



INDIANA DEPARTMENT OF LABOR

OSHA “Hot” Topics

Timothy E. Maley
Deputy Commissioner of Labor



Monday, March 23, 2015

Deputy Commissioner's Background

- Bachelor of science from Purdue University
- Safety management at Eli Lilly and Company (1979-2008)
 - VPP Merit – 2000
 - VPP STAR – 2003
 - VPP Recertification – 2006
- VPPPA Region V Board of Directors
 - Director at Large
 - Vice Chairperson
- Senior Consultant for Advanced Worksite Solutions
- Indiana Department of Labor IOSHA

Monday, March 23, 2015

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Carrot or the Stick?

- MICCS
- ICA
- ABC
- CI-ASSE
- Dow AgroScience
- INSafe/SHARP
- VPP



- 40 compliance officers
- 1,500-1,600 inspections/year
- Fines
- Whistleblower unit
- Emphasis areas
- Negotiated settlement agreements – *gaining safety ground*

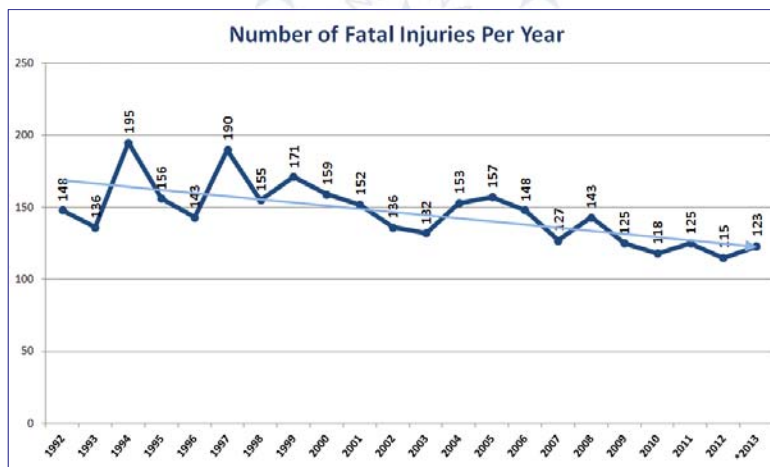


Monday, March 23, 2015

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Indiana Workplace Fatalities



Monday, March 23, 2015

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Updates to OSHA's Recordkeeping and Reporting Rule

- Events that must be reported to OSHA
- Which employers are required to keep records

Monday, March 23, 2015

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Expanded reporting requirements

The rule expands the list of severe work-related injuries and illnesses that **all covered employers** must report to OSHA.

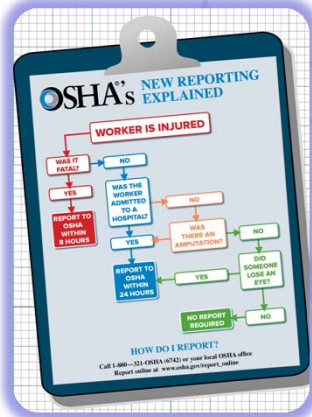
Starting March 1, 2015 employers **must report** the following to OSHA:

- All work-related fatalities within 8 hours (same as current requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours
- All work-related amputations within 24 hours
- All work-related losses of an eye within 24 hours

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Expanded Reporting Requirements



- If the injury or illness resulted in a fatality, hospitalization, amputation or loss of an eye, report to OSHA.
- If you are in an industry covered by OSHA's updated recordkeeping requirements, also make a record of the injury or illness in the OSHA 300 Log.

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Reporting to IOSHA

- Telephone: (317) 232-2693
- 24-hour OSHA Hotline:
1 (800) 321-OSHA
- Online: www.osha.gov/report_online

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Industry Exemptions

- The rule also **updates** the list of industries that are partially exempt from the requirement to routinely keep OSHA injury & illness records (e.g. the OSHA 300 log), due to relatively low occupational injury & illness rates.
- The new rule **retains** the exemption for any firm with ten or fewer employees, regardless of their industry classification, from the requirement to routinely keep records.
- Reminder: All employers, even those exempt from recordkeeping requirements, **must report** a work-related fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA.

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Owner versus Employee? Independent Contractor versus Employee?

