



*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **Safety in the Nonprofit Workplace**

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This article is intended to provide a broad overview of safety in the nonprofit workplace. It provides an overview of the Occupational Safety and Health Administration (OSHA) that regulates workplace safety, injury and illness recordkeeping and reporting requirements, OSHA inspections and penalties, OSHA requirements that are generally applicable to nonprofits, tips on establishing an effective safety program, and requirements for temporary employees.

### **Safety Regulations**

Federal OSHA - OSHA enforces the provisions of the Federal Occupational Safety and Health Act of 1970 (OSH Act) and promulgates safety and health regulations. Under the General Duty Clause, Section 5(a)(1) of the OSH Act, employers are required to provide their employees with a place of employment that is free from recognizable hazards that are causing or likely to cause death or serious harm to employees.

State Plans – Twenty-six states, Puerto Rico, and the Virgin Islands have OSHA-approved State Plans. State Plans must set workplace safety and health standards that are “at least as effective as” as OSHA standards. Many State Plans adopt standards identical to OSHA but some have adopted standards that include stricter protections than provided for in federal OSHA. State Plans have the option to promulgate standards covering hazards not addressed by OSHA standards. Georgia does not have a state plan and is covered under federal OSHA.

Mandatory Poster – All employers, regardless of the number of employees or industry, must post the federal OSHA Poster in order to provide employees with information on their safety and health rights. The federal poster can be downloaded from OSHA’s webpage [www.osha.gov/Publications/poster.html](http://www.osha.gov/Publications/poster.html).

### **Recordkeeping and Reporting**

Injury and Illnesses – OSHA regulations require employers to keep records of work-related injuries and illnesses. However, workplaces with ten or fewer employees in the entire company at all times during the last calendar year do not need to keep OSHA injury and illness records and establishments in certain low-hazard industries are exempt from routinely keeping OSHA illness and injury records. The list of exempt industries is classified by the North American Industry Classification System (NAICS). Examples of the exempt industries include:

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- 6244 – Child Day Care Services
- 5611– Office Administrative Services
- 5614 – Business Support Services
- 8121 – Personal Care Services
- 8131 – Religious Organizations
- 8133 – Social Advocacy Organizations
- 8134 – Civic and Social Organizations
- 6116 – Other Schools and Instruction
- 6117 – Educational Support Services
- 5411 – Legal Services

The complete list of exempt industries can be found on OSHA’s webpage [www.osha.gov/recordkeeping/ppt1/RK1exempttable.html](http://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html).

The records must be maintained at the worksite for at least five years. Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year.

Injury Reporting – All employers, regardless of the number of employees, must report:

- Fatality – within 8 hours
- Amputation – within 24 hours
- Loss of an eye within 24 hours
- Hospitalization within 24 hours

Reports can be made be either calling the nearest OSHA office, the OSHA 24-hour hotline at 1-800-321-6742 or online at OSHA’s webpage [www.osha.gov/report.html](http://www.osha.gov/report.html).

### **OSHA Inspections and Penalties**

Inspections – OSHA inspects workplaces in response to or reports of:

- Imminent dangers
- Fatalities
- Accident resulting in hospitalization
- Employee complaints
- Referrals from other government agencies
- High employer-reported injury and illness rates
- Work of a hazardous nature

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OSHA will also conduct target inspections under its National Emphasis Program (NEP), which is a series of programs released by the OSHA in order to protect the health and safety of workers in certain industries that have been determined to present higher risks to people and the environment.

Penalties – When OSHA finds that an employer has violated its regulations, it has the authority to issue citations requiring abatement and may impose fines. An employer may be fined:

- Up to \$129,936 for each willful or repeated violation
- Up to \$12,934 for each serious or “other than serious violation”
- Up to \$12,934 for each failure to abate a violation after a citation has been issued

### **OSHA Requirements That May Be Applicable to Nonprofits**

The following requirements are generally applicable to nonprofits:

