

April 1, 2021

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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.

## What's OSHA citing companies for? Check out its 2020 Top 10

### ■ *Insight from the agency's list of top violations*

Federal OSHA's top 10 most cited violations accounted for 24,239 violations for fiscal year 2020.

The Top 10 was released by the National Safety Council during a Feb. 26 webinar, along with the number of violations and what inspectors are seeing other companies getting wrong:

#### Top violations

1. **Fall protection – General requirements (1926.501), 5,424 violations:** OSHA Deputy Director for its Enforcement Directorate, Patrick Kapust, said the problems OSHA is finding under this

standard involve lack of fall protection during residential construction activities, no fall protection when working around unprotected sides and edges, and inappropriate fall protection on both low-slope and steep roofs.

2. **Hazard communication (1910.1200), 3,199 violations:** Inspectors are finding problems with written hazard communication programs and implementation of those programs.
3. **Respiratory protection (1910.134), 2,649 violations:** OSHA is seeing

*(Please see Top 10 ... on Page 2)*

### COVID-19

## Former OSHA head calls for emphasis on ventilation

The head of OSHA during the Obama administration has added his voice to a growing chorus calling for more emphasis on ventilation in workplaces to fight COVID-19 spread. He also predicts new OSHA requirements for better protection of workers.

In an interview with the *New Jersey Star-Ledger*, David Michaels said we need to implement other precautions against COVID-19 because we now know breathing tiny particles (aerosols) also spreads the virus.

"Keeping people six feet away and cleaning surfaces and wearing a surgical mask or a cloth mask is not adequate," Michaels said.

Michaels, an epidemiologist and professor at the George Washington University School of Public Health, said we know people who are exposed

at distances of more than six feet have become sick.

Among the recommendations Michaels makes:

- Make sure sick people stay home.
- Dilute the workplace with fresh air.
- Use a higher efficiency filter on HVAC systems to catch aerosols.
- For workers who are heavily exposed for longer periods, respirators, instead of masks, are probably necessary.

#### Standards arriving soon?

Michaels believes the government should set air standards for workplaces and require respirators for heavily exposed workers.

He also predicted OSHA is likely to issue an emergency temporary standard on COVID-19 for workplaces.

### CONFERENCES

## NSC: 2021 is 'Year of the Safety Hero'

You've been working to keep employees safe from a potentially fatal pandemic. The National Safety Council says take a bow and honor others who have done the same.

In the kickoff keynote address of the Virtual Safety Congress 2020One, NSC CEO Lorraine Martin announced that the organization has named 2021 the "Year of the Safety Hero."

Martin noted that one silver lining of the pandemic is the increased emphasis on workplace safety and health overall.

In fact, some employers report an improvement in other safety metrics, such as lack of injuries, during COVID-19.

You can use the hashtag #SafetyHero to honor a fellow safety professional.

Martin also encouraged safety pros to realize how the pandemic has put an emphasis on employee mental health.

"We know that a person has to feel safe in order to be safe," Martin said.

"People who feel safe don't hesitate to speak up, and voices save lives."

### End of the tunnel

Martin said the approval of three vaccines for COVID-19 is "the light at the end of the pandemic tunnel."

So she called on employers to encourage employees to get vaccinated.

### Top 10 ...

(continued from Page 1)

- companies fail to perform medical evaluations for respirator use, create a written respiratory protection program, perform fit testing and a lack of meeting the general requirements of the standard.
4. Scaffolding (1926.451), 2,538 violations: Employees working without fall protection, general access, plank and deck deficiencies, support to keep from tipping over and guardrail requirements were the most common violations under this standard.
  5. Ladders (1926.1053) 2,129 violations: These violations, inspectors found, involved use of portable ladders for purposes they weren't designed for, tops of step ladders used as a step, failure to remove defective ladders from service and employees carrying objects that could make them lose their balance and fall.
- ### Bottom five
- The bottom five are:
6. Lockout/tagout (1910.147), with 2,065 violations
  7. Powered industrial trucks (1910.178), with 1,932 violations
  8. Fall protection – Training requirements (1926.503), with 1,621 violations
  9. Personal protective equipment – Eye and face protection (1926.102), with 1,369 violations, and
  10. Machine guarding (1910.212), with 1,313 violations

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 MISUNDERSTANDING OF RULE LEAD TO CITATION?

