



Self-Insured Group Member Loss Prevention Program (OAR 437-001-1055, OAR 437-001-1060)

OSHA Compliance Tool

(This tool should be used to help prove compliance with the following OSHA regulation. Typically, it only requires making copies of existing policies/procedures and placing them behind the appropriate dividers. Please contact your Risk Management Consultant for assistance at (503)968-6300.)



Occupational Health and Safety Loss Prevention Program

The safety and health of employees is this company's foremost business consideration. No employee will be required to do a job that he or she considers unsafe. The company will comply with all applicable Oregon OSHA workplace safety and health requirements and maintain occupational safety and health standards that equal or exceed the best practices in the industry.

The company will establish a safety committee, consisting of management and labor representatives, whose responsibility will be identifying hazards and unsafe work practices, removing obstacles to accident prevention, and helping evaluate the company's effort to achieve an accident and injury free workplace.

The company pledges to do the following:

- Strive to achieve the goal of zero accidents and injuries.
- Provide mechanical and physical safeguards wherever they are necessary.
- Conduct routine safety and health inspections to find and eliminate unsafe working conditions, control health hazards, and comply with all applicable Oregon OSHA safety and health requirements.
- Train all employees in safe work practices and procedures.
- Provide employees with necessary personal protective equipment and train them to use and care for it properly.
- Enforce company safety and health rules and require employees to follow the rules as a condition of employment.
- Investigate accidents to determine the cause and prevent similar accidents.
- Evaluate workplace design, layout and operation utilizing an ergonomic approach.
- Conduct an annual evaluation of the company's loss prevention activities based on the location's current needs.

The company recognizes that managers, supervisors, and all other employees share responsibility for a safe and healthful workplace.

- Management is accountable for preventing workplace injuries and illnesses. Management will consider all employee suggestions for achieving a safer, healthier workplace. Management will also keep informed about workplace safety-and-health hazards and regularly review the company's safety and health program.
- Supervisors are responsible for supervising and training workers in safe work practices.
- Supervisors must enforce company rules and ensure that employees follow safe practices during their work.
- Employees are expected to participate in safety and health program activities including immediately reporting hazards, unsafe work practices, and accidents to supervisors or a safety committee representative; wearing required personal protective equipment; and participating in and supporting safety committee activities.

For loss prevention assistance contact: _____ Phone: _____

Company owner's signature: _____ Date: _____



OAR 437-001-1055(2) Availability and process for requesting loss prevention assistance

Managers and workplace locations have access to loss prevention assistance. Employees or Managers who would like loss prevention assistance should contact the designated Safety Coordinator or Human Resources Manager.

Loss prevention assistance is also available from Empire Pacific Risk Management. Any of the below Risk Management Consultants are available for consult:

Chad Harvey
Risk Management
Department Manager
chad.harvey@empirepac.com

Patrick Bailey
Risk Management
Senior Consultant
patrick.bailey@empirepac.com

Empire Pacific Risk Management
5300 Meadows Road Ste 300
Lake Oswego, OR 97035
Ph: (503)968-6300 Fx: (503)968-6305



OAR 437-001-1060(1) Management commitment to health and safety

Suggested contents; place copies behind this divider:

- Management commitment statement
 - (ex: “XYZ Corporation is committed to the health and safety of its employees...”)
 - Likely in the front of your existing employee handbook or safety policy
- Examples of safety related investments by management

OAR 437-001-1060(2) An **accountability system** for employer and employees

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Disciplinary action policy
- Expectation statements from safety program for employees, management, etc.
- Examples of disciplinary action taken for safety related incidents

OAR 437-001-1060(3) **Training** practices and follow-up

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- New hire orientation training checklist
- Training schedule
 - Annual refresher training
 - Equipment specific training
 - Monthly, weekly, daily training
- Training records (sign-in sheets)

OAR 437-001-1060(4) A system for hazard assessment and control

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Safety committee quarterly walkthrough checklists or notes
- Walkthrough reports from Empire Pacific (if completed)

