

Workplace Safety System
Increase Management Commitment

January 2003

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Suzanne Flynn
Multnomah County Auditor

Audit Staff
Judith DeVilliers, Senior Management Auditor
Janis Hull, Senior Management Auditor
Rie Anderson, Audit Intern



SUZANNE FLYNN, Auditor
Multnomah County

501 S.E. Hawthorne, Room 601
Portland, Oregon 97214


Telephone (503) 988-3320
Telefax 988-3019

www.multnomah.lib.or.us/aud

MEMORANDUM

Date: January 13, 2003

To: Diane Linn, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Serena Cruz, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: Suzanne Flynn, Multnomah County Auditor 

Subject: Workplace Safety System Audit

The attached report covers our audit of the of the County's system for workplace safety. This audit was included in our FY01-02 Audit Schedule.

After a review of the County's risk management function, we decided to audit the strength of proactive workplace safety efforts. Ensuring workplace safety is required by state statute and the County code. We found that the majority of the County's efforts are reactive, occurring once an injury has happened. Departments are not clear about their responsibility in providing for employee workplace safety and safety committees are used ineffectively.

The literature indicates that 98% of injuries are caused by a safety system failure. We are recommending that the County strengthen its management commitment to accident prevention and increase accountability. We have discussed our findings and recommendations with the Department of Business and Community Services and the County Chair's Office. Responses to this audit are included in the report's appendix. A formal follow-up to this audit will be scheduled within 1-2 years.



We appreciate the cooperation and assistance extended to us by the management and staff in the Department of Community and Business Services.

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Summary

As an employer, Multnomah County has a responsibility to ensure the workplace safety of its 4,900 employees. This responsibility is part of a larger risk management function in the County which is defined by the Multnomah County Code.

The workplace safety system for the County can be divided into two closely related components. The first is proactive and involves the prevention of work related injuries and illnesses; the second is reactive and includes the worker's compensation system that pays for the medical costs and work time losses once a work related injury or illness has occurred. This audit focused on the County's proactive efforts in the area of employee workplace safety.

We found that the County's efforts are primarily reactive. The responsibility for a proactive system should be shared by the centralized Workers Compensation and Safety Section and department directors. Some departments believe that the centralized section is responsible for the County's workplace safety efforts and many departments have abdicated their responsibility to safety committees. State guidelines require management commitment at every level of the organization, an accountability system to ensure that all possible efforts are in place, employee involvement, safety training, workplace inspections, accident investigations, and annual evaluation. In each of these areas, we found that improvements were needed.

The role of departmental safety committees are an important component of an effective workplace safety system. Four of the twenty-five most common fines imposed by the Oregon Occupational Health and Safety Division on employers is from non-compliance with state laws related to safety committees. Not all departments have a safety committee. In some cases the lack of a committee is due to department reorganization, in others they have been inactive for a long period of time. In cases where committees did exist we found that they were not always operating as intended.

To improve the County's proactive system for employee workplace safety we recommend improved procedures be developed, that the County improve its efforts to ensure an effective system is in place, and that managers, supervisors, and employees be trained and held responsible for their part in ensuring workplace safety.

Background

The responsibility for workplace safety for the 4,900 employees working for Multnomah County is part of a larger risk management function in the County. According to the County code, this function is the responsibility of the Department of Community Business and Services (DCBS) in consultation with the County Attorney. The County's Administrative Procedures and state law also put shared responsibility for safety on department directors, their delegated managers and supervisors, and all County employees. Worker safety is also regulated by the Oregon Occupational Safety and Health Division (OR-OSHA) of the Department of Consumer and Business Services.

The workplace safety system for the County can be divided into two closely related components. The first is proactive and involves prevention of work related injuries and illnesses; the second is reactive and includes the worker's compensation system that pays for the medical costs and work time losses caused by a work related injury or illness.

By Administrative Procedure the proactive component of the County's safety system is primarily the responsibility of department directors and their delegated managers and supervisors, as well as all County employees. From FY89-90 to FY00-01 the County had a single position that was responsible for the risk management function. Since then, 3 FTE in the Workers Compensation and Safety Section within DCBS provided some of these functions in the form of technical resources and safety training that is available to all County departments.

