

Safety compliance: Address OSHA requirements and get employees on board

As an employer, you probably know you need to comply with a variety of workplace safety rules. The federal Occupational Safety and Health Administration (OSHA) is the primary source of these rules, which cover everything from machinery and equipment safety to hazardous chemicals to personal protective equipment (PPE). And if you're located in California or another one of the 20 or so states that operate their own federally approved occupational safety and health programs (known as state-plan states), you may have additional or more stringent regulations to follow.

But what does safety compliance mean to you? Is it something you approach reluctantly and dedicate the bare minimum of time and resources to? Or do you view your compliance responsibilities as a starting point for developing a strong safety program that can protect your employees, strengthen your bottom line, and support your business goals?

Safety compliance: Why it matters

Compliance with OSHA regulations is the law. But that's not the only reason you should care about adhering to safety standards. In addition to keeping your most important asset—your employees—safe, a strong safety program can save your company money, enhance your reputation, and provide a plethora of other benefits.

Investing money in safety can boost your bottom line in several ways. First, there's the obvious matter of avoiding OSHA citations and fines. OSHA recently increased its penalties by 78 percent, and going forward, penalties will continue to increase annually with the inflation rate. A single serious violation can now cost up to \$12,934, while a willful or repeat violation can cost up to \$129,336—and those numbers will only go up.

In addition, from machine guarding to PPE, implementing the safety measures OSHA requires will protect your workers from on-the-job injuries. A workforce that experiences fewer injuries will be more productive, will make fewer workers' compensation claims, and will need less time away from work to recover—all of which translates into a healthier bottom line for your company.

Your safety program can also impact your company's reputation, for better or for worse. OSHA citations and fines are a matter of public record, which means that any job seeker, potential customer, or client can find out what safety violations you've been cited for. Depending on what they find, they may decide to take their business or skills elsewhere. And in cases with large fines and serious hazards, OSHA itself will issue a press release naming your company and describing your safety deficiencies in detail. That's the kind of publicity you want to avoid.

Lastly, the publicly available safety information about your company will soon increase. OSHA recently finalized its new rule regarding the tracking and electronic reporting of workplace injuries and illnesses. Once the new rule is fully implemented, large employers (those with 250 or more employees) will be

required to submit data from their OSHA 300 logs, 301 incident reports, and 300A summaries to OSHA annually, while certain companies with 20-249 employees in designated industries will be required to submit summary data from form 300A. OSHA plans to post this injury data, stripped of personally identifiable information, to a public Web page, giving job-seekers, customers, and clients yet another way to determine whether they want to do business with you. Data submissions will begin in 2017, so it's in your best interest to make sure your safety programs are on target sooner rather than later.

OSHA compliance: Basics for employers

All employers covered by OSHA must comply with the General Duty Clause (GDC) of the Occupational Safety and Health (OSH) Act of 1970. Section 5(a)(1) of the OSH Act requires employers to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." In other words, it's your duty under the law to provide a safe workplace for your employees.

The GDC is not a standard; however, because OSHA cannot create a specific standard for every possible workplace hazard, the agency often relies on the GDC to cite employers that expose their workers to hazards for which no specific regulation exists. Some issues for which OSHA has cited employers under the GDC include heat stress, workplace violence, and ergonomic hazards. So it's important to remember that even if you think you've covered all your bases regarding OSHA compliance, you also need to protect employees from any additional "recognized hazards" they may encounter in the workplace, even if no OSHA standard exists. A hazard may be considered "recognized" if it has caused injuries or near misses, if industry consensus standards exist around it, or if employees have brought it to the attention of management, for example.

The specific OSHA standards employers need to know are located at 29 CFR. General industry regulations are listed in 29 CFR 1910, while construction-specific standards are listed in 29 CFR 1926. There are also standards for shipyards (29 CFR 1915), marine terminals (29 CFR 1917), longshoring operations (29 CFR 1918), and agriculture (29 CFR 1928).

Broadly speaking, OSHA regulations are divided into safety standards and health standards. Safety standards cover hazards that are likely to cause immediate harm or injury to employees and range from regulations for using forklifts and other equipment to electrical safety rules to requirements for PPE. Health standards address hazards that are likely to cause illness, such as exposure to hazardous chemicals, bloodborne pathogens, and poor indoor air quality.

With the exception of injury and illness recordkeeping (i.e., OSHA 300 logs), the requirements for which are located at 29 CFR 1904, recordkeeping requirements are incorporated into the individual standards. Many standards incorporate a training component, and some require employers to create a written program or plan.

