow ample time for adult trainees to practice.

Competent Person Training

The single most important person on any construction field crew is the Competent Person. OSHA defines a Competent Person as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them. Various sections of the regulations have slightly more specific meanings for a Competent Person. If you had to categorize the traits that such a person would possess it would be; knowledge of safety and health, experience at their trade, and authority to take corrective action. Ideally, Competent Persons, whom interact constantly with employees under their supervision, have the unique ability to mentor and coach in real time. Given the important role of the Competent Person in any construction system, one can easily see why it is vital to have especially well trained and experienced Competent Persons. In many respects, they are the *eyes and ears* of the employer and represent the employer in the field.

Competent Persons:

- ☐ Create paperwork and documentation of training.

- ☐ Make sure the environment for field training is conducive to learning.
- ☐ Allows for questions and elaborations.
- ☐ Gauge saturation of information.
- ☐ Skews “general” advice to specific tasks at hand.
- ☐ Reinforces the principles of such talks by example.

Toolbox Talks

Workers need to training in the recognition and avoidance of unsafe conditions as part of company profitability and professional development. Using common sense is only part of the solution in preventing injuries or accidents. Bring short pertinent topical training into the field, often referred to as “tool box talks” or “tailgate talks,” is an effective means of reinforcing employee adherence and attention to an employee awareness to workplace hazards.

Training can be specific or topical to work; for example, a toolbox talk may be useful to remind employees of safety zones created on your site upon the arrival of crane or you may want to perform a toolbox talk on “Dressing For Winter Work” as winter approaches and perhaps at the start of summer, “Heat Exhaustion/Sunstroke;” all appropriate to the season.

Toolbox talks should be regular and abide by some of the following suggestions:

- ☐ Focus on what is important and or mandatory.
- ☐ Should have a structured format including an introductory statement, a guide for discussion and space for additional discussion notes. Some toolbox talk forms have reminders for the instructor on subjects to research and discuss; others require knowing company policy.
- ☐ Provide for follow up questions by employees, thus assuring comprehension.
- ☐ Identify what poor work practices can cause injuries or accidents on the job. Plan for and schedule out so you have time to research and possibly modify your company policy.
- ☐ For tracking, recordkeeping purposes or perhaps disciplinary action, it is recommend employees sign an acknowledgement that they have received the training and the instructor (competent person or qualified person) also acknowledged that he/she has presented the toolbox talk.

Structured Skills Training

Many accidents and fatalities occur due to employee lack of familiarity and experience with

equipment, materials and sources of energy. Having a structured and guided path that allows employees to perform certain tasks or use certain equipment in certain conditions in a graduated progression based on training and experience, is a proven means of avoiding accidents and also assuring quality control. Such paths to occupational mentoring practices dates back perhaps millenniums and is well documented in systems as the European Guilds. As part of a system of safety, an employer should establish a clear delineated path consisting of any combination of training and experience that provides the required knowledge, skills, and abilities for workers to perform certain tasks and use certain equipment. For example, an employer may establish an apprenticeship training program, which prescribes specific requirements and limitation that workers clearly understand. Such a system allows for more control inside of worksites. A typical program will:

- ☐ Established several task statements for each level of ability.
- ☐ Provide a graduated means of assessing ability level, i.e.: skills testing, performance based testing and time working alongside a mentor using certain materials, equipment or energy sources.

Practice, Drills, Rescue

A plan of action is refined, improved and made easier to execute by practicing and drilling. It is best practice to perform exercises that simulate emergency plans such as fire drills, non-routine procedures for spills of hazardous chemicals and personal fall arrest rescues.

Safety & Health Bulletins

The posting of bulletins is an effective means of communicating to all employees the status of various safety and health related topics and initiatives. Bulletins can be especially effective when they are generated from top management and reinforce management's commitment. Such reinforcement often empowers employees and middle managers by placing policy in writing thereby backing corrective or proactive behavior. The media of choice should depend on practical methods of delivery i.e. email or hardcopy but bulletins should:

- ☐ Reinforce top management commitment.
- ☐ Be readily accessible, perhaps inside of a payroll envelope.
- ☐ Work in concert with established rules and policies.

Adult Training

Any attempt to train adults in the workplace must start with a fundamental understanding that we must teach adults differently than we teach children, therefore those employees whom provide training must themselves understand how to effectively transfer knowledge to adult learners. Adult learners need to “connect the dots” by cognitively putting key concepts together. They too must realize some appreciative benefit from the discourse. Adults, and many children, desire to answer the “why” question and internally make sense of why they need to perform certain tasks using certain controls. The explanation of the nature of a hazard or some common thread that runs through your training, allows the adult learner to cognitively “buy-in” to the policies and procedures that we seek to avoid. Appendix B *Paying Attention to Angles* of this program provides an example of such training techniques by demonstrating how the uses of angles apply to several different areas of concern in safety. In addition to proper content adult training should:

- Start with a briefing asking questions to identify what functions, duties or work will trainees perform. This briefing should help establish needs, deficits and vulnerabilities.
- Guide the group:
 - Rely on group experience, background and expertise.
 - Stay focused on basic principles of lessons.
 - Facilitate dialogue but rein when drifting.
 - Encourage questions:
 - Make discussion more interesting.
 - Bring up important esoteric you might not have covered.
 - Allows instructor to take break from speaking.
 - Allows instructor to sense saturation.
 - Engage the group by asking questions.
 - Keeps it “alive” and moving by being interactive.

Monitoring the Workplace

Monitoring and evaluation of our plans are essential tools to any successful self-regulating system. We must establish that at varying periodic intervals, i.e.: throughout the day, daily, weekly, monthly, yearly, etc., we are able to see how our plan is working and be able to make

changes accordingly if there are problems. When management readily addresses areas of concern brought about by someone speaking up and pointing out a deficit; the program becomes stronger and the system survives and thrives. Every worker on a jobsite should feel empowered to speak-up and contribute to the betterment of the system; this too will build a greater sense of teamwork. It is also extremely important that there be objective, external, periodical monitoring and evaluation since internal monitoring alone can often lead to a false sense of safety due to ownership interests. We can apply the same debriefing strategies that business and the military has long known with exit interviews and mission debriefings respectively. These are mechanism for learning about *things we did wrong*, which may be just as important as the *things we did right* on the next project. The following are some documentations and reviews that provide for oversight:

- ☐ Audits and surveys.
- ☐ Safety logs / daily reports.
- ☐ Near misses/accidents.
- ☐ Regulatory citations.
- ☐ Equipment malfunction lists and work orders.
- ☐ Dedicated safety meetings.
- ☐ Oversight of records and checklists.
- ☐ Budgetary status.
- ☐ OSHA recordable.
- ☐ Debriefings.
- ☐ Employee feedback.