

SafetyAlert

FOR SUPERVISORS *The No. 1 source of actionable information to help supervisors keep their people safe*

Including:
Supervisor's
Safety Toolbox

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Boss assumed staffer could operate hazardous machine

Crew member made deadly mistake while trying to clear a jam

Incident summary

A supervisor mistakenly assumed that a worker knew how to operate a hazardous piece of equipment because he had prior experience using a similar machine with a previous employer.

The damage

Because a worker had prior experience driving front-end loaders, he wasn't provided with additional training on safe equipment operation. Instead, his supervisor watched him run a loader and declared, "he's good."

A short time later, the man was using a loader to push scrap materials into a

large pile. However, one of the pieces of scrap – a square metal plate with tubing – became jammed between the right front wheel of the loader and the frame of the unit.

The operator exited the cab without lowering the bucket. He positioned himself underneath the bucket and began to wiggle the metal plate. As the plate was being jiggled, it knocked off a pressurized cap on the hydraulic hose that powered the bucket.

The sudden and complete loss of hydraulic fluid and pressure caused the 2,000-pound bucket to fall and crush the operator.

Coworkers raced over to rescue him. But the staffer was already dead from his blunt force trauma injuries.

Findings

The boss should not have assumed that the employee knew how to operate a loader because he had previous experience with similar equipment. He should've been provided with updated training and an individualized evaluation of his skills.

Proper training might have helped the operator recognize that it was too risky to keep the bucket raised while he was attempting to remove the jammed piece of scrap.

Employee loses half his leg when he falls from ladder into rotating auger

Injured worker sues, claiming lockout/tagout devices were sitting in a storeroom

"David's injury was horrific," said Ariel, the supervisor. "After he fell into a rotating auger from a ladder, his left leg was severed just above the knee."

"It's a shame," replied Matthew, the plant manager. "To top it off, David is now suing us, claiming that our negligence led to his injury."

"I thought David was eligible for workers' comp payments," said Ariel.

"Yes, he's already getting comp," said Matthew. "However, if David can prove that we knew he'd suffer the injury, he can sue us for damages beyond comp."

Shift the blame

"David is trying to shift the blame to us," said Ariel.

"Why do you say that?" asked Matthew.

"Well, the procedures for cleaning the auger required

that David contact the machine operator to request that the equipment be shut down before he started using a hose to spray high-pressure water into the auger," said Ariel. "Yet David didn't say anything to the machine operator, so the auger was still rotating when he started the assignment."

"How did he get hurt?" asked Matthew.

"David was climbing a

ladder that he'd positioned next to the auger," said Ariel. "He had a hose in his hands, and he was trying to elevate himself above the machine. Suddenly, he slipped from the ladder and fell directly into the auger."

Devices purchased

"What a tragedy," said Matthew. "David now claims that six months prior to his (Please see *Half his leg ...* on p. 2)

Half his leg ...

(continued from p. 1)

injury, we purchased lockout/tagout devices that could have been used to shut down the power to the machine before he started cleaning it, but the lockout equipment was still in the storeroom when he got hurt. He alleges that if we'd installed the devices and insisted that lockout/tagout procedures be followed, he wouldn't have been as badly hurt when he fell into the auger."

Benefit of hindsight

"With the benefit of hindsight," said Ariel, "we should've been using the lockout devices. But I'm not sure our failure to do so proves that we knew David would get hurt."

"David also claims that

we didn't train him on the proper procedures for the dangerous job," said Matthew. "He alleges that if he'd been trained, he would've known better than to start the task with the auger still operating."

Several times

"David had cleaned the auger several times over the past few years without incident," said Ariel. "He can't now say that he didn't know how to do the job safely."

"David's injury was tragic, but it wasn't our fault," said Matthew. "We'll fight this lawsuit."

Result: The company won. The court dismissed the case. The judge said that the injured worker

was unable to prove that his employer knew for sure that he'd get hurt.

Not a good idea

While it probably wasn't a good idea for the company to buy the lockout/tagout devices but not use them, the failure to use the safety components wasn't the same thing as knowing someone would get hurt.

And the judge dismissed the worker's contention that he wouldn't have been injured if he'd been trained, pointing out that he previously performed the job several times without incident.

Based on Hassiem v. O&G Industries, Inc.

