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Consider This

HEALTH & SAFETY NEWSLETTER
MARCH 2015

Developing Effective EH&S Metrics

Engaging Your Safety Committee

Employers with Multiple Locations

Captain Obvious

Employers Cited for OSHA Non-Compliance

Fatal Explosion Brings OSHA Citations

Work Safe. Live Safe. Stay Safe.

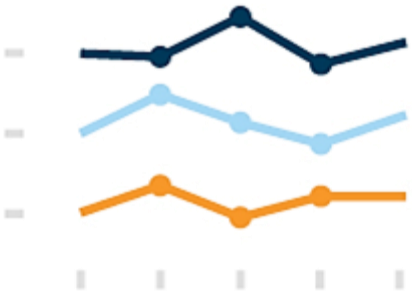
Developing Effective EH&S Metrics

True business values are often reflected in what is measured and how it is measured.

Identifying and measuring effective EH&S metrics is essential to business. Keeping the following criteria in mind, companies can develop metrics that drive EH&S performance, support continuous improvement, and help companies focus their people and resources on what's important.

You can't measure everything – Quantity does not equal quality when selecting EH&S metrics. Not only can efforts to compile, analyze, and communicate metrics be laborious and expensive, but large numbers of metrics also make it hard to focus on what is really important. Employees can become unclear about what areas are critical for EH&S success.

Keep the number of metrics manageable. Evaluate the frequency and severity (or potential severity) of incidents to prioritize what metrics should be measured. Try to focus on the four or five key metrics that reflect the true drivers of EH&S Performance, align with the company's values and priorities, and generate actionable performance data.



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Developing Effective EH&S Metrics (Cont.)

Metrics should be SMART - The SMART test can be used to provide a quick reference to determine the quality of EH&S metrics. All metrics must be Specific, Measurable, Attainable, Realistic, and Timely.

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Developing Effective EH&S Metrics (Cont.)

Repeatability is important – Repeatability should exist in both the data collection and the metric calculation to ensure variations are not introduced into the metrics. Data should be collected in exactly the same manner across single or multiple departments, facilities and offices, nationally or internationally, and metric calculations should give the same result regardless of who calculates it.

Consider piloting metrics – Before rolling metrics out company- or facility-wide, consider piloting the metrics within a few select sites or departments. Piloting the metrics will give companies the opportunity to evaluate the metrics, gather feedback and buy-in from field and line management, and make necessary revisions to the data collection and calculation processes.

Monitor the metrics for change – As improvements are realized and the company evolves, the metrics will also need to evolve. Metrics can become dated over time and may no longer measure what they were intended to measure. Periodically examine metrics, and ensure they are adjusted to steadily drive EH&S performance and support continuous improvement.

Our health and safety team can guide companies in the development of effective EH&S metrics and assist them in leveraging performance data to identify, track, reduce, and eliminate hazards.

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Engaging Your Safety Committee

Let's face it, safety isn't always presented as the most exciting or energizing topic in the workplace. Safety leadership often faces the challenge of keeping their committees engaged, motivated, and actively participating in meetings or trainings.

- Do committee team members seem bored, unengaged or reluctant to speak?
- Are issues rolling over each month with no authority to implement corrective action?
- Have you noticed decreased participation or feedback during committee meetings or trainings?
- Are you yourself droning through your meetings and presentations?
- Are you using the same format to present safety topics to your team (i.e., same agenda, showing repeat videos or reusing the same PowerPoint, slides, and handouts year after year)?
- No budget? Is the committee considered an investment and provided tools and resources?

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Engaging Your Safety Committee (Cont.)

If you answered yes, then maybe it's time to rethink your approach to communicating with your safety team members. A few of these simple changes can bring life back to your safety committee and increase the effectiveness of your workplace safety programs

Put some pep in your step!

Delivering your meetings with a positive tone and energetic manner will not only hold the attention of your team but it is sure to be contagious. Safety can be made entertaining and interesting.

Encourage participation.

Attendees will pay more attention and stay engaged when encouraged to participate. Incorporating their thoughts and resources into the meetings shows employees they are valued. Past efforts never getting addressed may be why some are reluctant to speak

Define the purpose.

If your safety team members do not understand their role on the committee or the purpose of the program, participation may be lackluster. Safety Committee training is key! Provide team members with a unique role and a clear set of tasks they will easily understand and follow.

Ask for feedback.

The best way to find out what your committee needs to stay energized and motivated is to ask! Collect employee surveys, conduct interviews with members, and review your meeting minutes.

Don't be afraid of change.

Presenting identical material in the same format is sure to lose attention. Keep meetings fresh by creating new agendas and incorporating interesting graphics and relevant topics through various teaching-tools such as videos, podcasts, PowerPoint, and hands-on exercises.

