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Occupational Safety
and Health Administration
www.osha.gov
800-321-OSHA (6742)

OSHA Update

September 6, 2018

2:00 PM

Dale Glacken,
Compliance Assistance Specialist
Harrisburg Area Office

CAS Material Developed & Distributed

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics ***[or hazards]***, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.

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OSHA Update:

1. Statistics
2. Recordkeeping: Recording, Electronic, Reporting
3. Incentive/Disincentive Programs
4. Temporary Employees
5. Help

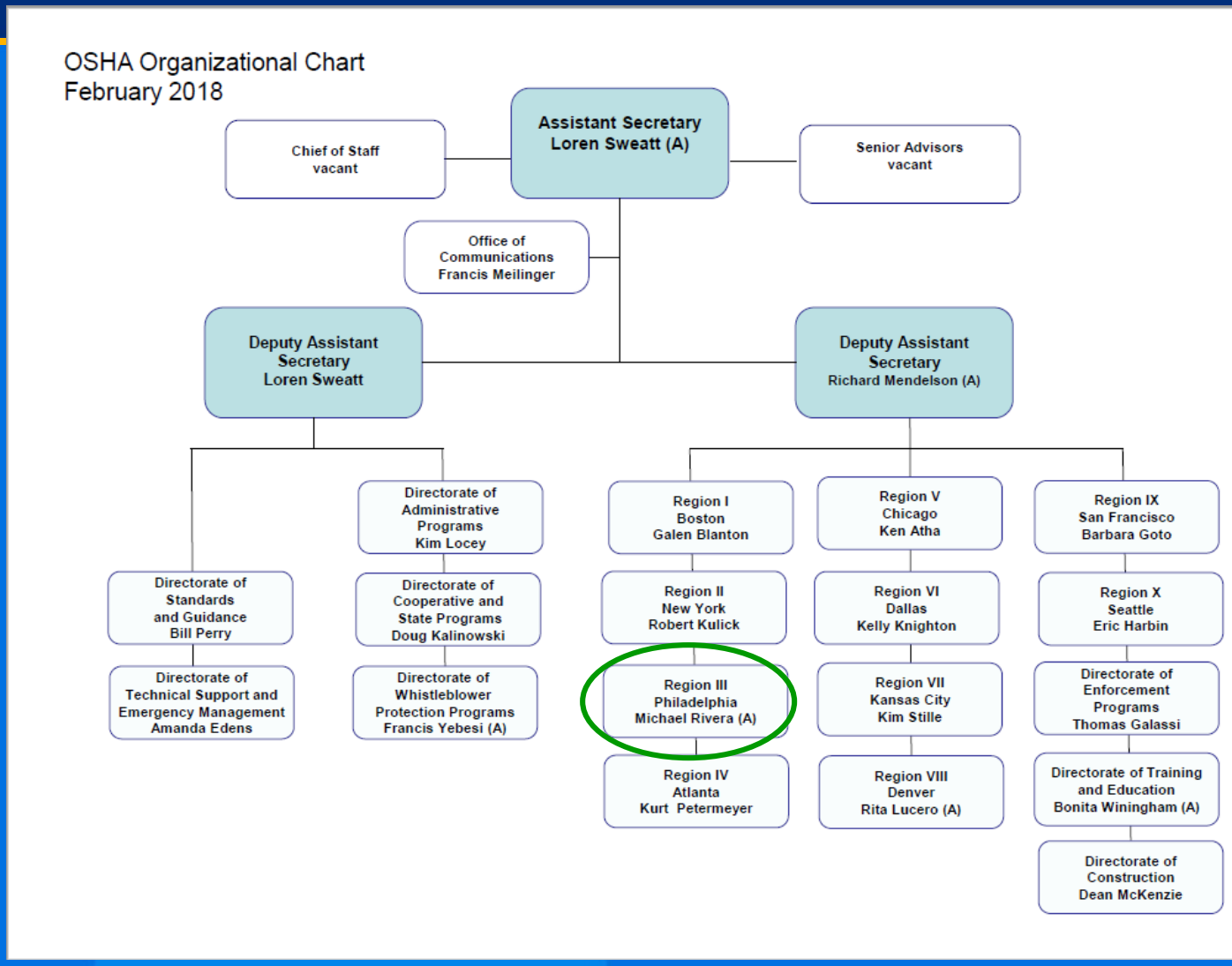
Secretary of Labor – R. Alexander Acosta

- Executive Secretary
- Center for Faith Based & Neighborhood Partnerships
- Office of the Ombudsman for the Energy Employees Occupations Illness Programs
- Office of Public Engagement
- **Office of the Secretary of Labor**
- Office of the Deputy Secretary
- Office of Administrative Law Judges
- Benefits Review Board
- Employees' Compensation Appeals Board
- Administrative Review Board

- Office of Congressional & Intergovernmental Affairs
- Office of the Assistant Secretary for Administration & Management
- Office of the Chief Financial Officer
- Office of the Solicitor
- Office of Public Affairs
- Office of the Assistant Secretary for Policy
- Employee Benefits Security Administration
- Employment & Training Administration
- Women's Bureau
- Veterans' Employment & Training Services
- Office of Federal Contract Compliance Program
- Office of Labor-Management Standards
- Office of Workers' Compensation Programs
- Wage & Hour Division
- Office of Disability Employment Policy
- Occupational Safety & Health Adminstration
- Mine Safety & Health Administration
- Bureau of Labor Statistics
- Bureau of International Labor Affairs
- Office of Inspector General
- Pension Benefit Guaranty Corporation

Leadership

Deputy Assistant Secretary - Loren Sweatt



OSHA Leadership
Loren Sweatt

Deputy Assistant Secretary of Labor for Occupational Safety and Health

Loren Sweatt joined the Occupational Safety and Health Administration July 24, 2017.

Ms. Sweatt joins the agency from the U.S. House of Representatives where she served as a Senior Policy Advisor at the Committee on Education and the Workforce for the last 15 years. In this role, Ms. Sweatt handled workplace safety issues before the Committee to include OSHA and the Mine Safety and Health Administration.

As of 01/11/2018: No update as to when there will be a vote on the Assistant Secretary confirmation of Scott Mungo (FedEx executive)

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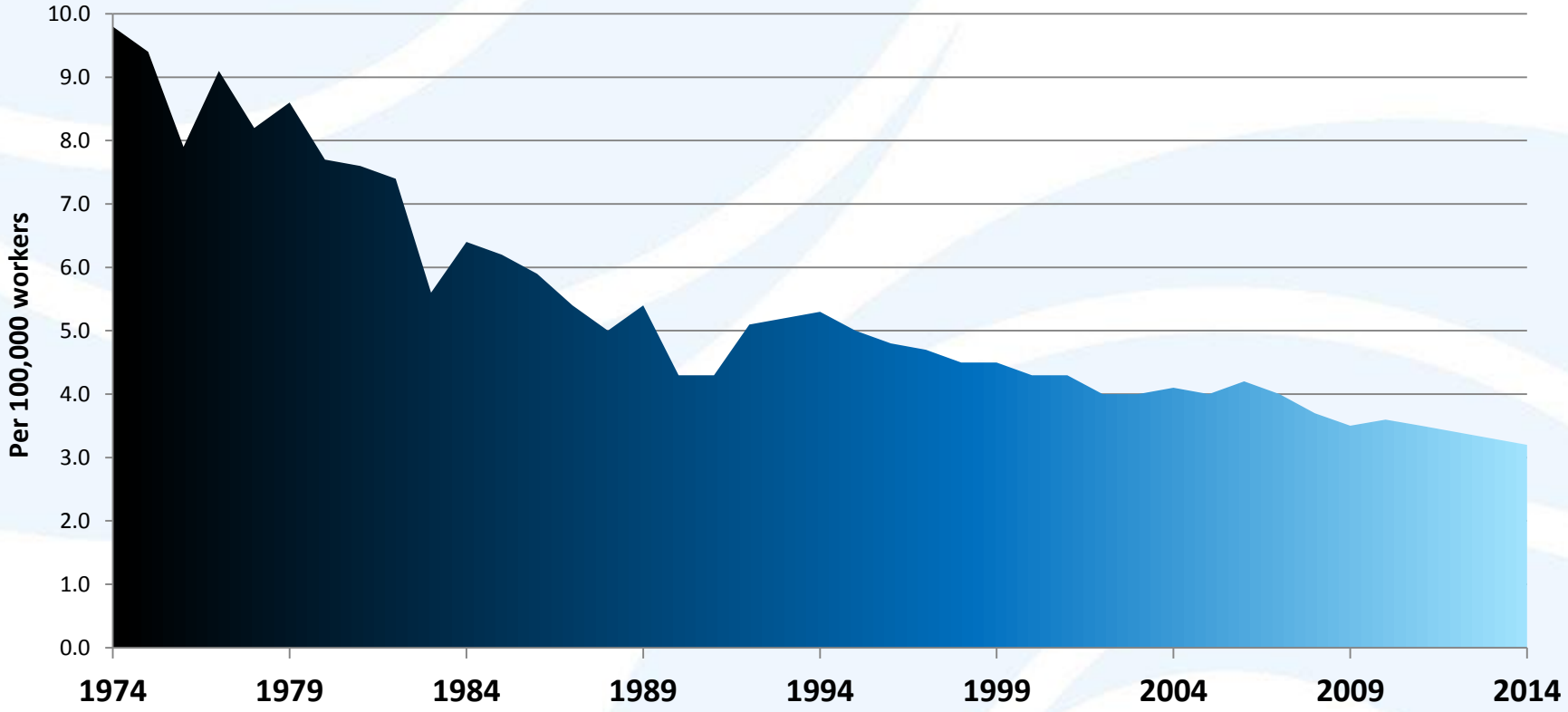
Rate of fatal workplace injuries



- 1974-2001 data were estimated from BLS Survey of Employers
- 2002-2013 data were gathered from BLS Census of Fatal Injuries
- In 2006, BLS switched from employment-based calculations to hourly calculations

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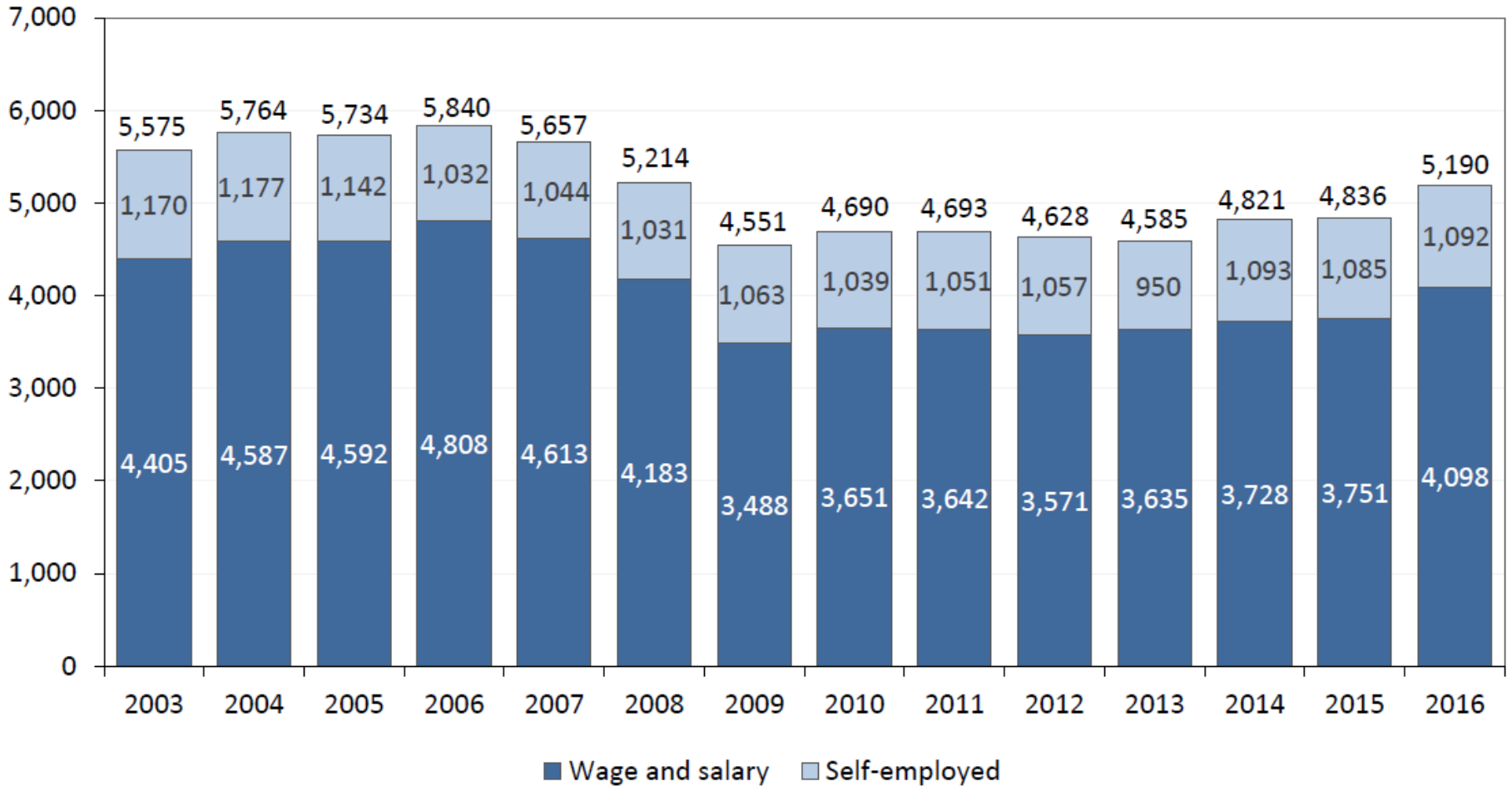
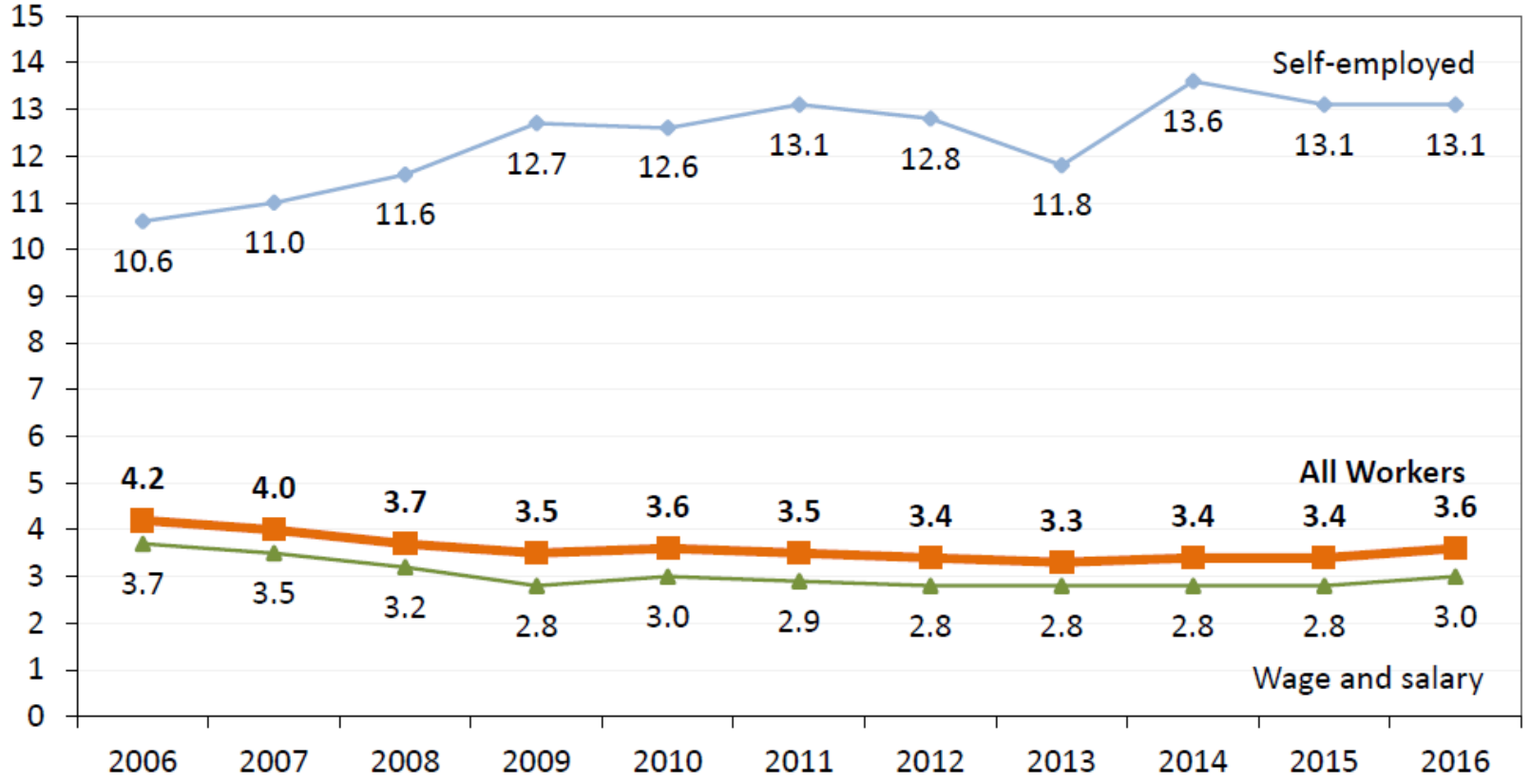
Number of fatal work injuries by employee status, 2003–16



- A total of 5,190 workers died from an occupational injury in 2016.
- This number increased by 7 percent from 2015 and is the highest count since 2008.
- Self-employed workers have consistently accounted for around one-fifth of fatal work injuries.