Safety Manager Pete Travers was in his kitchen at home looking for some breakfast before leaving for work.

Specifically, he was looking for a blueberry muffin his wife said she'd leave for him. It was the last one.

Where is it? he thought, searching all around.

"Hi dad," his daughter said as she walked in, wiping blueberry muffin crumbs from her mouth.

Pete's phone rang before he could express his disappointment.

### Ramp wasn't safe egress?

"Hello, John," Pete said, answering the call from company attorney John Jenkins.

"When are you coming into the office, Pete?" John asked. "We have to talk. OSHA is citing us."

"We can talk now," Pete replied. "Is this about the trench incident?"

"Yes. OSHA says the trench didn't have a safe egress route for workers," said John.

"Our crew made an earth ramp for entering and exiting the trench," Pete explained. "Some backfill soil collapsed into the trench, and one of the workers got his legs trapped for a moment before he could free himself and leave via the ramp."

"So the earth ramp was the egress route?" John asked.

"Yes, the crew was instructed to make the ramp and use it in case of emergency," Pete said.

"If the ramp was the exit, 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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## ADMINISTRATION CHANGES

### Medical records rule a problem for OSHA

■ TRUMP ADMINISTRATION PRIVACY RULE COULD BE RESCINDED

In 2020, OSHA caught some criticism for not doing enough enforcement to prevent workplace spread of the coronavirus. Further impeding the agency's efforts was a medical records final rule that came out July 31 and may be getting rescinded.

"The purported reason for this rule was to preserve worker medical privacy and also to streamline agency review of medical records during inspections," said workplace safety attorney Adele Abrams during a Premier Learning Solutions webinar, "Safety Policies in 2021: How the New Administration Impacts Employers Now."

A key part of the rule states that before compliance officers in the field can conduct audits of records that identify individual employees (such as personnel files and workers' comp records), they have to get permission from a newly-created OSHA medical records officer — a position that's still vacant, according to Abrams.

Not only is the rule out of alignment with some state OSHA

rules, she said, but it also conflicts with OSHA's status as a public health agency, exempt from HIPAA privacy rules and with the authority to review worker medical records at will.

#### Workers' comp records, too

The rule blocked OSHA's ability to see workplace COVID-19 cases that didn't appear on employer illness and injury logs, but were being reported to workers' comp systems.

It also blocks the agency from looking at a construction company's workers' comp records to see if there are employee lung issues related to silica dust.

In addition, the rule prohibits the agency from releasing or sharing medical records, unless it's a special case like NIOSH research or enforcement cases where a worker's health is of major concern.

"This may get changed," said Abrams. "But this is a final rule, so this is one that would either have to be re-opened, or perhaps rescinded under the Congressional Review Act."

So be prepared to grant inspectors full access to your records should OSHA decide to pay you a visit.

## TEMP WORKERS

### NIOSH director: Workplace laws not for gig economy

Who pays when a gig economy employee is injured? The director of a federal workplace safety agency says the question is "very fraught" legally.

NIOSH Director Dr. John Howard said at a keynote address at the National Safety Council's Virtual Congress 2020 that employment laws in the U.S. were written for employee-employer relationships.

Howard noted that first, contracting and temp agency use grew. Then, we entered the gig or platform economy.

But the laws, in most cases, didn't catch up.

On the question of who pays when a gig economy worker gets injured on the job, Howard said it's a difficult

question to answer currently.

One potential solution he sees is portability of health and workers' comp insurance: Instead of attaching insurance to an employer, the insurance is portable and goes with the employee.

#### Robotics, AI and safety

Howard says between now and 2030, companies have pledged a \$10 trillion investment in automation.

A conference attendee asked, if a robot injures a worker, does the manufacturer of the robot pay or does the worker's employer pay?

Howard said he'd leave that for the lawyers and suggested it was a topic for a conference session all by itself.

