

# Alan A. Cheever's Day with OSHA

BY PAULA MATHEWS / PHOTOGRAPHY BY BILL GNADE

It is a sunny day in the town of Pleasantville, N.H.

Swiss Machining, Inc., comprising 25 employees, has been reasonably profitable since it started five years ago and future prospects look good. Even though the business is not seasonal, the month of April is pretty easy except for those pesky quarterlies, but the

controller deals with that headache.

The owner, Alan Cheever, is looking forward to a productive day spent catching up on paperwork when his receptionist pages him. She says that an OSHA inspector has unexpectedly arrived to audit the facility.

After a moment of panic, Alan thinks, "We haven't had any serious accidents here.

How much trouble can I be in?"

Alan enters the lobby with a smile on his face. "Good morning, ma'am. I'm Alan A. Cheever, chief cook and bottle washer around here. How can I help you?"

The OSHA inspector shakes his hand and says, "I hope that title means you will have the answers for me. I'm Patty N. Spectra from OSHA. I was driving by your building when I spotted your employee changing the lettering on your sign from the bucket of a bucket truck. I stopped because I noticed she was not wearing a hard hat and she did not have any fall protection in place; in other words, she wasn't harnessed to the bucket appropriately. That placed her in imminent danger of serious injury and I asked her to come down immediately.

"Your employee, Abby Normal, was very cooperative and complied right away. She indicated that the truck had been borrowed this morning from your neighbors, The Cable Guys. They told her about the harness, but she didn't think she needed it for the few minutes it would take her to do the job.

"I don't necessarily want to fine you for this violation, but I would like to review your documentation and discuss your safety programs. Do you have some time for me?"

Now Alan isn't going to refuse an OSHA inspector, so he proceeds to his office but his mind is racing: What documentation? We only had five minor accidents last year and I sent the paperwork into the Department of Labor on their forms. What else could she be talking about?

Patty launches into her offensive – "Alan, do you have a copy of the OSHA 300A form which you posted for your employees by January 31st?"

Alan pulls out a folder, which has the accident reports in them. There doesn't seem to be any form with that number on it. He asks, "Is that a new form? I'm not sure we received it from you."

Paula Mathews, a certified trainer in the operation of forklifts, sits on the forklift of one of her clients, MoldPro Inc. in Swansey. Mathews' business, HR Compliance 101, improves business operations by increasing her clients' awareness of workplace hazards and OSHA compliance. Bill Gnade/The Keene Sentinel





Patty explains, "OSHA doesn't mail that form unless you request it. Perhaps you posted it without making a copy. Or is there someone else here responsible for safety and compliance that could join us?"

"Nope, I am responsible for safety here. We don't have many accidents and only lost seven days last year. I didn't think four of those days should have counted against my company," Alan says.

"Brian had a seizure and fell down, hitting his head. He needed stitches and his doctor had to keep him out of work while he adjusted Brian's medication. Epilepsy isn't work-related, is it?" Alan asks.

"No, it isn't," Patty says. "But since his seizure caused him to get hurt in the workplace, it falls under the Workers' Compensation regulations. Since it is evident that you employ more than 10 people, and we can't locate the OSHA 300A form, why don't you show me your written safety program?"

"I'll be glad to show you the poster," Alan says. "We ordered it through the mail along with all the other stuff we're supposed to have posted. It only costs \$69.95, and it must be up to date because we just got it last month."

The inspector's smile seems to be slipping a little. "Is that the only written program you have? Do you at least have emergency telephone numbers posted on the floor along with a book containing your Safety Data Sheets?"

"Oh, let me get my secretary," says Alan. "She has a folder with those sheets in it. Some of my vendors have been sending those to me when we order supplies. We also bought one of those cordless phones and put it on the production floor. Everyone knows you can call 911 to get help in an emergency. Common sense, isn't it?"

"Well, my dad used to say that common sense wasn't as common as folks believed," Patty says. "Does this mean that the Safety Data Sheets aren't easily available to your employees?"

"Sure they are," answers Alan. "All they have to do is ask Suzy. She is usually around, when she isn't covering the switchboard or helping out in shipping."

