

New Logo & New Name ...

*BUT OUR CONTINUED ATTENTION TO GREAT SERVICE
AND BUILDING LASTING RELATIONSHIPS IS THE SAME*

With the passing of our founder, it has become necessary to make a few technical adjustments. Over the next few months **MJS Safety LLC** will be transitioning to a new company name –

MJS Legacy Safety Consulting Services LLC

All of the services provided to you through **MJS Safety LLC** will remain the same and be available to you through **MJS Legacy Safety Consulting Services LLC** with no interruption. We are committed to carrying on the legacy that Mike envisioned for both the company and our clients, and will continue to make ‘*caring for our client’s needs*’ our top priority.

The contact information for both Carrie Jordan and Jeremy Jordan will remain the same.

Please note a new shipping address: 1026 N. 1st Street, Johnstown CO 80534.

There is no change to the mailing address: P.O. Box 10, Johnstown CO 80534.

Our training facility and offices will not change: 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543.

It has been our distinct pleasure to serve your business needs for the past 26 years under **MJS Safety**. We look forward to continuing a productive and successful business relationship with you under the **MJS Legacy Safety** brand for many years to come.

carriejordan@mjsafety.com — jeremyjordan@mjsafety.net

Navigating the landscape of COVID-19 and its continuing variants has seemingly become less confusing. Hopefully this will be the path for the future. So that you can access the most updated information, we’ll continue to provide links for your convenience.

Here are Resources containing the most current information and guidance for your workplace.

- [CDC – Centers for Disease Control](#) – Important info: [COVID-19 vaccine](#)
- [CDPHE – Colorado Department of Public Health and Environment](#)
- [WHO - World Health Organization](#)
- [OSHA Guidance](#)
- [DOL Resources](#)
- [Covid19.colorado.gov](#)

COVID-19 Resource - Filing Whistleblower Complaints Related to COVID-19

OSHA’s [new fact sheet](#) explains how workers can protect their right to raise workplace health and safety concerns relating to COVID-19 without fear of retaliation.

▶ [Training Summary/Class Schedule](#) • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543 • [read more...](#)

→ **Distance Learning & Video Conference classes:** *We are excited to announce that PEC will be allowing us to temporarily offer Safeland and the PEC H2S Clear courses via video conferencing until June 2022. We are also able to offer the 1st aid/ CPR classes with an online blended learning option, and remote skills verification – as well as our In-House H2S Awareness Course. Ask about other distance learning opportunities for more information.*

→ *Video Conference Courses Must Be Scheduled Separately and Are Available Upon Request.*

OSHA / CONSTRUCTION NEWS SUMMARY

▶ Visit OSHA's [COVID-19 Frequently Asked Questions page...](#) [read more...](#)

▶ OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

OSHA has issued temporary enforcement guidance related to the COVID-19 pandemic for [Recording and Reporting Occupational Injuries and Illnesses](#) required under 29 CFR Part 1904. [read more...](#)

▶ Drug Testing

More and more of the 3rd Party Auditing companies like NCMS and TPS Alert are requiring drug testing levels slightly above the levels of some of the regulatory levels to ensure drug testing is being completed each quarter. [read more...](#)



▶ Construction Gets a Big Bump as Workforce Drug-Test Positivity Reaches 20-year High

Positivity for cocaine and marijuana is climbing among federally mandated testing of safety-sensitive workers. [read more...](#)

▶ Carbon Monoxide Poisoning — Protect Yourself

Carbon monoxide is a colorless, odorless, toxic gas which interferes with the oxygen-carrying capacity of blood. [read more...](#)

▶ Protecting Workers from Heat



On May 3rd, OSHA is hosting a virtual public stakeholder meeting on the agency's activities to protect workers from heat-related hazards. [read more...](#)

▶ First Ever National Emphasis Program to Protect Workers from Indoor and Outdoor Heat Hazards

OSHA has launched a National Emphasis Program to protect millions of workers from heat illness/injuries. [read more...](#)

▶ *important reminder...* Injury Reporting

US DOL reminds specific employers to submit required 2021 injury, illness data... [read more...](#)



▶ Improving the Safety of Field Technicians

Field technicians can be considered as the connecting point between their employer or department and a given client... [read more...](#)

▶ 10 Strategic Ways to Procure PPE in Today's Supply Chain

Experts believe market conditions aren't likely to return to normal any time soon. [read more...](#)

▶ National Safety Stand-Down to Prevent Falls — May 2-6.

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 351 of the 1,008 construction fatalities recorded in 2020 (BLS data). [read more...](#)

▶ Is Work-Related Stress Recordable as a Mental Illness Case?

Mental illnesses, such as depression or anxiety disorder, that have work-related stress as a contributing factor, are recordable... [read more...](#)

▶ How are Wearables Making Worksites Safer?

How do employers monitor the health and safety of personnel without encroaching on their privacy and productivity? [read more...](#)

▶ Improve Tracking of Workplace Injuries and Illnesses

OSHA published a [proposed rule](#) on March 30, 2022 that would require: [read more...](#)

▶ **How to Prepare for a Surprise OSHA Inspection**

An OSHA inspection can happen at any time. [read more...](#)

TRANSPORTATION NEWS SUMMARY

▶ **Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory...** [read more...](#)

▶ **DOT Implements Annual Regs Violation Penalty Increases**

The Department of Transportation recently published a final rule updating the civil penalty amounts [read more...](#)

▶ **Operation Safe Driver Blitz — Focus on Speeding**

This summer's **Operation Safe Driver Week** is scheduled for July 10-16 [read more...](#)

▶ **Legislation to Remove Overtime-Pay Exemption for Employee Drivers Follows DOT Action Item**

Has overtime pay exemption in the **Fair Labor Standards Act** applied to OTR drivers simply outlived any practicality it may have had? [read more...](#)

▶ **FMCSA Again Plans to Explore Speed Limiters for Heavy-Duty Trucks**

The **Federal Motor Carrier Safety Administration** issued a [notice of intent](#) to proceed with a rulemaking that would require the use of speed limiters on heavy trucks. [read more...](#)

▶ **CVSA Announces Roadcheck Inspection Blitz Dates, OOS Criteria Changes**

This year's **International Roadcheck** inspection blitz will be held May 17-19 with a focus on wheel ends. [read more...](#)

▶ **Click It or Ticket Enforcement**

Statewide, the **Colorado Department of Transportation**, the **Colorado State Patrol (CSP)** and **33 local law enforcement agencies** throughout the state began the **first seat belt enforcement** period of **2022**. [read more...](#)



▶ **Preparing for MSHA's "Take Time Save Lives" Campaign**

MSHA NEWS SUMMARY

MSHA is Focusing on Task Training, So Let's Look Quickly at What's Required and What You Can Do to Comply. [read more...](#)



MONTHLY SAFETY & HEALTH TIP NEWS SUMMARY

did you know? ...

▶ **Work-Related Stress Can Have Severe Negative Effects on Mental Health**

... help is available: [read more...](#)

▶ **When Your Employee Discloses a Mental Health Condition**

What the Experts Say [read more...](#)



MJS Legacy Safety OFFERS DRUG & ALCOHOL TESTING

to comply with DOT/FMCSA, PHMSA & Non-DOT requirements.

We offer an in-house drug testing consortium pool with customer service that cannot be beat.

We also provide assistance with 3rd party Drug Testing Compliance Auditing through NCMS, TPS Alert & Veriforce, as well as DISA account management.

“Training Spotlight”

(a different course will be featured monthly)

ACCIDENT INVESTIGATION TECHNIQUES

This course outlines effective accident investigation techniques and methods for increasing employee reporting of near misses, first aid cases, and injuries / accidents. Techniques discussed include Root Cause Analysis, the 5 Whys, and the Fishbone Diagram.

For all of our Course Offerings visit the [MJS Legacy Safety website](http://www.mjslegacysafety.com)

Schedule of classes May 2022: • TRAINING CENTER - 1760 BROAD ST, UNIT H, MILLIKEN, CO 80543

- *PEC Safeland Basic Orientation: NEW 2021 SAFELAND: May 13, 23, 31; 8 – 4:30; This class available through video conference instructor led distance learning thru 6/30/22 - only upon request
• *First Aid/CPR/AED/BLOODBORNE PATHOGENS (We offer MEDIC FIRST AID): In Person Classes: May 16; 8 – noon; This class is also available for blended learning (online) with remote or in-person skills assessment
• *Hydrogen Sulfide Awareness [ANSI Z390 -2017 Course]: May 16; 12:30 – 4:30; This class available via Instructor Led video conference
• *OSHA 30 HOUR - CONSTRUCTION (English - 4 day class – At Aims Community College) May 9-12; 8 – 4:30;

[For any last minute schedule updates, go to www.mjslegacysafety.com]

▶ NEED ANY OF THESE CLASSES IN SPANISH? CONTACT carriejordan@mjsafety.com TO SCHEDULE TODAY ◀

To sign up for one of these classes, or inquire about scheduling a different class Call Carrie at 720-203-4948 or Jeremy at 720-203-6325

▶ MJS Legacy Safety also offers custom classes to fit the needs of your company ◀

— FEATURED TRAINING PROGRAMS —

- Safeland Basic Orientation • Hydrogen Sulfide Awareness • First Aid/CPR
• OSHA 10 Hour for General Industry or Construction • Confined Space for Construction
• Competent Person for Excavations • HAZWOPER 8, 24 & 40 hr Courses

Unable to attend a class?

MJS Legacy Safety offers multiple “ONLINE TRAINING COURSES”

including

OSHA Construction, General Industry, Environmental, Hazardous Waste Public Safety, DOT, Human Resource, and Storm Water & ISO

or you can

Need Help With

- ISNetwork
■ PEC/Veriforce
■ NCMS
■ Avetta/BROWZ
■ TPS ALERT

CALL US!!!