## TRENDS TO WATCH

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

### ■ COVID CLAIMS AT BIG MEAT PLANTS ARE BEING DENIED

About half of the 18,000 people who filed COVID-related workers' compensation claims in Minnesota have received benefits, but none of them are from the state's large meat-processing plants.

State data shows none of those paid are from the meat-processing plants where some of the biggest outbreaks occurred, despite having 935 claims filed for COVID exposure.

One workers' compensation attorney told the *Minneapolis Star Tribune* this pattern suggests meat plant managers are applying blanket policies instead of individually judging each case.

But meat plants are denying that, claiming they follow state COVID-19 reporting requirements and some of those cases "do not necessarily match the allegations in workers' compensation claims," which makes the numbers misleading.

### ■ RECREATIONAL WEED DECRIMINALIZED IN STATE

Marijuana has been officially decriminalized for recreational use in New Jersey after Governor Phil Murphy signed legislation Feb. 22 that carries some significant implications for employers.

Both houses of the New Jersey Legislature passed the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (NJCREAMMA) and a companion decriminalization bill on Dec. 17, 2020.

Some changes were made over prior versions of the bill, according to a blog post by law firm Morgan Lewis & Bockius.

These changes include a nondiscrimination and no duty to accommodate provision.

See "NJ decriminalizes marijuana" on our website for more info.

## Roundup of most recent OSHA citations

### Teen worker killed by forklift at family business

A recycling company was cited by Indiana OSHA after a high school girl working at the facility was killed in a forklift incident.

The girl was working at her family's business when the incident occurred, and she was pronounced dead at the scene.

Initial reports indicated a forklift fell on her, according to the Richmond Palladium-Item.

Inspectors found workers weren't trained in the safe operation of industrial vehicles and failed to wear seat belts while operating forklifts.

**Fine:** \$14,000

**Company:** 1 Polymer Source, Richmond, IN

**Business:** Industrial supplies merchant wholesalers

**Reasons for fine:**

*Two serious violations for failure to:*

- ensure employees wore seat belts while operating forklifts
- train employees on safe operation of forklifts

### Employees in unprotected trench: \$299K OSHA fine

Two years after a Missouri plumbing contractor agreed to adopt a comprehensive trench safety program in the wake of an employee's death in a trench collapse, OSHA inspectors observed an employee working in an unprotected trench.

A complaint in August 2020 led inspectors to a worksite with an unprotected 7-foot-deep trench and one of the contractor's employees working within.

Inspectors claim the contractor also failed to comply with the terms of a settlement agreement entered before the Occupational Safety and Health Review Commission in 2018, according to a Department of Labor news release.

**Fine:** \$299,590

**Company:** Arrow Plumbing, Blue Springs, MO

**Business:** Plumbing, heating, and air-conditioning contractor

**Reasons for fine:**

*Two repeat violations for failure to:*

- provide adequate shoring, sloping or benching as means of protection against trench collapse
- prevent spoil pile from being placed within 2 feet of edge of excavation

*Two serious violations for failure to:*

- provide employee with protective helmet while working in area of possible head injury
- protect employees from unsupported gas and electrical lines

### Owner, workers on roof without fall protection

An Ohio roofing contractor was cited after the owner and several employees were observed working on a roof without fall protection.

Inspectors saw Ivan Lowky and his employees using nail guns to install roofing material while on the roof of a three-story apartment building. None of them were using fall protection, although the equipment was available.

Lowky was cited five times previously for the same violation, according to a Department of Labor news release.

**Fine:** \$117,572

**Company:** ILS Construction, doing business as Ivan's Roofing, Hartsville, OH

**Business:** Roofing contractor

**Reasons for fine:**

*Two willful violations for failure to:*

- ensure employees engaged in residential construction activities 6 feet or more above lower levels were protected by guardrail, safety net or personal fall arrest systems
- ensure use of eye and face protection equipment when machines or operations presented potential eye or face injury

*One serious violation for failure to:*

- ensure portable ladder side rails extended 3 feet above upper landing surface

## WORKERS' COMP DECISIONS

### Worker diagnosed with prostate cancer: Benefits?

Can a mechanic who cleaned contaminated police cars following the 9/11 terrorist attacks get benefits for prostate cancer?