The reactive component of the County's safety system is also the Worker's Compensation and Safety Section. It is considered reactive because the emphasis is on paying claims from injuries that have already occurred and performing some preventative measures to reduce claims. Administration of the County's worker compensation system is also done by the Workers Compensation and Safety Section.

The County is self-insured for its worker's compensation and is subject to state review and monitoring. The County has recently had a favorable state audit of the administration of its worker's compensation program.

Scope and methodology

The objective of this audit was to review the County's worker safety and health prevention efforts and determine if the County was in compliance with state laws, County Code, and Administrative Procedures. In order to determine the focus of our audit, we completed a less comprehensive review of the whole risk management function. During our review, we noticed that most trends historically and compared to industry standards were favorable. We did notice that the proactive safety system was weak and decided to focus our efforts in this area. We performed various tests and looked at documents to determine if the County was in compliance. The laws and rules we included were limited to those that apply to overall employees safety prevention efforts and did not include review of the many laws which apply to specific workplaces or occupations.

In preparation, we reviewed best practices and safety training materials and participated in OR- OSHA safety classes. We also interviewed managers and employees and sent two email surveys of nearly 400 County employees, including managers, union stewards, and safety committee members. We reviewed County Code, ordinances, and Administrative Rules, interviewed managers and reviewed documents to determine if County departments were in compliance with County policy and rules and state laws relating to worker safety and health.

The County Auditor's Office did an audit of the County's risk management function in October, 1987, but has not looked at the function since that time. One recommendation from that audit was to strengthen the risk management function and create a risk manager position.

This audit was included in our FY01-02 audit schedule and was conducted in accordance with Government Auditing Standards. A follow-up review will be completed in 1-2 years.

Audit Results

The County could improve its efforts to ensure employee safety

An effective workplace safety system makes a difference in preventing injuries and illnesses in the workplace. The resources spent on workplace safety result in lower worker compensation claim costs and improved worker productivity and morale. Companies which participate in federal and state best practice OSHA programs have documented substantial dollar savings resulting from improving their safety and health loss prevention efforts. In Oregon, safety is considered so important that the SHARP (Safety and Health Achievement Recognition Program) recognizes employers with outstanding efforts.

The County does not have a workplace safety system in place to provide assurance that reasonable efforts have been taken to meet its obligations. An effective safety program is more than the County Code and Administrative Rules; it involves an effective system that assigns responsibility for injury prevention to department directors, their delegated managers and supervisors, and every employee. According to OR-OSHA literature, 98 percent of injuries are from system failure.

Currently, the County's efforts are primarily reactive, dealing with an injury after it has occurred. The present safety system consists of sections of the County Code defining the risk management function and policy within DCBS, a number of Administrative Rules, and various department procedures. Most preventative activities are carried out by safety officers and safety committees, or through work done by the Workers Compensation and Safety Section or individual efforts by supervisors and employees. However, these activities are not coordinated and are missing many vital components. When we asked employees about the County's safety and health system, some responded they could not answer the questions because they did not know the County had a safety program or system. The DCBS introduced a new Risk Management Administrative Rule in November 2002 but this does not fully meet state guidelines. While the new rule is an improvement, there should be more emphasis on department director responsibilities.

During our audit we did not find any departments to have a written safety program which meets the guidelines of best practices and state law. The exception is the Health Department which is in the process of training its employees and implementing a system which would generally meet the legal requirements. Other departments have safety rules and references to the County's risk management rules; some have documented required OSHA programs such as hazard

communications and bloodborne pathogen programs. Some department managers and many employees were unaware of the County's risk management rules which relate to safety issues. Many County employees are never given safety training other than during their "new employee orientation".

Departments are not meeting their responsibilities

Requirements in the County Code are not being met and department responsibilities may not conform to state guidelines. The County Code (7.102, 7.103) states that the DCBS directs and manages employee health and benefit programs and that Departments must conform to County, state and federal safety standards. Additionally the Code requires the Departments to consult with the DCBS and County Attorney's Office to identify significant risks, which the DCBS and County Attorney will make recommendations for remedial action, and the Departments will take action to reduce the risk. Further, we believe state law requires each County department to have a safety system in place and provides guidance for how a system should be organized.