Schedule training at our Training Center in Milliken...or On-Site at your facility

SOURCES FOR THIS ISSUE INCLUDE:

- OSHA
FMCSA
ISHN
US DOL
NIOSH
MSHA
CVSA
Quest Diagnostics
CDOT
hsi
For Construction Pros
Harvard Business Review
Kelly Greenwood, Mind Share Partners
Susan Goldberg, Fielding Graduate University
Rock Products
NWZAW
Overdrive



OSHA / CONSTRUCTION

► MJS Legacy Safety can help guide you through training requirements. Call us! ◀

Visit OSHA's [COVID-19 Frequently Asked Questions](#) page for current information

OSHA's Recordkeeping Requirements During the COVID-19 Pandemic

OSHA issued enforcement guidance related to the COVID-19 pandemic for [Recording and Reporting Occupational Injuries and Illnesses](#) required under *29 CFR Part 1904*.

For more information see the [Enforcement Memoranda](#) section of OSHA's [COVID-19 Safety and Health Topics](#) page.

Drug Testing

More and more of the 3rd Party Auditing companies like NCMS and TPS Alert are requiring drug testing levels slightly above the levels of some of the regulatory levels to ensure drug testing is being completed each quarter.



MJS Legacy Safety Service conducts both drug testing and Auditing account management for our in-house consortium clients as well as the management of other client drug testing consortium accounts, such as DISA. Many have modified their random selections process to work more effectively when a policy is tied to multiple auditing agencies. In specific situations, this may result in slightly more random selections being generated than clients are previously used to seeing to ensure compliance with both the regulatory requirements as well as client specific requirements.

Drug testing policies typically mirror the requirements of an auditing agency (e.g. DOT, DCC, DISA Monitoring, NCMS, etc.). When customers setup a single policy for more than one monitoring agency, and these auditing agencies require different random percentages, the number of random selections generated may be lower than one of the two agencies requires.

**If you have questions on the selection process,
need assistance with the management of your TPS Alert, NCM, or
other drug testing audit accounts,
or need to sign up for a consortium, give us a call!**

Construction Gets a Big Bump as Workforce Drug-Test Positivity Reaches 20-year High

Positivity for cocaine and marijuana is climbing among federally mandated testing of safety-sensitive workers. Positives are rising faster in post-accident tests than preemployment for cocaine, marijuana, opiates and oxycodones.

After holding steady between 2017 and 2020, positive results for drug tests of construction workers increased more than 12% in 2021, according to the 2022 Quest Diagnostics Drug Testing Index (DTI).

The rate of positive drug test results among America's total workforce reached its highest rate last year since 2001 and was up more than 30% in the combined U.S. workforce from an all-time low in 2010-2012, according to analysis by Quest Diagnostics. In the context of widespread labor recruiting and retention challenges, 2021 drug positivity in the economy at large increased in post-accident tests at a faster rate than pre-employment tests for cocaine, marijuana, opiates and oxycodones.

The study, based on more than 11 million deidentified urine, hair and oral fluid drug test results collected between January and December 2021, offers revealing insights into workforce drug use as employers grapple with creating safe, healthful work environments.

The overall positivity rate in the combined U.S. workforce, based on nearly nine million urine drug tests, was up to 4.6% compared to 4.4% in 2020 and up 31.4% from the all-time low of 3.5% just 10 years ago. The combined U.S. workforce includes the general U.S. workforce of mostly company-policy testing by private employers as well as the federally mandated, safety-sensitive workforce, which includes federal employees and the transportation and nuclear power industries, and can include workers such as pilots, truck drivers, train conductors and others required to drug test under federal legislation.

Positives jump in federally mandated tests

Overall positivity in the federally mandated, safety-sensitive workforce based on nearly 2.7 million urine drug tests remained steady at 2.2% in 2020 and 2021, and was 4.8% higher than 2017. In the general U.S. workforce, positivity increased 1.8% (5.5% in 2020 versus 5.6% in 2021) and was 12% higher than in 2017 (5.0% in 2017 versus 5.6% in 2021) and up each of the last five years.

"Employers are wrestling with significant recruitment and retention challenges as well as with maintaining safe and engaging work environments that foster positive mental and physical wellbeing," said Keith Ward, general manager and vice president, Quest Diagnostics Employer Solutions. "Our Drug Testing Index data raises important questions about what it means to be an employer committed to employee health and safety. Eager to attract talent, employers may be tempted to lower their standards. In the process, they raise the specter of more drug-related impairment and worksite accidents that put other employees and the general public in harms' way."

After five years of steady declines in several drug categories, positivity rates based on urine drug tests for the federally mandated, safety-sensitive workforce increased in 2021. Of note, marijuana increased 8.9%, amphetamines increased 7.8% and cocaine increased 5.0%.

"It is important for workers to know that certain employers are required to test for marijuana under federal law and if they use marijuana, they can still lose their jobs," said Barry Sample, PhD, senior science consultant for Quest. "People who use drugs during working hours or before work can still be impaired and dangerous to co-workers, the general public and themselves."

Positivity rates for marijuana in the general U.S. workforce, based on more than 6 million urine tests, continued an upward climb, increasing 8.3%, the highest positivity rate ever reported in the DTI. Over five years, positivity for marijuana in the general U.S. workforce increased 50%.

Less marijuana testing, lower positivity

In 2021, positivity in the general U.S. workforce based on oral fluid was 7.3% in 2021, a decline of 46.3% compared to 2020 and 29.8% compared to 2017. The drop in oral fluid-positivity was driven by a decline in the number of pre-employment tests that included screening for marijuana. However, of those tests that screened for marijuana, the oral-fluid drug positivity rate for marijuana was 14.8% in 2021, an increase of 20.3% compared to 2020 and up 68.2% over five years. At the same time, the positivity rate for cocaine increased 46.6%, its highest spike since 2006. Methamphetamine increased 26.4%, exhibiting year-over-year increases for the last five years.

Oral fluid tests generally have a shorter window of drug detection than urine, and can detect some drugs faster, in a matter of minutes versus hours. Oral fluid collection also has the advantage of being observed, making it harder to subvert the testing process.

Post-accident results diverge from pre-employment

Over the last five years in general U.S. workforce urine drug testing, pre-employment positivity increased 17.4%, while post-accident positivity increased 26%.

Similarly, in federally mandated, safety-sensitive workforce urine drug testing, pre-employment positivity increased 9.5% since 2017, while post-accident positivity increased 41.9%. In 2021, the post-accident positivity as compared to pre-employment positivity was 79.6% higher in the general U.S. workforce and 91.3% higher in the federally mandated, safety-sensitive workforce.

"Drug use affecting the work environment is a complex problem that is not going away," said Jenny Burke, vice president of impairment practice, National Safety Council. "When workers use impairing substances, it can create incidents that compromise the safety of other workers and, in some cases, the general public. Employers should have the right and ability to maintain a substance-free workplace and the use of drug testing, including oral fluid in addition to urine. NSC supports policies and procedures that ensure safe and healthy workplaces."

In 2021, urine post-accident testing in the U.S. general workforce for the drugs marijuana and cocaine, the positivity rate was 63.4% and 266.7% higher, respectively, as compared to pre-employment tests.

For the **two groups** of **semi-synthetic opiate** drugs – **opiates** (*hydrocodone/hydromorphone*) and **oxycodones** (*oxycodone/oxymorphone*) – in these tests, **post-accident positivity** was **316.7%** and **200%** higher, respectively, than in **pre-employment testing**.

For **federally mandated**, safety-sensitive **workforce urine drug testing** in **2021**, post-accident **positivity for marijuana, cocaine, opiates and oxycodones** was **63.6%**, **119%**, **257.1%**, and **194.1%** higher, respectively, as **compared to pre-employment tests**.

Pre-employment drug tests are meant to be a **deterrent** in hiring **workers** whose **drug-use behavior** may cause **unsafe work conditions** or poor **work performance**. Post-accident **testing is conducted** to evaluate **whether drug use** may have **played a role** in the **workplace incident prompting the drug test**.

"The **increase** in post-accident **positivity** is **alarming** and suggests **more drug-associated accidents** may be occurring even with **employers with pre-employment drug testing** in place," Dr. Sample said. "The **high cost** of **work accidents** cannot be **understated**. While employers **often think of accidents** in terms of **wage** and **productivity losses**, medical expenses, and **administrative expenses**, accidents also **impact morale**, competitiveness and **recruiting**. Given that **employers** are in a **war for talent**, creating a **safe, healthful work environment** is critical for **attracting and retaining people**."

Trends for cocaine and opiates

Positivity for **cocaine based on urine tests** in the **general U.S. workforce** decreased **4.5%** and positivity for **cocaine over the past five years declined 30%**. Positivity rates for **cocaine based on urine tests** in the **federally mandated safety, safety-sensitive workforce** increased **5.0%**, the first **increase in five years**.

Positivity for **opiates and oxycodones** in the **general U.S. workforce** decreased last year and **over five years**. Positivity for **opiates** (*codeine/morphine*) based on **urine drug tests** in the **general U.S. workforce** decreased **19%** and **56.4%** over **five years**. Positivity for **opiates** (*hydrocodone/hydromorphone*) in the **general U.S. workforce** decreased **3.0%** and **37.3%** over **five years**. Positivity for **oxycodones** (*oxycodone/oxymorphone*) in the **general U.S. workforce** stayed the same in **2020 and 2021 (0.29%)** and **decreased 52.5%** over **five years**. **To see a U.S. map depicting positivity rates for different drug classes, visit DTIDrugMap.com. View graphed results at this [link](#).**

About the Quest Diagnostics DTI

The Quest Diagnostics Drug Testing Index is a series of reports that provide insights into trends in workforce drug use based on positivity rates of deidentified laboratory tests performed by Quest Diagnostics for a range of illicit, legal and prescription drugs. It examines test results according to three categories of workers: federally mandated, safety-sensitive workers; the general U.S. workforce; and the combined U.S. workforce. Federally mandated, safety-sensitive workers include pilots, bus and truck drivers, and workers in nuclear power plants, for whom routine drug testing is mandated by government agencies like the Department of Transportation, Nuclear Regulatory Commission and the Department of Defense.

The strengths of the DTI analysis include its large, nationally representative sample size, longitudinal monitoring, a testing population that is generally reflective of the U.S. workforce and the quality of the company's drug testing services to confirm positive results. Limitations include analysis only of employers that perform drug testing with the company, and a lack of exact cross-specimen comparisons due to variations in substances for which employers test. Quest Diagnostics has analyzed annual workplace drug testing data since 1988 and publishes the findings as a public service.

