

Indiana Labor Insider

January/February 2012

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

Mitchell E. Daniels Jr., Governor
Lori A. Torres, Commissioner of Labor

A Lot is Transpiring at the Indiana Department of Labor

There is no grass growing under our feet here at IDOL. And not just because it is still winter. We have been on the move and busy. Several weeks ago we released our investigation results of the six-month Indiana State Fair inspection. We have hosted and chaired two meetings to address better safety of retail clerks in the late night retail industry, which covers convenience stores, liquor stores and other late night outlets. Next week we will play co-host to over 600 attendees of the 2012 Indiana Safety and Health Conference & Expo at the Marriott East in Indianapolis. We will also be releasing our annual report of occupational health and safety statistics for the state for 2010, which will be available in hard copy and electronically. The link will be on our website under the "Publications" link.

We have a returning Chief Mine Inspector to better serve our underground coal miners in southwest Indiana, and we were successful in shepherding through the legislature a bill to allow the Indiana Mining Board to administer electrical certifications in addition to the other five certifications we offer. We are also awaiting signature by Governor Daniels on another piece of legislation that we proposed that will result in some changes in our IOSHA division. Certainly a big change is that the legislature passed the Right to Work

bill that was signed by Governor Daniels on February 1, 2012, with an immediate effective date. A more complete report of legislative changes in the labor and employment field will be included in the next issue.

We have a staff member, with more ready and willing, assisting in the disaster recovery effort underway in southern Indiana. We serve a safety officer function, and our role is to keep everyone safe that is involved in the clean up, and make sure that more injuries don't add to the tragedies already present there. I ask all of you to continue to keep the families of all those so deeply affected by Mother Nature in your thoughts and prayers. If you can donate to the cause, please find a reputable non-profit agency, and be generous.



Lori A. Torres
Commissioner of Labor

To your health and wealth,

Lori Torres

Commissioner

Stay Tuned: Annual *IN Review* to Be Released

The Indiana Department of Labor (IDOL) will release its annual *IN Review* publication in mid-March 2012. *IN Review* will provide an overview of Hoosier occupational safety and health in select Indiana industries including manufacturing, construction, healthcare and state and local government.

The data used in *IN Review* is taken from research files provided by the federal Bureau of Labor Statistics (BLS) through the Survey of Occupational Injuries and Illnesses (SOII) and the Census of Fatal Occupational Injuries (CFOI). Additional information and case files from

the Indiana Occupational Safety and Health Administration (IOSHA) are also used to compile the annual report.

SOII and CFOI data used in the report is for calendar year 2010, which is the most current data available from the BLS. Data for occupational-related fatalities and injuries and illnesses for 2011 will be released in August and October 2012, respectively.

Prior year editions of *IN Review* are also available by clicking [here](#). The 2012 publication, in its entirety, will also be available online in mid-March. For questions about *IN Review*, please email insafe@dol.in.gov or phone (317) 232-2688.





SAFETY ALERT:

Construction Emphasis Four

Almost one of every six workplace fatalities in Indiana occurred among workers in the construction industry in 2010. The top four causes of construction fatalities are **falls, struck-by and caught in/between** events and **electrocution**. Below, is a brief overview of the construction emphasis four occupational safety hazards.

Falls

Falls are the leading cause of worker deaths in the Hoosier construction industry. Between 2006 and 2010, 31 construction industry workers in Indiana died as a result of some type of fall—from ladders, rooftops, scaffolds, towers, scissor lifts, etc. A number of factors are often involved in falls, including unstable working surfaces, misuse or failure to use fall protection equipment and human error.

In the construction industry, fall protection must be provided to employees working on a surface with an unprotected side or edge at a height of six feet or greater. Employers are required to assess the workplace to determine if the walking/working surfaces on which employees are to work have the strength and structural integrity to safely support workers. Once an employer has determined that the surface is safe for employees to work on, the employer must require the use of guardrails, fall arrest systems or safety nets to protect employees from serious injuries and death from these events.

