

# HEALTH AND SAFETY: The Union Seat at the Table

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# KEY CONCEPTS



- Understand OSHA and PESH
- Workers' Rights
- Engaging Labor & Management
- Health and Safety Committees
- Health and Safety issues are means to engage fellow members
- Health and Safety for ALL!



WHO ARE YOU GOING TO CALL?

# A SUCCESS STORY:

Ellen Lynch, UCE of FIT

# AT FIT...

- We started with a small college-wide committee which consisted of:
  - A union representative and a faculty member appointed by the President
  - Director of Health & Safety Compliance
  - The CEO, HR, President's Office, and Office of the General Counsel
  - A member of the Health Services team, and buildings and grounds



# WE WERE INVOLVED IN SETTING THE FOLLOWING:

Improper use of fire doors

Establishing callboxes on campus in case of an emergency

Developed a policy regarding service animals on campus and in the classroom

Policy for exacto-knives

Active shooter drills and protocols


Safety in studios with a check sheet and evaluation

# MORE SUCCESSES:

Scissor lift training



Emergency procedure guide for everything from weather to medical emergencies

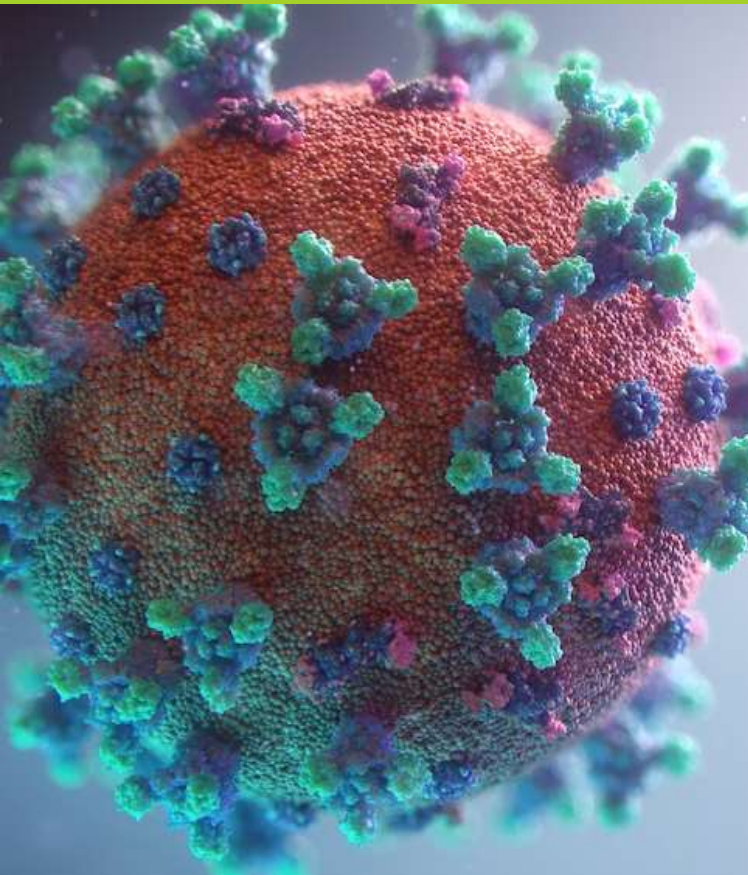


Streamlining the accident reporting system



The small committee met monthly and had excellent results.

# AND THEN COVID HIT...



The small college-wide committee became a committee of over 40 people!

The committee now had a representative from every part of the college and was tasked with developing protocols for handling COVID.

These included but were not limited to:

Return to campus

Establishing policy on masks and vaccinations

Preparation in the event of an outbreak on campus

And everything else that went into making sure that we were all safe.



# NEGOTIATING FOR HEALTH & SAFETY



- In the FIT Contract.
- There is statement 28.7:
- If inside temperature reaches 85 degrees or below 65 degrees
- The employee should be transferred to another area.
- If it can't be arranged employees are released from work with NO Deduction in pay provided that the Senior Administrator is notified.

## PRESENT AND FUTURE

- The committee continues to meet monthly and is now focused not only on Monkey Pox protocols and vaccinations but also on the construction of the new building
- At FIT, moving forward, the union has asked the chair of this EHS committee to consider downsizing the committee and to possibly establishing sub-committees to deal with specific areas of concern.
- Those sub-committees might be health related, construction, classroom and overall cleanliness on campus, safety on campus just to name a few.

