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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.

OSHA getting more aggressive with enforcement: How to prepare

■ New inspection program focuses on DART time

The time is right to review your records and conduct a safety compliance analysis. As of December, OSHA's Site-Specific Targeting (SST) inspection program for non-construction employers with 20+ employees is back and will run for two years.

Also, recently appointed Secretary of Labor Marty Walsh has directed the agency to ramp up inspections.

"It's important to know that OSHA doesn't normally conduct an inspection that doesn't result in some violation," said Certified Professional Environmental Auditor Jack Fearing during the Premier Learning Solutions

webinar "OSHA's New Targeted Inspection Program: What You Need to Know Now."

Most likely to be inspected

Under the updated and enhanced SST program OSHA's Office of Statistical Analysis will be crunching 2017-2019 reported injury and illness numbers and notifying area offices about organizations that:

- have a high rate of employee Days Away, Restricted and/or Transferred (DART) time from work compared to their industry national average

(Please see Aggressive OSHA ... on Page 2)

MARIJUANA

Court: No ADA discrimination for medical weed use

Because the Americans with Disabilities Act's (ADA) definition of "illegal drug use" is tied to the federal Controlled Substances Act (CSA), use of medical marijuana remains illegal under federal law, so an individual can't file an ADA claim solely for discrimination on the basis of medical marijuana use.

Thomas Eccleston, a firefighter for Waterbury, CT, had been diagnosed with post-traumatic stress disorder (PTSD) in 2017.

Later, he told his chief he was thinking about applying for a medical marijuana card, and his chief told him that wouldn't be a good idea.

Didn't mention diagnosis

Despite the objection, Eccleston obtained a medical marijuana card but didn't mention it or the reason for it

to his employer.

In 2018, Eccleston failed a drug test and was fired for "use of marijuana such that it has endangered the health and wellbeing of others," according to law firm Seyfarth Shaw.

Eccleston filed a lawsuit under the ADA claiming disability discrimination and retaliation as well as failure to accommodate his PTSD.

The city asked the court to dismiss the case, and the U.S. District Court for Connecticut agreed.

There are two reasons Eccleston's ADA lawsuit failed:

- He never made his employer aware of his medical condition.
- The ADA, which is a federal law, defines illegal drug use via the CSA – another federal law – which still holds that marijuana in any form is an illegal drug.

Aggressive OSHA ...

(continued from Page 1)

- have year-to-year upward-trending DART rates that put them above industry average
- are on the targeted list, but have a low DART rate against their industry average (It's a red flag for possible underreporting or improper encouragement of employees not to report injury/illness), or
- are "non-responders" that don't turn in their Form 300A logs on time.

Your DART can be calculated by adding the numbers in columns H and I of your Form 300 log, dividing that by the number of hours all employees worked and multiplying it by 200,000 (100 employees working 40 hours a week for 50 weeks).

"The take-home point is it's the DART and not the TCIR (Total Case Incidence Rate) that OSHA's interested in ... Because those are the more serious injuries and illnesses," Fearing said.

"Bottom line: Conduct an annual

audit of your recordkeeping program, making sure you've got everything in place that would keep you out of this SST program," Fearing said.

Getting ready

To stay off OSHA's radar:

- keep your employee safety training up to date and document it
- encourage employee involvement in the workplace safety program
- ensure protection of employee privacy protection (to avoid whistleblower discrimination scrutiny)
- establish a system to retain and update your safety records
- complete, certify and submit your legally required injury and illness logs to OSHA in a timely manner, and
- complete OSHA and Bureau of Labor Statistics surveys.

To prepare for a possible OSHA inspection, check the agency's most frequently cited standards and review your company safety inspection records and any applicable abatement plans (failure to abate fines can carry a price tag as high as \$13,653 per day beyond the deadline).

It's also a good idea to double-check if there are any local or national emphasis programs you need to pay attention to.

Knock at the door

Because OSHA doesn't have to give advance notice of an inspection unless there are unusual circumstances, Fearing strongly recommended having clear procedures for what to do if an inspector shows up. He suggested including it somewhere in your organization's emergency action plan.

