

STATE OF MONTANA DEPARTMENT OF LABOR & INDUSTRY
EMPLOYMENT RELATIONS DIVISION
OCCUPATIONAL SAFETY & HEALTH BUREAU



MONTANA SAFETY CULTURE ACT

www.montanasafety.com



Montana Department of
LABOR & INDUSTRY
Employment Relations Division

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The **Safety Culture Act** enacted by the 1993 Montana State Legislature encourages workers and employers to come together to create and implement a workplace safety philosophy. It is the intent of the act to raise workplace safety to a preeminent position in the minds of all Montana's workers and employers. Therefore, it is the responsibility and duty of employers to participate in the development and implementation of safety programs that will meet the specific needs of their workplace; thereby establishing a safety culture that will help create a safe work environment for all future generations of Montanans.

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INTRODUCTION

This brochure is designed to be a tool to help you as an employer meet the necessary requirements to be compliant with the Montana Safety Culture Act (MSCA). Along with these requirements are recommendations from the Department of Labor & Industry that can be used as guidelines in the implementation of the MSCA. You will learn why safety programs are important—and how they can lower your costs and improve your productivity and the morale of your employees. Also included in this brochure are commonly asked questions and their answers, a safety program checklist and a list of available resources.

Montana's economy is diverse. Because of that, the MSCA allows some flexibility of interpretation and application so you and your workers' compensation insurer can establish a safety program appropriate to your business and to your employees' needs and circumstances.



Why Have a Safety Program?

Running a business involves taking risks. You take chances to remain competitive, but some risks like the safety and health of your employees just aren't worth the gamble. Exposing those who work for you to hazards is a high-stakes game with real losses. You invest money to protect the safety of your business by purchasing fire suppression systems, burglar alarms, etc.; why not invest at least as much, if not more, in your employees?

Workplace Injuries, Illnesses and Fatalities Cost Money

The magnitude of the actual cost of a workplace injury, illness or fatality is gaining the attention of businesses, corporations, safety professionals and the State. For every dollar you spend on the direct costs of a worker's injury, you will spend just as much or more to cover the indirect costs.

Gain Control of Your Losses

You can reduce the costs associated with workplace injuries and illnesses by implementing an effective safety program. When you value safety and actively promote safety to your employees, you can change your employees' behavior toward safety and reduce the number of workplace injuries and illnesses.

INDIRECT COSTS OF WORKPLACE INJURIES INCLUDE:

- Lost productivity
- Accident investigation
- Medical treatment
- Hiring and training replacements
- Legal fees
- Repair/replace equipment
- Damage to company's reputation
- Increased workers' compensation rates
- Employee retention
- Morale can be negatively impacted
- Increased absenteeism



REQUIREMENTS & RECOMMENDATIONS

Every employer shall establish, implement and maintain an educational based training program that shall at a minimum:

1. Provide all new employees with a general safety orientation containing information common to all employees and appropriate to the business's operations before they begin their regular job duties.

RECOMMENDATIONS The orientation should contain both oral and written instruction and include, but not be limited to, information on:

- Accident and hazard reporting procedures.
- Emergency procedures.
- Fire safety.
- First aid.
- Personal protective equipment.
- Work site hazards.

2. Provide job-specific or task-specific safety training appropriate for employees before they perform that job or task without direct supervision.

RECOMMENDATIONS The training should:

- Include specific safety rules, procedures and hazards.
- Identify the employer's and employee's responsibilities regarding safety in the workplace.
- Be conducted by personnel knowledgeable of the task being trained.
- Be conducted when the safety program is established, job assignments change, new substances are introduced to the workplace and when a new hazard is identified.

3. Offer continuing, regular, refresher safety training.

RECOMMENDATIONS The training should:

- Be held on an annual basis at a minimum and when necessary throughout the rest of the year.
- Contain material to maintain and expand knowledge and awareness of safety issues in the workplace.

4. Develop awareness and appreciation of safety through tools such as newsletters, periodic safety meetings, posters and safety incentive programs.