Carbon Monoxide Poisoning — Protect Yourself

Carbon monoxide (CO) is a **colorless, odorless, toxic gas** which **interferes** with the **oxygen-carrying capacity of blood**. CO is **non-irritating** and can **overcome persons** without **warning**. Many people **die from CO poisoning**, usually while **using gasoline powered tools and generators** in buildings or **semi-enclosed spaces** without **adequate ventilation**.

Effects of Carbon Monoxide Poisoning

- *Severe carbon monoxide poisoning causes neurological damage, illness, coma and death.*

Symptoms of CO Exposure

- *Headaches, dizziness and drowsiness.*
- *Nausea, vomiting, tightness across the chest.*

Some Sources of Exposure

- *Portable generators/generators in buildings.*
- *Concrete cutting saws, compressors.*
- *Power trowels, floor buffers, space heaters.*
- *Welding, gasoline powered pumps.*

Preventing CO Exposure

- *Never use a generator indoors or in enclosed or partially enclosed spaces such as garages, crawl spaces, and basements. Opening windows and doors in an enclosed space may prevent CO buildup.*
- *Make sure the generator has 3-4 feet of clear space on all sides and above it to ensure adequate ventilation.*
- *Do not use a generator outdoors if placed near doors, windows or vents which could allow CO to enter and build up in occupied spaces.*
- *When using space heaters and stoves ensure that they are in good working order to reduce CO buildup, and never use in enclosed spaces or indoors.*
- *Consider using tools powered by electricity or compressed air, if available.*
- *If you experience symptoms of CO poisoning get to fresh air right away and seek immediate medical attention.*

[OSHA Quick Card](#) (pdf)

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees.

[OSHA's](#) role is to help ensure these conditions for America's workers by setting and enforcing standards, and providing training, education and assistance.

Protecting Workers from Heat



On May 3rd, OSHA is hosting a virtual public stakeholder meeting on the agency's activities to protect workers from heat-related hazards. This half-day meeting will allow stakeholders an opportunity to learn about and comment on the various efforts the agency is taking to protect workers from heat-related hazards, as well as hear about the agency's rulemaking process and ways for the public to participate. During the meeting, the process of federal rulemaking and ways for the public to participate in the process will be discussed.

The agency will also provide an overview of the [Heat Illness Prevention Campaign](#), compliance assistance activities, and enforcement efforts.

Visit the [Heat Forum Public Stakeholder page](#) for more details and to [Register in Advance](#).

Individuals unable to attend and those who prefer to submit written comments must do so by Aug. 1, 2022, at www.regulations.gov, Docket No. OSHA-2022-0006.

First Ever National Emphasis Program to Protect Workers from Indoor and Outdoor Heat Hazards

For the first time, the U.S. Department of Labor's **Occupational Safety and Health Administration** has launched a **National Emphasis Program** to protect millions of workers from heat illness and injuries. Through the program, OSHA will conduct heat-related workplace inspections before workers suffer completely preventable injuries, illnesses or, even worse, fatalities.

Heat illness affects thousands of indoor and outdoor workers each year and can tragically lead to death. Reducing workplace heat-related illnesses and injuries is a top priority for the Department of Labor, and this **National Emphasis Program** is a way to immediately improve enforcement and compliance efforts, while continuing long-term work to establish a heat illness prevention rule. These efforts are part of a larger, interagency Biden-Harris administration effort to protect workers and communities from extreme heat and rising temperatures resulting from climate change.

"Tragically, the three-year average of workplace deaths caused by heat has doubled since the early 1990s. These extreme heat hazards aren't limited to outdoor occupations, the seasons or geography. From farm workers in California to construction workers in Texas and warehouse workers in Pennsylvania, heat illness – exacerbated by our climate's rising temperatures – presents a growing hazard for millions of workers," said Secretary of Labor Marty Walsh. "This enforcement program is another step towards our goal of a federal heat standard. Through this work, we're also empowering workers with knowledge of their rights, especially the right to speak up about their safety without fear of retaliation. I'm grateful for the Vice President's leadership on this issue, and for her demonstrated commitment to keeping workers safe on the job."

As part of the program, OSHA will proactively initiate inspections in over 70 high-risk industries in indoor and outdoor work settings when the National Weather Service has issued a heat warning or advisory for a local area. On days when the heat index is 80 F or higher, OSHA inspectors and compliance assistance specialists will engage in proactive outreach and technical assistance to help stakeholders keep workers safe on the job. Inspectors will look for and address heat hazards during inspections, regardless of whether the industry is targeted in the NEP.

"Our goal is to make it safe for workers in hot indoor and outdoor environments, so that they can return home safe and healthy at the end of each day," said Assistant Secretary for Occupational Safety and Health Doug Parker. "Working together, we can ensure workers know their rights and employers meet their obligations in order to protect workers from the growing dangers of extreme heat."

OSHA's area offices will engage in outreach to unions, employers in target industries and other organizations committed to advancing protections for underserved workers. The agency's [On-Site Consultation Program](#), a free and confidential health and safety consulting program for small- and medium-sized businesses, will assist employers in developing strategic approaches for addressing heat-related illnesses and injuries in workplaces.

Last fall OSHA published an **Advance Notice of Proposed Rulemaking** to initiate the rulemaking process towards a federal heat standard and is committed to using all tools at its disposal to reduce heat hazards through a combination of enforcement, outreach and compliance assistance.

Read a [fact sheet](#) on OSHA's National Emphasis Program to protect workers across the nation from the increasing threat of heat related illness.

Learn more about [working in outdoor and indoor heat environments](#). Read [OSHA Heat Standards](#).

Improving the Safety of Field Technicians

Field technicians can be considered as the **connecting point** between their employer or **department** and a **given client**, whether that **client is external** or internal to the **organization**. They are **therefore** an **integral and critically important part of the provision of technical services**, whether it be for the installation, **repair**, or maintenance of **machinery and equipment**.



Their **work can be hazardous**. These **hazards** may arise due to the **nature of the work**, what is **being worked on**, or the **conditions** in which they **have to work**. For example, the **installation of high-voltage (HV) cables** is **inherently hazardous**, whilst other **technicians** may have to **work in bad weather conditions** or in **confined spaces** in which the **build-up of noxious gases** could be an **imminent threat**.

An **employer/line manager** must ensure the **safety of field technicians** during the **course** of their **work**. Here are **four** of the **most important ways** that the **safety of technicians** in the **field** can be **improved**.

1. Risk management is paramount

A **risk management system** is the **solid foundation** which ensures the **safety of field technicians**.

The **importance** of a **risk assessment approach** in safety **cannot be underestimated**. Risk assessments **should be comprehensive** and take **all tasks**, potential hazards, and **hazardous conditions** into due **consideration**. For **field technicians**, examples of **hazardous work** or conditions **could encompass the following**:

- *Long-distance travel*
- *Working alone*
- *Working at heights*
- *Specialized electrical or portable equipment*
- *Arduous physical tasks, such as lifting, pushing or pulling*
- *Work in remote locations*
- *Working with live electricity*
- *Interactions with the public*

2. Training for safety-savvy technicians

The **importance of safety training** for field technicians **cannot be underestimated**, given the **often hazardous** nature of their **work**. This training **should go beyond** essential **requirements**, such as the operation of **certain equipment**. Not only does a **field technician** **require** broad **technical skills**, such as **various aspects relating to maintenance**, but also **other key skills** such as the **fundamentals** of **project management** and even **communication skills**.

It is **important to remember** that a **field technician** may be **exposed to far more** potential hazards and **risks compared** to workers who are **less mobile** and who have a **steady or single workplace**. That means that the **average field technician** has a **higher and more** fluctuating **risk profile** than many other **workers**. This reality **necessitates even greater** attention to their **training** that is based on **job-specific**, risk-appropriate **learning and skills development**. Bottom line — a **field technician** that is **not trained and up-skilled** on a **continuous basis** is a **safety incident** waiting to **happen**.

3. Provide a safe working environment

Sometimes **hazardous work conditions** cannot be **avoided**. Remote, **geolocation**, or **GPS-based surveillance** can be used to **monitor the whereabouts (and safety)** of workers **doing work at night** or in **dangerous locations**, for example. **Fit-for-purpose personal** protective equipment (**PPE**) should be provided **without hesitation** and at **no cost to workers** for tasks in **hazardous locations**, whether it be **breathing apparatus** in confined, **noxious environments** or thermal clothing in **very cold environments**, for example.

If equipment **cannot overcome** these **conditions**, then other **safety measures** may be **needed**. One **example** of mitigating **hazardous work conditions** is to instill a **'Safety First'** philosophy for **all work undertaken**. This will **tackle the tendency** of workers to **hurry** to **'just get the job done'**. Another safety measure to **impose whenever possible** is making **working in pairs** a **mandatory policy**. Lone working is **inherently more hazardous**, especially in **hazardous conditions**. Working teams of **at least two** ensure that at least **one person** can be on hand to **call for help** or **assistance** if needed.

4. Use technology for safety

Different **types of software** can help **ensure safer working conditions**. The tracking of the **unique work history** for each employee **is one example of workplace safety software** usage, whereby each worker's **job profile** and **given duties** can inform everything from **job-specific risk assessments** to **personal occupational health records**. The **future scope** of **'Wearables'** for the **purpose of safe work** in the field is **immense**. (see article on **'Wearables'**....[pg12](#))

This **'golden thread'** of data can also **inform other aspects** of **safety management** such as **training needs analysis**, incident reporting, and the **allocation of resources**, such as **risk-appropriate machinery** or **PPE**.

The **field technician** is at the **'frontline'** of **hands-on, practical work**. As such, they can **often** be exposed to **hazards as part of their duties**. It is **therefore imperative** that **every effort** is made to ensure their **safety at all times**. It is also a **duty of care** that **any organization** is obliged to **provide** its **field technicians**.

10 Strategic Ways to Procure PPE in Today's Supply Chain

Shortages, supply chain disruptions and rising demand have made it much harder to procure PPE.



