

INdiana Labor Insider

November/December 2010

Advancing the safety, health and prosperity of Hoosiers in the workplace

Mitchell E. Daniels Jr., Governor

Lori A. Torres, Commissioner of Labor

Non-traditional Work of the Indiana Department of Labor

I thought it might be interesting to recap some of the unusual aspects of our agency as we begin to close out 2010. Did you know that we serve as “election monitors” for many union elections for public employers, like libraries, emergency responders or airports? Or that IOSHA is involved in some rather atypical cases, like when a criminal entered a Village Pantry store here in Indianapolis and killed the clerk there? We looked at it from a work place violence perspective to determine whether adequate protections of the employee were in place (the employee worked alone all night, with her back to the door, without a panic button). We are also investigating the tragic fall of a student employee at Notre Dame, when his video platform, a scissor lift, overturned in high winds. We are looking at hazards facing salon stylists using Brazilian Blowout products, and crowd control for Black Friday shopping.

We recently led a team to investigate potential human trafficking of a teen doing poorly in school, working excessive hours who had no parent present here. We also have sole authority to investigate in cases where an employee alleges employment discrimination due to being at least 40 years of age (but below 70) if the employer has fewer than 20 employees.

This agency has to be flexible and adaptable to accommodate the different kinds of questions we must address. And we do this quickly, with fewer staff than years ago. We can demonstrate tremendous success, by the amount of money we recover for employees who have wage disputes with their employers, as well as the decreasing injury and illness rates (see the article below!), and decreased fatality numbers. We answer more than 20,000 inquiries every year. Nearly all within 24 hours, many within one hour! Let me know where we can stand to improve, as that is always our goal—to serve you where, how and in the manner you, our many stakeholders, request it.



Lori A. Torres
Commissioner of Labor

Wishing you safe and happy holidays,

Lori Torres

Lori A. Torres
Commissioner

Indiana 2009 Non-fatal Worker Injury and Illness Rates All Time Low!

Non-fatal workplace injuries and illnesses in Indiana fell to the lowest rate on record in 2009. According to the Survey of Occupational Injuries and Illnesses (SOII), the non-fatal occupational injury and illness rate is **4.3 per 100 workers**. The 2009 non-fatal injury and illness rate represents a 12% drop from the 2008 rate of 4.9 per 100 workers. This is the greatest percent decline in a one-year period on record.

The historically low rate of Indiana’s non-fatal occupational injuries and illnesses matches the historically low number (123) of 2009 workplace fatalities reported by the Indiana Department of Labor in August 2010.

“The continued decline of work-related injuries and illnesses is a testament to the hard work and dedication of

Hoosier employers, employees, labor and trade organizations and the staff of the Indiana Department of Labor,” said Lori A. Torres, Commissioner of the Indiana Department of Labor.



Source: Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII) 2009.

The industries with the highest rates of injury and illness in Indiana (per 100 workers) were **arts, entertainment and recreation** (7.2), **healthcare and social assistance** (6.5) and **manufacturing** (4.7). The industries with highest number of injury and illness incidents were **manufacturing** (21,500), **healthcare and social assistance** (16,600) and **retail trade** (10,200). **State and local government** reported an estimated 15,300 injuries and illness resulting in a rate of 5.0 per 100 workers.

More information on these statistics will be released in early 2011 in the Indiana Department of Labor’s annual *IN Review* publication.

SAFETY ALERT:

Workplace Violence Prevention Program and Policy

Nationally,

in 2009, 788 workers were fatally injured as a result of an **assault or violent act** in the workplace. This represents a 3% reduction from 2008.

While Indiana workplace fatalities dropped to a historic low (123) in 2009, fatal occupational injuries from assaults and violent acts increased. In 2009 alone, 20 Hoosiers died as a result of an assault or violent act in the workplace. **Assaults and violent acts** were the second leading fatal event suffered by Hoosier workers in 2009. Nearly half of the assaults and violent acts that were reported in Indiana in 2009 were **suicides** (9). **Suicides** in the workplace in 2009 nearly doubled from the the number reported in 2008. Seven of the self-inflicted fatal injuries were a result of a **gunshot wound**. For more information and resources on workplace suicide prevention, please review the Indiana Department of Labor's annual publication, [IN Review—2010](#).

