

Supervisors Safety Bulletin™

The fast-read source of information to help supervisors promote and enforce workplace safety – every day.

January 18, 2012

Hasty training leads to mutilated hand: Supervisor lands in court

Worker filling in on new machine gets injured

“Hey, Katie, come here a minute,” Supervisor Jared Callahan said.

“What’s up, Jared?” Katie Murphy asked as she walked over.

“Were you serious when you said you wanted to give learning another machine a shot?” Jared asked.

“You bet I was,” Katie said. “I’m so sick of working that darn press every day.”

“OK, well here’s your opportunity,” Jared said. “Chris has to leave early today.

“If you want to fill in for him this afternoon, he’ll teach you the ins and outs of that roller before he goes.”

“Thanks so much,” Katie said.

“Sure,” Jared said. “Just stick close to Chris and listen to what he tells you to do.

“And be careful,” Jared added.

“I always am,” Katie replied.

Reporting for training

“You’re filling in for me today?” Chris said as Katie walked over to his machine.

“Looks like it,” Katie replied, grinning.

“Yeah, I hated the press, too,” Chris said with a knowing smile. “Anyway, this machine’s simple. Just feed the sheet metal

Please see Mutilated hand ... on Page 2.

OUR TOP STORY

Employee missed crucial safety step, sues employer

INSIDE

Quiz: Forklift traffic safety

The big one: OSHA issues \$1 million fine

Training trick: Inspect their shoes

Confined space explosion kills worker

Sharpen Your Judgment

Daydreaming worker lands company in trouble

Company lawyer Jack Wright welcomed Supervisor Jane Singletary into his office.

“Thanks for meeting me,” Jane said. “I wanted to talk to you about this OSHA fine.”

“Walk me through it,” Jack said.

Didn’t follow training

“Craig was digging a ditch for us,” Jane said. “God knows where his head was, but he just kept digging and digging.

“Next thing you know, he was five feet down – too deep for OSHA’s regs.”

“So Craig was in the wrong?” Jack asked.

“Definitely,” Jane said. “Everything he did went directly against our training.”

“Do you have that in writing?” Jack asked.

“Our safety manual has an entire section on excavations,” Jane said. “It may not cover digging depth in particular, but even Craig said he knew the rules and just wasn’t thinking.

“When Craig ignored OSHA’s rules, he was ignoring our training, too,” Jane went on. “There’s nothing we can do if he didn’t listen!”

The company fought the fine, claiming they trained workers to be safe, but Craig ignored the rules.

Did the company win?

This regular feature sharpens your thinking and helps keep both you and your firm out of trouble. It describes a real legal conflict and lets you judge the outcome.

Make your decision, then please turn to Page 4 for the court’s ruling.

Mutilated hand ...

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through like this.”

Chris slid a piece of sheet metal through a chute to the rollers.

“That’s it?” Katie asked.

Observing Chris

“Yeah,” Chris said. “You can watch while I do this next batch.”

Chris fed metal sheets through the machine over the next hour while Katie watched.

“That’s all there is to it,” Chris said. “But watch out: It’ll jam sometimes.”

“So you’ll want to be sure this red cable’s plugged in before you get started. It’s the emergency stop line that you pull if there’s any problems.”

He unplugged the cable and showed it to Katie.

“Sounds easy enough,” Katie said.

“Yeah, it’s not so bad,” Chris said. “I gotta run, but I’ll go let Jared know you’re all set to go.”

Supervisor returns

Jared came back to the area.

“Get everything you need to know?” Jared asked.

“Sure did,” Katie said.

“OK,” Jared said. “I’m going to watch you do a run to be sure.”

Katie fed the metal through without incident.

“Looks good,” Jared said. “I’ll be right over by the presses.”

Machine jammed

As Katie loaded the next sheet in, it jerked to a stop.

This must be one of those jams Chris warned me about, she thought, reaching into the chute to free the stuck sheet of metal.

Suddenly, the rollers jerked to life, sucking her hand in.

“Help!” she screamed as Jared rushed over.

He went to grab the emergency stop line.

Only Katie had never plugged it back in before starting work.

Employer sued

Katie sued for negligence. She said the company removed a safety device from the machine, causing her injury.