# AN IMPORTANT TAKE-AWAY

It is the responsibility of the union members:

- To make sure that union members voices are heard.
- That your issues and concerns are addressed
- That the Administration addresses those concerns



# HOW THE FRAMEWORK SUPPORTS THE STRUCTURE OF HEALTH & SAFETY COMMITTEE

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OSHA

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PESH

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Employees Health & Safety

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School Policy

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Code of Conduct

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Federal & State Regulations





OSHA



PESH

# OSHA IS UNDER THE DEPARTMENT OF LABOR



OSHA

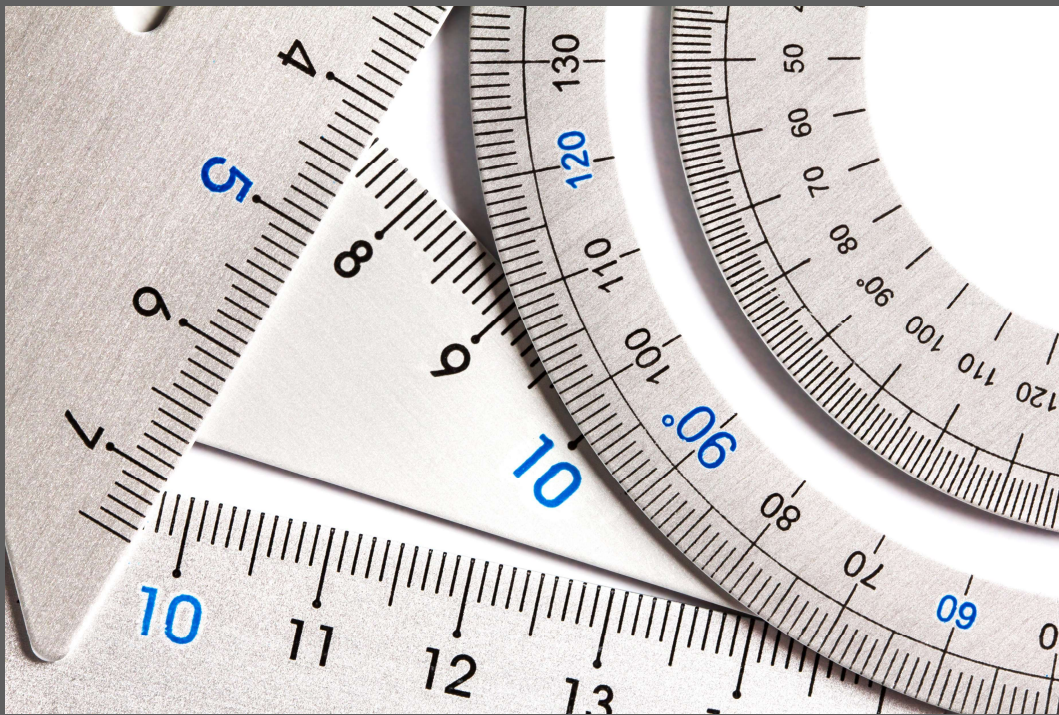
WRITES AND ENFORCES  
STANDARDS

STATE OSHA APPROVED  
PROGRAMS  
MUST BE AT LEAST AS EFFECTIVE

# OSH ACT OF 1970 SEC. 5 DUTIES

- Each employer --
- (1) 29 USC 654
- shall furnish to each of his employees - employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
- (2) shall comply with occupational safety and health standards promulgated under this Act.
- (b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

# GENERAL DUTY CLAUSE



Where No Specific  
OSHA

Standards

Follow

General Duty Clause





## WHO IS NOT COVERED BY OSHA *BUT*.....

### State and Local Government Workers

- Workers at state and local government agencies are not covered by OSHA,
- *But* have OSH Act protections if they work in states that have an OSHA-approved State Plan.
- OSHA rules also permit states and territories to develop plans that cover state and local government workers only. In these cases, private sector workers and employers remain under federal OSHA jurisdiction.
- Five additional states and one U.S. territory (Virgin Islands) have OSHA-approved State Plans that cover state and local government workers only:
  - Connecticut
  - Illinois
  - Maine
  - New Jersey
  - New York
  - Virgin Islands



