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### SAFETY NEWS ALERT

**Safety News Alert**, part of the Catalyst Media Network, keeps safety pros up to date on the latest OSHA news, safety training ideas, workers' comp cases and injury cases from other companies. Read what more than 334,000 safety pros turn to regularly for occupational safety information. Safety News Alert's editorial staff is led by veteran Editor-in-Chief Fred Hosier.

## Medical weed user fired for refusing test can't pursue lawsuit

### ■ Reasonable suspicion justified termination

With so many states legalizing medical marijuana, it's easy to assume employers will have an uphill battle if they have to prove an employee was impaired at work.

But a recent court decision shows an employer can be found justified in firing an employee for drug use with reasonable suspicion.

#### Strange behavior

The Rhode Island Supreme Court upheld a lower court decision dismissing the suit, which was prompted by the worker's termination for failure to submit to a drug test

after exhibiting "bizarre" behavior in the aftermath of a workplace injury.

After injuring his arm and back while performing his duties as a supply delivery driver, the worker immediately reported the incident to his employer, W.B. Mason Company.

The worker was a card-carrying medical marijuana user who used the drug to treat injuries he suffered while serving in the military, according to law firm Seyfarth Shaw.

While being questioned by managers regarding the injury, he began exhibiting strange behavior, including an inability to clearly

*(Please see Refusing test ... on Page 2)*

### RETURN TO WORK

## Re-opening? Legionnaires' could be hidden hazard

As many employers begin to open facilities following the months-long shutdown, they may have to address yet another threat to employee health: Legionnaires' disease.

Water systems for commercial buildings are designed under the assumption of consistent use, so inactivity caused by the shutdown could cause water quality issues like the growth of Legionella, the bacteria that causes Legionnaires' disease.

Legionella causes pneumonia-like illnesses, which the Centers for Disease Control and Prevention estimates are fatal in about 10% of cases, according to law firm Brownstein, Hyatt, Farber and Schreck.

#### 8 steps to minimize the risk

There is no federal standard to ensure water systems are free of

hazards, but the CDC recommends eight steps before re-opening to minimize risk of Legionella:

- Develop a comprehensive water management program for all water systems.
- Ensure water heaters are properly maintained and the temperature is correctly set.
- Flush the water system.
- Clean all decorative water features, such as fountains.
- Ensure hot tubs and spas are safe for use.
- Ensure cooling towers are clean and well-maintained.
- Ensure safety equipment – including fire sprinkler systems, eye wash stations and safety showers – are clean and well-maintained.
- Be sure to regularly maintain the water system.

### PANDEMIC

## OSHA guidance for return to workplace

It's what you've been waiting for: OSHA issued guidance on returning employees to the workplace safely.

A 3-phase approach is recommended:

**Phase 1:** Make telework available when possible. Limit the number of people in the workplace to maintain strict social distancing. Accommodate workers at high risk of severe illness. Extend accommodations to workers with household members at higher risk of severe illness. Non-essential business travel should be limited.

**Phase 2:** Continue to make telework available. Non-essential business travel can resume. Limitations on the number of people in the workplace can be eased. Moderate to strict social distancing should continue. Continue to accommodate vulnerable workers as described in Phase 1.

**Phase 3:** Resume unrestricted staffing.

### One major goal

OSHA says the goal is to prevent a resurgence of coronavirus cases. Such

a resurgence could lead to increases in the number of sick employees, more contact tracing of people who visited a workplace, enhanced cleaning and disinfection, or even a temporary closure of the business.

Re-opening should coincide with lifting of stay-at-home orders and other specific requirements of federal, state or local governments.

### Refusing test ...

(continued from Page 1)

articulate the circumstances of his injury, bending over during the conversation, repeated use of obscenities, staggering and saying he was going to "puke."

This led his managers to call for a drug test, and while the worker submitted to a breathalyzer test, he refused to submit to the drug test, so he was fired.

He filed a lawsuit against W.B. Mason, claiming the company didn't have reasonable suspicion to send him for a drug test, and that instead his behavior was due to the severe pain he was in from his injury, according to the decision.

