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**WELL AT HOME. SAFE AT WORK.**

**Session 927**  
**Safety Principles for Health Care**

Ford Sledge  
Ben Hissam

9 a.m. to 4 p.m. Tuesday, March 27

**Ohio** Bureau of Workers' Compensation

### Continuing Nursing Education Disclosures

- o **Goal:** To educate conference attendees on specific aspects of accident prevention and Ohio's workers' compensation system
- o **Learning objectives for session # 927 Safety Principles for Health Care**
  - Identify OSHA and Environmental Protection Agency regulations
  - List safety standards for medical providers, bloodborne pathogens, medical waste handling and disposal
  - Describe the basics of ergonomics and injury prevention programs
- o **Criteria for Successful Completion:** Attend the entire event and complete a session evaluation.
- o **Conflict of Interest:** The planners and faculty have no conflict of interest.
- o **Commercial Support:** There is no commercial support for this event.
- o **Continuing Education:** Awarded 0.1 IACET general CEUs and 1.0 RN\* contact hour.

\*The Ohio BWC (OH-18801-01-2013) is an approved provider of continuing nursing education by the Ohio Nurses Association (ONA-001-91), an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation.

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## Introduction to OSHA

Presented by Ford Sledge (first hour)

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## Lesson Overview

### Purpose

To provide health-care workers with introductory information about the Occupational Safety and Health Administration (OSHA)

### Topics

- 1) Why is OSHA important to you?
- 2) OSHA's coverage (partial exempted industries)
- 3) Employee rights
- 4) Relevant OSHA standards for health-care employers
- 5) How does OSHA conduct inspections?

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## History of OSHA

- o OSHA is agency of the U.S. Department of Labor.
- o OSHA's responsibility is worker safety and health protection.
- o On Dec. 29, 1970, President Richard Nixon signed the Occupational Safety and Health (OSH) Act.
- o This Act created OSHA, the agency, which formally came into being on April 28, 1971.
- o The ACT created NIOSH & OSHRC, too.



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## Key Moments of Significance

- o Triangle Shirtwaist Accident (March 1911)
- o Love Canal - sold to city in 1953 (late 1970s)
- o Bhopal Accident (December 1984)
- o North Carolina Chicken Processing Plant (September 1991)

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## OSHA's Mission

- The mission of OSHA is to save lives, prevent injuries and protect the health of America's workers.
- OSHA carries out its mission by:
  - Developing job safety and health standards, and enforcing them through worksite inspections;
  - Maintaining a reporting and recordkeeping system to keep track of job-related injuries and illnesses;
  - Providing training programs to increase knowledge about occupational safety and health.

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## OSHA Coverage

- Who is covered?
  - Private sector
- Who is not?
  - State and local government workers
  - Employees covered by other federal agencies: MSHA, FAA, DOD, NRC, etc.
  - Self-employed
  - Farmers and their immediate families

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## OSHA Coverage

Covered by OSHA?		Worker
Yes	No	1. Harry Adams, a miner at Below Ground Inc.
Yes	No	2. Adrian Smith, one of three employees of ABC health services
Yes	No	3. Taylor Dell, a self-employed accountant
Yes	No	4. Rob Jones, one of 10 carpenters working for Woody Inc.

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## Partially Exempt Industries

- What industries?
- Where can you find this out?
  - Non-Mandatory Appendix A
  - [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=12791](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=12791)
- What are they not exempt from?
  - Still must follow OSHA standards that apply
  - Must report deaths and catastrophic hospitalizations
  - Must respond to Bureau of Labor Statistics surveys

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## Questions for Review

- What is OSHA's core mission?
- What is a partial exempt industry?

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## What Rights Do You Have Under OSHA?

- You have the right to:
- A safe and healthy workplace;
  - Know about hazardous chemicals;
  - Information about injuries and illnesses in your workplace;
  - Complain or request hazard correction from employer;
  - Training;
  - Hazard exposure and medical records;
  - File a complaint with OSHA;
  - Participate in an OSHA inspection;
  - Be free from retaliation for exercising safety and health rights.

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## Worker Rights

- Have you seen this poster at your place of work?
- Creation of OSHA provided workers the right to a safe and healthy workplace.



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## Safe and Healthy Workplace

- The creation of OSHA provided workers the right to a safe and healthy workplace.
- Section 5(a)(1) of the OSH Act states: "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."



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## Know About Hazardous Chemicals

Employers must have a written, complete hazard communication program.



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## Information About Injuries/Illness

OSHA's Recordkeeping rule requires most employers with more than 10 workers to keep a log of injuries and illnesses.



- Workers have the right to review the current log, as well as the logs stored for the past five years.
- Workers also have the right to view the annually posted summary of the injuries and illnesses (OSHA 300A).

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## Complain or Request Corrections

- Workers may bring up safety and health concerns in the workplace to their employers without fear of discharge or discrimination, as long as the complaint is made in good faith.
- OSHA regulations [29CFR 1977.9(c)] protect workers who complain to their employer about unsafe or unhealthy conditions in the workplace.

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## Training

What are some of the OSHA standards everyone here might need to receive training on?

