

Safety and Health

The most widely used measures of workplace safety are injury and illness rates and claims rates. These rates are now less than half of what they were in the late 1980s.

Injury and illness rates and claims rates

For more than 30 years, the U.S. Bureau of Labor Statistics has used an employer survey based on OSHA recordkeeping requirements to estimate occupational injury and illness frequencies. This survey provides valuable information about trends in workplace injuries. In Oregon, the total-cases incidence rate in the private sector, a measure of all workplace injuries and illnesses, was 11.1 cases

per 100 full-time workers in 1988. It has fallen steadily since then and was 4.4 cases per 100 full-time workers in 2009. In 2009, the latest year for which we have data, the national rate was 3.6 cases per 100 workers.

Within the workers' compensation system, the accepted disabling claims rate is a measure similar to the incidence rate. Like the incidence rate, the accepted disabling claims rate has fallen significantly over the past two decades. It has declined from 3.8 accepted disabling claims per 100 workers in 1988 to 1.2 per 100 workers in 2009.

The number of accepted disabling claims (ADCs) has fallen most years over most of the past two decades. An exception to the trend was the period

Figure 1. Accepted disabling claims and employment, 1987-2009

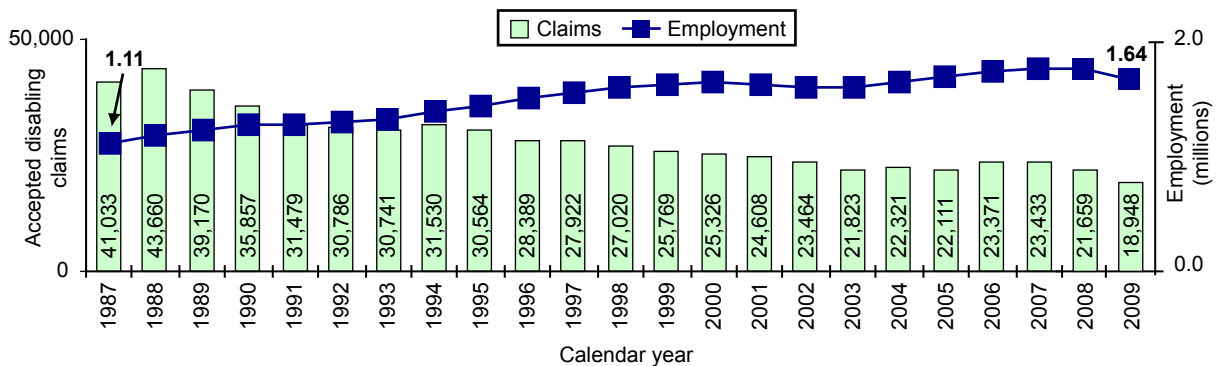
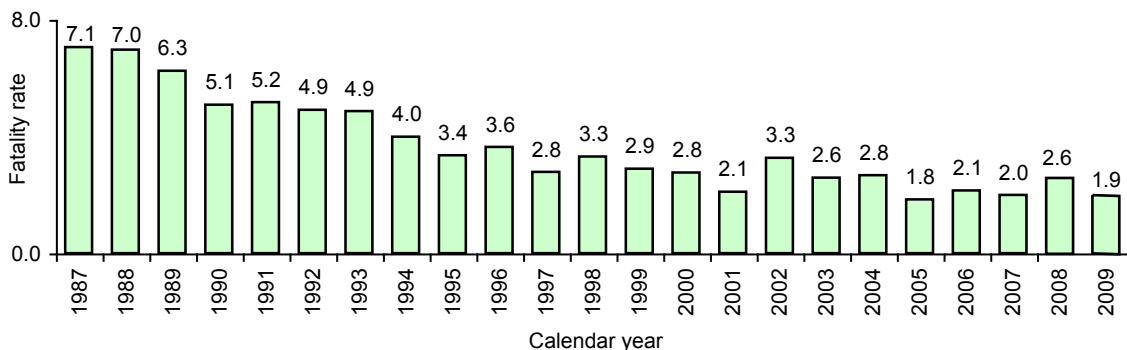


Figure 2. Compensable fatality rates per 100,000 workers, 1987-2009



between 2003-2007. Employment grew by 11 percent over this four-year period, and the number of ADCs increased by 7 percent. During the recent recession, however, workers' compensation covered employment fell by 7 percent between 2007 and 2009, and the number of ADCs declined 19 percent. Compensable fatalities have also declined; the 31 deaths in 2009 tied with 2005 as the fewest ever recorded.

