

June 1, 2021

WHAT'S INSIDE

- 2 Sharpen Your Judgment**
Injury result of poorly executed inspection?
- 3 What's Coming**
No safety rules violated; Lawsuit proceeds
- 4 Who Got Fined – And Why**
Worker drowns in pond after riding mower rollover
- 5 What's Worked for Other Companies**
Focused on 3 areas to cut recordables
- 6 Safety Regs Update**
Enforcement guidance for beryllium: What you need to know
- 8 What Would You Do?**
Company says it's safe for office staff back onsite; workers disagree

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.

Could lack of written procedures result in fatality? CSB says yes

■ *Two died because there were no formal rules*

While written procedures for things like lockout/tagout and air monitoring are OSHA requirements, are they really necessary? After all, what could go wrong if everyone is told how to do the job safely? Turns out a lot could go wrong and people could get killed.

When there are no written procedures or formal training, it can lead to fatal consequences as a recent U.S. Chemical Safety and Hazard Investigation Board (CSB) report illustrates.

On the night of Oct. 26, 2019, an alarm went off at the Aghorn

Operating Waterflood Station – a facility that extracts oil from underground reservoirs – notifying personnel of a problem with a pump.

No formal procedures

An Aghorn employee who was at home for the evening was notified, drove to the station and attempted to isolate the pump by closing two valves.

However, the CSB investigation found the employee failed to isolate the pump from energy sources before closing the valves, possibly causing the pump to automatically turn on and release water containing hydrogen

(Please see Lack of procedures... on Page 2)

MARIJUANA

Is it still 4/20? NM, VA legalize recreational cannabis

New Mexico and Virginia have recently enacted new laws allowing adults to use cannabis for recreational purposes.

Both states are following closely in the footsteps of New Jersey and New York, which recently passed their own recreational marijuana/cannabis laws.

Virginia

The Virginia law, which becomes effective July 1, 2021, allows “those 21 years of age or older to possess up to one ounce of cannabis and to cultivate up to four cannabis plants per household for personal use,” according to law firm Seyfarth Shaw.

The law doesn't directly address drug-free workplaces, but it acknowledges that cannabis causes impairment and prohibits driving while under the influence of cannabis.

It also amends the state's medical cannabis law to prohibit discrimination against lawful users of medical cannabis oil.

Under the law, no employer can discharge, discipline or discriminate against an employee for lawful use of cannabis oil under a written certification issued by a medical practitioner.

New Mexico

New Mexico Gov. Grisham signed the state's recreational cannabis law April 12, and it's effective June 2021.

This law doesn't provide employment protections for recreational users and specifically states it doesn't prohibit employers from taking adverse employment action against employees who are impaired by, possessing or using cannabis at work or during work hours.

CRIMINAL CHARGES

Guilty of fraud, firing injured workers

A California construction company owner pleaded guilty to committing workers' compensation insurance fraud after years of firing his employees when they requested medical treatment for work-related injuries.

Man Tat Szeto, the owner of MT Szeto Construction, avoided about \$86,000 in premium payments to his insurer by underreporting employees and injuries, and used the banking system to launder \$165,000 to pay employees "off the books."

Szeto's plea agreement requires he serve five years of formal probation, serve nine months in county jail and make \$250,000 in restitution.

Injuries = cash payout, termination

The California Contractors State License Board brought this case to the attention of the Santa Clara County District Attorney's Office after noticing suspicious activity at a new residential construction project in San Jose.

In 2018, investigators were told by former employees that they'd been fired after requesting medical treatment for on-the-job injuries and had frequently worked 70 hours per week but would only be paid for 40.

When employees were injured, Szeto would hand them cash then fire them, rather than filing a claim with the insurance company.

Lack of procedures ...

(continued from Page 1)

sulfide into the pump house.

He also failed to put on the personal hydrogen sulfide detection device he was issued by the company, which remained in his company truck.

The employee was overcome by hydrogen sulfide gas and died, as did his wife who arrived later to check on him when he didn't come home.

