

November 1, 2021

Skipping one simple safety step proves fatal: Crushed to death

Employees often didn't use safety straps

“Come on, let's get this show on the road man!” bellowed truck driver Jimmy Sanchez.

“What's your hurry?” asked a warehouse employee who was loading Jimmy's trailer with bales of recycled cardboard.

“It's Friday night, big football game at home,” said Jimmy. “My kid's a starting lineman. Plays both ways!”

“I think I've got money on that game,” another staffer laughed.

“If you know a bookie who's willing to take a bet on a high school game, then bet on the home team!” said Jimmy.

“There's no way we lose.”

“All right, all right, she's loaded,” said the warehouseman. “It's a full load, you may want to attach the straps –”

“It's good! I trust you guys to load those bales right,” said Jimmy, slamming the trailer doors shut. “Wish my kid's team good luck tonight!”

Worker's very last delivery

Jimmy drove to a paper and pulp plant to deliver the cardboard bales. *Last stop of the day and I'm off to*

*(Please see **Skipping ...** on Page 2)*

Sharpen Your Judgment

Worker hurt goofing off: Can he sue employer?

“When you say bowling ball, do you mean a real bowling ball?” asked Christine Williams, the HR manager.

“Yeah,” replied Supervisor Brian Rowe. “Sixteen pounds, round, three finger holes ...”

“You'd better start from the beginning,” Christine said.

Goofing off at work

“Some of the guys were on a break and found an old bowling ball around the site,” Brian said. “Geniuses they are, they decided to try to smash it with a sledge hammer.”

“How does something that dumb even enter

someone's mind?” Christine asked.

“You don't want to know what goes through these guys' heads,” Brian said. “I told them to knock it off before someone got hurt.”

“They waited until I turned around, then BAM!” Brian shouted. “They smash the ball, and a fragment hits one of the guys in his eye.”

“And he wants us to pay his doctor bills?” Christine asked. “I can't believe his nerve.”

The worker alleged his injury took place on the job, so he should get workers' comp.

When the company refused to pay because he was goofing off, not working, he sued.

Did the company win?

This regular feature sharpens your thinking and helps keep both you and your firm out of trouble. It describes a real legal conflict and lets you judge the outcome.

Make your decision, then please turn to Page 4 for the court's ruling.

Skipping ...

(continued from Page 1)

the game! Jimmy thought happily.

A staffer at the pulp mill waved to Jimmy to back the truck into one of its docks.

“Yeah yeah, I know the drill!” Jimmy yelled as he reversed into the far corner of the parking lot.

These guys really need to re-do the back of this parking lot, Jimmy thought.

It’s uneven as all get out!

“How many bales are in there?” asked the paper mill worker waiting at the loading dock bay.

“Well it’s a full load, so you’re looking at ... 54,” Jimmy said out of his cab window.

“Don’t worry, I’ll give you a hand unloading all of them,” Jimmy said, jumping out.

Whether Jimmy noticed the truck was on a slant with the rear of the semitrailer a bit lower than the front end, we’ll never know.

Body no match for 1,500 pounds

The veteran driver opened the trailer door on the passenger side and chained it to the side of the trailer to keep it open.

Jimmy then pulled open the trailer door on the driver’s side.

Within a split second, a stack of bales became unstable, and two of the bales fell out of the trailer.

Jimmy was struck and pinned by a 1,500-pound bale.

“Holy – !” yelled a paper mill employee. “Help!!”

Jimmy groaned under the massive weight and passed out.

He was pronounced dead soon after at the hospital from blunt force injuries to his torso.

Drivers didn’t use straps

Result: Investigators found that the employer provided straps to prevent bales from tipping over and falling out when drivers opened the trailer doors.

But after talking with workers and checking records, inspectors determined that the truck drivers typically didn’t bother to attach the straps.

Key: An additional factor in the fatality uncovered by the accident investigation team – the semitrailer was parked on uneven ground,

which may be what destabilized the stack of bales.

Supervisors need to check

This company recognized an industry hazard and provided employees with the tools (straps) to protect themselves.

But Supervisors didn’t know about or minimized the risks of some workers choosing not to practice good safety habits.

