

# ***Guidelines For Occupational Safety and Health Programs***



## ***Public Employees Occupational Safety and Health Program***



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# GUIDELINES FOR OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

## INTRODUCTION

### ***The Problem:***

Every year in the United States, thousands of workers die in safety accidents or from occupational disease, and over a million more are injured and made ill. These injuries, illnesses, and fatalities cost employers as much as \$100 billion annually in workers' compensation and other costs.

The results of the 1996 Occupational Safety and Health Survey revealed that workers in the New Jersey public sector sustained 47,000 job-related injuries and illnesses. Workers experienced injuries and illnesses at an incidence rate of 12.6 cases per 100 full-time workers. About 44 percent of the cases reported involved at least one day lost from work.

In state government, nursing aids, orderlies and attendants sustained about 20 percent of the disabling cases, twice as many as the next leading category, correctional institution officers. In local government, police officers accounted for nearly one of every six of the 14,780 disabling cases.

Sprains and strains accounted for over two-fifths of the lost workday cases in state government and nearly 40 percent in local government. Combined with bruises and contusions, these two categories accounted for nearly two-thirds of the state government cases and one-half of those in local government. The trunk was the body part affected most frequently, involving about one-third of the cases reported, with the back cited in over two-thirds of these cases.

### ***The Solution:***

Most of these occurrences are preventable. In fact, experience has shown that a systematic approach to workplace safety and health can substantially reduce injuries, illnesses and fatalities. Under one program, participants with effective safety and health programs have injury and illness rates 40 to 60 percent below their industry averages. In addition, for every dollar spent on safety and health programs, most employers are likely to save between \$4 and \$6 in workers' compensation expenses, reduced employee turnover, and other related costs.

**Guidelines for Occupational Safety and Health Programs:**

The Public Employees Occupational Safety and Health (PEOSH) Program safety and health guidelines recommend that employers take a systematic approach to addressing safety and health hazards already covered by the PEOSH Act and PEOSH standards. The recommendations described below have been developed by federal OSHA through an extensive dialogue with workers, employers, and safety and health professionals. They also reflect employers' preferences for flexible, performance-based obligations. With such obligations, employers may tailor their programs to their own workplaces.

The PEOSH Program recommends that employers take these common-sense actions:

1. Take an Active Role: Employers should take active steps that demonstrate to workers that worker protection is an important priority. These include, for example, active efforts to implement the elements described below. Also, employers should periodically evaluate the effectiveness of their approach and take steps to improve their efforts as necessary.
2. Communicate With Workers: Workers can help improve workplace safety and health in many ways. Employers should communicate with workers on a regular basis, and encourage workers to identify hazards, suggest solutions, and report incidents, injuries and illnesses promptly.
3. Find and Fix Hazards: To protect their workers, employers should find and fix hazards. This involves a workplace inspection, a review of safety and health information, and an investigation of incidents. Hazards covered by existing PEOSH standards must continue to be identified and addressed as required by the standards.
4. Train Workers Exposed to Hazards: Employers are also required to make sure that workers who are exposed to hazards are informed of their exposure and are trained to recognize those hazards, take protective measures, and follow emergency procedures.

The PEOSH Program recognizes that an effective safety and health program takes the commitment and energy of many individuals and that includes both employers and employees. Employers and employees should work together to make the workplace as safe as possible. The PEOSH Program recommends that employees recognize the benefits of a successful health and safety program by participating in the program and cooperating with employers by following the applicable provisions of the health and safety standards and the employer's health and safety workplace procedures.

**Guideline Assistance:**

The PEOSH Program will work with employers, employees, employer organizations, worker representatives, and safety and health professionals to develop materials, such as model programs, checklists, and Q&A's.