What it means to you

It pays to keep in mind that safety equipment is of little value to your crew members if it's sitting in a storeroom. Far too many workplace injuries have happened because hard hats were sitting in trucks or safety goggles were tucked in a staffer's back pocket.

In this case, the lockout devices were collecting dust in a storeroom when the worker fell into a rotating auger and lost half his leg.

That's why it makes sense to periodically remind your folks of the location of critical safety equipment. Confirm that everyone knows where to find important safety gear such as hard hats, goggles and gloves. And don't forget to double-check that staffers are actually using the gear when the work begins.

You make the call

Contractor didn't create a plan for hazardous job

"You can't pass the buck to the contractor," said Tammy, the compliance officer, "especially when your own crew members participated in the hazardous job."

"We did have three workers involved in that job," said George, the supervisor, "but only because the contract firm we hired to remove an awkward, heavy load from a shipping container asked us to provide the help. Other than that, we weren't involved with safety at the job site."

"According to my

investigation," said Tammy, "one of the contract supervisors noticed an overhead power line near the lift area, but the line wasn't de-energized."

Made a mistake

"The contract supervisor made a mistake," said George. "As the heavy load was being lifted, the crane contacted the line, and three of our workers were electrocuted."

"Did you check to make sure that the contractor had a plan for safety at the job site?" asked Tammy.

"No," said George. "We left the planning up to the contractor."

"So I assume that you didn't have your own plan for safety either," said Tammy.

"Not for that particular task," said George.

"Then I have to cite you for failing to provide your employees with a safe workplace," said Tammy.

"The contractor was responsible for safety during that job," said George. "We'll challenge your fine."

Did the company win?

■ *Make your call, then please turn to page 4 for the court's ruling.*

SafetyAlert

FOR SUPERVISORS

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quick ideas

Stand to the side when opening cylinder valves

When they're opening the valve on a compressed gas cylinder, workers should stand to the side and turn the valve slowly. Valves should never be left partially open – they should be opened all the way or closed all the way.

Bonus: Once a cylinder has been emptied, the valve should be closed and capped and the tank should be labeled as empty.

Safety precautions for pneumatic-tool users

Employees who use pneumatic tools should get in the habit of setting up shields or screens in the areas where they operate the tools. And they should

post warning signs before starting their work.

These safety steps are needed because flying fragments, chips, or dust from the tool could injure nearby coworkers.

Why third prongs help protect crew members

Your crew members might already know that they shouldn't remove the third prong from an electrical plug, but they might not know why.

Reason: In the event of a short circuit, the third prong diverts electrical current toward the earth, providing extra protection to employees when an electrical tool or electrically powered equipment malfunctions.

Poison ivy: Knowing when to see a doctor

Staffers who've been contaminated with urushiol oil from poisonous plants should seek medical attention when:

- they have a body temperature over 100°F
- the wound has pus or soft yellow scabs or is tender
- the itching is so bad that it keeps the victim up at night
- the rash spreads to the eyes, mouth, or genital area or covers more than one-fourth of the skin area
- the rash doesn't improve within a few weeks
- the rash is widespread and severe
- they have difficulty breathing

Mistakes that hurt



Loose-fitting clothes caught in equipment

Make sure employees who operate hazardous machines don't wear loose-fitting clothing. By doing so, you'll reduce the chances that people will suffer fatal injuries because their clothing got caught in moving machinery.

Company: Southern Wood Components, Moultrie, GA.

Business: Sawmill.

Agency: OSHA.

Fine: \$55,326 (proposed).

Reason for fine: An employee didn't apply lockout/tagout procedures before trying to change the chain on a rotating shaft.

Note: The failure of the staffer to de-energize the machine proved tragic when his clothing became caught in the rotating shaft and he was pulled into the device. His injuries were fatal.



Points of operation lacked safety guards

Are all the hazardous pieces of equipment in your work area outfitted with safety guards? If you're not sure, now might be a good time to confirm that pinch points and other danger zones are adequately guarded.

Company: Miller & Co., Inc., Selma, AL.

Business: Lumber and flooring manufacturer.

Agency: OSHA.

Fine: \$218,192 (proposed).

Reason for fine: The points of operation on a machine weren't adequately guarded.