CSB investigators found Aghorn had no written lockout/tagout procedures or requirements for use of hydrogen sulfide detection devices.

There were other problems found, but the lack of written lockout/tagout and hydrogen sulfide detection device procedures top the CSB's list of causes.

Written = oversight

A CSB presentation regarding the incident points to a lack of formal company safety policies contributing to the employee's failure to lock out the power sources and wear his personal detection device.

But why? As a safety pro, you already know the answer: No one knew to what extent the employee was trained on those procedures, which were passed on verbally at the Aghorn facility.

Since the procedures were verbal and informal, there was no way to know if the employee had ever been properly trained to work safely at his place of employment.

No records to review for someone to say, "Hey, I don't see the form John was supposed to sign, did he get that safety training?"

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.

INJURY RESULT OF POORLY EXECUTED INSPECTION?

Safety Manager Pete Travers was not feeling well.

I'm glad I took the day off, he thought. Stupid sinus infection.

His phone rang.

"Ugh, hello," Pete said.

"It's John Jenkins," a too loud voice said. "We need to talk."

Inspected then removed

"OSHA is citing us," John said. "Something about a worker who fell when a guardrail collapsed."

"A temporary guardrail was set up on the edge of a deck one of our crews was working on," Pete explained. "The guardrail had a top and middle rail, both made of wire ropes that were wrapped around the stanchions and then clamped down with c-clamps.

"From what I understand, the worker who fell and his supervisor inspected the guardrail before starting work," he continued. "But at some point the guardrail was removed by someone else so a delivery could be made and whoever put it back forgot to tighten the clamps.

"The worker was kneeling near the guardrail, doing something at the edge of the deck, and he leaned on the guardrail to stand," Pete said. "Instead of supporting him, it collapsed and he fell off the deck."

"If they inspected it before they started work and didn't know it was removed then I think we can fight this," John said.

The company fought the citation. Did it win?

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

SAFETY COMPLIANCE *Alert*

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COURT DECISION

No safety rules violated; Lawsuit proceeds

■ CASE MOVES FORWARD OVER EMPLOYER'S QUESTIONABLE MOTIVES

A worker who claimed wrongful termination for filing a workers' compensation claim had a lawsuit against his employer reinstated after an appeals court found there was sufficient evidence to question the company's motives.

Salvatore Gibilisco began working at a Tilcon Connecticut asphalt plant in June 2002.

He was a union employee subject to seasonal layoffs and recalls.

Several injuries, one violation

On Aug. 7, 2013, Gibilisco injured his left shoulder while dumping a wheelbarrow full of material, but the company's investigation into the incident found no safety rules had been violated. He filed a workers' comp claim and received benefits.

Gibilisco suffered two other work-related injuries within the next two years, but neither of them were in violation of safety rules.

On Oct. 10, 2016, Gibilisco and two other employees were

reprimanded for violating a safety rule when they performed maintenance on a machine and ran it without first replacing a guard they removed.

Tilcon imposed a three-day suspension for the violation, which was a terminable offense, which Gibilisco and the other two workers accepted without contest.

After his final injury, Gibilisco was taken to the hospital and was told he'd be under light duty restrictions.

Questionable timing

One month into the seasonal layoff, Tilcon notified Gibilisco he would not be recalled to work because of the safety incidents leading to his injuries.

Gibilisco sued, and a trial court dismissed the case, finding he failed to present evidence suggesting Tilcon's failure to recall was discriminatory.

The appeals court found the trial court erred in dismissing the case since Gibilisco's evidence – the timing of the termination and the investigation reports that found no violations on his part – raised a genuine issue of fact regarding the company's motives in failing to recall him to work.

TEMPORARY WORKERS

Temps to be protected under 'strongest in nation' law

A new state law aimed specifically at workplace safety for temp workers in construction and manufacturing will go into effect soon.

SHB 1206 will take effect in Washington state on July 25, 2021.

The law focuses on identifying workplace hazards for certain temporary workers, making sure they know about the hazards and ensuring they receive the right training to protect themselves.

