

O.S.H.A. COMPLIANCE

WHAT YOU NEED TO KNOW

by James C. Peterson

On December 29, 1970, President Richard M. Nixon signed *The Occupational Safety and Health Act of 1970*. This Act became the governing body of workplace safety and health standards. When the Safety & Health Act was initiated in April of 1971, it covered 56 million workers at 3.5 million workplaces. Today this number has increased to over 105 million workers at 6.9 million work sites throughout the United States.

This Safety & Health Act established the Occupational Safety and Health Administration (**OSHA**) to set and enforce workplace safety and health standards. This “Safety Bill of Rights” established standards that included fire safety and employee exposure limits. *Actually, the original standard limited worker exposure to asbestos.*

Important changes that have affected all medical facilities include the decision in 1971 to develop an enforcement strategy, changing the manner in which employer’s thought of safety prevention in the workplace. With fines for violations rising from \$100s in the 1970s to \$70,000 today for willful and repeated violation, employers and organizations are smart take the proper steps necessary to ensure worker safety.

The “New OSHA” is focused on results, making for a more straightforward approach to standard setting and a more targeted inspection program. The Bloodborne Pathogen Standard finalized in 1991 addresses biological hazards, issues such as AIDS and Hepatitis in the workplace.

Since Minnesota industry is so diverse and includes everything from logging, manufacturing to health care, Minnesota has taken advantage of an OSHA rule that allows each state to develop its own “State OSHA Plan”. Minnesota has adopted and modified national standards to fit its unique industries that were not specifically addressed in OSHA’s Federal Standards. The Minnesota OSHA Plan gives the Department of Labor & Industry the opportunity to develop performance goals for each industry throughout Minnesota.

Here’s the million-dollar question. . . **How does a medical facility develop compliance with our state plan?**

Minnesota OSHA has laid out a Four-Phased approach that each organization can use to become OSHA compliant.

Phase 1 Identifying Your Workplace Hazards

An employer is required to **IDENTIFY ALL WORKPLACE HAZARDS** an employee could be exposed to. Job Hazard Analysis, Facility Inspections and Organizational Assessments should be performed by a qualified employee, a trained professional or identified through an OSHA Inspection. As previously mentioned, OSHA enforces its rules and regulations by issuing citations for each violation. The distinct possibility of an OSHA Inspection leads to two of the most common questions SafeAssure receives. ***What Triggers an OSHA Inspection?*** and ***What Should I expect during an Inspection?***

SafeAssure consultants have had a chance to walk with OSHA during many of these inspections and feel it is important that an organization understand the inspection process.

What Triggers an OSHA Inspection?

- Imminent Danger,
- Fatal Accidents & Catastrophes,
- Employee Complaints,
- Programmed Inspections,
- Follow-Up Inspections.

What should I expect during an Inspection?

The inspection process has an **Opening Conference** where the investigator will provide affected personnel “the purpose of the investigation and its intended scope of coverage” (www.OSHA.gov). This meeting will determine who will escort the inspector during the walk-around.

The investigator will evaluate workplace **Postings and Recordkeeping Requirements**. Workplace posters, injury and illness records (OSHA 200 & 300 Logs), and written workplace safety and health programs will be reviewed. MSDS sheets & Right-To-Know training documents are considered written safety and health documents and will be reviewed.

The investigator will determine the route and extent of the **Facility Inspection**. During the inspection the OSHA investigator will “observe safety and health conditions and practices” (OSHA). He/she will discuss any unsafe or unhealthy working condition that is found with the employer. The inspector will give corrective methods and in cases where *immediate correction* may be possible. This doesn’t mean they won’t cite an organization for the violation though!

To conclude the inspection the investigator will conduct a **Closing Conference** with the employer and authorized personnel to discuss all findings and observations made during the walkthrough. The violations will be interpreted and the basis for assessing penalties will be explained. Time allowed to correct all violations (abatement time) will be discussed. The employer is also informed about contesting violations and extending abatement times.