Oregon's emphasis on workplace safety and health, legislative changes in the definition of compensability, changes in insurer claims-management practices, and the evolution of Oregon's economy over the past two decades have affected both claims volume and claims rates. Comparatively, national incidence rates have fallen at rates similar to Oregon's, perhaps indicating that claims rates would have fallen, even without legislative reform. Despite these qualifications, the increased emphasis on safety and health, especially by Oregon OSHA, has played an important role in the reduction of workers' compensation costs in Oregon.

Occupational Safety and Health Administration

The best way to reduce the costs and suffering associated with workers' compensation claims is to reduce workplace injuries, illnesses, and fatalities. Oregon OSHA provides leadership and support to business and labor through enforcement programs, voluntary services, conferences and workshops, technical resources, publications, and a resource library.

Oregon OSHA and Federal OSHA

The Federal Occupational Safety and Health Act of 1970 went into effect in 1971. The Oregon version of this legislation, the Oregon Safe Employment Act (OSEA), was passed in 1973. The OSEA is now administered through a state-plan agreement with federal OSHA.

In May 2005, through the long-standing efforts of Oregon OSHA, Oregon became the 17th state to gain final approval for meeting the requirements of the 1970 federal act. This approval means that federal OSHA has formally relinquished enforcement authority in areas under Oregon OSHA jurisdiction. Many states that have received this recognition employ rules that are identical to federal requirements. In contrast, Oregon has

designed its safety standards based on Oregon's unique working conditions. Therefore, the approval of a plan that differs substantially from the federal program is an important achievement. Even with final state plan approval, federal OSHA continues to fund a portion of Oregon OSHA's budget and annually monitors its performance through the five-year strategic plan.

Legislative reform

Since the passage of the OSEA, other pieces of legislation have affected Oregon OSHA's programs. Between 1987 and 1991, the Oregon Legislature significantly increased the emphasis on safety and health in the workplace. This was done by increasing safety and health enforcement, training, and consultative staff; increasing penalties against employers who violate state safety and health regulations; requiring insurers to provide loss-prevention consultative services; offering employer and employee training opportunities through a grant program; requiring joint labor-management safety committees; and targeting safety and health inspections of workplaces.

The 1999 Legislature passed HB 2830, which directed Oregon OSHA to notify certain employers of the increased likelihood of an inspection and to focus Oregon OSHA enforcement activities on the most unsafe workplaces. In 2005, at Oregon OSHA's request, HB 2093 removed the accepted disabling claims rate as one of the criteria used by Oregon OSHA when identifying employers who will receive this notification. This legislation provided the director with the authority to determine the most unsafe industries and workplaces to be notified of the increased likelihood of an inspection.

In 1990, SB 1197 required employers with more than 10 employees, and certain employers with fewer than 10 employees, to establish safety committees. However, in 2007, the Legislature passed HB 2222, which removed all of the specific safety committee requirements from the law and gave the Department of Consumer and Business Services the authority to write rules requiring all employers to establish and administer safety committees or hold safety meetings. HB 2222 also allows for alternate forms of safety committees

and meetings to meet the special needs of small employers, agricultural employers, and employers with mobile work sites.

Many of the legislative changes have affected agriculture. In 1995, small agricultural employers without any serious accidents and who followed specified training and consultation schedules were exempted from scheduled inspections. In 1997, Oregon OSHA was authorized to enforce the law requiring operators of farmworker camps to provide seven days of housing in the event of camp closure by a government agency. Prior to this legislative change, the Bureau of Labor and Industries enforced the law. The 1999 Legislature exempted corporate farms with only family-member employees from occupational safety and health requirements. HB 3573 (2001) created the Farmworker Housing Development Account and directed that the money collected from civil penalties imposed for the nonregistration of farmworker camps be put into the account.