The law creates protections for construction and manufacturing workers who get their jobs through temporary staffing agencies.

Under the law, employers must:

- document the job hazards these temporary workers may face

- inform the staffing agencies about those hazards, and
- work with staffing agencies to ensure workers are informed and trained.

Dave DeSario, director of Temp Worker Justice, the national nonprofit for temp workers, calls the protections in the law "the strongest in the nation."

Changing hazards

The new law requires employers to take specific steps when a temp worker's job or work location changes and they face new hazards.

In those cases, the staffing agency and the employee must be informed of the new hazards.

Employees can then refuse the new task if they haven't been trained.

TRENDS TO WATCH

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

■ MICHIGAN EXTENDS COVID RESTRICTIONS ON OFFICES

A state undergoing a COVID-19 surge has extended an occupational health restriction for certain workplaces.

Gov. Gretchen Whitmer said **Michigan** OSHA will extend COVID restrictions on offices for another six months.

The restrictions were set to expire on April 14, 2021.

The governor said this doesn't mean six more months of prohibitions of in-office work. A plan is under development to possibly return employees to offices sooner.

The restrictions require remote work when possible.

"At this juncture, with our high positivity numbers, it's really important that we extend for another six months so that we have the ability to work through what these [back-to-workplace] protocols look like and get people back into the workplace when it's safe to do so," Whitmer said.

■ STATE OSHA ADOPTS UPDATED COVID-19 RULE

Oregon OSHA's COVID emergency temporary standard expired May 4, 2021, so the agency adopted an updated rule that will stay in effect until the state declares the coronavirus emergency is over.

The updated rule went into effect the same day that the temporary rule expired.

This new rule, which is similar to the temporary one it's replacing, will "remain in effect until revised or repealed," which will be when Oregon OSHA and state health officials determine the COVID-19 emergency in the state is over.

The first discussion regarding the state of the rule is scheduled for July with further discussions to take place every two months thereafter.

Roundup of most recent OSHA citations

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

Worker drowns in pond after riding mower rollover

OSHA cited a Florida landscaping company after an employee was killed in a lawn mower incident.

The worker was operating a sit-down lawn mower on a sloped area near a pond when the mower tipped over and pinned the employee in the water, drowning him.

OSHA issued the citation under the General Duty Clause.

Fine: \$13,494

Company: Rick's Lawn & Landscape, Lakeland, FL

Business: Landscape architectural services

Reason for fine:

One serious violation for failure to:

- provide employment free from recognized hazards involved in operating lawn mowers on slopes, which is likely to cause death or serious physical harm

Amputation leads to fine for employer, temp agency

A Montana manufacturer and its staffing agency were fined a total of \$264,478 for willful and serious violations after an employee's finger was partially amputated.

Inspectors found the workplace had unguarded saw blades, rotating machinery, belts, pulleys and chains, and machine operators were cleaning machinery without following lockout/tagout procedures.

Recent work injury logs were reviewed and inspectors found the amputation wasn't the only serious injury the machine involved in the amputation caused, but it was the first one that had been reported.

The company was cited for failing to install machine guards, control hazardous energy and related violations, while the staffing agency was cited for failing to train employees in lockout and tagout procedures.

Both the company and the staffing agency settled with OSHA and accepted the citations with a minor penalty reduction.

Fine: \$241,538 (Western Bee Supplies); \$22,940 (LC Staffing Services)

Company: Western Bee Supplies, Polson, MT; LC Staffing Services, Columbia Falls, MT

Business: Wood product manufacturing (Western Bee Supplies); Staffing agency (LC Staffing Services)

Reasons for fines:

Two willful violations for failure to:

- develop, document and use procedures for control of potentially hazardous energy
- provide training on procedures for control of potentially hazardous energy

Seven serious violations for failure to:

- guard machine feed rolls
- provide hood cover on inverted swing cutoff saws
- guard flywheels located 7 feet or less above work platform
- guard projecting shaft ends
- guard pulleys located 7 feet or less above work platform
- guard horizontal belts located 7 feet or less above floor level
- enclose sprockets and chains located 7 feet or less above work platform

One other-than serious violation for failure to:

- report amputation to OSHA within 24 hours

Fire, struck-by hazards found at FL Dollar Tree

OSHA cited a Florida Dollar Tree after inspectors found fire, entrapment and struck-by hazards inside the store.

