Leadership



PREAMBLE

The “employee experience,” as we’re currently branding it, covers a lot of ground. Individualization, compensation, work/life balance, company mission, leadership transparency, recognition, teamwork, accomplishment – all these are essential components of the unwritten social contract employers have with their workers.

But there’s one aspect that outranks them all: safety. When life or limb are lost, nothing else in the employee experience matters. A company has no responsibility more important than the protection of people’s lives.

The same hazards keep killing workers. What’s most likely to kill someone is not a trick question. It’s an open-book exam. Vehicles (on and off the road), heights (falling from them or being stuck by something falling from above), electricity and getting caught in machinery killed a high percentage of workers in 2017 just as they killed high percentages in previous years. Known hazards killing workers in predictable ways is a textbook definition of complacency.

INCIDENT

A report by Illinois regulators cites leadership failures by on-scene commanders in the March / 2019 death of a southern Illinois firefighter who was killed while helping battle a house fire.

Godfrey Fire Capt. Jake Ringering was killed and three other firefighters were injured on when a 21-foot wall collapsed in the village of Bethalto.

A report by the Illinois Occupational Safety and Health details the actions of crews from several fire departments that responded to the blaze about 20 miles northeast of St. Louis.

Although the home was already fully engulfed in flames when the first crews arrived, the report found that a 360-degree walk-around of the scene was never performed to observe potential hazards before the collapse, The Telegraph in Alton reported.

The newspaper, which obtained the report through a public records request,

reported that OSHA investigators also found that the fire scene had “no established unified command post with unified task and purpose” to aid the fire crews battling the blaze.

“It was determined through employee interviews that IC (incident command) could not be easily located,” the report states.

Investigators wrote that after a fire crew from the Godfrey Fire Protection District arrived, that crew volunteered to cut open the home’s garage doors to access the spreading flames, even though the garage door was unlocked.

Allowing the Godfrey team to enter through the garage doors – which were beneath the 21-foot peak of the brick gable wall – was a “greater risk than was necessary for the task,” the report states. It adds that the on-scene incident command allowed the Godfrey crew’s actions even though by that time the home was a total loss and all of its occupants had escaped.

The firefighters should have instead entered a standard door that was offset from the brick gable wall’s peak, the report found.

“If FF (firefighters) were on the side of structure less debris would have impacted FF and potentially could have saved a life and lessening injuries,” it states.

BUSINESS / REGULATION

The Occupational Safety and Health Act (OSHA)

The legal obligations to provide a safe work environment for employees arise primarily from a federal law known as the Occupational Safety and Health Act (OSH Act). OSHA was enacted in 1970 to address the uneven patchwork of state laws regarding workplace safety, and to respond to the growing number of serious injuries and deaths occurring in the workplace.

It is important to have a general understanding of the legal underpinning of the safety standards that apply to almost every employer:

- **All** businesses have a duty to comply with some general rules under what’s called a general duty clause.
- **All** businesses must also comply with industry-specific requirements and guidelines, known collectively as OSHA standards.

State safety regulation. Although your safety obligations originate directly at the federal level, states have the right to develop their own standards under a federally approved state plan. The standards under a state plan may differ from federal OSHA regulations, but must be at least as effective as the federal standards. Some states have established and administer their own state plans for workplace safety. If your business is in a state that has a state plan, you must comply with it. If your state does not have a state plan, you must comply with federal OSHA laws.

Are You an Employer Subject to OSHA?

The Occupational Safety and Health Act is a comprehensive law – it covers most employers. Unless you are **sure** your business is exempt, you should assume that

the law applies to you.

Generally, if you have employees, you are probably covered by OSHA. If you have none, you usually aren't covered, although in some cases businesses who use workers such as independent contractors are still subject to OSHA.