In 2005, the federal Bureau of Labor Statistics (BLS) conducted a special survey of **Workplace Violence Prevention**, on behalf of the National Institute for Occupational Safety and Health (NIOSH). The survey, released in October 2006, revealed that more than 380,000 private and public establishments experienced a workplace violence incident within the previous 12 months. In addition, more than one-third of the establishments surveyed commented that the workplace violence incident had a negative impact on employees. For more information on this survey, please click [here](#).

Assaults and violent acts occur in many industries. Hoosier industries that reported worker fatalities from assaults and violent acts in 2009 include **service-providing** (e.g. barbershops and fast-food restaurants) (9), **retail trade** (5), **food service and drinking places** (4) and **goods producing** (e.g. manufacturing facilities) (2).

A number of factors may increase a worker's risk of being assaulted while working. Some of these risks include: contact with the public; exchanging money for goods or services; delivery of passengers (i.e. taxi cabs, public transportation, etc.); delivering goods or services (i.e. pizza delivery, drivers, traveling sales and service workers); working late at night or in the early morning; working in high crime areas; working alone or in small numbers; and working with unstable or volatile individuals in the healthcare, social services or criminal justice settings.

The Occupational Safety and Health Act of 1970 (OSH Act of 1970) requires employers to ensure that their employees are

safe from recognized safety and health hazards, which includes assaults and acts of violence while working. The Indiana Occupational Safety and Health Administration (IOSHA) has the authority to enforce the OSH Act in Indiana. IOSHA has the ability to issue citations

to employers that do not provide adequate protection for their employees, assaults and violent acts included.

While these occupational safety and health hazards are slightly more difficult to predict and control than some workplace hazards, there are precautionary measures employers can take to avoid violent workplace incidents. According to NIOSH, workplace violence prevention strategies should



include a combination of **environmental designs**, **administrative controls** and **behavioral strategies**.

Environmental designs are most useful in workplace settings where cash is exchanged for goods and services. Employers in the retail industry can implement cash-handling policies and procedures such as using locked drop safes and carrying small amounts of cash, as well as posting notices that limited cash is kept on-site. These measures may deter potential acts of

violence and assault.

Staffing plans and work practices are a form of **administrative controls**. Work practices and staffing patterns during the opening and closing of business establishments, and during money drops and pickups, should be carefully reviewed for the increased risk of assault they pose to workers. Staffing patterns and work practices may include scheduling multiple employees to cover early morning and closing shifts. Young workers are especially vulnerable, and because of that, **Indiana Child Labor laws** require minors (employees under the age of 18) to be accompanied by a co-worker who is at least 18 years of age when working past 10 p.m. in an establishment that is open to the public. For more information on Indiana Child Labor laws, please visit www.in.gov/dol/childlabor.htm.

Behavioral strategies for workplace violence prevention

Workplace Violence Fatal Facts:

- 409 Hoosier workers have been a victim of an assault or violent act since 1992.
- 17* Hoosier workers were suffered a fatal gunshot wound while working in 2009.
- 1 in every 6 workplace fatalities in Indiana was attributed to assaults and violent acts in 2009.

*Includes seven self-inflicted gunshot wounds.

suggest training employees in nonviolent response and conflict resolution. These behavioral strategies may reduce the risk that volatile situations and conflicts will escalate to physical violence. Also critical is training that addresses hazards associated with specific tasks or worksites, and relevant prevention strategies. Training should not be regarded as the sole prevention strategy, but as a component in a comprehensive approach to reducing workplace violence. Training should emphasize the appropriate use and maintenance of protective equipment, adherence to administrative controls and increased knowledge and awareness of the risk of workplace violence. Employers should encourage employees to report any threat of violence immediately. Ignoring threats of physi-

cal violence or failing to take them seriously can have deadly consequences.

Combining all three strategies—environmental designs, administrative controls and behavioral strategies, have the potential to prevent acts of violence and assault in the workplace. Any successful occupational safety and health program also requires a commitment by management and active employee involvement. Ultimately, when addressing workplace violence or any other occupational safety or health concern, prevention is the goal.

For more information about workplace violence and prevention strategies, please click [here](#). Also, be sure to visit NIOSH online at www.cdc.gov/niosh/topics/violence/.