### Drug use or severe pain?

On appeal, the worker suggested the type of behavior an employer relies on to support the request for a reasonable suspicion drug test must lead to a definitive conclusion the employee is under the influence of a controlled substance. He felt it couldn't be misconstrued as anything else.

The supreme court agreed with the trial court in finding the observations of the managers was evidence of a reasonable suspicion which justified requesting a drug test.

As for the question of whether or not the worker's odd behavior was due to pain from the injury, the supreme court stated an employee's behavior doesn't "need to be such that it could lead to only a conclusion that he or she is under the influence of a controlled substance."

*This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.*

### ■ DID THE COMPANY DO ENOUGH INSPECTIONS?

Safety Manager Pete Travers walked into Attorney John Jenkins' office.

"Hi, Pete," John said.

"Hey John, I got some of your mail, and there's something from OSHA," Pete said.

"Let's see what it is," John said, opening the letter.

He read it. Twice.

"Did we have a fatal?" John asked.

"Absolutely not!" Pete said.

### Checked site twice before incident

"This says OSHA investigated a fatal incident here," said John.

"We had an injury when a concrete block fell on Chuck McDonald, which is bad enough," Pete said. "But there was no fatality."

"What exactly happened?" John asked.

"A pallet of masonry blocks was being lifted onto the second floor," Pete said. "When the pallet was set down, a block fell."

"Chuck was working below at the time," Pete added.

"OSHA is citing us because it says we didn't regularly inspect the worksite for hazards," John said.

"That's bull," said Pete. "We inspected that site on two separate days before that happened, and OSHA's standard doesn't provide a schedule or anything, so we do them as often as we can."

"If we did the inspections as required, then we can fight this," John said.

Pete's company fought the citation. Did it win?

■ *Make your decision, then please turn to Page 6 for the ruling.*

## SAFETY COMPLIANCE *Alert*

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## COURT DECISION

### Fatal crash from OT not 'intentional act'

■ LAWSUIT CAN'T MOVE FORWARD DESPITE PROOF OF EXCESSIVE OT

The family of a truck driver killed in a crash after falling asleep behind the wheel can't move forward with a lawsuit against the employer despite evidence showing it pushed drivers to work excessive hours.

Being overworked in an unsafe job environment does not trigger the intentional act exception of the Workers' Compensation Act, according to the Supreme Court of Texas.

#### Worked 137 hours in 8 days

Fabian Escobedo was a truck driver for Mo-Vac Service Company, a trucking company that hauls oil and other liquids to and from drilling sites in Texas.

On May 30, 2012, Escobedo was traveling a two-lane state highway he knew well, when he rounded a slight curve in the road, struck a pole and veered off into a grassy area.

He tried to swerve back onto the highway, but overcorrected and rolled his truck and trailer. He wasn't wearing a seat belt and died of

positional asphyxia.

Escobedo's family sued claiming the incident happened because of fatigue from being forced to work "grueling hours."

Time records show Escobedo worked 137 hours in the eight days leading up to the accident, averaging 17 hours per day.

A Mo-Vac manager testified the company was pushing its drivers to keep up with business demands during a Texas oil boom.

The manager stated he was forced by a "clear directive" from upper management to have drivers work unsafe hours rather than let a competitor get the jobs demanded by their customers.

#### 'Certain' v. 'highly likely'

The supreme court said for the intentional act exception to apply, the employer "must believe that its actions are substantially certain to result in a particular injury to a particular employee, not merely highly likely to increase overall risks to employees in the workplace."

Info: Check our website for more.

## OPIOID ADDICTION

### Prepare for substance abuse due to COVID-19

Employers need to prepare for an upsurge in substance abuse and addiction issues due to the coronavirus pandemic's effects on employee mental health, according to the National Safety Council.

With 30 states reporting spikes in fatal opioid overdoses, concern is rising over widespread substance abuse among employees struggling with mental and emotional health and those with a history of addiction as they return to work following quarantine.

#### Mental health affected by pandemic

According to the NSC, the COVID-19 pandemic intensifies mental health distress in several ways, including:

- financial stress
- employment insecurity
- child/family instabilities
- fear of oneself or a loved one being infected, and
- extended social isolation issues.

Each person will experience the stress and trauma of the pandemic differently, and some may not show signs of distress for weeks or months.

