

WORKER PROTECTION

OSHA General Duty Clause

The Occupational Health and Safety Act (OSHA) of 1970, Section 5 (a) (1) states that employers must furnish to employees a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees. Employers must comply with occupational safety and health standards issued under the Act.

Policies/Protocols

Policies are formulated by the employer, perhaps, but not necessarily with input from the workers directly involved. It is the *employer's responsibility* to review, update and promulgate policies as they are created, as well as to provide the training, safety equipment and information as required by the policy or OSHA. It is the *employee's responsibility* to work accordingly to the policy and to notify management when unsafe working conditions exist. Management may attempt to change your job or working environment, but must negotiate any changes in your conditions of employment. It is the *employee's right* to know about workplace hazards, have proper training, personal protective equipment and appropriate resources to do their jobs safely. Employees covered by collective bargaining agreements should notify their union committee as soon as policy changes are mentioned or become known.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) and Massachusetts General Laws, Chapter 151B (MGL-151B) are both written *to protect an individual with disability who meets the skill, experience, education and other job related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.* Discrimination against the handicapped is prohibited in all aspects of the employment process including application, testing, hiring, assignments, evaluation, disciplinary actions, training, promotion, medical examinations, lay-off/recall, termination, compensation, leaves of absence, and benefits among others. Reasonable accommodation is required unless it would impose undue hardship on

the employer. The Federal law is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-3362 or 1-617-565-3200. The Massachusetts counterpart is enforced by the Massachusetts Commission Against Discrimination (MCAD), 1-617-727-3990.

Workers' Compensation

Workers' Compensation is an insurance system that subsidizes part of your wages if you are injured on the job or contract a work-related illness. It is a no-fault system, which means that you do not have to prove negligence to collect wage and medical benefits. However, the burden is on you to prove that your disability is work-related. You must file a first report of injury as soon as you are aware of being injured, whether or not you are able to continue working. Since the regulations concerning Workers' Compensation are complex and subject to change, you may consider hiring an attorney familiar with this area of the law to represent you through the various phases. Information is available to you from the Massachusetts Department of Industrial Accidents. Regional offices are in Boston, 1-617-727-4900; Lawrence, 1-978-683-6420; Fall River, 1-508-676-3406; Worcester, 1-508-753-2072; Springfield, 1-413-784-1133 and for the hearing impaired, 1-800-224-6196.

Reporting Hazardous Conditions to OSHA

Employees may report uncorrected workplace hazards to OSHA (see government listings U.S. Department of Labor in telephone directory). Additionally, you should notify the union. OSHA will investigate claims of unsafe conditions and require correction. Penalties may be assessed against the employer.

Whistleblower Protection

The federal government provides Whistleblower Protection to those employed by U.S. governmental facilities and in those businesses with federal government contracts. Some states have comparable laws and regulations. In Massachusetts, call the Attorney General's Office, 1-617-727-2200.

RESOURCES

U.S. Department of Labor
1-866-487-2365 • www.dol.gov

Occupational Safety & Health Administration (OSHA)
1-800-321-6742 • www.osha.gov

U.S. Department of Health and Human Services (HHS)
www.hhs.gov

Centers for Disease Control and Prevention
1-800-232-4636 • www.cdc.gov

National Institute of Occupational Health and Safety (NIOSH)
1-800-232-4636 • www.cdc.gov/niosh

U.S. Environmental Protection Agency (EPA)
1-617-918-1111

U.S. Food and Drug Administration (FDA)
1-800-463-6332 • www.fda.gov

U.S. Equal Employment Opportunity Commission (EEOC)
1-800-669-4000 • www.eeoc.gov

U.S. Federal Information Number: 800.688.9889

American Association of Occupational Health Nurses (AAOHN)
1-800-241-8014 • www.aaohn.org

In Massachusetts

Department of Public Health:
1-617-624-6000 or 1-617-624-5621 • www.mass.gov/dph

Department of Labor & Occupational Safety:
1-617-727-3452 • www.mass.gov/dol

Massachusetts Department of Industrial Accidents
www.mass.gov/dia

Department of Environmental Protection:
1-617-292-5500 • www.mass.gov/dep

Massachusetts Nurses Association:
Division of Health and Safety
1-781-821-4625 • www.massnurses.org

Massachusetts Committee on Occupational Safety
MassCOSH: 1-617.825.7233 • www.masscosh.org

Western MassCOSH:
1-413-731-0760 • www.wmasscosh.org

Additional Federal, State and Local Agencies

Consult the government listings in the telephone directory under: *Consumer Protection • Environment Protection • Labor • Health*

Occupational Hazard Recognition & Control



*For Nurses and Other
Health Care Workers*



CAUTION

Introduction

Working in a health care environment can present hazards to your health. Health care workers have suffered from back, neck and shoulder injuries, as well as skin, respiratory, cardiac and infectious diseases. Many of these ailments have been caused or aggravated, directly or indirectly, by the environment and conditions under which they work.

