



# Minnesota OSHA Workplace Safety Consultation

## Effective safety programs

*Kyle Casey, MS*  
*Safety consultant principal, MNOSHA WSC*  
[kyle.casey@state.mn.us](mailto:kyle.casey@state.mn.us)

[www.dli.mn.gov](http://www.dli.mn.gov)

*“To assure that every worker in the state of Minnesota has safe and healthful working conditions.”*



# Effective safety programs

- Management commitment and company culture
  - Safety is an investment
  - Employee morale
  - Insurance
  - Replacement
  - Time commitment
  - Injury prevention



# Effective safety programs

- Employer and employee responsibility
  - Competent person
  - Authority
  - Safety committee (safety team)
  - Qualification and experience (qualified person)





# Effective safety programs

- Determine safety and health requirements
  - Each safety program needs to be specific to the construction site and typical operations
  - Scope of work
  - General requirements set forth by employer
  - Expectations



# Effective safety programs

- Hazard assessments
  - Identify new or existing hazards
  - Comprehensive baseline survey
  - Focus on recurring injuries and near misses
  - Provide regular safety and health audits





# Effective safety programs

- Develop or update existing safety programs
  - Safety leadership support
  - Employee involvement
  - Transparent and clear objectives, policies and procedures
  - Injury reporting requirements



# Effective safety programs

- Ensure two-way communication
  - Communicate on a regular basis
  - Open-door policy
  - Suggestion box (noncommittee members)
  - Documentation
  - Getting everyone involved in safety meetings or toolbox talks





# Effective safety programs

- Correct identified hazards
  - Action plan
  - Abatement
  - Implement protective measures, recurrence
  - Provide proper personal protective equipment (PPE)
  - Equipment manuals, use equipment as intended and tested by the manufacturer



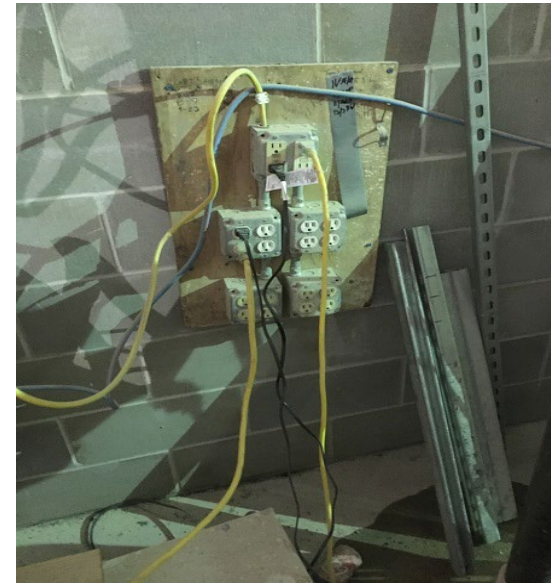
# Effective safety programs

- Training
  - Emergency action plans
  - Accessing and working from scaffolding, elevated levels, motor vehicles, confined space, etc.
  - Tool-box talks
  - Document all training and safety meetings (sign-in sheets)



# AWAIR program, Minnesota Statutes 182.653

- 1) How managers, supervisors and employees are responsible for **implementing** the program and how **continued participation** of management will be established, measured and maintained
- 2) The methods used to **identify, analyze and control** new or existing hazards, conditions and operations
- 3) How the plan will be **communicated** to all affected employees, so they are informed of work-related hazards and controls

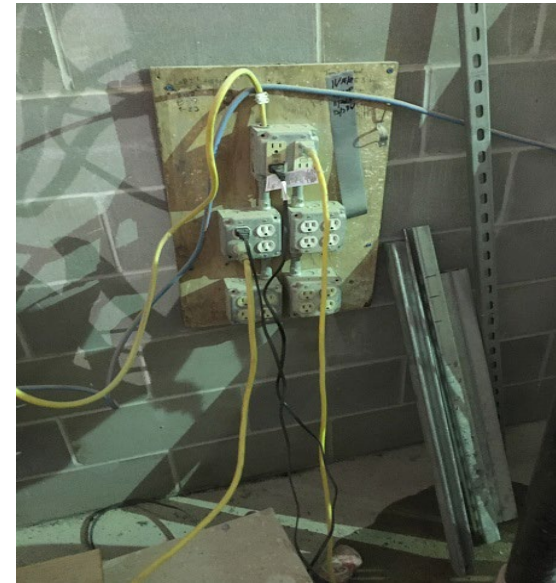


**An Employer's Guide to Developing  
A Workplace Accident and Injury  
Reduction (AWAIR) Program**



# AWAIR program, Minnesota Statutes 182.653 (cont.)

- 4) How workplace **accidents will be investigated** and corrective action implemented
- 5) How safe work practices and rules will be **enforced** – an employer must conduct and **document a review** of the A Workplace Accident and Injury Reduction program at least annually and document how that is achieved