Determine a budget.

A safety committee should be considered an investment. Keeping personnel safe can generate ideas for third party trainings and demonstrations, health fairs, campaigns and other activities.

Does your state offer incentives for having a Safety Committee? Call EHS Support to find out!

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Employers with Multiple Locations

OSHA's Enterprise Enforcement

Employers with multiple locations are experiencing OSHA's recent interest with follow-up inspections and repeat citations, potentially costing employers thousands of dollars. There are four citations characterized by OSHA.

1. Other Than Serious (OTS)
2. Serious
3. Willful
4. Repeat

The maximum penalty for OTS and Serious citations is only $7,000 per violation; however, OSHA can issue Willful and Repeat violation penalties up to $70,000 per violation. Through this rigorous pursuit of Repeat violations, OSHA is issuing much higher penalties.

Repeat violations are issued when an employer has been previously cited substantially similar violation (generally, a citation issued under the same standard for the same violation). Under previous administration, Repeat violations were rarely issued. However, OSHA under the Obama Administration how OSHA investigates Repeat violations.

Previous Administration	Current Administration
• Historically regarded workplaces as individual, independent establishments • Limited review of employers' OSHA records for past violations to form the basis for a repeat to three years back • Picked inspection targets reactively; therefore, OSHA was less likely to revisit a workplace within a few years.	• Treats related workplaces within a corporate family as one workplace • Looks back five years for past violations to form the basis for Repeats • Proactively selects inspection targets with past violations to find and cite for Repeat violations.

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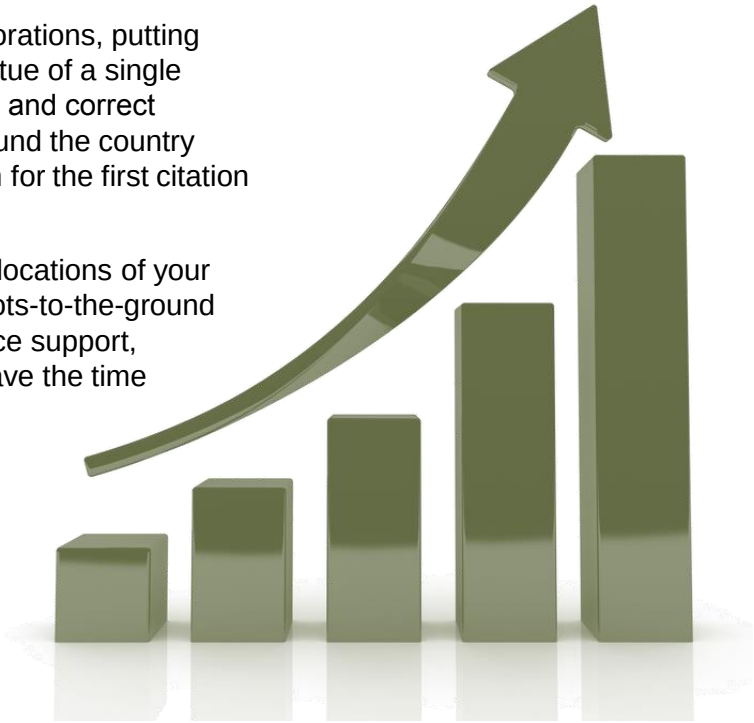
OSHA's Enterprise Enforcement (Cont.)

As a result of OSHA's new approach to Repeat violations, OSHA has increased the number of Willful and Repeat violations it issues by more than 215%. OSHA's heavy use of follow-up inspections and repeat violations has contributed to the number of significant enforcement actions (cases over $100,000), tripling over years 2010 through 2012 and gradually increasing through 2014.

This practice has had serious consequences for national corporations, putting them at risk for Repeat violations throughout the country by virtue of a single citation at just one location. A company's failure to investigate and correct the same safety hazard at each of its facilities or locations around the country now leads to Repeat violations and substantial penalties, even for the first citation ever issued at another location.

Are you able to efficiently and effectively manage the multiple locations of your organization? EHS Support personnel have experience in boots-to-the-ground assistance. If you are in need project management, compliance support, enterprise-wide mandatory abatement initiatives and do not have the time to oversee, contact us immediately.



If you would like more information about these changes or would like assistance or support involving these enforcements, contact Monica Meyer at monica.meyer@ehs-support.com

References: By Eric J. Conn, a Member of the law firm Epstein Becker & Green LLP in its Washington, D.C. office, and Alexis M. Downs, an associate in the firm's New York City office. Legal Backgrounder, June 22, 2012, 4 pages
OSHA FY 2013 inspection, Enforcement Statistics

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Why is it that safety professionals are getting heckled when we provide reminders on basic safety information and then go into a facility to conduct a mock-OSHA audit and find the same type of potential hazards or non-compliance items over and over again? Each month we feature a "Captain Obvious" photo to share simple safety reminders that are found on jobsites every day.