Fine: \$265,265

Company: Dollar Tree Stores, Beverly Hills, FL

Business: General merchandise store

Reasons for fine:

Two repeat violations for failure to:

- keep exit routes free and unobstructed
- stack, block, interlock or limit height of materials stored in tiers

WORKERS' COMP DECISIONS

Multiple injuries after falling from chair: Benefits?

An office worker fell out of her chair and injured her knees and back. Can she collect benefits?

What happened: The office worker fell out of an ergonomic chair while attempting to stand up. She filed a claim for injuries sustained to both knees and her back.

Company's reaction: We'll pay for your left knee injury, but the doctors say your right knee and back are the result of pre-existing degenerative conditions.

Decision: She could only collect on the left knee injury. Medical evidence pointed to degenerative conditions causing her right knee and back pain that weren't aggravated by the fall.

Cite: *Butts v. State of Alaska*, AK Supreme Court, No. 7465, 7/10/20.

Can worker with previous back issues get benefits?

A worker with a history of neck and back problems injures both her neck and back while climbing a ladder at work. Can she get benefits?

What happened: The worker had pre-existing neck and back problems. While climbing a ladder at work, she felt a popping sensation in her back and reported a back injury. Later, she had pain in her neck and added that to her claim.

Company's reaction: Your neck injury isn't work-related.

Decision: She couldn't collect on either injury. Medical evidence of her past neck and back problems and the fact she failed to initially report the neck problem led the court to dismiss both claims.

Cite: *Willis v. Arkansas Department of Correction*, AR Court of Appeals, No. CV-20-205, 2/3/31.

REAL PROBLEMS, REAL SOLUTIONS

Focused on 3 areas to cut recordables

Our lost-time incident rate (LTIR) was high.

And we were using a large amount of resources to address these injuries.

Sometimes, by the time an employee mentioned pain, it was too late. We had a LTIR injury on our hands.

Our root cause analyses were great, but they weren't helping us lower our injury rate.

More focus needed to be put on preventing these injuries, many of which were ergonomic.

We brought in athletic trainers to help us.

Musculoskeletal disorders

Since many of our injuries were ergonomic, the first thing we addressed, with the help of the athletic trainers, was musculoskeletal disorders.

The trainers spent 90% of their time with us on the production floor supporting the employees.

Our goal was early intervention instead of having an employee wait until their pain was so bad that they had to take time off of work.

The trainers helped us establish a culture where employees reported minor aches.

That way, we resolved problems before they required medical attention.

New-hire injuries

Our next focus area was new-hire injuries.

Records showed that, even when we reduced lost-time injuries, new employees were more likely to be injured in their first six months on the job.

There's a good reason why this happens. Many new hires want to keep their heads down – just do their jobs, don't complain and don't get noticed.

Since this new employee reluctance is natural, we had to get in front of the new employees early and often.

The athletic trainers developed a conditioning program for new workers.

This allowed the new employees to

work up to the physical requirements for their job.

The trainers also followed new employees closely in their first weeks on the job to give them tips on how to avoid ergonomic injuries that were common at our plant.

Result: We reduced significant injuries 48% for employees in their first three months and by 42% for new employees in their fourth through sixth months.

PRO Center

We had demo areas where new employees could learn about the tasks they'd be performing on the production line.

But the physical space we had devoted to that was limited, and so was the amount of time.

So we upgraded. Our Production Readiness Onboarding (PRO) Center

Slowed learning process

had enough space to simulate real production conditions.

The parts were real, and the tools were real; and we slowed down the learning process so we really gave new employees enough time to learn what they needed to learn.

This also allowed us to find the ergonomic stressors on workers in a controlled environment.

