



February, 2017

Safety Pages:

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Saw SafetyP. 4-5

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Safety Article:

Oregon OSHA adopts changes to the Recording Workplace Injuries and Illnesses rule P. 10-11

Remember if you have any safety suggestions, questions or concerns please let us know. In addition, if you have a safety topic that you would like covered in a Safety Page for training purposes let us know and we will develop one. Topics to our inventory of monthly Safety Pages are continually being added.

On page 8 is a press release from OR-OSHA on a willful violation for Fall Protection. If you have questions on Fall Protection or are not sure about your own Fall Protection System please feel free to contact [David Davidson](#) at anytime. The citation for this violation was \$70,000!



The OHBA/SAIF Safety Pages are an ongoing series of pages, designed to provide a selection of safety topics each month to OHBA members. Please use these pages to add to (or start) either a Safety Committee file or manual for your company. Some of the Safety Pages will be on general topics and others will be for Owner/Supervisors. The Owner/Supervisor Safety Pages will be on topics based more on compliance or suggested management safety practices.

IMPORTANT NOTICE OF RESPONSIBILITY

The Oregon Home Builders Association Safety Committee's purpose is to provide safety guidelines, information and resources to help our members work more safely and reduce jobsite accidents. Full and active monthly participation in safety meetings using the OHBA Safety Committee's agendas, topics and checklists will only meet safety committee requirements. It remains your responsibility to comply with all aspects of safety rules and regulations.

[David Davidson](#), Oregon Home Builders Association, Safety Consultant

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GASOLINE SAFETY

OHBA Safety Pages

- Never use or store around an open flame, pilot lights, portable heaters or other ignition sources!
- Never smoke or permit smoking while being dispensed or near storage location!
- Never use to start, restart or accelerate a fire!
- Never refill gasoline engines when hot!
- Never use as a hand cleaner!
- Never use as a solvent to clean things!
- Always store in proper safety cans that are rated for gasoline!
- Never store in glass or plastic bottle containers!
- Dispense in a well-ventilated area!
- Remove clothing that has been soaked by gasoline!
- Limit the amount in the workplace!



1 gallon of gasoline = 20 sticks of dynamite!
An ignited gasoline fireball can reach temperatures of 15,000 degrees F.



The Members remain responsible for their own operations, safety practices and procedures and should consult with legal counsel as they deem appropriate.

The information we provide is not intended to include all possible safety measures and controls. In addition, the safety information we provide does not relieve the Members of its own duties and obligations with regard to safety concerns, nor does Oregon Home Builders Association guarantee to the Members or others that the Member's property, job sites and/or operations are safe, healthful, or in compliance with applicable laws, regulations or standards.

SAFETY PAGE MEETING GUIDE

Topic: Gasoline Safety

Employer: _____ Project: _____

Date: _____ Time: _____ Shift: _____

Number in crew: _____ Number attending: _____

Safety or Health issues discussed. Include recent accident investigations and hazards involving tools, equipment, the work environment, work practices and any Safety or Health recommendations:

Follow up on recommendations from last safety meeting:

Record of those attending:

Name: (please print)	Signature:	Company:
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Supervisor's remarks:

Supervisor: _____
(Print) (Signature)

OHBA Safety Pages

Safe Use of Portable Circular Saws

- Permit only trained and experienced workers to operate a saw.
- Wear proper eye and hearing protection, and when required, respiratory protection.
- Use sharp blades designed for your work and recommended by the tool manufacturer.
- Check the retractable lower blade guard before use. Make sure that it works correctly.
- Allow the saw to reach full power before cutting.
- Make sure the lower blade guard is fully returned before laying down the saw.
- Disconnect the power supply before adjusting or changing the blade.
- Keep all electrical cords clear of the cutting path.
- Use both hands to operate the saw.
- Keep the saw blade guards and motor clean and free of sawdust.
- Secure the work while cutting.
- Do not fix or hold the retractable lower blade guard in the open position.
- Do not place your hand under the shoe or guard of the saw while the saw is connected to the power supply.
- Do not over tighten the saw blade locking nut.
- Do not twist the saw while cutting to change direction or saw alignment unless the blade is designed for that purpose.
- Do not use a saw that vibrates or is defective.
- Do not force the saw during cutting.
- Do not cut materials without first checking for obstructions or foreign objects such as nails, staples or screws in the cutting path of the saw.
- Do not carry portable circular saws with hands or fingers on the trigger switch.