**What happened:** The mechanic was responsible for cleaning police vehicles after they returned from the site of the Sept. 11, 2001, terrorist attacks in New York City. He was diagnosed with prostate cancer, which he claimed was due to his job-related exposure to toxins from the terrorist attacks.

**Company's reaction:** Your cancer is not a work-related disease.

**Decision:** He may be able to collect. The court – which remanded the case back to the comp board – said a significant exposure to those particular toxins could increase the likelihood of prostate cancer, so there is a causal relationship.

**Cite:** *Matter of Renko v. NY State Police*, NY Court of Appeals, No. 2020-03839, 7/9/20.

### 1 injury reported at work but claim is for 2: Benefits?

A roofer reported a back injury, but failed to report a hand injury. He filed a claim for both. Can he collect?

**What happened:** The roofer tripped and fell while on the job, injuring his back and shoulder. He reported this injury and filed a claim. Later, he injured his hand, didn't report it, but added it to his claim.

**Company's reaction:** Your back problem is not work-related and you can't prove the hand injury happened at work.

**Decision:** He could collect on the hand, not on the back. Evidence pointed to the back injury being due to degenerative changes.

**Cite:** *Milligan v. Blue Creek Mining LLC*, WV Court of Appeals, No. 18-0919, 7/9/20.

## REAL PROBLEMS, REAL SOLUTIONS

### S.T.A.R.S. helped build our safety culture

What happens when results from your safety program plateau – when injury rates flatline and workers are unmotivated and uninspired?

One thing we did was to use the S.T.A.R.S. program.

It was originally a self-check tool to prepare for certain tasks developed by the U.S. Department of Energy (DOE) and explained in their 2009 Human Performance Improvement Handbook.

We adapted it and used it a little differently.

#### Finding and fixing hazards

S.T.A.R.S. stands for:

- Stop
- Think
- Act
- Review, and
- Share.

This is how the S.T.A.R.S. program worked for us:

An employee finds something that doesn't look or seem right (Stop). Then, they Think about what the next step should be. Then, they come up with a solution and implement it (Act). They think about what had gone wrong and how to keep it from happening again (Review). Then, they Share the fix with other employees.

#### More solution sharing

This is where we added our own twist to the DOE program.

We gave each employee who completed S.T.A.R.S. a gold star to stick on their hardhat.

It was our way of recognizing them for their safety achievement of finding and mitigating a hazard.

We asked employees who earned a star to present what they did to other employees.

Also, the star travels with the employee on their hard hat. This means other employees who might not have heard about the safety fix could ask them about it ("What did you get the gold star for?").

So sharing the solution continues.

Some people got competitive about the stars, trying to get more of them

than other workers. And that's a good thing, as long as they truly fulfill the steps in S.T.A.R.S.

We even had subcontractors ask how to get them.

This program motivated employees to find and fix hazards, rewarded them for doing so (without a lot of cost) and promoted sharing safety solutions with other workers.

*(Based on a presentation by Melissa Layfield, Program Safety Manager, Parsons Corp., New Jersey, at the National Safety Council's Virtual Congress 202One)*

### Foundation in safety helped during COVID-19

On March 11, 2020, we were working in our offices.

The next day, we went remote because of the coronavirus pandemic.

COVID-19 forced us to get creative until we figured out how we were going to carry on during the pandemic.

We kept one foot in safety while pivoting with the other.

Our philosophy is that safety isn't something that we have to make time for. It's always included.

And safety training is always present for our company.

#### Online training became primary

We leaned on our safety training philosophy for COVID-19.

We'd been using online training as a supplement to in-person training. During COVID-19, it became primary.

At the same time, we made a commitment that no part of safety management would go away because of the pandemic.

We've been successful addressing worker safety during COVID-19 because we had a strong safety foundation to build on.

*(Based on a presentation by Noreen Cleary, Chief HR Officer, USG, Chicago, at the National Safety Council's Virtual Congress 202One)*

## TRAINING TIPS

### Are workers aware they can report safety concerns?

Safety professionals know how important it is that workers are aware they can, and should, report safety and health concerns.