It Happened Here: DeKalb County

Background: Since 1992, 409 Hoosier workers have been a victim of a fatal assault or violent act. In 2009 in Indiana, 17* Hoosiers suffered a fatal gunshot wound while working.

Event: In the early morning hours of January 1, 2010, an employee of a group home in DeKalb County was working alone at the facility. Around 1 a.m., a former employee of the group home entered the facility and shot the employee twice, and then fled the scene in a vehicle. The shooter later confessed to the crime, and the victim was found dead by police a short time later.

Lessons Learned: To reduce the likelihood and prevent similar incidents from occurring in the future, employers and employees should:

- Assess the likelihood of experiencing workplace violence, as many industries and types of work are prone or vulnerable to workplace violence (e.g. convenience stores, nursing or residential care facilities, financial institutions, etc.).
- Ensure that security measures are in-place, to protect workers, especially when employees work alone and during

evening hours. Security measures can include security staff/guards, keycard entry to building(s), panic buttons, closed circuit cameras and physical separation of workers from customers, clients, visitors, etc.

- When possible, increase the number of staff on duty, in situations where individuals are required to work alone.
- Establish a policy in which employees feel comfortable reporting received threats, violent incidents or vocalizing when they fear they or others may be in danger.
- Implement training, including training on how to defuse a violent or volatile situation and proper use of security devices. Additionally, training on non-violent response and conflict resolution should be implemented, as well as site-specific and task-specific training, so that employees are aware of the risks associated with their jobs.
- Investigate all near miss incidents to determine causality, as well as to conduct root cause analysis.
- Foster a culture of workplace safety and health, and hold yourself accountable to ensure that your employees understand, and follow, all written safety and health policies, rules, procedures and regulations.

*Includes seven self-inflicted gunshot wounds.

Retailers Gear Up for Safe Holiday Shopping Season

The holiday season is upon us, and with our national holidays comes national “shopping” days. The most prevalent of these is known as “**Black Friday.**” As the day after Thanksgiving, Black Friday is host to a plethora of sales. Many Americans take advantage of these sales, to stock up for the rest of the holiday season. An influx of shoppers, and subsequently an influx of staff members at retail stores, however, poses hazards to both workers and patrons.

In 2008, an employee of a retail store in New York City was **trampled to death** by a mob of shoppers rushing to get into the store. Employers are required under the Occupational Safety and Health Act (OSH Act) to provide their workers with safe and healthy workplaces. Employers are required to

develop and implement effective safety and health management systems to identify and eliminate work-related hazards, including those caused by large crowds at retail sales events.

Crowd management **planning must begin in advance** of events that are likely to draw large crowds. Other critical components of crowd management include **providing employee training, pre-event setup** and having the ability to **immediately and adequately address any emergency situations** that arise.

To assist employers in their efforts to keep employees safe during big retail sales events, OSHA has developed a fact sheet of crowd management safety tips. The fact sheet is available online by clicking [here](#).





Distracted Driving has Serious, Often Fatal Consequences

Have you ever **used a cell phone—reached in the backseat to grab a CD—entered an address into your GPS unit—eaten a sandwich or changed a radio station while driving?** If you answered “yes” to any of these questions, you have operated a motor vehicle while distracted. Distracted driving is any non-driving activity that a motorist engages in that has the potential to distract him or her from their primary task: driving. Distracted driving is unsafe, irresponsible and has life-threatening consequences.

Why do individuals engage in distracted driving?

Stressful jobs, busy lifestyles and advances in technology are just a few reasons why individuals may engage in distracted driving. Because of these reasons, drivers may feel forced into combining daily life tasks with operating a vehicle. The Department of Transportation (DOT) reports that in 2009, more than 5,400 people died in crashes linked to distraction and thousands more were injured.

In addition to leisure-related travel, today, many Hoosier workers drive for a living. Hoosiers work in a variety of occupations that require them to spend all or part of the day driving, including to visit clients, make service calls and deliver goods and services to customers. The roadway is a work environment that is not as easily controlled as an office or production floor.

