What Every Town Manager Needs to Know About Workplace Safety

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www.mass.gov/dols/wshp

508-616-0461
1. What are the Safety and Health Regulations for municipal workplaces?
2. What happens during a DLS safety inspection?
3. Examples of violations found at recent DLS inspections.
Workplace Safety for Public Sector

- MGL c149 §6
- Employer responsibilities
- Employee responsibilities

Massachusetts Workplace Safety and Health Protection for Public Employees

Massachusetts General Law Chapter 149, §§ 6 and 6-1/2 provide job safety and health protection for state, municipal and county workers through the promotion of safe and healthful work conditions. In addition, 454 CMR 25 directly extends OSHA regulations to executive branch state agencies.

Employers:
- Employers are required to provide procedures, equipment and training to prevent work-related injuries and illnesses.

Employees:
- Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.

Inspection:
- The Department of Labor Standards (“DLS”) may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses. See “Inspection Summary” at www.mass.gov/dols/wshp.

Enforcement:
- DLS may issue a Written Warning which contains an Order to Correct when an inspection reveals a condition which could cause a work-related injury or illness. DLS may issue a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allows an unsafe condition to occur, the condition has already caused a serious work-related injury, or if the employer has ignored a previous Written Warning.

Voluntary Assistance:
- Public sector workplaces may request technical assistance by contacting DLS at 508-616-0461 or safestpublicworkplace@state.ma.us. There are no written warnings or penalties issued for voluntary assistance.

Complaints:
- Public employees or their representatives may file a complaint about safety and health conditions at their workplace by contacting DLS at 508-616-0461 or safestpublicworkplace@state.ma.us.

Safety and Health Management:
- Sample safety programs and technical bulletins are available at www.mass.gov/dols/wshp.

www.mass.gov/dols/wshp 508-616-0461
Who Inspects Public Sector?

- Department of Labor Standards inspects all public sector.
  - Similar process as OSHA inspection.
  - M.G.L. c149 §6

- Federal OSHA inspects private sector only.
Who Gets Inspected?

1. Imminent Danger
   - Trench
     ◦ Bucket Truck
     ◦ Roof

2. Significant Injury
   - Fatality; Hospital;
   - Amputation; Electric Shock

3. Complaints and Referrals

4. Programmed Schedule
From 2013–2015, WSHP has conducted inspections in 135 cities and towns. In some towns, more than one department has been inspected (ie. school; DPW; water).
What Happens During Inspection?

- Opening Conference
- Walk-through
- Closing Conference

DLS will also ask to speak with the local union steward.
Will There be a Penalty?

- **Goal:** Preventing Injury and Illness

- **First Enforcement:** *No Fine*
  - Written Warning with Order to Correct
  - Response required before Due Date

- **Second Enforcement for Same Violation:**
  - Civil Citation with Civil Penalty
  - $1,000 per violation
  - To date, no penalties issued
Examples of Violations Found during DLS Inspections
In 2014, a city electrician was repairing lights at an athletic field. The 3-phase circuit breaker, 227/480 volts was not de-energized. An arc flash injured the worker.

**Written Warning included:**
- Working on live equipment
- Lack of arc-flash PPE
- Lack of Lockout Tagout program

OSHA: 29 CFR 1910.333
Massachusetts: M.G.L. c149 s18C
In 2014 and 2015, DLS issued Written Warnings for amputations caused by snowblowers.

Cause of amputation:
- Poor equipment maintenance;
- Missing tool;
- Lack of training per owners manual.

Written warning included:
- Missing tool to clear blockages
- Lack of training on equipment

OSHA: 1910.212(a)(3)
State: MGL C149 s.18C
In 2014, an amputation occurred when the stock shifted during cut, pulling worker’s finger towards the blade of the saw. The stock was not supported by the extension supports provided by the saw manufacturer.

**Written Warning included:**
- Lack of training on owner’s manual.

**OSHA:** 29 CFR 1910.212(a)(3)(i) machine guarding; State: MGL c.149 s.18A

*Decal on saw reminds user to support the stock.*
Amputation

- In 2015, a DPW employee suffered a finger amputation when he “rode the bucket” out of a trench.

Written Warning included:
- Riding the bucket
- Lack of ladder
- Lack of daily trench inspection

State: MGL c.149 s6
OSHA: 29 CFR 1926.651
In 2013–2015, several towns were inspected and issued Written Warnings for lack of cave-in protection.

Written Warnings included:
- Lack of cave-in protection
- Lack of ladders
- Lack of daily inspection
- Lack of “Competent Person” designated with authority to correct hazards

State: MGL c.149 s6
OSHA: 29 CFR 1926.651
In 2013–2015, several towns were issued Written Warnings because workers did not use fall protection while working in a bucket truck.

Written Warnings included:
- Lack of fall protection – worker could be ejected from bucket.
- Lack of traffic workzone set-up

State: MGL c.149 s6
OSHA: 29 CFR 1926.453
Ladder Accidents

DLS investigated several ladder accidents which resulted in injuries:

- Climbing off ladder onto shelf.
- Ladder set-up improperly.

Written Warnings included:

- Lack of ladder inspection.
- Lack of training.

State: MGL c.149 s18A
OSHA: 29 CFR 1910.22(d)(1)
In 2015, a DPW worker sustained a serious laceration when re-attaching a gate on a dump truck.

DLS found:
- Damaged latches
- Gate on truck held together with a putty knife instead of a manufacturer-approved pin.