Fearing advised selecting a safety manager-led team for facilitating compliance inspections that includes HR (oversight of training records), maintenance (to address engineering controls), safety committee members, union representatives with experience in safety and health, etc.

"It documents what's expected of the team members and it gives you the opportunity to be more direct in terms of what your compliance efforts could be," Fearing said.

SHARPEN YOUR JUDGMENT

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.

■ WAS ENGINEER WRONG ABOUT MACHINE LOCKOUT?

It was such a beautiful spring day that Safety Manager Pete Travers decided to eat his lunch outside.

He sat down at a picnic table, pulled a sandwich out of his lunch bag and began to eat, enjoying the warmth of the sun.

But as he ate, a cold shadow descended upon him and, with growing dread, he turned to look as footsteps sounded nearer.

"Pete, we have to talk," Attorney John Jenkins said.

A misunderstanding?

"Someone reported us to OSHA," John said. "They're claiming we insisted maintenance be performed on a machine that wasn't properly locked out."

"I knew this was going to be a problem," Pete said. "Completely shutting down the entire machine would have caused production delays, and our site manager wanted to avoid that."

"The instruction manual wasn't clear, according to the maintenance manager," Pete continued. "So the site manager called the in-house engineer who designed this machine."

"Supposedly, he said it could be worked on safely with only a partial shutdown, but I had my doubts about that," Pete said. "I think our site manager misunderstood what the engineer told him."

"But if the engineer who designed the machine said it was safe, then we should be able to fight this citation," 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*

EDITOR-IN-CHIEF: MERRIELL MOYER
mmoyer@SafetyNewsAlert.com

EDITOR: BRIAN BINGAMAN
MANAGING EDITOR: FRED HOSIER
PRODUCTION EDITOR: P.J. FRONZEO
EDITORIAL DIRECTOR: CURT BROWN

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HAZARDOUS MATERIALS

Federal hazcom update coming soon?

■ WHAT YOU NEED TO KNOW ABOUT OSHA'S PROPOSED RULE CHANGE

At the request of stakeholders, OSHA has extended the comment period on its proposed Hazard Communication Standard (HCS) update (*see page 6*). Here's what you need to know, direct from three OSHA staffers.

This update was presented by Janet Carter and Deana Holmes, both health scientists, and Jennifer Lawless, an industrial hygienist, all with OSHA's Standards Directorate, at the Voluntary Protection Programs Participants' Association's "Next Level Safety" virtual conference.

The process

In addition to the extended comment period, Carter said there's also been a request for hearings. If they're held, they'll be announced via the Federal Register. If a hearing is held, the comment period will be extended again.

The final rule will be based on feedback received via the comments, according to Carter.

She said the framework of HCS will remain the same. Updates will occur to things like definitions, Safety Data Sheets (SDSs) and hazard classes.

The update will align OSHA's HCS with Revision 7 of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

What's changing?

In the alignment of HCS with GHS Revision 7:

- revisions will be made to health hazard definitions
- updates will occur to skin corrosion/irritation and serious eye damage/irritation chapters
- the flammable gases categories will be expanded
- a new chapter on desensitized explosives will be added
- a category of aerosols will be added
- some label elements will change, including updated hazards, guidance and precautionary statements, and
- there will be updates to SDS sections 9 and 11.

Some changes also involve alignment with DOT and EPA requirements.

PANDEMIC

COVID infection or vaccination reaction? A guide

The CDC has updated its guidance, Post Vaccine Considerations for Workplaces, to help evaluate employees who have symptoms after receiving a COVID-19 shot.

Common side effects:

- include pain in the vaccinated arm, fever, chills, tiredness, headache, nausea and muscle pain
- are mild to moderate
- occur within the first 3 days of vaccination
- get better within 1-2 days
- are more frequent following the second dose, and
- are more frequent in those under age 55.

Cough, shortness of breath, runny nose, sore throat, or loss of taste

or smell aren't post-vaccination symptoms and could be signs of a COVID-19 infection.

