

Oregon OSHA Proposes Changes to Division 1, General Administrative Rules Safety Committees

July 2008

Text proposed to be added/adopted is in **bold and underlined**.

Text proposed to be removed/repealed is in [~~brackets with line through~~].

Division 1, General Administrative Rules

437-001-0203 Determination of Penalty – Relating to Violations Which Have No Probability and Severity.

(1) Safety and Health Protection on the Job Poster. If the employer has not displayed the poster, a minimum penalty of \$100 may be assessed.

(2) Annual Summary – If an employer fails to post the summary portion of the OSHA 300 Form no later than February 1 of the year following the year covered by the records and keep it posted until April 30 in accordance with 437-001-0700(17)(d)(A), a minimum penalty of \$200 may be assessed.

(3) Citation – If an employer fails to post the citation after receipt, a minimum penalty of \$200 may be assessed.

(4) OSHA 300 and DCBS 801 Forms – If the employer does not maintain the Log and Summary of Occupational Injuries and Illnesses, OSHA 300 Form, and the Supplementary Record, DCBS Form 801 or equivalent, a minimum penalty of \$100 may be assessed for each OSHA form not maintained.

(5) Access to Records – If the employer fails upon request to provide records for inspection and copying by any authorized representative of OR-OSHA or by any employee, former employee, or authorized representative of employees, a minimum penalty of \$100 may be assessed for each form not made available.

(6) Flush Toilets/Warm Water Hand Washing Facilities – If an employer fails to provide flush toilets or warm water hand washing facilities on a construction site according to OAR 437-003-0020 in OAR 437, Division 3, Construction, a penalty of not less than \$200, nor more than \$2,500, shall be assessed.

~~[(7) Safety Committees—If an employer fails to establish a safety committee as required by OAR 437-001-0765 in OAR 437, Division 1, General Provisions, a minimum penalty of \$100 shall be assessed.]~~

437-001-0765 [~~Rules for Workplace~~] Safety Committees **and Safety Meetings.**

~~[(1) Purpose. The purpose of a safety committee is to bring workers and management together in a nonadversarial, 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.]~~

~~[(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee if the employer:]~~

~~[(A) Has a Days Away, Restricted, or Transferred (DART) rate in the top 10 percent of all rates for the employers in the same industry; or]~~

~~[(B) The employer is not an agricultural employer and the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes as approved by the Director pursuant to ORS 737.320(3).]~~

~~[(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.]~~

~~[(d) Temporary services employers and labor contractors shall establish safety committees based upon the total number of workers over which the employer or contractor exercises direction and control.]~~

~~[(e) Employers who hire only seasonal workers shall meet the intent of these rules by holding crew safety meetings prior to the commencement of work at each job site. Such meetings shall promote discussions of safety and health issues. All workers shall be informed of their rights to report workplace hazards, and shall be encouraged to make such reports during the meetings.]~~

~~[(f) Employers in the logging industry may meet the intent of these rules by complying with OAR 437, Division 7, Forest Activities.]~~

~~[(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 unless there is a provision in their collective bargaining agreement that addresses the selection of employee representatives. 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 2 members for each employer with 20 or less employees, or]~~

~~[(ii) No fewer than 4 members for each employer with more than 20 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 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 3 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.]~~

~~[(8) Effective Date. The effective date for OAR 437-001-0765 is March 1, 1991.]~~

This rule requires employers to establish and administer a safety committee, or hold safety meetings, to communicate and evaluate safety and health issues.

Purpose: The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health. Safety committees and safety meetings will assist you in making continuous improvement to your safety and health programs.

Scope: This rule applies to public or private employers in Oregon subject to Oregon OSHA jurisdiction, except as listed below.

You do not have to comply with this rule if you are:

- **The sole owner and only employee of a corporation;**
- **A member of a board or commission and do not participate in the day-to-day activities of the company. You are not considered an employee for purposes of this rule.**
- **Engaged in agricultural activities covered by Division 4, Subdivision C.**
- **Engaged in forest activities covered by Division 7, Subdivisions B and C.**

Division 2, Subdivision L OAR 437-002-0182(7) requires employers engaged in fire service activities to establish a separate fire service safety committee or opt for safety meetings if they meet the criteria in the following table.

You can choose a committee or meetings.

(1) You must establish and administer an effective safety committee or hold effective safety meetings as defined by these rules:

<u>IF</u>	<u>You can have a safety committee</u>	<u>You can have safety meetings</u>
<u>You have 10 or fewer employees more than half of the year (including seasonal & temporary)</u>	<u>Yes</u>	<u>Yes</u>
<u>More than half of your employees report to construction sites</u>	<u>Yes</u>	<u>Yes</u>
<u>More than half of your employees are mobile or move frequently between sites</u>	<u>Yes</u>	<u>Yes</u>
<u>Most employees do not regularly work outside an office environment</u>	<u>Yes</u>	<u>Yes</u>
<u>You have more than 10 employees at a location, and none of the above applies</u>	<u>Yes</u>	<u>No</u>
<u>You have satellite or auxiliary offices with 10 or fewer employees at each location</u>	<u>Yes</u>	<u>Yes</u>

Safety Committees

(2) If you have 20 or fewer employees you must have at least 2 members. If you have more than 20 employees you must have at least 4 members.