Frequent walkthroughs, and group or one-on-one chats, can alert Supervisors to “blind spots” like these that can end a life.

What you need to know:

To help prevent a similar mishap, employers should:

- ensure truck loads are properly secured and won’t fall
- provide drivers with cargo securement devices such as straps
- insist drivers park trucks on level ground before opening trailer doors, and
- instruct drivers to open one trailer door at a time while standing to the side of doors.

TEST YOUR KNOWLEDGE

Best practices for cleaning and maintaining PPE

In order for PPE to be effective, it needs to be in good condition.

See how well you know the rules for maintaining PPE by answering *True* or *False* to the following:

1. Workers need to be trained on the procedures for care, maintenance and cleaning of PPE.
2. Each worker must have their own set of eye PPE for sanitary purposes.
3. Cleaning, caring for and maintaining PPE is solely the responsibility of employees.
4. If employees are permitted to use their own PPE and choose to do so, the responsibility for maintaining and sanitizing it falls on them.
5. Employers have to replace PPE unless it’s lost or intentionally damaged by an employee.

ANSWERS

1. *True.* If workers seem unable to demonstrate proper skill level in cleaning or maintaining their PPE, retraining may be needed.
2. *False.* Employers can provide eye PPE to be shared by anyone who does the same tasks, but it must be disinfected after each use. If the PPE is prescription, however, it should only be used by the specific employee it was prescribed for.
3. *False.* Cleaning and caring for PPE is generally a requirement for workers. However, it is an employer’s job to train workers how to do so and repair or replace PPE as necessary.
4. *False.* Inspecting, maintaining and sanitizing employee-owned PPE is still an employer’s responsibility.
5. *True.* If an employee loses or intentionally damages PPE, you can make it the employee’s responsibility to replace it.

Answers to the quiz:

Info: tinyurl.com/washstatefacereport621

Fines, accidents and damage supervisors could've prevented

News you can use to head off safety mishaps

In this regular section we highlight situations that led to fatalities, injuries, near-misses, damaged equipment or fines that frontline supervisors could've prevented.

Amputation risk sky-high: Lack of machine guards

What happened: Sims Lohman, a stone manufacturer in Cincinnati, allowed workers to use machines missing guards. Luckily no one's been injured seriously in recent years, but OSHA wants to see major changes made now before that happens.

What people did: Workers who cut granite and other stones for area buildings and homes have been doing so without:

- following lockout/tagout procedures, and
- machine guards designed to prevent fingers, hands and arms being sliced off.

Result: Repeat LOTO and guarding citations, plus a write-up for not storing flammable liquids safely, cost the company \$203,826.

Forklift training, plant maintenance need work

What happened: A recycling plant where a welder was struck and killed by a forklift in 2019 got checked up on by OSHA. As we've warned readers for years, facilities that experience a serious injury or fatality must correct safety problems to protect employees and prevent further OSHA fines.

What people did: Quality Machine and Fabrication, a recycling plant in Greenville, North Carolina, was nailed with two repeat

serious citations for not ensuring workers completed training before operating telescoping forklifts, and failure to examine forklifts before placing them in service. OSHA took a close look around the plant and found other problems related to inadequate facility maintenance:

- electrical cords and scrap metal lying on the shop floor in high-traffic areas
- electrical boxes that weren't designed for outdoor use, and
- blocked access to fire extinguishers in the welding area.

Result: OSHA fined the recycler \$112,212. Higher fines down the road are a real possibility if it doesn't square away problems.

Staff given COVID face masks, but didn't wear 'em

What happened: Count on OSHA to crack down harder on businesses that don't follow COVID-19 protocols (*search for "OSHA covid" at our website for recent news*). Healthcare sites aren't the only industry sector that are on the hot seat.

What people did: Drug treatment center Seaside Guest Services in Tinton Falls, New Jersey, instructed employees to wear face masks and provided them with masks, but didn't enforce the rule. The facility also didn't enforce a social distancing policy which may contribute to patients contracting the virus, and didn't record work-related illnesses.

Result: Two serious citations added up to \$10,923 in penalties.

SAFETY TRAINING TIPS

■ Common phrases that hurt your credibility

People ask "You know what I mean?" or "Does that make sense?" when trying to gauge if their listeners understand.