This pamphlet presents information that will assist you, the worker, to:

- Recognize the hazards present in the health care work environment
- Locate sources of information to control or eliminate hazards
- Recognize, report, and record occupational illnesses and injuries

Keys to Controlling Workplace Hazards

- Commitment on the part of workers, management, and the administration to identify and control hazards
- Education to recognize hazards and understand the control process
- Assessment of the work environment for hazards
- Worker health surveillance programs

Personal Responsibility

- Become safety conscious for yourself and others
- Know your work environment and recognize hazards
- Attend occupational safety and health educational programs
- Follow protocols to control hazards
- Report unsafe conditions

Recording & Reporting

Recognition

An injury or illness attributable to an event or process within the work environment may be an occupational illness or injury.

Reporting

Report injury or exposure to your supervisor, and those responsible for employee health and safety, immediately.

Recording

A permanent written record of the date, event and symptoms should be made. The recording form should be the OSHA 300/301 form and a Massachusetts Department of Industrial Accidents injury form. Always keep a copy of any written report for your records.

OSHA Recordable Incidents

Incidents that result in medical treatment, loss of consciousness, lost time from work or a job change are OSHA recordable.

Many incidents are not OSHA recordable but still require a written report to document and establish that an incident occurred.

An Occupational Injury is any injury which results from a work accident or from a single instantaneous exposure in the work environment.

An Occupational Illness is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, direct contact, or repeated trauma.

Recognizing Workplace Hazards

Types

- **Biological:** Bloodborne Pathogens - HIV, Hepatitis B, C, D, E; Airborne Pathogens - TB, surgical smoke; Contact Pathogens - MRSA, C.difficile
- **Chemical:** Disinfectants, sterilizing agents, cleansers, housekeeping products, latex proteins, lab chemicals, and chemotherapeutic agents.
- **Mechanical:** Pinch points and sharp injuries.
- **Physical:** Noise, radiation, lasers, heat and cold.
- **Psychological:** Shiftwork, workplace violence, job stress, downsizing.
- **Ergonomic:** Lifting, bending, pushing, pulling, and static postures.

Measuring Workplace Hazards

Dose - What quantity of a hazardous substance is the worker exposed to?

Duration/Frequency - How often and for what amount of time is the person exposed?

Toxicity - How toxic is the hazardous substance?

Personal Characteristics - What is the sensitivity, age, sex, and health of the person working with the hazardous substance?

Contact vs. Exposure - Are adequate hazard control measures in place to prevent exposure?

Contact with hazardous materials occurs when a person interacts with a toxic agent, with or without personal protection equipment (PPE). A nurse mixing chemotherapeutic drugs – with or without gloves – has had contact with hazardous materials.

Exposure occurs when a person contacts hazardous material without personal protective equipment, and therefore has an increased risk of experiencing an occupational injury or illness. A nurse contacting blood infected with HIV, without gloves, has been exposed to a hazardous substance.



Controlling Workplace Hazards

Methods to control hazards include:

- **Elimination** of hazardous materials and dangerous activities.
- **Substitution** of less hazardous materials and modification of actions to eliminate danger.
- **Engineering Controls** provide mechanical equipment to contain hazardous materials or actions.
- **Administrative Controls** provide policies which limit workers exposure to hazards and modification of actions to eliminate danger.
- **Personal Protection Equipment (PPE)** provides barriers and filters to hazardous materials and substances. PPE may be used in conjunction with other types of controls.

An example of biological hazard control includes handwashing and universal precautions.

Sources of Information in the Workplace

- Unit/Department Supervisors
- Safety Directors
- Safety Committees
- Material Safety Data Sheets (MSDS)
- Product Information
- Professional Journals
- Occupational/Employee Health