The company argued the stop line wasn’t a safety device: If the cord had still been in, it would only have helped shut off the machine, not kept her hand clear of it.

Result: The company won. No one intended to hurt her by removing the cord, and it wouldn’t have prevented her from sticking her hand in anyway.

Key: While Katie’s injury wasn’t the company’s fault, it’s a situation no Supervisor wants to see.

Good Supervisors monitor workers closely as they take on new tasks: They stick close while employees learn, and check all the proper precautions are being taken.

Based on *Fickle v. CTI*

TEST YOUR KNOWLEDGE

Forklift traffic: Do workers know how to stay safe?

Forklifts often operate in high-traffic areas. That poses risks to co-workers and other drivers.

Have your drivers and those who work around them take this quiz so they know how to stay safe around moving lifts.

1. If two forklifts are operating in the same area, they should remain close enough for drivers to communicate clearly.
2. The forklift operator is responsible for the safety of pedestrian workers when the lift’s in motion.
3. When approaching an intersection, forklift drivers should shout out a verbal warning so other drivers and workers know to keep clear.
4. When backing up, drivers must focus on their rearview mirror to make sure they don’t hit anyone.

What you need to know:

When workers switch jobs, Supervisors would be wise to take extra time to prepare them by:

- Making sure a qualified person explains exactly what needs to be done.
- Checking the work area: Is everything in proper order? Are all safeguards in place?
- Observing workers until they’re comfortable. The longer you watch and offer feedback, the safer they’ll be.

ANSWERS

- Info:** Tinyurl.com/Forklift286
1. **False.** If two or more forklifts must share an area, they should remain a safe braking distance from each other at all times, approximately three truck lengths.
 2. **True.** In areas where workers are both on foot and on forklifts, the forklift operator is responsible for pedestrian safety. For their part, pedestrians should stay within designated walking areas.
 3. **False.** At cross intersections, forklift drivers should slow down and sound the horn to warn pedestrians or other drivers they’re approaching.
 4. **False.** Forklift drivers should be facing in the direction the lift is traveling at all times. Mirrors should only be used for a quick reference or before the lift is in motion.

Answers to the quiz:

Fines, accidents and damage supervisors could've prevented

News you can use to head off safety mishaps

In this regular section, we highlight accidents that led to injuries, near-misses, damaged equipment, or fines that frontline managers had the opportunity to prevent.

It's the big one: OSHA issues \$1 million fine

If OSHA finds out safety projects are stalled, it's going to do everything in its power to make sure they're jolted into action – including issuing monumental fines.

What happened: A worker at Piping Technology in Houston filed a complaint with OSHA, alleging a lack of brakes on cranes and guards on presses. OSHA investigated, and found a whole lot more than that.

What people did: Improper safeguards for machines and grinders, failure to guard band saws and improper lockout on devices drew the ire of the safety cops – especially since some of the hazards had been found at a previous inspection.

Result: This time, the fines were considerably higher than in the past – \$1,013,000, to be exact.

Lesson: OSHA's not afraid to hand down big fines, especially with repeat violations. Make sure you're guarding all your equipment to avoid being the next big payout.

OSHA cites 3 separate companies for 1 work site

OSHA saved time and gas money when it hit these three companies with fines all at the same job site.

What happened: Three workers were injured at an Austin, TX, construction site when a balcony

collapsed.

What people did: OSHA cited three companies: Martins Concrete Construction, Stir Construction and JM construction. Violations included failing to provide training programs, ensure scaffolding was properly erected and provide fall protection.

Result: OSHA handed out a combined \$143,880 in fines to the three companies.

Lesson: Fall protection is one of the top concerns for OSHA. Make sure your people don't leave the ground without proper safety measures.

Failure to guard machines, lockout/tagout spurs fine

Moving parts of machines can be deadly. If they're not guarded properly, OSHA's going to bring down the hammer.

What happened: OSHA was called to Hot Seal, LLC, in Cleveland, after it received a complaint there were no guards on press brakes.

What people did: Inspectors sprung into action, issuing a willful safety violation for not guarding four press brakes and one shear. They also issued lockout/tagout violations for failing to: develop machine-specific procedures, lock out the energy sources of equipment prior to maintenance and train employees.

