

Health and Safety 101

NYSUT

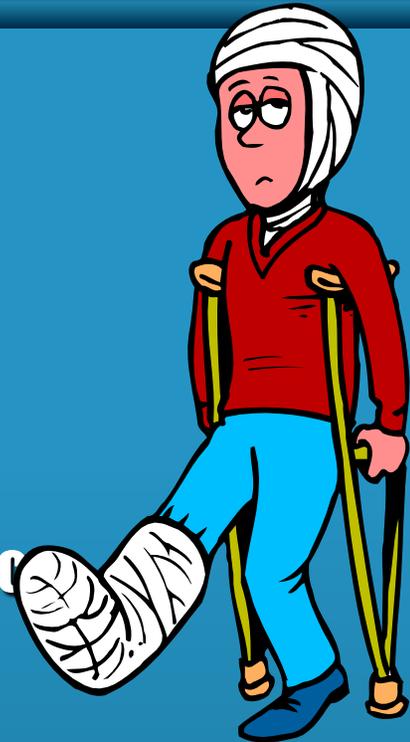
Health and Safety Conference

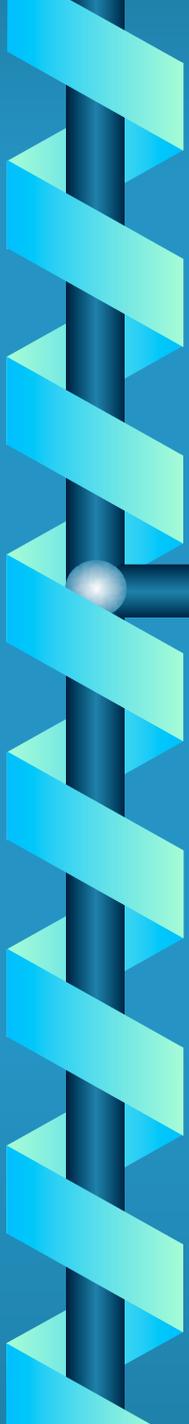
March 13 & 14, 2015

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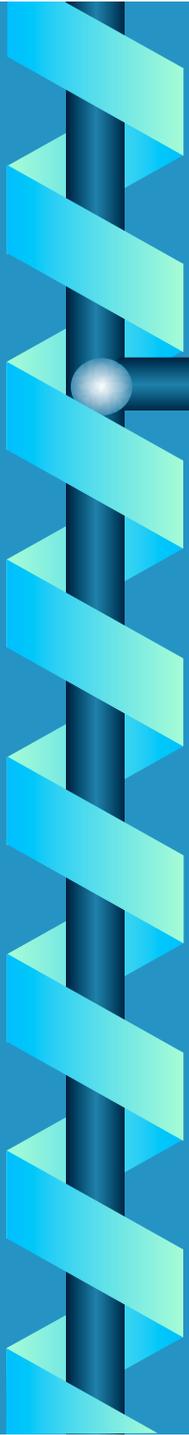


What are the Different Work Place Health and Safety Issues your members face?

Why do workers get sick and injured?

How can workplace injuries and illnesses be prevented?

What are some barriers to prevention?



3.0 million

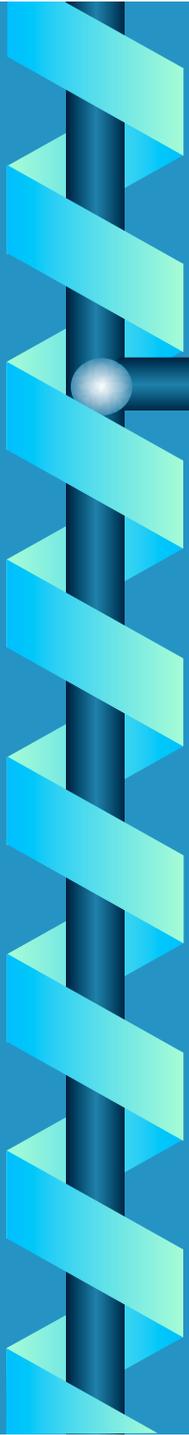
- **Estimates of Work related Injuries and Illnesses for the private sector in 2013**