Experts believe market conditions aren't likely to return to normal any time soon. Businesses that need PPE — including manufacturers, health care providers, restaurants and more — will need new strategies to adapt to current supply chain conditions.

1. Diversify suppliers

Depending on the same few suppliers can introduce unnecessary risk to your operations.

Individual suppliers can sometimes struggle, even when the market is good, which may limit your business's ability to source PPE. Companies in the same region may be vulnerable to local shortages, infrastructure failures and poor market conditions. Clustered suppliers can also be susceptible to short-term crises like natural disasters. Businesses that work with multiple suppliers in danger-prone areas may frequently find themselves without needed items.

Working with a range of suppliers worldwide can make the company supply chain more difficult to manage — but will provide a business with better access to essential items.

If an audit of your business's supply chain reveals a dependence on a handful of companies, or those clustered in the same few areas, it may be a good idea to diversify your base.

2. Build stronger supplier relationships

However, it can be disadvantageous to work with multiple suppliers if it prevents a business from building strong relationships.

For example, a company that always buys from the cheapest available vendors is likely to lose out on the benefits of consistently buying from the same supplier or intentionally developing a strong business partnership.

A supplier with a strong relationship with your business may be much more likely to offer advantageous contract terms, communicate frequently, provide advice on supply chain operations and be more transparent.

3. Purchase from international suppliers

In some cases, diversifying your supply chain may not be enough. Current suppliers of N95 masks, no matter where they are located or the number of companies your business works with, may not be able to provide the PPE you need.

Looking to international suppliers can help businesses manage shortages. They may be designed to meet different PPE standards, but they're often an effective substitute for PPE that meets American requirements.

For example, KF94 and KN95 masks meet Korean and Chinese standards, respectively, on mask filter performance and testing. KF94 masks filter 94% of particles and KN95 filters 95%. They may not meet the N95 American standards, but they can be an effective replacement when not mandated by law or required by industry standards.

Going abroad for PPE can be a valuable strategy when domestic options aren't available.

4. Identify and eliminate data silos

Miscommunication, a lack of transparency and data silos can all make effective procurement much more difficult.

Sharing information between departments will help a business ensure that all employees involved in procuring, sourcing or managing PPE will have the data to make informed decisions. New technologies, like AI and IoT, can help provide additional insight into supply chain operations and increase the information the team will have access to.

In the best-case scenario, employees in charge of procurement will also understand the different kinds of PPE available and what their business will need.

For example, staff in a biosafety level 4 (BSL-4) lab will need much better protection than workers in a BSL-1 lab. Employees in charge of procuring can benefit from understanding the level of PPE staff will need.

5. Manage waste

In addition to securing a steady supply of PPE, it's also important to manage how it's used. Waste of PPE in daily operations can easily increase the amount a business's workers need.

Auditing business operations to identify how PPE is used and discarded can help a company identify and eliminate potential waste. This will make it easier to procure enough PPE for normal operations.

6. Control distribution

Finding ways to manage PPE distribution — like through reclamation programs and automated dispensing equipment — can also help make a business's PPE consumption more manageable.

Distribution control systems can reduce the potential for waste and misuse, potentially making PPE sourcing and management much easier.

7. Expand PPE stockpiles

A stockpile can be expensive to maintain, but having PPE on hand will make shortages and supply chain disruptions easier to manage.

Businesses with storage space available for a PPE stockpile should build up or expand their supplies.

8. Build risk management into supply chain operations

Supply chain transparency is often limited and the scope and scale may make threats harder to predict. As a result, modern operations need to be built from the ground up with risk in mind — otherwise, effective risk management may be difficult to achieve.

Supply chain risk management strategies — including regular audits, the development of crisis management plans and transparency-boosting initiatives — can help a business more effectively identify and manage supply chain threats.

9. Plan for fraud

Fraud in the marketplace has become much more common due to the growing demand for PPE and ongoing shortages. PPE with false or spoofed certifications, low-quality products and scams are all threats buyers should plan for.

Working with reputable vendors that seem informed about the products they sell is a good way to prevent PPE fraud. Companies that appear to have deep knowledge of their product, suppliers and the overall supply chain are less likely to be taking advantage of their customers with low-quality or fraudulent products.

Awareness of scams and fraud in the market can also help prepare businesses to effectively source legitimate PPE.

10. Avoid deals that look too good to be true

Businesses can also reduce the risk of fraud and scams by avoiding deals that appear too good to be true.

Vendors that offer PPE at far lower prices than the market average, or have items in stock when others don't, may be trying to take advantage of desperate buyers.

When PPE is hard to come by, vetting vendors that offer uniquely good deals can help businesses avoid fraud, scams and substandard products.

How businesses can navigate a challenging PPE market

PPE remains in short supply due to ongoing manufacturing and supply chain disruptions. Businesses that need it are likely to face procurement challenges into the foreseeable future.

Procurement strategies that prioritize long-term supplier relationships, risk management and diversification can help businesses navigate these challenges.

Improve Tracking of Workplace Injuries and Illnesses

OSHA published a [proposed rule](#) on March 30, 2022 that would require:

- Establishments with 20 or more employees, in certain high-hazard industries, continue to electronically submit Form 300A Annual Summary information once a year to OSHA.
- Establishments with 100 or more employees in the highest-hazard industries to submit Form 300 Log and Form 301 Incident Report information once a year to OSHA. These establishments would continue to be required to electronically submit information from their Form 300A Annual Summary.

In addition, establishments with 250 or more employees, not in designated high-hazard industries, would no longer be required to electronically submit recordkeeping information to OSHA.

OSHA believes that the electronic submission of establishment-specific and case-specific information from the Forms 300 and 301 will improve workplace safety and health by:

- allowing OSHA to use its resources more effectively by better enabling the Agency to identify workplaces where workers are at greatest risk from specific hazards, and to target its compliance assistance and enforcement efforts accordingly,
- improving the ability of employers to compare their own injury and illness data on hazards with the data from similar establishments in the same industry,
- improving the ability of stakeholders to make more informed decisions using recent establishment-specific, case-specific, injury/illness information, and
- improving research on occupational safety and health.

You may submit comments on the [proposed rule](#) electronically to the federal docket folder (number [OSHA-2021-0006](#)) at [Regulations.gov](#). You may also review comments submitted by members of the public including workers and worker groups, affected industries, and other interested parties. In addition, you may examine all supporting materials for the proposed rule on this site. **The deadline for submitting comments is May 31, 2022.**

Is Work-Related Stress Recordable as a Mental Illness Case?

Mental illnesses, such as depression or anxiety disorder, that have work-related stress as a contributing factor, are recordable if the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (*psychiatrist, psychologist, psychiatric nurse practitioner, etc.*) stating that the employee has a mental illness that is work-related, and the case meets one or more of the general recording criteria.

See sections [1904.5\(b\)\(2\)\(ix\)](#) and [1904.7](#).

How are Wearables Making Worksites Safer?



How do employers monitor the health and safety of personnel without encroaching on their privacy and productivity? You can't ask them to stop every so often to weigh in, participate in tests or interact with monitoring tools — that would take time away from their work. What's more, how do you ensure they're wearing the proper protective gear at all times and also check that they're utilizing safety protocols and utilities appropriately? The answer lies with Wearable Devices.

Safety wearables enable management teams to remotely evaluate safety, ergonomics and environmental conditions. For example, maybe a worker hasn't realized the surrounding temperature is climbing dangerously fast. An automated system will ping alerts to the employee and a remote operator who can make sure they get to safety. That's just one example of how the technology can be used, among a host of benefits.

The use of safety wearables to mitigate workplace risk and disaster is becoming more commonplace, and for good reason. How are safety wearables making work sites safer?

The obvious

Wearable technology will mostly improve workplace safety by reporting real-time data, namely related to health vitals, behaviors and environmental details. A smartwatch might measure heart rate, body temperatures and hydration and then report those details to a remote system controlled by machine learning and AI. If those vitals dip to dangerous levels, the network would take action alerting the worker and administrators, potentially saving lives in the process. It could also deliver critical reminders, like when it's time to take a break, get some water or step away from a dangerous task.

These nuanced measurements can create a lot of opportunities regarding health and safety. It stretches far beyond tried and true statistics, as well. Everything is on the table, from body stats and movement indicators to environmental hazards. What's more, wearable devices come in many forms, including smart glasses powered by augmented reality technology and personal protective gloves with integrated sensors.

It can even be implemented in existing machinery. Mini uses AR technology, called Mini Augmented Vision, to increase the field of view in its rather limited vehicles. The smart glasses provide useful information, like when another car is in a blind spot or how close to a curb it is while parking. It shows how the technology and safety wearables can be leveraged to guide and encourage while leaving users in full control. Imagine this same technology inside forklifts, construction equipment and heavy machinery.



The not so obvious

Other ways wearable technology can improve workplace safety include implementing highly effective training. VR and AR headsets can be used to properly train new candidates in real working conditions without risks or danger. Employees get valuable hands-on experience without actually being put in the field when they're at their most vulnerable.

The same technology can be used to deliver practical information in the field. Imagine construction workers who are shown potential fall or site hazards as they navigate a project site. Health care professionals could be warned of potential risks as a sort of play-by-play, thanks to wearable glasses.

The applications are not just for extreme conditions or risky environments, either. Workers who spend most of their day seated at a desk could receive sedentary alerts, encouraging them to get up and move. Others could be asked to use proper posture while sitting or lifting heavy items in a warehouse. An employee wearing an exoskeleton, which bears the weight of heavy and physical loads, is better protected from musculoskeletal disorders and injuries.

Safety wearables are nonintrusive

Safety wearables are nonintrusive, even in the case of something substantial, like an exoskeleton. They can be easily removed, and when it's time for workers to go home, they can be secured on-premises. Smartwatches, body trackers, glasses, headsets, and bodysuits are all potential forms of wearables, yet there are many more possibilities. The technology can also be embedded inside vehicles and equipment.

Wearables make it possible to embed small sensors inside a tool handle to measure heart rate, fatigue and body temperatures and send alerts when something is awry. The point is to monitor and protect workers, not hinder their success.