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SAFETY POINTER MEETING GUIDE Topic: Saw Safety

Project: _____ Address: _____

Employer: _____ Supervisor: _____

Date: _____ Time: _____ Shift: _____

Number in crew: _____ Number attending: _____

Safety or Health issues discussed. Include recent accident investigations and hazards involving tools, equipment, the work environment, and work practices:

Follow up from last safety meeting:

Record of those attending:

Name: (please print)	Signature:	Company:
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Supervisor's remarks: _____

Supervisor: _____
(Signature)

Posting Requirements

Safety Pages for Owners / Supervisors

Many state and federal agencies, such as Oregon-OSHA and BOLI, require that employers display certain posters that convey information to employees about their rights. This month's Safety Page for Owners/Supervisors gives a description of these posters and whom to contact in order to obtain them. Most often, they are required to be posted in a "conspicuous place." This means that the posters must be displayed in a readily observable location. Contractors who operate mobile sites and have no single, fixed location should have these posters displayed on every jobsite.

STATE

Minimum Wage Poster

Required by: Oregon Bureau of Labor and Industries (BOLI) **Summary:** Summarizes Oregon law on minimum wage, overtime, and lunches/breaks. **Obtain:** Nearest BOLI office or at http://www.oregon.gov/boli/TA/Pages/Req_Post.aspx

Job Safety and Health poster, "It's the Law"

Required by: OR-OSHA **Summary:** This poster informs employees of their rights under the Safe Employment Act. Not posting this poster can lead to a citation from OR-OSHA. **Obtain:** Nearest Oregon-OSHA office or at <http://osha.oregon.gov/essentials/Pages/posting-requirements.aspx>

Domestic Violence, Harassment, Sexual Assault or Stalking (DVHSAS) poster

Required by: Oregon Bureau of Labor and Industries (BOLI) **Summary:** Summarizes an employee's rights regarding DVHSAS. This law (and posting requirement) only applies to those who employ **6 or more employees**. **Obtain:** Nearest BOLI office or at http://www.oregon.gov/boli/TA/Pages/Req_Post.aspx

2016 Oregon Family Leave Act (OFLA) Poster

Required by: Oregon Bureau of Labor and Industries (BOLI) **Summary:** Summarizes an employee's rights regarding leave. This law (and posting requirement) only applies to those who employ **25 or more employees**. **Obtain:** Nearest BOLI office or at http://www.oregon.gov/boli/TA/Pages/Req_Post.aspx

Emergency Phone Numbers/Personnel poster

Required by: OR-OSHA **Summary:** You must have the phone numbers posted for the ambulance service you would use in case of an emergency (usually 911). Post the address of your work facility or job site. You must also post the name of your qualified first aid person.

OSHA 300A Log

Required by: OR-OSHA for employers with 11 or more employees. **Summary:** Details the work-related injuries incurred by your employees during the past year. Although you must maintain this log year 'round, it must be posted February 1st – April 30th.

Obtain: At your nearest Oregon-OSHA Office or at <http://osha.oregon.gov/OSHAPubs/3353.pdf>

Workers' Compensation, Notice of Compliance

Required by: Oregon Workers' Compensation Division **Summary:** This notifies employees that you are in compliance with workers' compensation law. **Obtain:** Employers receive this notice from the Workers' Compensation Division after they purchase workers' compensation insurance. Employers not receiving the notice or requiring a duplicate notice should contact the Workers' Compensation Division.

[Order Form](#) for your Workers Compensation Notice and information about the Notice of Compliance poster. You can also contact them at:

Workers' Compensation Division
Employer Compliance
503-947-7815
888-877-5670
<http://www.wcd.oregon.gov>

Employment Insurance Notice (Form 11)

Required by: Oregon Employment Division **Summary:** This yellow card is a notice that you are an employer subject to the Oregon Employment Division Law. **Obtain:** The Employment Department automatically sends this notice after an account is set up or reopened. Employers can order a duplicate if necessary. When ordering a duplicate, employers will need their business identification number.

You will find additional information and an order form at www.oregon.gov/employ/tax. You can also contact them at:

Employment Department
Unemployment Insurance Tax Unit
Forms Hotline: 503-947-1488, Option 3

No Smoking or Vaping poster/decal

Required by: Department of Human Services, Health Department **Summary:** Required for all businesses under Oregon's Smokefree Workplace Law to prohibit smoking or vaping in the workplace and within 10 feet of all entrances, exits, windows and air intake vents. **Obtain:** Oregon Health Authority or at <http://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/EducationalResources/Pages/index.aspx>
For additional information, contact: Health Services, Oregon's Smokefree Workplace
www.healthoregon.org/tobacco