Result: Safety cops issued more than \$95,000 in fines for 15 safety and health violations.

Lesson: Said OSHA: "There is simply no excuse not to ensure workers are protected against the moving parts of dangerous machines."

SAFETY TRAINING TIPS

■ Get the real reason behind complaints

It's inevitable that workers will grouse when they're confronted with something new.

Find the chief complainers among your people and ask: What's it about the new procedure that bothers you?

The answer's often along the lines of "We've always done it this way before."

In that case, emphasize why you're going to be doing things differently.

If they have a legitimate complaint, ask their advice on how they think things can be done better and safer.

■ Kick off training sessions with shoe inspections

Slips, trips and falls are among the most common accidents on the job.

But they can often be prevented by making sure workers have the proper footwear.

Try this: When workers show up for your next safety meeting, have them show you the bottom of their shoes or boots.

Inspect for worn treads or flat spots. If you find them, let workers know they need to replace the shoes.

Hint: Keep extra lightly used shoes around that workers can wear until they get new ones.

■ 4-second safety step prevents injuries

Workers tend to think that moving faster is always better.

But rushing into action can lead to mistakes or injuries.

To combat this, have workers take four seconds to visualize a task before they start it.

While this may not be enough time for them to think too deeply on the task, the simple act of slowing themselves down can help prevent injuries.

Explosion rips through confined space: 1 worker dead, OSHA investigates

Spark from a light switch was all it took for tragedy

Darren Jenks yawned loudly as he set cans of paint down at his work site.

“Stay up for the bowl game last night?” Supervisor Tom Lane asked.

“Yeah,” Darren said. “Why the heck do they have to start those things so late?”

“Not sure,” Tom replied. “All I know is someone makes money off it somehow. Ready to get started?”

“Sure,” Darren said, flicking on a work lamp. “I want to get this over with. I’m not wild about working in tight spaces.”

“Well, take your time,” Tom said.

Darren climbed into the underground compartment he’d be painting.

He worked by lamplight to avoid any sparks from the room’s light bulb.

Toward the end of the job, the paint fumes were irritating his throat, so he pulled himself out for a minute.

“You OK?” Tom asked.

“Fine,” Darren said. “Those fumes are pretty powerful in that small space.”

“Take your time,” Tom said. “Come

out for fresh air whenever you need to.”

“Thanks,” Darren replied. “But I’m almost done painting. I’ll just finish up.”

As Darren lowered himself into the area again, he saw a spot he’d missed.

But when he flicked on the light switch to get a better look, a spark ignited the pent-up paint fumes.

An explosion ripped through the space, killing Darren instantly and burning Tom.

OSHA investigates

OSHA inspectors arrived on the scene to determine what went wrong.

Result: The company was fined \$46k for exposing workers to explosion hazards in a confined area where ventilation was inadequate and failing to check the oxygen levels in the space.

Key: Good Supervisors always make sure conditions are safe before workers go into confined spaces. Otherwise, they may not come out alive.

Based on a fatality at Dredge & Marine Co., LLC

What you need to know:

By preparing for a job in confined spaces, you can help keep your people safe.

Here’s what to do before a worker goes into a confined space.

- Check oxygen levels
- Inspect the area to be sure it’s clear of ignition sources.
- Provide workers with proper PPE and make sure they’re using it correctly, and
- Make sure there’s a ladder or other way for workers to get out quickly in case anything goes wrong.

Sharpen Your Judgment – The Decision

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No, the company lost when OSHA’s review commission upheld the fine.

The company argued its safety documents stressed the importance of following OSHA’s rules. If a worker chose to ignore those rules, there’s nothing it could do.

But the OSHA review commission wasn’t satisfied with that explanation.

As Jane admitted, there wasn’t an actual section in the training materials covering digging depths.

Without those rules written down anywhere in the training manual, the company couldn’t claim Craig ignored them.

Therefore, the company was responsible for the violation

Analysis: Get it in writing

Just telling workers the right way to do things isn’t enough: not for OSHA, and not for the safety of your employees.

Make sure you’ve got written training records that address all critical safety situations workers may face.

And hold them accountable for following those directions by writing up rule violators.

Based on: Sec. of Labor v. ComTran Group

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