There may be concerns about how the data is collected, utilized and stored. There are [privacy and data issues](#), especially as it pertains to cybersecurity. It would be easy for the information to fall into the wrong hands. While that's not necessarily a reason to slow growth and adoption, it's certainly something that should be properly planned for and dealt with.

Nevertheless, it's clear already, as early as adoption is, that safety wearables will play a huge role in the future of the modern workplace.

This year's annual **National Safety Stand-Down to Prevent Falls** will be held May 2-6.

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 351 of the 1,008 construction fatalities recorded in 2020 (*BLS data*).

Those deaths were preventable.

The **National Safety Stand-Down** raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries.

What is a Safety Stand-Down?

A **Safety Stand-Down** is a voluntary event for employers to talk directly to employees about safety. Any workplace can hold a stand-down by taking a break to focus on "**Fall Hazards**" and reinforcing the importance of "**Fall Prevention**". Employers of companies not exposed to fall hazards, can also use this opportunity to have a conversation with employees about the other job hazards they face, protective methods, and the company's safety policies and goals. It can also be an opportunity for employees to talk to management about fall and other job hazards they see.

Who Can Participate?

Anyone who wants to prevent hazards in the workplace can participate in the **Stand-Down**. In past years, participants included commercial construction companies of all sizes, residential construction contractors, sub- and independent contractors, highway construction companies, general industry employers, the U.S. Military, other government participants, unions, employer's trade associations, institutes, employee interest organizations, and safety equipment manufacturers.

Partners

OSHA is partnering with key groups to assist with this effort, including the **National Institute for Occupational Safety and Health (NIOSH)**, the **National Occupational Research Agenda (NORA)**, **OSHA** approved **State Plans**, **State consultation programs**, the **Center for Construction Research and Training (CPWR)**, the **American Society of Safety Professionals (ASSP)**, the **National Safety Council**, the **National Construction Safety Executives (NCSE)**, the **U.S. Air Force**, and the **OSHA Training Institute (OTI) Education Centers**.

How to Conduct a Safety Stand-Down and [FAQs](#)

Companies can conduct a **Safety Stand-Down** by taking a break to have a toolbox talk or another safety activity such as conducting safety equipment inspections, developing rescue plans, or discussing job specific hazards. Managers are encouraged to plan a **Stand-Down** that works best for their workplace anytime. See [Suggestions to Prepare for a Successful "Stand-Down"](#) and [Highlights from the Past Stand-Downs](#).

OSHA also hosts an **Events page** with events that are free and open to the public to help employers and employees find events in your area. If you plan to host a free event that is open to the public, contact your [Regional Stand-Down Coordinator](#).

Visit the [campaign webpage](#) for updates.

Certificate of Participation

Employers will be able to provide feedback about their **Stand-Down** and download a **Certificate of Participation** following the **Stand-Down**.

Share Your Story With Us

If you want to share information with **OSHA** on your **Safety Stand-Down**, **Fall Prevention Programs** or suggestions on how we can improve future initiatives like this, please send your email to oshastanddown@dol.gov. Also share your **Stand-Down** story on social media, with the hashtag: **#StandDown4Safety**.



The Top 10 most frequently cited workplace safety standards for FY 2021 are:

1. **Fall Protection – General Requirements (1926.501): 5,295 violations**
2. **Respiratory Protection (1910.134): 2,527**
3. **Ladders (1926.1053): 2,026**
4. **Scaffolding (1926.451): 1,948**
5. **Hazard Communication (1910.1200): 1,947**
6. **Lockout/Tagout (1910.147): 1,698**
7. **Fall Protection – Training Requirements (1926.503): 1,666**
8. **Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102): 1,452**
9. **Powered Industrial Trucks (1910.178): 1,420**
10. **Machine Guarding (1910.212): 1,113**

How to Prepare for a Surprise OSHA Inspection



An OSHA inspection can happen at any time. You won't have advance warning that an inspector is going to show up, so it's crucial to always be ready. Here are some ways you can prepare:

Know What To Expect

When an **OSHA** inspector arrives, they should show you their credentials. If you are unsure in any way, call your [local area OSHA director](#) to confirm. Then put the inspector to a room while you notify corporate members, managers, employees, and any on-site contractors or vendors that **OSHA** is on the premises.

The **OSHA** inspector will begin with an opening conference. This is your opportunity to ascertain the reason for the inspection- is it random, the result of a complaint, or for some other reason? If **OSHA** is performing a fatality investigation, always have an attorney present and do not allow tape recording.

It's important to always be polite and treat the inspector in a professional fashion. However, do not over-share and volunteer any extra information. If you have any trade secrets, remember that **OSHA** must treat them as such by keeping photos and notes confidential.

After the opening conference the **OSHA** inspector will walk around the site, examining equipment and practices while possibly taking notes and pictures. They may also perform interviews with either the employer and/or employees. Make sure interviews are held in an area separate from the production floor or working space.

Following the walk-around the inspector will conduct a closing conference. At this time, you should ask any questions you might have about what problems the inspector found. You should also request copies of any photos and monitoring results the inspector obtained during their walk-around. **OSHA** may ask you to provide documents at this time as well, such as safety and health policies, previous safety audits, training records and more.

OSHA inspectors cannot issue citations; only the area director is able to do so. However, they do give recommendations as to whether or not you should receive citations. If the inspector has discovered problems during their walk-around, you can discuss appeal rights during the closing conference.

Throughout the entire investigation, be cooperative and responsive but remember that you have certain rights. It is your facility, and you have the right for the inspection to be conducted during a reasonable time (usually work hours), and in a reasonable manner (the inspector should not be outright rude or disrespectful).

An inspection must be completed within 6 months, meaning the inspector can return every day for 6 months if they find it necessary. However, most investigations are wrapped up within a few days.

Assign Responsibilities

There needs to be somebody in your organization assigned the responsibility of meeting with the **OSHA** investigator when they come knocking at your door. The person assigned this responsibility will need to know where all of your company policies and documents are located. There also needs to be a back-up person responsible for meeting with **OSHA** in case the person originally assigned responsibility is unavailable. Inspectors will typically wait no longer than an hour before insisting that the investigation move forward.

Perform Hazard Assessments & Safety Trainings

Employers are required by **OSHA** to do a job hazards analysis for each type of job that will be performed in the workplace. Employers should have a form denoting what hazards exist for each job and how they plan to reduce those hazards.

Make sure that an official **OSHA** poster describing [employee rights](#) is clearly displayed in your workplace. When it comes to safety training, ensure every employee has completed their required training. Training needs to always be up-to-date.



important reminder

Injury Reporting



US Department of Labor required specific employers to submit 2021 injury, illness data by March 2, 2022

The U.S. Department of Labor's Occupational Safety and Health Administration reminds employers that the agency began collecting calendar year 2021 Form 300A data on Jan. 2, 2022. Employers were required to submit the form electronically by March 2, 2022.

Electronic submissions are required by establishments with 250 or more employees currently required to keep OSHA injury and illness records, and establishments with 20-249 employees classified in [specific industries](#) with historically high rates of occupational injuries and illnesses.

Visit the [Injury Tracking Application Electronic Submission of Injury and Illness Records to OSHA](#) for more information and a link to the Injury Tracking Application.

[Spanish version](#) available.

Keep Good Records

You can administer **all the safety training in the world**, but if you **don't document it** the training means nothing to an **OSHA** inspector. Be sure to keep **careful records of every training course** each employee completes.

In addition, make sure **every employee knows your safety policies** and **where they are located**. It's important that **employees sign their names** showing they **understand the safety policies**. It's smart to have a **report of employee complaints handy**, and a document showing how you **addressed those complaints**, as well.

Have all of these documents, **including training records**, worker compensation files, **insurance**, and **third-party audits**, available for the **OSHA inspector to review**. If any third-party audits have **identified safety issues**, make sure you have **corrected them to avoid receiving a willful citation by OSHA**.

Know Your Rights

Before an **OSHA** inspector **ever arrives on your doorstep**, it's a good idea to **know your rights and your employee's rights**. Let employees know that **they are not required to talk to OSHA**. Although it is **recommended that employees respond** honestly to **OSHA** questions, they are never **under any obligation or requirement** to speak with **OSHA** investigators. Similarly, **employees are not required** to allow **OSHA** inspectors to **tape record their conversation**.

If an employee **does choose to speak with an OSHA investigator**, that employee is **not required to sign a witness statement**. If they do **choose to sign a witness statement** after speaking with **OSHA**, employees should **always read the statement** to make sure it is correct before signing their name. If an employee is **not fluent in the language** in which the **statement is written**, they can insist that the **statement be written in their native language** before they sign it, **even if this means the inspector has to return at another time to do so**. Employees should **always request a copy** of any **witness statements they sign**.

Copy the Inspector

It's a good idea to **have a kit ready to carry along** with you while an **OSHA** inspector is on site. The kit should include a **notepad and pen** so you can **record the inspector's activities**, from **where they go to what things they examine**. You might also want to **consider carrying along a digital camera** or video camera to **get visual records of everything** the **OSHA** inspector observes. For **photos of machinery and objects** that may be difficult to recognize in a picture, have a small **dry-erase board** and **dry-erase pen** ready so you can **write the name of the object** and place it in the **picture as an identifier**. The kit should also contain a **measuring tape** so you can **measure whatever the inspector measures**, and a **flashlight** in case you need to see in dimly lit areas.

Perform Periodic Internal Audits

Employers should consistently review paperwork to make sure everything is **up-to-date and correct**. They should also periodically check to ensure **all required safety training** has been **administered and recorded**. Scheduling **periodic internal audits** in which you **walk-through the facility** and look for **violations** as if you were an **OSHA** investigator can also be an **effective way of staying prepared and ensuring you are compliant**.

LET MJS Legacy Safety BE YOUR ONE STOP SHOP FOR TRAINING.

See [page 4](#) for classes offered this month
as well as links to
[All](#) of the training available.

Questions?

CALL US!!

WE'RE HERE TO HELP!