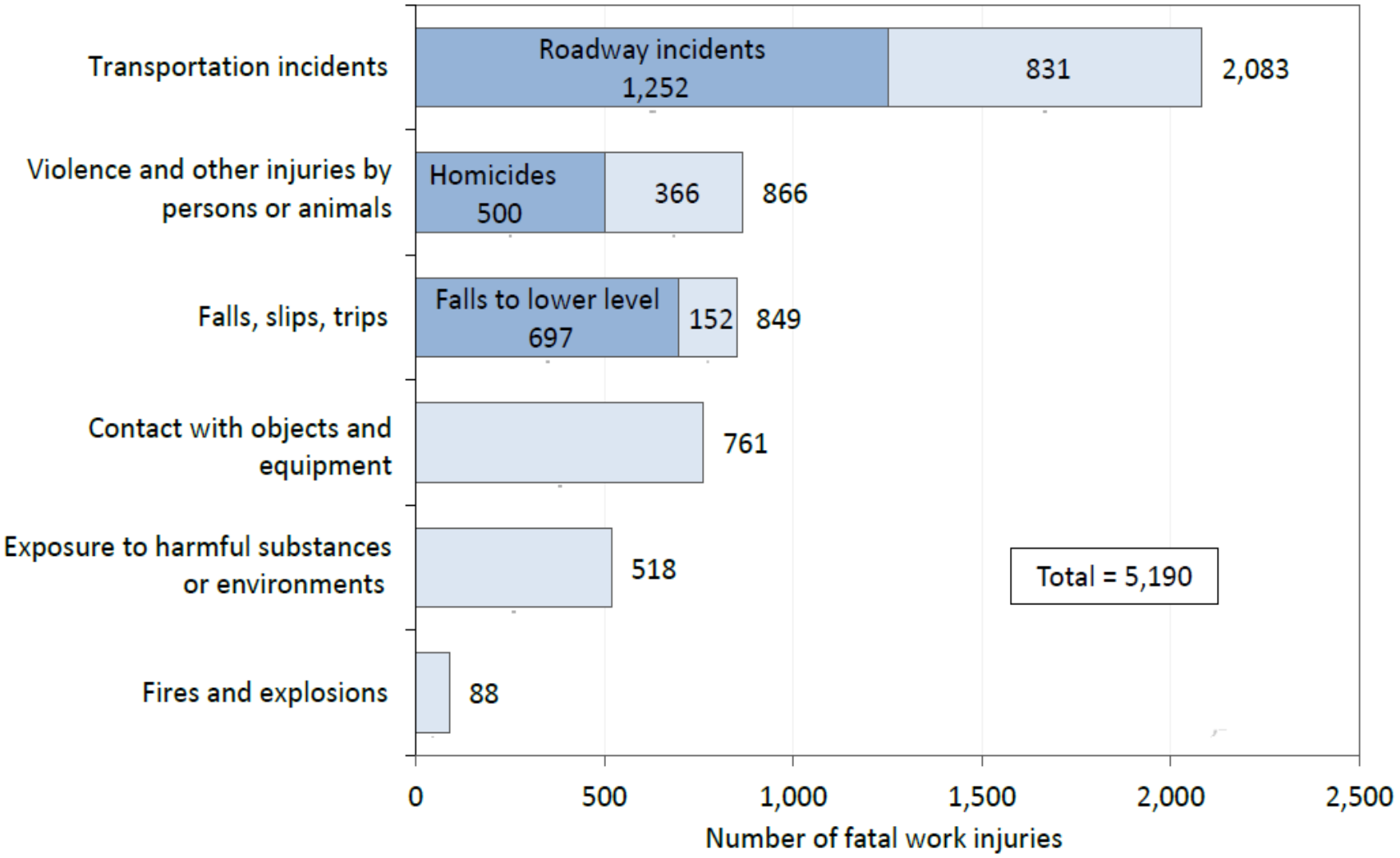
Rate of fatal work injuries per 100,000 full-time equivalent workers by employee status, 2006–16



- The 2016 all-worker fatal work injury rate was 3.6 fatal work injuries per 100,000 full-time equivalent workers (FTEs).
- The rate for self-employed workers has consistently been higher than that of all workers since the adoption of hours-based rates.

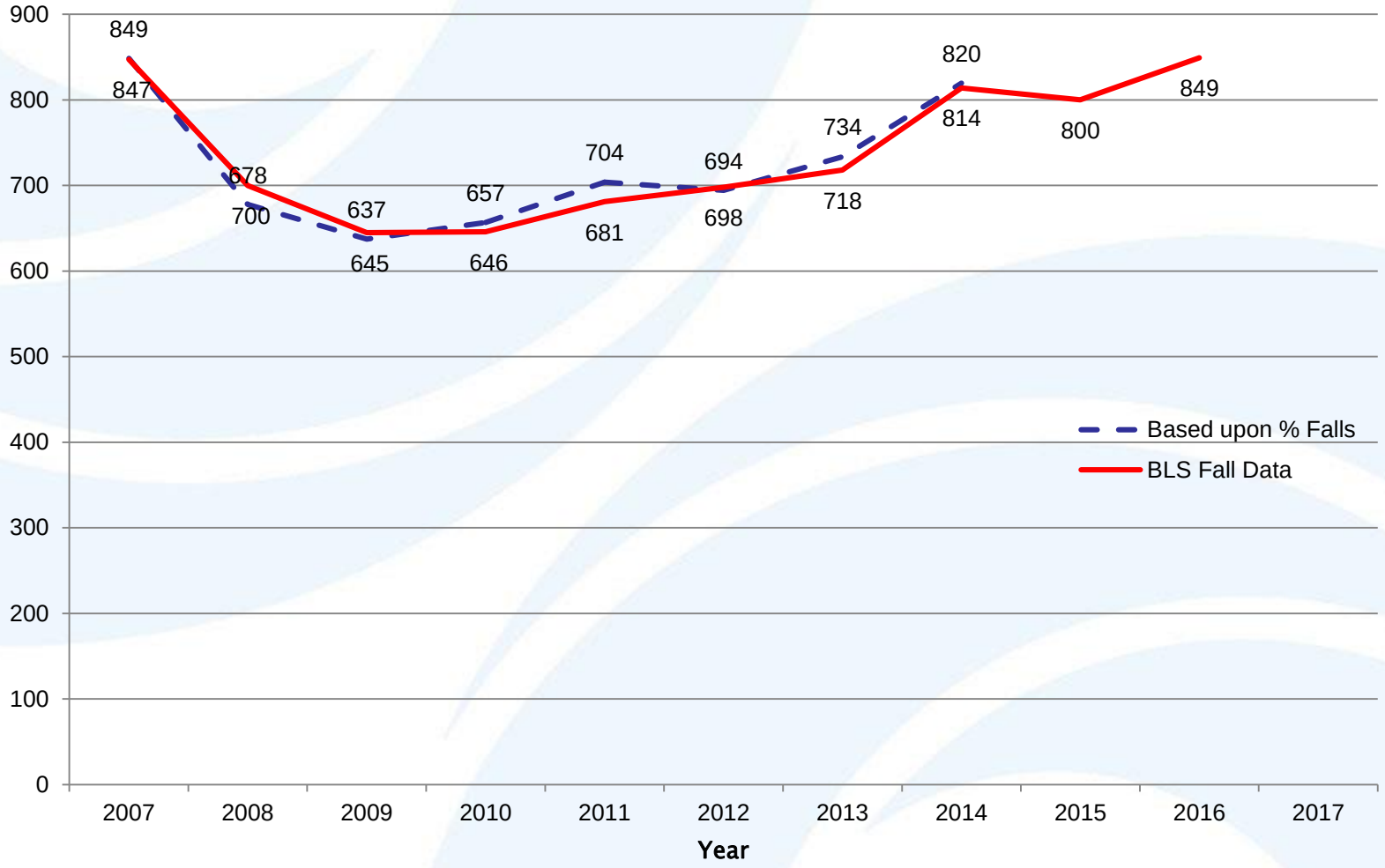
Note: Rate = (Fatal work injuries/Total hours worked by all workers) x 200,000,000 where 200,000,000 = base for 100,000 full-time equivalent workers (FTEs) working 40 hours per week, 50 weeks per year. The total hours worked are annual average estimates from the Current Population Survey (CPS).
In 2008, CFOI implemented a new methodology, using hours worked for fatal work injury rate calculations rather than employment. For additional information on the fatal work injury rate methodology, please see www.bls.gov/iif/oshnotice10.htm.
Source: U.S. Bureau of Labor Statistics, Current Population Survey, Census of Fatal Occupational Injuries, 2017.

Fatal occupational injuries by major event, 2016



- More fatal work injuries resulted from transportation incidents than from any other event in 2016.
- Roadway incidents alone accounted for about one out of every four fatal work injuries.

Trend in All Fall Fatalities



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Subpart B – Scope, Recording

- 1904.1 – Small employer partial exemptions ≤ 10 employees at all times
- 1904.2 – Industry partial exemptions (see Appendix A to Subpart B for complete list)
- 1904.3 – Keeping records for other Federal agencies
- NAICS: 623312, 623311 and 623110 <= Not Exempt

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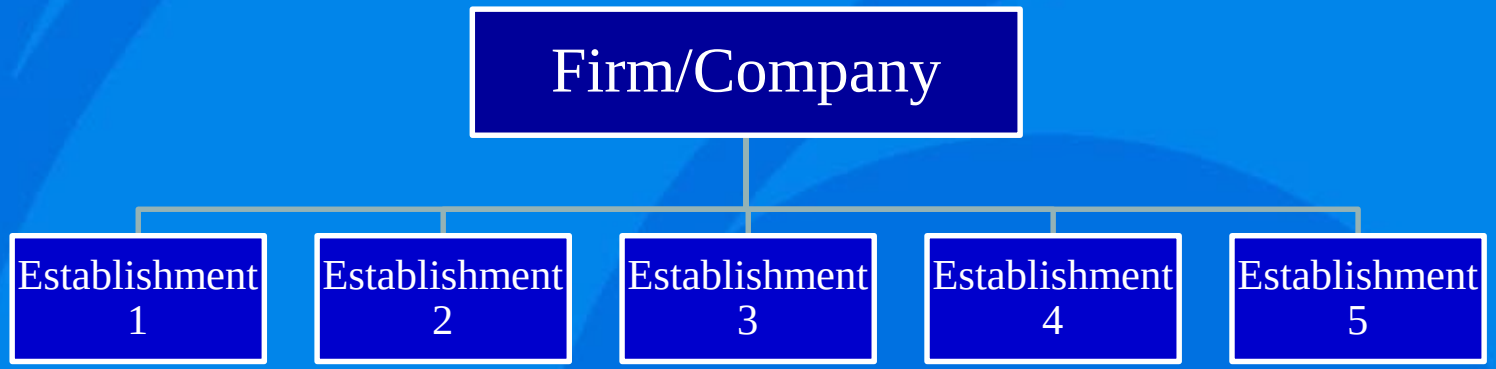
*Is the partial exemption for size based on the size of my **entire company** or on the size of an individual business **establishment**?*

- The partial exemption for size is based on the number of employees in the entire **company**.



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Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any employee's fatality, in-patient hospitalization, amputation, or loss of an eye (see § 1904.39).

NAICS Code	Industry
4412	Other Motor Vehicle Dealers.
4431	Electronics and Appliance Stores.
4461	Health and Personal Care Stores.
4471	Gasoline Stations.
4481	Clothing Stores.
4482	Shoe Stores.
4483	Jewelry, Luggage, and Leather Goods Stores.
4511	Sporting Goods, Hobby, and Musical Instrument Stores.
4512	Book, Periodical, and Music Stores.
4531	Florists.
4532	Office Supplies, Stationery, and Gift Stores.
4812	Nonscheduled Air Transportation.

1904 Recording and Reporting Occupational Injuries and Illnesses

- Recordkeeping: **<= Yes, if 10^{+} employees in certain industries.**
  - 301 "Injury and Illness Report"
  - 300 "Log of Work-related Injuries and Illnesses"
  - 300A "Summary of Work-Related Injuries and Illnesses"

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1904.29 - Forms

- OSHA Form 300, *Log of Work-Related Injuries and Illnesses*
- OSHA Form 300A, *Summary of Work-Related Injuries and Illnesses*
- OSHA Form 301, *Injury and Illness Incident Report*

OSHA's Form 301
Injury and Illness Incident Report

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by _____

Title _____

Phone (____)____-____ Date ____/____/____

Information about the employee

1) Full name _____

2) Street _____

City _____ State _____ ZIP _____

3) Date of birth ____/____/____

4) Date hired ____/____/____

5) ☐ Male
☐ Female

Information about the physician or other health care professional

6) Name of physician or other health care professional _____

_____

7) If treatment was given away from the worksite, where was it given?

Facility _____

Street _____

City _____ State _____ ZIP _____

8) Was employee treated in an emergency room?
☐ Yes
☐ No

9) Was employee hospitalized overnight as an in-patient?
☐ Yes
☐ No

Information about the case

10) Case number from the *Log* _____ *(Transfer the case number from the Log after you record the case.)*

11) Date of injury or illness ____/____/____

12) Time employee began work _____ AM / PM

13) Time of event _____ AM / PM ☐ Check if time cannot be determined

14) ***What was the employee doing just before the incident occurred?*** Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. *Examples:* "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."

15) ***What happened?*** Tell us how the injury occurred. *Examples:* "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."

16) ***What was the injury or illness?*** Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or sore." *Examples:* "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."

17) ***What object or substance directly harmed the employee?*** *Examples:* "concrete floor"; "chlorine"; "radial arm saw." *If this question does not apply to the incident, leave it blank.*

18) ***If the employee died, when did death occur?*** Date of death ____/____/____

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this estimate or any other aspects of this data collection, including suggestions for reducing this burden, contact: US Department of Labor, OSHA Office of Statistics, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

OSHA's Form 300 (Rev. 01/2004)

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20__ __

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name ______________________

City ______________ State ________

Identify the person			Describe the case			Classify the case: CHECK ONLY ONE box for each case based on the most serious outcome for that case:				Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness: (M)					
								Remained at Work									
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch)	(G) Death	(H) Days away from work	(I) Job transfer or restriction	(J) Other record-able cases	(K) Away from work	(L) On job transfer or restriction	(1) Injury	(2) Skin disorder	(3) Respiratory condition	(4) Poisoning	(5) Hearing loss	(6) All other illnesses
___	___	___	___/___ month/day	___	___	☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
___	___	___	___/___ month/day	___	___	☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
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					Page totals ➤	___	___	___	___	___	___	___	___	___	___	___	___
												Injury (1)	Skin disorder (2)	Respiratory condition (3)	Poisoning (4)	Hearing loss (5)	All other illnesses (6)

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

Page ___ of ___

Public reporting burden for this collection of information is estimated to average 14 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

OSHA Form 300

OSHA

OSHA's Form 300A (Rev. 01/2004)

Summary of Work-Related Injuries and Illnesses

Year 20__ __

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
_____	_____	_____	_____
(G)	(H)	(I)	(J)

Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
_____	_____
(K)	(L)

Injury and Illness Types

Total number of . . .

	(M)		(M)
(1) Injuries	_____	(4) Poisonings	_____
		(5) Hearing loss	_____
(2) Skin disorders	_____	(6) All other illnesses	_____
(3) Respiratory conditions	_____		

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

Industry description (*e.g., Manufacture of motor truck trailers*)

_____

Standard Industrial Classification (SIC), if known (*e.g., 3715*)

____ ____ ____ ____

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

____ ____ ____ ____ ____ ____

Employment information *(If you don't have these figures, see the Worksheet on the back of this page to estimate.)*

Annual average number of employees _____

Total hours worked by all employees last year _____

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

_____ _____
Company executive Title

(____) ____ - _____ / /
Phone Date

Organization of the Rule

- Subpart A - Purpose
- Subpart B - Scope
- Subpart C - Forms and recording criteria
- Subpart D - Other requirements
- Subpart E - Reporting to the government
- Subpart F - Transition
- Subpart G - Definitions

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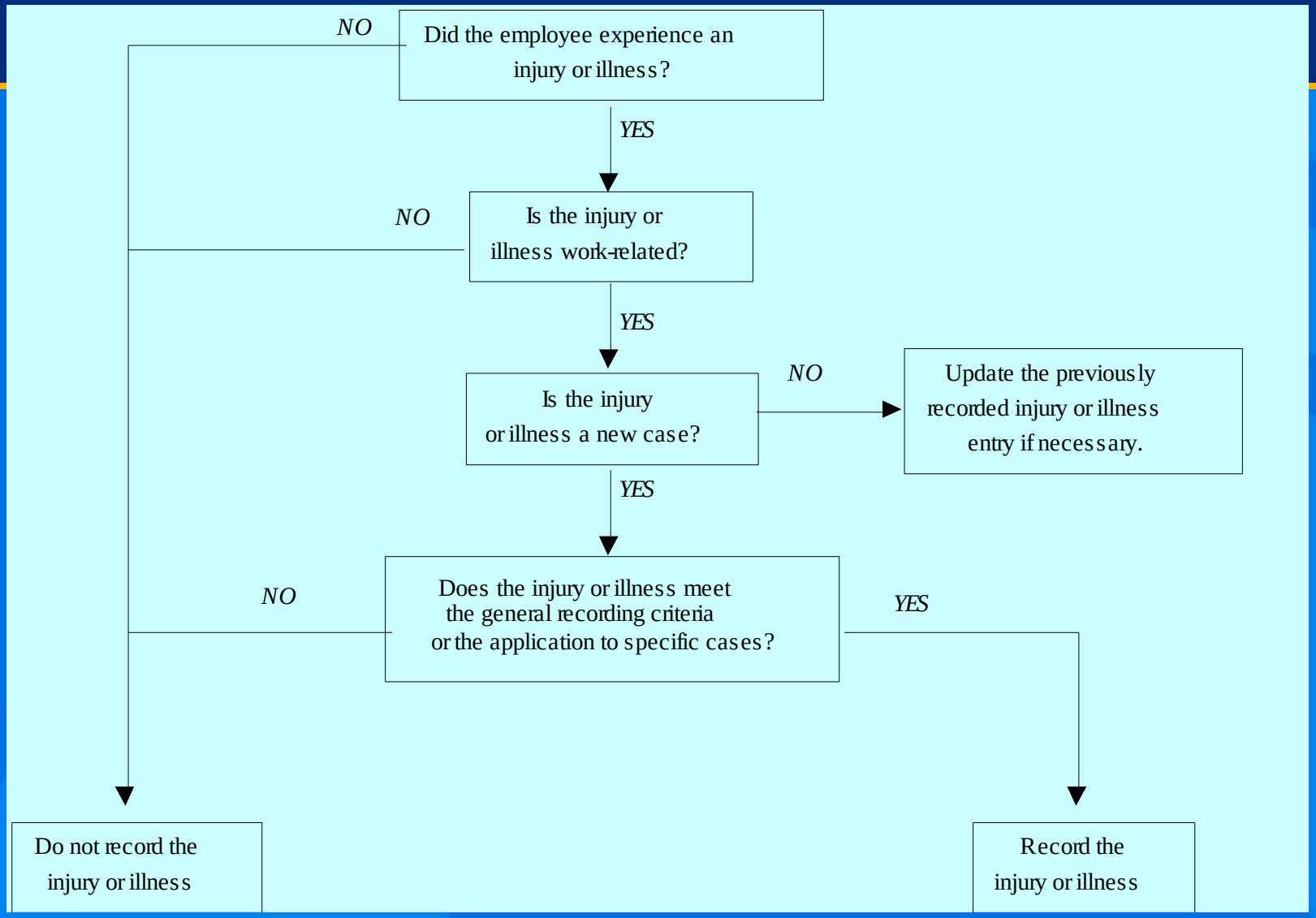
Subpart A, Purpose

- To require employers to record and report work-related fatalities, injuries and illnesses
  - Note: Recording or reporting a work-related injury, illness, or fatality does not mean the the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.
- OSHA injury and illness recordkeeping and Workers' Compensation are independent of each other

Subpart C - Recording Criteria

- Forms and Recording Criteria
  - 1904.4 Recording criteria
  - 1904.5 Work-relatedness
  - 1904.6 New case
  - 1904.7 General recording criteria
  - 1904.8 Needlesticks and sharps
  - 1904.9 Medical removal
  - 1904.10 Hearing loss
  - 1904.11 Tuberculosis
  - 1904.29 Forms

Recording Criteria Decision Tree



1904.4

Work-Relatedness

- Cases are work-related if:
  - An event or exposure in the work environment either caused or contributed to the resulting condition
  - An event or exposure in the work environment *significantly* aggravated a pre-existing injury or illness

Work-Relatedness

- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment

1904.5 – Exceptions

- Present as a member of the general public
- Symptoms arising in work environment that are solely due to non-work-related event or exposure (Regardless of where signs or symptoms surface, a case is work-related only if a work event or exposure is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.)
- Voluntary participation in wellness program, medical, fitness or recreational activity
- Eating, drinking or preparing food or drink for personal consumption

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1904.5 – Exceptions

- Personal tasks outside assigned working hours
- Personal grooming, self medication for non-work-related condition, or intentionally self-inflicted
- Motor vehicle accident in parking lot/access road during commute
- Common cold or flu
- Mental illness, unless employee voluntarily provides a medical opinion from a physician or licensed health care professional (PLHCP) having appropriate qualifications and experience that affirms work-relatedness

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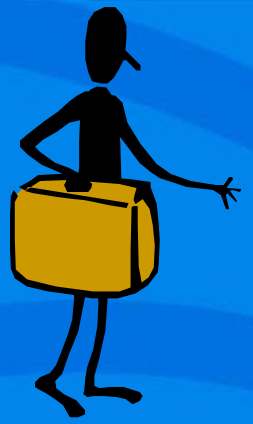
1904.5 – Travel Status

- An injury or illness that occurs while an employee is on travel status is work-related if it occurred while the employee was engaged in work activities in the interest of the employer
- Home away from home
- Detour for personal reasons is not work-related



1904.5 – Work at Home

- Injuries and illnesses that occur while an employee is working at home are work-related if they:
  - occur while the employee is performing work for pay or compensation in the home, and
  - are directly related to the performance of work rather than the general home environment

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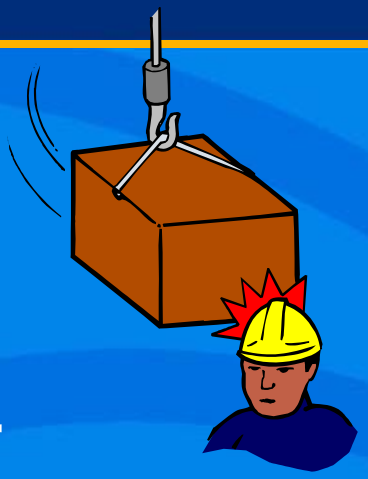
1904.6 – New Case



- A case is new if the employee:
  - has not previously experienced a recordable injury or illness of the same type that affects the same part of the body; or
  - previously experienced a recordable injury or illness of the same type that affects the same part of the body, but had recovered completely and an event or exposure in the work environment caused the signs and symptoms to reappear.