866-621-6107 Information Line
877-270-7867 Quit Smoking Program

FEDERAL

Federal Minimum Wage poster

Required By: U.S. Department of Labor **Summary:** Details of the provisions of the federal minimum wage law. **Obtain:** U.S. Department of Labor at <http://www.dol.gov/whd/regs/compliance/posters/flsa.htm#UMeqPeRJM1>

Employee Polygraph Protection Act poster

Required by: U.S. Department of Labor **Summary:** Summarizes employee's right to be free from polygraph (lie detector) examination during employment screening or during the course of employment. **Obtain:** U.S. Department of Labor at <https://www.dol.gov/whd/regs/compliance/posters/eppa.htm>

"Equal Employment Opportunity is the Law" poster

Required by: Equal Employment Opportunity Commission (EEOC) **Summary:** Summarizes the laws related to employment discrimination. **Obtain:** EEOC (800-669-3362) and at <https://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf>

Family and Medical Leave poster

Required by: U.S. Department of Labor **Summary:** Details the provisions for taking leave. For employers with 50 or more workers. **Obtain:** U.S. Department of Labor at <https://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

The Uniformed Services Employment and Reemployment Rights Act (USERRA) poster

Required by: US Department of Labor, Veteran's Employment and Training Service **Summary:** Employers are required to provide to persons entitled to the rights and benefits under USERRA, a notice of the rights, benefits and obligations of such persons and such employers under USERRA. **Obtain:** U.S. Department of Labor at <http://www.dol.gov/vets/programs/userra/poster.htm>

Additional posting requirements may apply to some contractors. And if you contract with the federal government, or work on property owned by the federal government, you may also be required to have additional posters. You can download all required posters as PDF files through BOLI's website.

http://www.oregon.gov/boli/TA/Pages/Req_Post.aspx

Poster Guide Based on the Number of Employees

Small Employers (Less than 25 employees)

Small Oregon employers need to provide the following postings:

- 1) Oregon State Minimum Wage poster
- 2) Oregon OSHA poster
- 3) Oregon Protections for Victims of Domestic Violence, Harassment, Sexual Assault & Stalking
- 4) Federal Minimum Wage poster
- 5) "EEO is the Law" poster
- 6) Federal Polygraph Protection Notice
- 7) Federal USERRA (military rights) poster

Large Oregon Employers (25 or more employees)

In addition to the postings listed above, large employers will need to post information regarding:

- 1) Oregon Family Leave Act
- 2) Federal Family and Medical Leave Act

Agricultural Employers

In addition to most of the postings listed for large employers, agricultural employers need to display the following additional notices:

- 1) Migrant & Seasonal Agricultural Worker Protection Act Poster
- 2) Field Sanitation Notice
- 3) "Protect yourself from pesticides" Poster
- 4) BOLI Notice to Agricultural Employees

Composite Posters for all Commonly Require Posters

To make staying compliant as easy as possible BOLI's Technical Assistance program produces three composite posters that combine all the commonly required postings into one for [small employers](#), [large employers](#), or [agricultural employers](#). The poster cost either \$12.50 or \$17.50, plus shipping and handling. Previews and ordering information are available on our [TA Publications Page](#).



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SAFETY PAGE MEETING GUIDE

Topic: Posting Requirements

Project Name: _____ Location: _____

Employer: _____ Supervisor: _____

Date: _____ Time: _____ Shift: _____

Number in crew: _____ Number attending: _____

Safety or Health issues discussed. Include recent accident investigations and hazards involving tools, equipment, the work environment, work practices and any Safety or Health recommendations:

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Name: (please print)	Signature:	Company:
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Supervisor's remarks: _____

Supervisor: _____
(Signature)

Oregon OSHA adopts changes to the Recording Workplace Injuries and Illnesses rule

On Nov. 10, Oregon OSHA adopted changes to its Division 1 requirements for reporting workplace injuries and illnesses to align them with the requirements in federal OSHA's unusually titled final rule, Improve Tracking of Workplace Injuries and Illnesses. (As part of its state plan agreement with federal OSHA, Oregon OSHA's rules must be at least as affective as OSHA's, thus the change.)

The key changes in Oregon OSHA's Division 1 rule – 437-001-0700, Recording Workplace Injuries and Illnesses – become effective May 1, 2017, and require employers to:

- Establish a procedure for employees to report work-related injuries and illnesses promptly and accurately.
- Inform employees about the procedure and tell them how they can report injuries and illnesses.
- Inform employees that they have the right to report work-related injuries and illnesses free from retaliation.
- Electronically submit injury and illness records to federal OSHA annually if they are in one of the following categories:
 - o They had 250 or more employees at any time during the previous calendar year and are required to maintain an OSHA 300 log
 - o They are in an industry listed in the rule (437-001-0700 – Table 8) and had 20 or more employees but fewer than 250 employees at any time during the previous calendar year.

