"The Public Interest"

Health/Safety and Environmental Issues

the PASMA way to shared knowledge

Public Agency Safety Management Association

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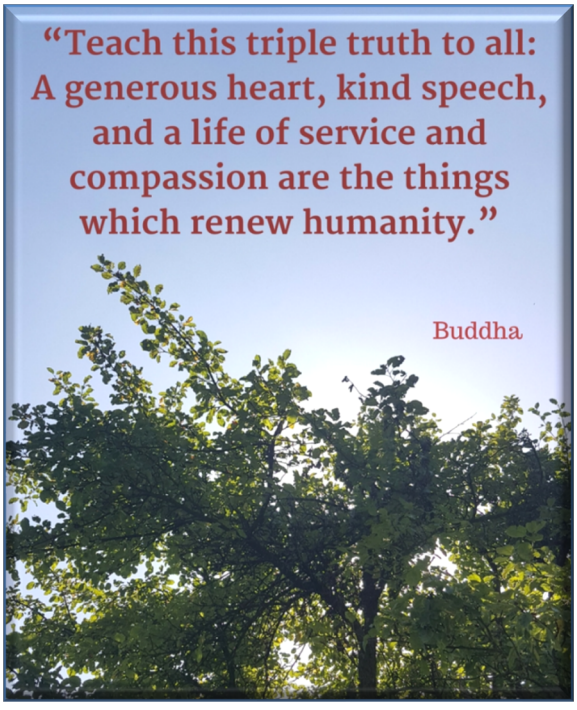
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To a PASMA OG: A fond farewell, my dearest life partner and wife, Cecelia

Dear friends and colleagues; some of you may have noticed that our PASMA Newsletter has been MIA since July. The reason for that unscheduled absence was that my dear wife, Cecelia lost her fight with Pancreatic cancer. Cecelia had been a PASMA member originally representing the South Bay School Insurance Authority since 1992 and was instrumental in recruiting me into the program. Since then, she has continued to support the field of Health Safety and Risk Management for a variety of organizations including the LA Science Museum and the OC Health Care Agency. She was a consummate professional in every sense of the word even though her technical, organizational and academic skills were not something she emphasized. Nevertheless, her greatest skill was the art of friendly persuasion and dedicated her personal and professional life to simply being of service to others. Those who knew her will remember that she was the ever-present volunteer to PASMA especially during the times when our Chapter hosted conferences be they in the North or South. In fact, what little I have contributed to our program was, and is continuing because of her. It was she, who suggested I take a more active role including that of Board member and Editor of our Newsletter. In short, my Cecelia represented the quintessential definition of service to others regardless of need. It is my sincere promise that I, my sons, and my grandkids will continue your legacy of uncompromising service to all that express a need. Until we meet again, Love.



A short synopsis of **SB 606 and the SVEP**: two new cal/osha violation categories, additional compliance requirements, and increased civil penalties for employers. **SB 606** establishes two new Cal/OSHA violation categories that can potentially affect employers: violations that are considered **"enterprise-wide"** and those that are deemed to be **"egregious."** Employers can be cited well over $100,000 for violations of the new law. Speaking in generalities, an enterprise-wide violation is one issued for an employer having multiple worksites. An egregious violation is one in which an employer made no effort to address the known violation. The fines for an egregious penalty can be multiplied by the number of employees affected.

An Enterprise-Wide violation is of particular concern to employers with multiple worksites for their employees. According to the text of SB 606, an employer may be in violation of health and safety requirements if one of the following is true across multiple worksites:

The employer has a written policy or procedure that violates specific sections of the California Health and Safety Code.
No onsite investigation or observation of a violation is required by Cal/OSHA if employer materials point to a violation.
Evidence exists of a pattern or practice of the same violation or violations committed by that employer involving more than one of the employer's worksites.

An "Egregious Violation" can carry even larger civil penalties and liabilities. SB 606 states that one of the following must be true about the employer or the willful violations committed by it:

- The employer, intentionally, through conscious, voluntary action or inaction, made no reasonable effort to eliminate the known violation.
- The violations resulted in worker fatalities, a worksite catastrophe or a large number of injuries or illnesses.
- The violations resulted in persistently high rates of worker injuries or illnesses.
- The employer has an extensive history of prior violations of this part.
- The employer has intentionally disregarded their health and safety responsibilities.
- The employer's conduct, taken as a whole, amounts to clear bad faith in the performance of their duties under this part.
- The employer has committed a large number of violations so as to significantly undermine the effectiveness of any safety and health program that may be in place.

