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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.

## Reliance on safety training, good communication saved their lives

### ■ *Ship crew good example of emergency response*

A recent maritime incident resulted in no injuries and no fatalities thanks to two things safety professionals in any industry can appreciate: fast decision-making based on training and good, early communication.

The four-man crew of the *Rebecca Mary* reacted efficiently and quickly when the vessel began to sink while on its way back from fishing operations with what a National Transportation Safety Board report on the incident describes as a typical load weight.

Around 4 a.m. on the day of the incident, a bilge alarm sounded, and a

deckhand noticed the rear portion of the vessel was taking waves over the upper edge of its side.

Seawater began accumulating on the rear deck and over the top of a hatch leading to the vessel's aft-most under-deck compartment.

#### Early call to Coast Guard

The situation deteriorated rapidly, so the crew quickly donned their survival suits, and at 4:09 a.m., the captain made a distress call to the Coast Guard and activated the vessel's emergency radio beacon.

As he continued to pump seawater  
*(Please see Safety training ... on Page 2)*

### PANDEMIC

## *New directive reveals what COVID inspections target*

OSHA issued guidance June 28 on its COVID-19 emergency temporary standard (ETS) instructing compliance safety and health officers (CSHO) on how to best work the standard's directives into inspections.

The ETS, which was published in the Federal Register June 21, is specific to the healthcare industry, and the inspection guidance establishes enforcement procedures for CSHOs conducting investigations at healthcare facilities.

#### Training, documentation, assessment

According to the inspection guidance, here are some things to expect during an investigation:

- The CSHO will request a facility's injury and illness logs (OSHA 300, 301 and OSHA 300A) for calendar years 2020 and 2021 to identify

work-related cases of COVID-19. They'll also request the COVID-19 log and inquire whether employees are aware of any recent cases among fellow employees.

- A facility's COVID-19 plan will be requested for review.
- The CSHO will need to review documentation to determine if a hazard assessment was conducted.
- Administrative and engineering control measures for physical distancing will be reviewed.
- Employee medical records and other documentation relating to COVID-19 exposure will be requested.
- The CSHO will want to review the respiratory protection program and any modifications made to respirator policies related to COVID-19.

## WHISTLEBLOWER

### Employer to pay \$222K to fired worker

OSHA ordered a Florida-based transportation company to pay almost \$222,000 in back wages and damages to a worker who was allegedly fired for reporting safety concerns.

The agency says CSX Transportation violated the Federal Railroad Safety Act after it allegedly fired the worker in December 2019 for reporting safety issues.

CSX was ordered to pay the employee \$71,976 in back wages, interest and damages and another \$150,000 in punitive damages, according to the Department of Labor.

#### History of retaliation

No details were provided on what the employee's safety concerns were, but a DOL news release does point to CSX demonstrating a pattern of retaliation against employees who report safety issues.

This recent investigation "is the latest example of CSX retaliating against workers for reporting safety

concerns," with OSHA ordering CSX in October 2020 to reinstate an employee who reported an unsafe customer gate and a work-related injury.

CSX was also ordered to pay more than \$95,000 in back wages and \$75,000 in punitive damages following that investigation.

Similar investigations and penalties occurred in 2010 and 2016 as well.

#### Safety training ...

(continued from Page 1)

from the rear areas of the vessel, the captain also provided radio updates to the U.S. Coast Guard.

#### Life raft deflates

Just after 5 a.m., realizing the ship could not be saved, the crew tied an inflatable life raft to the vessel's port side handrail and threw its canister overboard. This was the best location to perform deployment of the life raft, the NTSB report states.

The raft inflated successfully, but the *Rebecca May* rolled over in that direction as it sank and punctured the inflatable raft, instantly deflating it.

This forced the crew to jump into the water in their survival suits where they locked arms and waited for the Coast Guard rescue helicopter, which arrived at 5:07 a.m.

This is the type of response you want to see from employees during emergency situations, no matter what industry you may work in.

