

# SafetyAlert

## FOR SUPERVISORS

The No.1 source of actionable information to help supervisors keep their people safe

Including:  
Supervisor's  
Safety Toolbox

### In This Issue

#### 2 You Make The Call

*Worker couldn't wait until proper equipment was available, gets hurt.*

#### 3 Quick Ideas

*Target those who don't pay attention during safety meetings.*

#### 3 Mistakes That Hurt

*Supervisors didn't annually check that machines were guarded.*

#### 4 Legal Developments

*Was hearing loss caused by job, or by time spent in the U.S. Marines?*

#### 4 Horror Stories

*Family tragedy: Vehicle operator unknowingly runs over his father.*

## Crew member's instrument of death: His own clothing

*Supervisors didn't ensure danger zone was properly guarded*

### Incident summary

Working alone, a 45-year-old man was strangled when his loose-fitting clothing became entangled in the rotating end of an unguarded conveyor.

### The damage

Since the shaft at the end of a conveyor system turned at a relatively slow 180 rotations per minute, supervisors didn't consider it to be hazardous. Therefore, the shaft wasn't guarded.

While working the device one day, the operator of the system dropped a small tool on the ground near the unguarded end of the conveyor. He carelessly

reached down to pick up the tool. Just as he did so, his hooded jacket became entangled in the exposed end of the shaft.

Even though the pulley jammed, the motor on the opposite end of the conveyor continued to operate. Eventually, it burned through the conveyor belt.

Since the man was working alone, no one could hear his cries for help. Meanwhile, the materials being moved along the conveyor began to pile up around him.

About an hour later, a coworker found the victim. Emergency help was called, but nothing could be done.

The man had already been strangled by his own entangled clothing.

### Findings

Investigators found that the victim's hooded jacket had become tightly wrapped around the exposed shaft.

After the incident, a sheet-metal guard was installed around the exposed end of the conveyor.

Officials also said that the victim had not been properly dressed for the job. They pointed out that loose-fitting clothing, drawstrings, or jewelry can catch on machinery. Plus, clothing should fit close and be tucked inside pants and boots.

## Trouble for supervisor who knew alarm had been deactivated

*Worker hurt because he couldn't get out of harm's way fast enough*

"It's true," said Chuck, the supervisor, slowly, "that I knew the alarm for that machine had been deactivated. It was so loud that it was driving everyone nuts. I'm not sure who deactivated it, but most folks think it was a good idea."

"That's unfortunate," said Donna, the general manager, "because it's the basis of Reggie's lawsuit against the company."

"Reggie is suing us?" asked Chuck.

"I'm afraid so," replied Donna. "His lawyer claims that we caused his injury because we allowed the alarm to be deactivated."

### Company blamed

"His injury was unfortunate," said Chuck, "but he can't lay the blame on the company."

"Why not?" asked Donna.

"He could've come to me before he entered the machine to clear the jam," said Chuck. "I could've shut down the power."

"Was it standard procedure to turn off the power before entering the machine?" asked Donna.

"Well, no," said Chuck. "Usually, people just hit the emergency shutoff button before entering the unit."

"How often did the device

jam?" asked Donna.

"Quite a bit," said Chuck. "Probably 10 to 15 times a shift."

### Might have helped

"If the alarm had been working," probed Donna, "would that have helped to prevent Reggie's injury?"

"I suppose," replied Chuck. "I mean, it would've given him 15 seconds to get

(Please see *Deactivated ...* on p. 2)

# Deactivated ...

(continued from p. 1)

out of there before the device activated.”

Chuck scratched his head. “I’m a little confused,” he said, “shouldn’t Reggie’s injury be covered by workers’ comp?”

## Creative lawyer

“Normally it would,” said Donna. “But Reggie found a creative lawyer who thinks he can get an even bigger payout. He’s suing for damages beyond comp, claiming that we were negligent because we knew that he would get hurt operating the machine.”