Note: The employer jumped onto OSHA's radar screen after the agency found out that a worker had suffered a fatal injury when he was struck by a piece of wood that flew out of an unguarded woodworking machine.



safety news for supervisors

Study uncovers link between safe lifting practices, eye health

Here's another reason for workers to follow safe lifting practices when moving heavy loads: In addition to reducing the chances of back injuries, safe lifting also helps lower the likelihood that people will suffer detached retinas.

The surprising link between safe lifting practices and eye health was revealed in a recent study from the University of Massachusetts at Lowell.

Researchers questioned 200 individuals who'd suffered a retinal tear or detachment as well as 415 healthy control patients. All the participants answered questions about their general health, vision

and physical exertion.

Respondents who lifted loads that weighed 30 pounds or more on a regular basis at work were 1.8 times more likely to have suffered a retinal detachment or a tear.

The researchers said that 30 pounds isn't a threshold for what's safe or not safe to lift; rather, people who spent less time engaged in any lifting activities were less likely to suffer retinal injuries.

New data reveals a big jump in the number of workplace deaths

For more proof that U.S. workplaces are becoming more dangerous, consider a recent report from the Oregon Workers' Compensation Division

showing a significant increase in the number of crew member fatalities between 2018 and 2019.

In 2018, the fatality rate among Oregon workers was 1.80 for every 100,000 employees. In 2019 – the most recent year for which statistics are available – the death rate jumped to 2.08 for every 100,000 staffers.

Construction and extraction workers suffered 26.8% of the compensable fatalities in 2019, according to the data.

Other occupations with high death rates include the following:

- truck drivers (14.6% of the total)
- other transport and material movers (12.2%)
- farm, fish and forestry workers (9.8%)



legal developments

Was it OK to terminate staffer who couldn't lift heavy loads?

Safety insight: If a disabled staffer can't handle the physical requirements of his or her job, you aren't legally required to shift job duties to other employees or hire new workers to handle his or her job assignments.

What happened: Even though she was classified as a management employee, a woman spent about 30% of her work time lifting and carrying heavy items. After the woman underwent surgery on her rotator cuff, she returned to work with a lifting restriction of no more than 15 pounds.

What people did: Because of the lifting

restriction, the employer was forced to hire additional workers to help the woman whenever she was expected to lift anything that weighed more than 15 pounds.

Otherwise, coworkers had to handle the task for the woman. Eventually, the company fired the worker, claiming that she could no longer perform the so-called essential functions of her job.

Legal challenge: The woman sued for disability discrimination, claiming that the employer had an obligation to accommodate her lifting restriction.

Result: The company won. The court dismissed

the lawsuit. The judge said that the employer was justified in firing the woman because she couldn't perform the essential function of lifting, which was a job requirement.

The court ruled that it was an undue burden on the company to have to hire more workers or to shift the woman's tasks to others because she couldn't lift anything that weighed more than 15 pounds.

The skinny: In order to win discrimination lawsuits, disabled employees have to show that they can handle the physical requirements of their jobs.

Citation: *Tonyan v. Dunham's Athleisure Corp.*, U.S. Court of Appeals 7, No. 19-2939, 7/20/20.

You make the call: The decision

(See case on page 2)

No. The company lost. An appeals court refused to overturn the citation. The judge decided that the employer couldn't pass the buck to the contract firm, especially because three of its own workers took part in the hazardous job.

The court determined that the host employer had a responsibility to check the contractor's plan for safety at the job site. Managers should not have allowed their own staffers to be recruited for a potentially dangerous assignment without first confirming that safety precautions would be followed during the task.

A good safety plan would've identified the overhead power line as a significant hazard that needed to be addressed before the job started.

What it means: 'Loaned' workers must stay safe

If a contractor asks you to provide staffers to assist with a job, don't overlook the importance of confirming that the work will be done safely.

In this case, the host employer "loaned" three workers to a contractor – and never got them back.

You don't have to take over management of the task. However, you do have to look at the safety plan that has been developed for the work. If no plan has been created, don't let your people take part in the job – there's too much chance that something will go wrong.

Based on Manua's, Inc. v. Scalia.



horror stories

Rescuers wrapped American flag around pilot's dead body

Summary

When rescuers located the body of a helicopter pilot who died fighting wildfires, they wrapped his remains in an American flag.

The incident

For all his life, Mike Fournier had wanted to be a helicopter pilot. Even while playing football at Charter Oak High School in Covina, CA, Fournier confided to friends that he dreamed of flying helicopters.