<p><b>Free Consultation:</b></p>	<p>The PEOSH Program will continue to offer free technical consultation on how to protect workers. The PEOSH Act is administered by two Departments, the New Jersey Department of Health and Senior Services (NJDHSS) and the New Jersey Department of Labor (DOL). The NJDHSS investigates complaints regarding health hazards in the workplace. To contact the NJDHSS, call (609) 984-1863. The DOL investigates complaints regarding safety hazards in the workplace. In addition, the DOL is responsible for administering and enforcing the Act throughout the State. To contact the DOL, call (609) 292-7036 or HOTLINE at 1-800-624-1644.</p>
<p><b>Definitions:</b></p>	<p>The following terms are defined in paragraph (K ) of these guidelines: checklist, contract employer, control, designated representative, documentation, employee, employer, exposure, hazard, hazard assessment, host employer, multi-employer workplace, pattern of serious hazards, program, safety and health information, and seriousness.</p>
<p><b>What is the purpose of these guidelines?</b></p>	<p><b>PURPOSE:</b></p> <p>These guidelines assist employers in setting up a program for managing workplace safety and health in order to reduce the incidence of occupational deaths, injuries, and illnesses. These guidelines do not impose duties on employers to control hazards that they are not already required to control. Instead, these guidelines provide a basic framework for systematically identifying and controlling workplace hazards, covered by other PEOSH standards and the "general duty clause" of the PEOSH Act and for assuring compliance with those requirements.*</p> <p>N.J.S.A. 34:6A-33  Every employer shall provide each of his employees with employment and a place of employment which are free from recognized hazards which may cause serious injury, physical harm or death to his employees and comply with occupational safety and health standards promulgated under this act.</p>

<p><b><i>Who is covered by these guidelines?</i></b></p> <p><b><i>What hazards are covered by these guidelines?</i></b></p>	<p><b>(a) SCOPE AND APPLICATION</b></p> <p>N.J.S.A. 34:6A-34</p> <p>(1) Employers. These guidelines apply to all employers who are covered by the PEOSH Act.</p> <p>(2) Every public employee shall comply with occupational safety and health standards and all regulations promulgated under the NJ PEOSH act which are applicable to his own actions and conduct.</p> <p>(3) Hazards. These guidelines address all hazards that are covered by PEOSH standards and all hazards covered by the general duty clause.</p>
<p><b><i>What is the employer's basic obligation under these guidelines?</i></b></p> <p><b><i>What are the core elements of a safety and health program?</i></b></p> <p><b><i>Do these guidelines change the employer's duty to assess and control hazards covered by other PEOSH standards or the general duty clause?</i></b></p>	<p><b>(b) BASIC OBLIGATION</b></p> <p>(1) Basic obligation. The employer should set up a program to systematically manage safety and health. The program should be appropriate to conditions in each workplace, such as the hazards to which employees are exposed and the number of employees there. The smaller the employer, the simpler and more informal the program may be.</p> <p>(2) Core elements. The program should have the following core elements:</p> <ul style="list-style-type: none"> <li>i. Management leadership and employee participation;</li> <li>ii. Hazard assessment;</li> <li>iii. Hazard prevention and control;</li> <li>iv. Training; and</li> <li>v. Evaluation of program effectiveness.</li> </ul> <p>(3) Employer's responsibility. The recommendation of these guidelines that the employer set up a program to systematically assess and control hazards is distinct from the underlying requirements in existing PEOSH standards and the general duty clause to assess and control hazards. Specific hazards covered by PEOSH standards must be controlled in accordance with the specific requirements set out in those standards.</p>