“That’s a stretch,” said Chuck. “That alarm has been deactivated for more than three months, and

we’ve had no injuries on that machine during that time.”

**Result:** The company lost. The court said that the worker provided enough evidence to allow a jury to decide whether an injury was sure to occur while operating the machine.

## No sympathy

In these situations, companies are usually forced into costly settlements, since it’s probable that an unsympathetic jury will rule against them.

Even though there had been no injuries related to the equipment during the three months the alarm was deactivated, the court

said that wasn’t enough time to establish that an injury was unlikely.

## Enough time

Had the alarm not been deactivated, noted the court, the worker would’ve had 15 seconds to get out of harm’s way – more than enough time to avoid injury.

Sure, said the court, the worker could’ve asked the supervisor to shut down the power for the unit, but that wasn’t how jams were typically cleared. And the supervisor knew that most people simply hit the emergency shutoff button before trying to remove jams.

*Based on Wilcox v. Paygro Co.*

## What it means to you

It’s your responsibility to make certain that equipment alarms are not deactivated. As this case illustrates, if you know that an alarm has been turned off and someone suffers an injury because of it, your employer could be raked over the coals in court.

Of course, certain alarms can be annoying. Rather than allow them to be deactivated, though, consider other options. For instance, it might have been possible to install a visual alarm that could’ve been seen by someone inside the machine.

Typically, equipment manufacturers are aware of alternative safety options. Reason: Other customers may have already faced similar problems and developed workable solutions.

## You make the call

### Anxious worker uses wrong tool for the job

George, the supervisor, was getting agitated. “This is ridiculous,” he said, “Tanja violated a company safety rule. That’s why she got hurt.”

“Tanja claims that she was performing job-related duties when she suffered her injury,” said Aaron, the safety manager, “so she’s entitled to comp.”

“I did instruct her to hang a banner on the fence outside the plant,” said George, “so, yes, it was work-related. But I didn’t tell her to stand on a pallet on the raised

forks of a forklift to do the job!”

### Cage not available

“She should’ve used the safety cage,” noted Aaron. “But now she’s claiming that the cage was being used by someone else.”

“She could’ve waited until the cage was available,” said George.

“Did you pressure her to get the job done quickly?” asked Aaron.

“Sure, I want tasks handled in a timely manner,” said George, “but I didn’t give her a specific deadline.”

“Was Tanja trained in forklift operation?” asked Aaron.

“She was certified,” said George. “She went through all the training, including the safety video. In fact, if I recall, that video specifically mentions that you shouldn’t stand on a pallet on the raised forks of a forklift.”

“It’s too bad that the pallet broke and that Tanja was injured,” concluded Aaron. “But she violated our safety rule. We’ll challenge her workers’ comp claim.”

Did the company win?

■ *Make your call, then please turn to page 4 for the court’s ruling.*

## SafetyAlert

FOR SUPERVISORS

EDITOR-IN-CHIEF: JIM MCCANNEY  
ASSISTANT EDITOR: MICHELLE KERR  
OFFICE MANAGER: SHARON CONNELL  
SALES MANAGER: TOM CAPP

*Safety Alert for Supervisors* (ISSN 1547-1098), is published semimonthly (24 times a year) by Institute of Business Publications, 748 Springdale Dr., Exton, PA 19341; PHONE: 484-876-0223; FAX: 484-876-0230

Postmaster: Send address changes to IOBP, 748 Springdale Dr., Exton, PA 19341.

**Subscriptions: 800-817-3922**

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought. – From a declaration adopted by a committee of the American Bar Association and a committee of publishers.

### Subscription Rate (for 24 issues):

Copies	Price	Copies	Price
1	\$117 each/yr.	20-24	\$45 each/yr.
2	\$69 each/yr.	25-29	\$44 each/yr.
3-4	\$59 each/yr.	30-34	\$43 each/yr.
5-9	\$53 each/yr.	35-40	\$42 each/yr.
10-14	\$49 each/yr.	41+	Call
15-19	\$47 each/yr.		800-817-3922

Copyright © 2007 Institute of Business Publications. Reproduction of this material is prohibited without prior permission. All rights reserved in all countries.

