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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 lead by veteran Editor-in-Chief Fred Hosier.

COVID-19 vaccination incoming: Can you make it mandatory?

■ You may want to 'strongly encourage' instead

CCOVID-19 vaccinations are starting to get rolled out, meaning it's time for employers to consider what their vaccination policies will be. Can you mandate employees get vaccinated?

The short answer is, yes, however, in many cases you may be better off strongly encouraging workers to get the shots.

Here's why:

Accommodations

Employees may request exemptions from a vaccination for religious reasons.

The Equal Employment Opportunity Commission (EEOC)

says employers must reasonably accommodate an employee's "sincerely held religious beliefs ... unless accommodation would impose an undue hardship on business operations."

An undue hardship includes impairing workplace safety, according to employment law firm Littler.

Courts have helped define what is an undue hardship.

In *Robinson v. Children's Hospital*, a court found that exempting an employee from a mandatory vaccination would have posed an undue hardship because "it would

(Please see COVID vaccination ... on Page 2)

RESEARCH REPORT

COVID presumptions cover less than 10% of workers

Workers' compensation presumptions for COVID-19 in Alaska, Arkansas, Indiana, Kentucky, Minnesota and Missouri cover less than 10% of each state's workers, according to reports from the Workers' Compensation Research Institute (WCRI).

The WCRI reports use data from the U.S. Bureau of Labor Statistics Occupational Employment Statistics program to estimate the number of workers covered in each state.

Out of the states studied so far, WCRI estimates:

- Alaska's presumption covers 6.4% of the state's 317,090 covered workers.
- Arkansas' presumption covers 6.7% of 1.22 million workers.
- Indiana's presumption covers about 8% of 3.1 million workers.
- Kentucky's presumption covers

- 8.6% of 1.91 million workers.
- Minnesota's presumption covers 5.5% of 2.9 million workers.
- Missouri's presumption covers 1.6% of 2.8 million workers.

Detailed demographic breakdown

Presumptions in these states cover healthcare workers and first responders and each report also breaks down, for example:

- the number and type of worker in the state
- how many of them are covered, and
- the number most at risk of contracting COVID-19 at work.

Kentucky's presumption covers grocery store workers and other frontline workers in addition to healthcare workers and first responders, and that information is broken down in the same manner.

CRIMINAL CHARGES

Owner charged in \$4M comp scheme

Judy Hein, owner of Cal Roofing Inc., was arraigned Nov. 17 on five felony counts of insurance fraud after allegedly underreporting payroll by more than \$4 million, causing the California State Compensation Insurance Fund to lose more than \$2 million.

Investigators discovered internet searches that revealed the number of roofing projects and revenue for the business did not match Cal Roofing's stated number of employees or estimated annual premium.

Big discrepancies

Wage information from the state's Employment Development Department (EDD) for the company was compared to wage information in State Fund policy audits, revealing large discrepancies.

Hein was found responsible for filing the fraudulent payroll reports, and she also signed the accurately recorded EDD reports, which revealed the underreported payroll to State Fund.

According to the audit results and payroll reports with State Fund, Cal Roofing showed a payroll of \$831,788 from 2013 through 2018, but reports and bank records filed with EDD showed a payroll of \$4,948,114.

The payroll was underreported by \$4,116,326, resulting in an estimated loss of \$2,171,330 in unpaid insurance premiums to State Fund.

COVID vaccination ...

(continued from Page 1)

have increased the risk of transmitting influenza to its already vulnerable patient population."

This and similar court decisions have resulted in a higher likelihood of mandatory vaccine policies at healthcare facilities compared to other types of businesses.

