

INdiana Labor Insider

2020 July - September



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INdiana Labor Insider

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A Letter From Commissioner Joe B. Hoage



Welcome

to the Fall 2020 edition of the Indiana Department of Labor's (DOL) newsletter, *INdiana Labor Insider*. We're excited for you to use this publication for informal purposes and to enhance a healthy workplace strategy.

It is my great pleasure to join the DOL in the leading role as Commissioner. Although I'm new to this side of the building, I'm quite familiar with government offices and responsibilities. Prior to joining the team in July, I served as General Counsel for the Indiana Bureau of Motor Vehicles, and General Counsel for the Indiana Department of Natural Resources before that. I'm thrilled to have the opportunity to serve working Hoosiers alongside this team of caring, dedicated public servants in the DOL.

Although the seasons are changing, all of us are still facing the worldwide pandemic of the Coronavirus (COVID-19) and the many financial, physical, and mental challenges it has presented to American workers. Although Indiana has made great strides to reducing cases and limiting spread, we are no exception. The DOL is committed to protecting and assisting Indiana's workers in returning or continuing operations in their respective workplaces

in a safe and healthy manner. We will continue working with the federal Occupational Safety and Health Administration (OSHA) to provide updated and specific resources and programs to employers in the interest of protecting everyone's wellbeing.

It's important to bring attention to some big changes that have taken effect for another demographic of Indiana worker - minors. The Youth Employment division (formerly known as Child Labor) is working to inform and provide employers with changes and new laws put in place by *Senate Bill 409*, which took effect in April. For some foundations of the changes, you'll find information on Pages 10-11.

Through tough times, we'll continue to work hard at providing customer service to working Hoosiers. Together we make Indiana an incredible place to live and work, and together we'll face obstacles head-on with a winning strategy to succeed.

**All my best,
Joe B. Hoage**



HEATING UP *BEHIND THE MASK*

In 2020, Hoosiers from every edge of the state are familiar with requirements to wear cloth masks or face coverings at businesses or in certain spaces. Wearing these helps to prevent spread of potentially contagious illnesses, especially the coronavirus (COVID-19).

In the current pandemic, the Occupational Safety and Health Administration (OSHA) generally recommends that employers encourage workers to wear cloth face coverings at work to help reduce the spread of COVID-19. However, workers who wear cloth face coverings in hot and humid environments or while performing strenuous activities outdoors, such as those in agriculture, landscaping, construction, delivery services, and oil and gas operations, can find cloth face coverings to be uncomfortable.

Employers have the opportunity to prepare and implement important elements of a pandemic plan that may be applicable for non-emergency circumstances in the future, including strategies for using cloth face coverings safely. Employers should follow some recommended practices to protect against a spread of COVID-19 while also limiting risk of heat-related illnesses.

Old Job, New Tricks

Acclimate new and returning workers to environmental and work conditions while wearing cloth face coverings. Remember that re-training and/or refreshers on specific workplace safety and health training should be utilized. With the new challenge that face coverings can present to workers and employers, everyone should be trained on a plan for heat emergencies and heat stress prevention and treatment.

Prioritize the use of cloth face coverings when workers are in close contact with others less than six (6) feet, especially during group travel or shift meetings. Keep in mind that some businesses and/or practices restrict interaction based on inter-state travels (as of September 2020.) It is in your workplace's best interest to research and prepare for all planned tasks and travel. If fans can be used in the workplace, they should not be directed at multiple people at the same time, as fans can increase the distance respiratory droplets can travel. If possible, avoid directing them from pushing air over more than one person.

Using the Face Coverings

Allow workers to remove cloth face coverings when they can safely maintain at least six (6) feet of physical distance from others. Increase the frequency of hydration and rest breaks in shaded, non-enclosed, or air conditioned areas. Again, keeping a six-foot-distance between employees will allow them to remove face coverings safely. Employers can also consider staggering breaks, limiting workers on break at a time, etcetera. Planning will be needed for best possible safe and health practices. Allow workers to return to personal vehicles during breaks to use air conditioning, if possible. Multiple workers shouldn't be returning to the same car, however.