The inspector takes a deep breath. "Well, before we go onto your production floor, maybe you could show me your training records. I'd also like to see the documentation from your Safety Committee on their meetings and their handling of employee complaints regarding safety and health."

Huh? As Alan looks out the window, he sees a cloud moving in to block the sun – a good reflection of his feelings as he braces himself to deliver the bad news: no training records, no committee and no written safety program – and prepares to disappoint Patty even more.

Most employers know that it is their obligation to provide a safe and healthy work environment for their employees. They have heard of OSHA and have been bombarded with flyers from all sorts of vendors who scare them into buying a variety of the posters that either the state or federal government requires employers to post, but which are actually available for free from the government.

There are significant fines involved, ranging from hundreds to thousands of dollars per day, not only for not displaying the posters, but also for not complying with the laws. But do employers really know the ins and outs of the current OSHA requirements?

OSHA CONTINUED ON PAGE 18

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Experience has shown that they do not. Small employers are busy on a daily basis trying to make a living, selling goods or services that demonstrate their areas of expertise. If they are fortunate, their Workers' Compensation carrier has completed an audit of their facility from a safety perspective.

Any Workers' Comp carrier knows that a serious injury could cost far in excess of what the small employer is paying in premiums and the carrier could be paying money out to an injured employee for many years to come, even if the employer goes out of business.

What small business owners also don't realize is that, by following the OSHA regulations, they may reap the rewards of declining injury and illness rates and significant drops in their Workers' Compensation cases. That is all well and good, the small employer says, but how do I get from here to there?

The answer is simple. OSHA has a consultation service that provides free on-site health and safety services to eligible employers. Their teams will be glad to visit the workplace and identify safety and health problems.

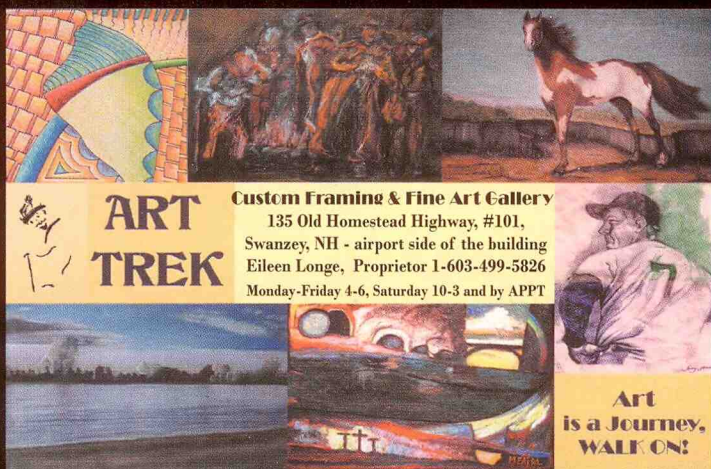
They will review your records, assess the existing safety program and point out potentially hazardous conditions. They won't issue citations, propose penalties or guarantee that your workplace will pass an OSHA inspection.

Most employers with less than 15 employees have been "flying under the radar screen" when it comes to federal and state regulations. They are not large enough to dedicate an employee to handle safety or compliance issues.

What they fail to realize is that one serious accident or one disgruntled employee (or ex-employee, more likely) is all that it takes to set the radar screaming. Once their business has been brought to the attention of a federal or state agency, like it or not, they will have to find the time and the money to bring their company into compliance. If they are lucky, fines and penalties will not be involved.

Knowledge of your business' workplace hazards and ways to eliminate them can only improve your operations and the management of your firm. If OSHA has not inspected you, now is the time to seek consultation to learn whether your workplace will require any improvements and how much the improvements are going to cost.

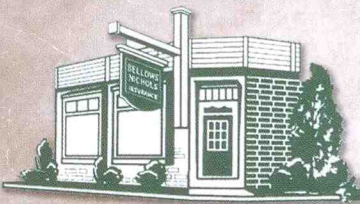
Call your OSHA regional office or contact a human resources consultant to help put the policies and procedures in place to truly make your business a safe and healthy working environment for all. ■



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