Voluntary Services/Outreach

Consultative services

Oregon OSHA staff members provided 2,898 consultations in 2009. This function was added to the department's duties through SB 2900 in 1987 and expanded with the passage of SB 1197 in 1990. Consultative services help Oregon employers identify hazards and work practices that could lead to injuries or illnesses. Employers are provided recommendations for correcting identified hazards and for improving their safety

and health programs. Consultative services also include the time-intensive process of assisting interested employers as they work toward Safety and Health Achievement Recognition Program (SHARP) recognition and evaluating worksites for qualification in the Voluntary Protection Program.

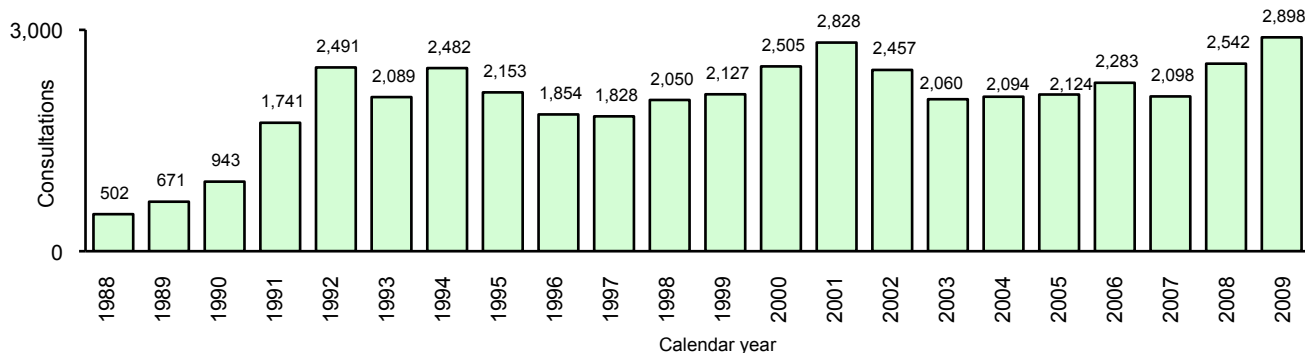
Safety and Health Achievement Recognition Program

The Safety and Health Achievement Recognition Program (SHARP) recognizes employers who reach specific benchmarks in managing their occupational safety and health program. SHARP provides employers assistance and tools for effectively managing workplace safety, focusing on management commitment, and employee participation. Companies that use SHARP to implement a safety and health management system often experience a reduction in injuries and illnesses, and in turn reduce their workers' compensation insurance premiums. The program was implemented in 1996 with four employers certified. By the end of 2009, the program had grown to 161 employers.

Voluntary Protection Program

Federal OSHA developed the Voluntary Protection Program (VPP) as a way to recognize employers who demonstrate excellence in safety and health management. To be considered for VPP recognition, a company's safety and health management system must excel in all areas, including management leadership, employee involvement, worksite analysis, hazard prevention

Figure 3. Oregon OSHA consultations opened, 1988-2009



and control, and safety and health training. VPP worksites must also have a three-year average injury and illness rate at or below the rates of other employers in the same industry. At the end of 2009, there were 24 Oregon worksites participating in VPP.

Oregon OSHA grants

Since 1990, Oregon OSHA has awarded nearly \$2.9 million in grants to nonprofit organizations and associations to develop innovative programs for occupational safety and health training. The programs are designed to reduce or eliminate hazards in an entire industry or in a specific work process. Examples of programs that have received grants are homebuilders' manuals and videos in English, Russian, and Spanish; an educational program for nurses to prevent ergonomic injuries; a dairy farmers' checklist and video; and lifting guidelines.

In 2008, Oregon OSHA awarded \$1.04 million in grants to a rural critical care hospital and a long-term care facility to develop model sites for safe patient handling. This was done in collaboration with the Oregon Coalition for Healthcare Ergonomics as a means to address the growing problem of health care worker injuries and their associated costs.