- **Numbers are only estimates!**
underestimates



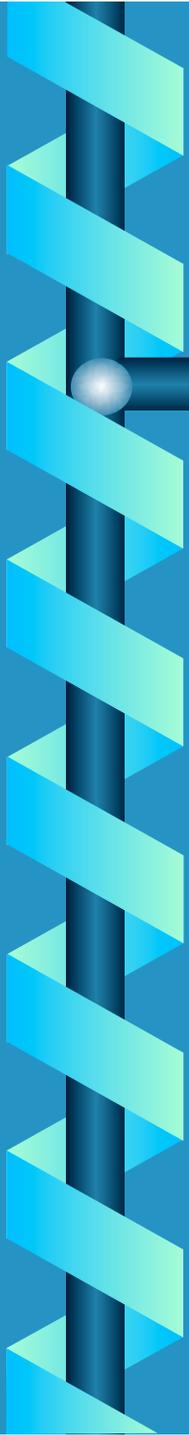
3,929

**Number of fatal work related injuries
in private industry in 2013**



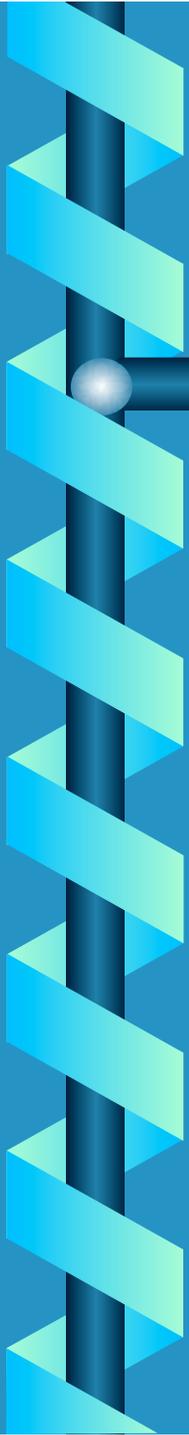
NYS Statistics

2013 WORK RELATED INJURIES, ILLNESSES, AND FATALITIES



208,200

**• All work related illnesses
and
injuries as reported in NYS**



16,700

• Work related injuries and illnesses reported in Elementary and Secondary Educational settings

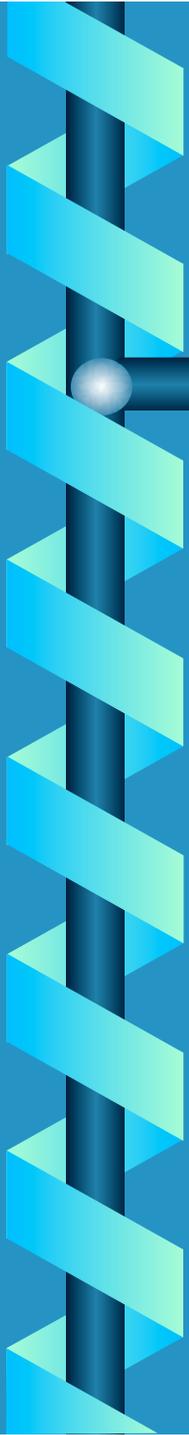
- 1,200 – Private School**
- 15,500 – Public school**



18,700

• **Work related injuries and illnesses reported at the College and University level.**

- **1,900 – Private Colleges and Universities**
- **16,800 - State Colleges and Universities**



36,800

• **Work related injuries and illnesses reported in Hospital, Nursing and residential care Facilities**