Because of the sheer number of standards and their level of detail, trying to determine what applies to you by looking at the complete list of OSHA regulations may seem overwhelming. A job hazard analysis, or JHA, can help. A JHA is a systematic way of looking at the conditions, tasks, and processes in your facility and

identifying the actual and potential hazards they pose to your workers. Once you've completed your JHA, it will be much easier to quickly determine which OSHA standards apply to your workplace.

The following provides a brief overview of a few key OSHA regulations that apply to many workplaces; your JHA will help you to identify others.

Electrical safety. OSHA divides its electrical safety regulations into two major categories: design safety standards (29 CFR 1910.302–1910.308) and safety-related work practices (29 CFR 1910.331–1910.335). The design safety standards apply to systems that provide power and light to workplaces and cover electrical installations and equipment installed or used within or on buildings, structures, and other premises. The safe work practice rules provide standards for both qualified employees (those with a specific level of training) and unqualified employees (those with little or no training) who work on, near, or with various electrical components.

Hazard communication. Under OSHA's hazard communication standard (29 CFR 1910.1200), which is one of the most frequently violated OSHA standards, employers must inform workers of all chemical hazards to which they could be exposed at work and train them to take appropriate precautions. Requirements under the hazard communication standard include:

- Developing and implementing a written hazard communication plan;
- Keeping an inventory list of all hazardous chemicals in use at the facility;
- Making safety data sheets (SDSs) for all chemicals in use at the worksite available to workers,
- Ensuring that chemical containers are properly labeled; *and*
- Training workers to recognize and understand the hazards of the chemicals they could be exposed to, read and interpret chemical labels and SDSs, and take appropriate precautions when working with hazardous chemicals.

Machine guarding. The machine guarding standard (29 CFR 1910.212) is intended to protect workers from injuries resulting from accidental contact with machinery and requires that any machine part, function, or process that may cause injury be guarded. Guarding methods include barrier guards, two-hand tripping devices, and electronic safety devices. Additional guarding requirements for specific types of machinery can be found in 1910.213–1910.219.

Lockout/tagout. The lockout/tagout standard (29 CFR 1910.147), also known as the control of hazardous energy, is intended to prevent the severe injuries that can occur when equipment or machinery unexpectedly starts up during service and maintenance. The standard requires employers to use locks and/or tags to prevent equipment from operating while it is being serviced. The standard also requires a written program that includes energy control procedures, employee training, and periodic inspections.

PPE. OSHA's PPE standard (29 CFR 1910.132) requires all employers to assess the workplace for hazards that necessitate the use of PPE by employees. This hazard assessment is similar to a JHA, but is specifically focused on PPE. PPE is required when engineering or administrative controls are not feasible or do not reduce a hazard sufficiently. The hazard assessment must be certified in writing.

For any PPE that employees will be required to wear, the employer must:

- Select PPE that properly fits employees and offers the needed level of protection;
- Provide it to workers at no cost (with a few exceptions); *and*
- Provide training on its proper use, care, storage, and disposal.

There are also specific regulations for individual types of PPE. These regulations specify when the particular type of PPE must be used. To regulate PPE design and specifications, most of the rules reference industry consensus standards.

The specific PPE regulations cover:

- Eye and face protection (1910.133),
- Respiratory protection (1910.134),
- Head protection (1910.135),
- Foot protection (1910.136),
- Electrical protective equipment (1910.137), *and*
- Hand protection (1910.138).

There are also some PPE provisions in OSHA's HAZWOPER rule (29 CFR 1910.120) and its rule for occupational noise exposure (29 CFR 1910.95). Additionally, some of OSHA's industry-specific rules (e.g., logging, telecommunications, electric power generation) have their own PPE requirements.

Keep in mind that there are many types of PPE not covered in the standards outlined above. That's why a comprehensive hazard assessment is so important. It should help you to identify jobs or tasks that require some form of PPE, even if there is no OSHA standard specific to the kind of PPE your employees need.

Slips and falls. Slips, trips, and falls are some of the most common causes of workplace injuries. To prevent these injuries, Subpart D of OSHA's general industry standards, Walking and Working Surfaces (29 CFR 1910.21–1910.30), regulates most areas where employee work or travel in the workplace, including stairs, ladders, scaffolding, floor openings and holes, and aisles. It includes specifications for the design, construction, and installation of these working surfaces, as well as safe work practices for equipment such as ladders and scaffolds.

Compliance: Getting employees on board

Even if you think you've checked all the right boxes when it comes to compliance, there's a crucial ingredient you may be forgetting: your employees. All the safety programs and policies in the world are useless if your employees aren't on board.

For example, you could purchase the latest and greatest PPE, but if employees don't wear it properly and consistently, they're not protected, and you're not in compliance. Having a system in place for ensuring that employees adhere to the safe work practices they're required to follow is a key part of complying with OSHA regulations.