Because employers are in a unique position to spot symptoms of substance abuse early, the NSC encourages implementation of opioid policies as part of their return-to-work strategy.

Info: Links to NSC guidance addressing this issue can be found on the Safety Compliance Alert website.

## TRENDS TO WATCH

Watch what's happening in various states. Some actions indicate trends.

### ■ COURT RULES LUNCHTIME INJURIES COMPENSABLE

The Supreme Court of Georgia recently overturned 85 years of precedent in a decision recognizing injuries that occur on lunch breaks should be compensable.

In *Frett v. State Farm Employee Workers' Compensation*, an employee submitted a workers' compensation claim after she slipped and fell during a scheduled lunch break.

Her claim was denied because state law didn't recognize injuries occurring during breaks as being in the course of employment.

But the supreme court found the 1935 decision which set that precedent was "unsound, and ... completely untethered from the analytical framework consistently employed by this court in workers' compensation cases for nearly a century."

### ■ HOW AGENCY IS ENFORCING SAFETY DURING PANDEMIC

Oregon OSHA is actively citing companies that aren't following state coronavirus guidelines, such as wearing masks, ensuring social distancing measures are in place, frequent sanitization and other such measures.

The state agency has issued fines ranging anywhere from \$2,000 to \$14,000 to employers who aren't following state guidance, according to the *Argus Observer*.

For example, a restaurant and salon received citations for opening ahead of the governor's executive order, and a food processor was fined for "failing to implement physical distancing measures to protect workers from the spread of COVID-19."

PPE-related citations will also be issued under certain circumstances, the agency confirmed.

## Roundup of most recent OSHA citations

Go to [www.SafetyComplianceAlert.com/finesdef](http://www.SafetyComplianceAlert.com/finesdef) for more OSHA fines and injury settlements.

### **Worker killed in grain engulfment incident**

OSHA cited a New York commodity contractor for grain handling violations after an employee was killed in a grain engulfment incident.

The company allowed the worker to enter the grain bin without a harness and lifeline, according to inspectors.

Other safety and health violations found at the jobsite involved falls, respiratory protection, powered industrial trucks and electrical safety. **Fine:** \$228,592

**Company:** Interstate Commodities Inc., Fremont, NE

**Business:** Commodity contracts dealer

#### **Reasons for fine:**

*Seven repeat violations, including failure to:*

- provide medical evaluations to determine ability to use respirators
- ensure employees performed fit testing before using respirators
- issue permits for entering silos
- test atmosphere in silos before entry
- develop written housekeeping program to reduce accumulations of grain dust

- maintain certification records of processing equipment

*Ten serious violations, including failure to:*

- implement respirator cartridge change schedule
- provide effective respiratory protection training
- ensure powered industrial truck operators are competent to operate trucks safely
- lock out or tag out all powered equipment before entering silo

### **Explosion and fire at power plant: \$514K OSHA fine**

After a fire and explosion at a Texas power plant in November 2019, OSHA cited TPC Group LLC

for exposing employees to health and safety hazards.

When investigating the cause, OSHA discovered flammable vapors at the base of a butadiene finishing tower.

**Fine:** \$514,692

**Company:** TPC Group LLC, Houston

**Business:** Chemical manufacturing company

#### **Reasons for fine:**

*Three willful violations for failure to:*

- administer written operating procedures
- provide clear instruction in event of emergency shutdown
- correct equipment deficiencies prior to employee operation

*Ten serious violations, including failure to:*

- verify employees understand training
- document equipment inspection
- correct equipment deficiencies
- enact effective emergency plan
- identify respiratory hazards
- implement safe operating procedures

### **Roofing contractor fined \$199K for repeat violations**

OSHA cited a Florida roofing contractor for exposing employees to fall hazards at three residential worksites after receiving eight similar citations in the past.

Inspectors discovered employees working on roofs without fall protection and found the company failed to perform regular inspections of the job site.

