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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.

Has COVID changed the future of work? Safety experts say yes

■ *The 'new normal' is more than just a catch phrase*

According to the National Safety Council, "new normal" isn't just a catch phrase. A new NSC report says after COVID-19, "the future world of work is going to look fundamentally different."

The NSC report, *State of the Response: The Future World of Work*, highlights seven impactful changes related to the pandemic:

- **Operations:** The biggest operational change most organizations made during the pandemic was shifting to remote work. "Remote work will remain an option for the foreseeable future because many employees

have found they can be productive outside traditional work settings."

- **Human Resources:** Most of the business leaders interviewed for the report say the creation of flexible work policies was the most impactful HR change. About 65% say these policies will become the norm.
- **Stress, Mental Health and Wellbeing:** All the business leaders interviewed said stress and mental health significantly affected operations. As a result, many are training managers and supervisors to notice the signs and symptoms of acute mental

(Please see Future of work ... on Page 2)

REPORT

Total number of workplace deaths up 2% in 2019

Despite an unchanged rate in workplace deaths for 2019, the year saw an overall increase in the total number of fatal work injuries over 2018, according to new U.S. Bureau of Labor Statistics (BLS) data.

While the fatal work injury rate remained the same as 2018's with 3.5 fatalities per 100,000 full-time equivalent (FTE) workers, the number of total deaths increased 2% from 5,250 in 2018 to 5,333 in 2019.

Key findings

The 2019 total represents the largest annual number since 2007, according to the BLS "2019 Census of Fatal Occupational Injuries Summary."

This equates to a worker dying every 99 minutes from a work-related injury.

Several industries and worker demographic groups saw rises in

workplace fatalities in 2019, leading to the increased total, including:

- Workers age 55 and over accounted for 38% of all workplace fatalities, with an increase of 8% from 1,863 in 2018 to 2,005 in 2019, which is the largest number ever recorded for this age group.
- Hispanic or Latino workers made up 20% of fatal occupational injuries in 2019, up 13% to 1,088, the highest it has been since 1992.
- The private construction industry, with an increase of 5% to 1,061, had the largest total in this industry since 2007.
- Driver/sales workers and truck drivers had 1,005 fatal occupational injuries in 2019, the highest since 2003, with nearly one out of every five fatally injured employed as a driver/sales worker or truck driver.

CORONAVIRUS

Biden stops short of mandating COVID reg

The Biden administration has told OSHA to look into an emergency COVID-19 regulation for businesses, but doesn't mandate one as part of its overall plan.

In a 200-page document, National Strategy for the COVID-19 Response and Pandemic Preparedness, a section on protecting workers says:

"The President issued Executive Order Protecting Worker Health and Safety which directs (OSHA) to issue updated guidance on COVID-19 worker protections. It also directs OSHA and the Mine Safety and Health Administration (MSHA) to consider whether emergency temporary standards, including with respect to mask-wearing, are necessary."

Guidance v. regulation

Two important words in the section are "guidance" and "consider."

Guidance doesn't carry the same weight as a regulation. However, OSHA can use guidance it creates to issue citations under the General Duty

Clause for failing to keep workers safe from the coronavirus.

And directing OSHA and MSHA to "consider ... emergency temporary standards" (ETS) stops short of mandating new regulations.

The deadline for issuing an ETS is March 15, 2021. New guidelines are due to be issued no later than Feb. 4, 2021.

Future of work ...

(continued from Page 1)

- health or substance abuse issues.
- **Technology:** Forty-one percent of those interviewed said the use of mobile apps for symptom screening was the biggest tech change for their organization. The pandemic is expediting use of technology that might have otherwise occurred more slowly.
- **Sustainability:** The pandemic caused some employers to rethink their physical and carbon footprints. Companies are cutting down on office space or permanently reducing business travel.

Navigating the future

The NSC sees three pillars of influence that combine to form a framework for companies to navigate the future of work:

Work Modalities: This includes changes in the ways work is performed, such as remote work, flexible schedules and reduced building occupancy.