An official report will be given to the organization describing citations, penalties and abatement times to resolve the deficiency. OSHA recently announced that all planned inspections would target the most hazardous jobs throughout all industries. ***Nursing aids, orderlies and registered nurses are all rank in the Top 10 jobs that contribute to lost workdays due to injury or illness.***

Once an organization has properly identified workplace hazards, a plan must be developed to either remove the hazard or protect the worker from the hazard. The goal should be to implement controls and prevent identified hazards from affecting an employee.

Engineering controls that physically change a machine or work environment to prevent employee exposure to a hazard are the most effective controls. Questions to keep in mind should be, if we can't eliminate a hazard, how can we minimize exposure to the hazard? By utilizing sheathing needles would be one very common example of minimizing exposure to a hazard. We haven't completely eliminated the needle stick risk but the risk is certainly reduced.

Since all workplace dangers cannot be eliminated, administrative controls and personal protective equipment also need to be introduced to minimize employee exposure.

Administrative controls can include written operating procedures, work permits, exposure time limitations, monitoring the use of hazardous materials, alarms, signs, warnings and of course employee training.

Personal protective equipment such as respirators, hearing protection, protective clothing, safety glasses etc. is acceptable as control methods when engineering controls are not feasible or do not totally eliminate the hazard, when safe work practices do not provide sufficient additional protection and during emergencies when engineering controls may not be feasible.

In situations where the hazard cannot be completely eliminated a combination of hazard controls will most likely be the best solution. Managers and supervisors must be aware that not all controls are equal. Interim controls can be used when more effective controls are being sought, developed, or evaluated.

This may involve changing how employees perform their jobs tasks. Discuss your recommendations with all affected employees and consider their responses carefully. If you plan to introduce new or alter existing job procedures, be sure employees understand what they are required to do and the reasons for the changes.

Phase 3 Informing Your Employees

When workplace hazards have been identified and controls introduced, top management, supervisors, safety and health personnel, employees, and employee representatives should be provided with training that describes these control measures.

Standards developed by the Occupational Safety and Health Administration require the employer to train employees in the safety and health aspects of their jobs initially upon assignment, and/or annually. Many of these OSHA standards make it the employer's responsibility to limit certain job assignments to employees who are "certified," "competent," or "qualified"—meaning that they have had special previous training, in or out of the workplace. The term "designated" personnel means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

Training records provide evidence of the employer's good faith and compliance with OSHA standards. Documentation can also supply an answer to one of the first questions an accident investigator will ask: "*Was the injured employee trained to do the job?*"

Many researchers and studies conclude that those who are new on the job have a higher rate of accidents and injuries than more experienced workers. To help employers, safety and health professionals, training directors, and consultants can help fulfill OSHA training-related requirements.

Phase 4 Monitoring Your Safety Programs

The final step involves periodically reviewing your hazard findings and recommendations. An Organizational Administrator, Safety Committee or Safety Coordinator should examine the organizational records and injury reports and approve the job tasks, hazards, and hazard control recommendations used throughout each facility. A periodic review involving supervisors and department heads ensures an organization will remain current with existing regulations and continue to help reduce workplace accidents and injuries.

Review the workplace hazard assessment if an illness or injury occurs on a specific job. Changes to the job procedure to prevent similar incidents in the future might be necessary. Remember that a combination of changes and existing circumstances may cause new hazards to appear or old hazards to reappear.

If an employee's failure to follow proper job procedures results in a "close call," discuss the situation with all employees who perform the job and remind them of proper procedures. It is important to train all employees affected by changes made in new job methods, procedures, or protective measures adopted. The MN OSHA formula for compliance, if followed properly, will most likely have positive effects on an organization.

In conclusion, if you receive outside help, or if you meet the OSHA requirements utilizing your expertise, you and your employees need to remain involved in the process of identifying and correcting hazards. It should be everyone's mission to create and maintain a safe workplace environment so that we all leave work as healthy and happy as we were when we arrived at work.