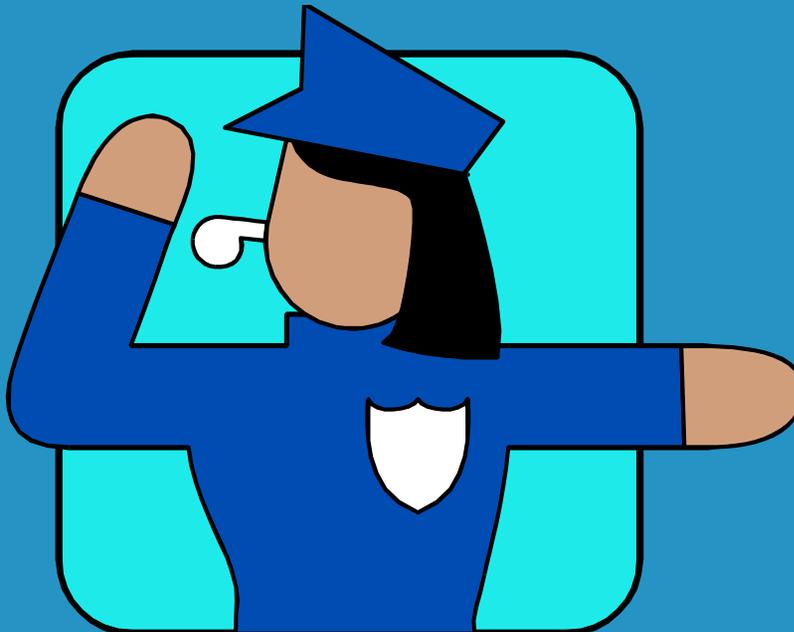
- **26,600 – Private sector**
- **10,200 - State Run**

160

• **Number of Work Related Fatalities in NYS**

- **151 - Male 9 – Female**
- **34 -due to violence by another person or animal**
- **49 – involved traffic or vehicle accidents**
- **3 –involved fire or explosion**
- **33 – falls, slips, & trips**
- **11 – involved exposure to harmful chemicals**
- **29 – involved Machinery /equipment**

The Law is on your side!



- **Public Employees' Law**
- **Labor Law**
- **Education Law**
- **Commissioner's Regulations**

Public Employees' Fair Employment Act (Taylor Law)

- **§ 204 - Employer is required to bargain terms and conditions of employment**
- **§ 209-a - Employer must negotiate in good faith (e.g. Supply information)**



Federal Labor Law Occupational Safety & Health ACT

- **Enacted in 1970, and Enforcement began in April, 1971.**
- **Establishes Safety and Exposure Standards**
- **Where no specific standards, employers must follow “General Duty Clause”**
- **Includes procedures for enforcement**
- **No retaliation allowed**

What's Covered in OSHA Standards?

- **Toxic substances**
- **Harmful physical agents**
- **Electrical hazards**
- **Fall hazards**
- **Hazardous waste**
- **Infectious diseases**
- **Fire and explosion hazards**
- **Dangerous atmospheres**
- **Machine hazards**

The General Duty Clause states:

- **Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.“**
- **Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.**

In order to cite an employer under the General Duty Clause, OSHA has to prove that:

- **There is a recognized hazard, i.e. the employer or others in the industry were aware of hazard**
- **Hazard is causing or likely to cause death or serious physical harm,**
- **Effective methods exist to control or correct the hazard, and**
- **The control methods are feasible.**



State Labor Law

Public Employment S & H (PESH)

- **State legislation: New York's Public Employee Safety and Health Act. (passed in 1980)**
- **Enforcement: New York State Department of Labor's PESH division.**
- **They Enforce the OSHA Standards.**

State Labor Law - Article 2 §27-a

- **Employers must furnish a place of employment which is free from hazards that cause or are likely to cause death or serious physical harm and must provide adequate protection**
- **Includes procedures for enforcement**
- **No retaliation is allowed**

State Labor Law - Article 28

§875+ (Toxic Substances)

- **Safety Data Sheets (SDS) are required**
- **Employers must train employees annually**
- **No retaliation allowed**

Safety Data Sheets

Regulation Changes Effective 12/1/2013

• new SDS format has 16 subject areas

• Identification

• Hazard(s) identification

• First-aid measures

• Accidental release measures

• Handling and storage

• Stability and reactivity

• Toxicological information

• Disposal considerations

• Regulatory information

Composition/info on ingredients

Fire-fighting measures

Exposure controls/personal protection

Physical and chemical properties

Ecological information

Transport information

Other information

State Labor Law - Article 29

§884+ (Training)