In Indiana in 2009, **highway vehicle accidents** were the leading cause of death in the workplace (38%) according to the Bureau of Labor Statistics’ (BLS) Census of Fatal Occupational Injuries (CFOI). While it is not known whether or not distracted driving was the primary cause of the accidents,

25 workers in Indiana died as a result of highway accidents.

While all distracted driving activities endanger drivers’ safety, according to experts, **texting while driving is most alarming**, because it involves all three forms of distraction—**visual**, **manual** and **cognitive**. Texting while driving has become such a threat that 30 states have banned the activity for all drivers, and **Indiana state law prohibits texting for drivers younger than 18**. Recently, the Indiana Department of Labor established a policy **discouraging employees from using cell phones while driving** while conducting state business. The **Indiana Department of Labor’s policy prohibits** any agency employee from engaging in **any form of texting or responding to e-mail** while operating a motor vehicle, while working.

Distracted Driving is...

- **Visual** - taking your eyes off the road.
- **Manual** - taking your hands off the vehicle’s steering wheel.
- **Cognitive** - taking your mind off what you are doing.

What can my company do to reduce the likelihood of work-related traffic accidents?

There is a place and a time for everything, including texting and talking on a cell phone, eating lunch and conducting businesses—that place and time is not in an automobile while driving. Employers should assign a key member of the management team with the responsibility of developing and implementing a policy that prohibits distracted driving activities such as those mentioned in this article.

Educating employees on the serious, and often fatal, consequences of distracted driving is also important. To do their part, employers should take into consideration and set realistic goals for the number of miles that a driver can safely drive each work shift. For more information on developing a comprehensive driver safety policy, please click [here](#).

Other information and statistics related to distracted driving incidents may be found online at www.distraction.gov.



You Asked, We Answered - Worker Injuries, Illnesses and Fatalities

Where does the Indiana Department of Labor get the worker injury, illness and fatality data they release?

Occupational injury, illness and fatality data is retrieved from many different sources. The Indiana Department of Labor uses data collected by the agency's Quality, Metrics & Statistics division that is collected in partnership with the federal Bureau of Labor Statistics (BLS) in the Census of Fatal Occupational Injuries (CFOI) and Survey of Occupational Injuries and Illnesses (SOII). Information supplied by employers, along with individual case information, is confidential so data is reported in terms of raw numbers and rates.

Why are occupational injury and fatality statistics always a year outdated?

In order to report the most accurate, and complete, data for a calendar year, it is necessary to collect it and release it during the following calendar year. Statistical information is not always readily available by December, and therefore to make sure that all information from January through December is reflected in the numbers, the information is released for 2009, in calendar year 2010.

How many workers were injured and killed while working in Indiana, in calendar year 2009?

According to preliminary data from the BLS for calendar year 2009, 123 workers were killed on the job in Indiana. While any occupational-related death is one too many, the total number of fatalities for 2009 represents the lowest on record for the state. Injury and illnesses decreased in 2009 as well. Indiana workers reported 94,800 injuries and illnesses,

down from 112,100 in 2008. The Indiana occupational injury and illness rate in 2009 is 4.3 per 100 workers, the lowest rate on record for Indiana.

Which Indiana industries tend to be the most dangerous for workers?

In 2009, the industries with the highest rate of injuries and illnesses (per 100 workers) were Arts, Entertainment and Recreation (7.2), Healthcare and Social Assistance (6.5) and Manufacturing (4.7). The industries which reported the highest number of injuries and illnesses in 2009 were Manufacturing (21,500), Healthcare and Social Assistance (16,600) and Retail Trade (10,200).

The industry in Indiana that reported the greatest number of worker fatalities in 2009 was Agriculture (23). The Construction industry reported a decline in fatalities, but was still the second most deadly industry in Indiana (17). Other industries which reported a decline in fatalities were Retail Trade and Manufacturing.

With fewer workers in Indiana due to the economic downturn, isn't it expected that worker injuries, illnesses and fatalities will decrease?

Fewer workers may have contributed to a reduction in work-related fatal injuries. However, occupational injury and illness rates have declined as well. The incidence rate is calculated by taking the number of injuries and illnesses divided by total hours worked and then multiplying by 200,000 (which represents 100 full-time equivalent workers at 40 hours per week x 50 weeks per year). A low rate of injury and illness represents a decrease in the number of injuries and illnesses regardless of the number of employees.