The crew members:

- reacted appropriately to the initial alarm
- communicated to one another about the changing situation while following procedures in attempting to save company property
- called for emergency services early as a precautionary measure
- donned appropriate PPE in the form of their survival suits as soon as they realized it was needed, and
- continued to rely on their training to adapt to changing circumstances in the form of their life raft deflating.

## 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 WORKER'S FATAL FALL RESULT OF HIS NEGLIGENCE?

"I'm still trying to get over it," Safety Manager Pete Travers said.

"I know, Pete," company attorney John Jenkins said. "And I hate to bring it up, but OSHA is citing us over Frank's incident, and I need to know what happened."

"I still can't believe he's gone," Pete said.

### 'He forgot to put his harness on'

"Frank was working on the upper floors of a building that was being built," Pete said. "His job was to install floor covers over the many openings scattered throughout those floors.

"It was a task he'd performed many times over the years, so he knew what he was doing, and he knew the safety precautions he should take," Pete continued.

"And let me tell you, Frank never worked without fall safety. Ever. He always worked safely," Pete added. "I never had to write him up once. That's why it's strange he didn't have his harness on that day."

"You mentioned he received a phone call," John said.

"Yeah, some of the crew said he got a phone call from his wife during break, and it sounded like they argued," Pete explained. "Then after break, he went back up on the upper floors, didn't put his harness on and wound up falling to his death through one of the floor holes."

"It seems like Frank was distracted and forgot to put his harness back on, so 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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## STATE LAWS

### Comp pays for weed? Courts weigh in

■ MEDICAL MARIJUANA REIMBURSABLE? THE ANSWER IS A BIT HAZY

Is medical marijuana reimbursable through workers' compensation benefits? Courts in some states say yes, while others says no.

Here's what we know so far:

#### Courts ruling for reimbursement

The New Jersey Supreme Court ruled in April that an employer can be ordered to reimburse a claimant for reasonable costs related to medical marijuana that's part of a workers' compensation treatment, according to a report from the National Council on Compensation Insurance (NCCI).

In March, the New Hampshire Supreme Court ruled in the *Appeal of Andrew Panaggio* case that reimbursing a medical marijuana user for the drug in a work-related injury case is not impossible under the federal Controlled Substances Act (CSA) nor does the act of reimbursement thwart the purposes and objectives of federal law.

Likewise, a New York appeals court found in February that

reimbursement for medical marijuana in no way subverts the principal purposes of the CSA in combating drug abuse, particularly in the *Matter of Quigley v. Village of E. Aurora*, which involves a police officer who was authorized to use the drug to treat his chronic pain and reduce his reliance on opiates.

#### These courts ruled against it

In October 2020, the Massachusetts Supreme Judicial Court upheld the denial of a worker's claim because the state's medical marijuana law clearly states "nothing in this law requires any health insurance provider ... to reimburse any person for the expenses of the medical use of marijuana."

However, the court acknowledged there was no clear federal guidance on this situation, calling it a "hazy thicket" at best.

The Arkansas Workers' Compensation Commission ruled in June 2021 that workers' compensation insurers aren't required to reimburse for marijuana as a medical treatment, according to the NCCI report.

## SUMMER HAZARDS

### Extreme heat + out-of-shape workers = major risk

Heat stress is always a concern during the summer months, and this year is no different. Actually, it may be a little worse in 2021 with record-breaking, triple-digit temps already afflicting some western states.

#### NIOSH recommendations

To make matters worse, employees who have been in quarantine for months thanks to the COVID-19 pandemic may be returning to work out of shape and certainly not acclimated to the summer heat.

Further, while mask mandates may be lifting around the country, some workplaces may still require them for a variety of reasons.

Wearing a mask is like wearing

a scarf in winter – the cloth keeps body heat close, which is something you don't really need or want in extreme heat.

One thing law firm Seyfarth Shaw recommends to help employers with keeping workers safe in extreme heat is reviewing the National Institute for Occupational Safety and Health (NIOSH) webpage on heat stress, which offers guidance on:

- acclimatization
- how to spot heat-related illnesses
- how to limit the heat burden when wearing PPE, and
- recommendations for controlling heat stress.