5. Provide periodic self-inspection for hazard assessment when the safety program is implemented, new work sites are established and thereafter as is appropriate to business operations—but at least annually—that:

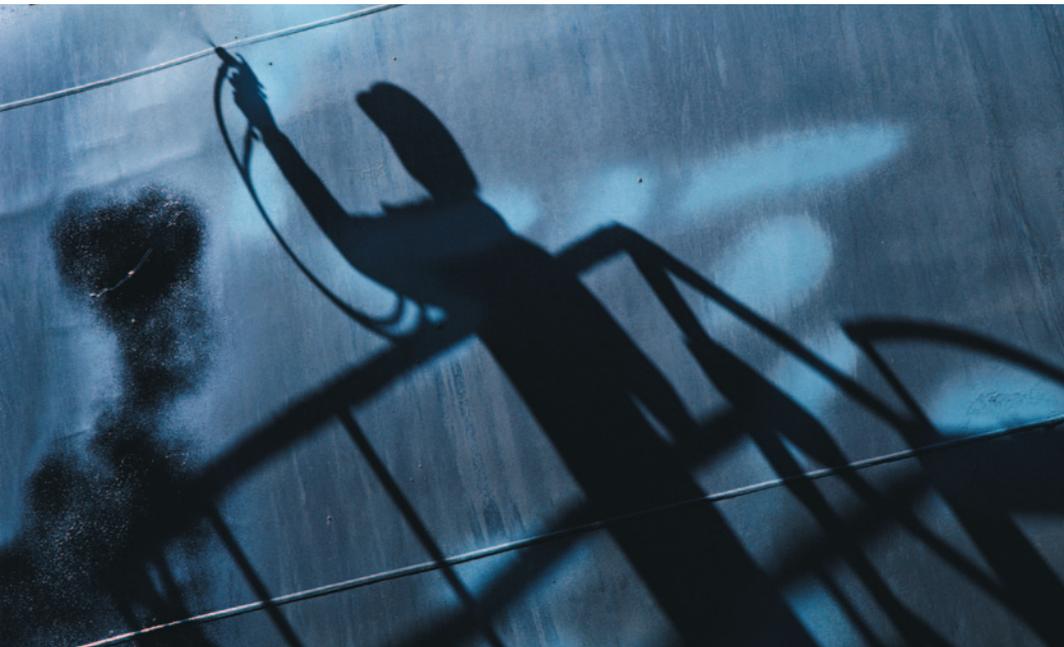
- Identifies hazards and unsafe work practices or conditions.
- Identifies corrective action(s) needed.
- Documents corrective action(s) taken.

6. Include documentation of performance of activities listed in 1-5 (above).

This documentation must be kept by the employer for three years.

RECOMMENDATIONS *Documentation should include:*

- Date, time, location, name of trainer and description of training, inspections and corrective action(s).
- List of participants.



ADDITIONAL REQUIREMENTS FOR EMPLOYERS WITH MORE THAN FIVE EMPLOYEES

Employers with more than five employees must meet all the requirements listed on the previous pages as well as the additional requirements listed below. In making the determination of employment levels, the employers shall count all **regular, temporary, leased and seasonal workers** under the employer's direction and control. The following requirements apply when there are more than five employees and remain in effect until the number of employees is less than six for three consecutive months.

1. Implement and maintain policies and procedures that assign specific safety responsibilities and safety performance accountability.

RECOMMENDATIONS *The policies and procedures should:*

- Include a statement of top management commitment to the safety program.
- Encourage and motivate employee involvement in the program.
- Define safety responsibilities for managers, personnel, supervisors and employees.
- Be reflected in job descriptions and performance evaluations.
- Be communicated and accessible to all employees.

2. Implement and maintain procedures for reporting, investigating and taking corrective action on all work-related incidents, injuries, illnesses, fatalities and known unsafe work conditions or practices.

RECOMMENDATIONS *Procedures should be nonpunitive and include but not be limited to:*

- Provisions for timely and effective reporting.
- Recommendations and follow-up corrective action.
- Documentation.
- Signature requirements for reports, investigations and corrective actions.
- Periodic evaluation of the procedures' effectiveness.