OAR 437-001-1060(5) A system for **investigating all recordable occupational injuries and illnesses** that includes corrective action and written findings

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Examples of completed accident investigations
- Accident investigation forms or procedures
- Blank copies of forms included in the Claims Jumper Packet provided by Empire Pacific

OAR 437-001-1060(6) A system for evaluating, obtaining, and maintaining **personal protective equipment**

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Personal protective equipment (PPE) policy
- PPE Hazards Assessment

(http://www.orosha.org/pdf/pubs/forms/hazard_assessment_form.docx)

PPE hazard assessment certification

Workplace evaluated: _____

Person certifying the evaluation: _____

Hazard assessment date: _____

OAR 437-001-1060(7) On-site routine **industrial hygiene and safety evaluations** to detect physical and chemical hazards of the workplace, and the implementation of engineering or administrative controls

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Industrial hygiene=air quality or sound levels
- Hearing Conservation program (ear plug requirements)
- Hazard Communication policy (MSDSs)
- Industrial hygiene testing results (if available)
 - Conducted by OSHA, Empire Pacific, etc.
- If N/A: written statement explaining that no industrial hygiene hazard exists for the activities conducted by employees, based on analysis
- Safety committee quarterly walkthrough checklists or notes that include evaluations of specific tasks
- Walkthrough reports from Empire Pacific (if completed)
- Job Hazard Assessments (JHAs) or Job Safety Assessments (JSAs); Care Plans, etc.

OAR 437-001-1060(8) Evaluation of workplace design, layout and operation, and assistance with job site modifications utilizing an **ergonomic approach**

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Ergonomic assessment reports
- Stretch-and-Flex program in place?
- If no written ergonomic policy in place, make a list of examples of ergonomic improvements that have been made
 - Examples of ergonomic adjustments in the workplace
 - Lifts
 - Carts
 - Back injury prevention training
 - Hoists
 - Automation/equipment that reduces the physical aspect of the job

OAR 437-001-1060(9) **Employee involvement** in the health and safety effort

Suggested contents (not necessary to have all, one or more is adequate) place copies behind this divider:

- Safety committee policy
- Safety committee minutes
- Examples of other employee involvement in safety
- Safety Barbeque, safety incentives, company-wide meetings that include safety reminders, paycheck stuffers that include safety reminders

OAR 437-001-1060(10) An annual evaluation of loss prevention activities based on the location's current needs

Complete the following evaluation annually (make a copy of this page annually and complete; place copies behind this divider):

Date:

Completed By:

Measured Item	Effective?	Comments/Suggestions
OAR 437-001-1060(1) Management commitment to health and safety;	Y / N	
OAR 437-001-1060(2) An accountability system for employer and employees;	Y / N	
OAR 437-001-1060(3) Training practices and follow-up;	Y / N	
OAR 437-001-1060(4) A system for hazard assessment and control;	Y / N	
OAR 437-001-1060(5) A system for investigating all recordable occupational injuries and illnesses that includes corrective action and written findings;	Y / N	
OAR 437-001-1060(6) A system for evaluating, obtaining, and maintaining personal protective equipment;	Y / N	
OAR 437-001-1060(7) On-site routine industrial hygiene and safety evaluations to detect physical and chemical hazards of the workplace, and the implementation of engineering or administrative controls;	Y / N	
OAR 437-001-1060(8) Evaluation of workplace design, layout and operation, and assistance with job site modifications utilizing an ergonomic approach;	Y / N	
OAR 437-001-1060(9) Employee involvement in the health and safety effort;	Y / N	
OAR 437-001-1060(10) An annual evaluation of the employer's loss prevention activities based on the location's current needs	Y / N	

OAR 437-001-1060(11) The **group** shall **maintain records** which document the assistance provided to each member of the group

Empire Pacific Risk Management maintains copies of reports for all loss prevention assistance provided to members. These records are available upon request from one of the consultants listed below:

Chad Harvey
Risk Management
Department Manager
chad.harvey@empirepac.com

Patrick Bailey
Risk Management
Senior Consultant
patrick.bailey@empirepac.com

Empire Pacific Risk Management
5300 Meadows Road Ste 300
Lake Oswego, OR 97035
Ph: (503)968-6300 Fx: (503)968-6305



OAR 437-001-1055 Self-Insured and Group Self-Insured Employer Loss Prevention Programs.