What to consider

Employment law firm Ogletree Deakins suggests employers take the following steps to prepare for the arrival of a Food and Drug Administration-approved COVID-19 vaccine:

- Consider whether a mandatory policy is really necessary, or whether you'd be better off strongly encouraging employees to get a COVID-19 vaccine
- Consider confining a mandatory vaccine policy to high-risk locales, departments or worksites
- Prepare to review numerous requests for accommodations
- Find out if it's possible to provide the vaccinations at no or little cost to the employee at a convenient location during normal working hours
- Plan to negotiate with any unions regarding the policy
- Review state workers' comp laws and your current insurance policy regarding ramifications of adverse employee physical reactions to the vaccine, and
- Watch for new laws, regulations and guidance from federal, state and local authorities.

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.

■ EMPLOYEE'S FAULT SAFETY PLAN WASN'T FOLLOWED?

Safety Manager Pete Travers was power walking with his teenage daughters after work in his latest effort to lose weight and get fit.

"So, the giant gorilla climbs the skyscraper and starts swatting at the airplanes," he said, explaining a scene from one of his favorite films.

When he took his next step, a popping sensation in his right calf and sudden pain interrupted his story.

As his daughters helped him hobble back to the car, his cell phone rang.

"Pete, do you have a moment?" Attorney John Jenkins asked.

Plan was ignored

"OSHA is citing us," John continued. "Something about no fall protection at a worksite, I believe."

"We had a crew working on a roof with a low slope," Pete said. "The site-specific safety plan required a safety monitor along with warning lines and fall protection for anyone working near the roof's edge."

"The citation says there was none of that, other than a supervisor acting as the safety monitor," John said.

"That supervisor was in charge of the job, and he seems to have largely ignored what was outlined in the safety plan," Pete replied. "I'm not sure why he decided to do things the way he did."

"Then this is a clear case of unpreventable employee misconduct," John said. "We can fight this."

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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RESEARCH

Are leading indicator surveys accurate?

■ REPORT SAYS SAFETY SURVEYS IN CONSTRUCTION ARE RELIABLE

Surveys regarding injury and illness leading indicators are used frequently in the construction industry for contract bidding purposes, but are they really accurate? A new research report says they are.

Because the effectiveness of such surveys had never been proven, the National Institute for Occupational Safety and Health (NIOSH)-funded Center for Construction Research and Training supported the research.

Researchers found higher survey scores of leading indicators were linked to worksites with a greater safety climate and lower injury rates, according to a story in NIOSH's December 2020 newsletter.

Construction sites and projects appeared more critical in increasing safety than specific subcontracting companies.

Results suggest the importance of safety for the overall construction project and its worksite as both relate to workers "perhaps somewhat independent of the individual

subcontractor level."

The research was conducted by researchers at Northeastern University in Boston as part of a larger project called Assessment of Contractor Safety (ACES).

Researchers designed and tested a 63-item organizational survey assessing subcontractors' leading indicators of safety performance, which was filled out by 43 subcontractors on 24 construction sites.

At the same time, they conducted a survey of 1,426 workers on those same sites and recorded injury rates for the duration of each project.

Worksites, not companies

At the worksite level, higher average ACES scores were associated with higher worker safety climate scores and lower rates of injury involving days away.

However, within subcontracting companies, no associations were observed between ACES scores and worker safety climate scores and injuries.

The study appeared in the *American Journal of Industrial Medicine*.

COURT DECISION

Case dismissed: Meat-slicer is not a power press

An injured deli worker's lawsuit against her former employer over an unguarded meat-slicing machine won't be moving forward after a California appeals court upheld a lower court decision dismissing the case.

The court said the machine did not fit the definition of an "unguarded power press" under the state's labor code, so it upheld the previous decision.

Tatiana Zagorovskaya was a deli clerk at a Super King Market owned by B&V Enterprises, and on Feb. 22, 2016, she injured her fingers while cutting salami on a meat-slicing machine.

She wasn't using a hand guard or wearing protective gloves because Super King "required employees to cut meats at an angle, which precluded

using a hand guard," according to the appeals court's unpublished decision.

No triable issue of facts

Zagorovskaya filed a lawsuit against B&V for failure to provide safe working conditions, and a trial court dismissed the case because she failed to prove the allegations.