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1904.6 – New Case

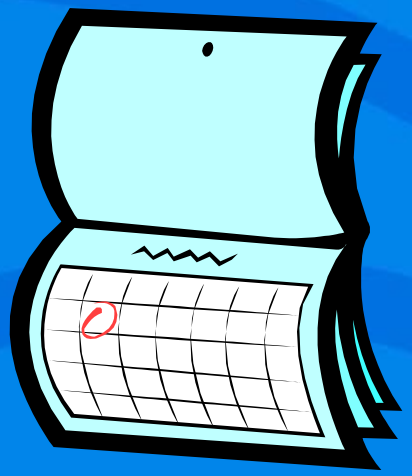
- If there is a medical opinion regarding resolution of a case, the employer must follow that opinion
- If an exposure event triggers the recurrence, it is a new case (e.g., asthma, rashes)
- If signs and symptoms recur even in the absence of exposure, it is not a new case (e.g., silicosis, tuberculosis, asbestosis)

1904.7 – General Recording Criteria

- An injury or illness is recordable if it results in one or more of the following:
  - Death
  - Days away from work
  - Restricted work activity
  - Transfer to another job
  - Medical treatment beyond first aid
  - Loss of consciousness
  - Diagnosis of a significant injury/illness by a physician or other licensed health care professional

1904.7(b)(3) - Days Away Cases

- Record if the case involves one or more days away from work
- Check the box for days away cases and count the number of calendar days
- Do not include the day of injury/illness

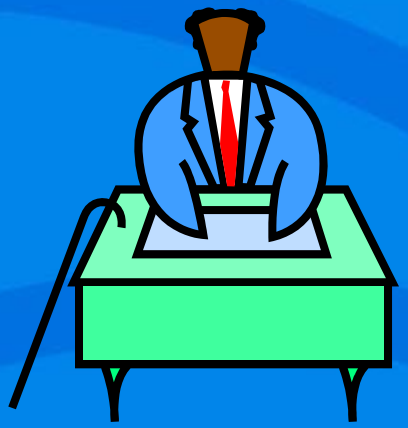


1904.7(b)(3) – Days Away Cases

- Day counts (days away or days restricted)
  - Count the number of calendar days the employee was unable to work (include weekend days, holidays, vacation days, etc.)
  - Cap day count at 180 days away and/or days restricted
  - May stop day count if employee leaves company for a reason unrelated to the injury or illness
  - If a medical opinion exists, employer must follow that opinion

1904.7(b)(4) - Restricted Work Cases

- Record if the case involves one or more days of restricted work or job transfer
- Check the box for restricted/transfer cases and count the number of calendar days
- Do not include the day of injury/illness



1904.7(b)(4) - Restricted Work Cases

- Restricted work activity exists if the employee is:
  - Unable to work the full workday he or she would otherwise have been scheduled to work; or
  - Unable to perform one or more routine job functions
- An employee's routine job functions are those activities the employee regularly performs at least once per week

1904.7(b)(4) – Restricted Work

A case is not recordable under 1904.7(b)(4) as a restricted work case if:

- the employee experiences minor musculoskeletal discomfort,
- a health care professional determines that the employee is fully able to perform all of his or her routine job functions, and
- the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from developing.

1904.7(b)(4) – Job Transfer

- Job transfer
  - An injured or ill employee is assigned to a job other than his or her regular job for part of the day
  - A case is recordable if the injured or ill employee performs his or her routine job duties for part of a day and is assigned to another job for the rest of the day

OSHA

1904.7(b)(5) – Medical Treatment

- Medical treatment is the management and care of a patient to combat disease or disorder.
- It does not include:
  - Visits to a PLHCP solely for observation or counseling
  - Diagnostic procedures
  - First aid

Question: What does OSHA consider first aid/treatment?

1904.7(b)(5) – First Aid

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips
- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims

OSHA

1904.7(b)(5) – First Aid

- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches
- Removing foreign bodies from eye using irrigation or cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Finger guards
- Massages
- Drinking fluids for relief of heat stress

OSHA

1904.7(b)(5)(iii) First Aid

- ***Are any other procedures included in first aid?*** No, this is a complete list of all treatments considered first aid for Part 1904 purposes.

1904.7(b)(6) – Loss of Consciousness

- All work-related cases involving loss of consciousness must be recorded

1904.7(b)(7) – Significant Diagnosed Injury or Illness

- The following work-related conditions must always be recorded at the time of diagnosis by a PLHCP:
  - Cancer
  - Chronic irreversible disease
  - Punctured eardrum
  - Fractured or cracked bone or tooth

1904.8 – Bloodborne Pathogens

- Record all work-related needlesticks and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (includes human bodily fluids, tissues and organs; other materials infected with HIV or HBV such as laboratory cultures)
- Record splashes or other exposures to blood or other potentially infectious material if it results in diagnosis of a bloodborne disease or meets the general recording criteria

Sharps injury log. 1910.1030(h)(5)(i)

1910.1030(h)(5)(i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

- **1910.1030(h)(5)(i)(A)** The type and brand of device involved in the incident,
- **1910.1030(h)(5)(i)(B)** The department or work area where the exposure incident occurred, and
- **1910.1030(h)(5)(i)(C)** An explanation of how the incident occurred.

1910.1030(h)(5)(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under 29 CFR 1904.

1910.1030(h)(5)(iii) The sharps injury log shall be maintained for the period required by 29 CFR 1904.6.

Tuberculosis & Medical Removal

- Includes separate provisions describing the recording criteria for cases involving the work-related transmission of tuberculosis
- Requires employers to record cases of medical removal under OSHA standards

1904.11 & 1904.9

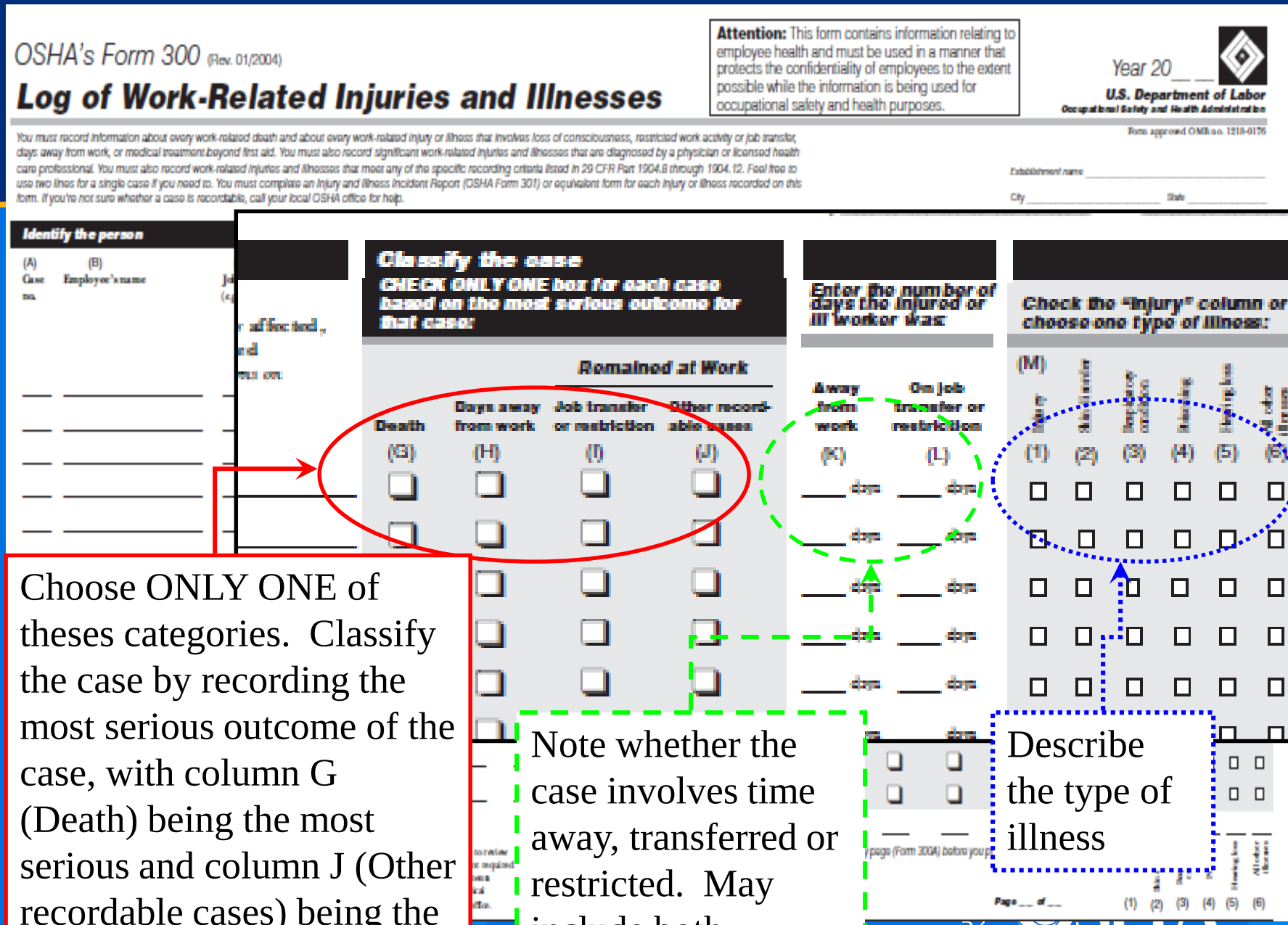
OSHA

Hearing Loss

- Starting January 1, 2003, record all work-related hearing loss cases where:
  - Employee has experienced a Standard Threshold Shift (STS)[1], and
  - Employee's total hearing level is 25 decibels (dB) or more above audiometric zero [averaged at 2000, 3000, and 4000 hertz (Hz)] in the same ears as the STS

---

[1] A STS is defined in OSHA's noise standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in one or both ears.



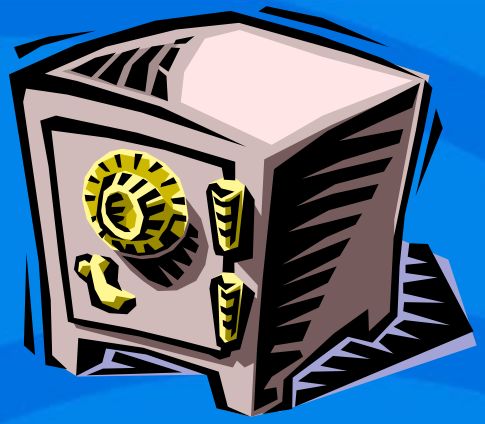
Choose ONLY ONE of theses categories. Classify the case by recording the most serious outcome of the case, with column G (Death) being the most serious and column J (Other recordable cases) being the least serious

Note whether the case involves time away, transferred or restricted. May include both.

Describe the type of illness

1904.29 – Privacy Protection

- Do not enter the name of an employee on the OSHA Form 300 for "privacy concern cases"
- Enter "privacy case" in the name column
- Keep a separate confidential list of the case numbers and employee names



1904.29 – Privacy Protection

- Privacy concern cases are:
  - An injury or illness to an intimate body part or reproductive system
  - An injury or illness resulting from sexual assault
  - Mental illness
  - HIV infection, hepatitis, tuberculosis
  - Needlestick and sharps injuries that are contaminated with another person's blood or other potentially infectious material
  - Employee voluntarily requests to keep name off for other illness cases

1904.29 – Privacy Protection

- Employer may use discretion in describing the case if employee can be identified
- If you give the forms to people not authorized by the rule, you must remove the names first
  - Exceptions for:
    - Auditor/consultant,
    - Workers' compensation or other insurance
    - Public health authority or law enforcement agency

1904.35 – Employee Involvement

- You must inform each employee of how to report an injury or illness
  - Must set up a way for employees to report work-related injuries and illnesses promptly; and
  - Must tell each employee how to report work-related injuries and illnesses to you

1904.35 – Employee Involvement

- Must provide limited access to injury and illness records to employees, former employees and their personal and authorized representatives
  - Provide copy of OSHA Form 300 by end of next business day
  - Provide copy of OSHA Form 301 to employee, former employee or *personal* representative by end of next business day
  - Provide copies of OSHA Form 301 to *authorized* representative within 7 calendar days. Provide only "Information about the case" section of form

1904.36 – Prohibition Against Discrimination

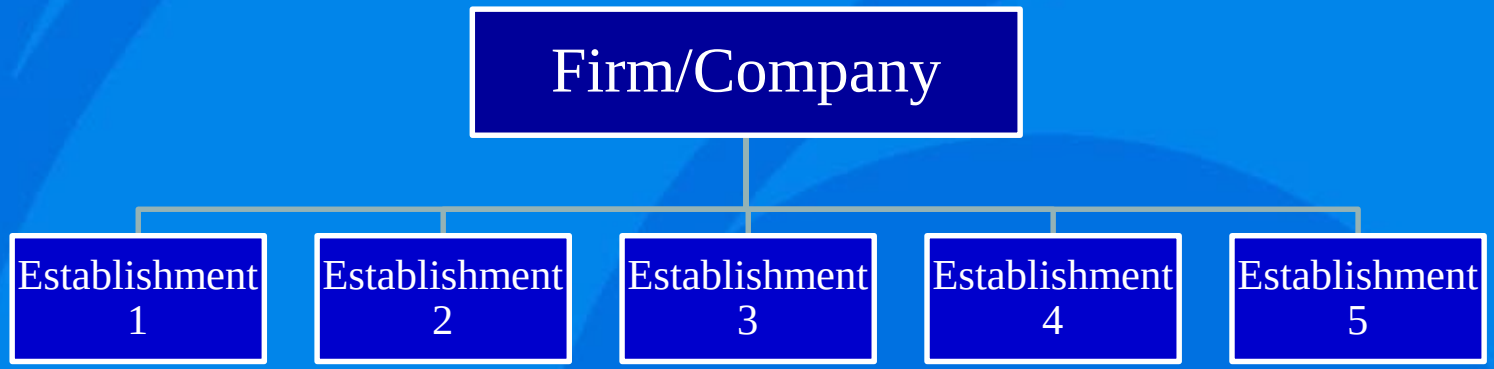
- Section 11(c) of the Act prohibits you from discriminating against an employee for reporting a work-related fatality, injury or illness
- Section 11(c) also protects the employee who files a safety and health complaint, asks for access to the Part 1904 records, or otherwise exercises any rights afforded by the OSH Act

Electronic Submission of Injury and Illness Records

- 1904.41(a)(2) – **Establishments** with 20 to 249 employees in certain industries:
  - Appendix A to Subpart E of Part 1904-Designated Industries for § 1904.41(a)(2) Annual Electronic Submission of OSHA Form
  - Must provide, on an annual basis, data from the Summary Form 300A. Deadline: Dec 31, 2017.
    - This replaces the OSHA Data Initiative (ODI)
  - Then July 1, 2018, then March 2 afterward.

OSHA

*Based on the size of the **entire company** or on the size of an individual business **establishment**?*



1904.1(b)(1)

OSHA

Review: What is an Establishment?

An **establishment** is a single physical location where business is conducted or where services or industrial operations are performed.

For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

OSHA

Update to Establishments with 250 or more employees

- In the Fall 2017 Regulatory Agenda, OSHA announced its intent to propose amending the rule to **remove the requirement to electronically submit OSHA Forms 300 and 301** for establishments with 250 or more employees which are required to routinely submit injury and illness records.
- Will still be required to electronically submit the **300A.**

OSHA® Occupational Safety and Health Administration

How do I submit the information?

- You must submit the information **electronically**. **OSHA will provide a secure Web site** for the electronic submission of information.

OSHA® Occupational Safety and Health Administration

Timeline Summary

- Phase-in data submission due dates:

Submission year	Establishments with 250 or more employees in industries covered by the recordkeeping rule	Establishments with 20-249 employees In select industries	Submission deadline
2017	CY 2016 300A Form	CY 2016 300A Form	Dec 31, 2017
2018	CY 2017 300A, **300, 301 Forms**	CY 2017 300A Form	July 1, 2018
2019 and beyond	300A Forms	300A Form	March 2

OSHA® Occupational Safety and Health Administration

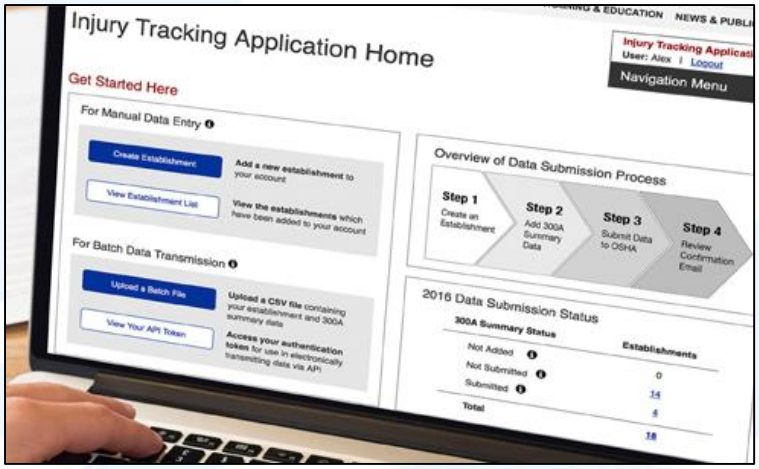
Improve Tracking of Workplace Injuries and Illnesses: Final rule

- The rule does not add to or change any employer's obligation to complete and retain the injury and illness records or change the recording criteria or definitions for these records. The rule only modifies employers' obligations to transmit information from these records to OSHA.

OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA)

The ITA was successfully launched August 1, 2017



- Employers can access the application from the ITA landing page at https://www.osha.gov/injuryreporting/index.html

OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA)

ITA is a secure website with 3 options for data submission:

- **Manually** enter data into a webform
- Upload Comma Separated Value **(CSV)** file to process single of multiple establishments at the same time
- Users of automated recordkeeping systems can transmit data electronically via an Application Programming Interface **(API)**

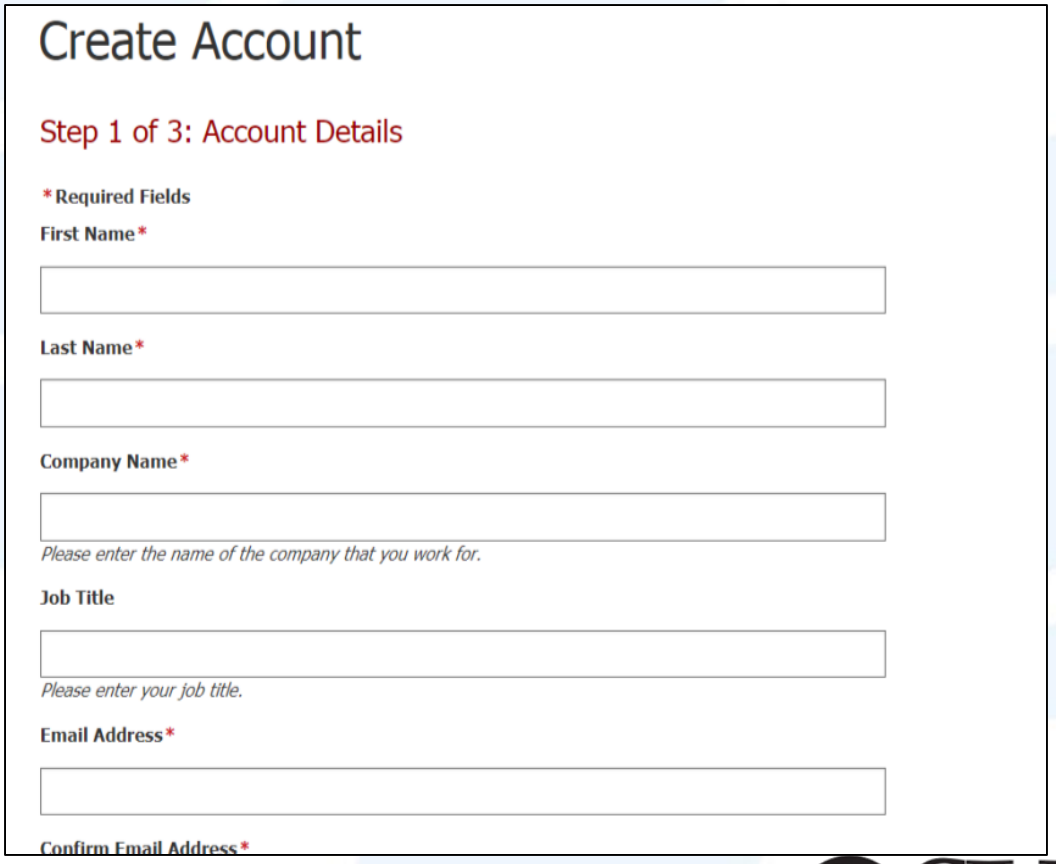
OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA): Help Request Form

- The application has a **Help Request Form** link at the bottom of each page
- If you have questions concerning any technical or policy aspects of the data collection, please use the Help Request Form to ask your question.
- That way, OSHA can coordinate our responses and quickly learn of any problems the regulated community may be experiencing with the system.

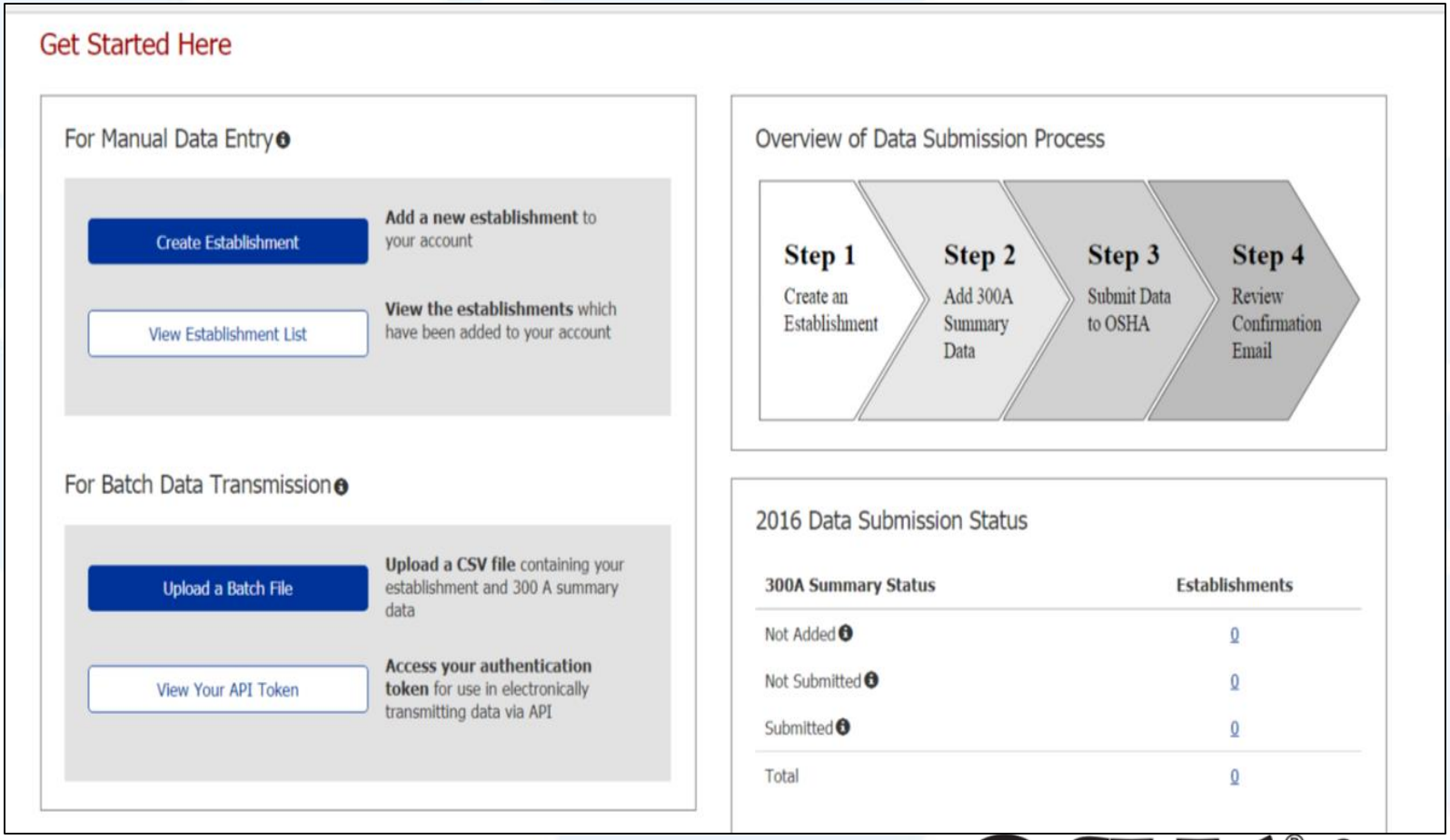
https://www.osha.gov/injuryreporting/ita/help-request-form

Injury Tracking Application (ITA): Create Account



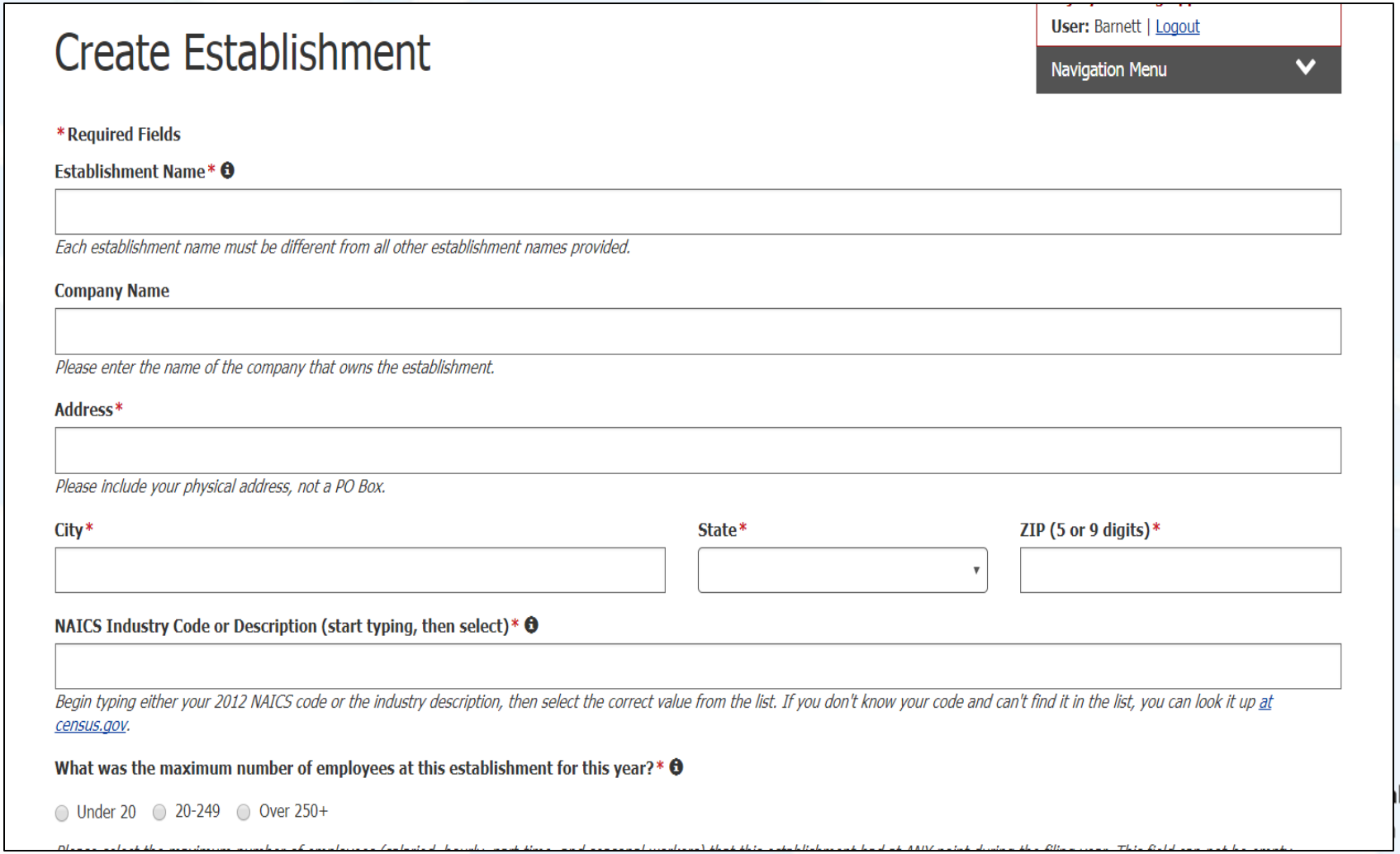
OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA): Get Started

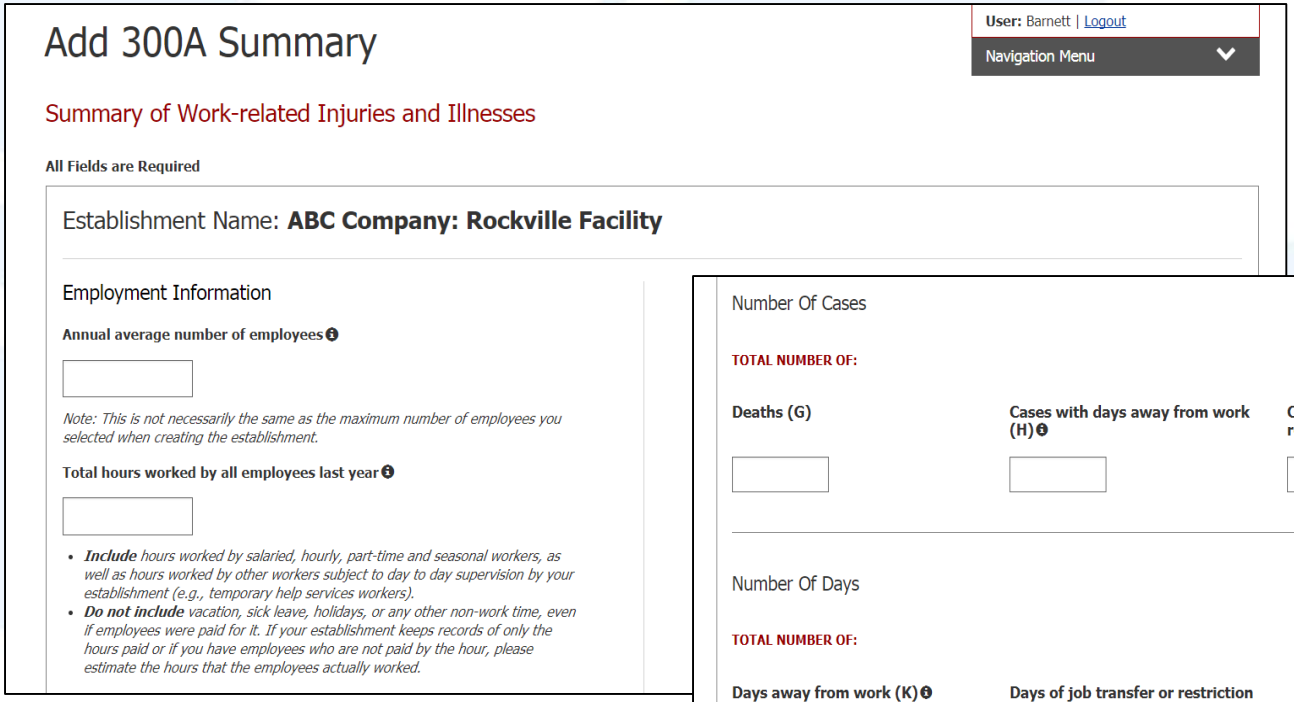


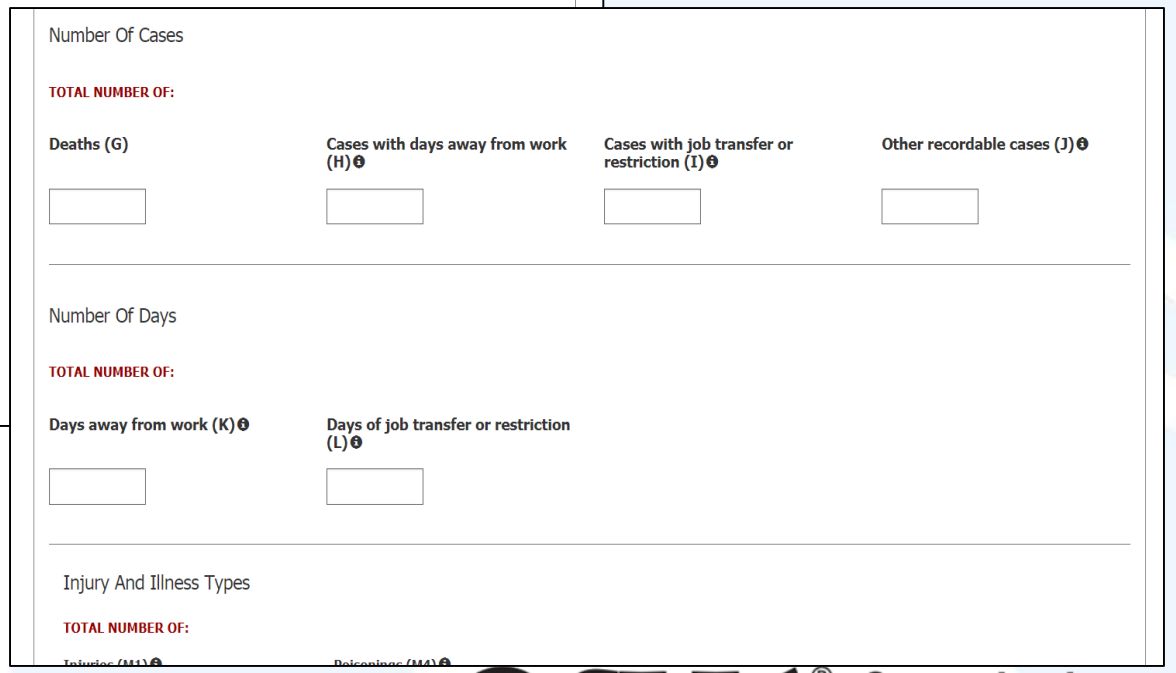
OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA): Create Establishment