Each employee should be evaluated for feasibility of wearing cloth face coverings and alternatives should be considered as necessary, including face shields. Employees should be encouraged to use cloth face coverings that optimize fit and comfort, made out of breathable moisture-wicking materials, and use light colors when working in direct sunlight. It's important to change cloth face coverings when they are wet, as they make it more difficult to breath and are not as effective at preventing spread of illness. Employers should provide clean replacement cloth face coverings or disposable face masks as needed for workers to change throughout shifts, if excessive moisture and/or sweating is expected.

Ensure workers have access to handwashing facilities or hand sanitizers with at least 60 percent alcohol frequently during their shifts. Heat or moisture build-up may cause workers to put on and take off cloth face coverings frequently, increasing a need for cleaned hands.

Keep in mind that cloth face coverings are not to be used as a substitute for engineering and administrative controls, safe work practices, or needed personal protective equipment (PPE).

For more information about protecting face cloth-wearing workers from excessive stress or dangerous conditions while working in heat or humid labor, please visit www.osha.gov/SLTC/heatstress/covid-19-cloth-coverings-outdoor-heat.pdf.

Returning to the Office



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There's

a saying: every day brings something new to learn.

In 2020, Hoosiers have learned about viruses, pandemics, and personal protective equipment. In many and diverse ways, we've had to adapt to our work situations and the moving target of the work. As we approach the time to return to our workstations, there are many considerations that must be addressed to ensure maintaining the health status of our coworkers and ourselves.

Being away from the work environment can lead to employees forgetting some of the safety basics. Generally speaking, employers can expect workers to experience more injuries after a return to the workplace following an absence of one or two weeks. If this increase in injuries happens when people are only off work for 1 or 2 weeks, what impact would months have? To combat this trend, employers should consider providing a refresher training, covering the critical points of safety for the workplace. Increased communication, posted information, and training will help to elevate employee's attention to performing safe work.

Increasing communication heightens awareness as to hazards that were instinctive before but now be forgotten. Consider taking pictures of hazard areas and making them into posters with reminder alerts. Create a competition between work areas to see who has retained the most hazard awareness. The refresher training should be kept to brief bullet points to help maintain focus on those key safety issues. You can have another training refresher or set of posters to focus on another topic after a few days. Keep the message fresh, focused and communicated in multiple ways. Communication and training may also be varied to capture the attention and interest of a key focus group. For example, one group of employees may lean toward a straight-forward and raw message and pictures, while another group may respond better to a fun and cartoon-themed message.

Re-acclimating to work can include the number of hours worked. This is especially true if someone is performing shift work that was different than how they have been spending time when away from work. Consider splitting work shifts to gradually reintroduce the different hours that the body needs for performing work. Another method to keep workers focused is to provide them a couple of extra short breaks to de-stress, step outside, or just close the eyes to get a power break.

Temperatures and physical impact are also considerations due to the conditioning aspects of workers that have not been working at the same physical level. Consider providing work hardening tools, exercise examples and new training

for safe lifting, fluids, and proper foods for energy. The use of warm-up periods before work can prevent injury and increase blood flow. Stretching out before a race is key to preventing muscle strain. The same idea of stretching before work will help employees that are engaged in lifting, carrying, and repetitive work.

There are physical therapy providers that can customize the types of stretching that is most suitable for your work areas. Not all stretches are equal, so it is important to select the correct stretches and the correct number of repetitions to perform.

Body temperature regulation does have a strong correlation with certain types of foods. A few examples:

Coffee can elevate blood pressure. Warm temperatures will naturally elevate body temperature, so you must be cautious of too much caffeine in warm temperatures. You also want to avoid alcohol. The best liquid is water unless you have a problem with the balance of electrolytes.

Bananas are good for warm temperatures. These are rich in potassium which the body can lose in very warm temperatures. On the other hand, chocolate can have caffeine and should be limited in very warm temperatures. If you are in a hurry, nutrient supplement beverages like Gatorade, Powerade, and Propel are good sources of essential electrolytes.