(3) You must have an equal number of employer-selected members and employee-elected or volunteer members. If both parties agree, the committee may have more employee-elected or volunteer members.

NOTE: Management can select a supervisor to represent them. Employees can elect a supervisor to represent them.

(4) Your safety committee members must:

- Have a majority agree on a chairperson.
- Serve a minimum of one year, when possible.
- Be compensated at their regular rate of pay.
- Have training in the principles of accident and incident investigations.
- Have training in hazard identification.
- Be provided with meeting minutes.
- Represent major activities of your business.

(5) Your safety committee must meet on company time as follows:

- **Quarterly in situations where employees do mostly office work**
- **Monthly for all other situations (except the months when quarterly worksite inspections are performed)**

(6) You must keep written records of each safety committee meeting for three years that include:

- **Names of attendees.**
- **Meeting date.**
- **All safety and health issues discussed, including tools, equipment, work environment, and work practice hazards.**
- **Recommendations for corrective action and date by which management must respond.**
- **Person responsible for follow up on any recommended corrective actions.**
- **All reports, evaluations and recommendations made by the committee.**

(7) Your safety committee must establish procedures for conducting workplace safety and health inspections. Persons trained in hazard identification must conduct inspections as follows:

<u>Where</u>	<u>Who</u>	<u>When</u>
<u>Primary fixed locations</u>	<u>Employer and employee representatives</u>	<u>Quarterly</u>
<u>Office environments</u>	<u>Employer and employee representatives</u>	<u>Quarterly</u>
<u>Auxiliary and satellite locations</u>	<u>Employer and employee representatives or a designated person</u>	<u>Quarterly</u>
<u>Mobile work locations, infrequently visited sites, and sites that do not lend themselves to quarterly inspections</u>	<u>Employer and employee representatives or a designated person</u>	<u>As often as the safety committee determines is necessary</u>

(8) In addition to the above requirements, your safety committee must:

- **Work with management to establish, amend or adopt accident investigation procedures that will identify and correct hazards.**
- **Have a system that allows employees an opportunity to report hazards and safety and health related suggestions.**
- **Establish procedures for reviewing inspection reports and for making recommendations to management.**
- **Evaluate all accident and incident investigations and make recommendations for ways to prevent similar events from recurring.**
- **Make safety committee meeting minutes available for all employees to review.**
- **Evaluate management's accountability system for safety and health, and recommend improvements. Examples include use of incentives, discipline, and evaluating success in controlling safety and health hazards.**

(9) If you have multiple locations, you may choose to have a centralized safety committee. A centralized safety committee must represent the safety and health concerns of all locations and meet the requirements for safety committees. If you rely on a centralized committee, you must also have a written safety and health policy that:

- **Represents management commitment to the committee.**
- **Requires and describes effective employee involvement.**
- **Describes how the company will hold employees and managers accountable for safety and health.**
- **Explains specific methods for identifying and correcting safety and health hazards at each location.**
- **Includes an annual written comprehensive review of the committees' activities to determine effectiveness.**

NOTE: Two or more employers at a single location may combine resources to meet the intent of these rules.

Safety Meetings

(10) Safety meetings must:

- **Include all available employees.**
- **Include at least one employer representative authorized to ensure correction of safety and health issues.**
- **Be held on company time and attendees paid at their regular rate of pay.**

(11) Hold safety meetings with the following frequency if:

<u>Nature of the Business</u>	<u>Frequency of meetings</u>
<u>You employ construction workers</u>	<u>At least monthly and before the start of each job that lasts more than one week.</u>
<u>Your employees do mostly office work</u>	<u>At least quarterly</u>
<u>All other employers</u>	<u>At least monthly</u>

(12) Safety meetings must include discussions of:

- **Safety and health issues**
- **Accident investigations, causes, and the suggested corrective measures.**

(13) Employers in construction, utility work and manufacturing must document, make available to all employees, and keep for three years a written record of each meeting that includes the following:

- **Hazards related to tools, equipment, work environment and unsafe work practices identified and discussed during the meeting.**
- **The date of the meeting.**
- **The names of those attending the meeting.**

All other employers do not need to keep these records if all employees attend the safety meeting.

(14) If you are a subcontractor on a multi-employer worksite, to meet the intent of (11) through (13), your employees may attend the prime contractor's safety meetings. You may keep the minutes from these meetings as a part of your records to meet the intent of (13). If you choose this option, you must still meet to discuss accidents involving your employees.

(15) Innovation. After you apply, OR-OSHA may grant approval for safety committees or safety meetings that differ from the rule requirements yet meet the intent of these rules.

Division 2/L, Fire Protection

437-002-0182 Oregon Rules for Fire Fighters.

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(7) Safety Committee.

(a) [A-f]Fire departments **must have a separate** safety committee **or hold safety meetings** [~~shall be established and administered by public or private employers~~] in accordance with the requirements of OAR 437-001-0765 in Division 1, General Administrative Rules.

(b) When applicable, the representation on the safety committee [~~shall~~]**must** include both career and volunteer fire fighters.

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