- Emergency Action Plans (1910 subpart E)
- Personal Protective Equipment (subpart I)
- Walking Surfaces (subpart D)
- Bloodborne Pathogen (subpart Z)
- Violence in Workplace (general duty)
- Ergonomics (general duty)

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### How to Read OSHA Standards?

- Think TPS reports.
- They're also broken into subparts.
- Where there are no specific OSHA standards, employers must comply with The General Duty Clause, Section 5(a)(1).

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### Examine Exposure and Medical Records

- 15 days
- Costs
- Special circumstances
- Employees are to be informed
  - Medical records exist
  - Person responsible
  - Right of access

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### File a Complaint With OSHA

- Workers may file a complaint with OSHA if they believe a violation of a safety or health standard, or an imminent danger situation, exists in the workplace.
- Workers may request their name not be revealed to the employer.
- If a worker files a complaint, he or she has the right to find out OSHA's action and request a review if an inspection is not made.

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### Participate In an OSHA Inspection

- An employee representative can accompany OSHA inspector.
- Workers can talk to the inspector privately.
- Workers may point out hazards, describe injuries, illnesses or near misses that resulted from those hazards.
- Workers can find out about inspection results, abatement measures and may object to dates set for violation to be corrected.
- There will be more on inspections later.

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### Be Free From Retaliation

- Workers have the right to be free from retaliation for exercising safety and health rights.
- Workers have a right to seek safety and health on the job without fear of punishment.
- This right is spelled out in Section 11(c) of the OSH Act.
- Workers have 30 days to contact OSHA if they feel they have been punished for exercising their safety and health rights.

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### How are OSHA Inspections Conducted?

- The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.
- OSHA conducts inspections without advance notice, except in *rare circumstances*.
- Anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.

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## OSHA Inspection Priority

Priority	Category of inspection
1st	<b>Imminent danger</b> Reasonable certainty an immediate danger exists
2nd	<b>Fatality/catastrophe</b> Reported to OSHA; inspected ASAP
3rd	<b>Complaints/referrals</b> Worker or worker representative can file a complaint about a safety or health hazard.
4th	<b>Programmed inspections</b> Cover industries and employers with high injury and illness rates, specific hazards or other exposures

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## Inspection Process

The inspector must present his or her credentials upon arrival upon a site for inspection.

Employers should always insist upon seeing the compliance officer's credentials.

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## Inspection Process- Opening Conference

- o The CSHO explains why the establishment was selected.
- o The inspector explains the purpose of the visit and the scope of the inspection.
- o The CSHO may give the employer a copy of any employee complaint.

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## Inspection Process - Inspection Tour

- o The CHSO will plan the inspection route and duration.
- o He or she might choose to look at records first-including mandatory postings.
- o The inspector and an employee representative proceed through the facility.
- o The CHSO may consult employees during the inspection tour.

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## Inspection Process Inspection Tour (continued)

- o The inspector will keep trade secrets observed confidential.
- o The CHSO may take photographs and video.
- o The CHSO will point out any unsafe working conditions.
- o The inspector will discuss possible corrective action if the employer so desires.

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## Inspection Process - Closing Conference

- o This is the time for free discussion of problems.
- o There is time for questions and answers.
- o The CHSO discusses all unsafe or unhealthful conditions and indicates all apparent violations.

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## Citations and Penalties

- The CHSO reports findings.
- Area director determines what citations and what penalties (if any) OSHA will issue.
- Employer receives citations by certified mail.
- Employer must post a **copy of each citation at or near a place a violation occurred**, for three days or until the violated is abated, whichever is longer.

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## Citations and Penalties

Violation type	Penalty
<b>Willful</b> A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.	OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum penalty of \$5,000 for each willful violation.
<b>Serious</b> A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.	There is a mandatory penalty for serious violations which may be up to \$7,000.
<b>Other-Than-Serious</b> A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.	OSHA may propose a penalty of up to \$7,000 for each other-than-serious violation.
<b>Repeated</b> A violation that is the same or similar to a previous violation.	OSHA may propose penalties of up to \$70,000 for each repeated violation.

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## Informal Conference and Beyond

- Within 15 working days
- Gives the employer an opportunity to resolve issues with penalties and citations without going to court
- Does not extend Notice of Contest (NOC) time
- If employer writes NOC:
  - Goes to OSHA Review Commission (ORC);
  - Simplified (20) versus conventional proceedings;
  - Administrative law judge (30) versus agency commissioners (60);
  - U.S. Circuit Court of Appeals.

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## Do You Want OSHA Asking This Guy Questions

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## Health-Care Offices Get Inspected?

Let's look at some inspections.

- <http://www.osha.gov/pls/imis/industry.html>
- 621210- Dentist office
- 6213 - Health-care services group
- 623110 - Nursing care facilities
- Others: <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>

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## Questions for Review

- Give an example of a reason why OSHA would conduct an inspection at your workplace.
- What are some of the stages of an OSHA inspection?
- What are common standards cited at health-care employers?

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## **Session Summary**

This lesson covered:

- The importance of OSHA, including the history of safety and health regulation leading to the creation of OSHA and OSHA's mission;
- OSHA's coverage;
- Worker rights under OSHA;
- Some OSHA standards that apply to health care;
- OSHA inspections.

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**Thank You!**

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