But it's also easy to assume they know this fact and fail to reinforce it enough.

To better facilitate this, OSHA suggests:

- Establishing a process for workers to report injuries, illnesses, close calls/near misses, hazards and other safety and health concerns, and respond to reports promptly. Include an option for anonymous reporting to reduce fear of reprisal.
- Reporting back to workers routinely and frequently about action taken in response to their concerns.
- Emphasizing that management will use reported information only to improve safety, and that there will be no retaliation for bringing such information to management's attention.
- Empowering all workers to initiate a temporary suspension of any work activity they believe to be unsafe.
- Involving workers in finding solutions to reported issues.

### OSHA requires PPE for workers with long hair

As a safety pro, you know hard hats can protect workers from a wide array of hazards that can cause head injuries.

But did you know that OSHA regulations also require employers to ensure that workers cover and protect long hair to prevent it from getting caught in machine parts such as belts and chains?

**More info:** [osha.gov/sites/default/files/publications/ppe-factsheet.pdf](https://www.osha.gov/sites/default/files/publications/ppe-factsheet.pdf)

## OSHA & UNIONS

### AFL-CIO Top-5 'wish list' could shape DOL's safety policies

The new face of OSHA, Jim Frederick, used to be a union official and Labor Secretary nominee Marty Walsh was known to be pro-union in his time as mayor of Boston. Therefore "the AFL-CIO wish list carries some weight," said workplace safety attorney Adele Abrams.

Abrams explored the union's list of biggest occupational health and safety issues during a Premier Learning Solutions webinar "Safety Polices in 2021: How the New Administration Impacts Employers Now."

In honor of OSHA's 50th anniversary in December 2020, the AFL-CIO looks like it's gearing up to partner with the agency to revive, retool or reboot:

- the Voluntary Protection Program
- National Emphasis Programs
- the Severe Violator Enforcement Program, and
- the Site-Specific Targeting Program.

"There's lots of old things that can be made new again, as well as new directions that they could take," Abrams said.

#### What's on the list?

The AFL-CIO's top wants from the new administration:

- Prioritize infectious disease

- prevention, heat exposure and workplace violence legislation
- Update the Permissible Exposure Limit levels for chemicals, with more input from labor groups
- Reinvigorate OSHA committees, such as the Advisory Committee on Construction Safety and Health
- Realign federal OSHA with state OSHA agencies, and
- Come up with worker protections across state and jurisdictional lines that are more uniform, particularly when third parties are involved.

It remains to be seen how much of this will get done in the next four years, but we'll keep you posted.

#### Judge: CA can continue to enforce COVID rules

A San Francisco Superior Court judge ruled Feb. 25 that California can continue to enforce its COVID-19 emergency workplace rules.

This decision comes after several small businesses and trade groups challenged the state's new regulations, which they claim are too burdensome.

In his decision, the judge says, "The balance of interim harms and the

public interest in curbing the spread of COVID-19 and protecting worker and community health weigh heavily in favor of the continued implementation and enforcement of the (Emergency Temporary Standard) Regulations ... Lives are at stake," according to the *Sacramento Bee*.

#### Court: Safety report can be used as evidence

The widow of a worker who died in a fatal fall can use the report a safety consultant prepared on the incident as evidence in court, according to the Pennsylvania Superior Court.

The safety consultant, BakerRisk, wasn't retained because of a possible lawsuit, but to investigate the cause of the incident so the company could prevent the same thing from occurring in the future, the court stated.

A trial court found the report was admissible because it wasn't prepared with pending litigation in mind.

On appeal, the Superior Court upheld the trial court's decision finding the report was admissible since it was prepared solely to investigate the cause of the fatal incident.

### SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost. The court found the ramp in question did not meet OSHA's standard to qualify as a safe egress route.

The company claimed it built egress ramps at either end of the trench so workers could escape safely in the event of a collapse.

OSHA argued that the ramps were actually little more than slopes of the kind used to keep a trench from collapsing, not something designed to allow workers to escape easily during an emergency.