# NEW YORK PESH

- Public sector employers include:
- State
- County
- Town
- Village governments
- Public Authorities
- School Districts
- Paid and Volunteer Fire Departments

# NEW YORK STATE PLAN

- All state and local government workers in the state.
- It does not cover federal government workers.
- A brief summary of the New York State Plan is included in the Code of Federal Regulations (CFR) at 29 CFR 1952.24.
- OSHA retains the authority to monitor the State Plan under Section 18(f) of the OSH Act.
- PESH can create stronger standards than OSHA

# PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU



The Department of Labor's PESH Bureau supports the state policy that public employees need as safe a workplace as private sector employees.



The bureau has two programs:



- Inspection



- Consultation

# HOW PESH CAN HELP?

## Consultation



Provides free consultation surveys at the request of a public employer.



The employer sets the scope of these surveys.



The consultant provides a written report that identifies the hazards and recommends ways to correct each hazard.



Consultants can also help to train employees and correct violations cited as a result of an enforcement inspection.



All consultation activities are completely separate and kept confidential from the Enforcement Branch.

## Enforcement

- Conducts unannounced inspections.
- The staff will issue a “Notice of Violation and Order to Comply” for any safety and health hazards they find.
- They set an abatement period for the employers to come into compliance, which they will discuss at a closing conference.
- If the employer does not comply during the abatement period, a penalty can be imposed.
- The penalty (not to exceed \$200 per calendar day) accumulates until compliance is achieved.

# THE CONFERENCE 802.6



## Opening

- (a) D.O.L. inspector explains who are to accompany inspector, during, the nature, purpose and scope of the inspection.

## Closing

- (b) D.O.L. inspector confers with the representative(s) of the employer, authorized employee representative(s) - *informally* advises of any apparent safety & health violations disclosed by the inspection.

# PENALTIES

- Penalties
  - Not the same as Federal OSHA
  - Any violation listed on a “Notice of Violation and Order to Comply” is subject to a PER DAY penalty assessment.
  - Non-Serious – up to \$50/day
  - Serious – up to \$200/day
  - The daily penalty will start with the abatement date given and will continue to accrue until the violation(s) is complied AND such compliance is verified by PESH



# NY CODES, RULES & REGULATIONS



## **New York Codes, Rules and Regulations**

- [12NYCRR Part 801](#) (Recording and Reporting Public Employees' Occupational Injuries and Illnesses)
- [12NYCRR Part 802](#) ( Inspection of Places of Public Employment)
- [12NYCRR Parts 803](#) (Variance Regulations)
- [12NYCRR Parts 804](#) (Petition for Modification of Abatement Date)
- [12NYCRR Parts 805](#) (Petition for Employee Contest of Abatement Period)
- [12NYCRR Part 820](#) (Toxic Substances)
- [12 NYCRR PART 800.6](#) (Workplace Violence Prevention Program Rule)
- [12 NYCRR Part 800.7](#) (Escape Ropes)

OFFICIAL COMPILATION  
OF CODES, RULES AND  
REGULATIONS OF THE  
STATE OF NEW YORK  
TITLE 12. DEPARTMENT  
OF LABOR  
CHAPTER XI. DIVISION OF  
SAFETY AND HEALTH  
SUBCHAPTER A. PUBLIC  
EMPLOYEES' SAFETY AND  
HEALTH  
PART 801. RECORDING  
AND REPORTING PUBLIC  
EMPLOYEES'  
OCCUPATIONAL  
INJURIES AND ILLNESSES

- The employer must use SH 900, SH 900.1, and SH 900.2 forms, or equivalent forms, and associated instructions, for recordable injuries and illnesses.
- The SH 900 form is called the log of work-related injuries and illnesses,
- The SH 900.1 is the annual summary of work-related injuries and illnesses, and
- The SH 900.2 form is called the injury and illness incident report.

# IN NYS DOL PESH LOG OF INJURIES AND ILLNESS FORM

- **SH – 900 Log of Injuries**
- Summary of records from the previous year  
SH900.1:
- Must be posted from February to March
- Injury and Illness Incident Report Form – SH – 900.2





*FIRST COMES SAFETY*

- **Prevent** workplace injuries and illnesses
- **Improve** compliance with laws and regulations
- **Reduce** costs, including significant reductions in workers' compensation premiums
- **Engage** workers
- **Enhance** their social responsibility goals
- **Increase** productivity and enhance overall business operations

# *KNOW YOUR RIGHTS*

- Occupational Safety and Health Act of 1970
- “To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health.”