<p><b><i>What should the employer do to provide management leadership?</i></b></p> <p><b><i>What about small workplaces?</i></b></p> <p><b><i>What should the employer do to provide for employee participation?</i></b></p>	<p><b>(c) MANAGEMENT LEADERSHIP AND EMPLOYEE PARTICIPATION</b></p> <p>(1) Management Leadership</p> <ul style="list-style-type: none"> <li>i. Basic obligation. The employer should take responsibility for managing safety and health at the workplace.</li> <li>ii. Allocation of responsibilities. To fulfill this responsibility, the employer should: <ul style="list-style-type: none"> <li>a) Establish the responsibilities of managers, supervisors, and other persons for managing safety and health at the workplace.</li> <li>b) Provide managers, supervisors, and employees with access to relevant information, and training commensurate with their safety and health responsibilities; and</li> <li>c) Identify at least one manager, supervisor, or other person to receive reports about workplace safety and health conditions and to initiate appropriate corrective action.</li> <li>d) Develop a communication system to ensure an effective exchange of safety and health information.</li> </ul> </li> <li>iii. Small workplaces. Employers of small workplaces may choose to carry out the responsibilities listed above instead of delegating them to other managers or supervisors.</li> </ul> <p>(2) Employee Participation</p> <ul style="list-style-type: none"> <li>i. Basic obligation. The employer should provide employees and their designated representatives with opportunities for meaningful participation in the establishment, implementation, and evaluation of the employer's safety and health program.</li> </ul>
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<p><b><i>Is there anything else the employer should do to facilitate employee participation?</i></b></p>	<ul style="list-style-type: none"> <li>ii. Meaningful participation. Meaningful participation includes: <ul style="list-style-type: none"> <li>a) Ongoing, effective communication between the employer and employees about occupational safety and health matters, including providing employees with access to information relevant to the program.</li> <li>b) Employee involvement in such areas as assessing and controlling hazards, training, and evaluating the effectiveness of the safety and health program;</li> <li>c) A way for employees to promptly report job-related injuries, illnesses, and hazards, and make recommendations about appropriate ways to control those hazards; and</li> <li>d) Prompt responses by the employer to such employee reports.</li> </ul> </li> <li>iii. Safeguarding employee participation. The employer should encourage employees to make reports or recommendations concerning injuries, illnesses or hazards in the workplace, and should encourage employee participation in the safety and health program.</li> </ul>
<p><b><i>What should the employer do to identify and assess hazards?</i></b></p> <p><b><i>How often should the employer conduct hazard assessments?</i></b></p>	<p><b>(d) HAZARD ASSESSMENT</b></p> <ul style="list-style-type: none"> <li>(1) Basic obligation. The employer's program should provide for the systematic identification of hazards covered by these guidelines. As part of the hazard assessment, the employer should at least: <ul style="list-style-type: none"> <li>i. Conduct inspections of the workplace; and</li> <li>ii. Review available safety and health information.</li> </ul> </li> <li>(2) Frequency. The employer should conduct hazard assessments as often as necessary to ensure that all hazards are identified, at a minimum annually. The scope and frequency of the assessment should be appropriate to safety and health conditions at the workplace.</li> </ul>

<p><b><i>What should the employer investigate?</i></b></p> <p><b><i>Will the PEOSH Program provide employers with guidance on hazard assessment?</i></b></p> <p><b><i>What should employers document?</i></b></p>	<p>(3) Investigations: The employer should also investigate each workplace death, each serious injury or illness and each incident that created a substantial risk of death or serious injury or illness.</p> <p>All job-related employee fatalities or in-patient hospitalizations must be reported immediately to the New Jersey Department of Labor, Office of Public Employees Safety. The report must be made immediately by telephone and followed with a written communication on the "Employer's First Report of Accidental Injury or Occupational Illness" form. The 24-hour call number is 1-800-624-1644. The completed form may be mailed or faxed to the Office of Public Employees Safety.</p> <p>(4) Checklists. The employer may rely on checklists provided by the PEOSH Program to assess hazards.</p> <p>(5) Documentation.</p> <p>i. Obligation. The employer should document hazard assessment and hazard control activities. The employer should maintain documentation for as long as necessary to ensure that hazards are identified and controlled. Documentation should be made available for inspection and copying within 15 work days on request by an employee, the employee's designated representative, or the Departments of Labor or Health and Senior Services.</p>
<p><b><i>What should the employer do to prevent and control hazards?</i></b></p>	<p><b>(e) HAZARD PREVENTION AND CONTROL</b></p> <p>(1) Basic obligation. The employer's program should provide for the systematic control of hazards that are covered by these guidelines.</p> <p>(2) Prevention and control. As part of hazard prevention and control, the employer should:</p> <p>i. Identify the hazards in new equipment, materials, and processes. (Ideally, this should be done before hazards are brought into the workplace); and</p> <p>ii. Prioritize all hazards based on their seriousness and track progress in controlling them.</p>