An OSHA *Preventing Falls Fact Sheet* is available online by clicking [here](#). More information on the prevention of falls in the workplace is available on OSHA's website at www.osha.gov/SLTC/fallprotection/index.html.

Struck-by and Caught-in/Between Incidents

Struck-by objects and equipment are another leading cause of construction-related deaths. Safety and health programs must take into account the many ways in which these types of incidents can occur.

Vehicles and other construction-related equipment such as excavation equipment, dump trucks, backhoes, etc. are one of the leading causes of struck-by incidents in the construction industry. When vehicle and equipment safety practices are not observed, workers are at risk for being pinned between construction vehicles and walls, struck by swinging backhoes and crushed beneath overturned vehicles.

When working near or on public roadways, additional safety practices must also be emphasized to protect workers. These safety precautions include utilizing traffic signs, barricades or flaggers. Work zone vehicles and equipment should never be driven in reverse gear if the operator has an obstructed rear view, unless it has an audible reverse alarm or another worker signals that it is safe. These workers must be highly visible in all levels of light to both work zone workers and traditional motorists. Warning clothing such as red or orange vests, are required and, if worn for night work, must be made of reflective material.

The U.S. Department of Transportation's Federal Highway Administration has developed a *Work Zone Best Practices Guidebook*. The document is available online at www.ops.fhwa.dot.gov/wz/practices/best/documents/bpguidebook.pdf.

Caught-in/between injuries and deaths may occur from a variety of activities including **trenching** and **excavation** work. To protect employees from hazards present during

these activities, employees should never be permitted to enter an unprotected trench or excavation five feet or deeper without an adequate protective system in place. However, some trenches less than five feet deep may also need such a system. Trenches must also be inspected by a competent person prior to entry and after any hazard-increasing event such as a rainstorm, vibrations or excessive surcharge loads. Employers and employees must ensure the trench or excavation is protected either by sloping, shoring, benching or by using a trench shield system.

Electrical

Overhead and buried power lines at worksites are especially hazardous because they carry extremely high voltage. While electrocution is the main risk, burns and falls from elevations are also hazards. Employees must be careful to ensure aluminum paint rollers, metal building materials, cranes, raised dump truck beds, backhoes and scaffolds and scissor lifts, are not used near power lines.

A worksite hazard assessment must be conducted prior to engaging in work activities onsite. Employers and employees must look for overhead power lines as well as buried line indicators. To identify areas in which there may be buried lines, the local utilities must be contacted.

Employers and employees should assume that all overhead power lines are energized, unless it is known otherwise. Workers on equipment such as scaffolds and scissor lifts, for example, should maintain at least a ten-foot distance from overhead power lines. Ground lines must be de-energized when working near them. Other protective

measures include guarding or insulating the lines. Only non-conductive wood or fiberglass ladders should be used when working near power lines. An OSHA *Electrical Safety QuickCard* is available online by clicking [here](#).

Employer and Employee Resources

A construction safety pocket guide is available online by clicking [here](#). In addition, federal OSHA has recently developed v-Tools. These v-Tools demonstrate how quickly workers can be injured or killed on-the-job and are intended to assist those in the industry to identify, reduce and eliminate construction-related hazards. Most of the videos are two to four minutes in length, presented in clear, easily accessible vocabulary; and show common construction worksite activities. The videos may be used for employer and worker training. To view these videos, please visit www.osha.gov/dts/vtools/construction.html.

Employers may also seek free OSHA compliance assistance from the Indiana Department of Labor's consultation division, INSafe. INSafe Safety and Health Consultants work with employers to identify and eliminate workplace safety and health hazards. To learn more about INSafe, please visit www.in.gov/dol/insafe, email insafe@dol.in.gov or phone (317) 232-2688. To request an onsite consultation, please complete the form found online at www.in.gov/dol/insafeconsultation.



It Happened Here: Vanderburgh County

Background: Between 2006 and 2010, 31 construction industry workers were killed on-the-job as a result of a fall.