## Know Your Rights

Federal law entitles you to a safe workplace. Your employer must keep your workplace free of known health and safety hazards. You have the right to speak up about hazards **without fear of retaliation**. You also have the right to:

Receive workplace safety and health training in a language you understand

Work on machines that are safe

Receive required safety equipment, such as gloves or a harness and lifeline for falls

Be protected from toxic chemicals

Request an OSHA inspection, and speak to the inspector

Report an injury or illness, and get copies of your medical records

Review records of work-related injuries and illnesses

See results of tests taken to find workplace hazards

# FORMING THE TEAM



## Who is on the Committee?

- Institution's Policy
- Lead by Example
- Mechanism to identify and report hazards and or concerns
- Provide Training
- Conduct Inspections Look for Hazards
- Emergencies – Mechanisms to address them
- Seek Input from all Committee Members
- Make Improvements – Verify



**TG0**

Ellen Talks about FIT

Tricia Geisel, 2022-10-10T00:01:35.249

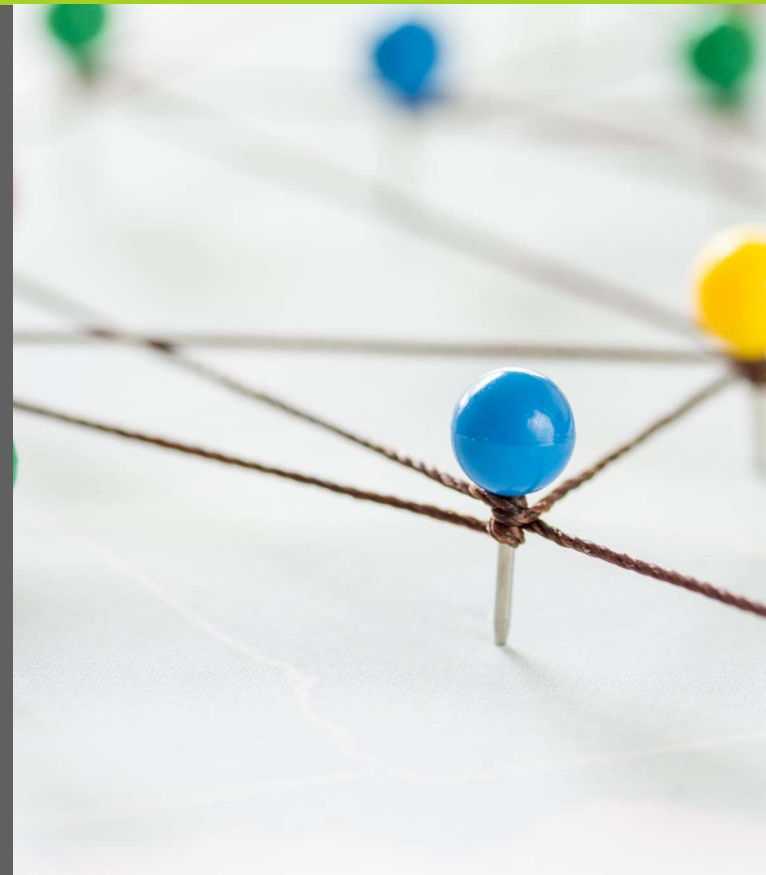
# THE BEGINNING STEPS



- Is there a safety and health policy?
- Establish safety and health as a core value
- Administration and Staff Participate in the Program
- Employees can be your most valuable asset.
- Employees can know the most about workplace hazards.
- Inform workers of their rights under the OSH Act of 1970
- Give workers opportunities to participate in the program
- Give workers the time and resources they need to participate

# MAP YOUR WORKPLACE

- Conduct an initial workplace inspection
- Chemical hazards
- Physical hazards
- Biological hazards
- Ergonomic risk factors
- Exposure assessments
- Medical records



# COLLECT AND REVIEW HAZARD INFORMATION

What is a hazard?



A WORKPLACE HAZARD IS ANY CONDITION,  
ACTIVITY, OR SOURCE THAT COULD, IF LEFT  
UNCONTROLLED, LEAD TO AN INJURY OR ILLNESS.