So one day, Fournier quit his job as a high school football coach and began to learn how to pilot helicopters. He became so good at it that others

learned the craft from him.

After a stint flying helicopters for a television station, Fournier took a job with Guardian Helicopters, where his primary duty was fighting wildfires.

One day, Fournier was told to help crews battling a 1,500-acre fire 10 miles south of Coalinga, CA. He jumped into his Bell UH-1H helicopter and flew to the blazing inferno.

Once he arrived, though, Fournier found visibility levels to be extremely low. Nevertheless, he began to drop water on the fire.

Suddenly, though, he lost control of his helicopter and it crashed into a hillside.

The response

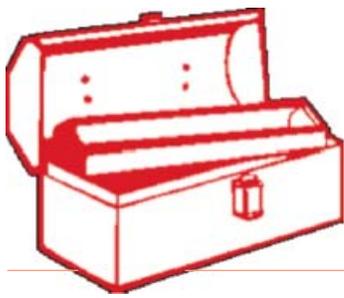
Because the crash site was in a remote area, it took rescue teams four hours to reach the downed helicopter. As they removed Fournier's body from the site, they carefully wrapped him in an American flag.

The aftermath

Fournier, 52, left behind his wife, LeAnne, and two teenage daughters.

"He always made sure that anytime he left, he kissed us, hugged us and told us that he loved us," said LeAnne. "He was an amazing, amazing man, and I'm so proud to be his wife."

"Mike knew the risks of flying," said a fellow helicopter pilot. "He flew all the way until he couldn't fly anymore."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** New-worker safety

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____
_____	_____

When you consider that about 40% of workplace injuries involve people who've been on the job for less than one year, you know it's important to take a proactive approach to ensuring the safety of our newest crew members.

In order to do so, however, we need to be aware of the reasons why new staffers are more likely to get hurt.

One key impetus for the high injury rate among newbies is that these folks simply aren't as familiar with the hazards of our workplace as those of us who've been here for a while are. Furthermore, newbies can underestimate the severe risks posed by potentially dangerous jobs.

Inadequate job skills

Plus, new employees often lack the job skills needed to perform risky assignments safely.

And newbies are usually afraid to ask questions because they don't want to appear to be dumb. They're also more likely to undertake dangerous jobs

because they aren't aware of potential hazards. And they're often reluctant to point out the hazards they do know about.

Prioritize safety

For all these reasons, we need everyone here to prioritize the safety of our newest crew members.

(What can our veteran staffers do to help keep our newest colleagues safe?)

One important step every one of us can take is to keep a watchful eye on our newest team members. If you see a new staffer performing a task in an unsafe manner, say something. If you notice the person making the same mistake over and over, let me or another supervisor know what's going on.

When training new workers, always include a discussion of the risks posed by the assignment. But don't just show the person how to handle the task safely; also ask him or her to demonstrate back to you how to do it.

On the flip side, if you see a new employee

following safety procedures during a dangerous job, pat him or her on the back for having done so.

You can also help new folks by pointing out the location of fire exits, fire extinguishers, eyewash stations, storage areas for safety gear, first aid kits and safety data sheets.

Emergency response

Make sure that the person is aware of emergency response procedures too. Even though he or she might have already been told about these procedures, it's something that can be easily forgotten, so a timely reminder can be helpful.

One of the best ways to help ensure that our newest crew members stay safe is to set a good example. If a newbie sees that everyone is abiding by safety procedures and wearing safety gear when it's needed, he or she is more likely to do so too.

Thanks for your attention. And remember, let's stay safe out there!

(See next page for test)

Tailgate talk

Today's Subject:

Histoplasmosis

Date: _____

Most of us probably don't even know what histoplasmosis is. But we should. In fact, about 8% of the people who contract the disease – which is caused by fungal spores found in bat and bird droppings – die.

What to focus on

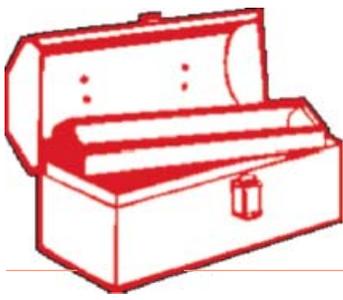
Here are four things to keep in mind in order to reduce the risks that you'll contract histoplasmosis.

1. Avoid areas with bird or bat droppings. People with weak immune systems are especially at risk from bat- and bird-dropping spores that float in the air.