Worker Expectations: These are changes employers have made during the pandemic to address employees' comfort levels, wants and needs, including consistent communication, a focus on stress and mental health, and benefit increases.

Work Enablers: These are changes proven successful in mitigating many of the challenges of the pandemic, including renewed focus on safety and health, breaking down silos and encouraging more teamwork, and use of automation and wearables.

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 COMPANY DO ENOUGH TO HELP DISABLED WORKER?

Safety Manager Pete Travers had a dilemma – should he risk buying tickets to a spring concert?

The last time I bought tickets, the pandemic happened, Pete thought. *Will the vaccine make enough of a difference by spring?*

"Should I buy tickets for a spring show, John?" Pete asked as Attorney John Jenkins entered the office.

"Which show?" John asked.

"An obscure rock band you probably wouldn't know," Pete said.

"Don't go," John said. "That stuff will rot your brain."

'Did our best to accommodate'

"Pete, did you hear we're being sued by that employee who couldn't wear steel-toed boots?" John asked.

"Nancy Harding is suing us? But we tried our best to accommodate her disability," Pete said.

"She has diabetes, and it caused a bad foot condition," Pete continued. "She could work, but she had to wear loose-fitting, comfortable shoes.

"Nancy always had a doctor's note allowing her to bypass the safety shoe requirement, but when OSHA cited one of our sister plants, upper management said no more exceptions," Pete explained.

"We spent two years exploring options with her, but she claimed none of them worked," said Pete.

"Well that's a shame, but I'm sure we can fight this," John said. "The company has a well-defined rule and did its best to accommodate her."

The company fought the lawsuit. Did it win?

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

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DEPARTMENT OF LABOR

Boston mayor chosen as labor secretary

■ BIDEN PICK DRAFTED LAW HOLDING COMPANIES RESPONSIBLE FOR SAFETY

President Joe Biden has chosen Boston Mayor Marty Walsh to be his labor secretary.

Walsh would oversee OSHA and MSHA, which are part of the U.S. Department of Labor.

In 2016, as Mayor of Boston, Walsh filed an ordinance to give the city the right to deny, revoke or suspend a work permit based on the applicant's OSHA history.

Walsh's proposal came shortly after two workers were killed in Boston when a trench they were working in flooded. The workers' employer had been cited previously by OSHA for safety violations.

The measure was passed by city council and signed into law by the mayor. The resulting Mattocks Higgins Affidavit is named after the two workers who were killed.

The owner of Atlantic Drain Service, Kevin Otto, was sentenced to two years in prison for two counts of involuntary manslaughter in the case.

OSHA fined the company

\$1.48 million. The fines are still being contested.

Atlantic Drain Service had been cited by OSHA for similar hazards in 2007 and 2012.

Son of immigrants, union leader

Walsh grew up in Boston. His parents were immigrants.

Walsh joined the Laborers' Union Local 223 at age 21 and had been the union's president.

As an elected Massachusetts state representative, Walsh worked to ban hazardous chemicals.

Walsh's nomination requires confirmation by the U.S. Senate.

The Biden administration will also make political appointments at OSHA and MSHA. The No. 1 administrator at OSHA also requires Senate confirmation, but the No. 2 position does not.

There have been calls for the incoming Biden team to fill the No. 2 OSHA slot quickly so that person can fast track the administration's effort to enact an Emergency Temporary Standard on COVID-19 in the workplace.

NIOSH REPORT

Get better particle emission reductions with FFRs

Filtering facepiece respirators (FFR) with exhalation valves can reduce particle emissions to similar or better levels than those of medical masks and face coverings, according to a new National Institute for Occupational Safety and Health (NIOSH) report.

NIOSH researchers found FFRs with an exhalation valve can provide similar or better particle emission reduction than those provided by surgical masks, procedure masks or cloth face coverings.

More on source control

Researchers found that adding an electrocardiogram pad or surgical tape over the valve from the inside can provide source control similar to that

of an FFR with no exhalation valve, according to an article in NIOSH's January 2021 newsletter.