**An Employer's Guide to Developing  
A Workplace Accident and Injury  
Reduction (AWAIR) Program**

# AWAIR requirement

- Safety committee
  - For companies with more than 25 employees
  - Employee and employer involvement
  - Employee-selected representatives
  - Safety and health surveys
  - Obtain safety-related suggestions and reports of hazards
- See Minnesota Statutes 182.676, Safety committees



# Labor management safety committee programs



**An introduction to Minnesota Rules 5208 and Minnesota Statutes 182.676**



# Safety committee purpose

- Joint labor-management safety committees have been established and used as a means of **engaging employees** in the discussion and assessment of workplace safety and health, and establishing the ability for labor to **communicate safety and health issues and concerns** directly to those who make the decisions at the workplace.



# Safety committee purpose (cont.)

- The purpose of a safety committee 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 and makes **recommendations for change**.



# Minnesota Statutes 182.676, Safety committees

- a) Every public or private employer of **more than 25 employees** shall establish and administer a joint labor-management safety committee.
- b) Every public or private employer of **25 or fewer** employees shall establish and administer a safety committee if:
  - 1) the employer has a lost workday **cases incidence rate in the top ten percent** of all rates for employers in the same industry; or
  - 2) the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a pure premium rate as reported by the Workers' Compensation Rating Association **in the top 25 percent of premium rates** for all classes.



# Minnesota Statutes 182.676, Safety committees (cont.)

- c) A safety committee **must hold regularly scheduled meetings** unless otherwise provided in a collective bargaining agreement.
- d) Employee **safety committee members must be selected by employees**. An employer that fails to establish or administer a safety committee as required by this section may be cited by the commissioner. A citation is punishable as a serious violation under Minnesota Statutes [182.666](#).

The commissioner may adopt rules necessary to implement this section.

# Minnesota Rules 5208, Accident and injury reduction program

5208.0010 – Applicability

5208.0020 – Location

5208.0030 – Membership

5208.0040 – Safety surveys

5208.0050 – Other duties and records

5208.0060 – Discrimination

5208.0070 – Alternative forms of committee

5208.0080 – Insurers duties

5208.0090 – Application to independent contractors

5208.1500 – Standard industrial classification for AWAIR

# Other rules that apply

- A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement.
- Employee safety committee members must be selected by employees.





# Requirements

- More than 25 employees
- For 25 or fewer employees and ... the employer has a lost-workday case incidence rate in the top 10% of all rates for employers in the same industry

# Successful safety committees

- Well-organized
- Clearly defined purpose
- Realistic
- Measurable objectives
- Completion dates
- Openly disagree without excessive criticism
- Focus on the issue, not the person



# Successful safety committees (cont.)

- Seek clarification when needed
- Follow the agenda
- Stay on the current topic for discussion
- Identify actions that result from decisions





# Committee members

- Both management and employee representatives
- Committee chairperson
- Employee selection – election ideal
- Stagger membership terms
- Train members
  - Accident investigation
  - Job-hazard analysis



# Committee members (cont.)

- Hazard awareness (safety and health)
- Workplace inspection
- OSHA overview



# Mental health in construction

- Suicide is a leading cause of death among working age adults in the U.S.
- There were 45,000 fatal deaths by suicide in 2020.
- Nearly one in five adults are living with a mental health condition (such as anxiety, depression or post-traumatic stress disorder).
- In June, the Centers for Disease Control and Prevention found that 40% of U.S. adults were struggling with mental health.





# Mental health in construction (cont.)

- Workers in the **construction** industry are generally at higher risk for suicide due to work-related stress factors, including seasonal or temporary employment, demanding work schedules and serious injuries.
- Strive to create a workplace **environment** that fosters open communication and a sense of belonging.
- Implement a workplace safety and health program that proactively identifies and addresses hazards that could lead to injuries or illnesses.

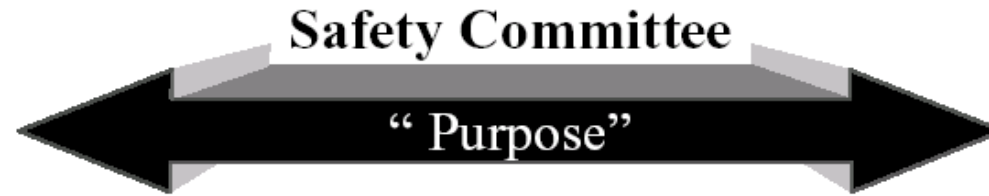


# Mental health in construction (cont.)

- **Provide resources and programs** that promote employee health and well-being and support a work and life balance.
- **Inform employees of resources** and treatment services available for mental health and substance use disorders through employee assistance or health insurance programs, or in the community.
- **Provide accommodations** and return-to-work assistance for employees seeking treatment or in recovery.