Injury Tracking Application (ITA): Add 300A Summary





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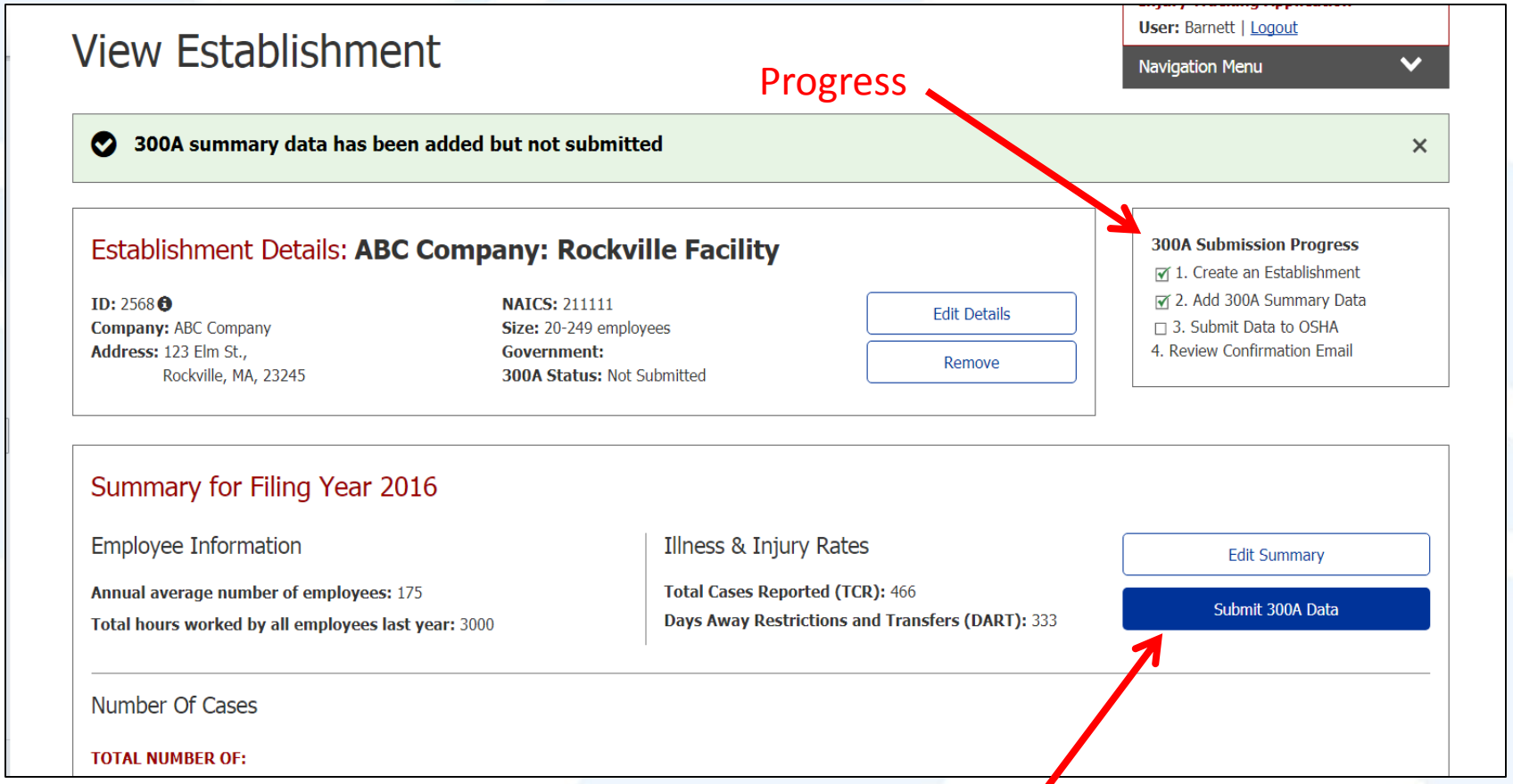
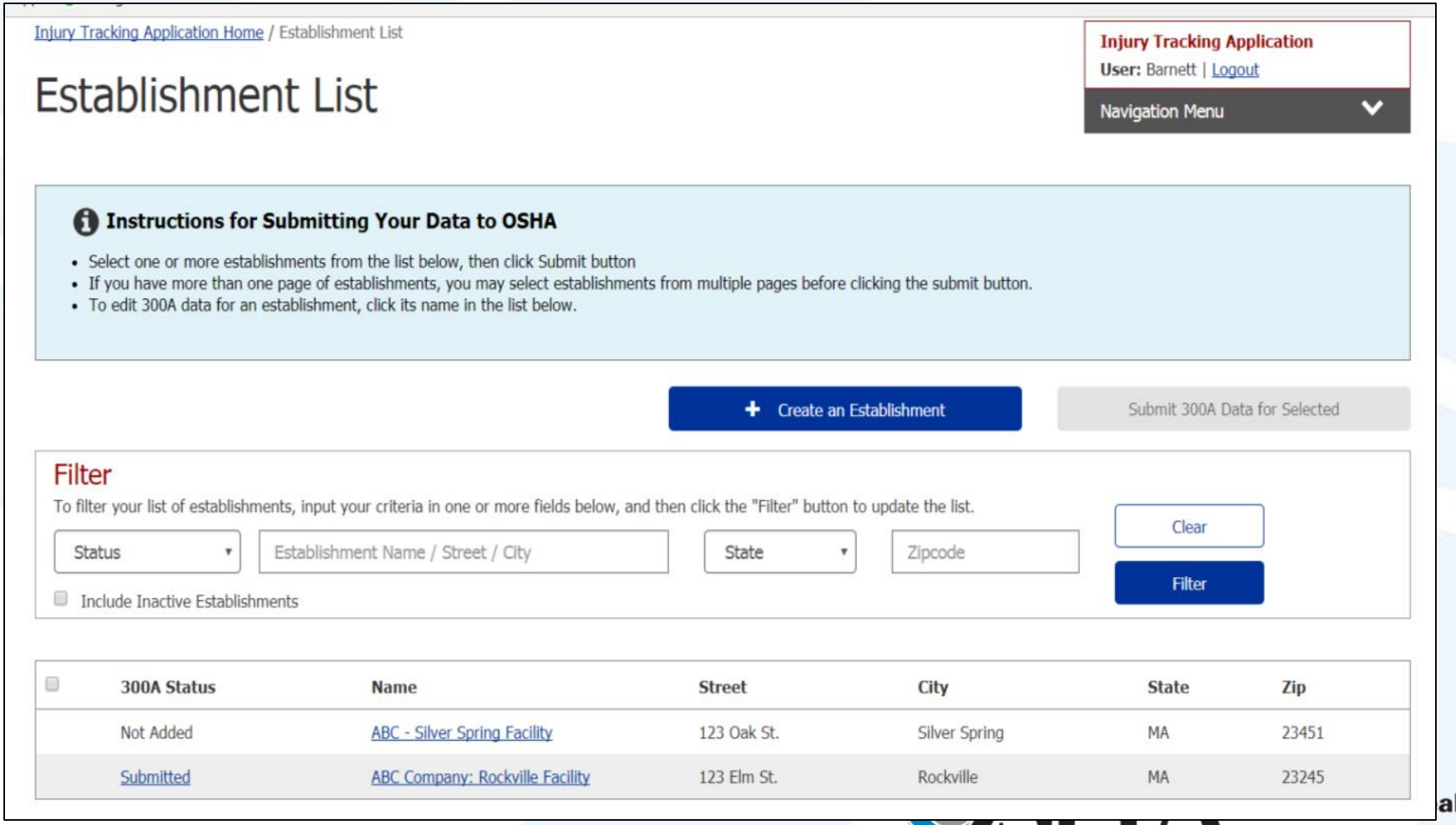
Injury Tracking Application (ITA): Submit Data to OSHA



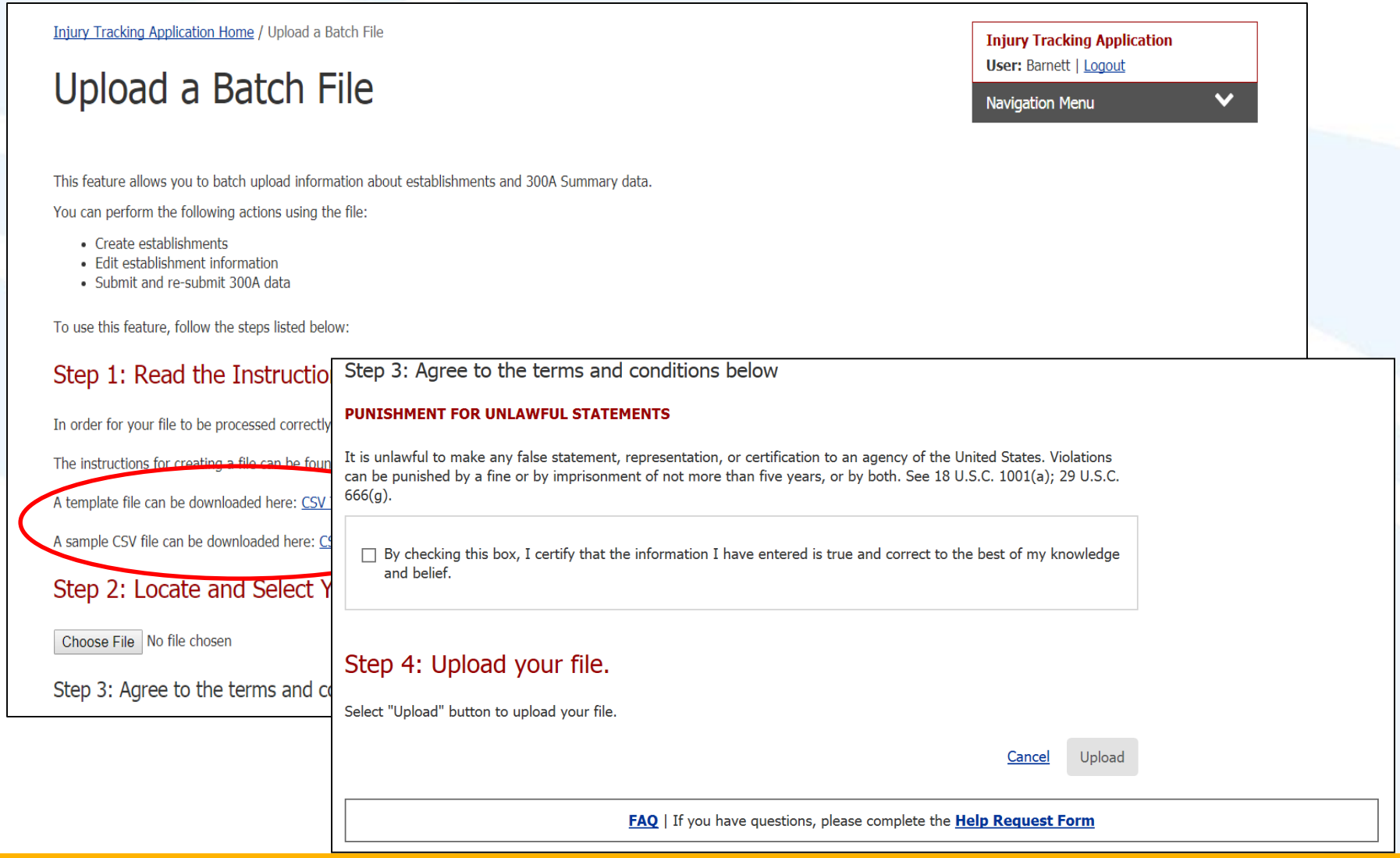
OSHA® Occupational Safety and Health Administration

Injury Tracking Application (ITA): Multiple Establishments



alth Administration

Injury Tracking Application (ITA): Uploading Batch Files



How: OSHA will provide a secure website that offers three options for data submission, cont.

- **If your submit request is successful**, you will receive a confirmation email listing the establishments that have been successfully submitted, meaning that OSHA considers the information to be complete.
- **If your submit request is not successful**, you will receive a list of errors in the API response.

❖ **If you have any questions or problems**, please use the contact form located at https://www.osha.gov/injuryreporting/ita/help-request-form.

OSHA® Occupational Safety and Health Administration

OSHA Annual Summary, 300A

Basic requirement. At the end of each calendar year, you must:

- Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;
- Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;
- Certify the summary; and
- Post the annual summary for each establishments in a conspicuous place from February 1, 2017 to April 30, 2018

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=12776

1904.32

Electronically Submitting Injury, Illness Data

December 31, 2017:

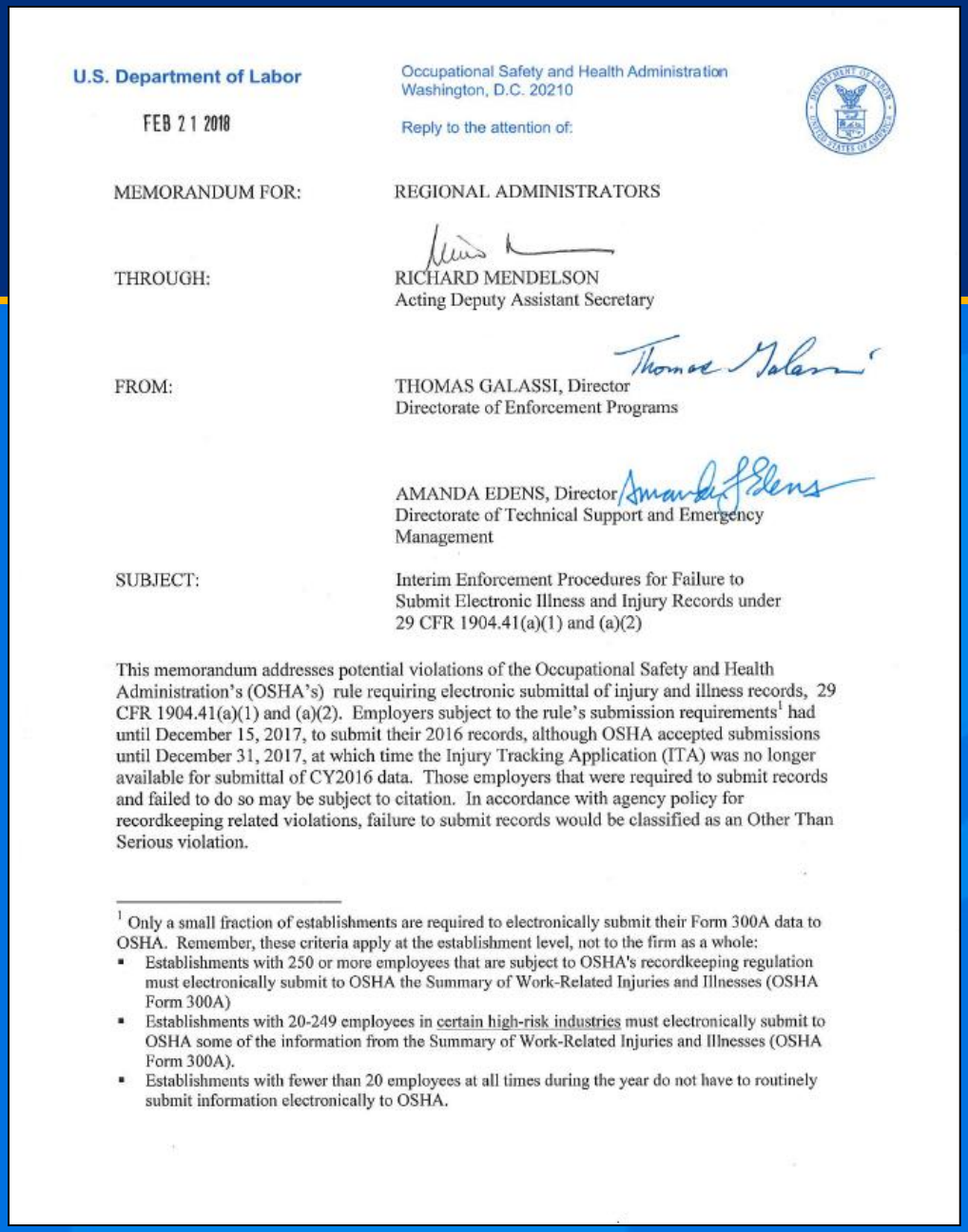
Covered employers must electronically submit their 2016 OSHA Form **300A** to OSHA. Based on establishment size 20 or more, 250 or more and NAICS codes.

1904.41 Electronically submitting injury, illness data

- 2016 data: Submit by: December 31, 2017
- 2017 data: Submit by: July 1, 2018
- 2018 data and forward: **Submit by: March 2, 2019**…

Looking ahead =>

OSHA® Occupational Safety and Health Administration



U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

FEB 21 2018

Reply to the attention of:

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

THROUGH: RICHARD MENDELSON
Acting Deputy Assistant Secretary

FROM: THOMAS GALASSI, Director
Directorate of Enforcement Programs

AMANDA EDENS, Director
Directorate of Technical Support and Emergency Management

SUBJECT: Interim Enforcement Procedures for Failure to Submit Electronic Illness and Injury Records under 29 CFR 1904.41(a)(1) and (a)(2)

This memorandum addresses potential violations of the Occupational Safety and Health Administration's (OSHA's) rule requiring electronic submittal of injury and illness records, 29 CFR 1904.41(a)(1) and (a)(2). Employers subject to the rule's submission requirements[1] had until December 15, 2017, to submit their 2016 records, although OSHA accepted submissions until December 31, 2017, at which time the Injury Tracking Application (ITA) was no longer available for submittal of CY2016 data. Those employers that were required to submit records and failed to do so may be subject to citation. In accordance with agency policy for recordkeeping related violations, failure to submit records would be classified as an Other Than Serious violation.

[1] Only a small fraction of establishments are required to electronically submit their Form 300A data to OSHA. Remember, these criteria apply at the establishment level, not to the firm as a whole:

- Establishments with 250 or more employees that are subject to OSHA's recordkeeping regulation must electronically submit to OSHA the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A)
- Establishments with 20-249 employees in certain high-risk industries must electronically submit to OSHA some of the information from the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A).
- Establishments with fewer than 20 employees at all times during the year do not have to routinely submit information electronically to OSHA.

So, you missed the Dec 2017 Deadline.

Now what?

OSHA

For establishments subject to the rule:

- Attempted to submit its CY2016 records electronically, but was unable to do so.
- Provide documentation. Provide proof.
- Provide injury and illness records.

For establishments subject to the rule, but did not attempt to submit the CY2016 data:

- Immediately abates during the inspection by providing a paper copy of the records => an Other Than Serious citation will be issued, with no penalty.
- Shows you have already submitted your CY2017 data => an Other Than Serious citation will be issued, with no penalty.
- Does not produce the records => an Other Than Serious citation will be issued, with the appropriate penalty.

OSHA

Review: Posting Requirement

- **1904.32(b)(5):** *How do I post the annual summary?* You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.
- 1904.32(b)(6): *When do I have to post the annual summary?* You must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

OSHA® Occupational Safety and Health Administration

Maintaining and Posting Records

- The records must be maintained for at least five years. Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year. Also, if requested, copies of the records must be provided to current and former employees, or their representatives.

OSHA® Occupational Safety and Health Administration

Maintaining and Posting Records

1904.33(b)(1): *Do I have to update the OSHA 300 Log during the five-year storage period?*

- Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

FAQ ID: *476*

OSHA® Occupational Safety and Health Administration

Maintaining and Posting Records

1904.33(b)(2): *Do I have to update the annual summary?*

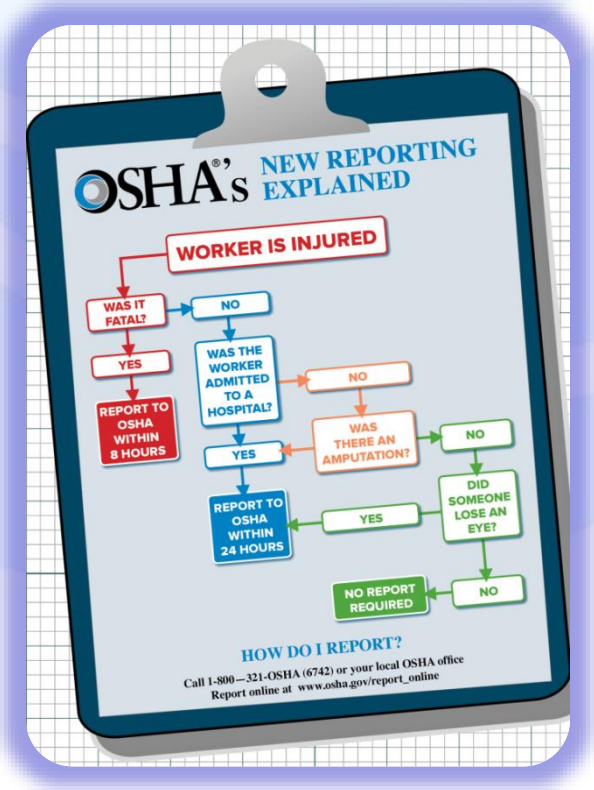
- No, you are not required to update the annual summary, but you may do so if you wish.