NIOSH also published two new webpages related to respiratory protection:

- Elastomeric Half Mask Respirator Resources, which summarizes NIOSH elastomeric half mask respirator (EHMR) research and provides links to NIOSH resources and other relevant published material about EHMRs.
- Respirator Exhalation Valve Research, which provides an overview of NIOSH research studies about the potential for respirators with exhalation valves to contribute to source control.

TRENDS TO WATCH

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

■ FARMING INDUSTRY MOST DANGEROUS IN 2019

Farming was the most dangerous industry in Montana in 2019, making up 42% of the state's work-related fatalities.

The Montana Department of Labor and Industry's annual report on fatal occupational injuries indicated 16 of Montana's 38 work-related deaths took place on farms.

Officials with the Montana Farm Bureau said this should serve as a reminder to put safety first on farms and ranches, according to the *Flathead Beacon*.

There was a 35.7% increase in workplace deaths over 2018's numbers across all industries.

The average number of deaths per year in Montana is between 30 and 40, with the lowest number of deaths occurring in 2018, 2014 and 2013 with 28 in each of those years.

The highest number of workplace deaths occurred in 1992 with 65.

■ SILICA EMPHASIS PROGRAM INTRODUCED FOR 2021

Michigan OSHA (MIOSHA) introduced a State Emphasis Program for 2021 to reduce employee exposures to respirable crystalline silica and prevent silicosis.

A list of workplaces most likely to have employees exposed to the hazard was created and includes industries that have historically had overexposures or a prevalence of silicosis cases in the state.

Establishments on the list may receive an unannounced enforcement investigation to ensure compliance

The emphasis program includes outreach to affected industries to consult, educate and train employers and the public of the dangers associated with respirable crystalline silica.

Info: tinyurl.com/MIsilica612

Roundup of most recent OSHA citations

Sawmill fined after worker struck, killed by board

An Arizona sawmill was cited after an employee was struck and killed by a piece of wooden board that kicked back from a machine he was using.

The employee was inserting a 10-foot-long, 4-inch-by-8-inch wooden board into an edger when a piece of the board kicked back and struck him.

He suffered an internal injury on his right side, resulting in his death.

Fine: \$22,000

Company: J & J Lumber Company Inc., Amity, AR

Business: Sawmill

Reasons for fine:

Four serious violations for failure to:

- keep all places of employment in clean, orderly and sanitary condition
- ensure conveyors were operated and maintained in accordance with the American National Standard
- protect conductors entering cutout boxes from abrasion
- keep flexible cords from being used as substitute for fixed wiring of structures

One other-than serious violation for failure to:

- report employee hospitalization within 24 hours of work-related incident

Gym refuses to adhere to state COVID requirements

Oregon OSHA issued its largest COVID-related fine to date – more than \$126,000 – to a fitness club that violated state orders by refusing to close its doors.

The same fitness club was fined \$90,000 in November for keeping four of its five gyms open in defiance of the state’s pandemic requirements.

John Miller, president of Courthouse Club Fitness, told the *Salem Reporter* he would “support any reasonable request to help in the fight against COVID,” but stated bankrupting his business, which 300 employees depended on to make a living, was not reasonable.

During an inspection, Oregon OSHA “found customers using the gym’s equipment, the sports court and spa while instructors led training and swimming lessons,” and that employees and customers were wearing masks and social distancing.

In a statement Oregon OSHA issued regarding the fine, the agency says it understands “this employer is attempting to do a number of things to keep employees safe without shutting down,” but that doesn’t allow the employer’s judgment to substitute for that of public health authorities.

At least 10 employees were put in unsafe working conditions, and one instructor led an exercise class with 50 participants, according to documents obtained by the *Salem Reporter*.

Fine: \$126,749

Company: Courthouse Club Fitness, Salem, OR

Business: Gym

Reasons for fine:

One willful violation for failure to:

- adhere to state health protections against COVID-19

Autoclave explosion critically injures 2 workers

A Kansas aircraft manufacturer was cited after an explosion critically injured two employees.

The incident occurred when a liquid nitrogen pressurized vessel – known as an autoclave – suffered a catastrophic thermal fatigue failure, resulting in an explosion.