Info: [cdc.gov/niosh/topics/heatstress](https://www.cdc.gov/niosh/topics/heatstress)

## TRENDS TO WATCH

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

### ■ ANOTHER STATE LEGALIZES RECREATIONAL MARIJUANA

Connecticut Gov. Lamont signed legislation June 22 legalizing recreational marijuana use by adults, and with that comes some provisions that will affect employers.

Provisions affecting employers won't be in place until 2022, according to law firm Jackson Lewis.

For employers, the new law:

- allows drug-free workplaces with written policies prohibiting possession and use of marijuana, with some exceptions for medical marijuana users
- prohibits, with some exceptions, discharging or taking adverse action against employees because they use cannabis outside of the workplace, unless the employer has a disseminated policy, and
- allows adverse employment action based on positive marijuana drug test results when the employer has an established drug testing policy stating that positive test results will result in adverse employment action.

### ■ OWNERS CHARGED WITH COMP FRAUD AFTER INJURIES

The co-owners of a Pennsylvania construction company were arrested on multiple criminal charges, including workers' compensation fraud, after two employees were seriously injured in falls at a Delaware jobsite.

Both employees, who were allegedly misclassified as contractors, were injured while working 20 feet off the ground with no fall PPE.

Brian McGarrity and Christopher Flanagan, owners of Mid Ulster Construction, were charged with fraud and related charges.

Flanagan and McGarrity were arraigned June 14 with bail set at \$200,000. A preliminary hearing was set for June 21.

## Roundup of most recent OSHA citations

Go to [www.SafetyComplianceAlert.com/fines](http://www.SafetyComplianceAlert.com/fines) for more OSHA fines and injury settlements.

### **Worker struck, killed by tractor with faulty horn**

Indiana OSHA cited a steel mill after a worker was struck and killed by a coil tractor.

Officials confirmed George Salinas, 71, was hit by the tractor, but an official cause of death wasn't immediately available, according to the *Chicago Tribune*.

Citation documents indicate a Royal Ram T600C/SP coil tractor was being operated without a functional horn and that the horn had been reported but not immediately repaired.

**Fine:** \$21,000

**Company:** ArcelorMittal Indiana

Harbor, East Chicago, IN

**Business:** Steel mill

**Reasons for fine:**

*Three serious violations for failure to:*

- provide workplace free from recognized struck-by hazards that could cause death or serious physical harm
- take powered industrial truck found in need of repair out of service until restored to safe operating condition
- prevent powered industrial truck from being placed back in service despite non-operational horn

### **Worker injured in roof collapse: \$201K OSHA fine**

OSHA cited a New Jersey roofing contractor after an employee suffered serious injuries when the roof he was working on collapsed, leading to fines totaling \$201,090.

Investigations at two worksites in Mahwah and Elmwood Park, NJ, resulted in willful and serious violations involving fall protection, ladder safety and head and eye protection.

**Fines:** \$91,866 (Mahwah); \$109,224 (Elmwood Park)

**Company:** Osman "Alex" Inestrosa doing business as Lifetime Contractor Corp., Trenton, NJ

**Business:** Roofing contractor

**Reasons for fine:**

*Seven willful violations, including for failure to:*

- ensure employees wore protective helmets in areas where head injuries were possible
- provide employees with eye and face protection where eye and face injuries were possible
- ensure employees working six feet or more above lower levels were protected by guardrail, safety net or personal fall arrest systems
- ensure ladder side rails extended three feet above upper landing surface

*Three serious violations for failure to:*

- keep scrap lumber with protruding nails clear from work area
- provide fire extinguishers within 50 feet of more than five gallons of flammable liquid
- ensure ladder side rails extended three feet above upper landing surface

### **1 dead, 23 sick from COVID after company luncheon**

OSHA cited an Illinois warehousing employer after one employee died from COVID-19 and 23 others tested positive for the virus following a luncheon in the facility's breakroom.

Inspectors allegedly found the company failed to take immediate steps to identify, inform, isolate and quarantine all of the potentially exposed employees.

The inspection revealed the company failed to follow its own internally developed controls for potential coronavirus exposure.

On Nov. 4, 2020, following discussions with local health officials, the facility closed.