1904.33(b)(3): *Do I have to update the OSHA 301 Incident Reports?*

- No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.

OSHA® Occupational Safety and Health Administration

Recordkeeping System, Reporting



- **Reporting, all employers:**
  - The rule requires an employer to report to OSHA, within eight hours, all work-related fatalities and within 24 hours, all work-related in-patient hospitalizations, amputations and loss of an eye. **<= YES**

OSHA® Occupational Safety and Health Administration

How do I report these events to OSHA?

You have three options for reporting the event:

- By telephone to the OSHA Area Office nearest to the site of the work-related incident, during normal business hours.
- By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).
- Electronically, using the event reporting application located on OSHA's public website: http://www.osha.gov/pls/ser/serform.html

OSHA® Occupational Safety and Health Administration

What information do I have to give to OSHA when I report the fatality, in-patient hospitalization, amputation, or loss of an eye?

You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

1. The establishment name;
2. The location of the work-related incident;
3. The date and time of the work-related incident;
4. The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);

OSHA® Occupational Safety and Health Administration

What information do I have to give to OSHA when I report the fatality, in-patient hospitalization, amputation, or loss of an eye?

5. The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
6. The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
7. Are there any temporary workers involved;
8. Name and address for temporary agency;
9. Union information;

OSHA® Occupational Safety and Health Administration

What information do I have to give to OSHA when I report the fatality, in-patient hospitalization, amputation, or loss of an eye?

10. Your contact person and his or her phone number; and
11. A brief description of the work-related incident, including specific location, materials equipment involved, routine task? Frequency of task, does hazard still exist, are employees still exposed, steps taken toward abatement, any previous incidents or near misses.
12. What is being done to prevent a reoccurrence?

th

Rapid Response Investigation (RRI) Expectations:

- Conduct an Internal Investigation (within 5 working days)
- Provide abatement verification to OSHA within 5 working days.
- Provide a copy of the RRI letter and abatement verification to the employee representative/ S&H committee.
- Post a copy of the RRI letter from OSHA for employee review.
- Return a signed copy of the posting certification back to OSHA.
- Request additional time for abatement / interim abatement of the condition, if needed.

OSHA® Occupational Safety and Health Administration

Who Records a Temporary Worker Injury?

- 1904.31(a) Basic requirement. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.
- 1904.31(b)Implementation.
- 1904.31(b)(1)If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness? No, self-employed individuals are not covered by the OSH Act or this regulation.

OSHA® Occupational Safety and Health Administration

Who should Report a fatality or in-patient hospitalization of a Temporary Worker?

- Similar to the requirements in section 1904.31 for recording injuries and illnesses, the employer that provides the day-to-day supervision of the worker must report to OSHA any work-related incident resulting in a fatality, in-patient hospitalization, amputation or loss of an eye.

Source: Q&A

OSHA® Occupational Safety and Health Administration

Failing to Report an Incident

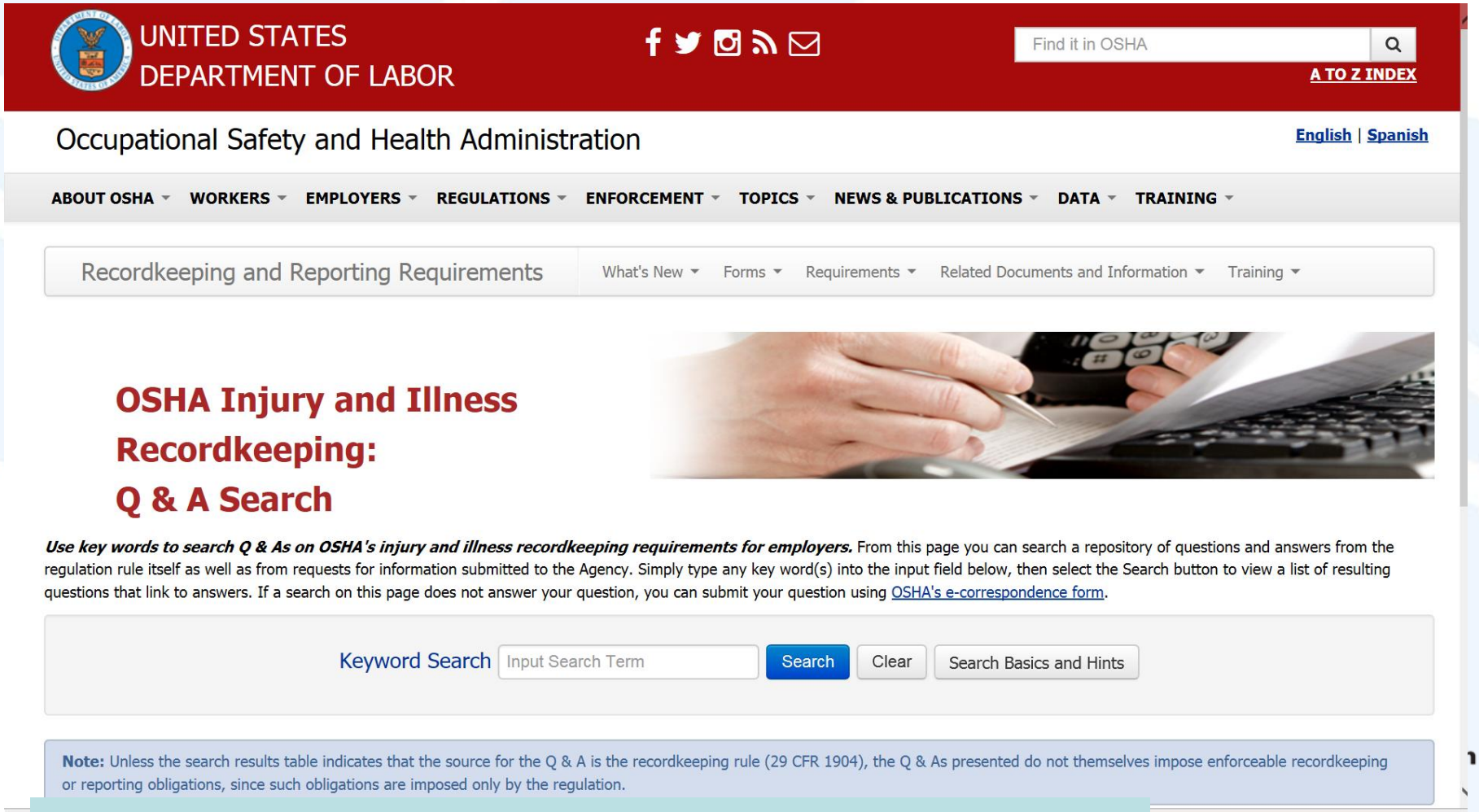
- With the new penalty increases, an unadjusted penalty of: **$9,239**.

Minimum size employer for reporting?

Do you have procedures in place?

OSHA® Occupational Safety and Health Administration

OSHA Injury and Illness Recordkeeping: Q & A Search



https://www.osha.gov/recordkeeping/faq_search/index.html

Directives - NEP

- Cranes and Derricks in Construction
- Combustible Dust
- Federal Agencies
- Hazardous Machinery
- Hexavalent Chromium
- Lead
- Primary Metal Industries
- Process Safety Management
- Shipbreaking
- Trenching & Excavation

OSHA® Occupational Safety and Health Administration

Local Emphasis Programs (LEPs)

- Local Emphasis Program for Health Hazards in Metal Fabrication (Except Structural)
- Local Emphasis Program for Logging in West Virginia
- Regional Emphasis Program for Demolition Activities and Gut Rehabilitation
- Regional Emphasis Program for Fall Hazards in the Construction Industry
- Regional Emphasis Program for High Level Noise
- Regional Emphasis Program for Programmed Maritime Inspections
- Regional Emphasis Program for the Oil and Gas Service Industry
- Regional Emphasis Program for Tree Trimming and Clearing Operations

OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers

OSHA® Occupational Safety and Health Administration

Rise of temp and contract workers

- 3 million people are employed by staffing companies every week.
- 11 million temporary and contract employees are hired by U.S. staffing firms over the course of a year.

Source: American Staffing Association

OSHA® Occupational Safety and Health Administration

Why Are Temp Workers At High Risk of Injury?

- **New workers** are at **increased risk** of injury
- Host employers don't have the same **commitment** to temporary employees as to permanent ones

- Employer who **bears the risk** of the injury (temp agency) **does not control** safety and health investment

OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers:

A joint responsibility

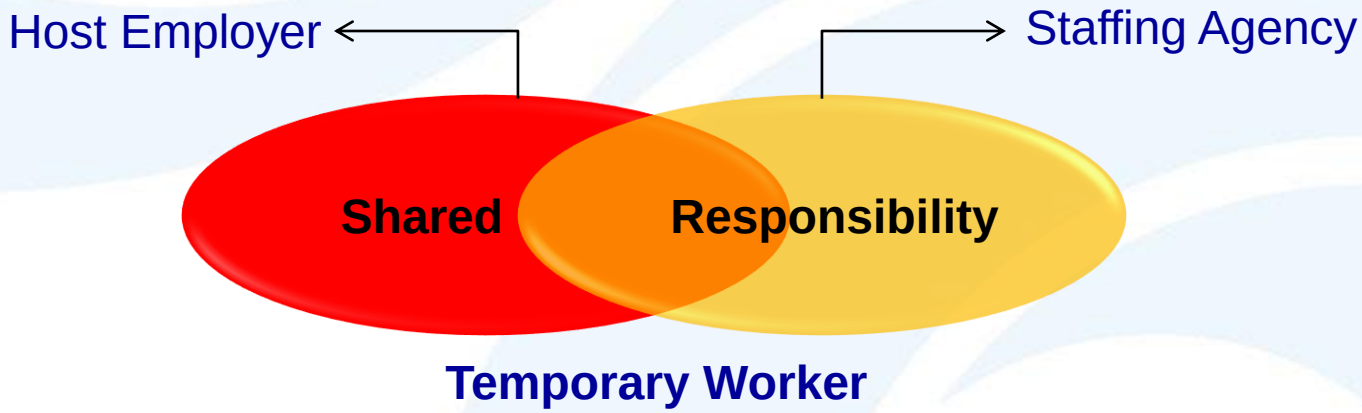
- **Both host employers and staffing agencies** have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health
- Legally, **both the host employer and the staffing agency** are employers of the temporary worker

Shared control over worker = Shared responsibility for worker

OSHA® Occupational Safety and Health Administration

Who is responsible for what?

- Both the host employer and the staffing agency are employers of the temporary worker
  - Share control over worker
  - Share responsibility for worker



OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers

Things to think about:

- Training: language, rights, initial orientation, worksite/hazard specific training
- Emergency Action Plan:
- HAZCOM:
- Chemical Monitoring:
- Medical Evaluations:
- PPE: Assess hazards/written certification. Determine type of PPE. Medical clearance. Provide adequate PPE. Training. Ensure PPE usage. Maintenance
- First Aid Treatment:
- Employee Exposure and Medical Records:

More things to consider!

OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers

Questions to ask:

HOST EMPLOYER or STAFFING AGENCY:

- Who is most familiar with the workplace hazards?
- Since the host employees are exposed to the same hazards, what is the host doing to protect their workers? Can that experience be applied to the Temporary Worker?
- Who is best suited to act on OSHA requirements?
- Who controls the workplace hazards?
- Who is responsible for giving the temporary employee specific training?
- Who controls/supervises the worker's day to day activities?

OSHA Occupational Safety and Health Administration

Protecting Temporary Workers

Thoughts for the STAFFING AGENCY:

- Review the host's worksite for hazards (staffing agency, consultant, worker's compensation insurance carrier, OSHA Consultation)
- Periodically revisit temporary worker work areas, evaluate for hazards.
- If the host doesn't do their part, the staffing agency will be required to perform the tasks or withdraw its workers from the site.
- Maintain contact with the temporary worker.
- Establish and train employees on procedures for employees to report worksite hazards.
- Establish means to have the host employer correct the hazards.

OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers

Things to think about:

JOINT RESPONSIBILITY:

- Preplan: Initial negotiations to establish an agreement/ contract to define the scope of work.
- Preplan: Spell out worksite hazards: site hazard analysis, injury reports, complaints, OSHA history, Job Hazard Analysis (JHA)
- Preplan: How are hazards being controlled?
- Preplan: Specific OSHA program requirements, who is responsible for what?

OSHA® Occupational Safety and Health Administration

Protecting Temporary Workers

Things to think about:

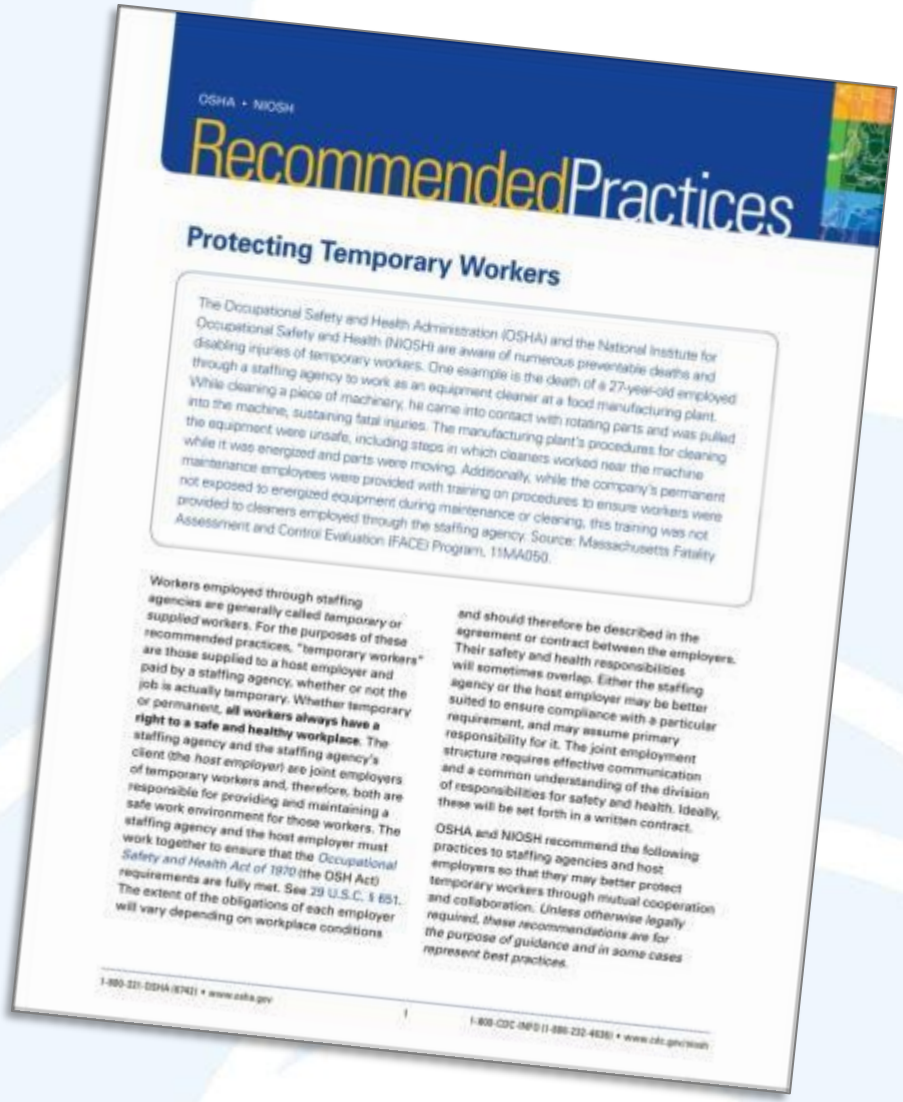
JOINT RESPONSIBILITY:

- Preplan: A clear division of specific responsibilities for safety and health.
- Preplan: Employee duties.
- Ongoing communication, hazards (identified, existing and new) and taking corrective measures. Meet at least annually.
- Responses may vary with the time the employee is intended to work at the site, complexity of the site.

OSHA® Occupational Safety and Health Administration

Temporary Workers: Outreach & Education

- Alliance with American Staffing Association
  - Safety Standard of Excellence
- Issued Temporary Worker Recommended Practices
- Developing Compliance Assistance Bulletins



OSHA • NIOSH

Recommended Practices

Protecting Temporary Workers

The Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) are aware of numerous preventable deaths and disabling injuries of temporary workers. One example is the death of a 27-year-old employed through a staffing agency to work as an equipment cleaner at a food manufacturing plant. While cleaning a piece of machinery, he came into contact with rotating parts and was pulled into the machine, sustaining fatal injuries. The manufacturing plant's procedures for cleaning the equipment were unsafe, including steps in which cleaners worked near the machine while it was energized and parts were moving. Additionally, while the company's permanent maintenance employees were provided with training on procedures to ensure workers were not exposed to energized equipment during maintenance or cleaning, this training was not provided to cleaners employed through the staffing agency. Source: Massachusetts Fatality Assessment and Control Evaluation (FACE) Program, 11MA050.

Workers employed through staffing agencies are generally called *temporary* or *supplied* workers. For the purposes of these recommended practices, "temporary workers" are those supplied to a host employer and paid by a staffing agency, whether or not the job is actually temporary. Whether temporary or permanent, **all workers always have a right to a safe and healthy workplace**. The staffing agency and the staffing agency's client (the *host employer*) are joint employers of temporary workers and, therefore, both are responsible for providing and maintaining a safe work environment for those workers. The staffing agency and the host employer must work together to ensure that the *Occupational Safety and Health Act of 1970* (the OSH Act) requirements are fully met. See 29 U.S.C. § 651. The extent of the obligations of each employer will vary depending on workplace conditions and should therefore be described in the agreement or contract between the employers. Their safety and health responsibilities will sometimes overlap. Either the staffing agency or the host employer may be better suited to ensure compliance with a particular requirement, and may assume primary responsibility for it. The joint employment structure requires effective communication and a common understanding of the division of responsibilities for safety and health. Ideally, these will be set forth in a written contract.

OSHA and NIOSH recommend the following practices to staffing agencies and host employers so that they may better protect temporary workers through mutual cooperation and collaboration. *Unless otherwise legally required, these recommendations are for the purpose of guidance and in some cases represent best practices.*

1-800-321-OSHA (6742) • www.osha.gov

1

1-800-CDC-INFO (1-800-232-4636) • www.cdc.gov/niosh

https://www.osha.gov/Publications/OSHA3735.pdf

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Protecting Temporary Workers

tween truck and dock. 12/4/2013 New Jersey: Temporary worker died in fall after being caught in a

Reports of Fatalities and Catastrophes

> **"Host employers need to treat temporary workers as they treat existing employees. Temporary staffing agencies and host employers share control over the employee, and are therefore jointly responsible for temp employee's safety and health. It is essential that *both* employers comply with all relevant OSHA requirements."**
>
> — David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health

Employer Responsibilities to Protect Temporary Workers*

To ensure that there is a clear understanding of each employer's role in protecting employees, OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

Joint Responsibility

While the extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case, staffing agencies and host employers are *jointly responsible* for maintaining a safe work environment for temporary workers - including, for example, ensuring that OSHA's training, hazard communication, and recordkeeping requirements are fulfilled.