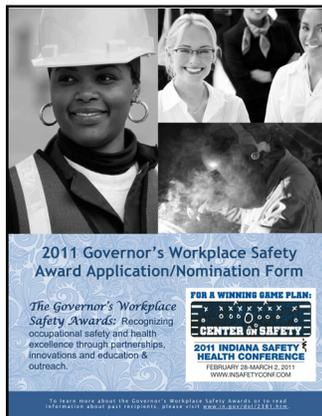
Calling All Exemplary Occupational Safety and Health Programs!

Is your company or organization top notch? Can you demonstrate management commitment to, and employee involvement in, your occupational safety and health program? If so, the Indiana Department of Labor is seeking applications for the **2011 Governor's Workplace Safety Awards**, and your company or organization is encouraged to apply.

The annually-awarded **Governor's Workplace Safety Awards** provide recognition for Indiana companies and organizations for best practices in eliminating occupational injuries and illnesses in Hoosier workplaces. All Hoosier businesses, unions, municipalities, schools, service and nonprofit organizations are eligible to apply for the awards. To qualify, however, the company must be free of compliance disputes concerning all applicable local, state and federal statutes and regulations.

The 2011 Governor's Workplace Safety Award recipients

will be recognized at the Governor's Workplace Safety Awards Luncheon, held during the **2011 Indiana Safety and Health Conference & Expo**. For more information on past recipients, click [here](#).



The conference and expo is scheduled **Monday, February 28 through Wednesday, March 2, 2011**. The expo, scheduled on Tuesday, March 1, 2011, is an opportunity to network with more than 700 industry peers and learn from occupational safety and health experts from all over the United States. Also, during the conference, more than 50 occupational safety and health-related educational sessions will be offered.

Additional information about the **Governor's Workplace Safety Awards** may be found on the Indiana Department of Labor's website at www.in.gov/dol/2381.htm. Information regarding the

2011 conference and expo is available online [here](#).

The Dos and Don'ts of Youth Peddling and Advertising

The mission of the Indiana Department of Labor is to advance the safety, health and prosperity of Hoosiers in the workplace. Protecting Indiana's working teens is no exception. The Bureau of Child Labor continually investigates and trains employers to ensure compliance with Indiana's Child Labor laws.

On June 19, 2010, several changes were made to the federal Fair Labor Standards Act regarding Prohibited and Hazardous Occupations for working minors (under the age of 18). Two of the most notable changes concern minors under the age of 16 performing duties related to peddling or advertising. Although these changes target specific and particular job duties, the rules extend to more businesses than one might initially think.

Youth Peddling

Youth peddling is defined as anyone under the age of 16 selling items door to door or in a location that is not the employer's central place of business. Exemptions to this rule involve minors working as uncompensated volunteers for charitable organizations or selling fundraisers for a school or government organization. Minors under 16 who do not meet these exemptions may not sell items such as coffee, candy, postcards or magazine subscriptions at any place other than the employer's place of business.

This job has been deemed prohibited due to the inherent dangers of minors travelling door to door in oftentimes unfamiliar areas. In many cases, the minors performing these peddling duties are doing so after dark, posing a host of safety concerns regarding traffic safety and increased potential for abduction. In some instances, minors may sometimes be transported across state lines for the purposes of peddling. If a minor is transported across state lines without a parent's knowledge or consent, the business is treading perilously close to child trafficking, a separate criminal offense.

Youth Advertising

Minors under age 16 are now also prohibited from wearing

costumes, sporting sandwich boards or carrying signs to advertise a product business or service unless they are doing so inside or directly in front of the business' location. The minor may stand on the sidewalk or in the parking lot if the business is having an outdoor sale, but may not stand near a roadway or intersection.

Advertisers who wear costumes or carry signs are at a greater risk of injury when standing near a roadway. Large signs or oversized costumes may create a trip hazard or catch the wind and knock the advertiser off balance. If the advertiser is standing near the roadway, this could result in the advertiser being blown out into traffic. As we approach the holiday season, this method of advertising seems to become more popular. Employers of minors should ensure that these duties are not assigned to minors under the age of 16.

