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Oregon Occupational Safety and Health Division

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Joint Workplace Safety and Health Committees: Testimony of John A. Pompei Before the Commission on the Future of Worker-Management Relations

Comments

Includes excerpts from the Oregon Occupation Safety and Health Code

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HOT TOPICS
"Future Worker Management"

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Oregon

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DEPARTMENT OF
INSURANCE AND
FINANCE

Joint Workplace Safety and Health Committees



Presented to:

Commission on the Future of Worker - Management Relations

By John A. (Jack) Pompei

Administrator

Oregon Occupational Safety and Health Division

Department of Insurance and Finance

July 28, 1993

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Good morning Chairman Dunlop and members of the commission.

Thank you for the opportunity to speak on joint occupational safety and health committees.

I am John A. Pompei, Administrator of the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Insurance and Finance. Our 243 member division is a state OSHA plan plus a full service occupational safety and health program. The Division is responsible for enforcing the Oregon Safe Employment Act (OSEAct) as well as assisting our Oregon employers and employees in areas of occupational safety and health. We have a strong commitment in Oregon for developing new and innovative occupational safety and health strategies.

To help explain how the specific requirements of Oregon's workplace safety and health committees affect employees and employers, I will comment on the background of the Oregon OSHA program and how we have been extremely successful in reducing occupational fatalities, illnesses and injuries over the last four years.

Since 1989, there has been a marked decrease in the number of Oregon's industrial fatalities. The incidence rate of workers injured or diseased, per hundred workers, has also decreased significantly in both the public and private sector.

The national trend over this time period has been approximately an 11% increase in incidence rates, while Oregon has decreased approximately 10%.

Oregon Incidence Rates Per 100 full-time employees

Year	Lost Workday Cases					(Medical Only) W/O Lost Workday Cases					Total Cases					early projected
	87	88	89	90	91	87	88	89	90	91	87	88	89	90	91	92
Total																
Private Sector	5.6	5.6	5.2	4.8	4.4	5.3	5.5	5.4	5.2	4.8	10.9	11.1	10.6	10.1	9.1	9 or below
Public Sector	3.8	3.7	3.5	3.1	2.2	5.1	5.2	4.9	4.6	4.6	8.9	8.9	8.4	7.7	7.5	unavail- able

Employment, Disabling Claims, and Claims Rates

	Employment	Accepted Disabling Claims		Fatalities	
		Number	Rate per 100 Workers	Number	Rate per 100,000 workers
1987	1,105,200	41,033	3.7	78	7.1
1988	1,161,100	43,660	3.8	81	7.0
1989	1,212,000	39,170	3.2	75	6.2
1990	1,254,400	35,857	2.9	64	5.1
1991	1,258,500	31,479	2.5	65	5.2
1992	1,276,700	30,786	2.4	63	4.9

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In 1990, Oregon had a 12.2% reduction in workers' compensation pure premiums; another 11% reduction in 1991, and an 11.4% reduction in 1992. Oregon is the only state accomplishing this magnitude of reduction and it is largely a consequence of occupational safety and health initiatives.

From 1989 through 1992, the savings to Oregon employers has been over \$1.5 billion in direct and indirect costs due in part to the incidence rate declines.

But most important is the effect on Oregon workers. These incidence rate reductions mean our workers and their families have less human suffering and social-economic problems associated with occupational injuries, illnesses and fatalities.

In a special session during 1990, the Oregon legislature passed a Workers' Compensation Reform Bill (Oregon SB 1197) that was developed by a joint labor/management committee appointed by the Governor. SB 1197 included a provision directing that Oregon-OSHA develop comprehensive rules to require mandatory joint labor/management occupational safety and health committees. In addition, a companion budget package increased OR-OSHA staff by 73 positions.

This move by Oregon's Legislature was done to stress "prevention" as the critical element of an occupational safety and health effort. Specific safety and health rules by themselves are not the total answer for a safe and healthy workplace. Labor and management working together through effective safety and health committees is the catalyst to cause prevention to take place statewide or nationwide.

The Workplace Safety and Health Committee rules became effective March 1991. The rules were passed and became effective with little or no problems and the fiscal impact to employers has been negligible.

Our rules have been developed to allow for innovative approaches to the committees, especially for small employers and mobile industry.

The establishment of the committees has definitely raised the level of consciousness for the field of occupational safety and health throughout the state and has had a positive effect on the work climate in Oregon.