Investigation compliance standards have also been enhanced by SB 606. Further, according to the bill's text, Cal/OSHA can issue a subpoena if the employer fails to provide the requested information within a reasonable period of time. This makes education and preparation related to health and safety compliance more essential than ever.

Public sector employers are singularly at risk for the **Severe Violators Enforcement Program** authorized by SB 606 since most are covered by an IIPP that is too generic and, more importantly, lacks the specificity of the hazards associated with the type of work activities and environments of that unit or department at that geographic area. This "global" approach to Safety and Health creates an additional failure point; the lack of understanding of the term "Supervisor" and their due diligence requirements to enhance and enforce code compliance. Considering that the Cal/OSHA IIPP was designed to be a **living document** designed to cover an organization's changing work environment at each location that the employer occupies and the current regulatory environment, I encourage each of our members to engage in these activities:

1. Review the compare and contrast the System wide IIPP to each individual site's activities and make sure you have the auditing documents that may apply.
2. Engage related departments like HR and Risk Management and re-educate them of their contribution to the system interms of hard data including "exposure" records, "medical surveillance" programs, training and enforcement.
3. Re-educate "line managers" in their duties under both the Fed/OSHA General Duty Clause, Cal. Labor Codes, and the IIPP. All these legal references contain "global" definitions and duty statements and are absolutely enforceable. Note in each of these laws and codes, the term "employer", means the **line manager** in control of the site. If they know, the "employer" at large knows, which begs the question….what do they know and how are they operationalizing that which they know.

Test their Knowledge – *If the reader is a **registered member of PASMA**, on our webpage I have uploaded stereotypical Cal/OSHA enforcement sample interview questions. They are listed by primary topics and there are some for Supervisors as well as employees. It's a good way to fact check your TRAINING.*



Supervisor Responsibility & Development

Foundational responsibility from Fed/OSHA's General Duty Clause 5(a)(1&2) and CFR 1960.9

Cal. Government Code 12926(t) describing supervisor activities, specifically related to "direction and control" over the continuation of an activity….

T8CCR3203(a)(7(F)…training for supervisors

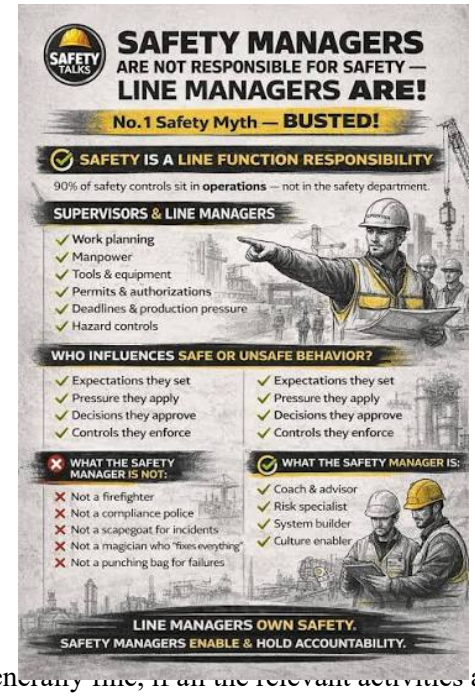
Supervision is a key component in any effective Safety Management System (IIPP; ANSI Z10); although my experience is that supervisory duties and responsibilities are rarely identified as a critical part of the management system, which, when not incorporated becomes the weakest link in the management chain.

What does supervision actually involve?

"Supervision has been defined as a management function that can be delivered by one or more individuals within and/or external to a team. It involves controlling, influencing and leading a team. People with supervisory roles are expected to maintain discipline, to take responsibility, and be held accountable for the actions of a team (HSE, 2004)."

Many organizations place considerable emphasis on leadership, and personnel may receive training and coaching on this topic. However, leadership is only one aspect and companies often place less emphasis on the many other aspects of supervision; specifically Occupational Safety and Health. It has been my compliance experience that in general supervision should include some very specific functional aspects relative to the control of their overall activities; and they include and in fact **ANSI Z10** specifically intimates the following:

- Planning routine work for the team
- Allocating routine work to team members
- Making decisions under normal conditions
- Making decisions under abnormal conditions
- Monitoring the team's performance
- Planning activities specifically related to health and safety
- Allocating activities specifically related to health and safety
- Monitoring health and safety performance
- Ensuring compliance with health and safety rules and procedures
- Leading the team during normal situations
- Leading the team during abnormal situations
- Facilitating communication within the team and between the team and management
- Ensuring teamwork and developing the team
- Facilitating workforce involvement
- Applying disciplinary procedures.