Two employees were critically injured and others were exposed to various explosion-related hazards.

Fine: \$10,121

Company: Textron Aviation Inc., Wichita, KS

Business: Aircraft manufacturing

Reasons for fine:

One serious violation for failure to:

- provide employment free from recognized struck-by hazards likely to cause death or serious physical harm

WORKERS' COMP DECISIONS

Can worker collect on claim for hernia surgery?

A firefighter filed a claim for hernia surgery. Can he collect?

What happened: The firefighter’s job duties required a lot of repetitive lifting, which he said caused him to get a small hernia. He filed a claim calling the hernia an occupational disease.

Company’s reaction: Hernias are not a work-related disease.

Decision: He couldn’t collect.

Hernias, which are compensable only under specific circumstances, do not qualify as an occupational disease, according to the court.

Cite: *Greer v. Montgomery County*, MD Court of Appeals, No. 3381, 5/28/20.

Driver developed shoulder pain from job: Benefits?

Can a bus driver get benefits for neck and shoulder problems she claimed were caused by her job?

What happened: The bus driver said she developed problems with her neck and shoulder over a five-year period from operating the vehicle’s steering wheel, repeatedly opening and closing its door and operating its parking brake. She filed a claim after being terminated from her job.

Company’s reaction: You filed the claim as a response to being fired.

Decision: She could collect. “Ample evidence” proved she was having problems with her neck and shoulder long before she was terminated, according to the court. Further, the employer did not conduct its own independent medical examination to contradict the worker’s medical evidence.

Cite: *Matter of DiGennaro v. Greece Central School District*, NY Court of Appeals, No. 528298, 6/4/20.

REAL PROBLEMS, REAL SOLUTIONS

Created app to track safety supplies

Our Health, Safety and Environment (HSE) department made coronavirus pandemic safety for our employees its top priority and collaborated with our plant managers and other site leaders to make various safety improvements, such as installing plexiglass barriers and sanitizing procedures.

Leadership realized that their goals could still be accomplished while ensuring that we have the safest, healthiest environment that we possibly can.

However, at the beginning of the pandemic, our company struggled with securing adequate supplies of hand sanitizer and PPE like face masks, N95 respirators and disposable latex gloves. To keep all our facilities operational, it's crucial that nobody ever runs out.

Let's make an app

Our HSE team met virtually with our IT and purchasing departments about developing an app that would simultaneously track the inventory of critical COVID safety supplies at all our sites.

It was up and running within two weeks – one of the most rapid innovation turnarounds I've ever seen.

Every one of our sites around the globe uses the app to track quantities of their COVID supplies. We're able to centrally manage the supplies, identify what's needed most at specific locations and prioritize certain supplies based on community risk levels for the virus.

It was also a valuable learning experience about supply chain for our HSE team. That knowledge may come in handy when the COVID vaccine is more widely distributed.

When you get challenged with something like a global pandemic, it's encouraging to see people come together on this kind of creative innovation to open up what's possible to make workplace safety easier to manage.

We've started building an app for COVID symptom screening that ties

into our app for elevated temperature scanning. This will help identify employees that may be sick before they enter our sites.

(Michelle Garner-Janna, executive director of corporate health, safety and environment, Cummins Inc., as presented during the National Safety Council State of Response and Future World of Work Virtual Summit)

Using your past mistakes to get engagement

Nobody likes to admit when they make a mistake, right?

Why do we feel embarrassed about our mistakes? Because we don't want anybody to point the finger at us. That's not a good feeling.

And it's usually tied to some level of fear because you don't want to be called out for it.

When employees make mistakes, if you ask them why they didn't follow a procedure, what ends up happening is you shut them down.

I've had experiences in the past where I pointed the finger and asked, "Why did you do that?" and I found people didn't engage with me.

'It can happen to anybody'

So I changed tactics. I started sharing my past mistakes that caused near-misses or injuries just to show them it can happen to anybody.

When I shared those, I actually get more of a response and more engagement.

I usually share a story about a time I fell or tripped – those stories are usually easy to come up with.

If you can share your mistake story, it can go a long way in getting engagement and in relationship building with the employees you're asking to participate in your safety program.