The court found the egress routes did not conform to OSHA's standard (1926.651C2) because of their uneven, soft, granular surface and irregular slope angles, which

did not meet the definition of an "earthen ramp" upon a closer examination of the regulation.

#### ANALYSIS: STANDARD SPECIFICS

Let's face it: OSHA regulations are not easy reading thanks to lots of legalese, technical specifications and occasionally awkward wording.

That can make them easy to misinterpret sometimes, which can lead to citations, as it did in this case.

As a safety pro, you know the ins and outs of the regulations better than supervisors and employees, so it's a good idea to make sure everyone is on the same page when it comes to the details of a particular standard.

**Cite:** *Secretary of Labor v. Tom Kubricky Co.*, Occupational Safety and Health Review Commission, No. 19-0232, 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.*

### WHISTLEBLOWER

An Oklahoma roofing and building products company was ordered by the Department of Labor to reinstate and pay damages to two truck drivers who were fired after refusing to drive unsafe company trucks.

The drivers – who were both terminated in August 2020 – reported to their manager that the tires on a company truck were unsafe and refused to operate the vehicle because they were concerned about their own safety and the safety of other drivers on the road.

OSHA ordered the company, Gulfeagle Supply, to reinstate both drivers, and pay more than \$23,000 in back wages to each employee along with \$70,000 in punitive damages, according to a Department of Labor news release.

Gulfeagle must also train its managers and employees on workers' whistleblower rights.

### COURT DECISION

A contractor cited by OSHA because one of its workers was injured when he used an incompatible grinding stone on a grinder can't move forward with an appeal of the citation, according to the U.S. Court of Appeals for the Fourth Circuit.

The contractor failed to prove it trained its employees on the company's own grind stone compatibility requirement, the court stated in a unpublished Feb. 17 decision.

URS Federal Services claimed it had a rule in place requiring employees to use grinding stones rated for whichever grinder they were using.

When it initially contested the citation in front of an administrative law judge, the contractor claimed the worker was at fault for failing

to follow the rule, so the citation should be dismissed on the grounds of unpreventable employee misconduct.

OSHA argued the rule alone wasn't enough to prevent injuries without the company performing regular safety inspections to make sure rules were being followed.

The judge found there was sufficient evidence proving the contractor didn't perform detailed safety inspections, so the judge upheld the citation.

URS filed a petition to appeal with the Fourth Circuit, but the court denied the petition, finding there was evidence proving the contractor failed to train its employees on the grinding stone compatibility rule.

Further, the court states "the supervisor was unaware of the compatibility requirement and, thus, could not ensure his subordinates' compliance with this safety protocol."

### CRIMINAL CHARGES

A contractor accused of lying to OSHA inspectors during an investigation pleaded guilty to the charges.

Luis Estrada, 47, owner of L.L.E. Construction, pleaded guilty March 3 to making false statements and submitting false documents to OSHA during an investigation into a jobsite he controlled.

Estrada admitted he lied in written statements he made July 30, 2018, and again in a deposition that was part of the investigation into suspected safety violations at the jobsite.

He faces a maximum term of five years in prison, and is currently released on a \$75,000 bond pending sentencing, which has not been scheduled at this time, according to a Department of Justice news release.

In May 2018, OSHA requested documents linked to work Estrada's company was doing at a residential site, but he claimed he didn't have a contract for the site, didn't do any work on the project and had no documents for it.

### WHERE TO GET HELP

#### ■ ASSP EVENT VIRTUAL/ IN-PERSON HYBRID, DATES TBD

The American Society of Safety Professionals (ASSP) is moving its annual conference to September and expects it to be a hybrid virtual/in-person event.

Safety 2021 had been scheduled for June in Denver.

After analyzing public health factors, the ASSP decided to move its event to September, with exact dates and location to be announced.

Safety 2021 will be a live in-person event with a virtual component.

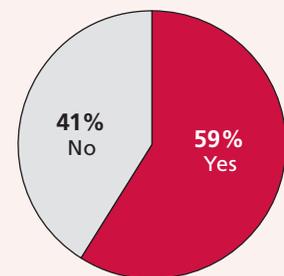
Registration is expected to open in late spring.

Participants can earn continuing education units by attending.