**IOBP**  
**INSTITUTE OF**  
**BUSINESS**  
**PUBLICATIONS**



## quick ideas

### Daydreaming during training? Try this

Target people who continually don't pay attention during safety meetings by asking them to record the minutes of the meeting.

**Fact:** It's hard to daydream when you're trying to write down everything that's being said.

### Reduce hearing loss with quick reminder

Head off hearing loss among your people by asking workers to shut off noisy equipment when it's not being used, if possible.

### Try to promote sensible eating habits

Reduce the chances of dangerous fatigue among

shift workers by encouraging them to eat smaller meals and snacks during the night shift.

Here's why: Digestion slows at night, which means people who eat big meals are more likely to become drowsy on the job.

### Timely reminder on forklift-truck changes

Keep in mind that, under OSHA regulations, forklift operators must be retrained if any changes, such as the installation of a new ramp, for instance, have been made.

### Use three glasses to show value of labeling

Before your next training session on hazard communication, get three

glasses of water and add blue food coloring to one, yellow food coloring to another and nothing to the third.

Have the glasses on a table when people enter the room. Before the session, pass the glasses around and ask attendees to guess what's in each of them.

Chances are that some people will visually inspect the glasses, others might even taste the water and others will do nothing. Of course, no one can get hurt, since only water is in each glass.

Use the demonstration to jump-start a discussion of chemical hazards, focusing particularly on the value of labeling.

## Mistakes that hurt

### No annual check of machine guards

At least once a year, try to double-check all machinery within your operation to confirm that potentially hazardous devices are properly guarded.

**Company:** Insulfoam, Inc., Obetz, OH.

**Business:** Polystyrene manufacturing.

**Agency:** OSHA.

**Fine:** \$155,000 (proposed).

#### Reasons for fine:

Regulators said supervisors didn't ensure that machinery was properly guarded. Plus, managers didn't perform annual checks to make sure that guards were in place.

**Note:** The company was investigated following an incident in which an employee was killed when an unguarded cutting machine slashed her across the chest.

### Unsuspecting man felled by crane

Not sure of the value of warning devices? Keep in mind that they play a critical role in alerting employees to conditions that could lead to injuries, or worse.

**Company:** Industrial Hard Chrome, Geneva, IL.

**Business:** Plated bar and tube manufacturing.

**Agency:** OSHA.

**Fine:** \$2,265.

**Reason for fine:** Managers allowed employees to work in an area of dangerous equipment that wasn't properly marked by visual and audible warnings.

**Note:** While washing his gloves in a hazardous area, a worker was struck and killed by an overhead crane. There were no warning signs in the area, and the crane didn't have an audible alarm.



## safety news for supervisors

### Big payout proves the danger of using safety workarounds

Heads-up to your crew members: Safety workarounds never pay! Consider, for instance, a recent settlement in which a company was forced to fork over hundreds of thousands of dollars to two workers hurt on the job.

Kelley Equipment Co., Clearwater, FL, agreed to the payouts to Willie Slaughter and Quinn Brooks. The men were seriously injured when a crane collapsed in Jacksonville Beach, FL.

After investigating the incident, OSHA determined that someone had jammed a penny into the crane's control panel

to override a critical safety switch.

### One way to cut down on back injuries among your staffers

Try to provide your workers with more frequent breaks toward the ends of their shifts, if possible – you'll reduce the chances that someone will suffer a back injury.

That's your take-home from a recent study from Ohio State University that measured fatigue levels in workers' backs. People who lift often need more oxygen and have more muscle fatigue later in their shifts, the researchers discovered.

The researchers also found that breaks help to reduce muscle fatigue.