(Based on a presentation by Tim Page-Bottorff, Safety Consultant, SafeStart, Mesa, AZ, at ASSP's Safety 2020)

TRAINING TIPS

Are workers aware of the fall hazards around them?

What type of work do employees think about when they hear the term fall hazards? Roofing? Construction?

If they work in a warehouse or a manufacturing plant, they may not give fall safety a second thought.

However, OSHA requires fall protection in general industry for elevations of 4 feet or more.

Four feet may not seem like a dangerous fall, but even falls from that short distance can result in serious injury or even death.

As OSHA points out, this is especially true in manufacturing facilities where a work platform may be over a dangerous machine an employee could fall into.

And some warehouses have out-of-the-way storage spots that require climbing a ladder to get to that would qualify as working from heights.

For more, see our training shop on Fall Protection on our website.

Teen killed by forklift: Operators weren't trained

All employees should know that if they're not properly trained to operate a piece of equipment they shouldn't do so because it could result in property damage, injury or death.

An Indiana recycling company found this out in tragic fashion after a high school girl – and daughter of the company's owner – was killed in a forklift incident.

Initial reports indicated a forklift fell on top of her and that operators weren't trained on how to safely operate the equipment, according to the *Richmond Palladium-Item*.

The girl was pronounced dead at the scene.

Indiana OSHA issued a \$14,000 fine for forklift-related violations.

CORONAVIRUS

Virginia set to be first state with COVID-19 permanent standard

The Virginia Safety and Health Codes Board approved a permanent COVID-19 standard on Jan. 13, 2021.

However, there are still a few more steps before the new rules are enacted.

Governor Ralph Northam will review the permanent standard. If there are proposed changes, the Board will consider them.

Either way, the standard must be published with the Virginia Registrar of Regulations and published in a Richmond newspaper.

What stays, what's different

According to a blog post by Jackson Lewis attorney Courtney Malveaux, a member of the Board, these provisions of Virginia's Emergency Temporary Standard will be carried over to the Permanent Standard:

- Screen employees before work
- Require social distancing and respiratory protection
- Clean and disinfect commonly used areas and equipment
- Provide telework, and
- Provide handwashing stations and hand sanitizer.

The Permanent Standard does differ from the Temporary Standard in some ways. The new rules:

- reduce the requirement to report every positive COVID-19 case to reporting outbreaks of two or more to the Virginia Department of Health
- establish a time-based requirement for return-to-work that's consistent with CDC guidance of 10 days with one symptom-free day, and
- provides alternative controls for employers to comply with respiratory standards when employees travel together in vehicles because of N-95 and other filtering facepiece respirator shortages.

Posting of OSHA 300-A summaries was due Feb. 1

OSHA 300-A Summary forms listing 2020 injuries and illnesses must be posted by Feb. 1, 2021.

Employers who keep Part 1904 OSHA workplace injury and illness records must review the 2020 OSHA 300 Log for accuracy, correct any issues and then create the 300-A Annual Summary.

Form 300-A summaries must be posted in an area where notices to employees are normally placed by

Feb. 1, 2021, and must remain visible in that location until at least April 30, 2021.

A company executive must certify the summary is completely accurate.

OSHA, EPA take on workplace exposure

Chemicals that pose unreasonable health risks to workers who manufacture and handle them will eventually be regulated by EPA under the Toxic Substance Control Act (TSCA) Section 5.

EPA and OSHA signed a memorandum of understanding to work on regs together. Agencies will share practical info on identifying levels of workplace exposure and what precautions are needed such as personal protective equipment, engineering controls/ventilation, etc.

Keep an eye out for TSCA workplace restrictions for 1,4-dioxane; chrysotile asbestos; decaBDE; PIP 3:1; pentachlorothiophenol; hexachlorobutadiene; carbon tetrachloride; trichloroethylene and methylene chloride within the next two years.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, the company won when the court found the worker did not meet the Americans with Disabilities Act's (ADA) definition of a "qualified individual."

The worker claimed she had performed her job for years without wearing safety shoes and could continue to do so with an accommodation.