Event: On November 7, 2011, in Vanderburgh County, a scissor lift operator was driving the lift from one location to another on a worksite. While he was driving the lift, it was vertically extended approximately six feet. The scissor lift operator fell to the ground below. The operator was transported to the hospital; however, he died from injuries five days later.

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

- Conduct a worksite evaluation to ensure the surface on which scissor lifts and other equipment will be used is without holes, depressions, ditches, debris, slopes and drop-offs and that the ground is not soft or uneven.

- Provide adequate training for all scissor lift operators. Training should include formal instruction and practical training as well as an evaluation of the operator's performance in the workplace. The training must be provided by a person who has the knowledge, training and experience to train operators and evaluate their competence.
- Ensure workers do not drive scissor lifts while the lifts are in an elevated position.
- Train employees to recognize the safety and health hazards associated with each job, task and worksite. Employees should also have knowledge of how and to whom to report occupational safety and health concerns.
- Investigate all near-miss incidents, as well as perform root cause analysis (RCA) to prevent recurrence.
- Foster a culture of workplace safety and health, and hold themselves accountable for their employees' understanding and following of all written safety and health policies, rules, procedures and regulations.

IOSHA Issues Safety Orders for Employee Deaths at Indiana State Fair

Following its investigation of the stage collapse that occurred at the Indiana State Fair on August 13, 2011, the Indiana Occupational Safety and Health Administration (IOSHA) issued Safety Orders to three organizations. The stage collapse claimed the lives of seven people including two employees.

A Safety Order was issued to the **Indiana State Fair Commission** citing them for a “serious violation” for failure to conduct a life safety evaluation that included an assessment of all conditions and the related appropriate safety measures of the Indiana State Fairgrounds concert venues at the 2011 Indiana State Fair. A penalty of \$6,300 was assessed to the Indiana State Fair Commission.

A Safety Order was issued to **Local 30 of the International Alliance of Theatrical Stage Employees (IATSE)** including **Theatrical Payroll Services, Inc.** for three “serious violations” and one “non-serious violation.” Citations included failure to consider soil conditions when placing cable anchor points for the grandstand stage; failure to provide fall protection for employees working four feet or more above ground level; and, failure to conduct a personal protective equipment hazard assessment of the worksite to determine the personal protective equipment required while erecting the load bearing roof and the grandstand. The non-serious violation involved failure to maintain proper OSHA records for four years.

Penalties of \$3,500 were assessed to IATSE for each serious violation, and a penalty of \$1,000 was assessed for the non-serious violation. Total penalties assessed were \$11,500.

Mid-America Sound Corporation was also issued a Safety Order for three “knowing violations.” These violations included failure to develop and implement an Operations Management Plan, the failure to develop a risk assessment plan, failure to maintain and use current engineering calculations and documentation, and failure to provide appropriate, qualified supervision.

Each “knowing violation” was assessed a penalty of \$21,000. The total penalties assessed to Mid-America Sound Corporation was \$63,000.

The three Safety Orders were issued by IOSHA on February 8, 2012. All three organizations had 15 business days, by Indiana law, to pay the penalties or to contest them to the Indiana Board of Safety Review. All violations required abatement by March 6, 2012. The Indiana State Fair Commission has paid the \$6,300 penalty and requested and has been granted an extension for abatement. IATSE and Mid-America Sound Corporation have filed with the Indiana Board of Safety Review. Filing with the Indiana Board of Safety Review “stays” the required abatement.

It is important to note, an IOSHA investigation does not address duties to the public and it was not an investigation of causation. IOSHA does not as standard practice establish causation. When an employee is killed while working, Indiana law establishes a duty on the employer to ensure that fatality is reported. IOSHA then determines whether it falls within its jurisdiction to investigate that fatality. The investigation is conducted to determine if established safety standards were violated by any employer on site. Because two employees were killed as a result of the collapse of the load bearing roof, an IOSHA investigation was initiated.