- **“The workers of New York state...have the right to a safe and healthy workplace,...the right to training and education about the toxic substances in their workplace.”**
- **“It is the public policy of this state to promote safe and healthy conditions in the workplace.”**

Recordkeeping and Reporting

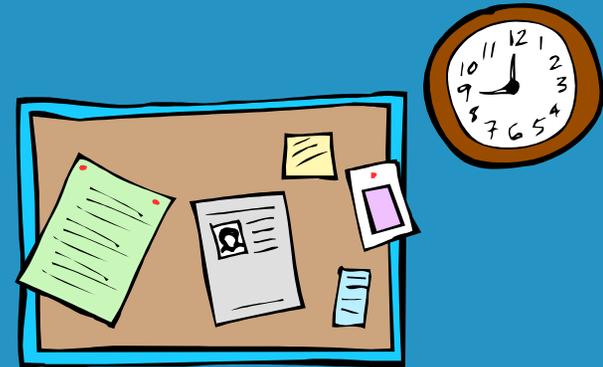
Employers of 11+ employees must keep records of occupational injuries and illnesses

All employers must report to OSHA or PESH within 8 hours any accident that results in a fatality or in-patient hospitalization of 3 or more



Recordkeeping Forms

- **Maintained on a calendar year basis**
- **Records summary for the previous year must be posted February –April**
- **NYS DOL Form SH 900.1**



Labor Law - Article 30 §900+ (Asbestos)

- **Regulates installation, removal, disposal**
- **Provides for enforcement and penalties**



Education Law - Article 9 §409 (School Buildings)

- **“All school buildings...shall comply with... regulations of the Commissioner of education...for the purpose of insuring the health and safety of pupils in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection.”**

Commissioner' s Regulations

- **Sections on safety and health education of students**
- **§141.10 - provides for eye safety devices**
- **§155+ - Educational facility requirements**
- **§156+ - Transportation requirements**

Emergency Management Plan

C.R. §155.17 (b)

- **Sites**
- **Responses**
- **Obtaining assistance**
- **Personnel**
- **Action plans**
- **Communication and instruction**
- **Drills**

Bloodborne Pathogens

29 CFR 1910.1030

- **Right to accept or refuse HBV vaccine**
- **Right to training**
- **Right to personal protective equipment**
- **Right to copy of employer's exposure plan**
- **Right to medical evaluation after exposure**
- **Right to review medical & training records**