Managing vaccination time

To minimize the effects, the CDC suggests employers:

- encourage employees to get vaccinated as soon as they are eligible and to consider scheduling their appointments 1-2 days before planned days off from work
- stagger vaccination appointments so a lot of employees aren't receiving their shots at the same time, and
- offer flexible, nonpunitive sick leave options for employees with symptoms after vaccination.

TRENDS TO WATCH

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

■ MORE THAN 4K COVID OUTBREAKS JAN-MARCH 2021

California had 4,311 confirmed COVID-19 outbreaks reported and 39,526 outbreak-related cases between January 1 and March 1.

According to the state's Department of Health, the most common settings for these outbreaks were:

- residential care facilities at 21.7%
- restaurants at 7%
- skilled nursing facilities at 4.2%
- hospitals at 3.9%
- grocery stores at 3.5%, and
- construction at 3.5%.

This data doesn't equate to transmission risk within a particular industry, according to the report.

Further, because this only includes outbreaks reported after Jan. 1, 2021, and many settings have been either closed or open with capacity restrictions, numbers of outbreaks and cases in each setting do not directly reflect COVID-19 transmission risk in that setting.

■ RESTRICTIVE STATE SAFETY REGS COULD GET REVAMPED

Workplace safety regulations in Kentucky may be getting revamped in the near future, but only if they're more restrictive than their federal counterparts.

On March 29, Kentucky's House and Senate overrode Governor Andy Beshear's March 23 veto of bill HB 475.

The bill prevents the state from adopting safety and health regulations that are more stringent than federal standards.

HB 475, which has been delivered to Secretary of State Michael G. Adams for codification, will become law since the governor's veto was overridden.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/fines for more OSHA fines and injury settlements.

Worker's head crushed by machine: \$21K OSHA fine

A Michigan-based structural metal manufacturer was cited after a worker was killed when his head was crushed in a machine.

The worker was freeing a stuck steel coil when his head entered the machine.

He was killed when his head got crushed between the machine's moving transfer mechanism and the mechanism's steel support.

Fine: \$21,000

Company: Torch Steel Processing, Detroit, MI

Business: Fabricated structural metal manufacturing

Reasons for fine:

Three serious violations for failure to:

- develop and use procedures for control of potentially hazardous energy
- conduct periodic inspections of energy control procedures
- train authorized employees in recognition of hazardous energy sources in workplace along with methods necessary for isolation

Employees' safety concerns ignored: \$394K OSHA fine

A Maine auto body manufacturing plant was cited by OSHA after employees' complaints to management about safety hazards were ignored, leading to an inspection.

Employees repeatedly informed management about fall and noise hazards at the plant, but these reports were ignored until OSHA opened an inspection Oct. 1, 2020, in response to a complaint.

Inspectors found employees working on top of truck bodies without fall protection and others exposed to excess noise levels while steam cleaning.

Fine: \$393,992

Company: The Shyft Group Duramag LLC, Waterville ME

Business: Auto body manufacturing

Reasons for fine:

Three willful violations for failure to:

- ensure employees on walking-working surfaces with unprotected edge four feet or more above lower level were protected from falling by guardrail, safety net or personal fall arrest systems
 - administer continuing, effective hearing conservation program
 - develop and implement hearing monitoring program when noise exposure equaled or exceeded 8-hour time-weighted average of 85 decibels
- 17 serious violations, including failure to:*
- provide employment free from recognized automotive lift hazards likely to cause death or serious harm
 - ensure ladder side rails extended three feet above upper landing surface
 - assess workplace for hazards requiring use of PPE
 - establish written respiratory protection program

Contractor didn't provide workers fall protection

OSHA cited a Florida contractor after finding fall protection violations on a worksite during an inspection conducted under a Regional Emphasis Program for Falls in Construction.

The agency cited the framing contractor, which had been cited for a similar violation in 2017, for fall-related repeat and serious violations.