# Safety committees



- Mission statement development provides the general purpose of the committee.
- Emphasize a committee's role in identifying and managing worksite risk, educating employees, establishing a means for communicating and discussing issues that impact worker safety, and promoting workplace safety.
- Subcommittees may be established that have their own specific mission statement that supports the overall safety committee's mission through a more focused role (size appropriate).

# Safety committees (cont.)



- Effective safety committees find solutions to problems that cause workplace accidents, illnesses and injuries. Fewer accidents, injuries and illnesses mean lower workers' compensation claims costs and insurance premium rates. Successful businesses have safe, healthful workplaces.
- A safety and health committee is a group that aids and advises both management and employees about matters of safety and health pertaining to plant or company operation. In addition, it performs essential monitoring, educational, investigative and creative tests.



# Minnesota Rules 5208.0010, Location

- If an **industry-wide** safety committee has been established pursuant to a **collective bargaining agreement**, it will satisfy the requirements of this part.



# Location of safety committees

- An employer shall establish a committee at each of its establishments at which 50 or more employees work.
- Multiple buildings in a close proximity engaged in a common enterprise may be considered to be a single establishment (such as a college campus).

# Location of safety committees (cont.)

- If work is preformed at other locations, one or more centralized safety and health committee(s) representing the safety and health concerns of these other locations shall be established.
- At a site where the employees of more than one employer work, a multi-employer committee may be used to satisfy the requirement.



# Minnesota Rules 5208.0030, Membership

- Management and labor should each select its own members to the committee.
- The Minnesota statute requires at least half of the membership be labor representatives. This does not require an equal number of management members, just that at least half represent labor.





# Minnesota Rules 5208.0030, Membership (cont.)

- Having sufficient labor representation on the committee will help prevent decisions that may fall short of the necessary expectations by providing insight that can only be attained through direct experience with a work task or work area.
- Selection of management members can be critical to a committee's effectiveness. A committee should include the facilities safety manager.



# Membership

- The size of the committee will be dependent on the number of employees and complexity of the worksite. Ideally, all major work departments or work activities should be represented on the committee.
- Terms of participation, of up to two to three years, should be established that allow opportunity for ongoing involvement of employees throughout the workplace.



# Minnesota Statutes 182.676, Safety committees

- a) Every public or private employer of more than 25 employees shall establish and administer a joint labor-management safety committee.
- b) Every public or private employer of 25 or fewer employees shall establish and administer a safety committee if:
  - 1) the employer has a lost-workday cases incidence rate in the top ten percent of all rates for employers in the same industry; or
  - 2) the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25 percent of premium rates for all classes.

# Minnesota Statutes 182.676, Safety Committees (cont.)

- c) A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement.
- d) Employee safety committee members must be selected by employees. An employer that fails to establish or administer a safety committee as required by this section may be cited by the commissioner. A citation is punishable as a serious violation under Minnesota Statutes [182.666](#).



# Minnesota Rules 5208.0030, Safety committees

- Being a member of a safety and health committee is considered part of an employee's job.
- Time spent performing the duties of a safety and health committee member shall be considered as **time worked**.

# How often to complete safety surveys

- The safety committees shall conduct workplace safety and health inspections as frequently as the committee considers necessary, **unless**:
  - it is the safety and health committee for any employer that has a workers' compensation insurance experience modification factor of 1.4 or greater; or
  - has a workers' compensation premium rate of \$30 or more per \$100 of payroll assigned to the greater portion of the payroll, in which case inspections shall be quarterly.

# How to document surveys

- The employer shall keep a record of all hazards identified by and recommendations made by the safety and health committee.



# Other duties and records

- The safety and health committee shall establish a system to obtain safety-related suggestions, reports of hazards and other information from all persons involved in the operations of their workplace.
- Review the company safety program.
- Conduct and document accident investigations.
- Recommendations shall be kept by the employer for two years.





# Discrimination

- An employee who is discharged or otherwise discriminated against because the employee has reported a safety hazard to the safety and health committee is subject to the protection afforded under Minnesota Statutes 182.699.



# Alternative forms of committee

- An employer may comply with this part by establishing a safety and health committee that is innovative or different in form or function if the committee satisfies the intent of Minnesota Statutes 182.676.