You are probably subject to OSHA requirements if you:

- are in control of the actions of your employee
- have power over the employee
- are able to fire the employee

Some of the usual indications of an employment relationship, such as who pays the employee, are **not** part of the definition of an employer under OSHA. There are special circumstances if you are one of multiple employers or if you have workers other than employees.

Employers Exempt From the Act

There are some very specific exemptions to employers covered by the Act. The following employers are **not covered** by the OSH Act:

- self-employed persons
- farms at which only immediate members of the farmer's family are employed
- those whose working conditions are regulated by other federal agencies under other federal statutes (This includes most employment in mining, nuclear energy and nuclear weapons manufacture, and many segments of the transportation industries.)
- persons who employ others in their own homes to perform domestic services such as housecleaning and child care
- churches and nonsecular church activities
- states and political subdivisions (although some state plans cover public employees)
- employers not engaged in interstate commerce

STATISTICS

The number of people who died on the job dropped from 5,190 to 5,147, less than a 1% decrease, but easing a general upward trend since 2009. The rate dropped from 3.6 per 100,000 "full-time equivalent workers" to 3.5. (One person working full-time or two people working a half schedule equal one FTE.) The decline is equally slight when homicides, suicides and overdoses are subtracted, from 4,182 in **2016** to 4,142 in **2017**. The decline was too modest and the repeating pattern of fatalities is too persistent. We're failing to crack the code on preventing these preventable deaths.

Each profession presents a different risk profile, but those, too, are largely predictable from one year to another. Commercial fishing eclipsed logging in **2017** as the most dangerous profession. The **2014, 2015 and 2016** reports showed logging as the civilian occupation with the highest rate of fatal accidents. But logging deaths dropped from 135.9 per 100,000 in **2016** to 84.3 per 1000,000 in **2017.** Fishing saw the fatality rate jump from 86 to 99.8 per 100,000 during the same period. It's too early to say whether either was a fluke.

Rounding out the most hazardous industries in **2017** were aircraft pilots and

flight engineers (48.6 per 100,000); roofers (45.2); refuse and recyclable material collectors (35.0); structural iron and steel workers (33.4); driver/sales workers and truck drivers (26.8); farmers, ranchers and other agricultural workers (24.0); first-line supervisors of landscaping, lawn service and groundskeeping workers (21.0) and electrical power-line installers and repairers (18.7).

Being self-employed is far more hazardous than being a company employee. The fatality rate among what the BLS classifies as "wage and salary workers" was 2.9 per 100,000 in **2017**. Among the self-employed, it was 13.1, four-and-a-half times as high. Some of the difference could be attributed to different occupation mixes between the groups; Self-employed includes many farmers, the eighth-most-dangerous job.

But the difference may also be partially attributable to the fact that a company worker is more likely to be working in an inspected environment, designed for safety and with procedures educated by past incidents. A company employee is more likely to have someone checking to ensure he is wearing personal protective equipment that, while it might not prevent an accident, frequently keeps it from being fatal. The lesson for self-employed workers is to convince their "boss" to provide the same safeguards a company worker would get.

Men die on the job at much higher rates than women. The rate of fatalities on the job for women in **2017** was 0.6. For men, it was 5.7, or 9.5 times as high. The report does not delve into how much of the increased exposure is from riskier behavior, higher proportions of men in more hazardous occupations or other possible factors.

It is dangerous for workers over 65. Seven workers aged 16 or 17 died on the job in **2017**, for a rate of 0.8 per 100,000. For most other age categories, the ratio was between 2.6 and 3.3. For those 55 to 64, it was 4.6. But for those over 65, it was 10.3. "Fifteen percent of the fatally-injured workers in **2017** were age 65 or over – a series high," the BLS reported. "In **1992**, the first year CFOI (Census of Fatal Occupational Injuries) published national data, that figure was 8%." One in five deaths last year in that age bracket was a farmer.