In Oregon, we have a very strong management/labor/OR-OSHA partnership. I understand that there is some concern that labor organizations will use safety and health committees and other employee rights laws for organizing purposes. This has not happened in Oregon. Safety and health committees are not automatically included in collective bargaining agreements. They are established through OR-OSHA rules. But when committees are in collective bargaining agreements, they must meet the minimum requirements of our rules.

The Associated Oregon Industries (AOI), Associated General Contractors (AGC), Oregon Forest Industries Council (OFIC) and self-insurers, as well as the Oregon AFL-CIO and Teamsters work in partnership with us to prevent occupational injuries, illnesses and fatalities. The safety and health committee rules are strongly endorsed by this partnership.

This management/labor/OR-OSHA partnership has also led to a progressive as well as an effective occupational safety and health program in Oregon which is supported by the Governor and legislature through added positions and increased state funding for the program.

We currently operate on a \$13.5 million annual budget including \$4.0 million in federal funds and \$9.5 million in state funds. The state funds come from workers' compensation premium assessments. In Oregon, the state contribution is more than double the federal contribution.

OR-OSHA has an immense task. We are responsible for both the private and public sector occupational safety and health. We are involved in fixed industry (manufacturing, agriculture), mobile industry (construction, logging), migrant labor, and workers' compensation insurer's loss prevention programs.

Although we have an enforcement staff of approximately 100 individuals, one of the best ratios in the country of compliance officer per workers, and a consultation, training and technical staff of approximately 60 people, it is still impossible for OR-OSHA to cover all of our Oregon employers and employees.

Cooperation between labor and management is a significant part of the equation. Management's ability to govern its workplace is not relinquished by giving employees a voice in safety and health issues, rather it helps to form a proactive unit to prevent the very tragic and costly accidents that occur in the workplace. Every time there is a serious accident or fatality, production comes to a standstill, employer costs mount and the worker and the family are emotionally and economically effected. This is not a productive way for a business or our communities to function.

Oregon has proven that results can be achieved when labor and management work together with government.

JOINT SAFETY AND HEALTH COMMITTEES

Oregon's rules include:

- Safety and health committees are mandated for employers with 11 or more employees and for employers with 10 or less employees if they fall into certain high risk categories.
- Equal number of management and employee representatives that are volunteers or elected by their peers.
- Training for all safety and health committee members.
- Compensation at the regular wage for all safety and health committee members.
- Review by the committee of the employer's safety and health program.

Joint occupational safety and health committees are the absolute purist form of a Voluntary Protection Program — employers and employees working together to recognize and eliminate workplace safety and health problems and hazards.

One part of Oregon's safety and health committee rules allows the approval of innovative forms of committees. As a part of that process, we have received feedback on the success of these programs. A utility company has reported that as a result of management/employee involvement in safety programs in 1991, its accident/injury rate dropped to the lowest level since 1983 with a decrease of nearly 30% in lost-time cases and 40% in the number of days. A manufacturer of industrial equipment reported that its safety committee not only resulted in a reduction of incidents, but also heightened employee and management awareness of hazards, improved communication, and has made safety a part of their effective team program.

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A program that was approved for the Automotive Trades Association, which is a group of primarily small employers with automotive parts stores, repair shops, and service stations, provides for a group approach to assist small employers. They indicate that they have experienced a significant decrease in injuries which resulted in a 17% discount on their workers' compensation premiums. They attribute this to their safety incentive plan, a part of which is participating in the group safety committee program.

Effects on Small Business

Oregon is a state that prides itself in providing opportunities for all businesses, large or small. Our industry base is predominately made up of small companies. In fact, 77.6% of all companies in Oregon employ 10 or fewer employees and 95.8% have fewer than 50 employees. The only rule exemption for small businesses in Oregon is in the mandated safety and health committees, where employers with less than 10 employees are not covered by these rules UNLESS they fall into certain high risk categories. This exemption was made due to the obvious lack of need to have a formal joint management/labor committee in a small low-risk establishment.

However, for small firms that must have safety and health committees there is a rule that allows for innovative programs. Small, or large, firms that have a written plan that allows for a different, but equally effective committee, may submit the plan for approval. There has been much success with this approach.

Financial Impact on Employers

The costs to implement safety programs have not been perceived as burdensome. Perhaps the current workers' compensation provision that allows employers to pay the first \$500 in claims costs out-of-pocket (with no impact on their rating experience) has helped employers to develop a heightened awareness of the direct costs of injuries and illnesses. Paying for prevention appears to have been accepted, and flexible implementation provisions have helped mitigate unnecessary costs.