Reminder - Revised Federal Drug Testing Custody and Control Form Mandatory



- As of August 30, 2021, DOT-regulated employers and their service agents [collectors, laboratories, Medical Review Officers (MRO)] must use the '[revised CCF](#)'. ◀

[Learn more](#) about what this means for DOT drug testing.

DOT Implements Annual Regs Violation Penalty Increases

The Department of Transportation published a final rule in the *Federal Register*, Monday, March 21, updating the civil penalty amounts (*effective immediately*) that may be imposed for violations of certain DOT regulations, including **Federal Motor Carrier Safety Administration** regulations focused on in trucking-company audits.

[The updated fines for FMCSA regulations violations can be seen here.](#)

Operation Safe Driver Blitz — Focus on Speeding

Operation Safe Driver Week is a safe-driving awareness and outreach initiative aimed at improving the driving behaviors of passenger vehicle drivers and commercial motor vehicle drivers through educational and traffic enforcement strategies and interactions with law enforcement.



Commercial Vehicle Safety Alliance announced this summer's **Operation Safe Driver Week** targeting unsafe driving behaviors is scheduled for July 10-16.

Law enforcement personnel in the U.S., Canada and Mexico will be on the lookout for commercial motor vehicle drivers and passenger vehicle drivers engaging in risky driving such as speeding, distracted driving, following too closely, improper lane change, drunk or drugged driving, etc. Identified unsafe drivers will be pulled over and issued a citation or warning.

Earlier in March, the U.S. Department of Transportation's National Highway Traffic Safety Administration released its latest [annual traffic crash report](#). Data shows that traffic stops and interactions with law enforcement help reduce problematic driving behaviors. By making contact with drivers during **Operation Safe Driver Week**, law enforcement personnel aim to make our roadways safer by targeting high-risk driving behaviors.

- Speeding has been a factor in more than a quarter of crash deaths since 2008.
- Speeding of any kind was the most frequent driver-related crash factor for drivers of commercial motor vehicles and passenger vehicles.
- Speeding was a factor in 26% of all traffic fatalities in 2018, killing 9,378 people or an average of more than 25 people per day.
- Distracted driving claimed 3,142 lives in 2019.
- Of the 22,215 passenger vehicle occupants killed in 2019, 47% were not wearing seat belts. Seat belts saved an estimated 14,955 lives and could have saved an additional 2,549 people if they had been wearing seat belts, in 2017 alone.
- Every day, about 28 people in the United States die in drunk-driving crashes — that's one person every 52 minutes. In 2019, 10,142 people lost their lives due to drunk driving.

The **Operation Safe Driver Program** was created to improve the driving behaviors of all drivers and reduce the number of crashes involving commercial motor vehicles on roadways through educational and traffic enforcement strategies.

Operation Safe Driver Week was created by **CVSA** with support from federal agencies in Canada, Mexico and the U.S., the motor carrier industry, and transportation safety organizations.

Legislation to Remove Overtime-Pay Exemption for Employee Drivers Follows DOT Action Item

The rise of **electronic logging devices** among trucking companies, even before they were **mandated by FMCSA**, has over the years **given rise to the feeling** among many that an **overtime pay exemption** in the **Fair Labor Standards Act** applied to **OTR drivers** had **simply outlived** any practicality it may have had.

In mid-April, Michigan Rep. Andy Levin introduced what's being called the **Guaranteeing Overtime for Truckers Act** in the House of Representatives. **Bill number HR 7517** would remove the **exemption codified** in the **Fair Labor Standards Act** nearly a century ago and applied to many **over-the-road employee drivers** thereafter, **offering no guarantee of time-and-a-half pay** after **40 weekly hours** worked for **employing motor carriers**.

The move **comes on the heels** of a growing focus on the **FLSA exemption**.

Removal of the **exemption was included** as a suggested priority action for the **Department of Transportation** in its **Supply Chain Assessment** of the **Transportation Industrial Base**, itself based largely on **stakeholder input** taken **amid disruptions that exposed vulnerabilities** in the aftermath of the **COVID-19 pandemic**. Specifically, the document **noted as an action item** a policy **recommendation for the DOT** to "*urge Congress to eliminate the **Fair Labor Standards Act** motor carrier exemption. Under the current exemption, employers are not required to pay overtime to many truck drivers.*"

At least one **lawmaker from each major political party** is represented among **cosponsors** of the **HR 7517** legislation, from **principal sponsor** Levin of the Democratic Party to several **fellow cosponsors** from his party and a **lone Republican**, Jefferson Van Drew of New Jersey.

The **Owner-Operator Independent Drivers Association**, which has **long argued in favor of removal** of the overtime-pay exemption for **employee drivers**, signaled favor for the **legislation with a press release** in which **OOIDA** President Todd Spencer argued the **move would be a boon** to the **basic value of drivers' time**, which "*for too long, too many people throughout the supply chain*" have **undervalued**, he said.

*"Shippers, receivers and carriers have never been forced to account for all the hours that they keep drivers waiting, since it costs them nothing to do so. By repealing the **FLSA** exemption, this bill would help make sure that drivers are compensated for all the hours they work."*



Overdrive readers through the years have **flagged removal** of the **FLSA overtime pay exemption** as a **priority action item**, including as recently as 2021 when it **ranked third on a priority list** for the **then-incoming Biden DOT** behind only **boosted funding for truck parking** specifically and **highways generally**. The **FLSA** exemption then was a **big focus of the first meeting** of the **newly formed driver-advisory subcommittee** to the **Motor Carrier Safety Advisory Committee**.

One **driver advisory committee member** **avored removal** of the **FLSA exemption** under logic similar to **Spencer's argument**, that a **boost in the value of all drivers' time** might be the **result, a rising tide lifts all boats**. This committee member, as a **small fleet owner-operator**, wouldn't **benefit directly** from the change, necessarily, but **ripple effects could be felt** all around **trucking in reduced detention time and better rates**, he felt.

Cynics about an **overtime-exemption change** see **little more than a feel-good measure** likely to produce little in the **way of substantive change**, as another operator suggested in **response to coverage** of the issue in **mid-late 2021**. "*We already make as much, and much more than other jobs,*" he said. "*In essence, we get overtime, it just doesn't show in our pay breakdown. Therefore, when the overtime clause is removed, companies will adjust pay so that a driver continues to gross the same per year. The only difference is now overtime will be shown.*"

CVSA Announces Roadcheck Inspection Blitz Dates, OOS Criteria Changes

The **Commercial Vehicle Safety Alliance** has announced this year's **International Roadcheck** inspection blitz will be held **May 17-19** with a focus on wheel ends. ([link](#))

During the **72-hour inspection initiative**, commercial motor vehicle inspectors in Canada, Mexico and the U.S. will conduct **North American Standard Inspections** of trucks, buses and drivers at weigh and inspection stations, on roving patrols, and at temporary inspection sites.

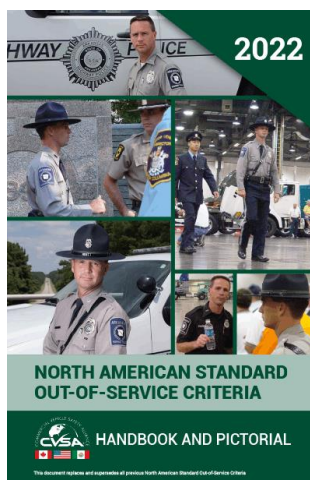


Each year, **CVSA** focuses on a **specific aspect** of a roadside inspection. This year, the focus will be on wheel ends. **CVSA** says violations involving wheel end components historically account for about **one quarter** of the vehicle out-of-service violations discovered during **International Roadcheck**, and past **Roadcheck** data routinely identified wheel end components, excluding brakes, as a **top 10 vehicle violation**.

During **International Roadcheck**, commercial motor vehicle inspectors examine trucks and buses and the driver's documentation and credentials using **CVSA's North American Standard Inspection Program** procedures, which are the uniform inspection steps, processes and standards established to ensure consistency in compliance, inspections and enforcement. Using the **North American Standard Out-of-Service Criteria**, also established by **CVSA**, inspectors identify critical violations that, if found, require the inspector to restrict the driver or vehicle from travel until those violations or conditions are addressed.



Download the 2022 International Roadcheck focus area flyer in [English](#), [French](#) or [Spanish](#).



In related news, CVSA's updated out-of-service criteria handbook is now [available](#) for purchase in print and electronic formats. All formats are available in English, Spanish and French-Canadian versions. Coming soon, the alliance said, would be updates to its smartphone app version of the criteria.

The newly updated criteria go into effect on April Fool's Day, 2022.

As in past years, **CVSA** released a briefing document you can download via this [link](#) spelling out what exactly was changed for this year in a book that, while updated, largely remains intact year to year.

Trucking-applicable updates include more clarity around chafed air hoses that qualify for out of service treatment. The issue was addressed with the Society of Automotive Engineers, **CVSA** said, and brake manufacturers to ultimately determine that when the *"reinforcement ply layer is frayed, the hose should be placed OOS based on the degradation of the integrity of the hose and the danger of it failing."*

Various other brake-related clarifications were made, and a particular OOS lighting condition's language was updated to combat the situation of some inspectors *"using this section incorrectly and applying it to electric brakes as well,"* **CVSA** said. For further clarity, **CVSA** updated the particular section to reinforce lighting-only application of the criteria.

During **Roadcheck**, trucks that successfully pass a North American Standard Level I or Level V Inspection without any critical vehicle inspection item violations may receive a **CVSA decal**. In general, the intent of the decal is to help inspectors prioritize equipment they are inspecting. **CVSA** said most inspectors won't re-inspect a decal truck or trailer during the three months while the decal is valid.

"We want every vehicle on our roadways to be in proper working order for the safety of the driver operating that vehicle and everyone traveling on our roadways," said **CVSA** President Capt. John Broers with the South Dakota Highway Patrol.



FMCSA Again Plans to Explore Speed Limiters for Heavy-Duty Trucks

The **Federal Motor Carrier Safety Administration**, on Wed, April 27th, issued a [notice of intent](#) to proceed with a rulemaking that would require the use of speed limiters on heavy trucks.