On appeal, she argued she was due civil damages because the meat-slicer fell under Cal/OSHA's definition of a power press, but the appeals court disagreed.

The definition states a power press is "any material-forming machine that utilizes a die which is designed for use in the manufacture of other products," and the meat-slicer doesn't match that description according to the court.

TRENDS TO WATCH

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

■ GUIDANCE FAQ ISSUED ON NEW COVID STANDARD

Cal/OSHA recently issued its first guidance document regarding California's new COVID-19 temporary emergency standard.

The document is a frequently asked questions (FAQ) page on the Department of Industrial Relations website.

Questions and answers cover everything from the standard's effective date to addressing COVID-19 cases in the workplace to best practices for communicating to employees.

The standard went into effect on Nov. 30, and the FAQ was posted a day later.

■ BOOKKEEPER CHARGED IN \$100K COMP FRAUD SCHEME

The bookkeeper for a Massachusetts tree removal and landscaping company was charged in a \$100,000 workers' compensation fraud scheme for allegedly making false statements to the company's insurance company.

Barbara Marsan was charged with five counts of workers' comp insurance fraud, four counts of larceny over \$250 and one count of larceny over \$1,200 for allegedly lying to the insurer of Alvelo Enterprises.

Marsan is accused of telling the insurer Alvelo engaged primarily in landscaping work while the majority of the company's actual work is tree removal and pruning services, according to *The Salem News*.

Tree removal and pruning are considered higher risk than landscaping so carry a higher insurance premium.

This allowed the company to avoid paying \$100,575 in insurance premiums between 2014 and 2018.

Marsan will be arraigned, but a date has not been scheduled at this time.

Roundup of most recent OSHA citations

Employee killed working under construction vehicle

Indiana OSHA cited a paving company after a worker was killed when a construction vehicle fell on him.

The worker had the vehicle – a Blaw Knox road widener – propped up with a single jack and was working under it when the incident occurred.

A local fire chief said the jack may have failed, according to *The Herald Bulletin*.

Inspectors found the worker used only a 20-ton jack to support the heavy piece of equipment, but the jack's manual called for other supports to be used immediately after lifting.

Fine: \$9,500

Company: E & B Paving Incorporated, Anderson, IN

Business: Highway and street construction

Reasons for fine:

Two serious violations for failure to:

- provide employment free from recognized struck-by hazards likely to cause death or serious physical harm
- ensure workers used eye protection while repairing vehicles

Company hit with \$222K fine for LO/TO violations

An Illinois pasta manufacturer was cited for one willful, one repeat and one serious violation of OSHA's lockout/tagout standard following an inspection conducted under the National Emphasis Program on Amputations.

The company had been the subject of an inspection in 2015 after a worker's arm became trapped in an industrial mixer.

Firefighters worked for 45 minutes to cut the machine apart to free the man, who was then flown by helicopter to a hospital, according to the *Chicago Tribune*.

Fine: \$222,648

Company: Rana Meal Solutions, Bartlett, IL

Business: Perishable prepared food manufacturing

Reasons for fine:

One willful violation for failure to:

- ensure lockout/tagout procedures were followed in proper sequence

One repeat violation for failure to:

- train authorized employees in recognition of hazardous energy sources, type and magnitude of energy in workplace and methods for energy isolation

One serious violation for failure to:

- conduct periodic inspections of energy control procedures

Confidential complaint leads to fine for contractor

An Oregon-based general contractor was cited by the state's OSHA for failing to protect workers from fall hazards following a confidential complaint.

The citation stems from inspections at residential worksites in Sutherlin, Winston and Roseburg, OR, revealing the company left employees in danger of potentially falling at least 13 feet.

Inspectors found a repeat violation for failing to ensure employees were protected from falling when working 6 feet or more above a lower level along with four serious violations, according to the *Insurance Journal*.