Right to Work Passes in Indiana



After months of angry protests during summer study committee hearings and committee and floor sessions, [HEA 1001](#) passed the House, Senate and was signed by Governor Daniels on February 1, 2012. The law, found at Ind. Code 22-6-6, is the state’s policy statement that it

has opted out of some of the provisions of the **National Labor Relations Act**. The **Indiana Right to Work** law provides that no employer, labor organization or any person may require an individual to become or remain a member of a labor organization, or pay dues, fees or assessments (or charitable donation substitutes) as a condition of employment, new or continued. It includes a private right

of action that can be brought by the individual in civil court, and it provides for an administrative remedy by the Indiana Department of Labor. Finally, the act criminalizes violations of the act, and gives prosecutors discretion to charge people or organizations criminally for violations. Investigations can be undertaken by the Department of Labor, the prosecuting attorneys and the Indiana Attorney General to enforce the terms of the law.

The law does not apply to existing collective bargaining agreements, and it will not prohibit exclusive pre-hire agreements with labor unions in the building and construction trades. The Department of Labor is working on emergency rules, and hopes to have those issued before March 14. The law is already the subject of litigation pending in the Northern District Court, and faces multiple constitutional challenges.



You Asked, We Answered - OSHA Outreach Training

Am I required to train all my employees with an OSHA 30-hour in construction before they can begin working on a jobsite in Indiana?

No. The OSHA 10 and 30-hour courses are voluntary in Indiana. However, some other states have enacted laws mandating the training. Also, some employers, unions, organizations or other jurisdictions may also require this training.

Do OSHA 10 and 30-hour course completion cards expire?

The student course completion cards in construction, general industry and disaster site do not have an expiration date. However, the student cards provided in the maritime outreach training program expire five years after the training. To retain a valid 10 or 30-hour **maritime industry card**, students are required to take a student update course prior to their expiration date.

It's a good idea, however, even where it is not required to have periodic refresher training.

Can a 10-hour class be conducted in one day in a ten-hour block?

OSHA limits training contact hours to 7.5 hours per day. A trainer is allowed to add additional time for breaks and lunch that would increase the overall time to more

than 7.5 hours. However, a 10-hour may not be taught all in one day.

Does an OSHA Outreach Trainer's authorization status ever expire?

OSHA Outreach Trainers are authorized for a period of four years from the date the trainer completed the authorization course. To maintain authorization status, a trainer must take an update course every four years. A trainer may also retake the trainer course to update their status, although OSHA encourages active safety and health trainers to take the update course, to provide more trainer assistance and recent information.

OSHA allows a 90-day grace period from a trainer's four-year expiration date to take the update class. Otherwise, authorized trainers will have to retake the trainer course to regain trainer status. The 90-day grace period is designed to allow for unexpected circumstances like course cancellations, illness and other unavoidable obligations.

For more information about OSHA outreach training programs, employers, employees and OSHA authorized outreach trainers may visit www.osha.gov/dte/outreach/index.html. Answers to many frequently asked questions (FAQs) are also available online by visiting the abovementioned website and clicking on the FAQ link.

IDOL Signs Alliance with Mid-America OSHA Education Center

Recently the Indiana Department of Labor (IDOL) signed an occupational safety and health alliance with the **Mid-America OSHA Education Center** of Springboro, Ohio. Mid-America OSHA Education Center provides occupational safety and health training in-house, online and onsite.

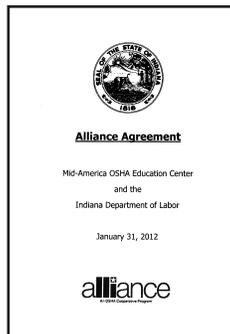
The goal of the alliance is for the IDOL and Mid-America OSHA Education Center to work cooperatively to ensure additional occupational safety and health-related training courses are provided in Indiana. The alliance allows for Mid-America OSHA Education Center to host training at the IDOL offices. The alliance was signed on January 31, 2012, and will remain effective for two years.

Mid-America OSHA Education Center offers a variety of occupational safety and health training courses. Courses offered include fall arrest systems, bloodborne pathogen training, excavation, trenching and soil mechanics, lockout/tagout, as well as many others.

