

SAFETY AND HEALTH PROGRAM

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SAFETY & HEALTH PROGRAM / MANAGEMENT COMMITMENT / SUPERVISORY RESPONSIBILITIES

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437-007-0100 Safety and Health Program. Every employer must implement a written safety and health program that establishes management commitment, supervisory responsibilities, accident investigation, employee involvement, hazard identification, training, and annual evaluation of the program.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

437-007-0105 Management Commitment. The employer must:

- (1) State the purpose of the safety and health program.
- (2) Identify the safety and health personnel and resources that will be used to implement the program.
- (3) Establish a labor and management policy that provides for ongoing evaluation of employees' safety performance.
- (4) Establish a disciplinary policy to address unsafe work practices.
- (5) Assign the responsibility, authority and accountability for worker safety and health to all employees who supervise or direct work activity.
- (6) Authorize a competent person(s) for each jobsite who has the authority to:
 - (a) Supervise all personnel at the site.
 - (b) Enforce the company's safety and health program.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

437-007-0110 Supervisory Responsibilities. The employer or their authorized representative must:

- (1) Supervise all employees at the site and enforce the company's safety and health program.
- (2) Verify that all current and new employees:
 - (a) Can safely perform assigned work tasks.
 - (b) Have received adequate job safety instruction and training.
- (3) Periodically review the safety performance of each employee.

B**SUPERVISORY
RESPONSIBILITIES**Oregon Administrative Rules
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(4) Provide job safety and health instruction, training or disciplinary action to an employee when the employee is working in an unsafe manner.

NOTE: This training can be limited to the specific information needed to correct the unsafe work practice(s).

(5) Closely supervise each employee who is receiving job safety and health instruction and training.

(6) Require all employees to demonstrate the ability to safely perform their work task before permitting them to work independently.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

ACCIDENT INVESTIGATION / EMPLOYEE INVOLVEMENT

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437-007-0125 Accident Investigation. The employer or their authorized representative must:

- (1) Investigate every employee fatal and recordable injury/illness to determine the cause(s).
- (2) Discuss “near misses” with employees.
- (3) Identify the measures to prevent recurrence of the “near misses,” fatal and recordable injury/illness.
- (4) Inform all employees of the preventive measures resulting from investigations.
- (5) Take steps to prevent recurrence of similar “near misses,” fatal and recordable injury/illness.
- (6) Keep written results of the fatal and recordable injury/illness investigations and corrective measures for 3 years.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

437-007-0130 Employee Involvement. The employer or their authorized representative must:

- (1) Encourage employees to participate in site planning and the pre-work safety meeting to discuss site conditions and known hazards.
- (2) Require employees to report safety and health hazards.
- (3) Require qualified employees to take corrective action and eliminate hazards.
- (4) Conduct monthly safety meetings with all employees.
 - (a) Keep written minutes and attendance records for 3 years.
 - (b) Make written minutes and attendance records available to all employees.

NOTE 1: Meetings may be with individuals, separate crews, or larger groups.

NOTE 2: Upon written application, OR-OSHA may approve an innovative method to comply with the requirements for monthly safety meetings.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

OR-OSHA Admin. Order 2-2005, f. 5/27/05, ef. 6/1/05.

B**HAZARD IDENTIFICATION
AND CONTROL**Oregon Administrative Rules
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437-007-0135 Hazard Identification and Control. The employer or their authorized representative must:

- (1) Implement a procedure for monthly safety inspections of all worksites, vehicles, machines, equipment, and work practices.
- (2) Identify who will complete monthly safety inspections.
- (3) Implement procedures that will be used to report and correct hazardous conditions.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

437-007-0140 Training. The employer or their authorized representative must:

(1) Provide job safety and health instruction and training to current and new employees, including supervisors, that is adequate for the work task. They must receive training before:

- (a)** Starting their initial work assignment, or
- (b)** Being assigned new work tasks, tools, equipment, machines, or vehicles.

(2) Evaluate each employee who has previously received job safety and health instruction and training.

NOTE: An employee does not need to be retrained if their prior instruction and training are adequate.

(3) Provide job safety and health instruction and training that includes the:

- (a)** Safe performance of assigned work tasks.
- (b)** Procedures, practices and requirements of the employer's work site.
- (c)** Recognition of safety and health hazards associated with each employee's specific work tasks, including measures and work practices to prevent or control those hazards.
- (d)** Safe use, operation and maintenance of tools, equipment, machines and vehicles each employee uses or operates, including following the manufacturer's operating and maintenance instructions, warnings and precautions.
- (e)** Requirements of this standard and hazards of the industry.

(4) Require each employee receiving job safety and health instruction and training to:

- (a)** Work under the close supervision of a qualified person.
- (b)** Demonstrate to the employer or his authorized representative the ability to safely perform the work assignment before they are permitted to work independently.

(5) Assure that a qualified person(s) presents the job safety and health instruction and training.

(6) Assure that job safety and health instruction and training is:

- (a)** Presented in a language and manner that the employee(s) is able to understand.
- (b)** Appropriate in content for the skill level of the employee(s) being trained.