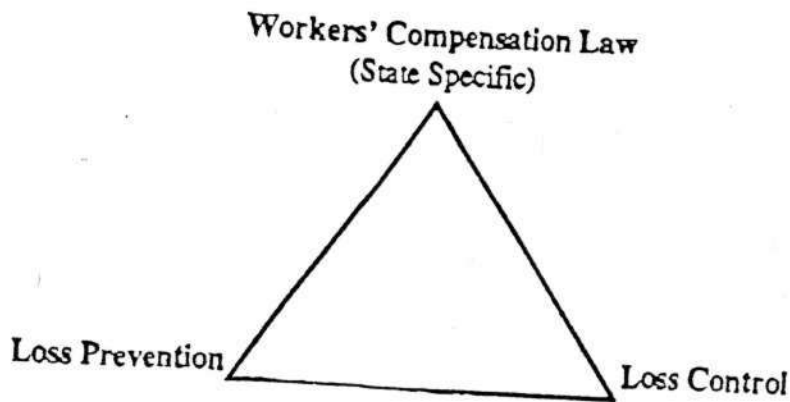
At the time that safety committee requirements were adopted in Oregon, OR-OSHA contacted a representative sample of Oregon employers that already had safety committees. They were asked to estimate the time spent by each safety committee member on safety committee business. The averages ranged from 2 hours per month to 4.89 hours per month. The average for all employers surveyed was 3 hours per month per member. Using an average Oregon wage of \$9.70 per hour, the cost for each committee member, labor or management, to participate is approximately \$349.20 per year.

We believe that the cost of a safety committee is directly offset by the effectiveness of the committee in reducing workplace accidents and illnesses. The average cost of a workers' compensation claim in Oregon was \$10,376 in 1991. This does not include the indirect costs of accidents such as loss of production, damaged material or equipment, or lost wages paid to supervisors and other workers for lost time after the accident or fatality.

LOSS PREVENTION AND OREGON OSHA

Although safety and health committees have increased communication and awareness, there are other elements that have contributed to the success story of Oregon-OSHA:

The total picture:



- (1) **Workers' Compensation Law**
 - A) Court decisions
 - B) Legislative mandates
 - C) Workers' Compensation Board Opinion and Orders

- (2) **Loss Control**
 - A) Legal and medical cost containment
 - B) Claims management
 - C) Return-to-work programs

- (3) **Loss Prevention (Occupational Safety and Health)**
 - A) Enforcement
 - B) Consultation
 - C) Training and Technical

OR-OSHA's involvement is in loss prevention; i.e., keeping people out of the system. The greatest savings in the total picture is if the occupational injuries, illnesses and fatalities are prevented.

In today's workers' compensation arena almost half of the claims are soft tissue injuries. In OR-OSHA's innovative consultative program there are five ergonomists on staff to assist Oregon businesses and workers in redesigning work sites to prevent cumulative trauma, repetitive motion injuries.

OCCUPATIONAL SAFETY AND HEALTH IN THE 90s

The philosophy of the 21st century, state-of-the-art occupational safety and health is the only course for the future.

For the past 50 to 70 years we have been duped by the philosophy that workers cause accidents and we must motivate them not to have occupational injuries, illness and fatalities. This approach is and has been totally absurd.

This approach has generated a philosophy of what I call "the happy worker poster syndrome" – smiling faces, blinking billboards, signs, posters, games, and gimmicks used to motivate worker safety. The shame is that this technique is accepted by many of the so called scholars in the field of occupational safety and health.

This happy worker poster syndrome has failed and failed miserably over the years. Just ask the states having workers' compensation problems if this approach is reducing their injury, illness and fatality rates.

A happy worker poster never prevented a worker from falling to his or her death down an unguarded elevator shaft. Can you visualize it? As the worker is falling, they are reading a happy worker poster at each floor.

The posters' script reads "Look out Happy Worker - Don't fall down the unguarded elevator shaft."

We are quickly approaching the year 2000. We must become involved in the 21st century, state-of-the-art occupational safety and health field.

This field consists of:

- (1) Feasible engineering controls.
- (2) Providing and using personal protective equipment (enforced utilization).
- (3) Training workers and managers regarding the hazards associated with their worksite.
- (4) Principles of industrial hygiene for chemical and physical hazards.
- (5) Principles of ergonomics for repetitive motion and cumulative trauma problems.

The OSHA mandate is that management is responsible for providing a safe and healthful workplace for employees.

