



OSHA Concerns For 2014?

Insights

2.09.14

Allen Smith, J.D., the manager of workplace law content for SHRM. (@SHRMlegaleditor) recently asked three attorneys, including me, to set out our wishes and cautions for OSHA in 2014, and then wrote a good (and short!) article. My responses are below, along with some comments from some construction safety experts, but please read [Allen's complete article](#). Allen generates good content.

Four More Wishes

And Howard Mavity, an attorney at Fisher Phillips in Atlanta, recommended that employers:

- Act on what they know. "Nothing happens until one of the top executives champions safety and follows through," he said. "Managers and supervisors may ignore elaborate written safety plans or written company values statements, but they follow the actions of their big bosses. If the only thing the executive hammers away at during meetings is schedule, costs and customer service, that's what they'll focus on."
- Connect the dots. "Unions win the highest percentage of elections where safety is the main issue," Mavity said. "That's not surprising. Nothing conveys a lack of concern for employees more than appearing to be unconcerned for their safety."
- Focus on the routine things. From a compliance standpoint, according to Mavity, employers "need to develop processes to catch and correct those ubiquitous items such as a missing ground plug, a blocked fire extinguisher or electrical cabinet, missing punch-outs in an electric cabinet or unlabeled switches or exits." And he recommended that companies use a simple checklist for routine items.
- Treat so-called temporary workers the same as employees facing the same hazards. "Several 2013 worker fatalities where the temporary employee was killed on their first day of work drove OSHA to aggressively begin to focus on the wide variety of temporary employees working in our new economy," Mavity said. "If your temp employee is killed or hurt and he received less training and protection than full-time employees, you may be looking at OSHA willful citations."

A Special Word About Construction Safety

I recently asked several recognized people in construction safety to list their concerns and questions about OSHA and Safety in 2014. Their answers are as follows, with no editing.

1. Developing field safety leadership

- a How do you convince everyone that they are all safety observers/monitors/reporters?

1. How do you convince everyone that they are all safety observers, monitors, reporters?

2. Safety climate vs. safety culture – do people understand the difference?

3. Consistency – does management follow the “do as I say, not as I do” credo or do they set the bar?

4. How does OSHA think that increasing injury reporting will increase safety?

5. Silica – is there proof and/or documentation to indicate that it is as big an issue as OSHA says it is?

6. Confined Spaces – is there ever going to be a construction standard?

7. Sanitation – when is enough, enough – why do field personnel have to live with poor sanitary (toilets & hand washing) conditions? (and why is agriculture and maritime doing a better job for their workers than construction?)

8. Why do unions protect unsafe workers?

9. Marijuana – what’s the big deal as long as I’m not toking it on the jobsite and I don’t “feel” high right now? Yes – I know it shows up in the system for 3 weeks, but is it really affecting my work for that long?

10. What’s the best way to fight a citation?

11. SVEP – still don’t know how to get off the list/fight the designation/deal with the repercussions.

12. The crane standard and status of reopening the certification section.

13. The Record keeping proposal to require ALL companies to submit more than yearly and changes to catastrophic reporting.

14. Where is the confined space in Construction standard?

15. Is the 25 mG threshold for proposed silica standard realistic and what actual facts do they have to state that 700 a year die from silica?

So what are your biggest concerns this year about OSHA and about the never-ending effort to develop a truly safe culture? I would really like to learn them, so my question is NOT rhetorical!

Howard

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Howard A. Mavity

Partner

404.240.4204

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