The athletic trainers ran this program, too.

This gave the trainers even more hands-on time with new hires.

OSHA recordables down

These three areas that the athletic trainers helped us with drove down our OSHA recordable rate.

(Based on a presentation by Trent Wisehart, Ergonomist, Honda North America, Greensburg, IN, at the National Safety Council's Virtual Congress & Expo 2020One)

TRAINING TIPS

Summer's coming! Time to think about heat illness

With summer just around the corner, many people are thinking about outdoor fun like camping or a trip to the beach.

Meanwhile, OSHA says now is the time to start thinking about preventing workers from getting heat-related illnesses.

The agency recently issued a reminder that new or returning workers need to acclimatize to working in the heat.

According to its website, OSHA's safety message when it comes to heat boils down to three key words:

- water
- rest, and
- shade.

You should remind employees to:

- Hydrate. They should aim to drink a cup of water every 15 minutes. This is the most important tip.
- Take breaks whenever they feel they're needed.
- Rest in shade or air conditioning, if it's available.

For more tips and a quiz for employees to take, check out "Heat stress" in the Training Shop on our website.

What employees can learn from Dollar Tree's mistakes

If you're in the habit of reading OSHA news releases, you've probably seen Dollar Tree cited a number of times in the past few years for blocked fire exits and unstable stacks.

With those citations in mind, it's a good idea to remind employees to never block exits with product – even if it's temporary – as you never know when or where a fire could occur.

Workers should also be reminded to keep stacks solid and stable. After all, they're probably the most at risk of getting hit if a stack comes down.

INSPECTIONS

Enforcement guidance for beryllium: What you need to know

As of April 21, OSHA inspectors have new enforcement guidance when performing inspections involving employee exposure to beryllium dust.

The guidance will be effective until a new beryllium compliance directive is issued for the 2020 beryllium standards.

Exposures and assessments

For all three industries, one thing inspectors will obviously be checking on is whether beryllium exposure exceeds the permissible exposure limits (PEL) of the new standards, and if it does exceed the PEL it will result in a serious citation.

At the same time, they'll also be checking for exposure to "any other air contaminants generated from the same process or operation" and they'll be issuing a serious citation for each PEL violation they find.

Inspectors will also be reviewing exposure assessments to see if employers performed new tests for beryllium exposure "whenever a change in the production, process, control equipment, personnel or work practices may have resulted in ... additional exposures."

If no assessment has been performed, then a citation will of course be issued, but inspectors will

also be looking at assessments to ensure they are adequate in terms of sampling time, documentation and analysis.

Exposure control plans

Each industry has its own requirements when it comes to written exposure control plans, but inspectors will be looking for similar things across all three.

The guidance tells inspectors to review the plan and interview managers and employees to determine what engineering and work practice controls were implemented and when.

Then they are to evaluate the effectiveness of the controls, the selected respiratory protection and any employer exemption claims along with the available sampling data.

More protections coming for medical pot users

New York Gov. Cuomo signed bill S854 into law March 31, giving injured workers who use medical marijuana the same protections as those using regular prescription drugs.

Language included in S854 states, "Employees who use medical

cannabis shall be afforded the same rights, procedures and protections that are available and applicable to injured workers under the workers' compensation law, or any rules or regulations promulgated thereunder, when such injured workers are prescribed medications that may prohibit, restrict, or require the modification of the performance of their duties."

Sting busts 3 contractors without workers' comp

A California sting operation to bust unlicensed contractors in Fresno County caught a dozen suspected unlicensed contractors, several of which didn't have workers' compensation insurance.

Three allegedly failed to have proper workers' compensation insurance policies to cover the people working for them, and they'll be facing additional labor-related charges.

Those three were also given a "stop order" demanding they cease all employee labor at the job site until workers' compensation insurance is acquired, according to Fox 26 News.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, the company won. But the reason why was due to a technicality on the standard OSHA issued the citation under.

OSHA's citation said the company violated 1926.502(b)(3), which says, "Guardrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds ... applied within 2 inches of the top edge, in any outward or downward direction, at any point along the top edge."