3. Shall have a safety committee in place that complies with the requirements listed in this brochure under the title Safety Committee Requirements.

SAFETY COMMITTEE REQUIREMENTS

The purpose of the MSCA is to create a safety culture in Montana's workplaces and reduce workplace injuries, illnesses and fatalities in the hope that by improving occupational safety and health, workers' compensation insurance rates for all industries will be reduced. Therefore, all employers with more than five employees are required to have a safety committee.*

Every Safety Committee shall:

1. Be composed of employee and employer representatives and hold regularly scheduled meetings, at least once every four months.

RECOMMENDATIONS *The safety committee should:*

- Be of sufficient size to provide for effective representation of the workforce.
- *Have more than one safety committee for employers with multiple sites.

2. Include in its employee membership volunteers or members elected by their peers.

3. Include safety committee activities that assist the employer in fact finding.

RECOMMENDATIONS *The Department of Labor & Industry recommends that the committee document its activities, and act as a fact-finding body and report to the employer regarding:*

- Assessing and controlling hazards.
- Assessing safety training and awareness topics.
- Communicating with employees regarding safety committee activities.
- Developing safety rules, policies and procedures.
- Educating employees on safety related topics.
- Evaluating the safety program on a regular basis.
- Inspecting the workplace.
- Keeping job-specific training current.
- Motivating employees to create a safe culture in the workplace.
- Reviewing workplace incidents, injuries, illnesses and fatalities.

SAFETY MEETING TOPIC IDEAS

Having a set objective for each meeting can assist in making your safety committee more successful. Highlighting a specific topic throughout the company can also increase the safety awareness of everyone. When setting a meeting objective, consider the following topics:

- Housekeeping.
- Slips, Trips and Falls.
- Proper Lifting.
- Toxic Gases and Poisons.
- Combustible Dust.
- Confined Spaces.
- Dermatitis.
- Defensive Driving.
- Emergency Procedures.
- Ergonomics.
- Fire Hazards and Fire Safety.
- First Aid.
- Floors, Aisles and Storage of Materials.
- Materials Handling.
- Horseplay.
- Industrial Vehicles.
- Ladders, Stairs and Ramps.
- Lighting and Ventilation.
- Lockout / Tagout.
- Machine Care, Maintenance and Guarding.
- Machine Hazards.
- Occupational Disease and Sanitation.
- Personal Protective Equipment.
- Unsafe Work Practices.
- Accident and Hazard Reporting.

Safety Committee Waiver

You may qualify to waive the requirement of the safety committee. A waiver may be granted if you have evidence of the following:

- A written safety plan that complies with the provisions of the MSCA.
- Documentary evidence of employee participation in the safety program.
- A three-year average lost-workday incidence rate that is not greater than 55 percent of the current average incidence rate for Montana entities with the same North American Industrial Classification System (NAICS) code OR
- A satisfactory experience modification factor, not greater than 0.87 (if the employer has an experience modification factor established).

AN EFFECTIVE SAFETY PROGRAM IS YOUR KEY TO:

- Lowering Costs
- Improving Productivity
- Improving Employees' Morale

For the purpose of determining when a waiver is appropriate, the Department of Labor & Industry annually establishes the average lost-workday incidence rate for occupational injuries and illnesses for Montana entities. The average incidence rate is applicable to entities within the same NAICS code. The average incidence rate is based upon Montana data. If sufficient Montana data is lacking for a given NAICS code, national data will be used. To obtain a copy of this list you can write the Occupational Safety and Health Bureau at P.O. Box 8011, Helena, MT 59604-8011, or call the bureau at (406) 444-6401.

For more information or to obtain a waiver application, you can contact your workers' compensation insurer or the Occupational Safety and Health Bureau.

COMPLIANCE

Workers' Compensation insurers and the Department of Labor & Industry can assist employers with establishing safety programs that meet the requirements of the law. Your workers' compensation insurance contract or agreement requires the implementation of a safety program. If you fail to comply and refuse to participate in or follow through on recommendations resulting from safety consultation services offered by your workers' compensation insurer, you could see your workers' compensation premium increase as a result.