As noted above, we could not find evidence of an effective workplace safety system on the department level, other than the Health Department. When we asked questions about safety, some departments indicated employee safety issues are the responsibility of the Workers Compensation and Safety Section or their safety committees.

Not all departments understand the role of the Workers Compensation and Safety Section. According to the section manager, their responsibilities are to provide technical assistance, training, and consultation and testing for air quality and ergonomics. It is not to manage department safety programs. However, two departments indicated the Section had the responsibility for their safety efforts, and others said they were responsible for various pieces of the system.

Many departments have abdicated their responsibility for the safety of their employees to safety committees. Safety committees are a very important part of the system, but according to state guidelines, safety committees are to assist the employer's safety effort, not to be that effort.

The County needs to follow state guidelines

We found the County is not always following state guidelines for safety prevention efforts. The Oregon Safe Employment Act established by the legislature in 1973 lays the foundation for workplace health and safety in Oregon. The two main sections in the law relate to Occupational Safety and Health, and Workers' Compensation. Under these laws the Director of the Department of Community and Business Services has also established Oregon

	<p>Administrative Rules (the Oregon Occupational Safety and Health Code). The parts of these laws that have a direct effect on all County employees are (1) safety loss prevention efforts required for the County as a self-insured employer; and (2) legal requirements for safety committees. See Appendix A for a copy of applicable laws and administrative rules.</p>
	<p>Both the requirements for self-insured employers and for safety committees put the responsibility for a loss prevention effort at the department or division level. The risk and amount of effort will vary in the County as County employees work varies from working in office environments, to building roads and operating bridges, to managing jail operations. Our review of compliance is based on looking at systems and not specific legal requirements for many of these unique working environments.</p>
<p>The County's loss prevention effort as a self-insured employer is weak</p>	<p>Oregon Administrative Rules require each self-insured employer to have a written loss prevention effort for each of its locations and outlines what that effort is to include. Our review of compliance was expanded to determine if the departments were in compliance with the intent and major state requirements, even if they were not in writing. Below is a summary of some of the most important of the eleven elements required for a self-insured employer such as Multnomah County. A copy of these is in Appendix A.</p>
<p>Management commitment</p>	<p>According to best practices, management commitment is evidenced in part by a statement of that commitment included in the company's overall policy, a written safety program, and written safety goals. We found little evidence of this commitment in most County departments. For example, in our review of accident reports, we found few written responses by management. In our employee survey, only 33 percent felt management had fully met this obligation. Many of those responding to our questions indicated they were not aware of department safety prevention efforts.</p>
<p>Accountability system</p>	<p>Accountability means holding both employees and management responsible for safety, by including safety responsibilities into job descriptions for both workers and supervisors. A system includes more than establishing rules and creating forms. Workers and management need to incorporate responsibilities into everyday activities. Accountability also includes training and awareness of safety issues and involves a system of rewards and discipline. Our interviews with most managers indicate they do not have systems in place to provide for accountability by employees, supervisors or managers. Only 28 percent of the employees in our survey indicated that individuals are recognized or disciplined for meeting or not</p>

meeting safety responsibilities. Very few departments have included safety responsibilities in employee job descriptions.

Employee involvement

Employees should be involved in the workplace safety system. We found employees are willing to be involved but they are not trained and are often not given time from their regular duties to serve on safety committees or to take safety training classes. The County has nearly fifty safety committees. However, we found they are not working effectively. There is little evidence that departments actively seek employee input and, according to employee surveys, there is no reward system for employee involvement in the safety effort.

Safety training

Training and follow-up may be the most important part of a department's safety effort. We found department training programs need improvement. In practice, it appears that the departments with specific safety training needs have some method of tracking those. However, the results of our audit suggest many safety committees, supervisors, and managers lack training in hazard identification and accident investigations. The Workers Compensation and Safety Program Section provides training on request and in FY2002 trained 1200 students, 45 percent from the Health Department. Recently the County has increased driver training classes and mandated training for some employees. Employees responding to our survey indicated they did not feel they had adequate safety training. Most departments reported they had no system for letting their employees know about safety and health issues other than their new employee orientation and they rely on workers immediate supervisors to do this.