**Fine:** \$199,711

**Company:** CJM Roofing, W. Palm, FL

**Business:** Roofing contractor

#### **Reasons for fine:**

*One willful and one repeat violation for failure to:*

- provide personal fall arrest, guardrail or safety net systems to employees working 6 feet or more above lower levels

*Two serious violations for failure to:*

- maintain programs for regular job site inspection
- ensure ladder side rails extended at least 3 feet above upper landing surface

## WORKERS' COMP DECISIONS

### **Worker slips, falls while locking door: Benefits?**

A worker slipped and fell while going to lock a door. Can she collect benefits?

**What happened:** The worker, a speech therapist at a school, was required to lock a door near her classroom at the end of the day. She slipped and fell in the hallway on her way to lock the door and broke her arm.

**Company's reaction:** The floor wasn't wet, slippery or defective, so your injury isn't job related.

**Decision:** Maybe. An appeals court revived her claim – despite no real evidence of slip or trip hazards in the hallway – since she was at increased risk of falling because the job required her to travel that hallway on a regular basis.

**Cite:** *Appeal of Elizabeth Doody*, Supreme Court of NH, No. 2019-0115, 1/31/20.

### **Surgery possibly unrelated to injury: Can he collect?**

A truck driver with an injured back received spinal surgery that may have been unrelated to the injury. Can he collect?

**What happened:** The truck driver fell off the tire of his cement truck and injured his back. He received benefits before being released back to work, but later went for another back surgery.

**Company's reaction:** The surgery you had wasn't related to the injury.

**Decision:** No, he couldn't collect benefits. There was sufficient medical evidence he recovered from the fall injury and the surgery instead was related to a degenerative issue and normal wear and tear in his spine.

**Cite:** *McCall v. Ferrell Paving, TN* Supreme Court, No. W2018-01676-SC-WCM-WC, 1/22/20.

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# WHAT'S WORKED FOR OTHER COMPANIES

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SCA subscribers include a broad range of small, medium and large firms involved in all types of economic activity. In this regular section, three of them share a safety success story.

## 1 Supervisor: 'Wait – that isn't ergonomic!'

Supervisors are the critical link between frontline workers and management. They're also at the heart of the implementation of a safety management system.

I've included supervisors in various safety teams.

Here's a story about how I knew that was making a difference.

### Team participation is key

We were having a facility design meeting. Participants were discussing

different layouts for storage units.

One of the my supervisors who had been part of our ergonomics improvement team said, "We can't set up the shelves this way."

The supervisor's reason: The set-up would create a risk based on an ergonomics risk assessment.

"What if we set up the shelves this way instead?" the supervisor asked at the meeting.

The supervisor was right. It was an ergonomically better system.

The participation by the supervisor in the meeting and the facility

design process – bringing with him the knowledge he'd gained as part of the ergonomics improvement team – proved that including supervisors in safety teams worked.

The knowledge that supervisors bring to the safety improvement process is where the rubber meets the road.

*(Colin Brown, Professional and Organizational Advancement Manager, Board of Certified Safety Professionals, Indianapolis, at the Virtual AIHce EXP 2020)*

**REAL  
PROBLEMS,  
REAL  
SOLUTIONS**

## 2 Pandemic leads to creative solutions

We've all had to address safety during the coronavirus pandemic with incomplete information and lots of new information coming in each day, so many best practices and expectations are in a state of flux.

It's an unusual challenge for the construction industry because unlike most workplace hazards, the source is actually co-workers instead of the myriad other hazards you'd find on a jobsite.

It has been imperative for

construction employers to use the hierarchy of controls in creative ways to address the COVID-19 hazard.

### No modifications needed

These creative ways include things like providing more hand washing stations or scheduling work to avoid having employees working together in small spaces. But I've seen some other really creative solutions as well.

One local contractor constructed a temporary hinged plexiglass barrier for a lift basket so two employees

could be in the lift together while controlling the spread of droplets.

They used pinch clamps and heavy-duty zip ties to position the barrier in place and allow for easy and safe entry and exit for both employees.

And since it's a temporary device – basically just another tool in the lift basket – there were no modifications to the lift, which isn't allowed without manufacturer approval.

*(Barbara Epstein, Industrial Hygienist, AGC Oregon-Columbia Chapter, Wilsonville, OR, at the Virtual AIHce EXP 2020)*

## 3 Better virtual meetings with virtual language

These days, I'm always on a Zoom meeting. At least I feel like I am.