**Fine:** \$12,288

**Company:** Midwest Warehouse And Distribution System, Naperville, IL

**Business:** Warehousing and storage

**Reasons for fine:**

*One serious violation for failing to:*

- provide employment free from recognized COVID-19 exposure hazards likely to cause death or serious physical harm

## WORKERS' COMP DECISIONS

### **Can deputy collect for PTSD after shooting incident?**

A deputy sheriff filed a claim for post-traumatic stress disorder (PTSD) after a shooting incident. Can he collect?

**What happened:** The deputy and his partner shot and killed a man who was threatening them with a shotgun during a welfare check. The man fell near the deputy, who watched him die. Later, the deputy filed a PTSD claim.

**Company's reaction:** Your PTSD didn't come from extraordinary stress related to your job.

**Decision:** He could collect. This incident wasn't the type that's part of a deputy's daily routine, nor was it the expected result of a welfare check, according to the court.

**Cite:** *France v. Industrial Commission*, Arizona Supreme Court, No. CV-20-0068-PR, 3/2/21.

### **Object falls on worker after he cuts welds: Benefits?**

A demolition worker was injured after heavy equipment fell on him when he cut the welds holding it up. Can he collect benefits?

**What happened:** The worker cut the welds holding up a 200-pound fire damper, causing it to fall onto him. He sued his employer for failing to provide a safe means to support the damper.

**Company's reaction:** Your injury was your fault for not using a scissor lift or scaffold as support.

**Decision:** He could collect after an appeals court granted summary judgment in his favor. The court said there was no evidence the worker should have known to use a lift or scaffold instead of the method that caused the injury.

**Cite:** *Mayorga v. 75 Plaza LLC*, NY Court of Appeals, No. 159760/16, 2/25/21.

## REAL PROBLEMS, REAL SOLUTIONS

### Embrace errors, don't hide them

**H**ave you ever run a red light that you honestly didn't see until the last moment?

What went through your mind in the moment immediately afterward?

You were probably embarrassed at what you'd just done.

What do you think when you see someone else run a red light?

When we find someone else has made a mistake, it's easier to point out what their error was.

We think we know how to fix the other person's error.

What if you thought differently when you saw someone else make a mistake?

#### 'I've been there'

Instead of taking the shame route, what if you thought, *I know what you're going through. I've been there.*

What happens when someone makes a mistake in the workplace and we share that thought – *I've been there?*

If we share that with the person who made the mistake, we alleviate the shame and judgment.

And that opens the door for amazing workplace outcomes, both for the organization and the individual.

People fear admitting their mistakes mainly because they don't like confrontation or conflict.

If we take away the shame, employees can try things, fail, and then try again, making changes until they get it right.

That's why I share errors I've made instead of hiding them.

It's key to improving organizational performance.

*(From a presentation by Tim Page-Bottorff, Sr. Consultant, SafeStart, Belleville, ON, Canada, at the National Safety Council's Virtual Safety 202One)*

### Taking the time to spot hidden hazards

How many times have you heard someone say, "I've walked by that a

thousand times and never noticed it?"

It's because they're not actually seeing what has been there the whole time.

As safety professionals, most of what we do relies on seeing. Our jobs are mostly about going and looking and seeing what's there in order to understand it and take action on what it is we're seeing.

But sometimes things become so familiar to us that we no longer really see them.

So how do we change these tendencies, not only for ourselves, but for workers who need to really see in order to stay safe?

#### 'Reading' what you see

This is where visual literacy comes in.

Visual literacy is all about thinking about what we actually see, what does what we see mean and then figuring out what we can do about it.

In the safety world, that's what risk assessment and risk management is all about.

You see the hazard, you think about how to mitigate it and then you implement your plan to reduce the risk.

But hazards can be easy to miss, so what everyone needs to do is just slow down a little bit and take the time to really "read" what's being seen, in the same way a piece of art should be read.

You read what you see by taking in a scene's lines, shapes, colors, textures and space.

By analyzing each component independently, as you would a piece of art at a museum, you get a better understanding for what you're looking at.