The company argued OSHA cited it under the wrong standard and that the employee exerted more than 200 pounds of force when he leaned on the guardrail.

An administrative law judge found OSHA failed to provide evidence that "the guardrail was incapable of

withstanding the level of force specified."

Instead, OSHA should have cited the company for failing to properly inspect the guardrail since the workers, contrary to their prior statements, admitted they only eyeballed the guardrail instead of fully inspecting it.

■ ANALYSIS: ADEQUATE INSPECTIONS

Clearly, if not for the technicality the company would've lost this case. Either way, an inadequate inspection caused an employee to get hurt – nothing can change that.

That's why inspections need to be completed for real, not just pencil-whipped so the employee performing the inspection can just get on with their work.

Cite: *Secretary of Labor v. George Weis Co.*, Occupational Safety and Health Review Commission, No. 19-1738, 3/16/21. 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/alert.com/category/federal-activities).

HEALTHCARE

A Florida behavioral [healthcare center exposed its workers to more than 50 attacks by patients in a two-and-a-half year period](#), according to a recent decision by a federal administrative law judge.

The judge found UHS of Delaware Inc. and Premier Behavioral Health Solutions of Florida exposed employees at their Bradenton facility to workplace violence and destroyed surveillance video footage of the incidents.

UHS, one of the largest healthcare service providers in the U.S., is a hospital management company that operates 300 other behavioral health facilities nationwide, and Premier operates as Suncoast Behavioral Health Center in Bradenton.

The judge's decision states the companies "exposed workers to more than 50 attacks in a two-and-a-half year period when residents kicked, punched, bit, scratched, pulled and used desk scissors as a weapon" and that both companies deserve to be sanctioned for destroying video evidence, according to a Department of Labor news release.

OSHA investigated an incident at the facility in 2017 after a patient jumped over a nurse's station and stabbed an employee with a pair of scissors, resulting in a proposed fine of \$71,137.

A 13-day hearing was conducted in April and August 2019 with 15 direct-care workers testifying about their experiences with incidents of violence at the facility.

OSHA attorneys "established that between January 2016 and July 2018, at least 55 incidents of patients attacking staff occurred."

The judge's recent decision held

UHS and Premier liable for the citation and found existing measures to address workplace violence "woefully inadequate."

MINE SAFETY

Mine operators may be required to have a written safety program for mobile and powered haulage equipment in the near future, if a new MSHA proposed rule gets approved.

MSHA started the [rulemaking process for a proposed rule that would require a written safety program for mobile and powered haulage equipment](#) at surface mines and surface areas of underground mines.

The proposed rule excludes conveyor equipment.

A request for information on this was published in June 2018 with stakeholder meetings taking place later the same year.

MSHA issued a statement in December 2018 declaring that it was making powered haulage safety an ongoing priority following multiple fatalities related to such equipment in 2017 and 2018.

The notice of proposed rulemaking was issued November 2020.

CONTRACTORS

An [independent contractor rule the Trump administration introduced Jan. 7, 2021, has been withdrawn](#) by the Department of Labor (DOL).

The rule – which made "the nature and degree of control over the work" one of two main factors in making an employee-or-contractor decision – was effectively withdrawn as of May 6, 2021.

This was done "to maintain workers' rights to the minimum wage and overtime compensation protections of the Fair Labor Standards Act," according to a DOL news release.

This rule would have played into questions regarding who controls workplace safety at a multi-employer worksite (explained in more detail in the Feds section of issue 612).

WHERE TO GET HELP

■ SURVEY TOOL HELPS MEASURE WORKER WELL-BEING

A new survey instrument for measuring worker well-being has been introduced by the National Institute for Occupational Safety and Health (NIOSH).

The NIOSH Worker Well-Being Questionnaire, or WellBQ, is a free survey instrument meant to help researchers, employers, workers, practitioners and policymakers better understand workers' well-being and target interventions to improve it.

The WellBQ identifies five domains of worker well-being then asks 68 questions representative of those five areas.