CORRECTIVE ACTIONS

Train personnel not to use a self-supporting ladder (e.g., step ladder) as a single ladder or in a partially closed position.

FINDING

Step Ladder Used as a Single Ladder

Click the OSHA Quick Card link below for OSHA's Portable Ladder Safety Rules.

OSHA QUICK CARD™

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Employers Cited for OSHA Non-Compliance

When conducting facility walks with company managers, a repetitive scenario typically gets questioned. "Our overall safety program seems to be working, but we have this one individual who seems to buck the system. He's a good worker, been with us for quite some time and we can't afford to see him go." Does this sound familiar? The Occupational Safety and Health Administration (OSHA) can cite an employer for a violation even when only one employee fails to follow OSHA regulations. However, if the employer could not prevent the employee's misconduct, this may be a defense to the citation. Company managers play an important role in making this a viable defense, by establishing workplace rules to follow OSHA regulations, and properly supervising employees to ensure compliance with the rules.

Unpreventable (or Unforeseeable) Employee Misconduct Defense

If the citation is based on an isolated incident, such as an employee failing to wear personal protective equipment during a task (i.e., no safety glasses when using a grinder), the employer can contest the citation by professing the misconduct was unpreventable. First, whereas it is OSHA's burden to prove that the employer had knowledge of a violation, the employee misconduct defense is an affirmative defense, meaning the employer bears the burden of proof. Second, employer knowledge is a single element defense – the employer either had knowledge or it did not. The employee misconduct defense has several elements, all of which must apply for the employer to prevail. To successfully use this defense, the employer must prove that it:

- Established a work rule adequate to prevent the violation;
- Effectively communicated the rule to employees;
- Established methods for discovering violations of work rules, and yet did not know about an isolated violation of the work rules; and
- Established effective enforcement of the rule when violations are discovered.

Documentation is the key to all of these elements. We tell our clients all the time, in OSHA's mind, if it's not documented, it didn't happen.

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Manager's Role

"We can't watch every single employee 8 hours per day to make sure they follow our procedures." This is very true, no one can. Companies are typically able to produce procedures and associated training records, but often struggle to produce written evidence of active supervision, not to mention demonstrating they enforce violation through discipline. Company managers prepare to defend against OSHA citations for isolated incidents by adequately documenting company compliance with OSHA regulations -- before an OSHA inspection occurs. Written safety policies and procedures need to be readily accessible, training records should include dated sing-in sheets, training topic, trainer name, training agenda and associated test. Policies, procedures and programs should be prepared that require managers, supervisors or group leaders to regularly verify that the company policies are being followed along with documented audits and audit findings. Whenever a violation of a safety policy occurs, it should be documented, along with notations on any discipline imposed (even if a verbal warning is issued).

Don't Forget…

An OSHA compliance officer has the authority to inspect a workplace without prior notice. Company owners and managers are expected to know the OSHA regulations that apply to their workplace, which is not an easy task.

To facilitate compliance, EHS Support personnel understand the company's and manager's roles and have assisted countless clients with the implementation of sound H&S programs accompanied by audits of performance and compliance. Does your team need repositioning for regulatory compliance, accident prevention, training or defense? Contact our Technical Experts today!

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Fatal Explosion Brings Awareness and OSHA Citations

EHS Today posted an article titled, "**OSHA Goes Alpha on Omega, Says Welders Unaware of Toxic, Explosive Fumes Until Blast Kills Worker**," reporting the tragedy that led to the death of one worker, as well as a disaster in respect to ongoing citations. The list of citations is lengthy and repetitive. Why are these types of tragedies filling headlines repeatedly? Companies need to take the lead and educate personnel on the hazards associated at respective facilities as well as temporary personnel conducting one-off tasks.

Standards that present provision to prevent injury, loss of life, and loss of property from fire or explosion as a result of hot work projects such as welding, heat treating, grinding, and similar applications producing or using sparks, flames or heat can be found in NFPA 51B. In addition to covering fire prevention precautions including personal protective clothing, permissible and non-permissible areas, hot work permits, and fire watch, NFPA 51B also provide criteria concerning responsibility for safety in hot work operations with regard to management, permit authorizing individuals (PAIs), hot work operators, fire watch and contractors.

Take note that OSHA not only cites the company where the incident occurred, but also two other contractors and the employment agency. Get educated, educate personnel and implement corrective actions. Don't wait until your company is headlining newspapers and magazines to address safety.

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Contact Monica Meyer at Monica.Meyer@ehs-support.com today to learn more about how we can help you manage your health and safety risks.