Fine: \$38,390

Company: Mid Oregon Builders LLC, Sutherlin, OR

Business: New single-family housing construction

Reasons for fine:

One repeat violation for failure to:

- provide fall protection systems for employees exposed to falls of 6 feet or more to lower levels

Four serious violations, including failure to:

- train employees in use of correct procedures for erecting, maintaining, disassembling and inspecting fall protection systems
- enter recordable injury or illness on OSHA 300 Log
- provide records to government officials within four business hours

WORKERS' COMP DECISIONS

No memory of what caused head injury: Benefits?

A security guard fell and hit her head while on the job, but she has no recollection of what caused the injury. Can she collect benefits?

What happened: The guard went on a patrol and returned distraught, saying she'd fallen and hit her head. Her hard hat was damaged, but she seemed unhurt. She was later diagnosed with post-concussive syndrome.

Company's reaction: Your fall was idiopathic and didn't arise out of your work, so we don't have to pay.

Decision: She may be able to collect. The court said she could pursue her claim since there was no evidence of what exactly happened to cause her head injury.

Cite: *Dargin v. XL Insurance of America*, Montana Workers' Compensation Court, No. 2019-4749, 5/26/20.

Can she get benefits from having a stroke at work?

A janitor whose duties involved lifting heavy trash cans had a stroke at work. Can she collect?

What happened: The janitor, who was required to empty trash cans full of books and paper, had a history of hypertension and diabetes. She had a stroke at work, leaving her permanently unable to use her left hand and arm.

Company's reaction: The stroke you suffered was due to a pre-existing condition, not your job.

Decision: She could collect. The court found her job duties could have aggravated her hypertension resulting in the stroke.

Cite: *Ramos v. District of Columbia Department of Employment Services*, District of Columbia Court of Appeals, No. 19-AA-335, 5/28/20.

REAL PROBLEMS, REAL SOLUTIONS

Don't let audits be turned against you

Audit documents are often seen as a shield that shows you're compliant and keeps you from getting cited.

At the same time, there's a lot of potentially incriminating information included in these audits, and if you don't do them in a proper manner they can be used against you.

If OSHA or another regulatory agency gets a hold of an audit, and the document isn't protected in some way, then it can be used like a sword against you and your employer.

And safety professionals have their fingerprints all over these audit reports.

Report led to more violations

Accident investigations and audits of that nature – which OSHA could use in court – can be ticking time bombs because if you're being very robust in your analysis, you're going to be admitting fault and violations.

I had a case where a safety professional did their whole fatality investigation without legal counsel – they thought they had a good relationship with the agency – and they were shocked when they got \$150,000 in penalties. I was retained and they handed over their accident investigation report to me.

The safety professional listed five standards that were violated, but OSHA only initially cited them for three.

Good news, right? Except we had to turn over that accident investigation report and they were able to write two more citations because it was considered an admission of the violations.

Be careful how you write things that could be discoverable in court.

With hazard and whistleblower investigations, if you're relying on the fact you're doing your own internal investigations as a defense, those reports become discoverable in court, so don't think you can keep those private if you're planning to try to utilize them as factors in your defense.

Create privileged documents

That's why you need to create privileged documents that don't have

to be turned over to an agency like OSHA or a tort attorney in a negligence suit.

In-house inspections generally aren't privileged and are typically viewed by the courts as business records prepared in the normal and customary course of business rather than as an audit prepared in anticipation of litigation, which is the hook for something to be privileged.

Anything an attorney writes up, whether it's an audit report or a letter summarizing an audit, is totally privileged.

But if you share these privileged audits with hourly workers, union representatives, your insurance company or even an expert witness, you've dissolved that privilege.

You have to be thinking in advance what is going to be the end use of the

Think who the audience will be.

audit, and who its ultimate audience is going to be.

One way to keep control of these documents is to keep them within a specific group of senior management officials.

I've gone so far in some cases as numbering the copies so we know who each numbered copy went to.

Think about keeping them on a thumb drive rather than putting them on a server that could be accessed by anybody with a password.

Also keep in mind photos, videos and audio recordings cannot be privileged, so keep them in a separate package unless you want the entire report to be discoverable in court.