For you, maybe the virtual meeting is via Skype or Microsoft Meetings or some other video conferencing program. Which platform isn't important.

I read an article in *Harvard Business Review* that laid out some guidelines for "virtual language" to use during these virtual meetings.

Here are some of the tips I use to have better, more productive virtual

meetings (and better meetings lead to better outcomes):

### 6 ideas to use

- If you're going to share a video during the virtual meeting, try it out ahead of time.
- Don't make the meeting longer than it has to be, just because you have the material. People have other things to do.
- Call on people. Get them involved. Ask their opinions during the meeting.
- Don't multitask. Be present. It's no different than an in-person meeting.

If you were in a conference room with your team, you wouldn't take care of your latest Amazon order on your laptop during the meeting.

- Be professional. Don't wear pajamas to your virtual meeting just because you're at home.
- Lean into the camera. Don't lean back in your chair. Leaning into the camera helps you look and stay engaged with the meeting.

*(Justin Hoover, Industrial Hygienist, Steel Dynamics Inc., Fort Wayne, IN, at the Virtual AIHce EXP 2020)*

## COURT DECISION

### Court: Employer injury, illness records are public information

Employer injury and illness records submitted to federal OSHA are not confidential and can be released if requested via a Freedom of Information Act request, according to a June 4 court decision.

A U.S. District Court judge rejected the Department of Labor's argument against a suit filed by the Center for Investigative Reporting that such records were exempt because they fall under the category of trade secrets and commercial or financial information, which is confidential.

These records – the OSHA Form 300A summaries containing information on a company's total number of job-related incidents for the preceding calendar year – must be posted in the workplace from February through April, under current regulations.

Employers with 250 or more employees along with those in certain industries with 20 or more employees have to electronically submit the summaries to OSHA every year.

#### Info already posted in workplace

The decision making these documents accessible to the public “seems based at least in part on the fact that in 2016, OSHA stated its

intent to post the information online, and reiterated that all employers must annually post the Form 300A where all employees can see it,” according to law firm Ogletree Deakins.

Because of that, the judge found the DOL failed to establish Form 300A information is treated as private by its owner and provided to the government under an assurance of privacy.

This decision means employers may want to prepare for receiving questions from employees, the media or other third parties about the information on their Form 300A summaries and what it may imply about their workplace safety record, Ogletree Deakins states.

The judge instructed both parties to submit a joint proposed order, but the DOL could still appeal the decision and employer advocacy groups could also try to intervene.

**Info:** More information is available on the Safety Compliance Alert website

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### Pipeline rule pushed back because of pandemic

Because of the coronavirus pandemic, gas pipeline operators

are getting an extension on having to comply with certain new safety regulations, according to the federal agency that oversees pipeline safety.

The Pipeline and Hazardous Materials Safety Administration announced April 22 it is temporarily suspending enforcement related to compliance with some new gas pipeline safety regulations.

#### Deadline for compliance changed

PHMSA's final rule, Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments, required operators to meet compliance deadlines by July 1.

However, because of the ongoing COVID-19 pandemic, the agency is giving operators through Dec. 31 to comply with the deadlines before resuming normal enforcement processes, according to a PHMSA news release.

This enforcement discretion could be rescinded if the PHMSA determines a significant safety issue or other circumstances warrant doing so.

**Info:** For more information on this and other regulations, visit the Safety Compliance Alert website.

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### SHARPEN YOUR JUDGMENT – THE DECISION

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(see case on Page 2)

Yes, the company won. There was sufficient, credible testimony regular inspections were done as per standard 1926.20(b)(2), so the court dismissed the citation.

The company argued it had a written safety program involving a competent person inspecting the jobsite on a regular basis, but the inspection hadn't been done immediately before the incident occurred.

OSHA claimed the company's program wasn't adequate and failed to include inspections on a frequent basis.

The court found the company provided enough evidence to prove it did perform inspections on a regular basis. Further, the court pointed out the standard doesn't set a specific schedule for inspections, doesn't require them to

be documented and doesn't require the competent person to maintain a continuous presence onsite.

And OSHA did mistakenly call the incident a fatality when there was no evidence or documentation of a death.