Fine: \$61,575

Company: P & S Service Group, Green Cove Springs, FL

Business: Framing contractor

Reasons for fine:

One repeat violation for failing to:

- protect employees working 6 feet or more above lower levels by using guardrail, safety net or personal fall arrest systems

One serious violation for failing to:

- provide stairways or ladders at personnel points of access where there were breaks in elevation of 19 inches or more or where no ramp, runway, sloped embankment or personnel hoist was provided

WORKERS' COMP DECISIONS

Volunteer injured at company event: Benefits?

An employee was injured while volunteering at a company-sponsored event. Can she collect?

What happened: The company asked employees to volunteer to work at an employer-sponsored Fun Day event. One worker who volunteered injured her ankle after stepping in a pothole in a parking lot.

Company's reaction: The injury isn't compensable since it occurred during a recreational activity.

Decision: She could collect. Since the injury occurred at a work-related event that was a "regular incident of employment," she was entitled to benefits, the court found.

Cite: *Goulding v. NJ Friendship House Inc.*, NJ Supreme Court, Nos. A-48-19 and 083726, 2/8/21.

Job aggravated pre-existing condition: Can she collect?

A worker with a pre-existing condition filed a claim after her situation worsened. Can she collect?

What happened: The worker experienced worsening pain from pre-existing neck issues and carpal tunnel syndrome several years after starting a job as an office manager. She filed a claim after learning her job was aggravating her pre-existing conditions.

Company's reaction: Your pre-existing conditions were disabling before you started employment.

Decision: She might be able to collect. The court found there was evidence that despite her disabling condition the job could still have aggravated the situation, so it remanded the case for further review.

Cite: *Matter of Clancy v. Park Line Asphalt Maintenance*, NY Court of Appeals, No. 531186, 2/4/21.

REAL PROBLEMS, REAL SOLUTIONS

Training the multigenerational workforce

There are five generations represented in today's workforce, each with their own values and attitudes – and they all need safety training.

But why should you take each generation into consideration for your safety training?

Making sure everyone is engaged is essential because an engaged environment is a safe environment. Research shows that 70% fewer safety incidents occur in engaged work places.

Focus areas

The core question is: Do generational differences really matter when it comes to training? The answer is a resounding yes.

Here's why: When it comes to training and development, each generation has a different focus.

- The Traditionalist generation (1925-46) is looking for career longevity, so this generation will say, "What skills will sustain me at this organization?"
- The Baby Boomer generation (1946-64) is looking for personal accomplishment, so this generation is a little more focused on, "How will these skills and abilities help me enhance my career?"
- Generation X (1965-80) is looking for new opportunities and challenges. This is a generation that wants to be thrown into new opportunities to learn, whether it's new technology or a new process.
- Millennials (1980-95) are looking for purpose in their work, so they tend to think, "How do the skills I'm learning through training add value and purpose to the work I'm doing?"
- Generation Z (1996-2016) is looking for opportunities to collaborate, so it's all about what opportunities for collaboration are available through the training.

Each generation has its reasons for having these outlooks when you put them in context with the time period they grew up in.

Traditionalists, for example, grew up during the Great Depression and

two world wars which led to a "never give up" attitude. Generation Z grew up during the Great Recession and in the era of smartphones, social networking and with Barack Obama as president, so they tend to have a good grasp of technology and prefer working in diverse groups.

Use common ground

For those of us with a workforce spread across all of these generations, there's a lot going on. It's a challenging situation. But there is a way to make this work in a really effective way.

While the generations do have a lot of differences, they also share a lot of

Yes, generational differences matter.

common ground. All of them:

- have a focus on family
 - appreciate a good work/life balance
 - appreciate flexible work arrangements
 - have an appreciation and recognition for a job well done
 - have desire for effective leadership
 - want to have a voice and be involved in decision-making
 - want financial reward for a job well done, and
 - have a sense of purpose in work.
- When in doubt about how to best approach each generation:
- use your own organization's values as a foundation to build upon, and
 - try to include the focus elements from each generation to drive the impact and application of your training program.