<p><b><i>How often should the employer evaluate the program?</i></b></p> <p><b><i>Should the employer respond to deficiencies revealed by an evaluation?</i></b></p>	<p>(2) Frequency of evaluation:</p> <ul style="list-style-type: none"> <li>i. General. The employer should evaluate the program as often as necessary to ensure that it is effective;</li> <li>ii. Initial. The employer should evaluate the program at least once in the next 12 months and at least once in the succeeding 24 months.</li> </ul> <p>(3) Updates. The employer should revise the program, as necessary and in a timely manner, to correct any significant deficiencies revealed by the evaluation.</p>
<p><b><i>Should small workplaces implement these guidelines in the same way as larger workplaces?</i></b></p> <p><b><i>Should employers at multi-employer workplaces have additional responsibilities?</i></b></p>	<p><b>(h) SMALL WORKPLACES AND MULTI-EMPLOYER WORKPLACES</b></p> <p>(1) Small Workplaces:</p> <ul style="list-style-type: none"> <li>i. Implementation methods for small employers. The number of employees is an important consideration in determining the kind of safety and health program that is appropriate to workplace conditions. In general, small employers may rely on simple and informal methods to implement these guidelines.</li> </ul> <p>(2) Multi-Employer Workplaces.</p> <ul style="list-style-type: none"> <li>i. Host employer responsibilities. To take account of the added complexities at multi-employer workplaces, the host employer should coordinate communication among all employers at the workplace so that: <ul style="list-style-type: none"> <li>a) Appropriate information about hazards, controls, safety and health rules, and emergency procedures are provided to all employers at the workplace whose employees are exposed to those hazards; and</li> <li>b) Safety and health responsibilities are appropriately allocated among the various employers.</li> </ul> </li> <li>ii. Contract employer responsibilities. The contract employer should ensure that the host employer is aware of the hazards presented by the contract employer's work and how the contract employer is addressing them. The contract employer should also advise the host employer of any other previously unidentified hazards found by the contract employer at the workplace.</li> </ul>

<p><b><i>Is the PEOSH Program developing special outreach and assistance for these guidelines?</i></b></p> <p><b><i>How will the PEOSH Program assist with the implementation of these guidelines?</i></b></p>	<p><b>(I) OUTREACH AND ASSISTANCE</b></p> <p>(1) General. PEOSH will be developing training sessions and educational materials as part of its education and assistance program for employers and employees.</p> <p>(2) Start-up.</p> <ul style="list-style-type: none"> <li>i. The PEOSH Program will provide technical assistance materials to give guidance to employers in establishing their program and in determining the effectiveness of their program.</li> <li>ii. The PEOSH Program, consistent with its resources, will provide extensive technical assistance or arrange with other providers for the provision of such assistance.</li> </ul>
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***A Guide to Effective Joint Labor/Management Safety and Health Committees may be obtained by calling the NJDHSS at (609) 984-1863.***

## (k) DEFINITIONS

**Checklist:** means material, such as a decision tree or an expert program, that is provided by PEOSH Program to assist employers in assessing workplace hazards. A checklist, properly used, provides one way but not the only way to comply with the hazard assessment recommendations of these guidelines.

**Contract employer:** is an employer who performs work for the host employer on or adjacent to a host employer's workplace. A contract employer does not include an employer providing incidental services that do not influence the workplace safety and health program (e.g., food and drink services, delivery services, or other supply services)' whose employees are only incidentally exposed to hazards at the host employer's workplace.

**Control:** means to prevent, eliminate, or control hazards to the extent feasible, and to provide appropriate supplemental and/or interim protection, as necessary, to employees.

**Designated representative:** means any individual or organization to whom an employee gives written authorization to exercise the employee's rights under these guidelines. A recognized or certified collective bargaining agent automatically must be treated as a designated representative without regard to written employee authorization.