Remember to read the label with any food or drink product before use. Some supplements may be too much for people that have other medical conditions, such as diabetes or kidney disease.

Be prepared to create and train on a company pandemic plan and address the areas that impact your employees, such as respiratory protection and how to handle bloodborne pathogens.

As mandated by the federal Occupational Safety and Health Administration (OSHA), the current health crisis status requires a pandemic plan to be constructed and implemented. Many sample programs have become available and have been exchanged between businesses, but the INSafe consultation and education division can assist with finding a suitable program and/or adapting it to your workplace's needs. If you need additional information or would like to work with INSafe, please contact the team by emailing insafe@dol.in.gov or by calling (317) 232-2688. You may also visit www.in.gov/dol/insafe for helpful information or to schedule an on-site consultation.

Funeral Home Safety



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The funeral service industry presents special challenges for employees and employers when addressing safety and health issues. Employers operating funeral homes, who have employees, are covered by the Occupational Safety and Health Administration (OSHA) 1910 regulations. Examples of OSHA regulations that may apply include but are not limited to; 1910.1200, hazard communication, 1910.1048, formaldehyde, 1910.1030, bloodborne pathogens, 1910.94, ventilation, and 1910.132, personal protective equipment. Employees in the funeral service industry benefit from a comprehensive safety and health program by being aware of the hazards that they are potentially exposed to and proper methods to protect them from hazards prevalent in the funeral industry.

Hazard Communication

The basic components of an effective hazard communication program are:

- Identifying hazardous chemicals in the workplace such as formaldehyde.
- Developing and implementing a written Hazard Communication Program.
- Developing a list of the hazardous chemicals being used in the workplace.
- Maintaining safety data sheets (SDS) for hazardous chemicals
- Training employees on the hazards of the chemicals to which they are exposed.
- Ensuring that hazardous chemicals are labeled according to Globally Harmonized System (GHS) requirements.

Formaldehyde

Health hazards associated with formaldehyde include acute and chronic hazards. Formaldehyde is considered a known carcinogen. Formaldehyde is an expanded OSHA health standard that requires that employers determine employee exposures by conducting air sampling, unless they can objectively document that the presence of formaldehyde will not exceed the action level. OSHA has established an action level, permissible exposure limit (PEL) and a short term exposure limit (STEL) for formaldehyde. If the action level for formaldehyde is exceeded, air monitoring must be repeated every six months. Engineering controls such as increasing ventilation and work practices may be used to reduce an employee's exposure below the PEL. When an employer has made an effort to utilize engineering controls and work practices and is not able to reduce the exposure below the PEL, respiratory protection may be used.

Personal Protective Equipment

Employers are required to determine and provide the proper personal protective equipment (PPE) to employees who may be exposed to hazards. PPE such as gloves, gowns, respirators, and safety glasses/faceshields may be required. The first step in developing an effective PPE program is to conduct a hazard assessment and certify that it has been done. When respirators are required, the employer must provide the employee with a questionnaire that must be completed

and reviewed by a physician or other licensed health care professional (PLHCP). Once the questionnaire has been completed and reviewed by the PLHCP, the employer must conduct an annual fit test to ensure that the respirator is sealing on the employee's face properly and providing the maximum protection. The fit test must be done annually as well as training employees on the proper use and care of respirators. The bloodborne pathogens standards also has requirements to provide PPE to employee exposed to blood or other potentially infectious materials.

Bloodborne Pathogens

Employers are required to provide universal precautions to employees who may be exposed to blood or other potentially infectious materials. The following are considered other potentially infectious materials:

- The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
- Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

When employees are exposed to blood or other potentially infectious materials, the employer must develop and implement an exposure control plan, which includes engineering and work practice controls and use of personal protective equipment, to minimize employee's exposure. Employees must be trained initially and annually on the hazards associated with bloodborne pathogens. Additionally, a hepatitis B vaccine is required to be offered to each affected employee.