Workplace inspections

Departments are not doing workplace inspections and evaluations on a routine basis. County departments do not have an effective system which allows supervisors, employees, and safety committees to report unsafe work environments, conditions, or processes to departments. Many County departments seem to rely on safety committees to monitor for workplace hazards. The exceptions are for the few departments which have a safety officer position. According to the Workers Compensation and Safety Section, they do some hazard assessments when requested by department management or if they notice higher than usual loss claims for a particular area. However, these efforts, as well as department efforts, are not documented and appear to be done sporadically rather than on a regular, systematic basis.

Accident investigations

The County does not have an effective system for investigation of employee accidents as they occur. The purpose of an investigation is to determine the root cause so that future accidents can be prevented.

We reviewed a sample of accident investigations and found they were very poorly done and did not include corrective action, written findings, or follow up. In only one instance were best practice guidelines used in the investigation. In most cases we reviewed, the cause of accident was blamed on the employee. We found the recommendation on one accident to be “tell the employee to be more careful” and two months later, that same employee had a very similar accident. Both these accidents were easily preventable with only a little due care.

Annual evaluations

A final and critical component of any system is an evaluation of how the system is working and determining if it is accomplishing intended goals. State law requires such an evaluation on an annual basis as does County administrative rule. There is no evidence to indicate that such evaluations are taking place on a department or County-wide level. The DCBS stated that their annual report meets this requirement. However, we found no systematic evaluation of the whole system in this report. Rather, the report lists services provided and reviews trends which is a reactive approach.

The County is not using safety committees effectively

Safety committees are an important part of an organization's safety effort. In the late 1980's and early 1990's, Oregon had the sixth-highest workers compensation costs of all fifty states. Legislative reform of the worker's compensation system included laws requiring employers to have safety committees. Fourteen years later, Oregon was ranked thirty-fourth. Although the part safety committees played in this turnaround cannot be precisely identified, they did play a part. Because safety committees are important, four of the twenty-five most common fines from OSHA are from non-compliance with state laws related to safety committees.

Safety committee organization

The purpose of safety committees is to bring workers and management together to assist the employer and make recommendations for change. The way the County's safety committees are organized and the membership of the committees indicates that the County may not understand the purpose of safety committees. For example, some safety committees are composed of many departments and include non-County workers. As such, these types of committees cannot perform the legal requirements for safety committees as outlined below.

We also found that rather than using the safety committees to assist and make recommendations, many departments have instead transferred their responsibility for establishing and implementing loss prevention programs onto these voluntary safety committees. Because of this misconception of the purpose of safety committees, many of the following requirements cannot be met.

Not all departments have safety committees. In some cases the lack of safety committees is due to department reorganization, in others they have been inactive for a long period of time. In other cases some existing "safety committees" do not meet the legal requirement as safety committee because they are composed of multi-departments and non-County employees. Each budgetary entity, that is, a department, should have a safety committee. This does not mean that each separate location for a department should have a committee. In fact there currently may be more committees than actually needed. Such combinations cannot fulfill the duties required of safety committees under the law.

Safety committees should meet monthly unless the work place is an office environment and the employees do not regularly drive or go into the field. The County is not in compliance with this requirement for most committees we looked at. Some committees appeared confused about meeting requirements; some committees were meeting more often than required by law; and a number of committees were inactive or not meeting on any regular basis. DCBS stated they have developed and distributed a notebook of OSHA requirements. In our survey of departments, we saw no evidence of this notebook being used.

County departmental responsibility

Departments do not respond in writing to all safety committee recommendations. In our review of safety committee documents we found no evidence of written responses from the department. Further, departments also do not ensure that safety committee members take advantage of training that is available. From our employee survey and interviews employees seem willing and capable of doing a good job; they simply have not had guidance as to what their legal responsibilities are.

Safety committee activities

Safety committees are required to make quarterly workplace inspections and recommendations. We found that very few safety committee inspection teams are doing quarterly inspections. Some committees indicated quarterly inspections meant how often they did these, rather than how often the worksite is to be inspected. As a result they inspected one worksite a quarter rather than each worksite each quarter. Inspections often were documented with a check sheet and a few notations. There was no indication that the inspection team had adequate training or guidance on how to perform this requirement.

We did not find evidence that all safety committees reviewed inspections. Of the committee minutes we tested, only 36 percent indicated that inspections were occurring. We did not find written recommendations to departments nor evidence of a written response.