These responsibilities may be shared among more than one person. This is generally fine, if all the relevant activities are assigned to someone who is able to undertake them and the different parties communicate and interact. For example, if work planning is conducted by an external person, rather than the team supervisor, this may lead to issues if it doesn't consider work demands, current issues and available resources. Whatever the arrangements to deliver supervision, organizations must understand the strengths and weaknesses of their approach – and ensure that the necessary counter-balances are in place.

The links between supervision and safety – my thoughts and observations

Even though management and supervision are often considered to be the most significant organizational factors affecting accidents, most organizations do not fully understand the links between supervision and health and safety. In simple terms, supervisors should have regular contact with their safety teams or offices – and in doing so, ensure that everyone knows how to work without risk to their health and safely; and ensure that everyone follows the appropriate rules and procedures. It follows that part of this role is to coach, guide and support to increase the competence of their teams in these areas.

Supervisors can have a significant impact on many of the factors that influence **behaviors in the workplace**. For example, they can influence compliance with procedures, priorities, clarity of roles, workload, fatigue, engagement and organizational culture. **Supervision is viewed by compliance as an administrative control** that supports or reinforces other human factors issues including competence and procedures. If competence and procedures are two sides of the same coin, I like to think of supervision as the edge of the coin, binding these two aspects together.

Failures in supervision have contributed to a number of major accidents in a number of industries. In fact, I have found that supervision is often only considered following an adverse event. In safety-critical activities that have the potential for major accidents (working with chemistries, confined space, VIP, and LOTO) inadequacies and deficiencies in supervision may not be immediately obvious due to the low frequency of adverse events, and so managers of these activities need to be vigilant to any gradual degradation in supervisory skills and abilities. My compliance history as well as research into the most frequently cited Cal/OSHA safety orders post-accident investigations will show that 3203(a)(7)(F) "supervisor training" will be listed.

Various industry studies suggest that supervisors should have the following characteristics to prevent their subordinates from being involved in an accident:

- a positive attitude to safety
- high standards for their own safety
- meet with workers frequently to discuss safety matters
- visit the workplace frequently to get updates, monitor and coach (but not trying to catch them out)
- raise safety issues with staff at the point of concern
- be involved in safety training of their staff
- be involved in accident investigations and safety inspections, and
- have a supportive and participative style of management.

A great deal has been written about management styles. To grossly summarize this work, I think that if supervisors and their staff have a good working relationship that is based on mutual respect and trust, then staff are more likely to work in a way that they feel their supervisor expects. It also follows that if a supervisor always talks about production, reaching targets and getting the job done, then workers are likely to feel that 'how it is done' is less important than getting it done. This reality supports the need to provide supervisors with training and coaching on various non-technical skills.

Supervisors and their relationship to Managers & Leaders

Although the focus of this section is on effective supervision, it is important to note that the organizational levels above supervisors are equally important in overall safety and health management. It would be a mistake to focus solely on supervisors in isolation from the rest of the organizational hierarchy. Supervisors may be the members of the management team who are closest to the workforce, but they do not have complete responsibility for health, safety, reliability and other commercial outcomes. To be effective, supervisors are dependent on support from all levels of management above them. Everyone in an organization has part to play, and so organizations should outline the roles and responsibilities of supervisors, managers and leaders with respect to effective supervision. My thoughts:

- **Managers:** Ensure supervisors have sufficient time and resources to balance commercial demands with their supervisory responsibilities, including those relating to health and safety. Translate high-level policies into systems and procedures.
- **Supervisors:** Risk assessment, planning, monitoring, oversight, guidance, coaching etc. – **GATEWAY INTEL should be cultivated and encouraged for opportunities to correct hazards in a "timely" fashion!**

Supervision: Key principles - Management arrangements

Supervision is a critical management function, and this must be reflected in an organization's Safety Management System. It is well-established that supervision is a key factor in health and safety performance; therefore the priority given to supervision should reflect the risk of the "routine" and "most common" activity. Supervisory arrangements should be described in more detail for safety-critical organizations. In other words the inherent serious hazards associated with that task.

Effective supervision does not happen by chance.

There are several different ways of delivering supervision and different forms of supervision are appropriate in different circumstances. Organizations therefore need to identify the weaknesses in the way that they deliver supervision and put in place counterbalances to address these. For example, traditional hierarchical team structures generally provide effective command and control, but lower levels of employee involvement. Supervision has a key influence on the way that teams perform. Therefore, the way supervision is delivered must be appropriate for the way the team functions.

Arrangements must ensure effective supervision, oversight and leadership in upsets and emergency situations.

During and following period of organizational change, it is important to ensure that all of the supervisory arrangements are delivered successfully, all the time. An organization's Safety Management System (ANSI-Z10) should include management of change arrangements that ensure this. Measure, audit and review all aspects of supervisory performance so that any opportunity for improvement can be identified and implemented. Incident reporting and analysis should consider the role of supervision as a contributing or influencing factor.