(Adele Abrams, President, Law Offices of Adele L. Abrams, Beltsville, MD, at ASSP's Safety 2020)

TRAINING TIPS

'Why do we need to have an emergency drill today?'

Emergency evacuation drills are often not taken seriously by employees even though they're done to ensure worker safety.

Employees need to know a disorganized evacuation can result in confusion, injury, property damage – and even death.

And employees need to remember they have to take steps to keep themselves safe in the event of an emergency.

While employers are required by OSHA to have an emergency action plan, workers should:

- become familiar with the company's evacuation plan
- know the pathway to at least two emergency exits from every room or area in the building
- recognize and know the sound or signal for fire/evacuation alarms
- register in advance with the safety manager if they have a disability and will need assistance
- know where the fire alarms are located and how to use them
- never block emergency exits or exit routes with storage materials, and
- report damaged or malfunctioning fire/evacuation alarms.

For more, see our training shop on Emergency Evacuations on our website.

What workers are required to know about their PPE

If employees use PPE, they need to be trained on it first.

OSHA says they need to know:

- When it is necessary
- What kind is necessary
- How to put it on and remove it
- The limitations of the equipment
- How to care for, maintain and dispose of the equipment.

UPCOMING RULES

OSHA reg agenda: Changes may come with new administration

OSHA's fall regulatory agenda was released Dec. 9 as part of the overall plan rolled out by the White House Office of Management and Budget, but with the incoming Biden administration, things could change.

There are 21 items on OSHA's Fall 2020 Rule List with three in the final rule stage and 14 listed as "proposed."

However, this new administration will have different priorities, so whether and how any of these will move forward is uncertain.

Final rules

- Discrimination Against Employees Exercising Rights Under the Williams-Steiger Occupational Safety and Health Act of 1970
- Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes
- Procedures for the Handling of Retaliation Complaints Under the Taxpayer First Act

Proposed rules

- Mechanical Power Presses 29 CFR 1910.217
- Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection

- Walking Working Surfaces
- Powered Industrial Trucks Design Standard Update
- Personal Protective Equipment in Construction
- Drug Testing Program and Safety Incentives Rule
- Welding in Construction Confined Spaces
- Occupational Exposure to Crystalline Silica; Revisions to Table 1 in the Standard for Construction
- Tree Care Standard
- Lock-Out/Tag-Out Update
- Powered Industrial Trucks
- Update to the Hazard Communication Standard
- Communication Tower Safety
- Amendments to the Cranes and Derricks in Construction Standard

COVID fines issued by federal OSHA break \$3M

Through Nov. 12, 2020, federal OSHA has issued a total of 232 coronavirus-related citations, with fines totaling \$3,148,452.

OSHA previously announced citations from 203 inspections, and

this recent update adds 29 more.

As with previous versions of this list released by OSHA, healthcare facilities make up the majority of businesses cited.

Review Commission saw fewer appeals in FY 2020

Thanks to COVID-19, there were fewer attempts to appeal OSHA citations in fiscal year 2020, according to a report from the Occupational Safety and Health Review Commission.

Employers filed 1,845 appeals with the OSHRC, down 8.5% from the 2,017 filed in FY 2019.

The decrease is attributed "to the circumstances created by the National Emergency declared March 13, 2020, due to the coronavirus."

OSHA's inspection numbers were also down for the year, according to the report, dropping to 21,589 from FY 2019's 33,401, a 35% drop.

Along with the new cases, there were 1,248 cases carried over from 2019 for a total of 3,093 cases.

A total of 1,834 of those cases were resolved, leaving 1,259 cases to roll over into FY 2021.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, the company lost. The court found the company violated its own rules and OSHA's fall protection standard.

The company claimed the size of the roof didn't require the use of a warning line, despite the fact its plan clearly called for one.

OSHA provided the inspector's measurements of the roof, proving it was large enough to warrant the use of a warning line or other fall protection.