(Adapted from a presentation by Debra Saturley, Sr. Manager of Training & Development, USG North America, Chicago, at the National Safety Council's Virtual Safety 2020ne)

TRAINING TIPS

Workers need to know the hazards of confined spaces

Safety pros know workers have to be trained before they can enter a confined space, but it's important workers – even the ones who may not have to enter a confined space – understand why.

Confined spaces – such as manholes, crawl spaces and tanks – are defined by OSHA as work areas that:

- are large enough for an employee to enter
- have limited means of entry or exit, and
- are not designed for continuous occupancy.

People working in confined spaces face life-threatening hazards, including toxic substances, electrocutions, explosions and asphyxiation, according to OSHA.

These spaces can present physical and atmospheric hazards that can be prevented with proper training and preparation.

See the Confined Spaces entry in the Training Shop on our website for more information.

Lesson on what happens without lockout/tagout

Having trouble getting employees to buy into your lockout/tagout program?

Tell them about the Illinois manufacturer who was fined by OSHA after a worker suffered severe facial burns when pressurized materials in a plastic molding machine exploded while it was being serviced.

The company didn't have energy control procedures, so the potentially hazardous energy that goes along with pressurized materials wasn't isolated, which left the worker vulnerable.

RECORDKEEPING

OSHA: Certain COVID-19 vaccine reactions must be reported

OSHA released new guidance April 20 on how employers should handle the recording of an employee's adverse reaction to the COVID-19 vaccination.

As with other injuries and illnesses, an adverse reaction is recordable if it is:

- work-related
- a new case, and
- meets one or more of OSHA's general recording criteria, such as days away from work, restricted work or transfer to another job or medical treatment beyond first aid.

However, the guidance adds one other caveat that makes an adverse reaction recordable: if the vaccine is a requirement for employees.

The guidance states, "If you require your employees to be vaccinated as a condition of employment (i.e., for work-related reasons), then any adverse reaction to the COVID-19 vaccine is work-related. The adverse reaction is recordable if it is a new case under 29 CFR 1904.6 and meets one or more of the general recording criteria in 29 CFR 1904.7."

Recommend v. require

So adverse reactions "are only potentially recordable on the OSHA 300 log where the employer mandates

the vaccine," according to law firm Seyfarth Shaw.

Employers don't need to record adverse effects from COVID-19 vaccines "they recommend, but do not require."

For that exception to apply, the vaccine "must be voluntary in the sense that employees face no material adverse employment consequences for choosing to remain unvaccinated."

Comment period for hazcom update extended

It appears OSHA's update of its hazard communication standard will be slightly delayed.

OSHA has extended the comment period for the proposed rule to update the agency's Hazard Communication Standard (HCS) to May 19, 2021.

The comment period was extended by 30 days to allow stakeholders more time to review the proposed rule.

OSHA issued a proposed rule Feb. 5 updating the HCS to align with the seventh revision of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

Regulators say the update will improve information on labels and

Safety Data Sheets, therefore better protecting workers.

Proposed hazcom standard changes will also address issues since OSHA adopted the Globally Harmonized System in 2012.

COVID-19 standard submitted for review

OSHA sent a COVID-19 emergency temporary standard (ETS) to the White House's Office of Management and Budget (OMB) for review on April 26 and it could become effective in as little as two weeks.

The OMB review, which is expected to take about two weeks, is the first step required before an ETS would be released publicly and go into effect.

If the ETS passes the OMB review and is published, it is likely to take effect immediately, according to *Politico*.

These new rules are expected "to require employers to supply their workers with masks, have a written plan to avert exposure in the workplace and take other precautions that could kick up complaints from businesses over costs as more states relax pandemic restrictions."

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost when the court found OSHA's lockout/tagout standard – 1910.147(d)(2) – was violated.

Company management claimed it checked with the engineer who designed the machine before completing maintenance to see if it could safely be worked on without a complete shutdown. Only when the engineer said it could be safely done were maintenance employees told to proceed.

OSHA argued that despite what the engineer said the standard had been violated, especially when considering the machine's instruction manual did not clearly specify maintenance was safe with a partial shutdown.