Safety committees are also responsible for creating and maintaining a system for employee safety suggestions. From our survey most committees indicated they did have a reporting system. In reviewing minutes 64 percent discussed hazards, but none of these indicated how the hazard had been reported. Only 12 percent of the safety committee minutes indicated the committee had a formal process. When we visited sample sites, we found no indication that employees were using a system of any kind for reporting hazards.

Cooperative efforts between departments and safety committees

According to state guidelines the department should annually evaluate its accident and illness prevention program with the assistance of its safety committee. This is also required under County Administrative Procedures. We found no evidence that this has been done. Most committees did not know this was a requirement.

The safety committees are also to assist departments in evaluating the department's accountability system. There is no indication that safety committees or departments have done such an evaluation. However, since departments do not have written or easily identifiable accountability systems in place, the safety committees cannot perform this legal requirement.

Safety committees also are to establish procedures for investigating all reportable accidents. The committees are not required to do the investigation, but they are required to review the investigations and make recommendations. Sixty-four percent of the safety committee members indicated they had a process for reviewing workplace accidents. This function is greatly hampered because departments are often not investigating accidents or they are done very poorly. Safety committees that are composed of non-County employees and mixed departments and cannot fulfill this function because accident report recommendations would need to be made to the department for resolution.

Written records

Written records required by the law to show compliance with the purpose and duties are poor or nonexistent. Only 25 of the 45 safety committees we contacted sent us a sample copy of their minutes. A review of these minutes did not always indicate what action had been taken. Some minutes had references to recommendations but no indication as to how those recommendations were communicated to the department management. Most minutes were not in a format that would indicate whether the committee had made a recommendation or done any type of evaluations. The minutes and other documentation should indicate how the committee is fulfilling its duties. OSHA has guidelines for safety committees with sample agendas and minutes that meet all needed requirements.

Recommendations

To improve the County's proactive system for employee safety and compliance with state law:

1. Administrative Procedures need to be clarified so that department directors can be made aware of their responsibilities and duties under state laws.
2. Each County department at a minimum needs to have their loss prevention efforts in writing to include all 11 provisions under ORS 437-001-1060
3. Managers, supervisors and employees need both training and awareness of their rights and responsibilities for safety and health loss prevention efforts.
4. Position descriptions for managers, supervisors and employees should include responsibilities for safety and health loss prevention efforts.
5. Departments without safety committees or with inactive safety committees need to create committees which are in compliance with the legal requirements.
6. The joint tenant building safety groups need to be reorganized and their responsibilities clarified; they should not be construed as safety committees.
7. Safety committees need to be trained and given guidelines so they can fulfill their obligations under state law.

Appendix A of this report excerpts state requirements related to this reports conclusions. Appendix B contains a listing of the many resources for designing and implementing a proactive safety system which are available at no cost to all Oregon employers.

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Multnomah County Auditor's Office

Responses to the Audit



Diane M. Linn, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

Phone: (503) 988-3308

Email: mult.chair@co.multnomah.or.us

MEMORANDUM

Date: January 8, 2003

To: Suzanne Flynn, County Auditor

From: Diane Linn, Multnomah County Chair

A handwritten signature in cursive script, appearing to read "Diane M. Linn".

Subject: Response to Workplace Safety System Audit

The audit completed by your office evaluated Multnomah County's worker safety and health promotion efforts to evaluate our compliance with state and federal laws, county code and administrative procedures. Results of this audit show that overall the County meets or exceeds industry standard requirements. The audit also revealed that there is room for improvement with regard to the County's proactive safety system.

Multnomah County is committed to providing a safe environment for its approximately 5,000 employees and the constituents we serve. This commitment is a core value supported by our policies and procedures related to employees and constituent services.

It is my intent to address the recommendations offered in the audit by increasing our emphasis on proactive safety measures. By holding department managers accountable and with the support of the County's safety staff, to create an environment that minimizes safety and health risks we will move forward. This will be done by:

- Requiring that each employee receives adequate safety training;
- Providing on-going safety awareness through implementation of recommendations provided by safety committees;
- Seeking assistance from technical expertise within and external to the County for best practices; and by
- Measuring and acknowledging managers for their results related to safety and health.