This action is the first step forward toward a potential speed-limiter requirement in almost six years, though the notice does not specify any specific maximum speed. The proposed rulemaking in 2016, a similar request for comment from the industry and the public, was different in that it sought comments on maximum speeds of 60, 65 and 68 miles per hour.

This latest notice of intent is a fact-finding and data-mining exercise, **FMCSA** said, that would aid the agency in potentially drafting a **Supplemental Notice of Proposed Rulemaking**.

The 2016 proposed rulemaking was a joint proposal from **FMCSA** and the **National Highway Traffic Safety Administration**. In its new notice of intent, **FMCSA** said it intends to move forward with a different motor carrier-based speed limiter rulemaking. " **FMCSA** believes that placing the requirement on motor carriers will ensure compliance with the rule, and potentially avoid confusion on who is responsible," the **FMCSA** agency said.

Additionally, **FMCSA** is considering making the rule only applicable to trucks manufactured after a certain date — potentially 2003 — "because this is the population of vehicles for which electronic engine control units were routinely installed and may potentially be used to govern the speed of the vehicles," the notice added.

Once published, **FMCSA** will accept comments on the notice for 30 days. The agency said it is not yet proposing any regulatory changes but is looking to receive comments to help in the new rule's development.

The **American Trucking Associations** has long been in favor of speed limiters and applauded the **Department of Transportation** for "pursuing a constructive, data-driven approach to the issue of truck speed limiters in its latest proposal," said **ATA** President and CEO Chris Spear. "We intend to thoroughly review **FMCSA's** proposal, and we look forward to working with the agency to shape a final rule



that is consistent with our policy supporting the use of speed limiters in conjunction with numerous other safety technologies."

Last March, **ATA** and **Road Safe America** penned a letter to Transportation Secretary Pete Buttigieg calling for the implementation of speed-limiting technology on heavy-duty trucks, and threw their support behind the December 2019-proposed [Cullum Owings Large Truck Safe Operating Speed Act](#), named for **Road Safe's** founder's son. The bill called for all new commercial trucks to be equipped with speed limiters and to require existing speed-limiting technology already installed on trucks manufactured after 1992 to be used while in operation.

The bill called for maximum speeds to be set at 65 mph, or 70 mph if certain safety technologies such as an adaptive cruise control system and an automatic emergency braking system, were also in use.

A poll taken in 2016 in the wake of **DOT's** moves at that time toward a potential speed-limiter requirement, generally favored higher governed speeds, if any at all. Nearly half of poll respondents were against any speed-limiting technology requirement, and a cumulative 47% suggested speed settings of 70, 75 or 80 mph if limiters were to be required.

Click It or Ticket Enforcement



Statewide, the **Colorado Department of Transportation**, the **Colorado State Patrol (CSP)** and **33 local law enforcement agencies** throughout the state **began the first seat belt enforcement period of 2022**. The **Click It or Ticket** heightened **enforcement campaign** ran through April 20.

"These **enforcement periods** help save lives, and if you and **your passengers aren't taking** your safety seriously, a **ticket is our way** of saying **that we do**," said Col. Matthew Packard, chief of the **Colorado State Patrol**. "A citation **serves as an important reminder** that **wearing your seat belt** may one day **save your life**. We want **everyone to stop** the cycle of **driving without this standard protection** - buckle up **every trip** for the **people you love**."

According to the **2020 National Occupant Protection Use Survey**, seat belt use in the **front seats was lower** for males (**88.4%**) than **females (92.8%)**. Also, of the **14,590 seat belt citations** issued by the **Colorado State Patrol** in 2021, **3,780 citations** were for **female drivers** and **10,810** were for **male drivers**.

With **fewer men buckling up**, more men are **being killed on Colorado roads**. Of **unbuckled deaths** in 2021, **72% were male** while **28% were female**.

Last year, **232 unbuckled passenger vehicle occupants were killed** on **Colorado roadways**. This is a **12% increase** over 2020. According to the **recent State of Colorado Statewide Seat Belt Survey**, Colorado's **seat belt use rate is 86%**, far below the **national average of 90%**.

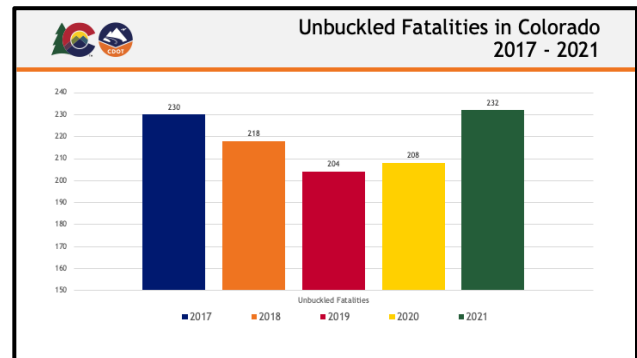
According to the **National Highway Traffic Safety Administration**, seat belts **reduce the risk of injury or death in a crash by 50%**. Without a **seat belt fastened**, people can be **ejected from a vehicle and killed**. The **Click It or Ticket** campaign encourages **people to buckle up** to avoid a **citation** but, **more importantly**, get home **safely to their loved ones**.

"We **cannot tolerate another deadly** year like 2021. With so **many lives senselessly lost** on Colorado roads, we have to **do more to encourage** people to **buckle up**," said **CDOT's Office of Transportation Safety Director Darrell Lingk**. "While **most Coloradans do buckle up**, many **do not**. The goal of this **enforcement period** is to get **everyone to buckle up**."

This was the first **Click It or Ticket** enforcement period of 2022.

The next enforcement period begins on May 16. During the three **Click It or Ticket** enforcement periods in 2021, **2,994 unrestrained drivers** were **issued citations** across **Colorado**. Fines for **not buckling up** in Colorado **start at \$65**, and parents or **caregivers caught** with an **improperly restrained child** can receive a **minimum fine of \$82**.

Vehicle **collisions** are a **leading cause** of death for **children ages 1 to 13**, and according to **NHTSA**, **46% of car seats are being used incorrectly**. Parents and **caregivers can learn more** about **Colorado child passenger safety laws**, recommendations and **recalls** at CarSeatsColorado.com.



Colorado's Seat Belt Laws

- **Adults** — *Colorado has a secondary enforcement law for adult drivers and front-seat passengers. Drivers can be ticketed for violating the seat belt law if they are stopped for another traffic violation.*
- **Teens** — *Colorado's Graduated Drivers Licensing (GDL) law requires all drivers under 18 and their passengers, regardless of their age, to wear seat belts. This is a primary enforcement, meaning teens can be pulled over simply for not wearing a seat belt or having passengers without seat belts.*
- **Children** — *Colorado's Child Passenger Safety law is a primary enforcement, meaning the driver can be stopped and ticketed if an officer sees an unrestrained or improperly restrained child under age 16 in the vehicle.*

About Click It or Ticket

Click It or Ticket is a **nationwide campaign** from **NHTSA**. Since **Click It or Ticket** was **introduced in Colorado in 2002**, statewide **seat belt use** has **increased from 72% to 86%**. For **more information** about **seat belt safety** and **enforcement citation numbers**, visit SeatBeltsColorado.com.

[Read Spanish version of this release](#)



Preparing for MSHA's "Take Time Save Lives" Campaign

MSHA is Focusing on Task Training, So Let's Look Quickly at What's Required and What You Can Do to Comply.

SOURCE: Brian Hendrix partner at Husch Blackwell LLP, member Energy & Natural Resources group

MSHA recently announced its **"Take Time Save Lives"** campaign to **"reach miners, promote best practice resources, and ensure mine operators have the tools they need to fully train miners to use equipment."**

This new campaign is **MSHA's** response to an **"unacceptable trend"** in **"mining incidents."** **MSHA** believes that these **"incidents"** could have **been prevented with proper training and attention to tasks.** Below, I'll **examine the trend or trends, look at what MSHA is aiming to accomplish with this new campaign, and offer some advice for avoiding enforcement issues related to the campaign.**

Let's look at the trends (using **MSHA's** data). In 2021, **37 miners were fatally injured** at work, **eight more than in 2020.** To be clear, that's **37 miners too high.** We are all aiming for zero. What about the rates? The **fatality rate** in the mining industry last year was **0.0147.** That's **0.003 higher** than the **0.0117 rate posted for 2020.** It's also **0.005 higher** than the **10-year average.**

How about injuries? In 2020, the **All Injury Rate** for the mining industry was 1.84. That was a record, an **all-time low.** Unfortunately, the rate ticked up **0.04** in 2021 to **1.89.** That's still the **second lowest rate ever,** and it's **well below the ten-year average** of 2.2.

If we graphed this data, we'd see the lines moving in the **wrong direction, angling slightly up.** That's not what **MSHA** or any of us want. As **lagging indicators,** the **All Injury and Fatality Rates** speak to the **effectiveness** of what's **been done,** not what we're doing. We're **taught that leading indicators drive change,** while **lagging indicators measure effectiveness.** Thus, this data doesn't **reveal the reasons** for the **change in the trajectory.** Why were the **Fatality and All Injury Rates** higher in **2021 than in 2020?**

It seems that **MSHA** has settled on **"training and attention to tasks"** as the **one answer to that question,** particularly for **powered haulage, roof and rib falls, fire suppression and prevention and lockout/tag out.** In other words, **MSHA** wants the **industry to focus on better and/or more task training.**

Does that **make sense?** Is more, or **more effective task training** the way to **reduce the trend** we're concerned about? Let's **look at the 10 fatalities** that have **occurred so far this year.** It's early, and the **information we have** about each is **very limited.** However, we know that the **fatally injured miners** were all **experienced.**

They **ranged from about two years** of mining experience to 20 years, with an **average of 10 years** in mining. The **tasks these miners** were performing when they **were fatally injured** don't appear to have **been new to them:**

- A continuous mining machine (CMM) operator was fatally injured when he was pinned between the remote controlled CMM and the coal rib.
- A front-end loader operator died when a large rock fell from the mine roof, crushing the cab of the front-end loader.
- A blaster died when a large tree fell from a highwall, striking the cab of the pick-up truck he was driving along a mine road.
- A miner was replacing a belt conveyor roller inside a preparation plant and was fatally injured when he fell approximately 27 ft. to a concrete floor.
- A miner was working under a dump truck to address a parking brake issue and was killed when the truck rolled onto or over him.
- A miner was fatally injured when the concrete mixing truck he was operating overturned, ejecting him from the vehicle.
- A miner died when the lube truck she was driving fell approximately 60 ft. down a stope to the mine floor below.
- While tramming a single boom face drill to the surface, a miner was pinned between the drill and the coal rib.
- A miner was fatally injured when loose material from a brow along the mine rib fell and struck him.
- A miner was fatally injured when the bulldozer he was operating rolled down a steep slope.