**Documentation:** means a written, printed, or electronic record. Routine business records, such as receipts, purchase orders, invoices and bills of lading, may provide documentation.

**Employee:** means all persons who are considered employees under the New Jersey PEOSH Act.

**Employer:** means all persons who are considered employers under the New Jersey PEOSH Act. Small employers, for purpose of these guidelines, are those who did not employ more than 9 employees on any days during the preceding 12 months.

**Exposure (exposed):** means that an employee in the course of employment is reasonably likely to be subjected to a hazard.

**Hazard:** means an object, condition, process, or action at the workplace that poses a risk of death, illness or injury to an employee and is covered by another PEOSH standard or by the general duty clause.

**Hazard assessment:** means the identification of hazards. Every employer is required under the Personal Protective Equipment Standard to conduct a hazard assessment of the work area before assigning personal protective equipment (PPE). There must be a written certification that the hazard assessment has been completed. The written assessment must specify the person who conducted the assessment and its date.

**Host employer:** means an employer who controls conditions at a multi-employer workplace.

**Investigation:** means the employer or employer's designee conducts a workplace inspection for safety and health hazards, including workplace hazard observations; may include a health and safety audit and a study of problems found.

**Multi-employer workplace:** means a workplace where there is a host employer and at least one contract employer.

**Pattern of serious hazards:** means (1) a failure to control a number of serious hazards of the same or similar type or serious hazards resulting from the same or similar deficiencies in the safety and health program; or (2) a general failure to control a variety of serious hazards as a result of various deficiencies in the program.

**Program:** means procedures, methods, processes, and practices that are part of routine management of safety and health in the workplace.

**Safety and health information:** includes fatality, injury, and illness experience, PEOSH 200 logs, workers' compensation claims, the results of any medical screening, employee safety and health complaints, and incident investigations at the workplace.

**Seriousness:** means the likelihood of employee exposure, the severity of harm associated with the exposure, and the number of employees exposed.

For further information please call:

## **PUBLIC SECTOR ENFORCEMENT**

### ***New Jersey Public Employees Occupational Safety and Health Program (PEOSH)***

Contact PEOSH for information about workplace health and safety regulations or to file a complaint about working conditions if you are a New Jersey State, county, municipal or public school employee.

## **HEALTH ISSUES**

### **New Jersey State Department of Health and Senior Services, PEOSH Program**

PO Box 360  
Trenton, NJ 08625-0360  
(609) 984-1863  
Fax: (609) 292-5677

## **SAFETY ISSUES, RECORDKEEPING AND DISCRIMINATION COMPLAINTS**

### **New Jersey State Department of Labor, PEOSH Program**

PO Box 386  
Trenton, NJ 08625-0386  
(609) 292-7036  
Fax: (609) 292-4409

## **PUBLICATIONS**

### **OSHA Publications**

200 Constitution Avenue, N.W.  
Washington, DC 20210  
(202) 219-4667

### **NIOSH Publications**

4676 Columbia Parkway  
Cincinnati, OH 45226  
1-800-35-NIOSH

NIOSH is the research arm of OSHA.

## **NEW JERSEY STATE DEPARTMENT OF LABOR**

Division of Workers' Compensation  
PO Box 381  
Trenton, NJ 08625  
(609) 292-2508

Workers who have been injured or become sick from their job are entitled to Workers' Compensation to cover lost wages and medical expenses. If an employer does not voluntarily pay Worker's Compensation, an employee may file a claim with this Division.

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## Guidelines for Occupational Safety and Health Programs

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Please take a few minutes to help us evaluate this publication. Please check the following:

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*Check the category that best describes your workplace:*

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Which section did you find most useful?

The least useful and why?

Other occupational health topics you would like to see the PEOSH Program develop an information bulletin on.

Other comments and suggestions.

**Return to: New Jersey Department of Health and Senior Services, PEOSH Program, PO Box 360, Trenton, NJ 08625**

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