#### ■ ANALYSIS: FREQUENT JOBSITE INSPECTIONS

Jobsite inspections are an important part of a safety program and a good way of spotting hazards early.

However, standard 1926.20(b)(2) says only, “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.”

This leaves it pretty wide open for interpretation.

**Cite:** *Secretary of Labor v. Dade Builders Contractors*, Occupational Safety and Health Review Commission, No. 19-0988, 5/15/20. Dramatized for effect.

## Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues.

### COVID-19 AND TRANSPORTATION

The federal coronavirus emergency declaration on commercial transportation was extended June 8, giving motor carriers some leeway on drug testing requirements and regulatory relief when transporting certain goods.

A three-month waiver on certain pre-employment drug testing requirements for drivers has been instituted under the Federal Motor Carrier Safety Administration's emergency orders, along with relief from certain regulations when transporting specific items.

The waiver is meant to help motor carriers recovering from the economic impact of the coronavirus pandemic to "allow for an expedited return of drivers to the industry," according to a blog post by law firm Frost, Todd and Brown.

COVID-19-related layoffs and furloughs have led to driver non-participation in drug and alcohol testing for periods longer than 30 days, so pre-employment testing would be necessary when rehiring to comply with federal regulations.

However, to alleviate the cost and administrative burden this places on carriers, the FMCSA instituted the waiver, which remains in effect until Sept. 30.

This waiver does not cover any other hiring or rehiring obligations.

The extended emergency declaration – which ends July 14 – offers relief from parts 390 through 399 of the Federal Motor Carrier Safety Regulations when carriers are "providing direct assistance in support of relief efforts related to COVID-19 outbreaks," according to a second blog post by Frost, Todd and Brown.

This includes transportation of medical supplies and equipment

for treating COVID-19, sanitation and PPE supplies and livestock and livestock feed.

Some categories included in the original emergency declaration were removed and are no longer covered, including food and grocery items, raw materials for manufacturing grocery items, fuel and liquefied gases for use in refrigeration and cooling systems.

### OSHA AND THE CORONAVIRUS

Despite a lawsuit filed against OSHA by a labor union, the agency won't be forced by court order to issue an emergency standard requiring employers to protect workers from the coronavirus.

On June 11, the D.C. Circuit Court denied a petition by the American Federation of Labor and Congress of Industrial Organizations which would have forced the agency to issue an emergency temporary standard on COVID-19.

Agency officials "are pleased with the decision ... which agreed that OSHA reasonably determined that its existing statutory and regulatory tools are protecting America's workers and that an emergency temporary standard is not necessary at this time," according to a Department of Labor news release.

In response to the decision, the AFL-CIO stated, "An unprecedented pandemic calls for unprecedented action, and the court's action ... fell woefully short of fulfilling its duty to ensure the Occupational Safety and Health Act is enforced."

The National Safety Council issued a statement June 12 calling on OSHA to "immediately exercise its emergency authority and issue a temporary emergency standard to protect workers during the pandemic and reopening."

In the statement, the NSC states it intends to "compel OSHA to act through legislative, administrative, judicial and public means."

**Info:** Check our website for more.

### WHERE TO GET HELP

#### RESPIRATOR POSTER AVAILABLE IN 14 MORE LANGUAGES

OSHA is now offering its "Seven steps to correctly wear a respirator at work" poster in more languages.

The poster, which details the proper method to put on and take off a respirator, was initially available in both English and Spanish language versions.

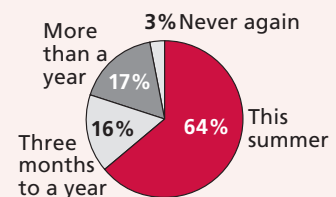
Now the poster is available on the OSHA website in 14 additional languages, including:

- Arabic
- Somali
- Brazilian Portuguese
- Korean
- Polish
- Vietnamese, and
- Russian.

A link is available in the digital version of this story on the *Safety Compliance Alert* website.

### What safety officers told us

When do disease experts feel it'll be safe to do "normal" things like bring in the mail without precautions?