No doubt, **MSHA** will **allege that a lack of task training** caused or **contributed to** one or more of **these accidents.** From the **preliminary reports,** I can't say **whether or how** more or better **task training** could or would have **prevented** any of these **tragic accidents.**

What I can say is that **MSHA** is **focusing on task training,** so let's **look quickly at what's required** and what you **can do to comply.** [Part 48](#) requires mine operators to provide miners with training on the **safety health aspects** of their **assigned tasks,** including **new tasks.**

Is it comprehensive? Up-to-date? Do you have any new or "new-ish" mobile equipment on-site – powered haulage or other mobile equipment? If so, have **all the miners** who operate that **equipment received training** on it? **Who trained them?** How? Was it effective? **A good audit will answer** these and many other **questions** and leave you **well prepared** for **MSHA's** new **focus on task training.**

did you know? ...

Work-Related Stress Can Have Severe Negative Effects on Mental Health

... help is available:

- [OSHA – Get Help Now – Suicide Prevention](#)
- [Center for Disease Control and Prevention – Coping with Stress](#)
- [Substance Abuse And Mental Health Services Administration \(SAMHSA\)](#)
- [National Safety Council – Promote Employee Mental Health and Wellbeing](#)



When Your Employee Discloses a Mental Health Condition

What the Experts Say

It's important to keep in mind that the employee likely had to overcome a lot of fear to talk with you about this topic. "The person has done something difficult and risky by raising this issue. In most cases, a tremendous amount of thought has gone into the decision," says Kelly Greenwood, founder and CEO of [Mind Share Partners](#), a nonprofit that focuses on changing the culture of workplace mental health. "The disclosure decision is complex," says Susan Goldberg, core doctoral faculty member at Fielding Graduate University, and it depends on the "individual's personal situation, the particular employer, and societal issues." Therefore, how you handle these interactions is critical. The good news is that these can be productive conversations, as long as you follow a few pieces of advice.

Thank them for telling you

Start off by acknowledging the effort it took for the employee to tell you. "If nothing else happens in the first conversation, be sure to thank the person for sharing," says Greenwood. But don't make it a big deal. Your goal should be to normalize the topic as much as possible. She says that even if this is the first time you're having a conversation like this, they happen all the time. "Your reaction shouldn't convey, 'this is a big serious issue,' because that could increase their shame or fear about their future," she says. Goldberg also cautions against being overly emotional. "You don't want the employee to have to deal with your reaction." Your response should be consistent with your relationship. "This is not the time to act like a friend if you don't have a close, trusting relationship. Nor should you be distant if you've been close up to this point," she says. In other words, treat the person and this conversation the same way you have in the past.

Listen

Give the person space to say what they want to say and tell you what they need in terms of flexibility or accommodations. "Listen actively with an open mind and without judgment," says Greenwood. Pay attention to your nonverbal cues. "If you're acting skittish or uncomfortable, it's discouraging for your employee because it sends a message that you don't want to talk about it," says Greenwood. You can adopt a curious mindset, but hold back from asking a ton of questions, especially ones that require that the person disclose more information than you need. For example, "you don't need to know what the disability they have is called," says Goldberg, or how long they've had it. Let them lead the way in how much they want to tell you.

Tell them you want to support them — but don't overpromise

It can be tempting to tell the person (*especially if they're a high performer*) that you'll do whatever it takes to support them, but you want to tread carefully. It may be that they're just telling you as an FYI,

says Goldberg, and they don't need you to make any adjustments to their workload or schedule. Don't make assumptions. If they're asking for time off or changes to their work schedule, be careful not to overpromise. Instead, make clear that your intention is to partner with them to sort it out. For example, you might say, "I hope I've made it clear that you are a valuable member of this team and organization. We'll figure this out together." In this initial conversation, you don't have to have all the answers readily available. Give yourself permission to not have the perfect response and to figure out what's possible. Greenwood suggests you might say, "Thank you so much for sharing. Let me take some time to digest and get back to you on X day." Be specific about when you'll have the next conversation so they don't have to worry.

Don't make it about you

It's possible that you or someone you're close with has been through something similar, but don't focus the conversation on you. Keep in mind that "everyone is different in terms of how their condition shows up. My anxiety is different from another person's anxiety," says Greenwood, and "you can't assume you understand what they're going through or the extent to which it's affecting their work." That said, sometimes sharing a personal story can help to normalize the topic. If you have the kind of relationship with the employee where you share personal stories, just be sure that what you share is hopeful. Don't talk about someone who never got better or had to quit their job, and don't downplay their experience by insisting everything will be OK because it was for you or someone else.

Maintain confidentiality

Reassure the employee that you will make every effort to honor confidentiality but that you may need to speak with HR. If the person is uncomfortable with that, or worried about having something go into their employment file, you might say, "I may have to tell them eventually, but I can talk in generalities, without naming you, at first." It can be helpful, says Greenwood, to explain to the employee why you may have to tell HR. This includes ensuring that the employee gets the legal protections they're entitled to in order to avoid discrimination as well as access to all the company's resources and possible accommodations. She also notes that, depending on where you live, it may be required by law to go to HR once someone has disclosed a mental health condition, even if the employee hasn't requested an accommodation. If you're unsure about local regulations, feel free to first talk to HR without using the employee's name.

But, as much as possible, keep the information to yourself. “It’s tempting to talk to others about it for your own emotional support — or to explain why you’re moving work around — but it’s not OK unless the employee expressly gives you permission to disclose,” says Greenwood. In some cases, the employee may give you permission or even ask you to let others know. If they do, make sure that you are clear in any communication that the person has asked you to tell others so no one else thinks you’re talking behind the employee’s back.

Consider what changes you can make

There is a variety of things that your employee may want or need so that they can take care of their mental health. These might include keeping different hours, working alone or in a group, taking time off to see a doctor, or having occasional “mental health” days. Whether or not you can grant these requests will often depend on your company’s existing policies. Greenwood says it’s important for managers to know the difference between “accommodations,” which are formal, reactive exceptions to existing policies for a specific employee after a disclosure, and “adaptations,” which are proactive adjustments you can make for everyone that are within the company’s policies, such as flexible hours. If you need to make accommodations for an employee, it’s critical to involve HR (*more on that below*), who will be familiar with the national and local laws that determine what you’re legally allowed to do.

Some of the changes made to working hours or workload might impact other people on your team, and you’ll have to figure out “what to tell employees who ask why this person is coming in late, or experiencing different treatment,” says Goldberg. She suggests that you keep your answers to any questions straightforward and simple. For example, you might say, “It’s an accommodation,” or “We worked out different hours.” Talk with the employee about how they would prefer you address any concerns that come up from their colleagues.

Ask for help from others

This person came to you because you’re their manager. “It’s not your role to be their therapist, doctor, or lawyer,” says Greenwood. Don’t offer health or legal advice. And don’t try to figure this out on your own. Whenever possible, work with HR to come up with possible solutions — and let the employee know that’s what you will do. “The ideal situation, if an accommodation is required, is that you co-create a solution for the person with HR and the employee,” she says. “Hopefully HR can provide you with a ‘menu of options’ of what they’ve provided in the past.” You don’t want to put it on the employee to come up with those options, unless they’d like to. Greenwood says that when she disclosed her anxiety to a previous boss, she “was not in a place to be thinking out of the box.”

In small companies, or those without a supportive HR department, it may be up to you to figure out what you can do. Goldberg’s research shows that smaller companies often have the ability to offer more flexibility, but “it can also be more challenging because you may not be able to afford what they’re asking for.”

Refer them to other resources, if available

There may be other resources inside your company that you can refer them to. “We’re seeing more and more employee resource groups form around issues of mental health, often started by more junior employees,” says Greenwood. You can point them to those groups, if available. You can also direct them to any mental health benefits that your company offers, such as therapy or meditation apps. If you don’t have those resources, you can suggest they contact an EAP (*employee assistance program*) but keep in mind that not all EAPs are high quality, and while it can play an important role in supporting the employee, it’s not sufficient on its own. Keep in mind that the clinical care is best left to a professional but you are still responsible, as their manager, for the employee’s work experience.

Make yourself “tell-able”

Ideally, we’d all work for a manager whom we felt comfortable talking to when we needed help balancing work with our mental health. Unfortunately, that’s not always the case. But you can make it more likely that people will come to you by being a role model. Greenwood emphasizes the importance of leaders and managers talking openly about these issues. “You don’t necessarily have to talk about your own mental health condition if you have one, but it could be about your kid having a hard time sleeping, or concerns you have about burning out. You want to show that managers are fallible and human,” she says. Being vulnerable in this way gives people a small opening so they in turn feel more comfortable sharing. And, if you hold a powerful position in your organization, sharing your personal experience with mental health, whether it’s addressing it directly or, say, openly blocking out your calendar to go to therapy, can go a long way toward normalizing the discussion in your organization and demonstrating that it’s possible to succeed at the highest levels when you have a mental health condition.

Principles to Remember

Do:

- *Follow the person’s lead in terms of what they want to share.*
- *Think carefully about what type of flexibility you can offer them.*
- *Make clear that you may need to discuss the situation with HR, and therefore may not be able to keep the conversation confidential.*

Don’t:

- *Make a big deal about the disclosure — it’s important to normalize the conversation.*
- *Overpromise what accommodations you’ll be able to give the person until you’ve had time to think it through and talk to HR.*
- *Hide your own experience with mental health challenges, especially if you’re a senior leader.*

MJS Legacy Safety can help with your Workplace Safety Solutions

We are your One Stop Safety Shop

Give us a call!