In 2010, due to the severe revenue shortfall, the director of the Department of Consumer and Business Services accepted the recommendation of the Safe Employment Education and Training Advisory Committee (SEETAC) to suspend the training grants program for the remainder of the current biennium (through June 2011). The revenue status will be reviewed prior to the beginning of the 2011-2013 biennium to determine when the training grants program can be reactivated.

Safety and Health Training Programs

Oregon OSHA also provides training to both employers and employees. Attendance at public education and conference training sessions between 1998 and 2009 exceeded 280,000. These educational forums provide an opportunity to share ideas on occupational safety and health with national experts.

Most Oregon OSHA conferences are coordinated and presented in partnership with businesses, associations, labor unions, etc. Every other year, Oregon OSHA and the American Association of Safety Engineers work together to present the Governor's Occupational Safety and Health Conference (GOSH). In 2009, in addition to the GOSH conference, there were six other conferences held around Oregon that addressed a variety of safety and health issues.

In 2009, the Public Education Section offered more than 933 workshops and on-site trainings on 51 different topics related to safety and health in the workplace.

Partnerships with stakeholders

Oregon OSHA collaborates with groups, including business organizations and labor unions, to design better safety and health programs for workers. Oregon OSHA has 36 active partnerships with organizations and individuals who have an interest in workplace safety and health. Many of the partnerships take the form of stakeholder advisory committees that assist in the development of new rules, provide input on agency direction on current issues, foster outreach and education with specific industries, and sponsor conferences.

For example, Oregon OSHA worked with the Oregon Collaboration for Healthy Nail Salons to provide education on environmental health hazards in the nail salon industry. The joint effort resulted in two informative publications, including one translated into Vietnamese, that specifically targeted workers in the industry, as well as an extensive public information outreach effort to the affected workers.

Oregon OSHA also adopted a formal alliance policy to acknowledge some of the collaborations with industry or labor groups. Agreements were recently signed with the Oregon Homebuilders Association, Oregon Restaurant Association, and Oregon Coalition for Healthcare Ergonomics.

Oregon OSHA is also participating as a member of O[yes] Oregon Young Employee Safety Coalition. The mission of O[yes] is to prevent young worker injuries and fatalities. O[yes]

Oregon OSHA Resource Center: A One-Stop Source for Workplace Safety and Health Information

The Oregon OSHA Resource Center is the only library in Oregon that specializes in health and safety in the workplace; it is a public service provided to Oregon employers and workers by the Oregon Department of Consumer and Business Services.

Videos and DVDs about workplace safety and health are available in the free lending library maintained by the Resource Center. Any employer or worker in Oregon may use our video library. The user's only cost will be for sending the item back to the Resource Center via a "trackable" carrier (USPS, etc.). This is a popular service with about 400 videos and/or DVDs going out each month.

The Resource Center carries a full selection of Oregon OSHA publications at its Labor and Industries Building location in Salem at 350 Winter St NE; but if you are not in the neighborhood you can read or order copies online at <http://www.oroSHA.org/standards/publications.html>.

Books, journals, and consensus standards (NIOSH, ANSI, etc.) are available for use or review in the Resource Center.

Library topics include safety and health management, industrial hygiene, hazardous chemicals, occupational medicine, and ergonomics.

A skilled research librarian is available via e-mail at osha.resource@state.or.us or by calling 800-922-2689 or 503-378-3272.

educates its constituency of young workers, educators, employers, parents, and labor and trade associations through outreach, advocacy, and sharing of resources.