Source: New York Times survey of 511 disease specialists on when they expect to resume 20 activities of daily life

While many of the experts felt getting the mail would soon be safe, 64% said it would be a year or more before they'd attend a concert or play.

**Info:** [tinyurl.com/normalthings599](https://tinyurl.com/normalthings599)

Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.

# WHAT WOULD YOU DO?

Here's a challenging scenario you could encounter. We've asked three of your peers what they'd do. How would you handle it?

## Worker suffering from fatigue after making the switch to day shift

### The Scenario

Manager Mike Kelly was on his way to a meeting when he heard someone calling out to him.

"Hey Mike!" Carrie Stevens, a manufacturing worker, called out.

Mike stopped as Carrie approached, looking concerned.

"What's up, Carrie?" Mike asked.

"Um, I normally wouldn't say anything, but I'm worried, so, uh ..." she said, her voice trailing off.

"Is there something wrong?" Mike asked.

"It's Dave," Carrie said. "He keeps falling asleep at his machine, and I'm afraid he's going to get hurt."

### 'Not used to sleeping at night'

Mike followed Carrie to Dave McKay's work station.

Dave was standing at his machine, and Mike noticed his head begin to

nod and his shoulders slump a bit before he suddenly jolted upright.

Then Dave began actively operating his machine again.

"Hey Dave," Mike said as he approached, "how are you doing?"

Dave yawned, and turned slowly to look at Mike.

"I'm OK," he said. "Still getting used to working day shift, but good other than that."

*Oh, that explains it,* Mike thought.

"Having a hard time with the new hours?" Mike asked.

"A little, yeah," Dave replied.

"I'm not used to sleeping at night anymore."

"Have you been getting any sleep?" Mike asked.

"Not much," Dave replied.

If you were Mike, what would you do in this situation?

### Reader Responses

#### 1 Steven E. Johnson, Director of EHS, NVE Inc., Herndon, VA

*What Steven would do:* Attention to shift scheduling transition is a must and is a safety issue that should never be ignored.

It's recommended shifts rotate forward from day to afternoon to night because circadian rhythms adjust better when moving ahead than back. Another recommendation is that a rest period of at least 24 hours occurs after each set of night shifts.

*Reason:* Although the shift transition appears to be the root cause, there may be contributing factors the employee may not be aware of, such as medications, a sleep disorder and in many cases trying to not only balance the shift variance but also adjusting the quality of life and relationship time with family.

#### 2 Donald Hossli, Safety Manager, Red Monkey Foods, Springfield, MO

*What Donald would do:* Mike's company would benefit by providing training to schedulers to minimize these changes for folks, and provide transition plans to employees changing shifts. In the case of the employee showing extreme fatigue, he is a safety hazard and should be removed from the line and provided a task with less risk until he can make the successful transition.

*Reason:* Many physical functions follow a 24-hour cycle, and these rhythmical processes are coordinated to allow for high activity during the day and low activity at night. Frequent changes in schedule can lead to chronic fatigue and other health problems including cardiac complications and gastrointestinal issues as well as behavioral problems.

### OUTSIDE THE LINES

#### ■ CORONAVIRUS SAFETY RULES ENFORCED BY A SITH LORD?

We've all heard the term "safety cop" before, right? You know, a person whose safety concerns lead to some heavy-handed tactics.

With that in mind, imagine being called a "safety stormtrooper," or a "safety Sith Lord" – characters representing the autocratic Galactic Empire in "Star Wars."

Agriculture workers in the Philippines can say they dealt with exactly that on May 4, or Star Wars Day – as in "May the Fourth be with you" – as government safety officials dressed as either Darth Vader or Imperial stormtroopers as they visited rural areas to remind farming communities about quarantine protocols, according to Reuters.

These "safety stormtroopers" were met with smiles, however, as they provided a much needed distraction from the outbreak.

### Did you know ...

Thorough handwashing is a key way to help beat the coronavirus



Washing your hands for at least **20 seconds** can help **prevent** the **coronavirus** from **spreading**, according to OSHA

Source: OSHA

Soap and running water are the best choice, but if they're not available, use hand sanitizer with at least 60% alcohol.

**Info:** [tinyurl.com/handwash599](https://tinyurl.com/handwash599)

*This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.*