The education center also offers the 500 – Trainer Course in OSHA Standards for Construction and 501 – Trainer Course in OSHA Standards for General Industry as well as the update courses for authorized trainers. For more information about Mid-America OSHA Education Center, please visit their website at www.midamericaosha.org/.

The current 2012 Mid-America OSHA Education Center training calendar is available online at www.midamericaosha.org/courses.html. Additional training courses will be scheduled in Indiana and will be posted to the online training calendar on the IDOL's website.

To review this and other IDOL alliance and partnership participants, please visit www.in.gov/dol/2387.htm. For more information about Mid-America OSHA Education Center, please visit www.midamericaosha.org/.



SPOTLIGHTING BEST PRACTICES

“Take 5” for Safety

D.A., Inc., of Charlestown, Indiana, was established in 1988. Plastic injection molding operations began in 1991. The company produces plastic interior and exterior components for the automotive industry. To learn more about D.A., Inc., please visit www.daiwa-da.com.

Contributed by Pami Egan and Nancy Wasko of D.A., Inc.

D.A., Inc., of Charlestown, Indiana has an employee-driven safety team. The company’s safety team involves associates from all levels of the organization including production, engineering, management, quality and maintenance.

In 2006, the company’s safety and environmental coordinator challenged the safety team to create a slogan with the goal of raising safety awareness and bringing safety to the forefront of employees’ minds. Many team members participated in the submission of slogans. Many good slogans were suggested, but ultimately, **“Take 5”** was selected because it resonated with the entire safety team. The meaning behind the slogan is for employees to “Take 5” seconds to think about workplace safety before beginning a task.

While the process of selecting the slogan was relatively simple, the real challenge came with promoting “Take 5” and getting other team members to embrace the program as a mindset and put it into practice daily. In the beginning safety team members handed out cards to fellow team members displaying the “Take 5” logo and its meaning. These cards could be placed on team member badges as a visual reminder to “Take 5” for safety. The safety team also conducted shift meetings to promote “Take 5” by giving specific examples of how it could be put to practical use within the daily work routine. Some examples included, cleaning spills on the floor as they occur to prevent injury and inspecting tools prior to their use.

To further promote the “Take 5” theme, the safety team also displayed poster boards around the plant during Halloween that read, *“Don’t get in a CRUNCH, TAKE 5 for Safety.”* During this occasion, the team distributed **Nestle Crunch®** and **Hershey Take 5®** candy bars to each associate.

After associates are given direction for the day in daily shift meetings, they stretch as a group and the supervisors

end the meetings by asking everyone to “Take 5” and work safely.

The “Take 5” initiative is led by D.A. team members who are concerned about safety and not only promote it within the plant, but also have expanded the “Take 5” mindset into their personal lives. The Safety Coordinator always reminds safety team members that they are not working for what’s inside the D.A. building, but what’s on the outside of the building—their families, their vehicles, their homes, etc. It is important for employees to “Take 5” home with them as well.

The change in safety culture did not happen overnight; rather it began with the “Take 5” initiative.

The company began to focus on little things, such as first-aid reporting of injuries and near-misses. This is a proactive approach to reducing more serious injuries. An example of this demonstration is a team member getting a foreign object imbedded in her finger. The injury was caused by metal shavings found in a carton of screws used in an assembly process. As a result of this injury report, D.A., was able to work with the vendor to resolve the issue so a more serious injury does not occur in the future.

Since “Take 5” was introduced in 2006, D.A. has experienced an 86% reduction in OSHA recordable injuries. The company also realized a 55% reduction in its workers compensation experience modification rate (EMR).

The company’s safety and production team members are the safety voice. With management’s commitment to worker safety, the safety team helps make it happen.

While D.A. has achieved positive results, the safety team realizes the challenge lies with maintaining and continuing to improve these results. As of January 2012, **D.A. employees have worked more than 2.4 million hours without a lost-time injury.** The company is now focusing on achieving three million hours without a lost-time injury.



