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A SUPERVISOR'S GUIDE TO SAFETY RECORDS

The Job Isn't Finished Until The Paperwork Is Done!

Most of you supervisors keep very busy these days with added responsibilities and duties that never seem to end. Besides doing your normal work, there are piles of paperwork and forms to be filled out. If you wanted to be a paper-pusher, you would be in another business, right? But the truth is, we live in a constantly changing world with new laws and regulations cropping up every week. To keep out of trouble, it is necessary to stay informed about new requirements, provide employee safety training, and document your day-to-day safety program activities. It's almost impossible to get away from the paperwork.



YOU'RE TAKING A CHANCE IF YOU DON'T KEEP RECORDS

The Federal Occupational Safety and Health Administration (OSHA) require all companies to provide a safe work place, and to inform employees about hazardous conditions. Several states have provisions in their labor codes that penalize firms which fail to do this. Penalties can be extremely high when safety violations result in death or permanent disability to employees. But it's not adequate to just give training or instructions, unless you document the activity. If questioned, an injured employee may state that no safety orientation was provided. Actually, he or she may not remember having received training, so it's usually a matter of your word against theirs. Most courts these days tend to side with the worker unless the employer can provide substantial evidence to the contrary. OSHA compliance officers generally look at it this way: "If it wasn't documented, it wasn't done."

THE ONE WITH THE MOST PAPER WINS!

In a courtroom or deposition, verbal statements do not hold as much water as written, dated and signed safety records.

Even hand-written records in a small notebook can be favorable evidence in your defense. As a member of the management team with responsibility for worker safety, the buck may stop with you! Over the long run, you'll have greater peace of mind when you document your safety training, new employee orientation, accident investigation and inspections. If you leave these activities to memory, important details can be lost that could jeopardize your company, your career, and even your personal finances. Recent citations and civil lawsuits have targeted not only top management, but supervisors as well, for failing to prove their efforts to maintain a safe workplace. Often the fines amounted to *big* bucks. Here are a few recent examples:

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- ◆ A Michigan jury awarded an injured worker \$2.2 million after an *unqualified* and *untrained* operator accidentally lowered a mobile crane's outrigger onto the employee's foot.
- ◆ OSHA fined a New York firm \$630,000 respectively, for poor illness and injury record-keeping.
- ◆ Two firms were fined \$300,000 and \$600,000 for failing to have adequate lockout/tagout *programs*.
- ◆ Lack of written programs, poorly documented safety training and missing accident records are consistently among the top most frequently cited OSHA standards.

WHAT SHOULD BE DOCUMENTED AND WHY:

New Employee Orientation - A formal safety orientation must be completed before every employee begins work. This explains company safety rules, department safety procedures and potential work hazards. The supervisor and the new employee should sign an orientation checklist, showing what was discussed or demonstrated. A different customized checklist may be needed for each department or work area. SeaBright Loss Control offers generic samples to assist you develop your own. Why is a record of orientation important?

- Checklists provide uniformity in training. If a checklist is not used, important discussion topics may be forgotten. On any given day, you may also be distracted by work demands. Or, you become so familiar with your work environment, you don't see that environment from a new person's point of view.
- Employees should also receive *written* materials that explain their specific responsibilities, safety rules and the disciplinary policies of their work group. Some of them may not read every word, but they deserve to have it. New people often suffer from information overload the first few days. Never assume they will remember all the instructions you gave to them verbally, on their first day or so.

Hazard-Specific Training - In addition to the orientation and general safety training which all employees receive, those who work in hazardous areas, such as confined spaces or near high voltage are required to receive special training to show they are "certified," "authorized," "qualified," or "competent" to work in specific areas. In the event that an employee receives a serious injury, and was untrained or unqualified to do the work, the company could be fined and sued for negligence.

Personal Protective Equipment Training - Certain operations require employees to use protective equipment such as respirators, personal fall arrest systems and hearing protection devices. Formal, documented training must be given to ensure that employees are provided with and know how to properly use, appropriate personal protective equipment.

Proficiency Assessment - When special skills or experience are required for safe operation of equipment or to carry out hazardous work, employees must be evaluated before beginning work. It's not enough to just rely on their word... "Oh sure, I can drive a forklift!" Documentation may include training with testing, an employee statement of proficiency, records of experience with previous employers, prior training or certification received, and a demonstration of knowledge or skills.

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Worksite Safety Inspection - Formal surveys of your worksite to identify unsafe conditions and unsafe employee actions should be done on a regular basis. An appropriate checklist, customized for your industry or operation, makes the process easier and more efficient. This not only provides a record to show that your company is safety conscious to entities such as unions, government and legal entities, but also increases employee awareness and reduces incidents.

Employees at all experience levels can use an inspection checklist, help survey their work area, and become better educated about safety hazards in the process. A written record of inspections also provides a place to assign responsibility

for any needed corrective action, plus a due date for completion. This helps avoid problems that occur when someone drops the ball. SeaBright can provide you with a variety of sample inspection checklists to assist you in developing your own.

Safety Meetings - How frequently employee safety meetings must be held depends upon the industry and the hazards you. Safety meetings may be held on a weekly, monthly or quarterly basis. Specific frequency requirements may be spelled out in your safe work procedures or federal / state safety codes. Records of these gatherings must include the date, subject(s) discussed in the meeting, who conducted the session, plus signatures of all employees who attended.

When a safety inspector asks if you hold safety meetings for your crew, a copy of past records will usually be required. Records needn't be long or detailed, but you'd better have them. SeaBright's large collection of monthly *Safety Meeting Outlines* (<http://www.sbic.com/smodex.html>) provides both a discussion topic and a recording form making this easy for you.

Special Requirements for Construction: Construction work involves hazards above and beyond many other industries. As a result, this industry tends to have a larger number of safety codes to meet and a greater amount of paper work to complete. Pre-project safety meetings, held prior to the start of a job or project should be documented. Items covered include the over-all job plan, job hazards, emergency information, team safety coordination and all other pertinent start up information. Documentation of all safety plans, meetings and activities is particularly important in construction since lawsuits over accidents and injuries are common. The paperwork can seem burdensome, but think of it as a "blueprint" for safety.

Accident Investigations and Reports - A written report of all accidents and injuries should be completed as soon as they are reported. The injured worker, other employees and witnesses must be interviewed to determine *who* was involved, *what* happened, *when* it happened, *where* it happened and *why* it happened. Your company may have a customized form for this, or a sample form can be provided by SeaBright to assist you in developing your own company specific form. These records are critical for your company for several reasons:

- ◆ They can determine immediate and underlying causes of accidents, so strategies can be developed that will keep the same or similar incident from happening again. Without a written record, important facts are soon forgotten. In many cases, a person not employed by the company—a "third party"—may have caused the accident and evidence is crucial for establishing both legal and financial responsibility.
- ◆ When workers know all accidents will be investigated, they are less likely to file a fraudulent claim. In addition, if they *expect* to be questioned when an accident takes place in their work area, they are also more likely to pay attention to events going on around them.

THE RECORDS YOU KEEP ARE IMPORTANT!

All of the above can serve as documentation and written proof that you, as part of the company's management team, have taken substantial steps to provide a safe workplace. Paperwork can be a nuisance to some supervisors, but in today's business world, "it comes with the territory." Any and all of your written safety documentation may one day become critically important. Documents can be subpoenaed during litigation, so keep accurate records. Take the time to review your company's specific record keeping requirements and be sure they are completed in a timely fashion.

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Your SeaBright Loss Control Consultant can help you evaluate your safety documentation requirements and provide you with necessary forms and instructions. We're here to make it easier for you.