The court agreed with OSHA, pointing to the fact that the manual and various caution signs and stickers on the

machine called for a complete shutdown.

As for the engineer, he admitted in court that it was a misunderstanding because he meant it *could* theoretically be worked on safely with a partial shutdown, not that it *should* be.

■ ANALYSIS: IF IN DOUBT, FOLLOW THE STANDARD

On rare occasions, a work activity can be done safely but still not conform to OSHA standards.

Even if you spoke with the guy who literally wrote the book on the machine in question – as was the case here – the standard still needs to be followed to stay in compliance.

Cite: *Secretary of Labor v. U.S. Postal Service dba Lehigh Valley Processing & Distribution Center*, Occupational Safety and Health Review Commission, No. 17-0419, 2/16/21. 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. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetynewsalert.com/category/federal-activities).

SETTLEMENT

A New York contractor came to an agreement with OSHA to cease digging excavations and pay \$135,612 in fines for a fatal 2020 trench collapse.

RC Structures, a Long Island-based company specializing in concrete foundations, agreed to pay the penalties and certified that it will no longer dig excavations.

A January 2020 OSHA investigation of the trench collapse, which killed two workers, found the company:

- failed to provide a protective system to prevent the collapse
- didn't remove employees from the trench after a competent person identified a cave-in hazard
- didn't provide a safe means to exit the trench, and
- allowed stacked concrete and excavated materials to be stored at the trench's edge.

Further, employees working adjacent to and beneath an excavator weren't wearing head protection, which exposed them to struck-by hazards, according to a Department of Labor news release.

In July 2020, OSHA cited the company for willful and serious violations related to these findings, and RC Structures contested the citations with the Occupational Safety and Health Review Commission.

OSHA settled with the company March 31, leading to the acceptance of the penalties and the agreement to cease digging excavations.

WHISTLEBLOWER

The U.S. Department of Labor has filed a complaint against a manufacturing company, claiming

an employee was fired after taking concerns to OSHA in violation of whistleblower statutes.

DOL seeks back wages, reinstatement and damages for the employee, and an order requiring the company to post a notice regarding employees' rights to report unsafe working conditions without fear of retaliation.

According to DOL, a production operator at Zoltek Corp., in Bridgeton, MO, brought safety concerns to management.

The employee then brought the concerns to a third-party auditor reviewing operations at the company's St. Peters facility. The next day, Zoltek suspended him.

The worker filed a complaint with OSHA. Two weeks after the suspension, Zoltek fired him.

OSHA investigated the worker's allegation that Zoltek fired him in April 2019 in retaliation for reporting unsafe work conditions.

A complaint has been filed by OSHA in the U.S. District Court in Eastern Missouri, alleging the company violated whistleblower statutes.

LAWSUIT

OSHA filed a lawsuit against a Texas hotel operator after an employee was allegedly fired for going to the hospital for treatment of carbon monoxide exposure that occurred on the job.

In January 2019, a worker at a Holiday Inn Express & Suites hotel in Waller, TX, told management they were feeling sick due to carbon monoxide poisoning, which led to the request for the ambulance, the employer's refusal and the eventual termination.

After an investigation, OSHA filed a lawsuit March 25 alleging the hotel operator, All Seasons Hospitality and Investments LLC, and its owner, Tanvir Shahmohd, violated federal whistleblower laws, according to a Department of Labor news release.

WHERE TO GET HELP

NEW WEBPAGE PROVIDES INFO ON WORKPLACE FATIGUE

If you're concerned about fatigue in the workplace, the National Institute for Occupational Safety and Health (NIOSH) has a new webpage for you.

NIOSH launched its new "Work and Fatigue" webpage to provide information on factors contributing to workplace fatigue.

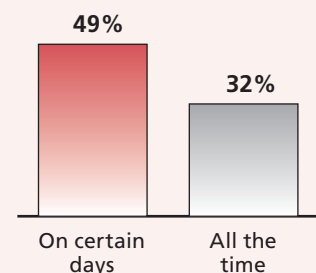
Fatigue can affect "any worker in any occupation or industry with serious consequences for worker safety and health," so learning how to approach it can lead to safer and healthier workers.

