

SAFETY AWARENESS C

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437-004-0240 Safety Orientation for Seasonal Workers.

Definitions:

Hand-labor operations (as defined in OAR 437-004-1110(3) and reprinted here for ease of the reader) means agricultural activities or agricultural operations performed by hand or with hand tools, including:

(A) Hand-cultivation, hand-weeding, hand-planting, and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops (including mushrooms);

(B) Hand packing or sorting, whether done on the ground, on a moving machine, or in a temporary packing shed in the field.

Seasonal workers are employed in a job tied to a certain time of year by an event or pattern and for not more than 10 months in a calendar year.

Note: The following are only minimum requirements. Other parts of the agriculture standard require training for certain types of work in addition to these general orientation requirements.

(1) **Application:** This applies to agricultural employers with seasonal workers.

(2) Basic Safety Awareness Requirements.

(a) You must provide seasonal workers with at least the following information:

- at their orientation meeting before beginning work for the first time, and;
- when work conditions or locations change in a way that could reasonably affect their safety or health.

(A) Safety and health rules for their work.

(B) Procedures for workers to contact supervisors or managers in case of accident, illness, or problems related to safety or health.

(C) Procedures for treating injured or sick workers and for summoning emergency assistance.

(D) The location of posted safety and health information.

(b) If you have employees with language barriers, you must communicate safety awareness information in a manner that workers can understand. Include content that is either translated into the language used to hire and supervise these employees or that is otherwise effectively conveyed, such as through visual media.

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SAFETY ORIENTATION FOR SEASONAL WORKERS / SAFETY COMMITTEES & SAFETY MEETINGS

Oregon Administrative Rules
Oregon Occupational Safety
and Health Division

NOTES: Division 4/Z, Hazard Communication, OAR 437-004-9800(7)(d), requires employers to give a copy of the Oregon OSHA's *Safe Practices When Working Around Hazardous Agricultural Chemicals* (#1951) to every employee. This publication provides an outline of the information that agricultural employers must provide during the initial training for workers under both the hazard communication rules and the pesticide worker protection standard (WPS) as covered in Division 4/W, 170.130(c). Contact Oregon OSHA for copies of this publication and information about available language formats.

You must provide the initial WPS training if pesticide products labeled with "agricultural use requirements" have been used at the place of employment during the 30 days prior to the worker's first day of employment or will be used during the worker's period of employment. Additional WPS training requirements apply on the sixth day of employment, and in other work situations that fall under the definition of "pesticide handler." See Division 4/W for these additional training requirements.

For seasonal workers doing hand-labor operations only, you must provide all of the following to meet the initial training requirements under the WPS, this safety awareness orientation rule, and the hazard communication rule.

- ✓ The training outlined in *Safe Practices When Working Around Hazardous Agricultural Chemicals* publication.
- ✓ The basic safety awareness requirements information in OAR 437-004-0240.
- ✓ Access to material safety data sheet information for the hazardous chemicals to which they reasonably may be exposed.

Stat. Authority: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 2-1999, f. 4/30/99, ef. 4/30/99.
OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.
OR-OSHA Admin. Order 4-2010, f. 7/8/10, ef. 1/1/11.

437-004-0251 Safety Committees and Safety Meetings.

Definitions:

Management – includes all supervisors and persons who regularly exercise direction and control over workers.

Workers – for the purposes of determining the need for a safety committee, include both full and part-time employees.

Purpose. The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer by establishing procedures, performing inspections, evaluating safety and health programs, and recommending changes in workplace conditions and practices. By participating in safety meetings, workers and management work together to recognize hazards and to make safety and health improvements at the workplace.

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(1) Application: This applies to agriculture employers with workers other than seasonal workers covered in OAR 437-004-0240.

(2) General Requirements.

(a) You must either have an effective safety committee or hold effective safety meetings. (See Table 1.)

(b) If you have employees with language barriers, you must communicate safety awareness information in a manner that workers can understand. Include content that is either translated into the language used to hire and supervise these employees or that is otherwise effectively conveyed, such as through visual media.

(c) If you are a labor contractor, you must have a committee or meetings based on the number of employees that you direct and control.

NOTE: Nothing in these rules prevents you from having seasonal workers attend safety meetings.

Table 1

IF:	You can have a safety committee	You can have safety meetings instead of a committee
You have 10 or fewer workers at a location	Yes	Yes
You have more than 10 workers at a location	Yes	No
You have satellite or auxiliary worksites with 10 or fewer workers at each location	Yes	Yes

(3) Safety Committees.

(a) Management's Duties.

(A) Pay members at their regular rate of pay for attending the meetings, trainings, inspections, and other functions required by this rule.

