



CHESS, Inc.
7060 Valley Creek Plaza #115-108
Woodbury, MN 55125
Ph: 651-481-9787
www.chess-safety.com

Complete Health Environmental and Safety Services

You're In Charge

You've told everyone in your shop that they need to wear safety glasses when they're grinding or sanding. You've repeatedly told your painter to wear his respirator when spraying. You've admonished your other painter to shave his beard, because it clearly interferes with the fit of his half mask respirator. You've mentioned, time and again, that everyone in the shop needs to report damaged equipment to you. And they just don't listen. What more can you do?

Lots. In fact, you're required to do more. You're the boss; you have the right and obligation to require workers to follow reasonable workplace rules.

If those employees are injured because they didn't follow your directions, your workers' compensation insurance will pay for their medical care. That's no-fault insurance; workers' comp doesn't get into the question of who was responsible. Of course, you, as the employer, will end up paying for the injury, because the cost of your premiums will rise. A good reason to work at preventing injuries, but that doesn't address the employee who refuses to shave his beard.

If OSHA inspects your facility and sees that bearded employee spray painting while wearing a cartridge respirator, you'll probably receive an OSHA citation. The employee won't be cited. You will. Doesn't seem fair to you? Who oversees the work your employees do?

OSHA doesn't cite employees. The law governing OSHA, the Occupational Safety and Health Act (OSH Act), does require each employee to "comply with all occupational safety and health standards and all rules, regulations, and orders issued under the Act." It's your job, as the employer, to enforce that.

You require employees to show up for work when scheduled. You require them to do the work you assign them. If one of your mechanics decided that he would only drain and replace oil when he did oil changes, but wouldn't handle the oil filters, would you let him? What if a detailer decided he would only wash the exterior of cars, but wouldn't vacuum or clear the interior? Would that be okay with you? What if your estimator chose to work wearing only a thong? Would you consider that acceptable?

Following safety rules should be treated the same way as following all other workplace rules. You need to let employees know what the rules are. You need to be sure they understand them and have the tools to follow them. And you need to enforce the rules fairly.

If an employee isn't following the safety requirements of the job, ask why. Lack of equipment? Lack of knowledge? Correct that problem. If the employee still doesn't do what the job requires for safety, follow your disciplinary procedure. If you don't have one, it's time to develop one. When you've heard horror stories about people being unable to fire bad employees, it's usually because they allowed the employees to get away with the horrid behavior without saying anything, until they finally couldn't take it anymore. If you look at that situation from the outside, it sure looks like the bad behavior was perfectly okay – until the employer randomly decided it wasn't. If, instead, the employer had followed a documented procedure – a verbal warning, for instance, followed by a written warning, then a suspension – it would be obvious to all that the employee was given a chance to reform, and failed.

You have the right, as the employer, to require that your employees follow workplace rules, including safety rules. You also have the obligation to make sure they follow those rules. Poor safety performance costs you money and loses good workers. Enforcing the safety rules protects your good workers, and protects your company.

One final comment about respirators and beards. OSHA requires you, as the employer, to require employees who must wear respirators to be clean-shaven where the respirator seals to the face. If you don't want to enforce this, you have the option of purchasing respirators that don't require a tight seal (e.g., loose fitting powered air purifying respirators or airline). Those typically cost over \$1000 and are much bulkier than half mask respirators. But they do provide eye protection and a higher level of respiratory protection. Your choice: require shaving, or provide loose-fitting respirators.

This article is intended to provide general information (not advice) about current safety topics. To discuss your specific concerns and how CHESS may help, please contact CHESS at 651-481-9787 or chess@chess-safety.com.