
HEADS UP

OSHA GUNNING TO JAIL EXECS AND MANAGERS

FINES PALE IN COMPARISON TO HANDCUFFS

Watch out! Legislation in Congress to boost OSHA fines would also increase the likelihood of criminal prosecution for safety violations and put more managers at risk for being held criminally responsible—and even sent to jail.

Two short phrases are key to these big changes in OSHA Law.

'Any officer or director'

The Protecting America's Workers Act (PAWA) would change who can be held liable for safety violations from "any responsible corporate officer" to "an officer or director."

Currently, only a corporation or sole proprietor can be held liable for criminal charges in connection with safety violations.

The new language would enable prosecution of high-level managers as well. Penalties would include prison.

The Coalition for Workplace Safety, a group of associations including the U.S. Chamber of Commerce, the National Association of Manufacturers and the Associated Builders and Contractors, opposes the language.

It says this proposed change would "have a chilling effect on how employers dedicate staff and resources that maintain safety programs."

'Willful' to 'Knowing'

Another change would ease the

threshold for pursuing criminal penalties for workplace safety violations.

Currently, violations must be "willful" to trigger criminal prosecution.

Willful means the employer knew the actions were wrong and knew they were against the law.

The act would change "willful" to "knowing."

Knowing still means the company knew it was doing something wrong. However, it doesn't necessarily require knowledge the action was also against the law.

In other words, it would be much easier for federal prosecutors to file criminal charges against a company in situations where workers were killed or seriously injured.

In testimony before Congress, OSHA administrator David Michaels voiced support for the language change because it would ease the burden of proof for a criminal violation under the PAW Act.

The Coalition opposes this language, saying it would increase litigation over OSHA fines and disrupt the cooperative approach between OSHA and employers.

INFO: You can read the entire PAWA at snipurl.com/hr207 and for more information on the Coalition, go to workingforsafety.com

Source: *Safety Compliance Alert*, April 2010

FALL PROTECTION

A new standard interpretation from OSHA offers some guidance for employees working on elevators.

The clarification states that for workers inside permanent elevator guardrails (that are part of the finished construction of the elevator car), additional fall protection is not necessary. For employees outside that guardrail system, the OSHA interpretation states that additional fall protection is necessary.

The agency says employees must be tied off to an anchorage point that is independent from the cables used to support the platform.

Info: snipurl.comelev363



Publisher: Building Industry
Employers of New York State
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Editor: Northeast Builders Services
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MONTHLY TOOLBOX TALK

BAD HABITS - HOW TO CHANGE THEM ***MISTAKES - HOW TO AVOID THEM***

As a construction worker, you are exposed to the dangers of the jobsite on a daily basis. One oversight, error, or shortcut on your part can lead to injuries, deaths, and disaster. Bad habits put you at risk so you should focus on safety when you perform each and every task. Learn to identify your bad habits and then change them to safe habits.

A habit is an acquired tendency; it is usually acquired by frequent repetition of the same act until it becomes almost involuntary. It's clear that good habits as well as bad habits are developed and are not instinctual. By consciously focusing on safe habits and removing bad habits, you'll reinforce behavior that will help reduce accidents and injuries on the job. To improve safety on the jobsite, you should identify your bad habits, consider the causes or reasons and take action to change and correct unsafe behavior.

Identify bad habits: You already know the rules and safety requirements for each task you perform. Do you have any bad habits that could contribute to accidents? Are you skipping a step, making do, or improvising in any way? Are you likely to take chances with safety? Think about your bad habits and the risks involved.

Consider the causes and reasons: Some of the most common causes for developing bad habits include carelessness, anger, lack of training, being tired, over confident, or in a hurry. Most often people develop bad habits because they are trying to save time. Keep in mind that allowing yourself to be exposed to danger for even a moment can lead to a fatal accident. It only takes a second for an accident to happen. No matter what the reason, there is no excuse for risking your life or the lives of your co-workers.

Change and correct unsafe behavior: Sometimes all you need is patience. Give yourself the time to follow all the necessary procedures for each task you perform. Instead of worrying about saving time, do the job right and save your life. If you feel you need additional training, ask your supervisor. Often, a bad habit can be changed with organization or relocation. If you're reluctant to use the right tool because the toolbox is too far away, consider whether it's convenient or possible to relocate it. If you have ideas for some practical solutions to change bad habits, talk to your supervisor.

Remember that it takes time and repetition to change a habit.

Think carefully about the choices you make each day so you "Don't Make These Mistakes."

1. Smoking around flammable liquids or during refueling operations. 29 CFR 1926.151(a)(3): Smoking shall be prohibited at or in the vicinity of operations which constitute a fire hazard.
2. Wedging a circular saw blade guard out of the way. 29 CFR 1926.302(e)(11): All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.
3. Using a damaged electrical tool or cord. 29 CFR 1926.403(b)(1): The employer shall ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees.
4. Working on an unprotected walking or working surface 6 feet or more above a lower level. 29 CFR 1926.501(b)(1): Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 6 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.
5. Entering an unprotected trench. 29 CFR 1926.652(a)(1): Each employee in an excavation shall be protected from cave-ins by an adequate protective system.
6. Working on a suspended scaffold made from an old wooden ladder. 29 CFR 1926.451(a)(6): Scaffolds shall be designed by a qualified person and shall be constructed and loaded in accordance with that design.
7. Using a job-built ladder that is missing rungs. 29 CFR 1926.1053(a)(2): Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when the ladder is in position for use.
8. Operating a piece of heavy equipment without a horn. 29 CFR 1926.602(a)(9)(i): All bi-directional machines such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn.

Your best bet is to form safe habits from the start.

Learn how to do the job right and don't let yourself develop bad habits.