2. Spray water on the droppings. If you notice bat or bird droppings in the work area, spray mist on the droppings and clean them up. Properly dispose of the waste materials.

3. Wear safety gear. If you're unable to clean up the droppings, protect yourself by putting on a respirator. Also wear single-use protective clothing and shoe coverings. Be sure to dispose of the protective gear after the job is finished.

4. Recognize the symptoms of the disease. Contact your doctor if you begin to suffer from fever, cough, chills, fatigue, headaches, or chest pain after working in an area with bat or bird droppings.



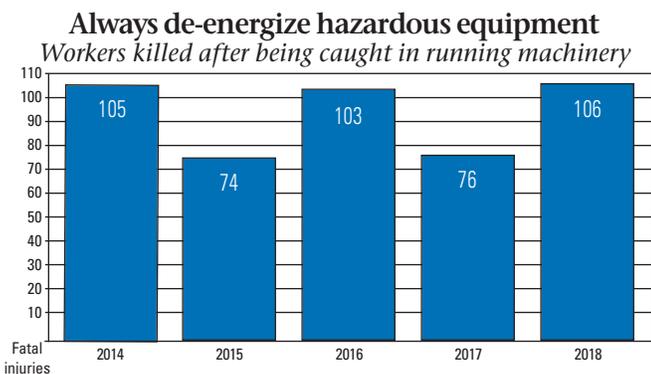
Supervisor's safety toolbox

Safety meeting blueprint: Test your knowledge

Meeting Topic: New-worker safety

- | | | | |
|---|--|---|--|
| <p>1. If you see a new staffer performing a dangerous job in an unsafe manner, you should</p> <p>a. Dial 9-1-1
b. Let him or her figure it out for himself or herself
c. Say something to the worker
d. All of the above</p> | <p>d. 60%</p> <p>4. You can help new workers stay safe by pointing out the location of</p> <p>a. The restroom
b. The breakroom
c. Eyewash stations
d. None of the above</p> | <p>finding out more about mandatory safety procedures
d. None of the above</p> <p>6. New crew members are often reluctant to ask questions because they</p> <p>a. Don't want to appear to be dumb
b. Want to get their first paycheck before they start asking questions
c. Know they'll be provided with the wrong answer
d. All of the above</p> | <p>c. Insist that he or she start the task over
d. All of the above</p> <p>8. One of the best ways to help ensure that our newest crew members stay safe is to set a good example by following safety procedures and wearing safety gear when it's needed. True or False?</p> |
| <p>2. New employees often overestimate the risks posed by potentially dangerous jobs. True or False?</p> | <p>5. One key reason for the high injury rate among new workers is that</p> <p>a. They don't have the ability to pay attention to their safety training
b. They aren't as familiar with the hazards of our workplace as those of us who've been here for a while are
c. They're more interested in learning the location of the lunchroom than in</p> | <p>7. If you spot a new worker following mandatory safety procedures, you should</p> <p>a. Pat him or her on the back for having done so
b. Send him or her home for the day</p> | <p>9. One important step veteran workers can take to help protect their newest colleagues is to</p> <p>a. Tell them that all their questions are dumb
b. Keep a watchful eye on them
c. Let them handle only the most dangerous jobs
d. None of the above</p> |
| <p>3. About what percentage of workplace injuries involve people who've been on the job for less than one year?</p> <p>a. 4%
b. 14%
c. 40%</p> | | | |

Did you know?



If you're not sure of the importance of consistently locking out hazardous machines before working on them, consider that 106 U.S. workers died in 2018 after they were caught in running machinery, according to government data.

Source: Census of Fatal Occupational Injuries

Test your knowledge: The answers

- | | |
|---|--|
| <p>6. a. New workers usually want to make a good first impression so they avoid questions that make them appear to be dumb.</p> <p>7. a.</p> <p>8. True. If newbies see that everyone is doing what they're supposed to be doing, they're more likely to do the right thing too.</p> <p>9. b.</p> | <p>1. c. But don't berate the worker for the safety infraction, because he or she probably doesn't know any better.</p> <p>2. False. Newbies are more likely to underestimate the risks of a job.</p> <p>3. c.</p> <p>4. c. Also advise them of the location of fire exits, first aid kits and safety data sheets.</p> <p>5. b.</p> |
|---|--|