Although she was able to perform her job, she couldn't do so safely, the company argued. Further, the company claimed it went out of its way over a period of two years while she was on a leave of absence to offer alternatives, which she rejected.

The court ruled the worker was not a qualified individual under the ADA since she couldn't comply with

the company's valid safety requirements for her position, according to law firm Nexsen Pruet.

ANALYSIS: REASONABLE ACCOMMODATIONS

The ADA is meant to protect individuals with disabilities, and employers are expected to engage with disabled employees to negotiate reasonable accommodations to allow them to work.

However, the ADA definition of a qualified individual makes it clear compromising safety does not count as something reasonable.

Also, the company made many documented attempts to come to a safe compromise.

Cite: *Holmes v. General Dynamics Mission Systems*, U.S. Court of Appeals for the Fourth Circuit, No. 19-1771, 12/9/20. 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.

MINING

There were 29 mining fatalities in 2020, five more than in 2019, according to the U.S. Mine Safety and Health Administration (MSHA).

Despite the increase, MSHA reports this is the sixth consecutive year mining fatalities were below 30, and among the 2020 fatalities, only five occurred in coal mines, which the agency says is a historic low.

The states where the deaths occurred were:

- Kentucky and Louisiana with three deaths each
- Arizona, California, Georgia, Iowa, Texas and West Virginia with two each, and
- one each in Colorado, Illinois, Kansas, Michigan, Missouri, Nevada, New Jersey, Ohio, Pennsylvania, South Carolina and Washington.

Powered haulage deaths dropped to 21% in 2020 – continuing a trend seen in 2019 – compared to 2017 and 2018 when about half of all miner deaths were the result of powered haulage incidents, including vehicle-on-vehicle collisions, failure to use seatbelts and conveyor belt accidents.

The agency also reports 2020 was the first year in MSHA history with no seatbelt-related deaths, and conveyor-related deaths dropped from four in 2017 to one in 2020, according to a Department of Labor news release.

This decline is attributed to an MSHA education campaign and rulemaking regarding powered haulage.

CONTRACTORS

Does control over safety at a worksite determine whether workers are employees or independent contractors?

One of the last-minute labor regulations enacted by the Trump administration sets rules for determining

whether workers are employees of a company or independent contractors, but it has since been frozen by the Biden Administration.

Published in the Federal Register on Jan. 7, 2021, Independent Contractor Status under the Fair Labor Standards Act says “the nature and degree of control over the work” is one of two main factors in making the employee-or-contractor decision.

The regulation says, “Requiring the individual to comply with specific legal obligations, satisfy **health and safety standards** ... or satisfy other similar terms that are typical of contractual relationships between businesses ... does not constitute control that makes the individual more or less likely to be an employee under the [Fair Labor Standards] Act.”

The new regulation explains that if a requirement applies equally to people who are in business for themselves and to employees, imposing that requirement doesn't prove whether the worker is an employee.

So control over safety doesn't factor into the employee-or-contractor question, but this could still change.

PENALTIES

OSHA is raising its maximum penalty amounts for 2021 based on cost-of-living adjustments for the year.

Maximum penalties for serious and other-than-serious violations will increase from \$13,494 per violation to \$13,653 per violation, while willful or repeat violations will increase from \$134,937 to \$136,532 per violation.

This increase is based on the 2015 Federal Civil Penalties and Inflation Adjustment Act to “advance the effectiveness of civil monetary penalties and to maintain their deterrent effect,” according to a Department of Labor news release.

More information on the new maximum penalty amounts can be found on OSHA's Penalties page of the agency's website.

WHERE TO GET HELP

■ DATES ANNOUNCED FOR NSC VIRTUAL CONGRESS & EXPO

The National Safety Council (NSC) announced its virtual Safety Congress & Expo will be held March 1-5, 2021.

Registration for the organization's flagship event opened Dec. 3.

Pandemic concerns led the NSC to announce the event would be going virtual, but the actual dates hadn't been revealed until recently.