(B) Provide committee members with timely access to these rules (OAR 437-004-0251) and to all Oregon OSHA standards that apply to their work.

(C) Respond to safety committee recommendations within a reasonable time.

(b) Effective Safety Committees. You must ensure that the committee produces at least the following results:

(A) Employees are aware of the committee, who is on it, when it meets and how information is shared between management and workers.

(B) Employees are aware of their right to have their safety and health concerns heard by the committee.

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(C) Employees know the employer's method or system for reporting safety and health concerns, incidents, and accidents.

(c) **Centralized Safety Committee.** You may choose a centralized safety committee if all of the following apply:

(A) You have more than one geographic employment location.

(B) The locations are close enough to ensure that a joint committee meets the requirements in OAR 437-004-0251(3)(b), Effective Safety Committees.

(C) The joint committee represents the safety and health concerns of all employees at all locations.

(d) **Membership and Training.**

(A) Have at least two members on your committee if you have 20 or fewer workers. Have at least four members if you have more than 20 workers. Members should represent the major activities of your business.

(B) Have an equal number of employer-selected members and worker-elected or volunteer members. If both parties agree, the committee may have more worker-elected or volunteer members.

NOTE: Management can select a supervisor or other employee to represent them. Workers can volunteer or elect any peer as a representative.

(C) Provide training on the purpose and operation of the safety committee, in hazard identification, and in the principles of accident investigation.

NOTE: Oregon OSHA provides no-cost, safety committee-related training available through the web site at www.orosha.org/education.html.

(D) Have members serve a minimum of one year, when possible.

(E) Have a majority agree on a chairperson.

(e) **Safety Committee Functions.** Ensure that the committee does all of the following:

(A) Meets at least monthly, except in those months when quarterly inspections occur.

(B) Establishes procedures for doing the quarterly safety and health inspections required by OAR 437-004-0099(3). Persons performing inspections must be trained in hazard identification.

(C) Reviews all quarterly safety and health inspection reports and makes recommendations to eliminate identified hazards.

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(D) Works with management to establish procedures for investigating all safety incidents, accidents, work-related illnesses, and fatalities. Persons investigating these events must be trained in the principles of accident investigation.

NOTE: OAR 437-004-0099(4) requires agricultural employers to investigate every work-related lost-time injury.

(E) Evaluates all investigation reports and makes recommendations for ways to prevent recurrence.

(F) Sets guidelines for the training of safety committee members.

(G) Evaluates the accident and illness prevention programs at the workplace.

(f) Safety Committee Records.

(A) Ensure that records have at least the following information.

(i) Meeting date.

(ii) Names of those attending.

(iii) All reports, inspections, evaluations, recommendations, management responses, and other safety and health-related items brought before the committee.

(iv) The date that management agrees to respond to specific recommendations.

(B) Make these records available to all employees and to Oregon OSHA representatives, upon request.

(C) Maintain these records for at least three years.

(4) Safety Meetings.

(a) Effective Safety Meetings. You must ensure that safety meetings produce at least the following results:

(A) Employees are aware of safety meetings, when and where they are held, and how information is shared between management and workers.

(B) Employees know that they have a right to have their safety and health concerns heard and questions answered at safety meetings.

(C) Employees know the employer's method or system for reporting safety and health concerns, incidents, and accidents.

(b) Meeting Requirements. Safety meetings must have all of the following characteristics:

(A) Include all available employees.

(B) Include at least one employer representative.

(C) Be on company time with attendees paid at their regular rate of pay.

NOTE: If you have questions about this, contact the Oregon Bureau of Labor and Industries.

(D) Occur at least monthly.

(c) **Meeting content.** Safety meetings must include the following:

(A) Information about safety and health issues relevant to the workplace.

(B) Reports from quarterly workplace safety inspections and from investigations of any work-related, time-lost injuries, including suggested corrective measures.

NOTE: OAR 437-004-0099(3) requires a competent person to inspect the agricultural workplace at least quarterly. OAR 437-004-0099(4) requires agricultural employers to investigate every work-related lost-time injury. See Division 4/A for details.

(C) Opportunities for employees to ask questions, bring up safety and health concerns, and make suggestions.

(D) Information that is presented in a manner that can be understood by all employees.

(d) **Meeting Records.**

(A) Meeting notes must include the following information:

(i) Meeting date.

(ii) Names of those attending.

(iii) Topics discussed.

(B) Keep the records for at least 3 years.

(C) Make the records available to your employees and to Oregon OSHA representatives, upon request.

NOTE: If all your employees attend a safety meeting, you are only required to record the meeting date and a list of the employees attending.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-2010, f. 7/8/10, ef. 1/1/11.

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