And that could help workers spot a hazard they may not have seen otherwise.

*(Adapted from a presentation by Doug Pontsler and Glenn Murray, both of the Center of Visual Expertise, Toledo, OH, at Virtual AIHce EXP 2021)*

## TRAINING TIPS

### Time to remember the lowly manual pallet jack

When it comes to warehouses and equipment safety, the first thing that typically comes to mind is forklifts.

However, safety pros know they can't forget about the other staple of warehouse equipment, the manual pallet jack.

Manual pallet jacks are used by truck drivers and material handlers alike to move heavy pallets of freight on docks and inside trailers.

Because pallet jacks are easy to use and don't usually require special training to use, it can be easy to forget their use could lead to injuries, according to Washington State Department of Labor & Industry.

Before using a manual pallet jack, employees should:

- inspect the pallet jack before each use to make sure it's functional
- look for uneven floor surfaces, damaged dock plates and open dock edges that could destabilize a load, and
- always follow rules for safe equipment use.

### Same-level falls can lead to traumatic injuries

When workers think about fall injuries, they probably think about how life changing a fall from heights could be.

But slipping and falling on the same level can be just as disastrous.

Take for example, a recent court case involving a teacher who fell and hit her head during a diabetic episode.

She hit her head on a desk, then on the floor, causing a host of injuries, including total loss of smell, dental and facial trauma, tinnitus, neck and shoulder pain, vertigo and post-concussion syndrome.

## REVISED STANDARD

### Cal/OSHA revises ETS based on guidance from health officials

California adopted a revised COVID-19 emergency temporary standard (ETS) June 17 based on guidance received from the state's Department of Public Health and the increased number of vaccinated individuals.

Governor Gavin Newsom signed an executive order enabling these new revisions to take effect immediately.

#### What's new

Revisions include:

- Fully vaccinated employees do not need to be offered testing or excluded from work after close contact unless they have COVID-19 symptoms.
- Fully vaccinated employees do not need to wear masks except in certain situations during outbreaks and in settings where health officials require everyone to wear them. However, employers must document the vaccination status of fully vaccinated employees, if they're not wearing masks indoors.
- Employees do not have to wear masks outdoors regardless of vaccination status.
- Employees are explicitly allowed to wear masks without fear of retaliation from employers.

- Physical distancing requirements have been eliminated except where an employer determines there is a hazard and for certain employees during major outbreaks.

underreported payroll totaled about \$30 million, resulting in a loss of \$3,840,956 to the three insurance companies.

### Owners charged in \$3.8M comp fraud scheme

The owners of a flooring business in Sacramento, CA, were charged with three felony counts of workers' compensation fraud resulting in a \$3.8 million loss to three insurance companies.

Ryan Black and Curtis Davis, the owners of Apex Industry Solutions, allegedly underreported the company's payroll and employees by more than \$30 million to save on workers' compensation insurance premiums.

Investigators found Black allegedly had "a large number of flooring installation employees," and had reported minimal installation payroll to their current insurance carrier.

The investigation also revealed Black and Davis allegedly conspired to underreport payroll to two other insurance carriers they'd had in the past.

From 2013 through 2018, the

### Teen worker loses arm to store's meat grinder

A 16-year-old supermarket worker lost his arm when the meat grinder he was told to clean started unexpectedly, resulting in the life-changing incident for the boy and a \$65,289 fine for the store.

Clarksburg Supermarket and its owners are facing fines from the federal Department of Labor and Tennessee OSHA for the incident and related violations.

Terry Altom and Kenneth Lovell, the owners of the store, violated the child labor requirements of the Fair Labor Standards Act (FLSA) when they allegedly allowed two 16-year-old workers to clean the meat grinder.

The FLSA bans employers from allowing minors to operate or clean powered meat processing machines.

This includes a prohibition on cleaning the equipment and parts, even when disassembled.

## SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, Pete's company won when the court dismissed OSHA's citation, finding the company couldn't have predicted the worker would fail to put his fall harness on that day.

Among other things, OSHA claimed the company had constructive knowledge that the worker wouldn't wear his fall PPE, and that it just didn't adequately supervise him.