OSHA could hold both the host and temporary employers responsible for the violative condition(s) - and that can include lack of adequate training regarding workplace hazards. Temporary staffing agencies and host employers share control over the worker, and are therefore jointly responsible for temporary workers' safety and health.

http://www.osha.gov/temp_workers/index.html

in traditional employment relationships; that temporary workers are often not given adequate safety and health training or explanations of their duties by either the temporary staffing agency or the host employer. Therefore, it is essential that *both* employers comply with all relevant OSHA requirements.

Both Host Employers and Staffing Agencies Have Roles

Both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they *share* responsibility for ensuring worker safety and health.

Highlights

- Recommended Practices: Protecting Temporary Workers**
- Policy Background on the Temporary Worker Initiative
- Temporary Worker Initiative (TWI) Bulletin No. 1 - Injury and Illness Recordkeeping Requirements**
- Temporary Worker Initiative (TWI) Bulletin No. 2 – Personal Protective Equipment**
- Temporary Worker Initiative (TWI) Bulletin No. 3 – Whistleblower Protection Rights**
- NEW Temporary Worker Initiative (TWI) Bulletin No. 4 - Safety and Health Training**
- NEW Temporary Worker Initiative (TWI) Bulletin No. 5 - Hazard Communication**
- Temporary Workers' Rights Pamphlet**

th

Heat Illness Prevention Campaign
May 25, 2018

To prevent heat related illness and fatalities:

- Acclimate to the heat; most heat related fatalities occur on the first 3 days of exposure.
- Drink water every 15 minutes, even if you are not thirsty.
- Rest in the shade to cool down.
- Wear a hat and light-colored clothing.
- Learn the signs of heat illness and what to do in an emergency.
- Keep an eye on fellow workers.

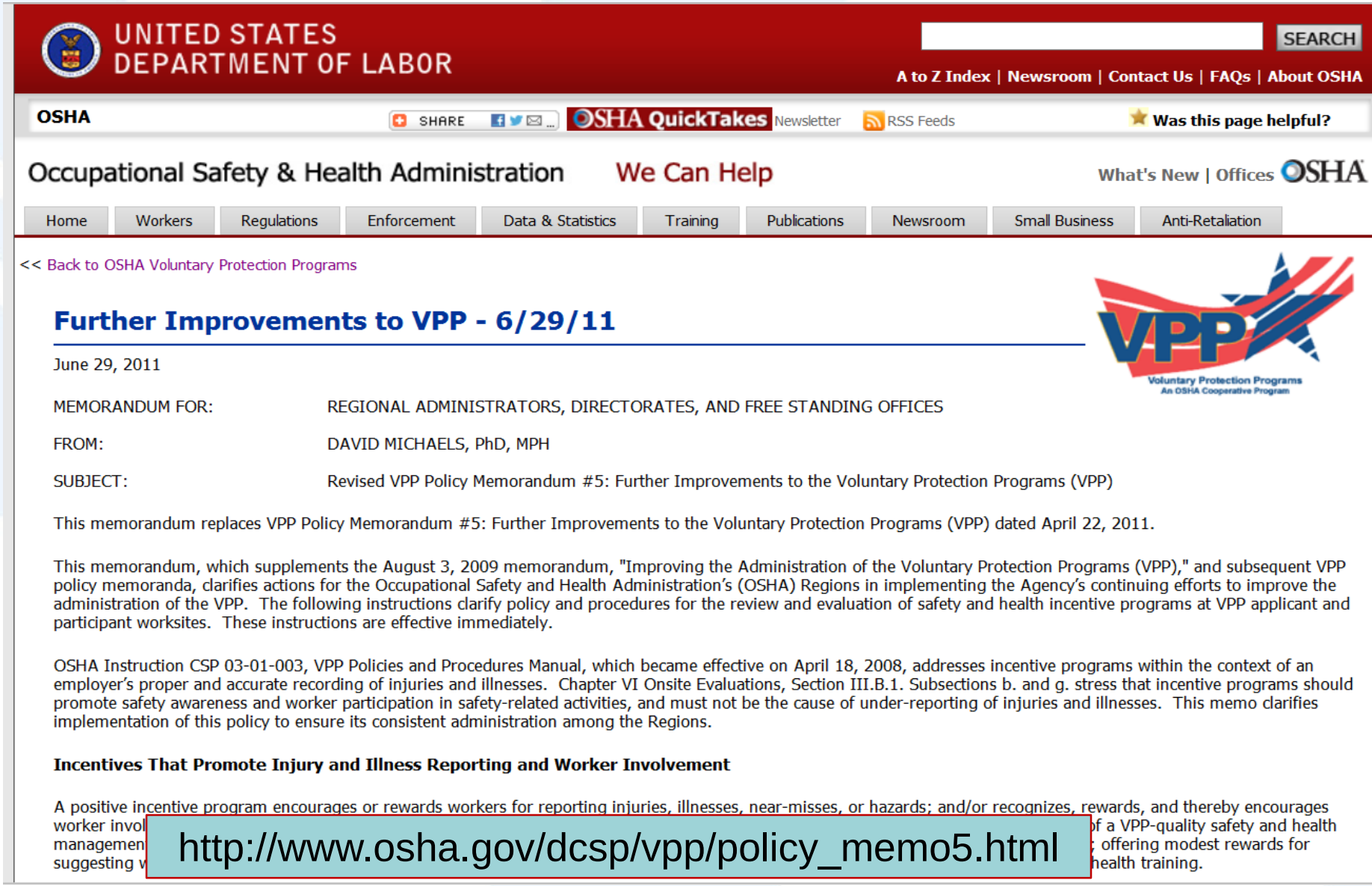
http://www.osha.gov/heat

WATER. REST. SHADE.

OSHA's Campaign to Keep Workers Safe in the Heat

OSHA® Occupational Safety and Health Administration

Employee Incentives



UNITED STATES DEPARTMENT OF LABOR

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<< Back to OSHA Voluntary Protection Programs

VPP Voluntary Protection Programs An OSHA Cooperative Program

Further Improvements to VPP - 6/29/11

June 29, 2011

MEMORANDUM FOR: REGIONAL ADMINISTRATORS, DIRECTORATES, AND FREE STANDING OFFICES

FROM: DAVID MICHAELS, PhD, MPH

SUBJECT: Revised VPP Policy Memorandum #5: Further Improvements to the Voluntary Protection Programs (VPP)

This memorandum replaces VPP Policy Memorandum #5: Further Improvements to the Voluntary Protection Programs (VPP) dated April 22, 2011.

This memorandum, which supplements the August 3, 2009 memorandum, "Improving the Administration of the Voluntary Protection Programs (VPP)," and subsequent VPP policy memoranda, clarifies actions for the Occupational Safety and Health Administration's (OSHA) Regions in implementing the Agency's continuing efforts to improve the administration of the VPP. The following instructions clarify policy and procedures for the review and evaluation of safety and health incentive programs at VPP applicant and participant worksites. These instructions are effective immediately.

OSHA Instruction CSP 03-01-003, VPP Policies and Procedures Manual, which became effective on April 18, 2008, addresses incentive programs within the context of an employer's proper and accurate recording of injuries and illnesses. Chapter VI Onsite Evaluations, Section III.B.1. Subsections b. and g. stress that incentive programs should promote safety awareness and worker participation in safety-related activities, and must not be the cause of under-reporting of injuries and illnesses. This memo clarifies implementation of this policy to ensure its consistent administration among the Regions.

Incentives That Promote Injury and Illness Reporting and Worker Involvement

A positive incentive program encourages or rewards workers for reporting injuries, illnesses, near-misses, or hazards; and/or recognizes, rewards, and thereby encourages worker invol of a VPP-quality safety and health managemen ; offering modest rewards for suggesting w health training.

http://www.osha.gov/dcsp/vpp/policy_memo5.html

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the attention of:

MAR 12 2012

MEMORANDUM FOR: REGIONAL ADMINISTRATORS, WHISTLEBLOWER PROGRAM MANAGERS

FROM: RICHARD E. FAIRFAX
Deputy Assistant Secretary

SUBJECT: Employer Safety Incentive and Disincentive Policies and Practices

Section 11(c) of the OSH Act prohibits an employer from discriminating against an employee because the employee reports an injury or illness. 29 CFR 1904.36. This memorandum is intended to provide guidance to both field compliance officers and whistleblower investigative staff on several employer practices that can discourage employee reports of injuries and violate section 11(c), or other whistleblower statutes.

Reporting a work-related injury or illness is a core employee right, and retaliating against a worker for reporting an injury or illness is illegal discrimination under section 11(c). Other whistleblower statutes enforced by OSHA also may protect employees who report workplace injuries. In particular, the Federal Railroad Safety Act (FRSA) prohibits railroad carriers, their contractors and subcontractors from discriminating against employees for reporting injuries. 49 U.S.C. 20109 (a)(4).

If employees do not feel free to report injuries or illnesses, the employer's entire workforce is put at risk. Employers do not learn of and correct dangerous conditions that have resulted in injuries, and injured employees may not receive the proper medical attention, or the workers' compensation benefits to which they are entitled. Ensuring that employees can report injuries or illnesses without fear of retaliation is therefore crucial to protecting worker safety and health.

There are several types of workplace policies and practices that could discourage reporting and could constitute unlawful discrimination and a violation of section 11(c) and other whistleblower protection statutes. Some of these policies and practices may also violate OSHA's recordkeeping regulations, particularly the requirement to ensure that employees have a way to report work-related injuries and illnesses. 29 C.F.R. 1904.35(b)(1). I list the most common potentially discrimi… supervis… a progra…

http://www.osha.gov/as/opa/whistleblowermemo.html

Consequences of not reporting injuries/illness:

- Problems remain concealed. Places the workforce at risk for another injury/illness.
- Incidents are not investigated.
- Nothing is learned.
- The hazard is not corrected.
- Employee may not receive the proper medical attention.
- Employee not made whole through workers' compensation benefits.

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Types of Disincentive Programs:

1. Taking disciplinary action against employees who are injured on the job, regardless of the circumstances. {A direct violation of section 11(c)}
2. Disciplining an employee who reports an injury/illness, regarding the time or manner for reporting. {You cannot penalize workers who do not realize immediately that their injuries are serious enough to report, or even that they are injured at all.}

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Types of Disincentive Programs:

3. An employee reports an injury and the employer imposes discipline on the grounds that the injury resulted from the violation of a safety rule by the employee.

4. Programs that unintentionally or intentionally provide employees an incentive to not report injuries, such as:
   - a drawing to win a prize,
   - a team of employees might be awarded a bonus

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Incentives That Promote Injury and Illness Reporting and Worker Involvement:

- Focus on a positive incentive program that encourages or rewards workers for reporting injuries, illnesses, near-misses, or hazards;
- Recognizing, rewarding, and encouraging workers for being involved in the company safety and health management system.

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Incentives That Promote Injury and Illness Reporting and Worker Involvement:

Examples:

- Providing tee shirts to workers serving on safety and health committees;
- Offering modest rewards for suggesting ways to strengthen the company safety and health program.
- Giving a recognition party at the successful completion of company-wide safety and health training.
- Offer rewards for identifying hazards.
- Or participating in investigations of injuries, incidents or "near misses“.
- What have you seen?

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We Can Help

Top Ten Violations

Most frequently cited OSHA standards during FY 2017 inspections

1. Fall Protection – General Requirements (1926.501)
2. Hazard Communication (1910.1200)
3. Scaffolding (1926.451)
4. Respiratory Protection (1910.134)
5. Lockout/Tagout (1910.147)
6. Ladders (1926.1053)
7. Powered Industrial Trucks (1910.178)
8. Machine Guarding (1910.212)
9. Fall Protection – Training Requirements (1926.503)
10. Electrical – Wiring Methods (1910.305)

NAICS Code: 623312 *Assisted Living Facilities for the Elderly*

Standard	Citations	Inspections	Penalty	**Description** (October 2016 through September 2017)
Total	45	10	$87,677	*All Standards cited for Assisted Living Facilities for the Elderly*
19101030	17	4	$19,866	Bloodborne pathogens.
19101200	6	4	$5,919	Hazard Communication.
19040029	2	2	$500	Forms.
19100022	2	2	$5,859	General requirements.
19100036	2	1	$6,338	Design and construction requirements for exit routes.
19100132	2	1	$2,500	General requirements.
19100138	2	2	$6,971	Hand Protection.
19100305	2	2	$3,232	Wiring methods, components, and equipment for general use.
19100038	1	1	$0	Emergency action plans.
19100133	1	1	$3,169	Eye and face protection.
19100151	1	1	$3,169	Medical services and first aid.
19100212	1	1	$7,696	General requirements for all machines.
19100213	1	1	$9,353	Woodworking machinery requirements.
19100303	1	1	$4,802	General requirements.
19100304	1	1	$3,232	Wiring design and protection.
19100332	1	1	$5,070	Training
19100334	1	1	$0	Use of equipment.
19100335	1	1	$0	Safeguards for personnel protection.

Maximum Penalties

Level	Previous Maximum Penalty (2017)	New Maximum Penalty (2018)
Serious	$12,675 per violation	$12,934 per violation
Other-Than-Serious	$12,675 per violation	$12,934 per violation
Willful or Repeated	$126,749 per violation	$129,336 per violation
Posting Requirements	$12,675 per violation	$12,934 per violation
Failure to Abate	$12,675 per day unabated beyond the abatement date [generally limited to 30 days maximum]	$12,934 per day unabated beyond the abatement date [generally limited to 30 days maximum]

Effective on January 2, 2018

OSHA® Occupational Safety and Health Administration

7b. Walking Surfaces and Personal Fall Protection Systems

OFFICE of INFORMATION and REGULATORY AFFAIRS
OFFICE of MANAGEMENT and BUDGET
EXECUTIVE OFFICE of the PRESIDENT

Reginfo.gov

U.S. General Services Administration GSA

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View Rule

View EO 12866 Meetings | Printer-Friendly Version | Download RIN Data in XML

DOL/OSHA **RIN:** 1218-AB80 **Publication ID:** Spring 2015

Title: Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

Abstract:

In 1990, OSHA published a proposed rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Slips, trips, and falls are among the leading causes of work-related injuries and fatalities. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology. As a result of issues raised in comments to the 1990 NPRM, OSHA published a notice to reopen the rulemaking for comment on May 2, 2003. Based on comments received on the 2003 notice, OSHA determined that the rule proposed in 1990 was out of date and did not reflect current industry practice or technology. The Agency published a second proposed rule on May 24, 2010, which reflected current information and increased consistency with other OSHA standards. Hearings were held on January 18 through 21, 2011.

Agency: Department of Labor(DOL)
Priority: Economically Significant
RIN Status: Previously published in the Unified Agenda
Agenda Stage of Rulemaking: Final Rule Stage
Major: Yes
Unfunded Mandates: No
CFR Citation: 29 CFR 1910, subparts D and I (To search for a specific CFR, visit the Code of Federal Regulations.)
Legal Authority: 29 U.S.C. 655(b)
Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Reopen Record	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	
Second NPRM	05/24/2010	75 FR 28861
Second NPRM Comment Period End	08/23/2010	
Notice of Informal Hearing	11/12/2010	75 FR 69369
Public Hearing	01/18/2011	
Analyze Comments	08/26/2011	
Final Rule	08/00/2015	

Regulatory Flexibility Analysis Required: No
Federalism: No
Included in the Regulatory Plan: No
RIN Data Printed in the FR: No

http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201504&RIN=1218-AB80

OSHA Calendar of Events

- **March 2018:** Focus Four Campaign begins: Electrical Safety, Struck By, Fall Prevention, Caught in/between
- **April 2018**
  - Distracted Driving Awareness Month, (National Safety Council).
  - National Roadway Work Zone Awareness Week.
  - 28 - Workers' Memorial Day (OSHA's birthday).
- **May 2018:**
  - National Safety Stand-Down to Prevent Falls in Construction.
  - Informal launch of the Heat Illness Prevention Campaign; "Don't Fry Day"
- **June 2018**
  - National Safety Month (National Safety Council).
  - Trench Safety Stand-Down (NUCA)
- **August 2018:** Safe + Sound Week.

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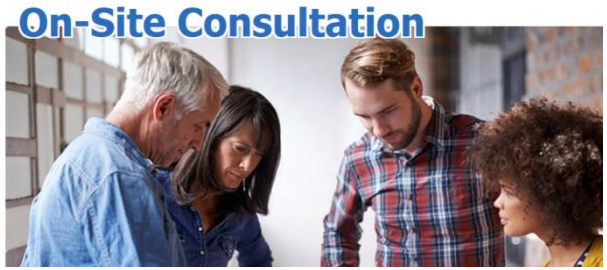
OSHA Resources