If the pandemic doesn't subside as expected, the virtual conference will be held even if the in-person event can't.

### What safety pros say

Is finding time for employee safety training a top challenge for safety professionals?



Source: Intertek Alchemy's "The state of workplace safety training" survey

The same study revealed 66% of companies say employees don't follow safety programs, and 75% of leaders feel productivity would increase if workers did follow the program.

*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?

## A COVID-related complaint was filed with OSHA despite Mike's best efforts

### The Scenario

Manager Mike Kelly was in his office reviewing his COVID-19 protocols and comparing them to the latest CDC and OSHA guidance.

*Double masking against aerosols makes sense, but it's been an uphill battle getting everybody to wear one mask,* he thought. *Regardless, I'll start working toward getting that in place.*

"Knock, knock," Supervisor Janet Costello said as she stepped into Mike's office. "You have mail."

Janet tossed the sealed envelope onto Mike's desk from a safe distance.

Mike picked up the envelope, noting that it came from OSHA.

As he opened it up and read its contents, his heart sank.

"What the –" Mike began to

swear, but reined himself in.

"What's wrong?" Janet asked.

"Someone complained to OSHA that we're not doing enough to prevent COVID from spreading in our plant," Mike replied.

### Did everything he could

"That's nonsense," Janet said.

"I've done everything I can to protect all of us," Mike said.

"Enforcing mask and social distance rules, putting up plexiglass barriers in certain places, making sure surfaces get cleaned regularly – even making sure the place is ventilated properly.

"The few cases of COVID that did happen were because people weren't following the guidance outside of work," Mike continued.

*If you were Mike, what would you do?*

### Reader Responses

#### 1 James Harvey, Safety Facilitator, Winona Health, Winona, MN

*What James would do:* It sounds as if the organization has put in safety precautions to stop the spread of COVID-19. I would suggest ensuring the organization's policies are clearly written and that these policies are put in a place where all employees can reference them. I would also suggest ensuring employees are trained and educated on why the policies exist and maybe have a roundtable discussion where employees can formally speak their concerns to ensure they are addressed individually.

*Reason:* I personally feel some employees just do not truly understand everything that is or has been done within organizations to keep them protected. A lack of training or education as to exactly what all the

organization is doing to prevent the spread of the virus might be why the complaint was filed.

#### 2 Brandon Holmes, Safety Coordinator, West Michigan Compounding, Greenville, MI

*What Brandon would do:* If a company has the policy in place, get the worker to sign off on it saying they understand.

*Reason:* Then the company can inform OSHA of the standards it put in place to protect employees.

I think OSHA should be able to fine individual workers. All we want to do is protect them, but sometimes they don't want to protect themselves.

In this case, if OSHA saw how the workers aren't abiding by the rules put in place by the company, it wouldn't take long for employees to get the hint after a couple of them got thousands of dollars in fines.

### OUTSIDE THE LINES

#### ■ HIDE THAT CLUTTER: CAMERAS OFF COULD SAVE THE PLANET

Do you keep the camera off during virtual meetings just to hide the clutter behind you?

Now you can add "saving the planet" as another reason to keep that camera off, according to a Purdue University news release. *And thanks for the joke, Purdue.*

A new study by Purdue, Yale and MIT reveals the "shift to remote work ... still presents significant environmental impact due to how internet data is stored and transferred around the world."

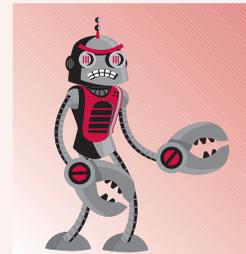
One hour of videoconferencing emits 150-1,000 grams of carbon dioxide, requires 2-12 liters of water and demands a land area adding up to about the size of an iPad Mini.

But leaving your camera off can reduce this by 96%.

And that's no joke.

### Did you know ...

#### Make sure employees are aware of robotic machine hazards



OSHA recommends **training employees** on the **hazards** presented by **robots in the workplace.**

Source: OSHA

OSHA says many robot-related accidents occur during non-routine operations, such as programming and maintenance, when workers may be within the robot's working envelope.

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