### Timely reminder: Check procedures for handling flammables

Have you recently checked your crew's procedures for handling flammables? Now may be a good time.

That's because the U.S. Chemical Safety Board (CSB) has recommended that all companies handling flammables review their operations to ensure that appropriate controls are in place.

The recommendation comes after an analysis of the November 2006 explosion at the CAI, Inc., facility in Danvers, MA.

The CSB said the incident occurred when flammables evaporated from a mixing tank and then ignited.



## legal developments

### Staffer was given safety gear, but he kept removing it

**Safety insight:** Remind your people that you're providing them with safety gear for a reason, and that they need to use it. If you find someone not using the gear properly, act quickly to correct the situation.

**What happened:** For 14 years, a man worked on a crew that used loud, high-pressure hoses to clean equipment. He was provided with no hearing protection during his first five years on the job. After that, he began to use earmuffs. However, he frequently removed the earmuffs to speak with coworkers or to communicate via walkie-talkie.

**What people did:** The staffer began to notice that his hearing was getting worse. He went to a doctor who determined that his hearing loss was caused by his job. The employer, however, sent him to a doctor who said the hearing loss was the result of his time in the U.S. Marines, when he was occasionally exposed to ammunition fire, and from personal activities such as hunting. After he suffered a shoulder injury, the worker had trouble performing his job, so he was terminated.

**Legal challenge:** The staffer applied for disability

coverage for his hearing loss, but the company challenged the claim, saying there was insufficient evidence that the hearing loss was caused by his job.

**Result:** The company lost. The workers' comp commission awarded disability benefits. Not only was the worker not given hearing protection for five years, but when he finally started using earmuffs, he removed the gear often, noted the commission.

**The skinny:** Employers that don't provide workers with adequate safety gear rarely get a sympathetic ear in court.

**Citation:** *Rambo v. DCS Sanitation*, Iowa Workers' Comp Commission, No. 5016667, 4/3/06.

## You make the call: The Decision

(see case on p. 2)

Yes. The company won. The injured staffer was not entitled to comp, the court ruled. Although workers are generally eligible for comp if they get hurt performing job-related tasks, there are exceptions.

For instance, people who knowingly violate company safety rules and suffer an injury usually don't get comp. It's the company's responsibility, however, to make certain that staffers are aware of the safety rules, and that those who violate them are disciplined.

In this case, the company was able to prove that the worker had seen the forklift safety video. Further, the video specifically said that staffers shouldn't stand on pallets on raised forklifts. So there was sufficient evidence that the worker knew about the safety rule, and that it was enforced.

### What it means: Always document training

Whenever you provide safety training to your crew members, try to make certain that it's documented. In this case, the company was able to prove that the worker had seen the forklift safety video, which was required to receive certification in forklift operation, so it could demonstrate that the worker knew better than to stand on a pallet on the raised forks of a forklift.

Further, you want to make certain that people who violate safety rules are disciplined and that your disciplinary actions are documented.

*Based on Wallace v. Production Support.*



## horror stories

### Workplace tragedy: Father accidentally killed by his son

#### Summary

Operating a massive payload, a 25-year-old man thought he'd run over debris. But when he exited his vehicle to see what he'd struck, he was horrified by what he found.

#### The incident

It was the graveyard shift at the Omni Recycling facility in West Babylon, NY, and Miguel Marquez was walking toward the cafeteria for his break.

At the same time, his 25-year-old son, Luis Marquez, who also worked at the plant, was operating a large payload that had 6-ft. tall tires.

Suddenly, Luis Marquez ran over something. He thought it was stray debris, so he climbed down from his cab to move it.

He was horrified by what he saw next: He hadn't struck debris; he'd run over his father, Miguel.

#### The response

In shock, Luis Marquez climbed back into the payload. He didn't know what to do. A supervisor working nearby walked over a few minutes later to find Miguel Marquez's motionless body on the ground.

Although paramedics were summoned, Miguel Marquez was already dead;

his torso and abdomen had been crushed.