Submission year	Establishments with 250 or more employees	Establishments with 20-249 employees	Submission deadline
2017	Form 300A	Form 300A	July 1, 2017
2018	Forms 300A, 300, 301	Form 300A	July 1, 2018

o Beginning in 2019, the submission deadline will be changed from July 1st to March 2nd.

Setting up reporting procedures

Employers can set up their own procedures for reporting work-related injuries and illnesses – the only restriction is that the procedure must not deter or discourage an employee from accurately reporting a workplace injury or illness.

The procedure must give employees a reasonable time to determine if the injury is serious enough to report. A procedure that requires immediate reporting without accounting for the nature of the injury would not be reasonable, for example.

The procedure must not make reporting so difficult or complicated that an employee would be discouraged from reporting. For example, if an employee must travel a significant distance to report or must report the same injury or illness multiple times to multiple levels of management the procedure would not be reasonable.

Informing employees about their rights

Informing employees about their rights to report workplace injuries and illnesses free from retaliation is easy. Meet the requirement by posting the current version of Oregon OSHA's [It's the law!](#) poster or by telling the employees they have a right to report work-related injuries and illnesses free from retaliation – a written notice to each employee or an email will do.

Are discipline, drug, and incentive programs affected by the changes?

Not specifically; discipline, drug, and incentive programs aren't mentioned in the changes. However, it's a good idea to review these programs, if you have them, to ensure that they don't discourage employees from exercising their right to report workplace injuries and illnesses.

Discipline: Don't use discipline, or the threat of disciplinary action, to retaliate against an employee for reporting an injury or illness. Your safety program should treat all workers consistently if they break rules – regardless of whether they were, or were not, injured.

Incentives: Don't use incentive programs to penalize workers for reporting an injury or illness. For example, if an employee reports an injury, and is subsequently denied a benefit as part of an incentive program, this may constitute retaliation against the employee for exercising the right to report. Incentive programs should encourage safe work practices and promote worker participation in safety-related activities.

Scenario 1: Employer informs its employees that it will hold a substantial cash prize drawing for each work group at the end of each month in which no employee in the work group sustains a lost-time injury. Employee X reports an injury that he sustained while operating a mechanical power press. Employee X did not violate any employer safety rules when he sustained his injury. Employee X's injury requires him to miss work for two days. Employer cancels the cash prize drawing for that month for Employee X's work group because of Employee X's lost-time injury.

Question: Did Employer violate this rule when it cancelled the cash prize drawing for Employee X's work group because of a lost-time injury that was sustained while Employee X was following the employer's work rules?

Answer: Yes. Cancelling a substantial cash prize drawing solely because an employee was injured and reported the injury, without regard to the circumstances surrounding the injury, would likely violate this rule. In this case, the employer retaliated against the employee (by cancelling a substantial cash prize drawing) because the employee engaged in protected activity (reporting his injury to the employer). This type of activity may also discourage reporting because a worker may feel pressure from coworkers not to cancel the drawing, or may be reluctant to report out of loyalty to those coworkers.

Drug testing: Don't use drug testing, or the threat of drug testing, to retaliate against an employee for reporting an injury or illness. What's important is whether you have a reasonable basis for believing that an employee's drug use could have contributed to the injury. There is no prohibition against post-incident drug testing under state or federal law, including workers' compensation law, random drug testing, and pre-employment drug testing. However, post-incident drug testing will not necessarily indicate whether drug use played a direct role in the incident.

Scenario 2: Employer required Employee X to take a drug test after Employee X reported work-related carpal tunnel syndrome. Employer had no reasonable basis for suspecting that drug use could have contributed to her condition, and it had no other reasonable basis for requiring her to take a drug test. Rather, Employer routinely subjects all employees who report work-related injuries to a drug test regardless of the circumstances surrounding the injury. The state workers' compensation program applicable to Employer did not address drug testing, and no other state or federal law requires Employer to drug test employees who sustain injuries at work.

Question: Did Employer violate the rule by subjecting Employee X to a drug test simply because she reported a work-related injury?

Answer: Yes. This new rule prohibits an employer from taking adverse action against employees simply because they report work-related injuries. Rather, employers must have a legitimate business reason for requiring a drug test, such as a reasonable belief that drug use contributed to the injury. If drug use could not reasonably have contributed to a particular injury and the employer has no other reasonable basis for requiring a drug test, the rule prohibits the employer from drug testing employees simply because they report injuries unless the drug test is conducted pursuant to another state or federal law.