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Weekly Safety Tip

Life Is All About Choices![®]

September 5, 2016

SCI OSHA Tip: General Duty Clause

Source: <http://www.coshnetwork.org/node/353>



Here is an example of general duty clause: There’s no OSHA standard for hand truck safety but under the General Duty Clause, this would be a violation if a death or injury occurs. Training would be a best practice for the employee to understand weight limit, ergonomic requirements, general operation, and any other hazards related to hand trucks.

General Duty Clause reads: "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." This is known as the General Duty Clause (GDC). It is Section 5(a)(1) of the Occupational Safety and Health Act.

General Duty Clause Violations

The General Duty Clause has an important use for workers. Sometimes there is a hazard, but OSHA has no specific rule or standard dealing with it. Under the General Duty Clause, the employer has an obligation to protect workers from serious and recognized workplace hazards even where there is no standard. Employers must take whatever abatement actions are feasible to eliminate these hazards. If an employer fails to do this, OSHA can inspect and issue a citation under the General Duty Clause.

SCI Safety Slogan



James Lehrke-SCI

One hour for \$100 dollars!

Is your company in need of a facilitator/advisor to meet OSHA Standards? We can help!

SCI can provide training for the following and more!

OSHA Top Ten Violations:

1. 1926.501 - Fall Protection
2. 1910.1200 - Hazard Communication
3. 1926.451 - Scaffolding
4. 1910.134 - Respiratory Protection
5. 1910.147 - Lockout/Tagout
6. 1910.178 - Powered Industrial Trucks
7. 1926.1053 - Ladders
8. 1910.305 - Electrical, Wiring Methods
9. 1910.212 - Machine Guarding
10. 1910.303 - Electrical, General Requirements

Give SCI a call!

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OSHA's Criteria for Issuing a General Duty Clause Citation

Workers can and should look to the General Duty Clause. Before OSHA will issue a 5(a)(1) citation, however, a number of conditions must be satisfied. These conditions are:

- there must be a hazard
- the hazard must be recognized
- the hazard causes or is likely to cause serious harm or death
- the hazard must be correctable

Even if you can't document actual awareness or knowledge, if the hazard or the danger is one that is recognized or generally known in the employer's industry this also satisfies the criterion that it is a "recognized hazard". Any evidence that there have been factsheets written about it, that it is contrary to accepted industry practice or standards, that it is contrary to suppliers' standards for use, or that safety experts in the industry acknowledge the hazard, would mean that the employer should have known about the hazards. *SCI Note: If you're not sure, it's always good to ask!*

SCI OSHA Update: Reporting Injury or fatality

Source: <https://osha.gov/report.html>

"No one should have to sacrifice their life for their livelihood, because a nation built on the dignity of work must provide safe working conditions for its people." ~Secretary of Labor Thomas E. Perez~

Report a Fatality or Severe Injury

- All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.
- A fatality must be reported within 8 hours.
- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

Who's required to report? All employers under OSHA jurisdiction must report these incidents to OSHA, even employers who are exempt from routinely keeping OSHA records due to company size or industry.



September is National Childhood Obesity Month

Healthy decisions start at home. Planning ahead can improve your health while saving you time and money. Get children involved in planning and cooking too and you'll be surprised by how easy making healthy changes can be.

Eating nutritious meals in right-size portions will help you and your family be healthier and will give you the energy you need to get through the day. Preparing healthy meals doesn't have to be difficult or expensive—it just takes planning.

Sit down as a family and plan your healthy meals for the week, and then have everyone make suggestions for the shopping list. Kids (and adults too!) are more willing to try new foods when they help pick them.

When families sit down and eat together, children are more likely to eat more fruits and vegetables and fewer junk foods. Eating together is also a chance to model good behavior and regularly scheduled meal and snack times help kids learn structure for eating. So, keep the television off and spend time eating and talking together around the table.

[Read more about becoming a Healthy Family](#) in the kitchen.

- Use smaller plates and bowls at home.
- Buy smaller packages of snack foods.
- Don't force kids to clean their plates if they are full.
- "Batch cook" and divide prepared recipes into the number of servings specified before eating. Save or freeze leftovers.
- Measure out standard servings and always eat from a bowl or plate. Eating from the carton or bag makes it easy to lose track of your portions and can cause you and your family members to have too much.

How does OSHA define "in-patient hospitalization"?

OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment. Treatment in an Emergency Room only is not reportable

Under what circumstances am I not required to report an incident?

Employers do not have to report an event if it: Resulted from a motor vehicle accident on a public street or highway (except in a construction work zone); Occurred on a commercial or public transportation system, such as airplane or bus; Involved hospitalization for diagnostic testing or observation only.

What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?

If a fatality occurs within 30 days of the work-related incident, or if an in-patient hospitalization, amputation, or loss of an eye occurs within 24 hours of the work-related incident, then you must report the event to OSHA.

How does OSHA define "amputation"?

An amputation is the traumatic loss of all or part of a limb or other external body part. This would include fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; and amputations of body parts that have since been reattached. If and when there is a health care professional's diagnosis available, the employer should rely on that diagnosis.

Your company's recordkeeping is critical for OSHA compliance. If OSHA would visit your facility these records will be scrutinized:

- 1) OSHA 300 log
- 2) Accident Investigation
- 3) Policies on discipline
- 4) Training records

Does your company have these records? SCI can review your records to make sure information is accurate to OSHA standards.

*What do you think?
Send us an email at:
jlconnections@aol.com
See our bold new look
In Loving Memory*

In Loving Memory...
Jessica, Kristin and Nick