- Safety hazards—slippery floors, broken ladder rungs, hot surfaces, machinery with moving parts, electrical hazards, confined spaces.
- Health hazards—chemicals, viruses, heat, noise.
- Other hazards—stress, workplace violence, activities that cause wear and tear on the body, assigning an untrained worker to a hazardous job.

# KEEP THIS IN MIND WHEN MAKING YOUR WORKPLACE ASSESSMENT

This is how PESH prioritizes inspections:

- ✓ Imminent Danger
- ✓ Accident Investigations
- ✓ Complaints (Serious Hazard Alleged)
- ✓ Complaints (Non-Serious Hazard Alleged)
- ✓ Referrals
- ✓ Follow up Inspections
- ✓ Programmed Inspections
- ✓ **INSPECTION TYPES AND PRIORITY**



# HIERARCHY OF CONTROLS HAZARD PREVENTION

Controls are selected according to the *hierarchy of controls*

*Elimination*

*Substitution*

*Engineering Controls*

*Administrative Controls*

*PPE*

# HEALTH & SAFETY PROGRAM AUDIT TOOL

## Assessment Time!

- ✓ Look at written materials
- ✓ SDS, medical, incident investigation reports
- ✓ Workplace inspected regularly
- ✓ Before making changes - management and employees conduct identify safety and health issues
- ✓ Complete evaluation before Implementation!



	Not Implemented	Partially Implemented	Implemented with only Minor Deficiencies	Fully Implemented	Evident
such as injury/illness sheets, medical reports, first aid kits, incident reports, and manufacturers' safety data sheets reviewed to help identify hazards					
Workplace inspected regularly to identify hazards that pose or could pose a health concern, including all areas and activities and transportation					
Management regularly inspects operations, equipment, or materials and managers conduct safety audits by any safety or health professional					
Medical records are evaluated to identify health hazards					
Medical records, injury and illness data, reports, etc. are analyzed to identify hazards					

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## EDUCATION AND TRAINING

- Managers, supervisors, and workers understand the elements of the safety and health program and how to participate in it.
- Workers understand the employers' responsibilities under the program.
- Each worker understands his or her own role in the program.
- Workers know whom to contact with concerns or questions, and understand the procedures for reporting injuries, incidents, hazards, and concerns.
- Workers know that they have a right to participate in the program and report injuries and illnesses without fear of retaliation or discrimination.
- Workers with assigned roles under the program receive training in how to carry out their roles.
- Workers are trained to understand how to recognize hazards and effective techniques for their control.
- Workers can ask questions, receive answers, and provide feedback during and after training.



EVALUATE YOUR COMMITTEE

# IS THERE ROOM FOR IMPROVEMENT?



- Goal Achievement
- Track Performance Indicators
- Monitor and Analyze Data
- Management Does A Review
- Health & Safety Team Involved
- Program Reviewed
- Modify as Needed

# RECAP:



FULLY DEVELOPED AND EFFICIENTLY FUNCTIONING HEALTH AND SAFETY COMMITTEES ARE INTEGRAL TO RESPONDING TO AND PREVENTING ENVIRONMENTAL HEALTH CONCERNS IN SCHOOLS.



HEALTH AND SAFETY COMMITTEES FOCUS ON THE ACTUAL PHYSICAL ENVIRONMENT OF SCHOOL BUILDINGS.



HEALTH AND SAFETY COMMITTEES COMPRISE STAKEHOLDERS FROM A VARIETY OF ORGANIZATIONS, OCCUPATIONS AND POSITIONS IN A SCHOOL'S GREATER COMMUNITY. THIS CROSS-AGENCY TEAM HELPS DEVELOP, DIRECT, SUPPORT AND IMPLEMENT ENVIRONMENTAL HEALTH PROGRAMS IN SCHOOLS. THE LAW REQUIRES UNION PARTICIPATION.



EFFECTIVE HEALTH AND SAFETY COMMITTEES CAN HELP INSTITUTIONS ACHIEVE BETTER STUDENT ATTENDANCE, IMPROVED STUDENT AND STAFF HEALTH, INCREASED STAFF PRODUCTIVITY AND RETENTION, STRONGER ACADEMIC PERFORMANCES AND COST SAVINGS.



THANK YOU!

*BE WELL AND STAY SAFE*