The company argued it "had a good safety program that was effectively communicated to its employees" and that the worker "was a well-regarded veteran employee who ... always wore a safety harness and attached lanyard when working around fall hazards."

Further, the company provided written proof it had disciplined employees for not following safety rules in the

past, which was supported by employees' testimonies that they knew they'd be disciplined for safety violations.

So the court found the company couldn't have had constructive knowledge that the worker would fail to put on his fall harness on the day of his fatal fall.

#### ■ ANALYSIS: 'I'LL BE OK IF I SKIP A SAFETY STEP ONCE'

While this case illustrates the usefulness of having documented disciplinary action, it also demonstrates that it's never OK to skip a safety step.

This worker was known for consistently wearing his PPE. The incident in question seems to be the one time he skipped this step and it resulted in his death.

**Cite:** *Secretary of Labor v. Harvestland Constructors*, Occupational Safety and Health Review Commission, No. 20-0691, 5/13/21. 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.safetycompliancealert.com/category/federal-activities).

### INJURIES

Amazon, a company that has been struggling lately with worker injury rates at its warehouses, and the National Safety Council (NSC) announced June 10 they have entered a five-year partnership to invent new ways to prevent common musculoskeletal injuries.

The two organizations plan to work together to prevent workplace injuries such as sprains and strains.

This new, "first-of-its-kind" partnership kicks off in June, during National Safety Month, and will focus its first year on launching an advisory council, identifying research partners, analyzing existing data and developing programs.

Amazon, which recently spent more than \$1 billion on new safety measures to address the 5.9 serious injuries per 100 workers injury rate at its warehouses, contributed \$12 million to make the partnership possible.

### WHISTLEBLOWER

The Department of Labor (DOL) is suing a Pennsylvania manufacturer and its owner after they allegedly fired a worker who brought up safety concerns and asked several times for PPE to safely operate equipment.

Before the employee was injured while operating the equipment, a supervisor denied his multiple requests for safety gloves.

The lawsuit was filed in the U.S. District Court for the Middle District of Pennsylvania against Midvale Paper Box Co. and its owner David Frank.

Through the lawsuit, DOL seeks to:

- prevent Frank and his company from violating whistleblower provisions
- order them to reinstate and pay the

employee for all past and future lost wages resulting from the termination, and

- order them to post a notice stating that they will not discriminate against employees for engaging in whistleblower activities.

In October 2017, OSHA inspected the facility following a complaint the company failed to provide PPE and lockout/tagout training.

Following the inspection, the employee made two more requests for safety gloves and was allegedly denied both times. He was eventually fired, leading to the complaint with OSHA.

DOL says the company "terminated the worker in retaliation for multiple requests for gloves, participating in OSHA's safety investigation and their mistaken belief that the worker filed the safety complaint that initiated the investigation."

### COURT DECISION

A lawsuit workers brought against a hospital over a mandatory COVID-19 vaccination policy was rejected by a federal judge who found "the public's interest in having a hospital capable of caring for patients during a pandemic far outweighs the vaccination preferences of 116 employees."

The employees of Houston Methodist Hospital had either already been fired or were in danger of being terminated, so they requested a temporary restraining order to block enforcement of the policy, which the judge denied, according to law firm Greenberg Traurig.

The federal judge for the Southern District of Texas found the claims failed because the state's wrongful termination law only protects employees from being terminated for refusing to commit acts that would result in criminal penalties for the worker.

Since the employees didn't claim an illegal act was involved, their case failed.

Their coercion claim also failed because the judge said they could freely reject the vaccine and find work elsewhere.

### WHERE TO GET HELP

#### RESOURCES FOR NAVIGATING THE COVID HEALTHCARE ETS

The Association of Occupational Health Professionals in Healthcare (AOHP) released a comprehensive list of resources for navigating federal OSHA's COVID-19 Healthcare Emergency Temporary Standard.

The document is meant to provide information about the COVID-19 ETS and to help implement worker protections based on the standard's requirements.