B**TRAINING / ANNUAL
PROGRAM EVALUATION**Oregon Administrative Rules
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and Health Division

(7) Keep a current written record of job safety and health instruction and training for each employee that contains the following:

- (a) Who was instructed or trained.
- (b) The date(s) of the instruction or training.
- (c) A description of the training.
- (d) The name of the trainer.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

437-007-0145 Annual Program Evaluation.

- (1) Each employer must review and evaluate their safety and health program annually.
- (2) The program evaluation must include the methods and procedures used to identify and revise program deficiencies.
- (3) Written findings of the annual evaluation must be maintained for 3 years from the date of issue.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 5-2003, f. 6/02/03, ef. 12/01/03.

REPORTING FATALITIES & HOSPITALIZATIONS TO OREGON OSHA

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*****IMPORTANT INFORMATION***** A new reporting rule (OAR 437-001-0704 Reporting Fatalities and Injuries to Oregon OSHA) was adopted March 18, 2015, and **becomes effective January 1, 2016**. You can view this new rule on Oregon OSHA's web site www.orosha.org in Adopted Rules and Final Rules in Division 1, General Administrative Rules. OAR 437-001-0700(21) is still in effect through December 31, 2015.

NOTE: This rule printed here from Division 1, General Administrative Rules.

437-001-0700(21) Reporting Fatalities and Hospitalizations to Oregon OSHA. You must report the following to Oregon OSHA at 1-800-922-2689 or 503-378-3272 within the given time limits:

(a) Fatalities 8 hours after occurrence or employer knowledge

You must report a fatality caused by a heart attack at work. You must report a fatality resulting from motor vehicle accidents that happen during the employee's work shift. The local OR-OSHA field office safety or health manager will decide whether to investigate the incident, depending on the circumstances of the heart attack or motor vehicle accident. Report a fatality only if it occurs within 30 days of the accident.

(b) Catastrophe 8 hours after occurrence or employer knowledge.

For the ease of the reader the Definition for Catastrophe is – An accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

(c) Overnight Hospitalization 24 hours after occurrence or employer knowledge of one or more employees.

Overnight hospitalization is for medical treatment only. Hospitalization for observation is not reportable, nor is emergency room treatment. You must report injuries related to a heart attack or motor vehicle accident as well as other work related injuries.

Report overnight hospitalizations to the nearest Oregon OSHA field office (Portland, Salem, Bend, Eugene or Medford).

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PRESERVING PHYSICAL EVIDENCE AT THE SCENE OF AN ACCIDENT

Oregon Administrative Rules
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and Health Division

NOTE: Oregon OSHA Field Office locations, telephone and Fax numbers are:

Salem Central Office
350 Winter Street NE, Room 430
Salem OR 97301-3882
(503) 378-3272
Toll Free: (800) 922-2689
Fax: (503) 947-7461

Eugene
1140 Willagillespie, Suite 42
Eugene OR 97401-2101
(541) 686-7562
Fax: (541) 686-7933

Medford
1840 Barnett Road, Suite D
Medford OR 97504-8250
(541) 776-6030
Fax: (541) 776-6246

Portland
Fremont Place, Building I
1750 NW Naito Parkway, Suite 112
Portland OR 97209-2533
(503) 229-5910
Fax: (503) 229-6492

Bend
Red Oaks Square
1230 NE Third Street, Suite A-115
Bend OR 97701-4374
(541) 388-6066
Fax: (541) 388-6203

Pendleton
721 SE Third Street, Suite 306
Pendleton OR 97801-3056
(541) 276-9175
Fax: (541) 276-6869

Salem
1340 Tandem Avenue NE, Suite 160
Salem OR 97309-0417
(503) 378-3274
Fax: (503) 378-4921

(d) Effective date. The effective date for reporting of a fatality resulting from motor vehicle accidents that happen during the employees work shift is January 1, 2007.

NOTE: This rule printed here from Division 1, General Administrative Rules.

437-001-0053 Preserving Physical Evidence at the Scene of an Accident.

(1) Employers, their representatives, or others shall not disturb the scene of a fatality or catastrophe other than to conduct the rescue of injured persons or mitigate an imminent danger until authorized by the Administrator (or designee), or directed by a recognized law enforcement agency.

(2) In order to preserve physical evidence at the scene of a fatality or catastrophe, the Administrator is authorized to limit the number of employer representatives or employee representatives accompanying the compliance officer during the documentation of the scene. The employer representative and employee representative must be provided an opportunity to document the scene prior to disturbance or removal of physical evidence.

(3) If an employer, their representative or others disturb the scene of a fatality or catastrophe other than to conduct the rescue of injured person(s) or mitigate an imminent danger before authorized by the Administrator or directed by a recognized law enforcement agency, a minimum penalty of \$200 may be assessed.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 7-1992, f. 7/31/92, ef. 10/1/92.
OR-OSHA Admin. Order 7-1999, f. 7/15/99, ef. 7/15/99.