Provide effective training

A strong training program should be your starting point for gaining employee buy-in. Training is specifically required in many OSHA standards, including the PPE standard, but that's just one reason to do it. Employees can't comply with your programs if they don't know how, and training is key to bridging the gap between a program on paper and a program in practice.

For example, in the case of PPE, it's not enough just to provide it. You also need to instruct employees in when they need to wear it, how to wear it properly, how to inspect it, how to store and care for it, and how to dispose of it properly. The more hands-on your training can be, the better. Demonstrating to employees, using real equipment, how to wear their PPE, and then having them replicate the proper procedures, will be more effective and will be retained better than a lecture or a video that covers the same information.

Training isn't a one-time event; it's a process. You should be constantly evaluating your training to make sure it's effective by assessing your employees' knowledge and observing their work practices. If you notice gaps, that's a sign that a refresher or retraining might be in order. You'll also need to retrain your employees whenever you introduce new equipment, new hazards, or new tasks to the work environment.

Create and enforce clear policies

Along with your training program, it's critical to have effective safety rules and policies, along with a disciplinary program to address employee noncompliance. Of course, you need to communicate these rules and policies to employees clearly; if they don't know what's expected of them, you can't fault them for making mistakes.

You also need to communicate your disciplinary policies to employees and enforce them consistently. The most effective disciplinary programs tend to be progressive, with a first offense or a minor infraction earning a mild consequence such as a verbal warning, while severe or repeated disregard for safety can eventually lead to consequences up to and including termination. Be careful, though, that your disciplinary programs don't retaliate against employees for reporting injuries and hazards. They should be focused on behaviors (e.g., not wearing required PPE) rather than outcomes (e.g., getting injured).

Engage employees

It's equally important to make sure that discipline isn't the only way you're managing employee compliance. If you only address safety through a negative, punishment-based model, employees may become afraid to raise safety concerns or ask questions if they're not sure how to do something safely. To build a strong safety program, it's essential to keep the lines of communication open. After all, your employees are your eyes and ears on the front lines. They'll notice and encounter hazards before anyone else, and if they know they can raise concerns without fear of reprisal, your workplace will be a safer place for everyone.

When confronted with an employee who's not following safety policies, it can be tempting to assume that the only root cause is disobedience or laziness and proceed straight to discipline. But it's more productive,

and will foster a better relationship with your workers, to take a step back and consider other reasons an employee might not be adhering to your safety rules.

For example, maybe you see an employee who isn't wearing the fire-resistant clothing he's supposed to wear—or maybe he's wearing it, but not properly. Instead of immediately reacting with a disciplinary approach, try asking him why he's not wearing his protective garments properly, and listen to what he has to say. Maybe he doesn't know he's not wearing his garments correctly; maybe they don't fit him properly and get in the way of his tasks. Both of those problems can be solved, the first by providing additional training and the second by providing the clothing in a more appropriate size. By listening to your worker's concerns rather than punishing him right away for noncompliance, you've opened a dialogue and engaged him, making it more likely that he'll comply in the future.

You can take employee engagement a step further and involve your workers in selection and purchasing decisions for PPE and other safety equipment. After all, they're the ones who will be wearing or using the equipment most frequently, so it makes sense to take their preferences into account. And if your workers have a hand in picking out their own PPE, it's more likely that they'll wear it consistently and compliantly. You don't necessarily need to provide hundreds of options for your workers to choose from; start with a few that are within your budget, and allow your workers to choose from those.

Secure supervisor support

Finally, to gain employee buy-in, you need to get your supervisors on board. As the most frequent and immediate point of contact with management, supervisors have an enormous impact on how employees perceive the importance of safety in the workplace. If supervisors send a message that safety doesn't matter, employees will follow suit.

To be effective messengers for your safety program, supervisors must lead by example. They can't be exempt from safety rules that front-line workers must follow. If employees are required to wear PPE to perform certain tasks or work in certain areas, supervisors and managers must do the same.

Gaining buy-in from your supervisors requires all the same elements that securing employee engagement entails: effective training, clear rules and policies, and open communication. The training you provide to your supervisors should be targeted to their role as leaders in the workplace. And just like your front-line employees, seeking feedback from and listening to your supervisors will go much farther toward getting them on board than a punitive approach.

Conclusion

A strong safety program begins with OSHA standards, but it doesn't end there. OSHA standards provide a starting point, but to take your safety program to the next level, you need to get employees on board through a combination of training, engagement, and discipline when necessary. With managers, supervisors, and employees all working together, you'll be able to build a culture of safety that complies with OSHA regulations, prevents employee injuries, saves money, and strengthens your company's reputation.