Do we use the definition under:

OSHA act?

Or

A Control Definition?



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Multi Employer Worksites

Multi-employer Worksites: A worksite at which two or more entities are performing tasks that will contribute to the completion of a common project. The entities may or may not be related contractually. The contractual relationship may or may not be in writing. On multi-employer worksites, both in construction and industry, more than one employer may be citable for the same condition. The following employers are potentially citable.

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Responsibility and Control of the Worksite

- The exposing employer
- The creating employer
- The correcting employer
- The controlling employer



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Workers Rights



Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- File a confidential complaint with OSHA to have their workplace inspected.
- Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be done in a language and vocabulary workers can understand.
- Receive copies of records of work-related injuries and illnesses that occur in their workplace.
- Receive copies of the results from tests and monitoring done to find and measure hazards in their workplace.
- Receive copies of their workplace medical records.
- Participate in an OSHA inspection and speak in private with the inspector.
- File a complaint with OSHA if they have been retaliated against by their employer as the result of requesting an inspection or using any of their other rights under the OSH Act.
- File a complaint if punished or retaliated against for acting as a “whistleblower” under the 21 additional federal laws for which OSHA has jurisdiction.

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Protecting Temporary Workers

- Evaluate the Host Employer’s Worksite
- Train Agency Staff to Recognize Safety and Health Hazards
- Ensure the Employer Meets or Exceeds the Other Employer’s Standards
- Assign OH&S Responsibilities and Define Scope of Work in the Contract
- Injury and Illness Tracking 29 CFR 1904.31(b)(2)
- Conduct H&S Training and New Project Orientation
 - First Aid
 - Medical Treatment
 - Emergencies
- Injury and Illness Prevention Programs
 - Injury and Illness Prevention Program Assessments
 - Incident Investigation
- Maintain Contact with Workers

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Vulnerable Workers

- Immigrants and non English speaking workers
- The nation's workers speak many languages and a sizable percentage of them speak little or no English.
- Assure that when training is required by OSHA standards, it is conducted in a language that workers can understand.
- Ties with OSHA and community based organizations
- Spanish general industry digest
 - Spanish speaking operators
 - Conversion dictionaries
 - Standards in Spanish
 - Hand out training materials
 - Slide presentations
 - Training Videos
 - Spanish outreach trainers

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Whistleblower Protection

- Protected Activity
 - filing safety and health complaints with IOSHA,
 - participating in an IOSHA inspection,
 - testifying in occupational safety or health proceedings,
 - filing a complaint with another regulatory entity (e.g. IDEM, State Department of Health, etc.),
 - raising safety and health concerns with employee management,
 - complaints to coworkers, and/or
 - work refusal (if a reasonable person would agree that work conditions pose an imminent danger that would result in serious injury or death).



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Whistleblower Protection

- **Adverse Action**

- firing or laying off,
- demoting,
- denying overtime or promotion,
- disciplining,
- denial of benefits,
- intimidation/harassment,
- reassignment affecting prospects of promotion, and/or
- reducing pay or hours.



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Incentive Programs

- **Unintentional impacts of well-intended programs**

- Entering uninjured employees in a drawing for a door prize.
- Rewarding workers if a certain incident rate is achieved
 - Bonus
 - Day off with pay
 - New car
 - Free vacation cruise



- **Don't allow your well-intended program to discourage employees from reporting**

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Incentive Programs

- Incentive programs are not mandatory.
- Incentive programs may not discourage or discipline employees for
 - Reporting injuries or illnesses
 - Reporting hazards
 - Filing a complaint with IOSHA
 - Participating in an IOSHA inspection or investigation

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Cooperative Programs



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Safety and Health Consultation

- Free
 - No charge for workplace safety and health consultation
 - No citations or fines for safety and health violations
- Confidential
 - Consultation findings are not made public
 - Information is not shared with IOSHA enforcement
- Expert
 - Technical report issued
 - Recommendations for continuous improvement
 - Safety and Health Program Assessment Worksheet
 - Management commitment
 - Employee involvement
 - Worksite analysis
 - Hazard prevention and control
 - Employee training



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- Email us your workplace safety and health question or comment
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