

Who Is Really Responsible for Safety?

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In my opinion we are each responsible for our own safety. But in addition to taking care of ourselves, there are laws and administrative rules that define specific responsibilities for employers and employees.

Oregon Revised Statute 654 is the Oregon Safe Employment Act. The purpose of the Oregon Safe Employment Act is to assure, as far as possible, the employers provide safe and healthful working conditions for every working man and woman in Oregon.

Oregon OSHA's administrative rules define specific responsibilities for both employers and employees. These responsibilities are found in Division 1 Chapter 437-001-0760 Rules for All Workplaces

Employer responsibilities include assuring that all employees are properly instructed and supervised in the safe operation of any machinery, tool, equipment, process, or practice which they are authorized to use or apply. Basically, the employer must train each employee to do each aspect of their job safely and must provide adequate supervision of each employee to assure that the training was effective and that the employees are following safe procedures. OR-OSHA does not require a supervisor on every part of an operation, and does not prohibit employees from working alone, but they must have an appropriate level of supervision to assure they are working safely.

Employers are required to take "all reasonable means to require employees" to:

- Work and act in a safe and healthful manner
- Conduct their work in compliance with "all applicable safety and health rules"
- Use all means and methods that are necessary to safely accomplish all work where employees are exposed to a hazard
 - This includes but is not limited to, ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, and any other safety or health devices required to safely accomplish the work
- Not to remove, displace, damage, destroy, or carry off any safety device, guard, notice, or warning that has been provided.

In addition to safety, every employer is responsible for providing necessary health hazard control measures to protect employees' health from harmful and/or hazardous conditions. These control means must be maintained in good working order and be used when needed. This is accomplished through such methods as engineering controls, administrative controls, and, as a last resort, personal protective equipment such as protective clothing, gloves, goggles, respirators, etc.

Employers are also required to inform employees about any known health hazards to which they are exposed. They must train employees on the measures taken to prevent and/or control health hazards and the proper methods for using those control measures.

This is where your hazard communications program, blood borne programs, respiratory protection, and other similar measures come into play.

As for supervisors or persons in charge of work, they are held as agents of the employer in the discharge of their authorized duties, and are at all times responsible for:

- The execution in a safe manner of the work under their supervision;
- The safe conduct of their crew while under their supervision; and
- The safety of all workers under their supervision.

Oregon OSHA has also outlined responsibilities for employees as well. Employees must conduct their work in compliance with the safety rules which are applicable to them. That is much easier if every employee knows what those applicable rules are.

- Employees are to report all work-related injuries immediately to the person in charge, or other responsible representative of the employer

Every employee has a duty to make full use of any safeguards provided for their protection. Employees are responsible to “abide by and perform the following requirements”:

- Not operate any machine unless guard(s) or means of guarding is in place and operating properly
- Stop machines or moving parts and properly tagout or lockout the controls before oiling, adjusting, or repairing machines unless a means to do so without the possibility of hazardous contact with moving or energized parts
- Not remove guards or render methods of guarding inoperative
 - Except for the purpose of adjustment, servicing/repairing, or setting up a new job
- Employees must report to their supervisor any guard or method of guarding this is not properly adjusted or not accomplishing its intended function
- Employees must not use their hands or any portion of their bodies to reach between moving parts or to remove jams, hang-ups, etc.
 - Use a hook stick , tong, jib, or other accessory
- Not work under objects being supported that could accidentally fall (such as loads supported by jacks, the raised body of a dump truck, raised bucket or blade on an excavator, etc.)
 - Such objects must be properly blocked or shored when raised
- Employees are not allowed to use defective tools or equipment
 - Use tools only for their designed purpose
 - Don't strain tools beyond their safe working load
- Employees must not remove, deface, or destroy any warning, danger sign, or barricade, or interfere with any other form of accident prevention device or practice.
- Employees must not work underneath or over others if it exposes either to a hazard, unless the other person is notified and proper safeguards or precaution have been taken to control the hazard.
- Employees are not allowed to work in unprotected exposed, hazardous areas under floor openings.

- Long or unwieldy articles must not be carried or moved unless an adequate means of guarding or guiding are provided to prevent injury.
- Employees are required to report to the persons in charge of work, or their supervisor, any hazardous conditions or unsafe practices that they observe.
- Employees observed working in a manner which might cause immediate injury to either themselves or other workers shall be warned of the danger.
 - This is just simply the “Be your brother’s keeper” principal.
- Employees are required to correct hazardous conditions before they leave the job, or if they can’t correct, they must give a warning to others unfamiliar with the hazardous conditions.
 - If you leave a hazard without correcting it or warning others and they get injured, then you are a contributing factor to that injury.

Employers must also:

- Provide for accident investigation
- Prohibit intoxicating liquor and drug use on the job, and not allow employees on the job if their ability to work safely is impaired by alcohol, drugs, or medication.
- Prohibit horseplay, scuffling, practical jokes, or any other activity of a similar nature.
- Take additional means and precautions to protect employees or control conditions that cause unusual or extraordinary hazards to employees.
 - If the operation cannot be made reasonably safe, regular work must be discontinued while such abnormal conditions exist or until adequate safety of work can be ensured.
- Ensure that all places of employment are inspected by a qualified person(s) as often as the type of operation or the character of the equipment requires.
 - Promptly replace, repair, or remedy any defective equipment or unsafe conditions found by the inspections.

Employers and their supervisors need to read and understand both the employer and employee responsibilities in order to be able to effectively enforce them. Safety committee members are required to have training on these responsibilities as well. Each employee also needs to be trained on their individual responsibilities.

If you need some assistance with obtaining the needed training, your AGC safety and loss control consultant or your workers’ compensation loss control consultant can be of assistance. As safety and loss control consultants, we also have responsibilities which include offering:

- Evaluation of loss prevention needs
- Evaluation of illness and injury experience records
- Explanation of the Oregon Safe Employment Act and applicable Oregon administrative rules
- Partial or complete on-site health and safety surveys
- Industrial hygiene and safety evaluations
- Assistance with evaluating, obtaining, and maintaining personal protective equipment

- Evaluation of work practices, workplace design, and assistance with job site modifications
- Evaluating and improving employers' safety management practices
- Assistance in identifying health and safety training needs and available resources
- Follow-up services

Don't let this become overwhelming; you hopefully have most of the requirements met already. If you have any questions, or need additional information, contact your safety and loss control consultant.