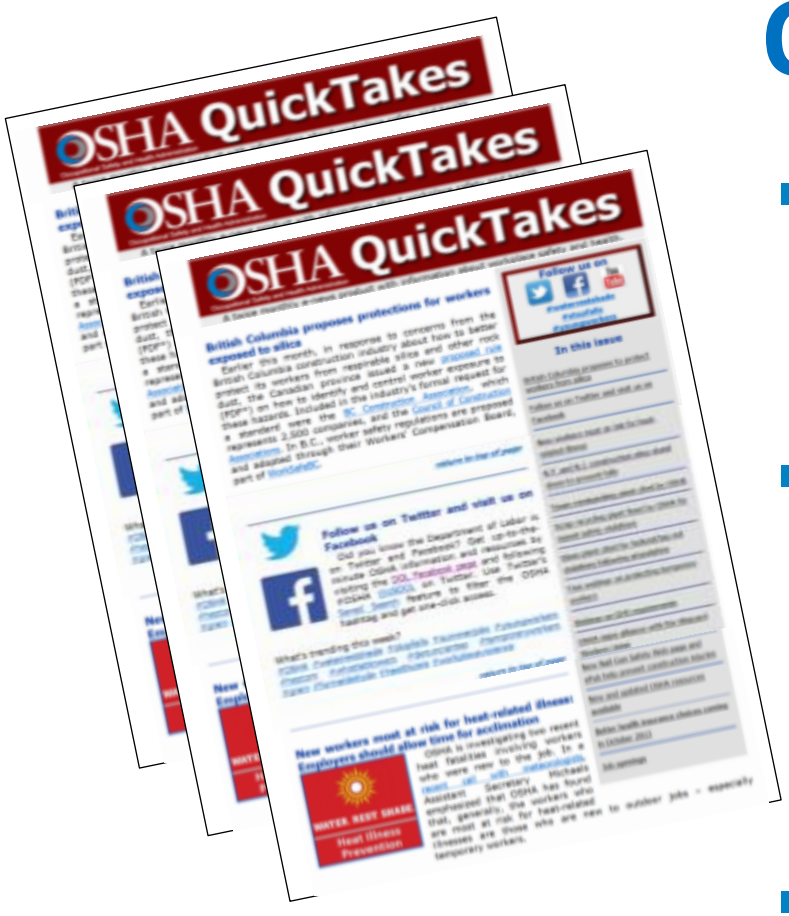
- Webpage,

  www.osha.gov

- Quick Takes,

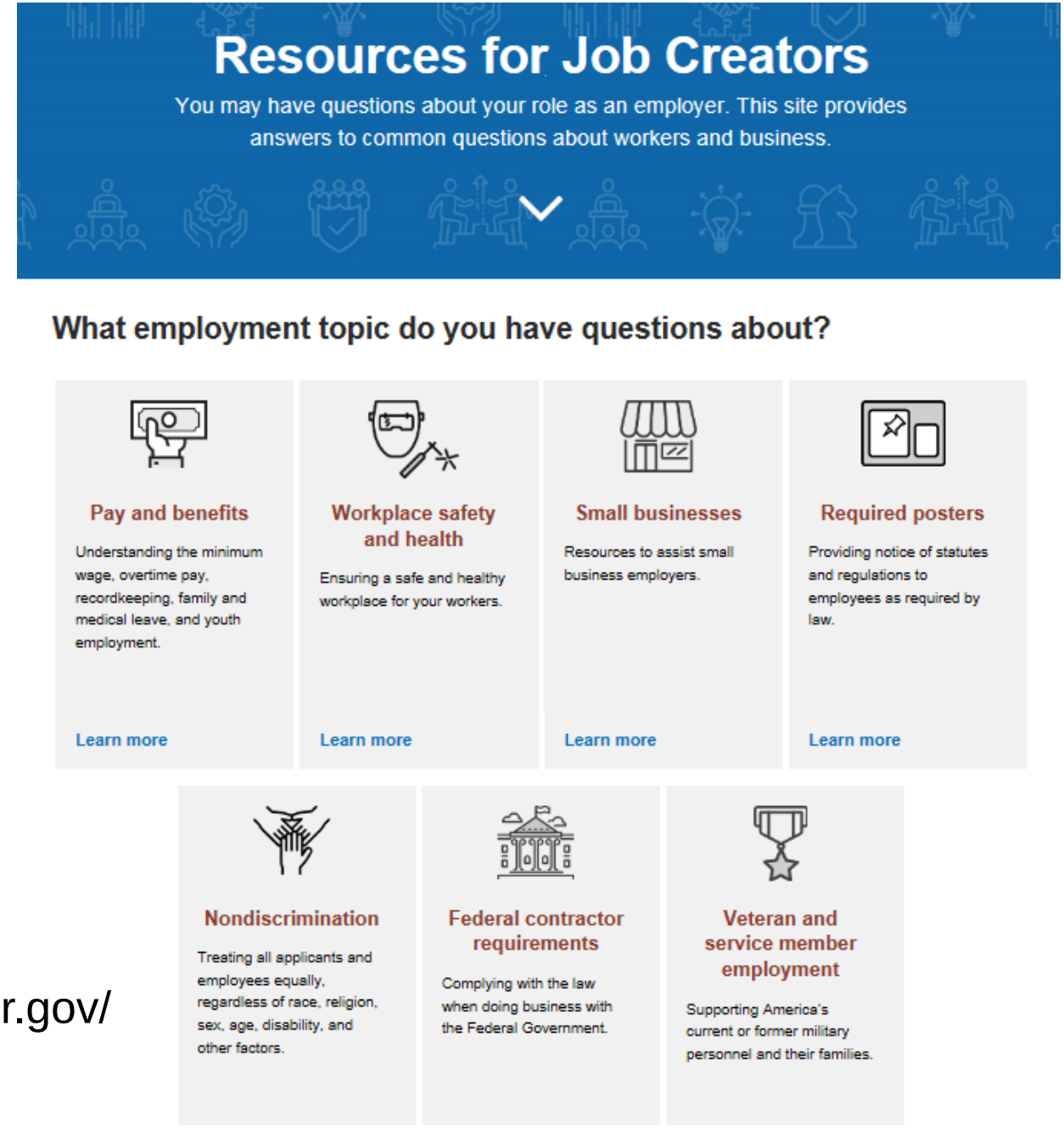
- Staff Duty Officer
- Consultation
- Compliance Assistance





OSHA QuickTakes

- **Free** OSHA e-newsletter delivered twice monthly to 200,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at **www.osha.gov**



https://www.employer.gov/

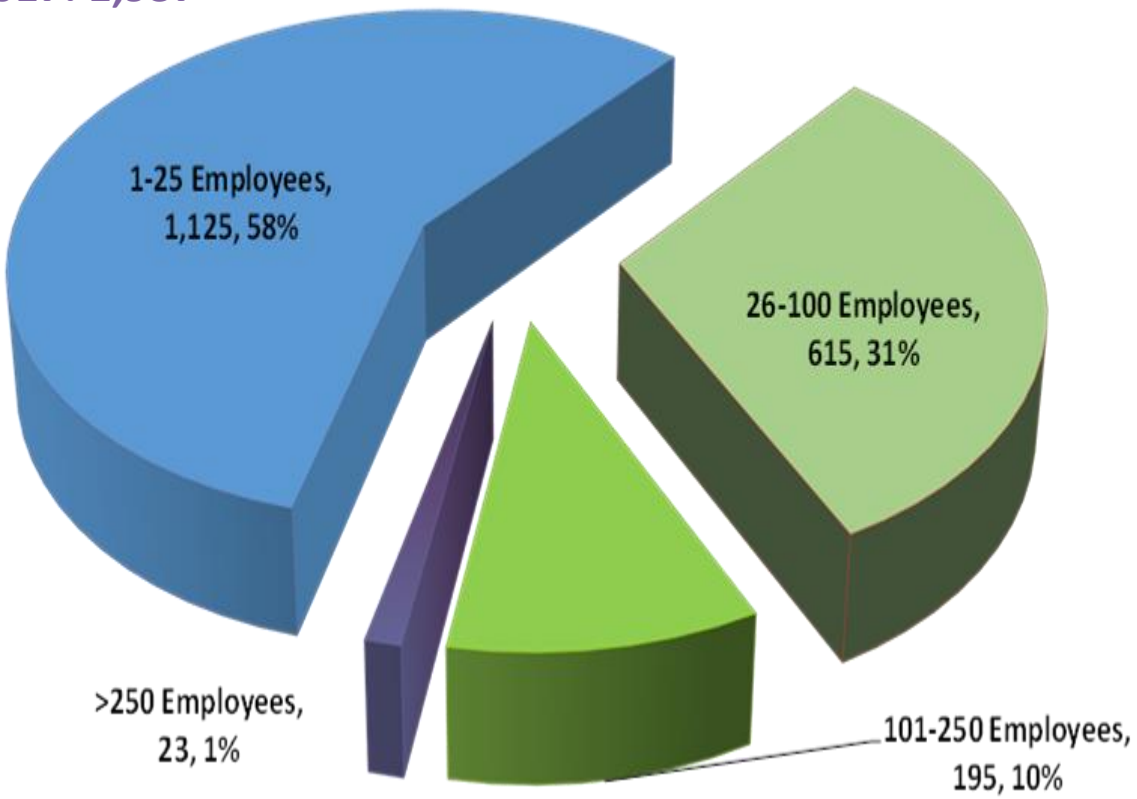
https://www.worker.gov/

OSHA Consultation Service
Indiana University of Pennsylvania

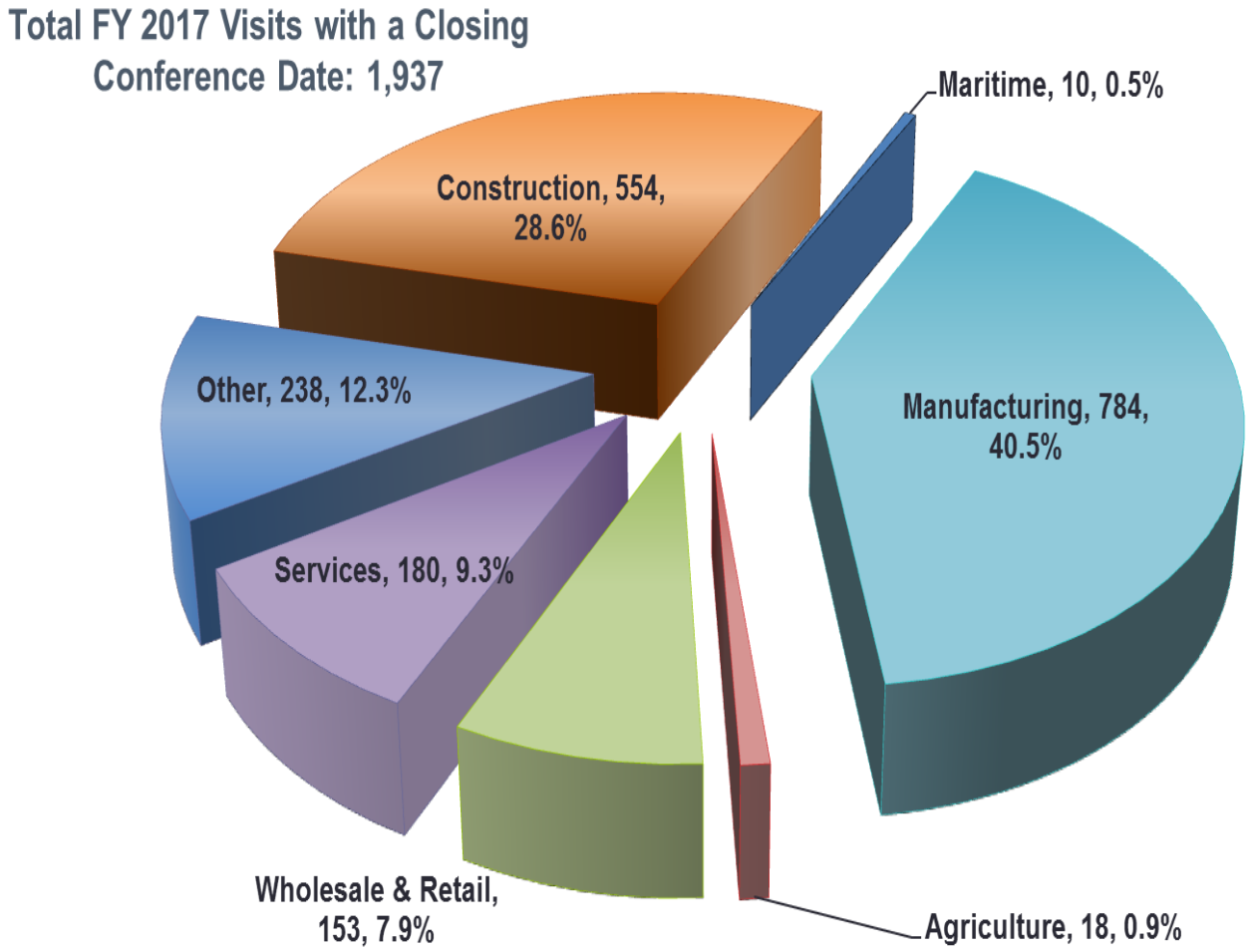
- Aimed to help employers who want help in recognizing and correcting safety and health hazards and in improving their safety and health programs.
- Free, largely funded by OSHA
- Requirement: A commitment to correcting serious safety and health hazards
- Confidential, tailored to small business

Size of Employers Receiving Consultation Services in Region III, FY 2017

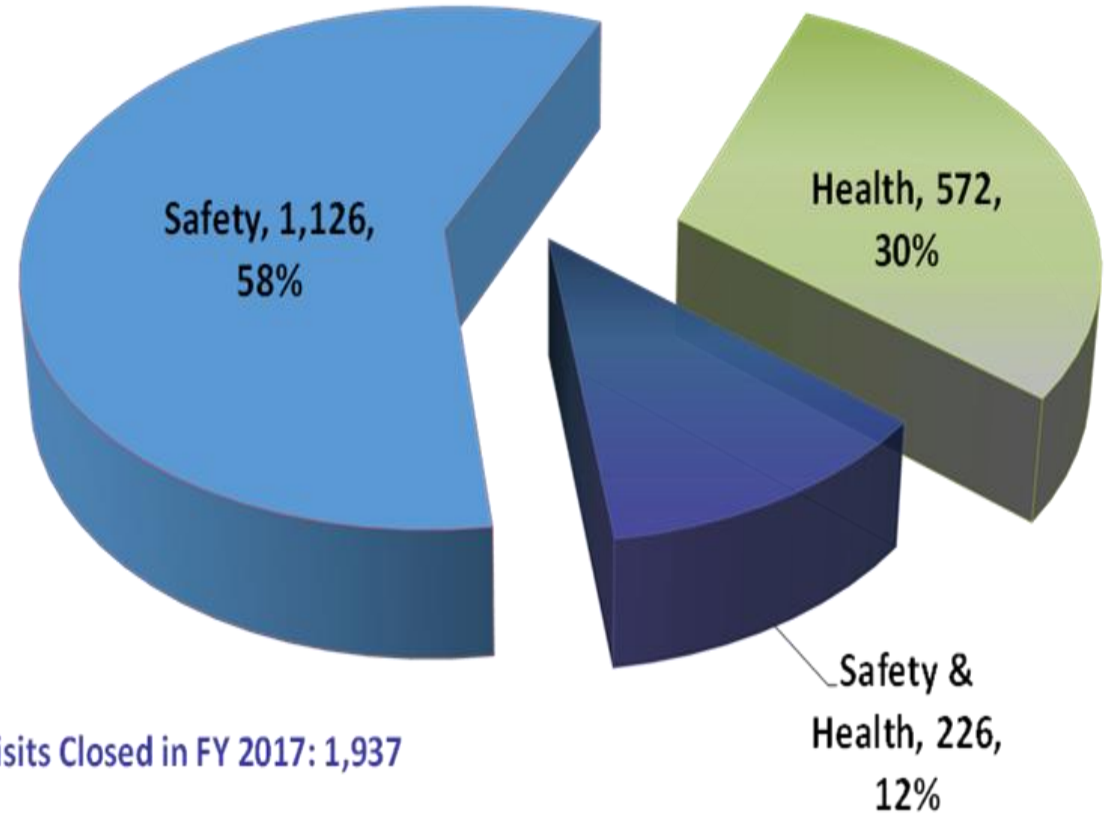
Total Visits Closed in FY 2017: 1,937



On-site Consultation Visits by Industry Sector



Region III - On-site Consultation Initial Visits by Category, FY 2017



Total Visits Closed in FY 2017: 1,937

OSHA Consultation Service
Indiana University of Pennsylvania

- Safety and Health Achievement Recognition Program (SHARP)
- Contact Information:

  1 – 800 – 382 – 1241

  www.hhs.iup.edu/sa/osha

Region III OSHA Consultation Projects

- **District of Columbia** **202-724-3690**
  Office of Occupational Safety and Health
- **Delaware** **302-761-8219**
  DOL Office of Safety and Health Consultation
- **Maryland** **410-527-4499**
  MOSH Consultation Services
- **Pennsylvania** **800-382-1241**
  PA OSHA Consultation Program (IUP)
- **Virginia** **804-786-8707**
  Occ. Safety and Health – Training and Consultation
- **West Virginia** **304-558-7890**
  OSHA Safety Consultation Program

Scope of services- determined by Employer's Request

- Limited assessment of one area or process (Determined by employer) or
- Full scope Initial Safety and/or Health Visit

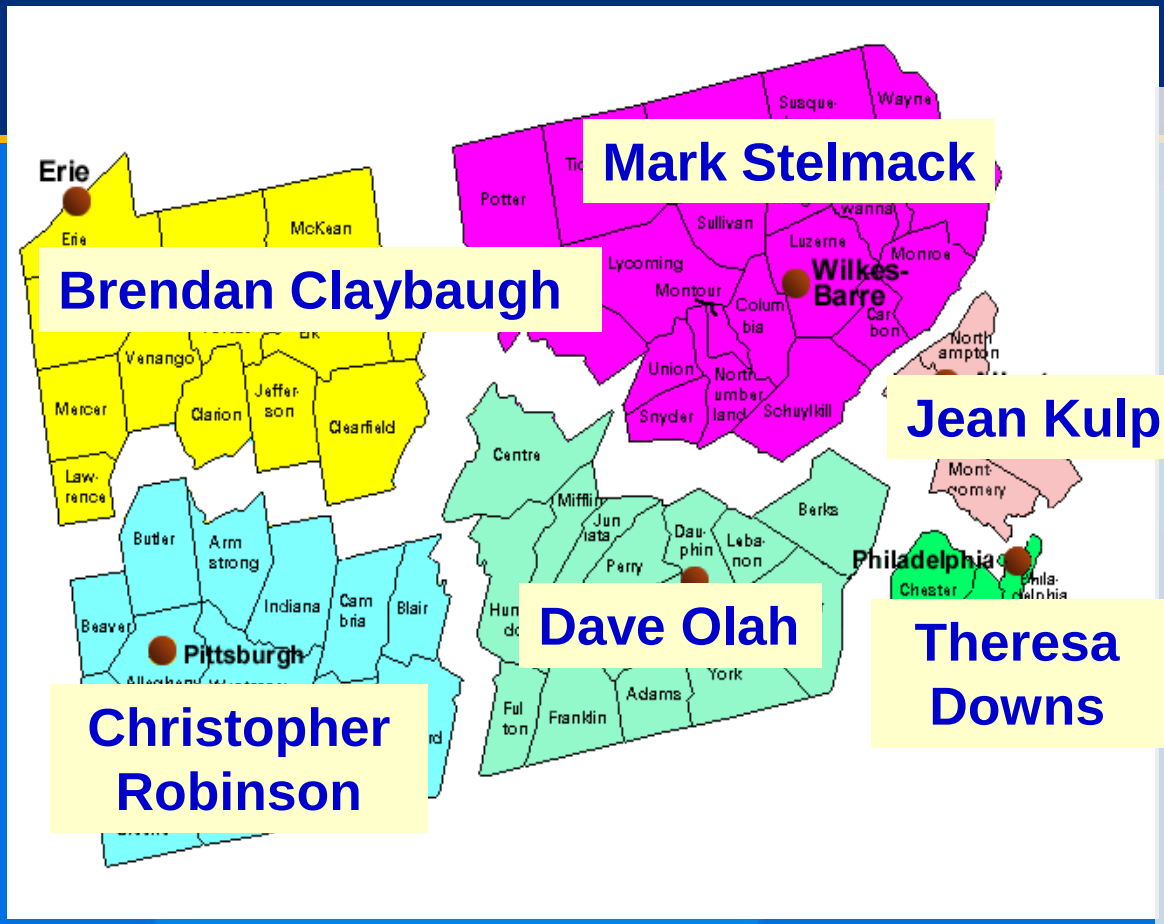
Can provide…

- Program Assistance (implementing SHP)
- Free Industrial Hygiene surveys!
  - Noise, chemical exposure assessments, etc.
- Training and Education!
  - Region III Consultants trained over 50,000 employers/employees in FY 2017 or various topics!

Find an Outreach Trainer

https://www.osha.gov/dte/outreach/courses.html

Pennsylvania OSHA Area Offices



Main OSHA Number:
1-800-321-OSHA,
1-800-321-6742

Allentown Area Office
(267) 429-7542
Erie Area Office
(814) 874-5150
Harrisburg Area Office
(717) 782-3902
Philadelphia Area Office
(215) 597-4955
Pittsburgh Area Office
(412) 395-4903
Wilkes-Barre Area Office
(570) 826-6538

OSHA

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