Over the next year, it is our goal to build upon the favorable results of the audit by implementing these measures, particularly at the level of departmental manager. We appreciate the opportunity to enhance our commitment to the safety of our employees and constituents.

Appendix A

State legal requirements

Oregon Safe Employment Act established by the legislature in 1973 lays the foundation for workplace health and safety in Oregon. There are two main sections applicable to Multnomah County included in this review of state laws; Oregon Revised Statutes (ORS) Chapter 654-Occupational Safety and Health, and 656-Workers' Compensation. Under these laws The Director of the Department of Consumer and Business Services has established Oregon Administrative Rules (OAR) Chapter 437 .

The audit focused on safety and health laws which apply to every employee working for Multnomah County; it did not include the many provisions under the state laws and rules which apply to more specific types of work done by many county employees. The audit also did not include the many worker's compensation laws and rules except for those which apply directly to safety and health programs as a self-insured employer.

Safe place of employment

654.003 Policy. The purpose of the Oregon Safe Employment Act is to assure as far as possible safe and healthful working conditions for every working man and woman in Oregon, to preserve our human resources and to reduce the substantial burden, in terms of lost production, wage loss, medical expenses, disability compensation payments and human suffering, that is created by occupational injury and disease. To accomplish this purpose the Legislative Assembly intends to provide a procedure that will:

- (1) Encourage employers and employees to reduce the number of occupational safety and health hazards and to institute new programs and improve existing programs for providing safe and healthful working conditions.
- (2) Establish a coordinated program of worker and employer education, health and safety consultative services, demonstration projects and research to assist workers and their employers in preventing occupational injury and disease, whatever the cause.

654.010 Employers to furnish safe place of employment. Every employer shall furnish employment and a place of employment which are safe and healthful for employees therein, and shall furnish and use such devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably necessary to render such employment and place of employment safe and healthful, and shall do every other thing reasonably necessary to protect the life, safety and health of such employees. [Amended by 1973 c.833 §5]

Self-insured employers

656.430 (10) A self-insured employer must have an occupational safety and health loss control program as required by ORS 654.097.

654.097 (1)(b) A self-insured employer shall establish and implement an occupational safety and health loss control program in accordance with standards established by the director.

437-001-1055 Self-Insured and Group Self-Insured Employer Loss Prevention Programs

Each self-insured employer and each member of a group self-insured program shall establish and implement a written occupational health and safety loss prevention program for each establishment. As a minimum requirement, the program shall:

- (1) Provide for a loss prevention effort within the normal functions of the business for prevention or reduction of health and safety injuries and illnesses; and
- (2) Inform its managers and workplace locations of the availability and the process for requesting loss prevention assistance.

437-001-1060 Self-Insured and Group Self-Insured Employer Loss Prevention Effort

Each self-insured employer and each member of a group self-insured program shall implement a loss prevention effort for each of its locations, which identifies and controls all reasonably discoverable occupational safety and health hazards and items not in compliance with the federal or the division's occupational safety and health laws, rules and standards. The self-insured group shall assist each member of the group in developing and implementing the loss prevention effort. This loss prevention effort shall include at least the following:

- (1) Management commitment to health and safety;
- (2) An accountability system for employer and employees;
- (3) Training practices and follow-up;
- (4) A system for hazard assessment and control;
- (5) A system for investigating all recordable occupational injuries and illnesses that includes corrective action and written findings;
- (6) A system for evaluating, obtaining, and maintaining personal protective equipment;
- (7) On-site routine industrial hygiene and safety evaluations to detect physical and chemical hazards of the workplace, and the implementation of engineering or administrative controls;
- (8) Evaluation of workplace design, layout and operation, and assistance with job site modifications utilizing an ergonomic approach;
- (9) Employee involvement in the health and safety effort; and
- (10) An annual evaluation of the employer's loss prevention activities based on the location's current needs.
- (11) The group shall maintain records which document the assistance provided to each member of the group.

Safety committees

654.176 Safety committee requirement; conditions. (1) In order to promote health and safety in places of employment in this state:

(a) Every public or private employer of more than 10 employees shall establish and administer a safety committee in accordance with rules adopted pursuant to ORS 654.182.