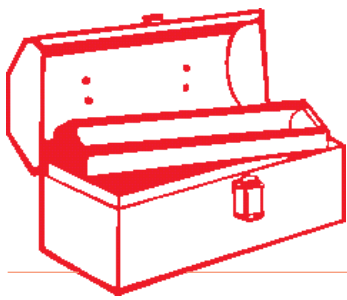
#### The aftermath

Luis Marquez was fired by Omni because of his slow response to the incident.

Friends remembered Miguel Marquez, 58, as a devout Catholic who attended church on his one day off each week. He left his native Ecuador 19 years ago for a better life in America.

Now the surviving members of his family are devastated. In addition to Luis, he left behind his wife of 36 years and five other children.

Said his widow, "I don't know how to help my son. He is feeling so hurt right now. We're all going to miss his father."



# Supervisor's safety toolbox

## Safety meeting blueprint

✓ **Meeting Topic:** Medications

✓ **Today's Date:** \_\_\_\_\_

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

**Y**ou know what it's like if you've got a bad cold or allergies – you're miserable. It's all you can do to stay upright, let alone focus on working safely.

*(Have you ever seen a coworker come to work sick when he or she probably shouldn't have?)*

That's why many of us turn to nearly anything on the drugstore shelves for help – just to feel human again.

Unfortunately, some of the drugs that bring you relief can also increase the risk of a workplace accident, especially if you don't pay attention to what medication you're taking and how you're taking it.

### Get all the facts

For the sake of your safety – and for the safety of everyone working around you – always read the labels on over-the-counter (OTC) medications.

Check for interactions and side effects. Some drugs – even common painkillers – can cause negative side effects if mixed with certain types of prescription drugs.

Your safest option: If you're not sure how an OTC drug may react with a prescription medication or another OTC drug, call your doctor or talk to a pharmacist before you buy it.

Other drugs may not be the right choice for you if you have certain conditions such as diabetes, high blood pressure, or liver problems.

You may also need to skip certain foods while taking OTC medication, or avoid taking it on an empty stomach.

Even if the only problem you end up with is an upset stomach, that can be enough of a distraction when you're performing a high-risk job or operating potentially dangerous equipment.

### Don't take chances

Take labels seriously. Warnings against driving or operating heavy machinery are there for a reason.

Many cold and allergy medications can make you sleepy, make your head feel fuzzy and cause you to have trouble focusing on the task at hand. They can also slow your reflexes, blur your

vision and impair your judgment.

Even certain nondrowsy medications can leave you feeling out of sorts.

If you have no other alternative but to use a medication that could leave you impaired, don't take chances. Come see me or another supervisor about the possibility of reassigning high-risk tasks.

*(Who has ever felt spacey or out of it after taking a cold or allergy medication?)*

### Follow directions

Don't treat symptoms you don't have. If you have a cough, don't take a product that's meant to treat congestion, cough and fever.

Also, avoid overdosing – a larger dose isn't going to make you feel any better than the correct dose, and it could make you feel worse. Also don't take more frequent doses than what the label recommends.

Thanks for your attention. And remember, let's stay safe out there!

*(Turn over page for Test)*

## Tailgate talk

Today's Subject:

### **Fracture first aid**

Date: \_\_\_\_\_

Even if you're not a designated emergency responder, it's smart to have some basic working knowledge of what to do if one of your coworkers were to suffer a serious sprain or a bone fracture.

Unfortunately, it can be difficult to tell the difference between a fracture and a sprain – the victim will be in a great deal of pain either way.

If you're not sure, always assume the worst and treat the injury as a fracture.

### What to focus on

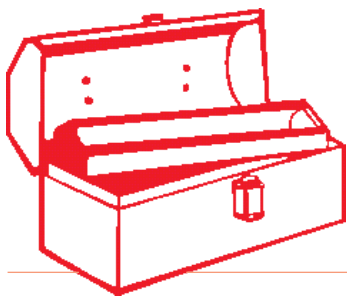
Here's what you need to know about preparing a fracture victim for transport to a medical facility.