Because of that, the court found there was sufficient evidence proving the company violated both OSHA's standard and the company's own site-specific safety plan.

Further, there was no evidence the supervisor or any of the workers were disciplined for not following the plan.

And because the supervisor represented company management at the worksite, the court said unpreventable employee misconduct was not a legitimate defense.

■ ANALYSIS: PLANS WORTHLESS IF NOT FOLLOWED

Obviously, safety plans are integral to any safety program, but just having one isn't enough to ensure OSHA compliance or that employees are actually safe.

Building a good safety culture while ensuring the rules outlined in the safety plan are followed to the letter is equally important. And if rules aren't followed, there needs to be documented disciplinary action to prove the plan is taken seriously.

Cite: *Secretary of Labor v. Latite Roofing & Sheet Metal*, Occupational Safety and Health Review Commission, No. 18-1845, 9/28/20. 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.

CDC GUIDANCE

On Nov. 16, the CDC updated its prior partial exemption of the 14-day quarantine guidance for critical infrastructure workers with the caveat that this should be done only as a last resort.

The clarified guidance states, "This option should be used as a last resort and only in limited circumstances, such as when cessation of operation of a facility may cause serious harm or danger to public health or safety."

According to the CDC, a 14-day self-quarantine "is still the safest approach to limit the spread of COVID-19 and reduce the chance of an outbreak among the workforce" because "permitting potentially exposed employees to continue to work carries considerable risk to other workers."

So use of exposed workers "should not be the first or most appropriate option."

GAS CYLINDERS

Propane cylinders can be kept in service longer thanks to a final rule by the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration.

The final rule authorizes 12-year initial and subsequent requalification periods for volumetric expansion testing and a 12-year initial requalification period for proof pressure testing.

To qualify, cylinders must be:

- made in conformance with DOT specification 4B, 4BA, 4BW or 4E
- protected by a corrosion-resistant coating
- used only for non-corrosive gas, and
- free of corroding components.

Subsequent requalification periods for proof pressure testing remain set at 10 years.

Info: 85 FR 68,790

COURT DECISION

Safety citations against the owner of an Oklahoma oil refinery – the result of a 2012 boiler explosion that killed two workers – were upheld by an appeals court.

The U.S. 10th Circuit Court of Appeals affirmed the citations alleging violations of OSHA's Process Safety Management standard, along with a fine of \$58,000.

In September 2012, a boiler at the Wynnewood Refining Co. was improperly started by workers who allowed too much natural gas to enter the firebox, which burns gas to heat the boiler.

One employee died at the scene, the other died from injuries sustained in the blast 28 days later, according to an *OK Energy Today* story.

The boiler did not contain any highly hazardous chemicals, but it was connected to two other parts of the refinery that did, according to the appeals court's Oct. 27, 2020, decision.

OSHA investigated the incident and issued multiple repeat and serious violations and a \$281,100 fine.

The refinery argued the boiler wasn't a covered process under the PSM Standard, but an administrative law judge affirmed the citations and fine, finding the standard applied.

Wynnewood filed an appeal with the Occupational Safety and Health Review Commission, which affirmed the judge's decision.

On appeal to the 10th Circuit, Wynnewood continued to argue the PSM standard only applies to processes involving "a threshold amount of highly hazardous chemicals."

The appeals court affirmed the OSHRC decision because of the boiler's proximity to the other parts of the process since it was "located such that a highly hazardous chemical could be involved in a potential release."

WHERE TO GET HELP

RENAMED SAFETY PODCAST TAKES PRACTICAL APPROACH

The American Society of Safety Professionals (ASSP) recently posted the 50th episode of its safety podcast series, which has been renamed and enhanced to include a broader range of occupational safety and health topics.

ASSP's safety podcast series – now known as "The Case for Safety" – debuted in September 2018 and has almost 100,000 downloads, according to an ASSP news release.

New episodes are posted monthly and will now feature practical content going beyond the podcast's previous focus on safety standards and technical publications.