654.182 Rules for ORS 654.176; contents. (1) In carrying out ORS 654.176, the Director of the Department of Consumer and Business Services shall promulgate rules which include, but are not limited to provisions:

(a) Prescribing the membership of the committees to insure equal numbers of employees, who are volunteers or are elected by their peers, and employer representatives and specifying the frequency of meetings.

(b) Requiring employers to make adequate written records of each meeting and to file and maintain the records subject to inspection by the director.

(c) Requiring employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(d) Prescribing the duties and functions of safety committees, which include, but are not limited to:

(A) Establishing procedures for workplace safety inspections by the committee.

(B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.

(C) Evaluating accident and illness prevention programs.

(e) Prescribing guidelines for the training of safety committee members.

437-001-0765 Rules for Workplace Safety Committees

(1) Purpose. The purpose of a safety committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer and makes recommendations for change.

(2) General.

(a) Every public or private employer of 11 or more employees shall establish and administer a safety committee.

(c) In making the determination of employment levels under sections (a) and (b) of this rule, the employer shall count all permanent, contract, temporary, and/or seasonal workers under the employer's direction and control, and shall base the number on peak employment.

(3) Locations.

(a) Safety committees shall be established at each of the employer's primary places of employment. For the purpose of these rules, a primary place of employment shall mean a major economic unit at a single geographic location, comprised of a

building, group of buildings, and all surrounding facilities (Examples of primary places of employment would include a pulp or lumber mill, a manufacturing plant, a hospital complex, bank, a farm/ranch, a school district, or a state agency.) As a primary place of employment the location would have both management and workers present, would have control over a portion of a budget, and would have the ability to take action on the majority of the recommendations made by a safety committee.

(b) An employer's auxiliary, mobile, or satellite locations, such as would be found in construction operations, trucking, branch or field offices, sales operations, or highly mobile activities, may be combined into a single, centralized committee. This centralized committee shall represent the safety and health concerns of all the locations.

(c) In addition to locating safety committees at each primary place of employment, an employer with work locations which include fire service activities shall establish a Fire Service Safety Committee as required by OAR 437-002-0182(7) in OAR 437, Division 2/L, Oregon Rules for Fire Fighters.

(4) Innovation. Upon application, the division may approve safety committees which are innovative or differ in form or function, when such committees meet the intent of these rules.

(5) Safety Committee Formation and Membership.

(a) The safety committees required by OAR 437-001-0765(2) shall:

(A) Be composed of an equal number of employer and employee representatives. Employee representatives shall be volunteers or shall be elected by their peers. When agreed upon by workers and management, the number of employees on the committee may be greater than the number of employer representatives. Seasonal workers shall not be counted for the purpose of determining the number of members who will serve on the committee.

(B) Consist of:

(i) No fewer than two members for each employer with twenty or less employees, or

(ii) No fewer than four members for each employer with more than twenty employees.

(C) Have a chairperson elected by the committee members.

(b) Employee representatives attending safety committee meetings required by OAR 437-001-0765(2) or participating in safety committee instruction or training required by OAR 437-001-0765(7) shall be compensated by the employer at the regular hourly wage.

(c) Employee representatives shall serve a continuous term of at least one (1) year. Length of membership shall be alternated or staggered so that at least one experienced member is always serving on the committee.

(d) Reasonable efforts shall be made to ensure that committee members are representative of the major work activities of the firm.

(6) Safety Committee Duties and Functions.

(a) Management commitment to workplace health and safety.

(A) The committee shall develop a written agenda for conducting safety committee meetings. The agenda shall prescribe the order in which committee business will be addressed during the meeting.

(B) The safety committee shall hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from safety committee meetings if more frequent safety inspections are conducted.

(C) Quarterly safety committee meetings may be substituted for monthly meetings where the committee's sole area of responsibility involves low hazard work environments such as offices.

(D) Small farms of five or fewer full time employees may substitute quarterly meetings for monthly meetings during the farms' off season. The off season shall mean that period of time when only routine farm upkeep is being done.

(b) Written records.

(A) Minutes shall be made of each meeting which the employer shall review and maintain for three years for inspection by the Division. Copies of minutes shall be posted or made available for all employees and shall be sent to each committee member.

(B) All reports, evaluations, and recommendations of the safety committee shall be made a part of the minutes of the safety committee meeting.

(C) A reasonable time limit shall be established for the employer to respond in writing to all safety committee recommendations.