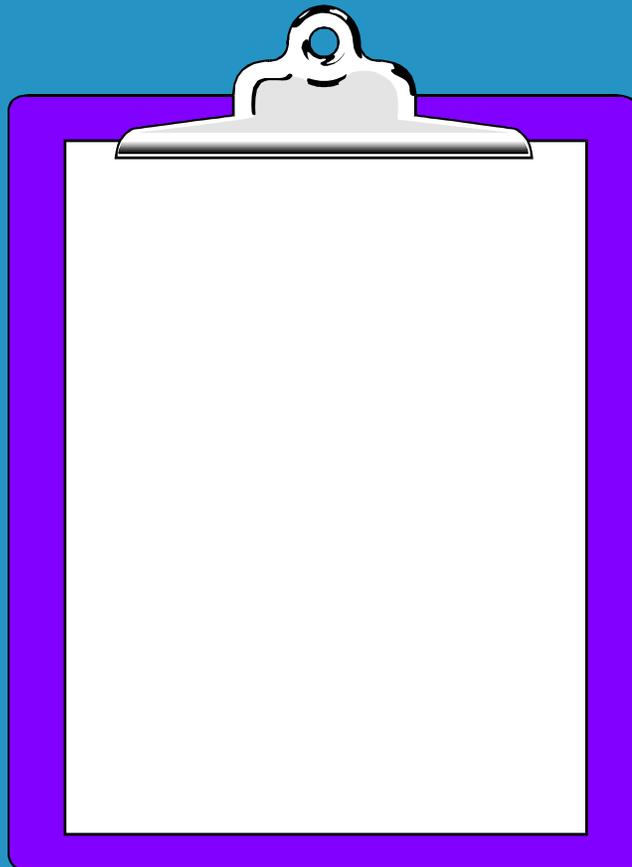
Chemical Hygiene Plan

29 CFR 1910.1450

- **How will we work with hazardous chemicals?**
- **How will the employer reduce exposure?**
- **Who is responsible for the plan?**
- **When will the plan be reviewed and updated?**
- **Can I go for medical consultation?**
- **Hazard identification - MSDS and labels**

New Regulations

C.R. §155



- **5 year building survey**
- **Annual visual inspection**
- **5 year capital plan**
- **Monitoring system**
- **Safety rating system**
- **Construction standards**
- **Facility report card**

District H. & S. Committee

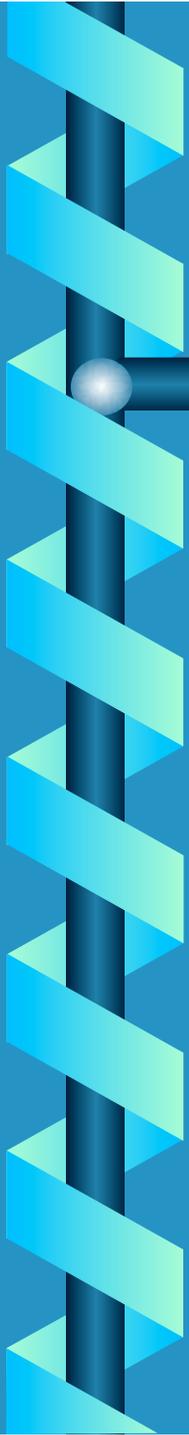
C.R. §155.4 (d)

- **District officials, staff, bargaining units, parents (1)**
- **Investigation of complaints (7)**
- **Take action to immediately remedy serious conditions affecting health and safety in school buildings (9)**

Investigation and Disposition of Complaints

C.R. §155.4 (d) (7)

- **Written response to all written complaints shall include:**
 - **Procedures that involve the Health & Safety Committee**
 - **Investigations, inspections or tests made to verify the complaint or a statement explaining why further investigation is not necessary**
 - **Results of investigations, inspections or tests**
 - **Action, if any, taken to solve the problem**
 - **Action, if any, taken if the complaint involves a violation of law or contract**



Investigation and Disposition of Complaints

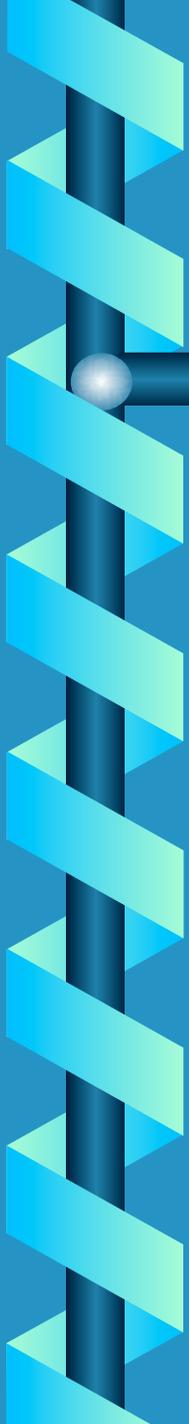
C.R. §155.4 (d) (7)

- **Copy of response forwarded to Health & Safety Committee**
- **Copies of all correspondence kept in a permanent project file**
- **All such records available to the public upon request**

Maintenance and Construction

C.R. §155.5

- **Notification to community and staff**
- **Certificate of Occupancy**
- **Fire & hazard prevention**
- **Emergency plan and fire drills**
- **Air quality, lead, radon protections**
- **Complaint procedures**
- **Monitoring by H & S Committee**



What Other Tools Do we have?

The second section of the Workshop will focus on additional tools you may use to insure a healthier and safer work environment.