- Investigate accidents that cause death or serious injury and develop corrective action plans to address any deficiencies.
- Provide adequate first aid supplies; organizations that provide healthcare or childcare services where exposure to bloodborne pathogens may be an issue should review and comply with the OSHA Bloodborne Pathogen Standard.
- Develop an Emergency Action Plan (EAP). For general office environments, an EAP must at a minimum describe the procedures for reporting a fire, evacuation routes, medical and rescue duties. Exits should be clearly identified and emergency exit doors must be unlocked, side-hinged and free from devices or alarms that could restrict emergency use. Before implementing the plan, the employer must designate and train a sufficient number of persons to assist in the safe and orderly evacuation of employees. The employer must review the plan with each employee initially upon hire, whenever an employee’s responsibilities change and whenever the plan is changed.
- Develop a Hazard Communication Program (Hazcom) to communicate hazards for industrial chemicals; the program should be written, include Safety Data Sheets for chemicals on-site, provide for container labeling and other forms of warning. This requirement does not apply to over-the-counter products used in the workplace.
- Implement Workplace Violence guidelines. OSHA has specifically recognized that health care and social service workers face a significant and increasing risk of job-related violence and has published specific guidelines for businesses working in these areas.
- Provide water suitable for drinking and washing. Lavatories with hot and cold running water, hand soap and towels or means for drying must be provided.

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## **Implementing a Safety Program**

Safety programs can be established without spending a lot of time or money. However, there are some basic elements of an effective program that need to be established and maintained. These are:

- Management Commitment – Lead by example
- Employee Involvement – Develop stakeholders in your safety program
- Hazard Identification – Continually analyze the worksite for safety hazards and unsafe behavior
- Hazard Prevention and Control – once identified, prevent and control worksite hazards
- Training for Supervisors and Employees – safe performance requires effective training

Here are helpful hints and things to consider:

- Post your Safety Policy next to the OSHA Poster
- Post evacuation routes and emergency numbers
- Regularly hold and attend safety meetings and let employees present topics
- Ensure that managers and supervisors follow all safety rules
- Hold everyone accountable for safety
- Establish a procedure when new equipment, procedures or hazards are introduced to the worksite
- Set up regularly scheduled safety inspections of the worksite
- Develop safe work procedures
- Plan for emergencies and regularly conduct drills
- Make sure first aid supplies are readily available
- When correcting hazards, try to remove the hazard first before implementing Personal Protective Equipment or Procedures
- Pay special attention to new employees or new assignments, consider assigning them a mentor
- Do not tolerate Unsafe Acts – studies show up to 90% of all injuries are caused by unsafe acts

## **Safety for Temporary Employees**

OSHA recommends that the temporary staffing agency and the host employer set out their respective responsibilities for compliance with applicable OSHA standards in their contract. Including such terms in a contract will ensure that each employer complies with all relevant regulatory requirements, thereby avoiding confusion as to the employer's obligations.

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Host employers and staffing agencies are jointly responsible for maintaining a safe work environment for temporary workers. The extent of responsibility under the law of staffing agencies and host employers is dependent on the specific facts of each case. Host employers and staffing agencies are both responsible for ensuring that OSHA's requirements (*e.g.* training, hazard communication, and recordkeeping requirements) are fulfilled.

OSHA has established a Temporary Worker Initiative and has released guidance documents intended to clarify requirements and responsibilities for employers of temporary workers.

- Training – The host employer and staffing agency share responsibility for training temporary workers. It is up to the host employer and staffing agency to determine which of them handles each element of the training, the guidance states, adding that most of the time the staffing agency handles general safety and health training while the host employer conducts training specific to the worksite. Workers must be trained before starting the job, and the training should be conducted in a language that the worker understands.
- Hazard Communication – The host employer and staffing agency must complete hazard communication training before the temporary worker starts work, and communicate when that training is finished. Training should be conducted each time a new chemical hazard is introduced.
- Personal Protective Equipment – The host employer must personal protective equipment as well, according to the guidance.

## **Conclusion**

Employers are required to:

- Provide their employees with a place of employment that "is free from recognizable hazards that are causing or likely to cause death or serious harm to employees."
- Post the federal OSHA Poster in order to provide employees with information on their safety and health rights.
- Report to OSHA a fatality within 8 hours; an amputation, loss of an eye or hospitalization within 24 hours.

Injury and Illness recordkeeping requirements depend on the number of employees and NAICS classification. There are some general applicable requirements for nonprofits. Regardless of requirements, an effective safety program can be established. Host employers and staffing agencies have joint responsibility for temporary workers.

Please seek legal assistance if you have questions about whether or not these safety requirements apply to your organization, and if so, how to comply with them.

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