



October 6, 2016

AREA VICE PRESIDENTS

SUBJECT: Occupational Safety and Health Administration (OSHA) Rule Change – November 1

On May 12, 2016, the Occupational Safety and Health Administration (“OSHA”) issued a final rule to revise its Recording and Reporting Occupational Injuries and Illnesses regulation. Among its many components, the final rule includes a requirement that employers inform employees that they have the right to report work-related injuries and illnesses without facing retaliation by their employer. The final rule also creates a new enforcement tool for OSHA by granting OSHA the power to unilaterally cite an employer for retaliating against employees for reporting work-related injuries or illnesses.

In the preamble to its final rule, OSHA lists numerous examples of citable employer actions under the new provision, including administering rate-based incentive programs, which reward workers for achieving low rates of reported injuries and illnesses and thus deny a benefit to workers who do, or any other action that would discourage or deter a reasonable employee from reporting a work-related injury or illness.

On November 1, 2016, the provisions related to the notice requirement for illness and injury reporting policies (29 C.F.R. §1904.35) and the prohibition against discrimination (29 C.F.R. §1904.36) will go into effect.

As a result, it is critical that the Postal Service eliminate any local Safety incentive programs that focus on injury or accident rates. This includes hanging banners or posting signs announcing the number of days a facility has gone without accidents, or otherwise rewarding employees for low accident rates. Such announcements or incentive programs could be interpreted by OSHA as a deterrent to accident reporting, and be considered grounds for an OSHA citation under the new rule.

Please work with District Managers in your Area to ensure that any local safety incentive programs are structured in such a way as to encourage safety in the workplace without discouraging the reporting of injuries and illnesses. Examples of acceptable programs include those that promote worker participation in safety-related activities, or that make rewards contingent upon whether workers follow legitimate safety rules. In addition, please ensure any banners or signs that refer to the number of accidents in a facility are taken down by November 1, 2016. The Area and District Safety Specialists are aware of these requirements and will be assisting the local teams.

Some of our former practices were long-standing and to take them away without replacement or explanation could send an unintended wrong message about safety. In order to keep the focus on safety and to encourage participation and pride, we have outlined some Incentive Program Recommendations that would be permissible under the new rule. These are only suggestions, but will help guide you to how best to recognize safe behavior instead of days without an accident.

1. Safety Champion of the Month - The work group that comes up with the most identified/abated hazards and/or 'Great idea or suggestion' implemented, is recognized as 'Safety Champion of the Month'.
2. Safety Slogan Contest- Safety slogans are extremely popular. The possibilities are infinite and usually do not require employees to have special knowledge about safety. Safety slogans promote proactive behaviors by encouraging employees to think about safe work practices and ways of preventing accidents in the workplace.
3. Local safety recognition ideas:
 - Acknowledge employees for safe behavior when it's observed such as wearing personal protective equipment, cleaning up a spill, opening a door for a co-worker carrying an awkward load, making a safety suggestion, helping with a safety inspection, keeping the guard on the machinery, lifting properly, using the handrail on the stairway, wearing seatbelts, or blowing the horn on a PIT.
 - Have a "Safety Depends on Me" board where supervisors post pictures of employees exhibiting a safe behavior.
 - Safe behavior of the week awards, stickers or pins that employees could collect.
4. Track and post the number of monthly or quarterly...
 - Safety topics/talks presented and attended (suggest % correct answers to follow-up "test" questions to measure comprehension/attentiveness).
 - "On-the-spot" recognitions for obvious safe behaviors; i.e., compliance with recent safety talk topic, wearing PPE, wearing correct shoes, proper lifting techniques, etc., OR number of "On-the-spot" corrective actions; i.e., removing slip/trip/fall hazards, keeping manually-handled materials off the floor, safe PIT driving, etc.
 - "Near misses" reported along with the probable cause and corrective action for each.
 - Job/task safety and/or ergonomics analyses or observations conducted, along with the results and corrective measures.
 - Safety compliance and awareness training classes completed.
 - Number of employees' "good safety ideas" submitted and implemented.
 - Number of observations completed (including peer-to-peer, such as those by Safety Captains and also by Supervisors).
 - Number of Gemba walk-arounds performed by management.
 - Number of Safety & Health Committee meetings held (brief description of actions implemented per SH group).

Linda DeCarlo, Director of Safety, will continue to work with your safety teams to ensure that our safety culture continues to grow.

Thank you for your attention to this matter.


Nancy L. Rettinhouse

cc: David Williams
Kevin McAdams
Robert Cintron
Kelly Sigmon
Tom Samra
Douglas Tulino