Driving is the greatest risk most workers face. While fishing was the most dangerous industry, because so many more people drive for their jobs than fish for a living, driving killed the most people on the job. "Transportation incidents remained the most frequent fatal event in 2017, with 2,077 occupational fatalities," 40% of all work-related deaths during the year. "Heavy and tractor-trailer truck drivers had the largest number of fatal occupational injuries, with 840," the BLS reported. "This represented the highest value for heavy and tractor-trailer truck drivers since the occupational series began in 2003."

Commuting is the most dangerous part of most jobs. The BLS statistics include only those who were on company property or on the clock during their accidents, such as truck drivers and sales people. For most of us, our employers and the government consider driving to and from work a non-work activity. If it were, driving would easily eclipse all other causes of death, both by sheer number and rate. One analysis estimates that 24% of the roughly 40,000 traffic fatalities in 2016 occurred during morning and evening drive-times.

Watch your step – and clip in! "Fatal falls," said the BLS, "were at their

highest level in the 26-year history of the Census of Fatal Occupational Injuries, accounting for 887 worker deaths," 17% of all fatalities during 2017. An analysis released earlier this year of data from 2011 to 2016 showed that while falls from more than 30 feet are the most common height that kills, they are not the majority. A surprisingly high proportion of deaths occur from much closer to the ground, including 402 workers who fell less than six feet. Ladders pose a danger at all heights. Falls from vehicles cause a disproportionate number of deaths at lower elevations. Roofs are the biggest risk from 20 to 30 feet. And anything that gets a person above 30 feet – roofs, scaffolds, trees or machinery – presents a serious risk.

A few layers within the statistics is a lesson about complacency and fatal falls. One of the graphs shows that 713 workers died last year from "falls to lower level." Next to that bar is space for deaths from a "fall or jump curtailed by personal fall arrest system." It's empty; the number is zero. No one who was wearing fall protection died from a fall last year.

Most people are still more likely to die away from work than on the job. It's not part of the fatality census, but bears noting for context that unless one is a fisher, logger, roofer or worker in another high-risk-occupation, the chances of getting killed are higher on the commute, working around the house or during weekend activities. "For each on-the-job death due to unintentional injuries, there are more than 15 off-the-job deaths due to unintentional injuries," reports the National Safety Council. Much like many self-employed workers, people off the job are not required to follow safe procedures or wear protective gear. They often end up paying the price.

The best use of the fatality census is for workers and employers to highlight the statistics that apply most to them. Given that 108 of the 258 farm and ranch manager deaths involved a tractor, it makes sense for anyone in that line of business to speculate how their tractor could kill them. Given that 71 of the 244 grounds maintenance workers killed in 2017 either fell from a tree or were struck by one, some additional attention to safe tree-climbing and tree-felling practices is worth the investment.

PREVENTION

OSHA has recently updated the Guidelines for Safety and Health Programs it first released 30 years ago, to reflect changes in the economy, workplaces, and evolving safety and health issues.

The main goal of safety and health programs is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers. The recommended practices use a proactive approach to managing workplace safety and health. Traditional approaches are often reactive –that is, problems are addressed only after a worker is injured or becomes sick, a new standard or regulation is published, or an outside inspection finds a problem that must be fixed.

Investigations of fatal incidents around the world have demonstrated that in order to achieve safe and fatality free production the following elements are essential:

- Maintaining a sense of vulnerability – complacency built on past success blinds us to warning signs

- Ensuring continuous improvement in environment, equipment, strategy and systems
- Applying the hierarchy of controls – eliminate the risk and reduce the chance of human error
- Increasing the focus on high potential near fatal events
- Recognizing the personal – fatal accidents are not just statistics
- Maintaining operating disciplines – combating the gradual shift to unsafe behaviors
- Maintaining alertness to increased and unexpected risks during abnormal operating conditions
- Addressing culture and leadership through objective assessment and, where required, improvement plans
- Providing courageous leadership in leading change and holding each individual in the business accountable for safe and fatality free production.