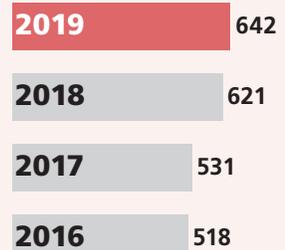
This includes:

- a COVID-19 plan template
- a worksite checklist and hazard job analysis
- webinars, and
- various tools and information on the ETS.

**More info:** [aohp.org/aohp/COVIDVaccine.aspx](https://aohp.org/aohp/COVIDVaccine.aspx)

### What safety officers told us

Over the past several years, the number of fatalities from harmful environments or substances has increased. True or false?



Source: U.S. Bureau of Labor Statistics

Harmful environments/substances include extreme heat, which caused 53 deaths in 2019, and electricity, the cause of 166 deaths in the same time frame.

*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 is upset supervisor yelled at him for 'minor' safety violation

### The Scenario

Manager Mike Kelly was walking to his office after lunch.

"Yo Mike, you have a minute?" John Randall, a production worker, asked as he walked up next to Mike.

"Sure, John, just come on into my office and we can chat," Mike replied.

Mike walked into his office and sat down behind his desk. John closed the door and stood in front of Mike's desk.

"Make yourself comfortable," Mike said, gesturing toward a chair.

"I'm kind of too angry to get comfy, Mike," John said.

### 'He could've pulled me aside'

"I see," Mike replied. "Can you tell me why you're angry?"

"Yeah, you'll be hearing about it soon anyway," John said.

"OK, you've definitely got my

attention," Mike said.

"I was working on the production line when Jake Halloway, the foreman, started yelling at me for a minor safety thing," John explained.

"A minor safety thing?" Mike asked.

"I didn't have my safety gloves on while I was working," John said.

"But he yelled at me and gave me a verbal warning in front of everybody."

"You know he was right in telling you about the safety violation, right?" Mike asked. "We provide safety gloves for a reason."

"Yeah," John responded sheepishly. "But he didn't have to yell about it. He could've pulled me aside or something."

If you were Mike, how would you handle this situation?

### Reader Responses

#### 1 Roy McConnell, H&S Coordinator, Veolia NA, Johns Creek, GA

*What Roy would do:* A discussion with John about the reason for the gloves and the importance of wearing them for protection is appropriate.

*Reason:* Also, have a follow up discussion with HR and Jake about the concern that was brought up by John.

Jake may not realize he may have been doing something wrong and the discussion may necessitate some additional training for Jake.

#### 2 Sean Wilkinson, Safety Manager, Yancey's Fancy Inc., Corfu, NY

*What Sean would do:* I'd tell him I'd talk to the line supervisor about

having those conversations in a more private area.

*Reason:* If the employee was in the wrong, and there was a serious threat the supervisor was concerned about, his yelling may have been to get the employee's attention and fix the situation before a major catastrophe could occur.

#### 3 Dan Caracio, Risk Manager, Pencor, Palverton, PA

*What Dan would do:* I would reinforce the need for wearing safety gloves with the employee and follow up with a conversation with the supervisor.

*Reason:* The supervisor should be complimented for managing the PPE program, but I'd want to recommend he be stern but not demeaning to the employee.

### OUTSIDE THE LINES

#### ■ BUT WHERE WOULD I PUT MY KEYS AND WALLET?

Bicyclists riding in Philadelphia's annual Naked Bike Ride will have to wear at least one thing at this year's event in August – a mask.

After a one-year hiatus due to the pandemic, those who wish to bike nude through the streets of Philadelphia for the event can do so.

However, organizers have requested that participants wear masks for protection against exposure to COVID-19, according to National Public Radio.

Speaking of exposure, don't you think you'd want to, you know, wear something in case you crash?

A helmet is always a good idea, as are knee and elbow pads.

And maybe some pants, because well ... road rash.

You know, actually I think I'll just pass on this, thanks.

### Did you know ...

#### Workers under age 18 cannot operate forklifts



It's a **violation of federal law** for anyone under **18 years of age** to **operate a forklift**.

Source: OSHA

The same applies to adults who aren't properly trained. Forklifts aren't cars, so just because someone has a license to drive doesn't mean they can operate a forklift.

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