Each self-insured employer and each member of a group self-insured program shall establish and implement a written occupational health and safety loss prevention program for each establishment. As a minimum requirement, the program shall:

- (1) Provide for a loss prevention effort within the normal functions of the business for prevention or reduction of health and safety injuries and illnesses; and
- (2) Inform its managers and workplace location of the availability and the process for requesting loss prevention assistance.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 21-1988, f. 12/27/88, ef. 12/27/88.

OR-OSHA Admin. Order 8-1991, f. 4/25/91, ef. 5/1/91.

OAR 437-001-1060 Self-Insured and Group Self-Insured Employer Loss Prevention Effort.

Each self-insured employer and each member of a group self-insured program shall implement a loss prevention effort for **each of its locations**, which identifies and controls all reasonably discoverable occupational safety and health hazards and items not in compliance with the federal or the division's occupational safety and health laws, rules and standards. The self-insured group shall assist each member of the group in developing and implementing the loss prevention effort. This loss prevention effort shall include at least the following:

- (1) **Management commitment** to health and safety;
- (2) An **accountability system** for employer and employees;
- (3) **Training** practices and follow-up;
- (4) A system for **hazard assessment and control**;
- (5) A system for **investigating all recordable occupational injuries and illnesses** that includes corrective action and written findings;
- (6) A system for evaluating, obtaining, and maintaining **personal protective equipment**;
- (7) On-site routine **industrial hygiene and safety evaluations** to detect physical and chemical hazards of the workplace, and the implementation of engineering or administrative controls;
- (8) Evaluation of workplace design, layout and operation, and assistance with job site modifications utilizing an **ergonomic approach**;
- (9) **Employee involvement** in the health and safety effort;
- (10) An **annual evaluation** of the employer's loss prevention activities based on the location's current needs; and
- (11) The **group** shall **maintain records** which document the assistance provided to each member of the group.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 21-1988, f. 12/27/88, ef. 12/27/88.

OR-OSHA Admin. Order 8-1991, f. 4/25/91, ef. 5/1/91.



Oregon

John Kitzhaber MD, Governor

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April 4, 2012

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Department Manager – Risk Management
5300 Meadows Road, Suite 200
Lake Oswego, OR 97035

Dear Chad,

This is in response to your letter dated February 6, 2012 requesting clarification on the compliance of OAR 437-001-1055 and OAR 437-001-1060. You will find Oregon OSHA's response following each question and background to the question.

Question #1: What constitutes a Loss Prevention Program; and, how does it compare to the Safety Program requirements as required in the standards, as necessary for compliance in the Comprehensive Inspection?

Background to Question #1: Many of our clients don't use the term "Loss Prevention" within their safety program. Some of the terms that our clients use are: Safety Program; Risk Management; & Accident Prevention. Also, the "language" in their documentation uses these terms rather than "Loss Prevention". Question #1 is intended to obtain a written interpretation of the "Loss Prevention Effort" as supported in the 11 points of OAR 437-001-1060. The requirements within OAR 437-001-1060 are no different than those of a non-self-insured employer under the Comprehensive Inspection (with the exception of the (8) Ergonomic efforts).

Oregon OSHA Response to Question #1: As I'm sure you are aware, a Loss Prevention Program is not defined in Division 1. However, "loss prevention" certainly encompasses safety and health components. What an employer, or a client in your case, calls their program is inconsequential. What Oregon OSHA is looking for are efforts to identify and control safety and health hazards. At a minimum, those efforts are listed in 437-001-1060.