Enforcement

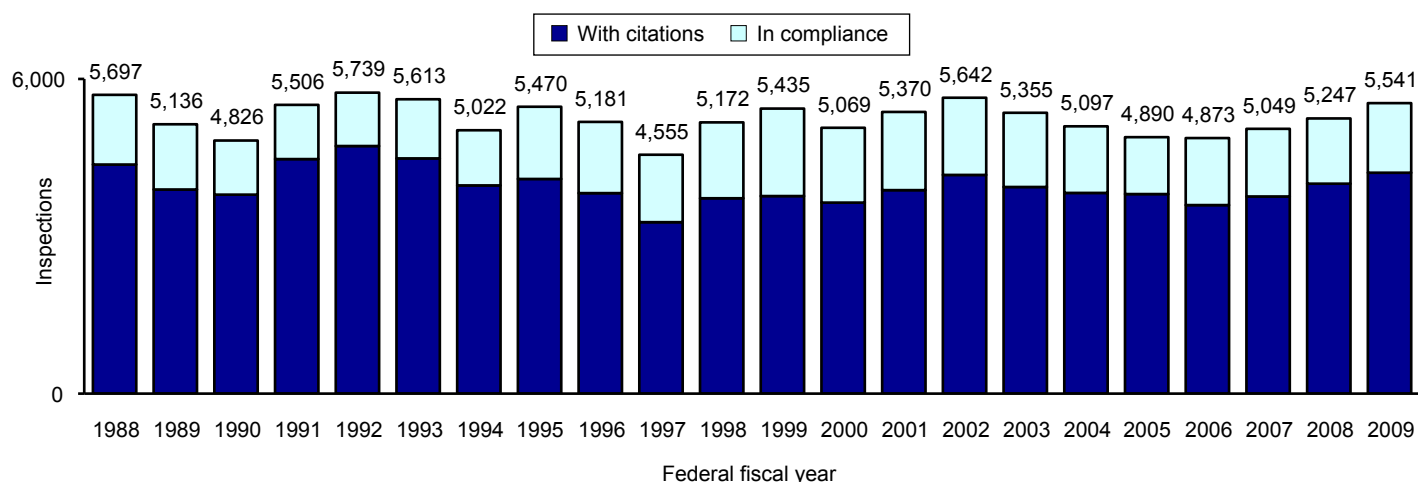
Oregon OSHA inspections

Oregon OSHA conducted 5,541 inspections in federal fiscal year 2009. More than 11,000 violations of safety and health standards were cited on 4,213 citations. Penalties assessed for these employer violations in federal fiscal year 2009 were \$3.1 million, which is higher than previous years.

Inspections at employer worksites in Oregon are based primarily on inspection targeting lists, complaints, accidents (including fatalities), and referrals. Seventy-three percent, about 4,000 inspections, were initiated from several targeting lists. Complaints received by Oregon OSHA about the safety or health conditions at Oregon worksites resulted in 697 inspections, 13 percent of the total. Accidents and fatalities at Oregon worksites resulted in 181 inspections, 3 percent of the total.

Although the number of inspections has varied from year to year, there has been no long-term increase in inspections since at least 1988. During the same period, the number of Oregon employers has grown 34 percent.

Figure 4. Oregon OSHA inspections, 1988-2009



Loss-prevention services

From 1989 to 1999, workers' compensation insurers provided mandatory loss-prevention services to employers Oregon OSHA identified as having at least three accepted disabling claims and a claims rate above the statewide average or having at least 20 claims. In July 1999, administrative rule changes required insurers to identify employers with a claims frequency greater than the industry average and offer loss-prevention services.

Oregon OSHA conducts inspections of insurers' and self-insured employers' loss-prevention activities to ensure that employers are offered loss-prevention services. These services include assistance in developing written loss-prevention plans, workplace hazard surveys, identification of resources to reduce hazards, and assistance in evaluating safety and health training needs.

Customer service

One factor in the success of Oregon OSHA's enforcement activities is the performance of its compliance officers. The department surveys employers that Oregon OSHA inspected, allowing employers to rate the performance of compliance officers. On average, more than 90 percent of completed questionnaires show "good" to "very good" ratings for compliance officers in their general knowledge of the job, professional and personal attributes, and ability to explain the reason for the inspection, and the rights and responsibilities of the inspected employer. In addition, the majority of respondents indicate a belief that their inspection will result in a reduction of workplace hazards.

Oregon OSHA's consultation services also receive high marks in customer service. Among employers surveyed in FY 2009, nearly all (95 percent) rated their consultant as "good" or "excellent" in regard to helpfulness, expertise, timeliness, accuracy, availability of information, and overall service.