Competence

Individuals with any form of supervisory role must have the necessary aptitude and competence. 'Competence' includes technical skills as well as non-technical skills such as planning, communication and delegation. Technical competence should include an understanding of the hazards and control measures. Supervisors should have the experience and credibility to gain respect from others in order to lead and influence.

When staff are promoted into their first supervisory position, they may feel vulnerable, and must be provided with training in their new responsibilities. Consider providing support and coaching by more experienced staff for the first year.

If personnel are supervising multi-skilled or multi-disciplinary teams (such as a team of electrical and mechanical maintenance technicians), the supervisor may not be competent in all technical areas (for example, where the supervisor has an electrical background). In these cases, ensure that the team is competent in all areas, roles are clear and that technical support is readily available (for both the supervisor and team members).

Some supervisory functions may be performed by team members, such as taking responsibility for certain areas, intervening when others work unsafely, or coaching others. In these cases, team members should receive appropriate training and support.

Promoting team members

If supervisors are to be selected from existing team members, ensure that they are a good 'fit' with the supervisory role and appreciate that the roles may be quite different. Supervisors should not be selected solely because they are good at their current job. Identify the various factors necessary to be a good supervisor and select according to those factors.

The personality of supervisors is critical. They need to be able to engage with their team members, whilst knowing when and how to provide leadership. This can be a difficult balance to achieve.

Time and resources

All supervisors should have the time to discharge their responsibilities effectively. Often supervisors find themselves fully occupied with administrative activities and **unable to visit the work-site**. I call this 'supervision by spreadsheets', and many of the components of effective supervision will be absent.

Any work plans should include provision for supervision activities and the proportion of time to be spent on the different aspects of supervision should be continually reviewed. Given the influence on risk, it should be checked that **'supervision-as-defined'** is the same as **'supervision-in-practice'**. Understand any differences between supervision as formally described and supervision as done, then address any deficiencies. Key considerations to support supervisors in their role would include: (i) the number of people reporting to them, (ii) the geographical 'spread' of the areas and people for which they are responsible, and (iii) the competing activities that distract them from supervising activities.

Supervision should be an explicit part of the job description with clear expectations. Staff appraisals should evaluate supervisory activities as well as other aspects of the role.

Lastly, Supervising contractors

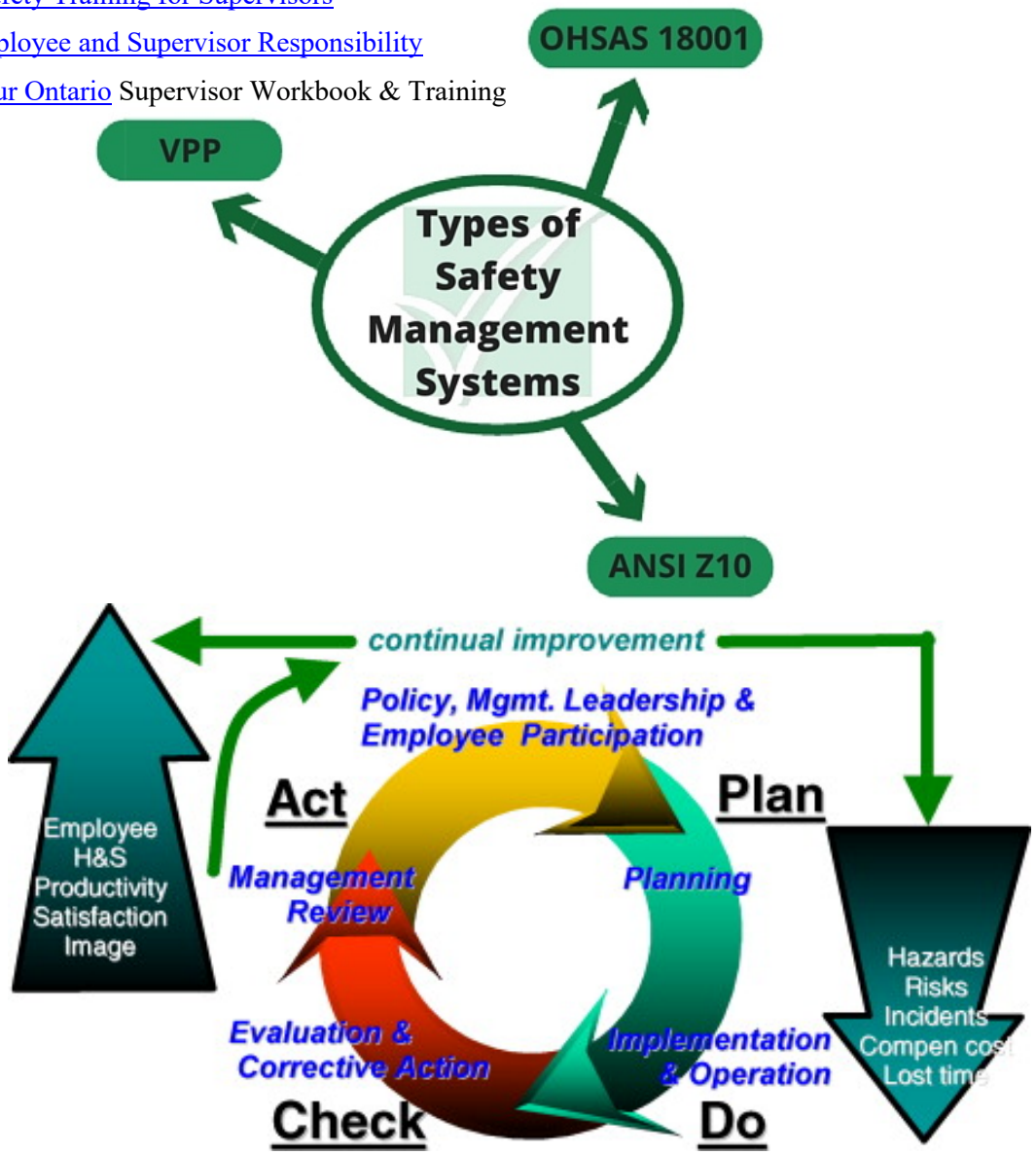
Contractors and third-parties can have a significant impact on health and safety performance and so supervision of contractors must be properly managed. The arrangements for supervision of contractors should ensure that **new hazards are not introduced or risks increased**. There should be a very clear understanding of the roles and responsibilities of the contractor and client. Include supervisory arrangements in contract discussions and consider assessing the adequacy of these arrangements. Where contractors work alongside the client, ensure that the responsibilities for supervision are often clearly defined and understood. This would imply that ANY contractor be vetted and the scope of work clearly stated relative to health and safety compliance.