Question #2: Are self-insured employers required to have specific written proof of compliance to the elements within OAR 437-001-1060 outside of their existing policies and procedures that show compliance in the Comprehensive inspection?

Background to Question #2: The elements found in OAR 437-001-1060(1) – (10) should be evidenced in the comprehensive inspection without requiring additional and specific documentation. For the purposes of #11, compliance with that one falls under the group, as administrated by Empire Pacific Risk Management.



Oregon OSHA Response to Question #2: No, there is not a written record summary or proof of compliance document required for the elements listed in OAR 437-001-1060. During the inspection process, compliance officers may ask for records, e.g., OSHA 300 logs or 801s for recordable injuries or safety committee records but this would be a component of the comprehensive inspection.

Question #3: Are individual locations within an organization required to maintain a "Loss Prevention Effort" that is independent of each other and the corporate office, within this OAR 437-001-1060?

Background of Question #3: In Group Self-Insurance, not every manager at every location will understand the difference of their insurance options. The option of how a particular firm selects their coverage is independent of their existing safety programs and procedures. 1055 (2) ... requires all managers and workplace locations to be aware of the availability and process for requesting assistance. In a group self-insurance program, that process in most cases is internal and is directed through upper management to request assistance from the group, if not addressed internally. Nearly all safety and health concerns are addressed at the corporate level and/or corporate headquarters to ensure consistency throughout all locations. This improves the ability to address safety and health concerns for all employees (stressing consistency at all locations while allowing a corporate office to maintain 'Top Management Commitment' and involvement).

Oregon OSHA Response to Question #3: It is acceptable for a Corporation to establish and implement a corporate wide written occupational health and safety loss prevention program that applies to each establishment. What compliance officers look for is how the loss prevention program is communicated and implemented at each establishment/location and whether hazards are identified and controlled.

Question #4: Clarification is necessary on OAR 437-001-1060 (10) – Annual Evaluation of Loss Prevention Activities. What does the annual evaluation need to include? Who can conduct the evaluation? Does it have to be documented and what constitutes documentation? Where must the documentation be maintained? **Comment: In our experience, there have been varying interpretations of this rule, by enforcement officers. Please elaborate, so we can assist our clients?**

Background of Question #4: In a corporate structure as outlined above, the corporate office does their own assessments and evaluations of the locations on varying levels. That would include: policies & procedures; monitoring loss data and performance; annual updating safety programs as required within the safety committee rules; and specific operational reviews and updates. Most firms would interpret that this is done on all kinds of levels and struggle to prove compliance in the OAR 437-001-1060 (10).

Oregon OSHA Response to Question # 4: OAR 437-001-1060(10) requires an annual evaluation. It does not require that evaluation to be in writing, therefore a document is not required. It is also silent about who can do the evaluation. The annual evaluation of the employer's loss prevention activities equates to what are the location's (establishment's) safety and health issues, what has been put in place to prevent injuries and illness, and are these prevention efforts in compliance with safety and health standards. How the evaluation takes place and the complexity of the evaluation is up to the entity.

Question #5: How should OAR 437-001-1055 & 1060 be enforced? Should it be its own separate inspection or synonymous with the Comprehensive inspection?

Background of Question #5: Many of our members have had these standards enforced separate from the Comprehensive Inspection. These self-insured requirements have little difference from what is evaluated in the Comprehensive Inspection. Enforcement officers should gain enough knowledge and evidence within the Comprehensive Inspection to prove compliance with this section.

Oregon OSHA Response to Question #5: The Compliance Office should evaluate compliance with the self insured rules in 437-001-1055 & 1060 in conjunction with a comprehensive inspection. It should not appear to the employer that Oregon OSHA is doing two separate inspections although any cited violations would be given separate inspection numbers.

I hope these responses answer your questions. Please contact me at 503-378-3272 if I can be of further assistance.

Sincerely

Peggy Munsell
Standards and Appeals Manager
Oregon OSHA