Employees are responsible for following the safety and health rules and regulations.

If we subscribe to this premise and institute the 21st century, state-of-the-art safety and health techniques, then we may be able to turn this workplace problem of steadily increasing incidence rates of occupational injuries, illnesses, and fatalities around as Oregon has done.

OR-OSHA mandates a strong OSHA enforcement policy complemented by one of the most innovative consultation/training/technical programs in the country. OR-OSHA's partnership with Oregon business and labor assures our success.

Thank you.

OREGON OCCUPATIONAL SAFETY AND HEALTH CODE

(Oregon Administrative Rules, Chapter 437)

Division 40

GENERAL PROVISIONS

Effective July 30, 1982

(As amended through March 1, 1991)

(Includes Revised Rules on Workplace Safety Committees)



**OREGON OCCUPATIONAL
SAFETY AND HEALTH DIVISION
(OR-OSHA)
DEPARTMENT OF INSURANCE AND FINANCE
Salem, Oregon 97310**

OAR 437

DIVISION 40

GENERAL PROVISIONS

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SAFETY IN PLACES OF EMPLOYMENT

WORKPLACE SAFETY COMMITTEES

654.176 When safety committee required; authority to require safety committee. (1) In order to promote health and safety in places of employment in this state:

(a) Every public or private employer of more than 10 employees shall establish and administer a safety committee in accordance with rules adopted pursuant to ORS 654.182.

(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee in accordance with rules adopted pursuant to ORS 654.182 if the director finds that:

(A) The employer has a lost workday cases incidence rate in the top 10 percent of all rates for employers in the same industry; or

(B) 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).

(2) In making determinations under subsection (1) of this section, the director shall utilize the most recent departmental statistics regarding occupational injuries and illnesses and workers' compensation loss cost rates approved according to ORS 737.320 (3) for use in this state. [1981 c.488 §2; 1990 c.2 §1]

654.180 [Repealed by 1969 c.534 §2]

654.182 Rules for ORS 654.176; contents. (1) In carrying out ORS 654.176, the director shall promulgate rules which include, but are not limited to provisions:

(a) Prescribing the membership of the committees to insure equal numbers of employees, who are volunteers or are elected by their peers, and employer representatives and specifying the frequency of meetings.

(b) Requiring employers to make adequate written records of each meeting and to file and maintain the records subject to inspection by the director.

(c) Requiring employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(d) Prescribing the duties and functions of safety committees, which include, but are not limited to:

(A) Establishing procedures for workplace safety inspections by the committee.

(B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.

(C) Evaluating accident and illness prevention programs.

(e) Prescribing guidelines for the training of safety committee members.

(2) An employer that is a member of a multiemployer group operating under a collective bargaining agreement that contains provisions regulating the formation and operation of a safety committee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be considered to have met the requirements of this section and ORS 654.176. [1981 c.488 §3; 1990 c.2 §2; 1991 c.746 §2]

654.187 [1981 c.488 §4; repealed by 1991 c.746 §1]

437-40-035 When conditions arise that cause unusual or extraordinary hazards to workers, additional means and precautions shall be taken to protect workers or to control hazardous exposure. If the operation cannot be made reasonably safe, regular work shall be discontinued while such abnormal conditions exist, or until adequate safety of workers is ensured.

~~Act~~ WCB No. 1-1967, f. 1/12/67, ef. 1/16/67.

INSPECTIONS

437-40-040 (1) All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly.

(2) Wherever required in this safety code, a written and dated report, signed by the person or persons making the inspection, shall be kept.

NOTE: Rule 1-2-17 is superseded by the following Rules 437-40-045 through 047 on Workplace Safety Committees.

~~Act~~ WCB No. 1-1967, f. 1/12/67, ef. 1/16/67.
WCD Admin. Order, Safety 10-1982, f. 7/30/82, ef. 7/30/82.

SAFETY COMMITTEES - PURPOSE

437-40-044 The purpose of a safety committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer and makes recommendations for change.

~~Act~~ CR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91.

SAFETY COMMITTEES - GENERAL

437-40-045 (1) Every public or private employer of 11 or more employees shall establish and administer a safety committee.

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

(a) Has a Lost Workday Cases Incidence Rate in the top 10 percent of all rates for the employers in the same industry; or

(b) 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).

(3) In making the determination of employment levels under sections (1) & (2) 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.

(4) 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.

(5) 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.

(6) Employers in the logging industry may meet the intent of these rules by complying with OAR 437, Division 80, Logging.

