

Observing Health and Safety at Work

By BNET Editorial

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Regardless of size, all businesses have a legal responsibility to protect the health and safety of their employees and visitors to their workplaces and offices, and a range of federal and state laws exist to ensure that responsibility is met. This article explains the main steps you must take for your business to properly meet and enforce health and safety regulations. It offers guidance about such topics as policies, ensuring that your fire safety plan is adequate, providing personal protective equipment, establishing a first aid procedure, record keeping, and forming a safety committee.

What You Need to Know

Do I have legal obligations regarding health and safety?

The Occupational Safety and Health Act of 1970 established legislation requiring all workplaces to guarantee that an employer adequately protects the health and safety of employees. This legislation remains in force, while individual states have enacted their own statutes to further ensure health and safety in the workplace. In recent years, this responsibility has been expanded by what's known as the *HIPAA* regulations. They govern—in great detail—how companies are to protect the privacy of workers' health and medical records.

As a business owner or manager, you should have a working understanding of both federal rules and those enforced by your state. In some instances federal guidelines take precedence over state rules, but in many cases state guidelines are the basis for inspection, record keeping and other health- and safety-related policies. Your state will be able to identify the guidelines you must meet and all else that is expected of an employer in this regard.

It's wise—if not mandatory—for your human resources department to maintain an appendix to record legislation relevant to your business, your policies that address specific issues such as smoking, drugs, alcohol, and HIV/AIDS, and how you are to notify your staff about your policies and subsequent changes.

Where can I obtain more information?

Numerous organizations can provide advice about health and safety. The Occupational Safety and Health Administration (OSHA) is an ideal place to start. The National Safety Council and individual state public health and safety offices are other good and reliable sources. Web site addresses

for these organizations appear below. In addition, private sector consultants can help a company conform to applicable laws and establish to ensure compliance—for a fee, of course.

What to Do

Understand and Adhere to Fire Regulations

Because a fire represents the ultimate emergency for a business, it must be prepared for such an emergency situation. OSHA requires that your organization have an emergency action or response plan in place to respond to a fire or any other workplace emergency. This plan should include a workplace site plan and a description of the actions employers and employees must take to ensure everyone's safety.

The plan should also list the major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking, chemicals) and their control procedures, and the type of fire protection equipment or systems that can control fires these sources might cause or contribute to.

To complete this plan, also list:

- the names and/or job titles of individuals responsible for maintaining equipment and systems installed to prevent or control fires igniting
- the names and/or job titles of those responsible for controlling hazardous fuel sources

Assess the Risks

Because safety risks in a workplace can vary dramatically, you should determine if employees are exposed to risks because of the work they perform, or by the condition of the premises, plant, equipment, or vehicles. An employer is also responsible for any risks posed to others—such as contractors, authorized company visitors, and members of the public—that might arise from the nature of your work or condition of your facilities and premises.

To help your organization determine the extent of risk and your level of preparedness, you may want to refer to the “Ten-Point Checklist for Emergency Preparedness” developed at the University of Tennessee Safety Center and available from the National Safety Council. The checklist comprehensively addresses key topic areas, including: Warning Signals, Communications, Evacuation, Utility and Electrical Controls, Fire Suppression, Severe Storm/Tornado Shelter, Management, Housekeeping, Bomb Threats, and Security.

After completing this checklist, including your own comments, you will be able to set priorities for the immediate and longer term steps your organization should take to insure the safety of your employees and your workplace.

Report Accidents and Keep Careful Records

Deaths, major injuries, and dangerous occurrences must be reported immediately, and within 10 days a follow-up report must be submitted to the enforcing public authority. An accident that leaves a worker unable to perform the full range of his or her normal duties for more than three days also must be reported within 10 days.

No matter what kind of incidents occur, record keeping is a crucial component of health and safety compliance. In most cases, organizations with 10 or more employees are required to comply with OSHA record-keeping regulations. They must keep records for three years from the date of an incident, and the enforcing authority may request to see these records.

You must document and report the recordable injuries and illnesses of *all* employees on your payroll, whether they are executive, hourly, salaried, part-time, seasonal, or migrant workers. You also must document and report the recordable injuries and illnesses suffered by workers who are not on your payroll if you supervise them on a day-to-day basis. There is but one exception: If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for record-keeping purposes.

Self-employed individuals who are working on your premises may not be covered by the OSHA requirements. However, if contract or temporary employees are working on your site and have an injury or illness, you may be required to provide documentation if you supervise them on a day-to-day basis. You and any cooperating employment service firm should coordinate your efforts to ensure that each injury or illness is recorded only once.