Employees of D.A., Inc., proudly display their “Take 5” shirts. “Take 5” is the site’s team member-driven safety program designed to remind and encourage company associates to “Take 5 seconds for safety.” (Submitted photo)

Indiana Department of Labor Hosts Late-Night Retail Establishment Working Group



The Indiana Department of Labor (IDOL) recently hosted a meeting of the Late-Night Retail Establishment Working Group. The working group is comprised of representatives from the Indiana Occupational Safety and Health Administration (IOSHA), INSafe and the Quality Metrics and Statistics division. Other industry participants include the **Indiana Petroleum Marketers & Convenience Store Association**; **Indiana Association of Beverage Retailers**; and the **Indiana Grocery & Convenience Store Association, Inc.**

The working group received updates from staff and external authorities on late-night retail violence and industry best practices for preventing worker injuries and fatalities. Presentations were made by federal OSHA Workplace Violence Work Group member Ann Williams and Indiana State Police Sergeant Rod Russell. A period of

public comment followed. Four family members or representatives of victims of late-night robberies provided testimony to the working group demonstrating and arguing for the need for additional safety measures in late-night retail establishments. State Representative Edward Delaney also presented his perspective on the identified need and noted that he wanted to see what the industry could accomplish working with the IDOL before suggesting legislative solutions.

At the conclusion of the meeting, the working group created an oversight committee to ensure accomplishment of the objectives and the production of the final report and to monitor any activities beyond the final report. The final report is expected to be released by the IDOL in May 2012.

IDOL Renews Alliance with the Indiana Builders Association

Indiana Department of Labor (IDOL) and **Indiana Builders Association** (IBA) representatives recently met to renew a strategic occupational safety and health alliance. The original alliance between the two parties was signed in 2009.

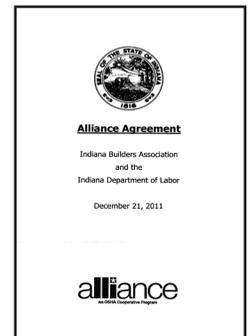
The alliance has an extensive outreach and education component that focuses on providing information and training to the IBA's members. Additionally, the agreement grants priority scheduling consideration for onsite OSHA consultation services for IBA members and companies engaged in providing residential construction services through the IDOL's INSafe division.

INSafe provides free onsite OSHA consultation, training, education and outreach to Hoosier employers upon request. Employers are not penalized for the identification of safety and health hazards. Rather, INSafe works with them to correct these hazards. To learn more about INSafe, please visit www.in.gov/dol/insafe.

The IBA works to educate its members, the general public, elected officials and regulatory bodies to maintain and develop workable and affordable regulations and laws that enable the citizens of Indiana to own a home. To learn more about the IBA, please visit their website at www.buildindiana.org/.

The renewal of the alliance between the IDOL and IBA is especially critical as the federal OSHA issued revised fall protection guidelines that are due to become fully effective in September 2012. Employers are encouraged to review the memorandum online by clicking [here](#).

More information about this and other IDOL alliances and partnerships is available online. Please visit www.in.gov/dol/2387.htm for more information.



Don't miss the opportunity to attend the state's largest occupational safety and health conference!

Visit www.INsafetyconf.com for more information or to register to attend.



2012 INDIANA SAFETY AND HEALTH CONFERENCE & EXPO

Upcoming Training Opportunities

Child Labor Law Teleconferences: There are many opportunities for you to participate in our training, which we offer via teleconference so you don't lose productive time and can keep your employees onsite. These training opportunities are provided free of charge, though registration is required. To register for an upcoming teleconference, email childlabor@dol.in.gov. Please include your name, email 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
April 5, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
April 10, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
May 3, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
May 15, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.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 www.in.gov/dol/2431.htm. Please note: this is not an all-inclusive list of every safety and health-related training opportunity.

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 and VPP may be found online at www.in.gov/dol.

INSHARP

New: None

Recertified: First Chance Center - 3 sites (Paoli, IN)

VPP

New: Southwire Company (Indianapolis, IN)

Nucor Sheet Mill Group (Crawfordsville, IN)

Recertified: None



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.

Scan the code with your smart phone to link to the IDOL website!