QUESTIONS & ANSWERS

Q: Do I need to have a safety program if I only hire one person for one or two months out of the year?

A: Yes. All employers are required to have an educational training program that includes the required elements.

Q: When I hire a new employee, do I need to conduct the general safety orientation the first day of employment?

A: Yes. You should complete the general safety orientation the first day an employee reports to work. This orientation should cover the basic information such as the location of first aid kits, fire extinguishers, exits and possible hazards. Task-specific safety training should be given before the employee is exposed to a hazard.

Q: As a primary contractor, should my safety program cover subcontractors?

A: Your safety program would not need to include provisions for subcontractors because they are not your employees. However, we encourage you to consider their needs in safety training and safety meetings—as they can be an integral part of the workforce and their actions can influence your employees. Also keep in mind that if the subcontractors are employers, they would be required to have their own safety programs.

Q: Would documentation requirements be met by keeping a federal form on file?

A: Yes. It is intended that you and your insurer have flexibility in developing a safety program that meets the needs of your business. Avoiding duplication is encouraged.



Q: What record keeping is required?

A: Records of training new employees, safety meetings and suggestions for improving safety in your workplace should be kept; these records do not have to be sent to any state agencies.

Q: How long has the MSCA been in place?

A: The 1993 Montana State Legislature enacted the MSCA.

Q: We have a Stay at Work/Return to Work program in place; would the safety committee decide if someone should return to work or not?

A: The safety committee is a fact-finding body that reports to the employer on safety issues. The committee would not make personnel decisions or recommendations to the employer.

Q: I have 50 employees, how big should my safety committee be?

A: The safety committee should provide effective representation of the employer's and employees' interests. Your workers' compensation insurer can help you decide what size your committee should be.



SAFETY PROGRAM CHECKLIST

Requirements

Target Date

Done

General Safety Orientation		
Job/Task-Specific Training		
Continuing Regular Refresher Training		
Safety Awareness Program		
Periodic Self-inspection for Hazard Assessment		
Documentation of Performance		

For Employers With More Than Five Employees

Target Date

Done

Assign Safety Responsibility and Safety Performance Accountability		
Procedures for Reporting, Investigating and Taking Corrective Action		
Establish Safety Committee		



SAFETY INFORMATION DIRECTORY

Occupational Safety and Health Bureau
(Main Office)

Dept. of Labor & Industry
1805 Prospect
P.O. Box 8011
Helena, MT 59604-8011
(406) 444-6401
www.montanafety.com

AVAILABLE RESOURCES

The Montana Safety Culture Act requires insurers to provide assistance in identifying, evaluating and controlling existing and potential accidental and occupational safety and health problems.

Occupational Safety and Health On-Site Consultation Program

This confidential program is available to private employers at no charge. For more information, contact the Department of Labor & Industry's Occupational Safety and Health Bureau, P.O. Box 8011, Helena, MT 59604-8011 or call (406) 444-6401.

Equipment Manufacturers

Most manufacturers provide manuals and training on how to safely operate their equipment.

Similar Businesses, Trade Associations and Employer Groups

With the growing emphasis on safety in the workplace, many associations are coordinating efforts on safety issues to better serve their members. Employers can work together to better protect their employees by sharing information and training materials, and by hosting joint training programs.

Labor Organizations

Many labor organizations have occupational safety and health expertise and are willing to work jointly with employers to address safety concerns.

Safety Specialty Organizations

The National Safety Council is one of the many organizations that has an array of safety information available. Many vendors offer DVDs of safety training, or rent and/or sell programs to interested customers.

OSHA (Billings Area Office)
2900 4th Ave. N., Suite 303
Billings, MT 59101
(406) 247-7494
www.osha.gov

Mine Safety and Health Admin.
Federal Office Building
10 West 15th Street
Suite 2100
Helena, MT 59626
(406) 441-1180
www.msha.gov



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