Use Protective Equipment

Employers must furnish suitable safety equipment (such as safety goggles, hard hats, reinforced footwear, and reflective jackets) for use at work wherever there are risks that cannot be adequately controlled in other ways. You will have to assess what type of equipment is sufficient to offer protection against the hazards of the job, and ensure compatibility where multiple types of equipment are needed.

You must make sure that the personal protective equipment you provide is kept clean and in good repair, stored correctly, and replaced as necessary. And, you must give your employees adequate information about the equipment and properly train them how to use it.

Keep Employees Informed

Whether via training programs or posted information throughout the workplace, employees must be kept informed of new regulations, safety procedures, use of safety equipment, security requirements, and related information. Your organization should incorporate annual training and review programs to ensure employee safety, and to keep employees fully informed about what their responsibilities are and the actions they would need to take in an emergency.

Train Emergency Response Teams

Emergency response teams are the first lines of defense in almost any emergency. Before creating such teams and assigning members, the National Safety Council recommends that employers first ensure that participating employees are physically capable of performing any assigned duties. The number of teams to be trained will depend upon your organization's size, complexity, and activities.

The better prepared your workforce is for an emergency, the less likely unnecessary accidents or injuries will occur when an emergency occurs. In turn, it's good to offer emergency preparedness training to all managers and employees, in addition to the specialized training given to emergency response team members.

For managers and supervisors, training should include instruction on how to give calm direction and demonstrate leadership. They must know what to do, what their own responsibilities are, and who is in charge. They should be trained in directing equipment shutdowns, evacuation procedures and in accounting for all employees after an evacuation.

Naturally, emergency response teams should be thoroughly trained for all potential emergencies and their containment. But all employees need to know the company's specific emergency procedures, what they are expected to do, who will be directing them in an emergency, and the exact evacuation route from their department.

Employers also are obligated to provide training for new and existing employees as part of the orientation process and ongoing training programs. It needs to cover safety systems used in the workplace, health and safety policies and procedures, and the identities of employees responsible for first aid, fire safety, emergency response, and reporting accidents.

The National Safety Council also recommends testing emergency preparedness plans at least once a year, including mock drills and facility evacuations.

Secure the Premises

Contractors and visitors to your facilities are entitled to the same considerations of health and safety as your employees. They should follow the same safety procedures, too. And, as news reports too often make clear, all workplaces need to be secured to prevent unauthorized entry.

What to Avoid

You Don't Get the Right Advice

When it comes to health and safety especially, bad advice is often worse than none at all. For more detailed information, as well as practical tips, contact the Occupational Safety and Health Administration (OSHA) your state's public safety office, or local Emergency Management Services offices. Local EMS professionals can be a godsend.

You Don't Provide First Aid

Employers must have facilities to offer first aid to employees if they are injured or become ill at work. It's the law, pure and simple.

Your first task is to assess the level of first aid likely to be needed. To do this, consider the nature and degrees of risk, number of employees involved, and the location of the business. Extra consideration should be given to employees working in isolated locations, traveling through remote areas, or using potentially dangerous tools and machinery.

First aid procedures should be detailed in your health and safety policy, and all employees should be made aware of them. You should also create a first aid station that is clearly marked.

You Forget About HIPAA

The acronym stands for *Health Insurance Portability and Accountability Act*. Intended to protect the privacy of employees' medical records and conditions in this era of electronic information transfer, HIPAA sets national standards for reporting information. Congress first enacted this federal legislation in 1996, but many of its provisions didn't take full effect until 2003. These provisions affect health care providers most of all, but since many businesses offer some kind of health care coverage, their managements need to at least be aware of them, too.

There is a wealth of information available to human resources staffs and others responsible for ensuring the law is obeyed and its specific regulations are followed.

You Don't Inform OSHA, State and Local Public Safety Offices

Record-keeping requirements that govern the reporting of workplace illnesses and injuries are the laws of the land. An organization that isn't complying with these requirements faces another risk: expensive fines that can jeopardize a company's financial health.

Where to Learn More

Book:

Asbury, Stephen and Peter Ashwell. Health & Safety, Environment and Quality Audits: A risk-based approach. Butterworth-Heinemann, 2007

Web Sites:

National Safety Council: www.nsc.org

Occupational Safety and Health Administration (OSHA): www.osha.gov

HIPAA Administration: www.hhs.gov/ocr/hipaa