

2017 OSHA updates

The life science industry has a base of employers that conduct more specialized training than any other industry segment and is committed to the safety of their workforce. As 2017 begins, Berkley Life Sciences Risk Management Resources has assembled a summary of recent OSHA changes that may impact your life science organization. These changes could affect how you report work related injuries and provide for occupational safety for temporary workers.

Electronic Injury Reporting Requirements

Beginning on January 1, OSHA will require employers to electronically report work related injuries if certain criteria exist. The OSHA Fact Sheet, ***“Final Rule to Improve Tracking of Workplace Injuries and Illnesses”*** (<https://www.osha.gov/Publications/OSHA3862.pdf>), explains these new rules. The changes have been made to encourage employers to rally around efforts to decrease their injury rate and to gather information regarding workplace injuries that is more accessible. This data can then be used to identify safety hazards by industry.

This electronic injury reporting requirement applies to all establishments with more than 250 employees as well as for companies with between 20-249 employees in certain industries with high rates of injury. The industries with high rates of injury are identified in the OSHA Fact Sheet referenced above, but some examples that could affect or be part of the life science sector are:

- Manufacturing
- Warehousing and storage
- General and surgical hospitals
- Repair and maintenance operations

These employers, currently required to report their injuries on OSHA Form 300, will now be required to report employee workplace injuries electronically.

In addition to these electronic injury reporting requirements, OSHA has identified some safety incentive policies currently common in many workplaces as practices that may discourage employees to report injuries. Therefore, OSHA has added provisions in this new rule and its associated comments that establish procedures to encourage accurate reporting of injuries. Some of these procedures may lead to less promotion of rate-based safety incentive programs and to limit post-incident drug testing to situations where it can be strongly attributed to the cause of the incident. (Employer Law Report, October 27, 2016, <http://www.employerlawreport.com/2016/10/articles/workforce-strategies/hidden-anti-retaliation-provisions-in-oshas-electronic-reporting-rule-how-are-incentive-programs-and-drug-testing-policies-affected/>)

Based on these updated requirements and on their industry type, employers should review their internal incident reporting guidelines and external incident reporting procedures.

Temporary Worker Safety

There has been increased scrutiny around who has the responsibility for the safety of temporary workers used by many different industries, including in life sciences. Further, in life sciences, this takes on an elevated level of importance, as the life science industry has a propensity of hiring temporary (and generally highly skilled) staffing. As an example, in San Diego, according to a recent survey, 40% of companies contract for temporary staffing on a regular basis.¹ All workers have a right to a safe and healthy workplace, no matter if they are full time, part time or temporary workers. OSHA has responded to this with a recommended practice guideline published on their website titled **“Protecting Temporary Workers”**.² The OSHA guideline indicates that both the host employer and the staffing agency are responsible for the safe environment of the temporary workers placed at the host employer.

These guidelines emphasize:

- The host employer’s worksite should be evaluated by the staffing agency to ensure that job hazards have been identified, so that the temporary workers will be appropriately protected.
- The staffing agency should have a basic understanding of health and safety hazards so they can, along with the host employer, manage the identified hazards.
- Both the staffing agency and the host employer should review each other’s injury and illness prevention programs to understand the foundational standards for health and safety for the temporary workers.
- Both parties should ensure that the written temporary staffing agreement outlines the responsibilities of both the staffing agency and the host employer in regards to the safety protections for the temporary worker, including, but not limited to, training, protective equipment and injury reporting.

Therefore, employers should review the contracts that they have with their temporary staffing agencies and update any safety procedures and training to include temporary workers.

Berkley Life Sciences Risk Management Resources is committed to keeping the life science marketplace aware of any regulatory updates that may affect your business. We hope this update helps your organization understand these latest OSHA rulings.

If you have any questions or would like to discuss these updates further, please reach out to Risk Management at blsrmr@berkleyls.com.

Please [click here](#) to visit us online and learn more about our exclusive, life science resources, sign up for regular updates, or follow us on social media.

1 San Diego Workforce Partnership: Life Sciences Priority Sector, http://lmi.workforce.org/life_sciences. Accessed on December 28, 2016.

2 Recommended Practices: Protecting Temporary Workers, Published by OSHA and NIOSH in 2014 at <https://www.osha.gov/Publications/OSHA3735.pdf>.



[Sonia Weiss, ARM, CIH, MBA, MPH](#) Assistant Vice President, Senior Life Sciences Risk Management Specialist

Sonia Weiss, ARM, CIH, MBA, MPH, has over 10 years of experience working in the environmental, health and safety professions, specializing in the academia, manufacturing, and biotechnology sectors. Ms. Weiss was formerly the Safety Health and Environmental (SHE) Manager for Genencor and the Environmental, Health and Safety Specialist for Tyco Electronics Corporation where she was responsible for workplace safety, regulatory compliance, risk assessments, and industrial hygiene. Ms. Weiss has a Bachelor of Arts degree in biochemistry and environmental sciences from Northwestern University, a Master in Public Health in industrial hygiene from the University of California, Berkeley and a Master in Business Administration from Presidio Graduate School.

Products and services are provided by one or more insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction. Certain coverages may be provided through surplus lines insurance company subsidiaries of W. R. Berkley Corporation through licensed surplus lines brokers. Surplus lines insurers do not generally participate in state guaranty funds and insureds are therefore not protected by such funds.

Any reference to insurance is descriptive and presented for discussion purposes only. Coverage afforded under any insurance policy issued is subject to the individual terms and conditions of that policy as issued. The contents of this document and the materials presented here are the property of Berkley Life Sciences, a W. R. Berkley Company.

This material is provided to you for general information purposes only. Maintaining safe operations and a safe facility in accordance with all laws is your responsibility. We make no representation or warranty, express or implied, that our activities or advice will place you in compliance with the law; that your premises or operations are safe; or that the information provided is complete, free from errors or timely. We are not liable for any direct, indirect, special, incidental or consequential damages resulting from the use or misuse of this information. You are not entitled to rely upon this information or any loss control activities provided by us and you may not delegate any of your legal responsibilities to us. All loss control activities are conducted solely for the purpose of, and in accordance with, our underwriting activities.