# Insurer's duties

- An insurer that writes workers' compensation insurance in Minnesota shall have the capability to provide information about the operation of safety and health committees and hazard recognition for the employers it insures. This information must be provided within a reasonable time in a reasonable manner when requested by the insured.



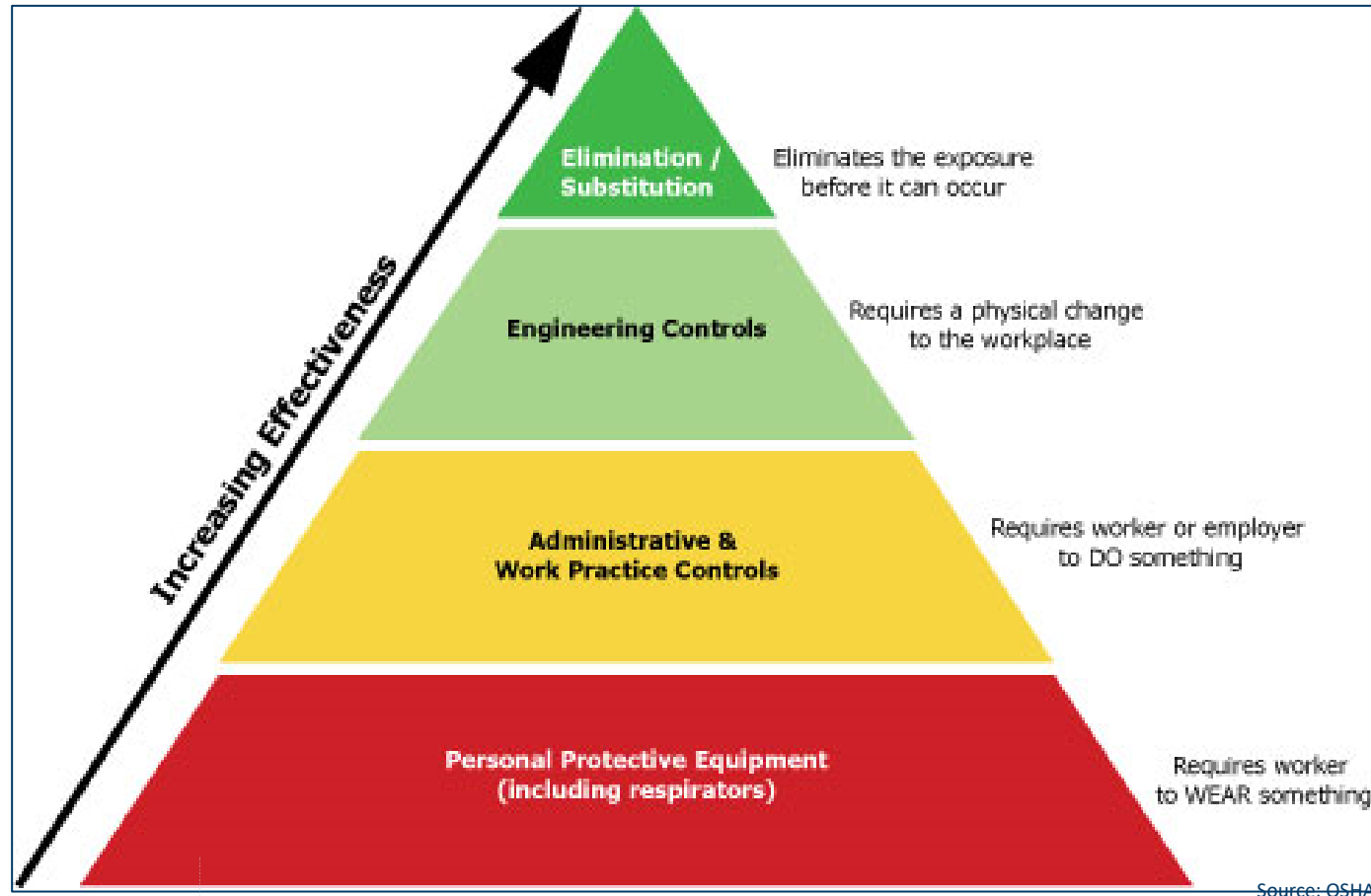
# Application to independent contractors

- For the purposes of this part, an “employee” includes an independent contractor engaged in construction activities and a person who has contracted with an independent contractor to supply construction services.





# Protecting employees; hierarchy of control methods



# Thank you

Kyle Casey

[kyle.casey@state.mn.us](mailto:kyle.casey@state.mn.us)