Developing an Effective Safety and Health Program

In order to develop and implement an effective safety and health program, the employer must have management commitment, employer participation, hazard identification, and employee education and training. Resources are available from OSHA and state plan states consultation services that could provide sample safety and health programs, air and noise monitoring, hazard identification, and advise on complying with applicable OSHA standards.

Re-Introducing Youth Employment

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With the passage of **Senate Bill 409**, the Indiana Department of Labor's division, Child Labor, is now known as Youth Employment. The many changes have left employers both supportive and delighted with the new minor laws.

Most laws passed by the Senate are effective July 1 of the year it is passed. **Senate Bill 409** became effective April 1, 2020 and was signed into law by Governor Holcomb in March.

The Big Picture

For perspective, there are approximately 451,000 small businesses in Indiana. Our Youth Employment division consists of four inspectors, one labor specialist, and the director on staff to handle all inquiries that are submitted.

Changes Made Through **Senate Bill 409**

We are no longer known as the Child Labor division. We are now called the Youth Employment division.

One of the most significant changes to employment of minors is that break requirements have been eliminated.

Employment certificates, commonly known as **work permits**, are no longer required for:

1. Non-Indiana residents;
2. Homeschool minors;
3. or resident minors enrolled in a career and technical education program as approved by the Indiana State Board of Education – Indiana Virtual High School courses, Indiana Connections Career Academy (INCC).

Even though work permits are no longer required for some minors, hour restrictions and hazardous occupation violations still apply.

The Work Permit Termination Notice is no longer required to be returned to schools upon a minor's termination. The law prior to April 1, 2020, stated the Termination Notice must immediately be returned to school. The new law now states it may be returned to school.

Work Hour Restrictions

Hour restrictions for 16- and 17-year-old-minors have been simplified. The hour restrictions for 14- and 15-year-old minors are reverted to the law's restrictions prior to July 1, 2018. Once again, Indiana mirrors federal law. However, Indiana has added the restriction of not allowing a 14- or 15-year-old-minor to work after 7:00 p.m. on any night that is followed by a school day, even if it is between June 1 and Labor Day, when they may normally work until 9:00 p.m.

A minor who is at least 16 years of age and less than 18 years of age may now work nine (9) hours in any one day, 40 hours in a school week, and 48 hours in a non-school week without written parental permission. Restrictions prohibiting 16- and 17-year-old-minors to work during school hours of 7:30 a.m. and 3:30 p.m. without school permission has been removed. Restrictions, however, continue to apply to 14- and 15-year-old minors, as that is federal law.

Written parental permission is only required for minors (ages 16 and 17) working until 11 p.m. on a night followed by a school day. All other written parental permission requirements have been eliminated.