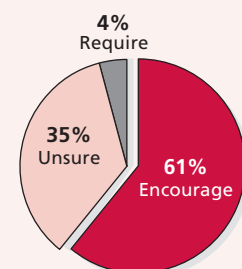
Professional Development Seminars will kick off the event on March 1 and 2 with additional education, networking and expo halls going on from March 3-5.

Dates for two other events were also announced, with the Campbell Institute Symposium taking place Feb. 23-24 and the Work to Zero Summit going on from Feb. 24-25.

More information can be found at nsc.org/events.

What safety pros say

Will a majority of employers encourage or require their workers to receive the COVID-19 vaccination?



Source: Society for Human Resource Management

Research shows many workers aren't against a vaccine mandate as 55% told the Society for Human Resource Management they'd be very likely to get it if required.

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?

Employee accuses supervisor of caring more about production than safety

The Scenario

"Where did this busy spike come from?" Manager Mike Kelly asked as he stepped into the warehouse.

"I don't know, but we're having a hard time keeping up, that's for sure," Supervisor Ken Dawson said. "Speaking of which, I need to get back to manufacturing."

As Mike made his way toward the shipping office, he saw a single forklift heading his way.

"Mike, can we talk?" the operator, Carla Rossetti, asked.

"Sure," Mike replied. "What can I do for you?"

"It's about Jack Hall, my supervisor," she said.

"He's ignoring safety to get product loaded faster," Carla continued.

Mike thought for a moment before answering.

"I know Jack can be a little old school about things, but I can't imagine he'd totally abandon safety in favor of production," Mike said.

Told to stop wasting time

"Jack told us to stop wasting time going outside to check if trailer tires are chocked," Carla explained. "He said you can see well enough if you look out through a neighboring dock door or window."

"So he didn't say not to check, right?" Mike asked. "He still wants you to verify the tires are chocked?"

"Yes, but it's not that easy to see if you don't go outside, and I can tell you some of the guys aren't bothering to check at all since it's so busy," Carla replied.

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

Reader Responses

1 From a Safety Specialist at a Manufacturing Company in the Northeast.

What the safety specialist would do: It is a waste of time to walk outside in many cases.

Reason: Take a few minutes to discuss the fastest way to check the chocks with your employees.

They are the ones who would know best, and the supervisor may be wrong.

Once it is decided, make sure everyone knows the new procedure and follows it.

2 Leroy Spittle, Safety Manager, Roy Spittle Associates Inc., Gloucester, MA

What Leroy would do: Safety is the first priority!

Lowering safety and caution is

totally unexceptionable.

Reason: The supervisor must be told in no uncertain terms not to reduce safety for greater production.

All involved must attend a safety meeting to reinforce the importance of safety. Management must address the reason for the "back up" and solve that problem, not tolerate reduced safety for any reason.

3 Steve Davies, QA Manager, LND Inc., Oceanside, NY

What Steve would do: I've seen it too many times in the various companies and industries I've worked for. Quality and Safety are always the first two casualties when production is behind schedule.

Reason: When it's crunch time, these companies operate under the premise that the employees "know better" and will always be safe.

OUTSIDE THE LINES

■ NO COMP ON SUNDAY ... AT LEAST NOT IN THIS STATE

When it comes to workers' comp in this state, apparently Sundays don't count.

A Pennsylvania nurse injured her leg at work on July 25, 2015.

She suffered increasing pain, and couldn't walk by the end of her shift.

Her doctor said she could no longer work.

On Nov. 23, 2015, a Monday, the nurse notified her employer she injured herself on the job.

Her comp claim was denied because it fell outside the 120-day reporting window by one day.

But the Commonwealth Court of PA reversed because the 120th day after the nurse's injury, Nov. 22, 2015, fell on a Sunday.

Apparently, the state's comp act doesn't mention how to calculate the number of days.

Did you know ...

Cloth face coverings are no substitute for social distancing at work



In preventing the spread of COVID-19, OSHA says **cloth face coverings are not a suitable substitute for social distancing.**

Source: OSHA

While cloth face coverings do aid in protecting against transmission of COVID-19, social distancing is still needed to help further reduce the risk presented by the coronavirus.

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