SAFETY COMMITTEES - LOCATIONS

(7) 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.

(8) 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.

(9) 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 437-151-030 in OAR 437, Division 151, Fire Fighters.

SAFETY COMMITTEES - INNOVATION

(10) 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.

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~~HEC~~ WCO Admin. Order, Safety 10-1982, f. 7/30/82, ef. 11/1/82.
OR-OSHA Admin. Order 12-1990, f. 6/18/90, ef. 8/18/90 (temp).
OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91 (perm).

SAFETY COMMITTEE FORMATION AND MEMBERSHIP

437-40-046 (1) The safety committees required by Rule 437-40-045 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. 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:

(A) No fewer than two members for each employer with twenty or less employees, or

(B) No fewer than four members for each employer with more than twenty employees.

(c) Have a chairperson elected by the committee members.

(2) Employee representatives attending safety committee meetings required by Rule 437-40-045 or participating in safety committee instruction or training required by Rule 437-40-048 shall be compensated by the employer at the regular hourly wage.

(3) Employee representatives shall serve a continuous term of at least one (1) year. Length of membership shall be alternated or staggered so that at least one experienced member is always serving on the committee.

(4) Reasonable efforts shall be made to ensure that committee members are representative of the major work activities of the firm.

~~HEC~~ WCO Admin. Order, Safety 10-1982, f. 7/30/82, ef. 11/1/82.
OR-OSHA Admin. Order 12-1990, f. 6/18/90, ef. 6/18/90 (temp).
OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91 (perm).

SAFETY COMMITTEE DUTIES AND FUNCTIONS

Management Commitment to Workplace Health and Safety.

437-40-047 (1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) Written Records.

(a) Minutes shall be made of each meeting which the employer shall review and maintain for three 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.

Employee involvement:

(6) 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.

Hazard assessment and control:

(7) 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:

(a) Establish procedures for workplace inspections by the safety committee inspection team to locate and identify safety and health hazards;

(b) Conduct workplace inspections at least quarterly; and

(c) Recommend to the employer how to eliminate hazards and unsafe work practices in the workplace;

...ATIVE RULES
CHAPTER 437 - DEPARTMENT OF INSURANCE AND FINANCE

(8) 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.

(9) Quarterly inspections of satellite locations shall be conducted by the committee team or by a person designated at the location.

(10) 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.

(11) The person designated to carry out inspection activities at the locations identified in sections (8) and (9) of this rule shall be selected by the employer and shall receive training in hazard identification in the workplace.

Safety and health planning:

(12) 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.

Accountability:

(13) The safety committee shall evaluate the employer's accountability system and make recommendations to implement supervisor and employee accountability for safety and health.

Accident Investigation:

(14) 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.

~~Hest~~ WCD Admin. Order, Safety 10-1982, f. 7/30/82, ef. 11/1/82.
OR-OSHA Admin. Order 12-1990, f. 6/18/90, ef. 6/18/90 (temp).
OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91 (perm).

SAFETY AND HEALTH TRAINING AND INSTRUCTION

437-40-048 (1) The following items shall be discussed with all safety committee members:

(a) Safety committee purpose and operation;

(b) Rules 437-40-030 through 437-40-055 and their application; and

(c) Methods of conducting safety committee meetings.

(2) 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.

(3) 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.

Repealed: OR-OSHA Admin. Order 12-1990, f. 6/18/90, ef. 6/18/90 (temp).
OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91 (perm).

SAFETY COMMITTEES - EFFECTIVE DATE

437-40-049 The effective date for Rules 437-40-044 through 437-40-048 is March 1, 1991.

Repealed: OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91.

INVESTIGATIONS OF INJURIES

437-40-050 (1) Each employer shall investigate or cause to be investigated every lost time injury that workers suffer in connection with their employment, to determine the means that should be taken to prevent recurrence. The employer shall promptly install any safeguard or take any corrective measure indicated or found advisable.

(2) At the request of authorized Department representatives, it shall be the duty of employers, their superintendents, supervisors and employees to furnish all pertinent evidence and names of known witnesses to an accident and to give general assistance in producing complete information which might be used in preventing a recurrence of such accident.

At the request of the Department, persons having direct authority shall preserve and mark for identification, materials, tools or equipment necessary to the proper investigation of an accident.

(3) Any supervisors or persons in charge of work are held to be the agents of the employer in the discharge of their authorized duties, and are at all times responsible for:

(a) The execution in a safe manner of the work under their supervision; and