(c) Employee involvement.

(A) The committee shall establish a system to allow the members to obtain safety-related suggestions, reports of hazards, or other information directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting, and shall be recorded in the minutes for review and necessary action by the employer.

(d) Hazard assessment and control.

(A) The safety committee shall assist the employer in evaluating the employer's accident and illness prevention program, and shall make written recommendations to improve the program where applicable. Additionally, the safety committee shall:

(i) Establish procedures for workplace inspections by the safety committee inspection team to locate and identify safety and health hazards;

(ii) Conduct workplace inspections at least quarterly; and

(iii) Recommend to the employer how to eliminate hazards and unsafe work practices in the workplace;

(B) The inspection team shall include employer and employee representatives and shall document in writing the location and identity of the hazards and make recommendations to the employer regarding correction of the hazards.

(C) Quarterly inspections of satellite locations shall be conducted by the committee team or by a person designated at the location.

(D) Mobile work sites or locations and activities which do not lend themselves to a quarterly schedule shall be inspected by a designated person as often as Oregon occupational safety and health rules require and/or the committee determines is necessary.

(E) The person designated to carry out inspection activities at the locations identified in sections (C) and (D) of this rule shall be selected by the employer and shall receive training in hazard identification in the workplace.

(e) Safety and health planning. The safety committee shall establish procedures for the review of all safety and health inspection reports made by the committee. Based on the results of the review, the committee shall make recommendations for improvement of the employer's accident and illness prevention program.

(f) Accountability. The safety committee shall evaluate the employer's accountability system and make recommendations to implement supervisor and employee accountability for safety and health.

(g) Accident investigation. The safety committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses and deaths. This rule shall not be construed to require the committee to conduct the investigations.

(7) Safety and Health Training and Instruction.

(a) The following items shall be discussed with all safety committee members:

(A) Safety committee purpose and operation;

(B) OAR 437-001-0760 through 437-001-0765 and their application; and

(C) Methods of conducting safety committee meetings.

(b) Committee members shall have ready access to applicable Oregon Occupational Safety and Health Codes which apply to the particular establishment and verbal instructions regarding their use.

(c) All safety committee members shall receive training based upon the type of business activity. At a minimum, members shall receive training regarding:

(A) Hazard identification in the workplace; and

(B) Principles regarding effective accident and incident investigations.

Appendix B

Resources available
for an effective
workplace
safety effort

Websites | www.orosha.org Oregon OSHA provides access to training, information, consultation, as well as other information and resources for both employers and employees through this web site.

| www.osha.gov Federal website has many resources for general safety programs as well as for more specific areas. This site also provides links to best practices guidelines and resources.

Publications | These publications apply to almost all County worksites. OR-OSHA has many other excellent materials for specific safety areas such as fleet safety, ergonomics, etc.

- OR-OSHA's Road Map
- Developing your safety and health program – Suggestions for business owners and managers (OSHA #2293)
- Develop and Implement – a guide to OR-OSHA's required programs (OSHA #3341)
- Put it in writing - A guide to Oregon OSHA'S written requirements for plans, procedures, and programs (OSHA #3300)
- Sample Safety Program documents (OSHA #Satsbe2 and Satsbe3)
- Managing Worker Safety and Health (U.S. Department of Labor publication)
- Self Inspection Check List for the Workplace (OSHA #3343)
- Safety Committees for the Real World (OSHA 32341)
- Expecting the Unexpected – What to consider in planning for workplace emergencies (OSHA #3356)
- Job Hazard Analysis (OSHA #3071)
- Hazard Communication – A safe-work-practice guide(OSHA #2034)
- Bloodborne Pathogens (OSHA #2261)

- Violence in the workplace – Creating a workplace violence-prevention program (OSHA #2857)

OR-OSHA provides training at no cost to Oregon employers and employees. They provide training in a number of formats:

- Internet courses which qualify for the Oregon OSHA training Certificate. These classes also provide CEU credits from Chemeketa Community College.
- Class room training throughout the state. The OR-OSHA website has a catalog of the classes available.
- Training materials for employers who wish to do their own training. The list of training materials is extensive and includes materials for the instructor, student, and often overhead presentation slides.
- Consulting services. Again these are offered at no cost to Oregon employers.