Reporting Child Labor Violation Complaints

Though these are changes in federal law, the Indiana Bureau of Child Labor and the United States Department of Labor have joint jurisdiction in this matter. Penalties for violations of these rules range from a **letter of warning to \$11,000 per instance**. If you see minors under the age of 16 performing these types of activities, please contact the Bureau of Child Labor by email at childlabor@dol.in.gov or by phone at (317) 232-2655. Please provide any information you can regarding the name of the employer, location of the business and names of the minors involved.

Resources for Teens, Parents, Educators & School Administrators

For more information about Indiana's Child Labor laws, please review the Indiana Bureau of Child Labor's Frequently Asked Questions online by clicking [here](#). A schedule of the Indiana Bureau of Child Labor's upcoming free Child Labor law training opportunities is also available on page seven of this newsletter.



Apprenticeship Call Out!

The U.S. Secretary of Labor, Hilda Solis, recently reconstituted the Advisory Committee on Apprenticeship. She named Indiana Labor Commissioner, Lori A. Torres, as one of the committee's public members. Historically, the ACA has played an important role in the development of recommendations related to expanding and promoting Registered Apprenticeship and, most recently, the revisions to the regulatory framework governing the National Apprenticeship System. Currently, this committee is expected to consider strategies for the 21st century, so that the Registered Apprenticeship is well positioned to address national labor market needs, including improved career

pathways for diverse populations and addressing the increasing skilled training demands for a broader spectrum of traditional and emerging industries.

Commissioner Torres is a member of the Policy Workgroup, so she welcomes any comments or input from employers, labor organizations, education providers or any other stakeholder that wishes to contribute to the national conversation taking place on enhancing the Registered Apprenticeship program as a viable method of learning and training for 21st century jobs. You can submit any comments to her at commissioner@dol.in.gov.

Upcoming Training Opportunities

Child Labor Law Teleconferences: There are many opportunities for you to participate in our trainings, which we offer via the web, so you don't lose productive time, and keep your employees on-site. These training opportunities are provided free of charge, however registration is required. To register for an upcoming teleconference, please e-mail childlabor@dol.in.gov. Please be sure to include your name, e-mail address and the date and time of the training in which you wish to participate. If enrolling a group of individuals, please list the name of each attendee.

| Date | Sponsor | Class* | Time |
|------------------|----------------------------|-----------------------------------|----------------------------|
| December 2, 2010 | IDOL Bureau of Child Labor | Child Labor Laws (Teleconference) | 10:00 a.m. & 1:00 p.m. EST |
| December 7, 2010 | IDOL Bureau of Child Labor | Child Labor Laws (Teleconference) | 10:00 a.m. & 1:00 p.m. EST |
| January 6, 2011 | IDOL Bureau of Child Labor | Child Labor Laws (Teleconference) | 10:00 a.m. & 1:00 p.m. EST |
| January 11, 2011 | IDOL Bureau of Child Labor | Child Labor Laws (Teleconference) | 10:00 a.m. & 1:00 p.m. EST |

*Registration is required, and will close 48 hours prior to the scheduled teleconference.

Workplace Safety and Health Training: For a listing of upcoming occupational safety and health related training, please visit click [here](#).

(Please note: This is not a complete list of all occupational safety and health training provided throughout the State of Indiana.)

Recognizing Excellence

Recognizing Excellence spotlights Hoosier employers and their employees for their efforts in achieving status in either the Indiana Voluntary Protection Program (VPP) or Indiana Safety and Health Achievement Recognition Program (INSHARP). The Indiana Department of Labor congratulates the following employers and employees for their efforts to ensure Hoosier occupational safety and health. Additional information on INSHARP or VPP may be found online at www.in.gov/dol.

INSHARP

New:

Acument Global Technologies (Rochester, IN)

Recertified:

Blue River Services (Corydon, IN)

VPP

New:

Mead Johnson Nutrition (Evansville, IN)

Recertified:

Eaton Corporation (South Bend, IN)



The **Indiana Labor Insider** is a free electronic bi-monthly newsletter of the Indiana Department of Labor's INSafe Division. INSafe provides free on-site OSHA consultation, resources and training to Indiana small and high hazard employers. For questions or comments regarding content or to subscribe or unsubscribe, please e-mail INSafe at insafe@dol.in.gov.



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