The Future

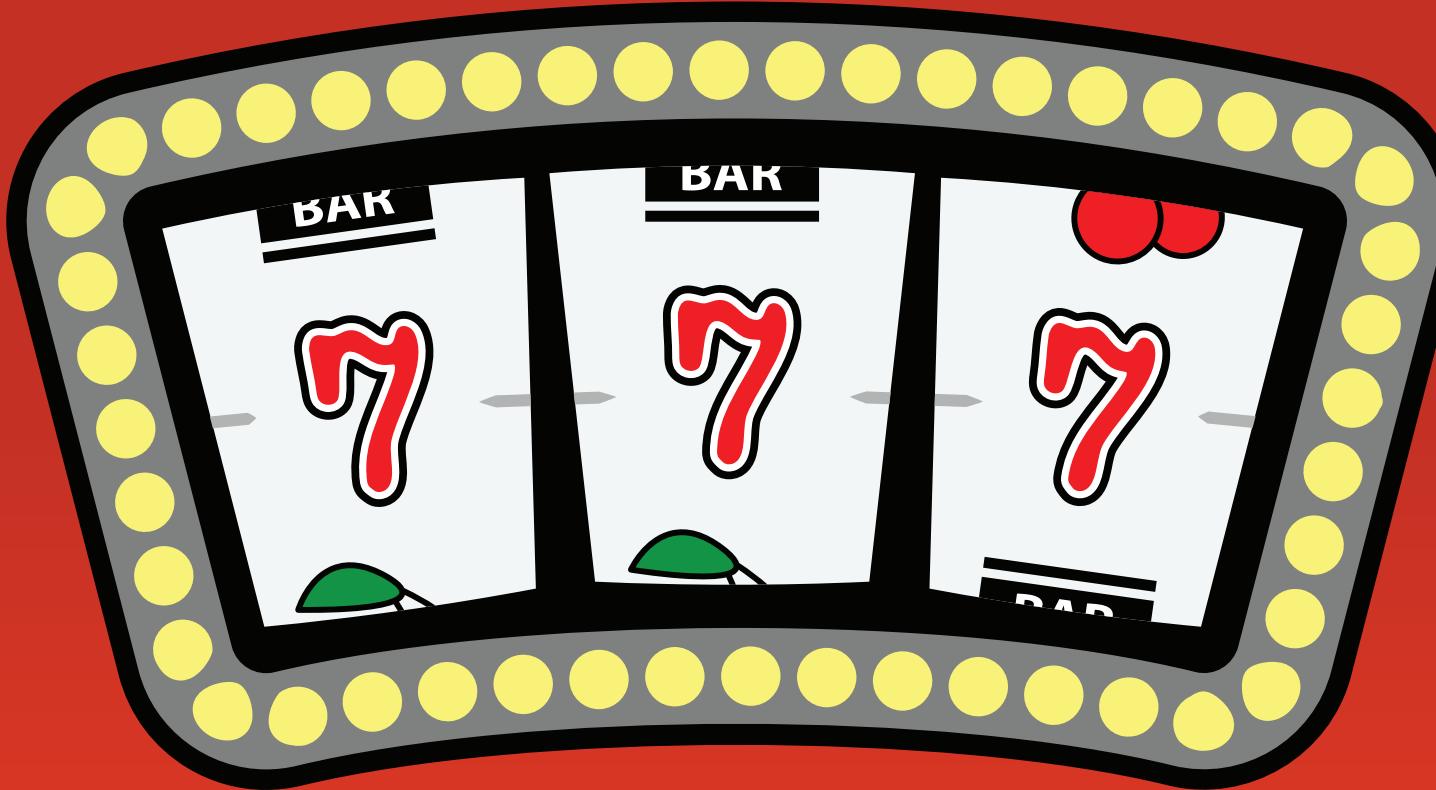
Per **Senate Bill 409**, the Youth Employment division is required to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors and submit by August 1, 2020. The online work permit system will be replaced with the new database by July 1, 2021. Effective July 1, 2021, the provisions related to employment certificates (work permits) and employment of minors will transfer from *Title 20 (Education)* to *Title 22 (Labor and Safety)*.

Additional Questions and Updated Training

The multitude of changes may be confusing or create the need for re-training of management and employees throughout the state - and we are up to the task! If you would like to have a member of the Youth Employment team come on-site for training of new laws set forth by Senate Bill 409, please contact us either by email at youthemployment@dol.in.gov or by calling (317) 232-2655. If you merely have a few questions that can be addressed remotely, we welcome any and all emails and calls with questions about the new laws and adjustments. You may also visit www.in.gov/dol/youthemployment.htm for more information!



DON'T GAMBLE



YOUR LIFE

2021

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Building a Safety Culture

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One of the most common questions I hear as an INSafe Safety and Health consultant is, "How do we get our employees more involved in our safety program?" I often tell employers that there is no one answer to this question. There are many experts in this field that have different ideas, however, they all agree that companies with a good safety and health programs have fewer injuries.

"Safety Culture" is a term that refers to the ways that safety issues are addressed in a workplace. It is reflective of the general attitude about the way safety is handled in any environment. The safety culture is established by the shared beliefs, practices, and attitudes of employees and management.