Other topics include associated health and safety risks of workplace fatigue along with practical solutions to mitigate fatigue risk.

The Work and Fatigue webpage can be found at [cdc.gov/niosh/topics/fatigue/](https://www.cdc.gov/niosh/topics/fatigue/)

What safety pros say

Will a majority of employers allow employees to work remotely even after the pandemic is over?



Source: Gartner Inc. survey of 227 HR leaders at large global organizations

Regardless of reopening plans, only 1% of the leaders surveyed expected all of their employees to work full-time in the office, according to the Gartner survey.

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 says supervisor is letting workers get away with safety violations

The Scenario

What all do I want to cover at the next safety meeting? Manager Mike Kelly thought as he sat down at his desk.

I've been focusing a lot on COVID-19 lately, so maybe it's time to discuss something else, he thought.

Someone knocked at his door.

"Come in," Mike said.

A warehouse worker, Dan McKay, came in and took a seat.

"Mike, I have a safety concern I want to bring to your attention," Dan said.

'Lax about safety lately'

"Thank you for coming to me about your concern," Mike said. "What's it about?"

"My supervisor, Janet Costello, is the problem," Dan said.

"Janet is a safety problem?" Mike asked, not believing his ears.

Mike worked with Janet for a long time – she was usually a stickler for safety.

"Yes. She's been really lax about it lately," said Dan. "The other day she walked right past a guy who wasn't wearing his high visibility vest and didn't say a word. He went the whole shift without it.

"Another time, I saw one of the forklift operators blow through an intersection without stopping or sounding his horn," Dan continued. "Janet was nearby – I'm sure she saw it – but I talked to the guy, and I know she didn't discipline him.

"And those aren't all of the incidents I've seen her ignore," he said.

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

Reader Responses

1 Matt Calbreath, Corporate Safety Specialist, First National Bank of Omaha, Omaha, NE

What Matt would do: I'd have a one on one with Janet and let her know I as well as others have noticed a change in her safety attitude. I'd advise her that she is expected to enforce all safety rules while at work.

Reason: As a manager, there may be something that I could help her with, such as a referral. I would then monitor her performance more closely until a positive change is observed.

2 Gordon Anderson, Safety Manager, Great Lakes Castings, Ludington, MI

What Gordon would do: Mike needs to have a conversation with Janet. Start out asking about how

she's feeling or how the family is and try to work into getting to the root issue, then suggest services that could help get her back on task with her life at home and work.

Reason: If someone's behavior changes like this, it may be due to a personal problem inside or outside work. If it's affecting her awareness this much, it's possible for her to have an incident herself, like stepping out in-front of a forklift.

3 Derek Barton, VP Operations, Victor Envelope, Bensenville, IL

What Derek would do: Mike needs to have a talk with Janet right away.

Reason: Accountability is one of the cornerstones to an effective safety culture. Bad safety habits can spread through a company like a wildfire. Mike's immediate responsibility is to get Janet back on track before an incident occurs.

OUTSIDE THE LINES

■ BE CAREFUL, THAT CROISSANT SOUNDS ANGRY

Some workers face animals as a regular occupational hazard – forestry professionals, zoo employees and even door-to-door salespeople – so it makes sense that people get concerned when a strange animal wanders through the neighborhood.

But what about baked goods?

Recently, animal welfare officers in Krakow, Poland, got a call from a concerned woman who spotted a strange creature in a lilac tree outside her house, according to NPR.

An officer found that the alleged creature was not the iguana or bird of prey the woman thought she saw – it was a croissant.

"The officers deemed the buttery pastry to be unthreatening and encouraged residents to continue to err on the side of caution," the NPR story states.

Did you know ...

Workers need to stay focused when they're behind the wheel



Distracted driving increases the chance mistakes resulting in injuries or death will occur.

Source: National Safety Council

In 2018, more than 2,800 people in the U.S. died in distraction crashes. Employers can show they take safety seriously by having a policy that addresses distracted driving.

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