"The Case for Safety" episodes are free to listen to or download from the ASSP website, and listeners can also subscribe wherever they get their podcasts.

What safety pros say

How many employees are concerned about their co-workers not taking COVID-19 safety rules seriously?



Source: The Conference Board's "Employee readiness reopening survey"

While employees were more concerned about getting COVID or exposing their families to it, their fifth greatest concern was co-workers failing to follow guidelines.

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?

Mike's crew is playing practical jokes on one worker, but are they going too far?

The Scenario

"What in the – ? Why?" Manager Mike Kelly asked, trying to make sense of the sight before him.

That sight being a forklift wrapped, mummy-like, from mast to counterweight in blue shrink wrap.

"I don't know, Mike," Supervisor Ken Dawson said. "There's no good reason for it – just a waste of time and materials."

"Whose lift is it?" Mike asked.

"It's assigned to Chuck Mauer," Ken said. "He reported it."

"Wasn't it Chuck who reported his work gloves were glued to his broom last week?" Mike asked.

"Yup," said Ken. "I think some of the guys are messing with him because he got that promotion."

Supervisor Jack Hall walked up, laughing out loud at the shrink wrapped spectacle.

"Ah, that's rich," he said with a grin.

'They're just blowin' off steam'

"I remember when I got my promotion, the crew back then did the same thing to me," Jack said.

Ken looked aghast at his fellow supervisor, but didn't say a word.

"It's really not funny, Jack," Mike said. "I think it's an accident waiting to happen, and I'm not sure Chuck appreciates this sort of attention."

"C'mon, Mike, you're taking this too seriously," Jack said. "The guys are just blowin' off a little steam, that's all."

"You're wrong, Jack," Ken said. "This is getting out of hand and someone could get hurt."

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

Reader Responses

1 Bob Beck, Safety Manager, Reliable Constructors Inc., Mount Dora, FL

What Bob would do: First, so far, it's not a safety issue – it appears to be more of an HR issue. Talk with the affected employee. Does he see it as a prank or harassment? That will lead you how to address the pranksters.

Reason: Then talk to the pranksters either following the HR harassment policy or by just telling them that it is time to get back to work.

2 Roy Spittle, Safety Manager, Taormina Electrical Inc., Gloucester, MA

What Roy would do: Practical jokes of any kind cannot be tolerated on the job. Such actions are safety issues. Childlike pranks, harassment

or practical jokes must be addressed immediately.

Reason: All those involved must be called to the office and told in no uncertain terms that these acts must stop. They must also be informed that their actions have been written up and placed in their performance folder. If another incident is reported that shall be entered on the record as a warning and that a third report shall result in termination.

3 Aaron Leff, EH&S Manager, GT Advanced Technologies, Hudson, NH

What Aaron would do: These antics are completely unacceptable. Sure, they could be perceived as funny, but they're gradually creating a hostile workplace.

Reason: In addition to the negative impact they're having on their recently promoted comrade, they're also wasting company time and property.

OUTSIDE THE LINES

■ SOCIAL DISTANCING IN STYLE WITH REALLY BIG BOOTS

As a safety pro, you've heard of steel-toed safety shoes and boots, but how about protective footwear to help prevent the coronavirus?

A Romanian cobbler has done just that by creating a new line of huge winter boots meant to create social distance.

The boots are European size 75 – an American size 10 equates to a European size 43 – so, yeah, they're really big.

Grigore Lup said he started making them when he noticed people standing too close together and ignoring social distancing rules.

"Two people facing each other in his elongated footwear would be forced to stand just under two meters apart," according to Reuters.

And they absolutely do not look like fancy clown shoes.

Did you know ...

Routinely clean vehicle door handles, steering wheels and key fobs



OSHA recommends **cleaning** commonly-touched **surfaces** of **company vehicles** regularly to help **prevent** the spread of **COVID-19**.

Source: OSHA

While a lot of guidance focuses on cleaning commonly-touched surfaces in a workplace, those same surfaces in vehicles are just as likely to be contaminated.

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