A strong safety culture takes some work, but is well worth the effort. Any facility that has a strong safety culture is comprised of a group of people that are dedicated to safety and health. They believe in it and practice it on a daily basis. It is second nature to them. Everyone from employees to top management team feel responsible for safety and pursue it on a regular basis.

Many companies mistakenly expect their employees to take pride and be enthusiastically involved over the long term simply to conform to management programs and/or comply with OSHA regulations. Most experts agree that the single most powerful source of motivation is employee ownership of a safety process. A strong safety culture results in fewer injuries, fewer at-risk behaviors, and lower accident rates, while experiencing greater productivity.

Worker safety and health is an area that can be used to bring management and employees together to work on a common goal. This can strengthen the relationship at all levels of an organization. In this kind of an environment a general worker would not be afraid to approach the plant manager or CEO of a company to remind him/her to put on their safety glasses. This may seem like an unrealistic expectation, but, I have personally witnessed a general worker remind the plant manager to put on his safety glasses as he was giving a tour of the facility. The manager thanked the employee and put his glasses on. The plant manager later commended this employee at a company meeting for this action. The plant manager stated, "Employees should always feel encouraged and met with praise when they report safety issues to any employee levels."

Building a strong safety culture takes time and commitment from employees and management. The first step is buy-in from management. All top managers and supervisors must be on board. Employees need to understand why change is needed. A strong safety culture cannot exist without trust between general workers and employers.

Frequently Asked Questions Teens Working at Haunted Attractions

Q: Are there special laws in Indiana for teen workers at haunted attractions?

A: Unless the employee is working as an actor or performer at the attraction, all Indiana Youth Employment laws apply, including a compliant shift schedule.

Q: What are legal requirements for hiring a teen "actor" for a haunted attraction?

A: The Indiana Department of Labor's interpretation of Indiana law has determined that minors acting or performing in a haunted attraction are considered actors and, as such, are exempt from many Youth Employment laws. Actors and performers are not subject to hour restrictions or break requirements, and are exempt from obtaining work permits. However, minors under the age of 16 must be accompanied by a parent to all performances and rehearsals. If a parent isn't present, a worker under the age of 16 will be treated as a traditional employee and all Youth Employment laws become applicable. If a minor performs any other type of work, such as taking tickets or picking up trash, they cease to be exempt as an actor and all Youth Employment laws become applicable.

Furthermore, if the minor's performance is found to be detrimental to the minor's health or well-being, these exemptions cease to apply. Examples of some of these detrimental duties may include jumping from a high place or operating dangerous equipment.

Q: What restrictions are there for "non-actor" teen workers at a haunted attraction?

A: While there isn't anything specific for employment at a haunted attraction, there are some important laws relating to common tasks at this kind of job. Employed minors under the age of 16 may not wear costumes or hold signs near a roadway to advertise an attraction. Furthermore, minors under 16 may not stand on a ladder, scaffold, or other similar equipment. Workers under the age of 18 are prohibited from operating powered woodworking or metal forming tools, including powered saws, sanders, drills, etc. A complete list of prohibited tasks for minor employees is available at www.in.gov/dol/2741.htm.

For more information, you can visit our website, www.in.gov/dol/youthemployment.htm.

2020 Safety Training & Seminars

Course	Date(s)	Location	More Information
OSHA General Industry 10-Hour	November 16-17, 2020	Indianapolis	CLICK HERE
OSHA General Industry, 30-Hour	November 16-19, 2020	Indianapolis	CLICK HERE
OSHA Recordkeeping Webinar	December 2, 2020	(Webinar)	CLICK HERE

Additional training and seminar opportunities are listed on the Indiana Department of Labor's website, www.in.gov/dol/2383.htm. If you would like to list your company or organization's training and invite other Hoosier workers, please contact us at insafe@dol.in.gov.



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www.in.gov/dol/insafeconsultation

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Learn more about INSafe online at www.in.gov/dol/insafe.htm or email INSafe with questions, suggestions or comments at insafe@dol.in.gov.

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