**1. If there's bleeding,** make sure that it's under control before addressing the fracture.

**2. Splint the area.** Include the joints above and below the fracture. If a commercial splint isn't available, use whatever's handy – pieces of wood or even rolled up magazines or newspapers.

**3. No splinting materials?** You can also splint the fractured area to another body part, e.g., a fractured leg splinted to the other leg, or a fractured arm splinted to the victim's chest.

**4. Elevate the injured area,** but not before making sure that it has been completely immobilized.



# Supervisor's safety toolbox

## Safety meeting blueprint: Test your knowledge

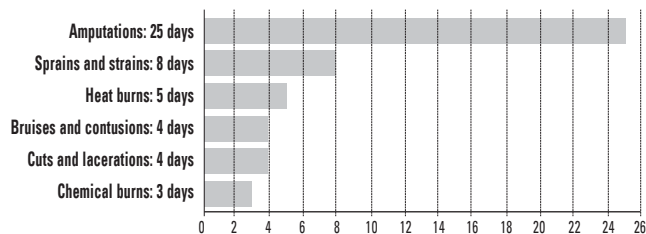
### Meeting Topic: Medications

- Some over-the-counter medications can put you at risk if you have certain health conditions such as**
  - Liver problems
  - High blood pressure
  - Diabetes
  - All of the above
- Nondrowsy formulas of cold or allergy medications are always safe to use when operating heavy equipment or performing other high-risk tasks. True or False?**
- If you're not certain how an OTC medication may react with a prescription drug you're taking, you should**
  - Try it out on a morning when you're only going to be engaging in light-duty activities
  - Call your doctor or check with your pharmacist before you buy the product
  - Ask a buddy or relative who's taking the same prescription medication
  - None of the above
- If your cold or allergy symptoms are particularly bad, it's safe to adjust your course of self-treatment by**
  - Taking a double dose of your cold or allergy medication
  - Taking the recommended dosage more frequently than recommended
  - Mixing two different OTC medications designed to treat the same symptoms
- It's never safe to take a medication other than as directed by the manufacturer or your doctor**
- Many common cold and allergy treatments can put you at risk on the job because of side effects such as**
  - Drowsiness
  - Slowed reflexes
  - Blurred vision
  - All of the above
- If your job entails high-risk tasks and you have to take a medication that might impair your ability to work safely, you should**
  - Ask a supervisor about temporary reassignment from duties that might be unsafe for you
  - Try to tough it out first – you can always stop later if you begin to nod off or feel more disoriented
  - Pick up an extra cup of coffee to keep you alert
  - None of the above
- Taking a medication on an empty stomach, contrary to the information on the warning label, can't affect your ability to work safely. True or False?**
- The safest choice to treat a bad cough would be**
  - A multisymptom remedy, just to cover all the bases
  - A cough-and-cold formula
  - A medication meant to treat coughs only
  - None of the above

## Did you know?

### Never disable machine guards

Days of work missed by type of injury



People who suffer job-related amputations miss much more time than those who experience many other types of injuries. For instance, the median amount of time missed due to an amputation-related injury is 25 days, as compared to chemical burns, which keep people out of work three days.

Source: Bureau of Labor Statistics

## Test your knowledge: The answers

- d
- False. Even nondrowsy formulas can leave some people feeling spacey or out of sorts.
- b. Be cautious about taking advice from non-professionals. Someone taking the same drug may use a different dosage or have different circumstances.
- d  
In your system, the better – and the safer you'll be.
- a
7. False. Some medications can cause extreme discomfort when taken on an empty stomach or mixed with certain foods – enough discomfort to keep you from focusing on safety procedures.
8. c. Treat only the symptoms you have. The fewer unnecessary drugs in your system, the better – and the safer you'll be.
9. d