Written Warning included:
- Lack of manufacturer-approved parts
- Lack of pre-trip inspection

Massachusetts Law M.G.L. c149 s6
DLS safety inspections also include a review of electrical safety:

- **Cords must be grounded or double insulated.**
  - OSHA 1910.334(a)
  - State: MGL c.149 s6

- **Missing receptacles could expose worker to live electrical.**
  - OSHA 1910.305(b)
  - State: MGL c.149 s6

- **Circuit panels must be labeled; unused openings must be covered.**
  - OSHA 1910.305(b)(ii)
  - State: MGL c.149 s6
Slip, Trip

- Slip, Trips are a leading cause of municipal injuries.
- In 2015, DLS issued a Written Warning for a slip hazard in school kitchen.
- Building is 2-yr old!

OSHA: 29 CFR 1910.22
Massachusetts Law M.G.L. c149 s
In 2015, DLS conducted an inspection at a school due to a broken leg.

Written Warning included:
• Housekeeping;
• Cluttered floors

OSHA: 29 CFR 1910.22
Massachusetts Law M.G.L. c149 s18A
Slip, Trip

Slip, Trip is a leading cause of municipal injuries. In 2015, DLS conducted an inspection at a town office due to a complaint.

Written Warning included:
- Housekeeping
- Slip, trip hazards

Buckled carpet is a trip hazard.

Employees kept a tally of how many people tripped.
In this school, 40-pound boxes of copy paper were stored high above the floor. Custodians used a ladder to retrieve heavy boxes.

**Written Warning included:**
- Storage shelves not secure
- Back injury likely due to height and weight of items.

OSHA: 29 CFR 1910.176(b)
OSHA: General Duty Clause
Massachusetts M.G.L. c149 s6
Lifting: Back Injury

Injury History:
5 back injuries occur per week across the state – custodians lifting trash barrels.

Solutions:
- Barrel design
- Smaller bags
- Dumpster: not lifting bags over shoulders.
- Training on Safe Lifting

OSHA: General Duty Clause
State: MGL c149 s.6

No DLS inspections yet for injuries caused by trash handling, but this is a major cause of municipal injuries.
Skylights: Fall Protection

- Skylights must be protected by railing, cage, screen or net.

- In 2015, DLS issued a Written Warning after a town employee fell through a skylight.

OSHA: 29 CFR 1910.23(a)(4)
Massachusetts Law M.G.L. c149 s6
Roof: Fall Protection

- Workers performing inspection or maintenance on roof must be protected from falling off roof.

- **Methods include:**
  - Guardrails (6ft from edge)
  - Restraint system
  - Temporary work zone (15ft from edge)

*OSHA: 29 CFR 1910.23*
*State: M.G.L. c149 s6*
Asbestos in Schools

- **Keep Asbestos Materials in good condition.**
- Know what materials are in your building.
- Inform custodians and contractors.
- Label asbestos materials in custodial and mechanical areas.
- Train custodians.
- **Re-inspection: every 3 years.**

Inspections to prevent work-related injury are conducted by the Department of Labor Standards’ Workplace Safety & Health Program.

Inspections for Asbestos in Schools are conducted by the Department of Labor Standards’ Asbestos/Lead Program.
Cost of OSHA Regulations

Some people might say:
“*But OSHA regulations are too expensive!*”

What DLS really found:
- Poor equipment maintenance;
- Not using the equipment you already have;
- Not using Owner’s Manuals to use and maintain equipment properly.
Case Study: Cost

Scenario:

- Employee was on scissor lift to replace gym lights.
- Controls were broken – the lift would not lower.
- Employee fell when climbing out.
Prevention

- Tag defective equipment out-of-service: $0
- Fix equipment under warranty: $0
- Don’t mandate use of broken equipment: $0
- Train on proper use with Owners Manual: $250
- Accountability: $0
- Total estimate: $0–$250
What You Can Do to Reduce Injuries
Safety Management

**Measure**
- Monitor injury patterns
- Periodic self-audits
- Accident Investigation
- Safety Committee

**Plan**
- Set Leadership policy
- Review injury patterns and costs
- Prioritize
- Set goals

**Control Risk**
Provide safe equipment
- Inspect and maintain equipment
- Written safety procedures
- *Follow OSHA standards*
- Periodic inspections
- Train employees
Handouts Available
www.mass.gov/dols

Table of Contents for a Safety Manual

- Schools
- Public Works

Sample Programs

- Fill-in-the-Blank
- Designed for baseline compliance.
- You can add more sections
Handouts Available
www.mass.gov/dols

Self-Audit Checklist

- Optional
- Conduct with your own staff; keep in-house.

Toolbox Talks

Preventing SLIP and FALL Injuries from Heavy Equipment

The Problem:
Each week, public sector workers are injured while getting into or getting out of heavy equipment vehicles. These tips are provided to help reduce work-related injuries and medical costs.

What You Can Do:
- Maintain three points-of-contact while ascending and descending. Keep two hands, and at least one foot, in contact with the vehicle ladder and steps at all times.
- Always face the ladder.
- Repair broken steps and handrails.
- Remove snow, ice, and mud from steps and handrails.
- Target your foot landing to avoid pot holes and "ankle breaker" stones.
- Do not jump out of vehicles.
- Wear study construction boots with a deep tread.
- Always use your seat belt when equipment is in operation.
- Keep doors closed when equipment is in operation -- operators have fallen out of vehicles when leaning out of the door to get a better view of the ground.
Wrap-Up

1. What are the Safety Regulations for municipal workplaces?

2. What happens during a DLS safety inspection?

3. Examples of violations found at recent DLS inspections.
Contact Us

- Department of Labor Standards
- Main phone: 508-616-0461
- Website: www.mass.gov/dols/wshp