Problem is, these common phrases can strain your credibility and make you sound unsure of yourself.

Better alternatives to ask are "Do you agree?" or "How does that sound to you?"

It's better to ask this when you're making an important point or reviewing material that not everyone may be up to date on.

During a training session, you can remind folks, "If there's a point you missed or you want me to explain in more detail, raise your hand and I'll address it."

■ Focus on newer workers when it's time for change

When it comes to getting workers on board with changes in procedures, many Supervisors try to sell it to veteran employees first.

The opposite strategy may be the better approach: Consider trying to get newer employees excited about the changes.

Why? When older or long-time employees hear about changes, they may think, *That's not how we used to do things ... Why switch now?*

Newer staffers aren't as likely to care about "the old way" of doing things. They're often easier to sell on changes.

By the same token, veteran employees don't want to get left behind.

If they see co-workers willing to adapt, they'll jump on board quicker.

Trench caves in and kills employee who'd never been trained on hazards: Owner going to jail

Trench wall failed the day before tragic accident

Tom Sherman, the owner and operator of Sherman Contracting, located one of his new employees, Miguel Obrador, a carpenter and drywall expert.

“Miguel! Miguel!” Tom yelled. Miguel couldn’t hear the owner at first over the din of his power tools but then saw him out of the corner of his eye.

“Sorry Mr. Sherman,” Miguel said.

“No worries,” said Tom. “We’re a little shorthanded outside. The crew needs help connecting pipe.”

“OK,” said Miguel. “I’m not experienced in doing that but I’d be happy to land a hand.”

“Great,” said Tom. “They’ll show you the ropes.”

Workers already on edge

Miguel didn’t see a ladder to the trench so he hopped down into it.

“Be careful,” said one of the work crew. “Part of the wall came loose yesterday.”

“Will do,” Miguel said, eyes wide.

Miguel and the crew pulled PVC pipe

from the edge of the trench and connected pieces. He was getting the hang of it until disaster struck.

“Sloosh!!” A section of trench wall caved in on top of Miguel, burying him. Co-workers dug him out but it was too late to save Miguel’s life.

Result: A court sentenced the construction company owner to 10 months in jail for two counts of reckless endangerment and one count of third degree assault for his employee’s death.

The owner must also pay the deceased worker’s family \$25,000.

The court decision followed OSHA citing the company for not training all workers on trenching hazards, not inspecting the work site, lack of a ladder or other means of egress and not keeping soil away from the trench edge.

Key: The owner should’ve stepped in when the trench partially caved in the day before. Correcting the problem would’ve prevented a senseless tragedy.

Case info: [dol.gov/newsroom/releases/oshal/oshal20210715-1](https://www.dol.gov/newsroom/releases/oshal/oshal20210715-1)

What you need to know:

Short-staffing isn’t a valid excuse for letting untrained people take on dangerous tasks.

Training is critical for workers to identify hazards and make informed decisions.

OSHA requires employers “to train employees on the hazards they may be exposed to, how to protect themselves and what PPE is necessary to work safely” for a reason – saving lives.

Sharpen Your Judgment – The Decision

(continued from Page 1)

Yes, the company won when a judge threw out the worker’s lawsuit.

The worker argued he was injured on the job site using the tools of the job – and that made his injury work-related.

His Supervisor fired back: He never told the worker to break the bowling ball, and he certainly told him to stop when he found out what he was up to.

The judge sided with the company, and had three solid reasons for doing so:

1. The injury was caused by smashing the bowling ball
2. The worker was told by his Supervisor to knock it off, and

3. Smashing the ball wasn’t in any way related to his job.

Protect yourself from their bad decisions

As if you needed a reminder, sometimes workers do dumb things on the job.

But even their bad decisions can come back to bite you if you don’t directly intervene.

Supervisors’ best bet: Tell workers who are goofing around to stop immediately, then write them up.

That way, there’s no question you did everything you could to keep them safe.

Based on Habib v. WCAB.

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Supervisors Safety Bulletin (ISSN 1528-9834), issue date November 1, 2021, Vol. 22 No. 521, is published semi-monthly (24 times a year).

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