Supervisors Helpful Resources:

UC San Diego Safety Training for Supervisors

UC Berkeley Employee and Supervisor Responsibility

Ministry of Labour Ontario Supervisor Workbook & Training



….and lastly, Time For a Periodic Assessment Of SOP's where they apply

Cal/OSHA SAFETY AND HEALTH PROGRAMS or SOP's REQUIRED BY STANDARDS

Quick Index based on frequently issued citations

Injury & Illness Prevention Program	T8CCR 3203
Carcinogen Registration	T8CCR 5203
Bloodborne Pathogen (BBP/TB)	T8CCR 5193 & 5199
Hearing Conservation	T8CCR 5095-5100
Confined Space	T8CCR 5156-5158
Heat Illness Prevention in Outdoor Places	T8CCR 3395
Heat Illness Prevention in Indoor Places	T8CCR 3396
Hazard Communication	T8CCR 5194
Personal Protective Equipment (PPE)	T8CCR 3380-3387
Respiratory Protection	T8CCR 5141(C) & 5144
Chemical Hygiene	T8CCR 5191
Lead	T8CCR 1532.1 & 5198
Asbestos	T8CCR 1529 & 5208
Respirable Crystalline Silica	T8CCR 5204
Ventilation & IAQ	T8CCR 5142-5143, & 5154.1 & 5154.2
	Potential 5150-5154
Ergonomics	T8CCR 5110
Hoist & Crane	T8CCR 4965-5035/Sling T8CCR 5040-5049
Forklifts/Site Vehicles	T8CCR 3650-3668
Hotwork Permit & Welding & Cutting	T8CCR 4845 & 4848, & 4850-4853
Fire Protection	T8CCR 6150-6184
Wildfire Smoke	T8CCR 5141.1
Lockout/Tagout	T8CCR 3314
Electrical	T8CCR 2300-2589.2 & 2700-2989.1
Machine Guarding – Point of Operation:	T8CCR 4184(b) & 4189-4647
Machine Guarding – Power Transmission:	T8CCR 4002 & 3940-4086
Fall Protection	T8CCR 1669-1670 & 3210-3212
Permits to Operate - Boilers:	T8CCR780(c)
	Compressed Air tanks: T8CCR 461(c)
And Elevators:	T8CCR 3001(C)
Radiation (ionizing and non-ionizing)	T8CCR 5075-5085
Workplace Violence Prevention Program	California Labor Code section 6401.9