Fifteen optional questions on employment information could be edited to meet user needs.

More information can be found at [cdc.gov/niosh/docs/2021-110/](https://www.cdc.gov/niosh/docs/2021-110/)

What safety pros say

Do essential workers have access to the healthcare they require?

No health insurance (farming, fishing, forestry)

46%

Can't afford healthcare (personal care)

29%

No healthcare provider (construction)

51%

Source: Report: Health Care Access Among Essential Critical Infrastructure Workers

The study found a lack of health insurance and underinsurance were common among subsets of essential workers, including personal care aides and construction workers.

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?

Company says it's safe to bring office staff back onsite, but workers disagree

The Scenario

Manager Mike Kelly started letting members of the office staff into his Zoom meeting.

"Hello everyone, I hope you are all doing well," he said once everyone was admitted.

"Hi Mike," Carol Schmidt, one of the office clerks, said. Several other office workers echoed her greeting.

"As I said in my email, the reason for this meeting is to discuss bringing everybody back on site," Mike said. "Between the precautions we have in place and the fact that vaccinations are readily accessible, we think this can be done safely."

'Why bring us back now?'

"Did everyone get a chance to look over the return-to-work guidelines?" Mike asked.

"Yes, and I have to tell you I'm

not happy, Mike," Carol said.

"We've been doing our jobs safely from home for the past year," she continued. "While being even more efficient than we ever were in the office, I might add."

"Why would the company want to bring us back now?" Carol said. "There are still COVID variants out there that vaccines may not work on and not everyone is vaccinated yet."

"My daughter is 14 years old, she can't even get the vaccine because she's too young," she added. "So that's a big concern for me."

"I can sympathize," Mike said. "But warehouse personnel –"

"Warehouse personnel need to be there to do their jobs, we don't," Carol said.

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

Reader Responses

1 Aubrey Hanna, Quality Supervisor, Millennium Forms LLC, Elkhorn, WI

What Aubrey would do: Each family needs to do what is right for them. Each company needs to do what is right for them.

At our company, we are considering X amount of positions being able to work-from-home, while X amount of positions are required to work onsite.

This is to maintain quality customer service, quality team work and quality product standards.

Reason: If you want to put in to be considered to work from home, we will gladly look at that.

However, please note, that if the company requires your position to work onsite, then you will be required to work onsite.

2 Jerry Loeffler, EHS Manager, Cache Creek Casino Resort, Brooks, CA

What Jerry would do: Carol, I understand your reluctance in wanting to return. However, the company has done its due diligence in ensuring the safety of its staff by following strict COVID guidelines as well as offering vaccines to all staff members.

Reason: At this time, we are giving all work-at-home staff members one week to return to their functions at the workplace. If any member fails to return, we will consider your position as abandoned and will seek to fill it with another candidate.

3 Stephen Davies, Quality Assurance Manager, LND Inc., Oceanside, NY

What Stephen would do: Sorry Carol. Either come back to work or we will open your position to be filled.

OUTSIDE THE LINES

■ WILL THE REAL OSHA PLEASE STAND UP?

We've covered people pretending to be OSHA inspectors or trainers able to issue OSHA 10- and 30-hour certification.

Now, federal OSHA says a company is infringing on its trademark.

The U.S. Department of Labor is suing Global Occupational Safety and Health Academy (Global OSHA), pointing out the similarity of the company's name to the agency's.

The DOL's complaint says OSHA owns the registered trademarks for OSHA and OSHA Training Institute Education Centers.

DOL has filed a complaint in federal court. But it's already lost one round: The Trademark Trial and Appeal Board found Global OSHA's logo "did not uniquely and unmistakably point to OSHA."

Info: lawstreetmedia.com

Did you know ...

Before handling or climbing a ladder, look for overhead power lines



To avoid electrocution, employees should look around for any overhead power lines before handling or climbing a ladder.

Source: OSHA

OSHA also says that metal stepladders should not be used in close proximity to power lines, electrical wiring and electrical equipment for the same reason.

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