

The Importance of Effective Communication between the Occupational Safety and
Health Administration and the Industries It Serves 1

Running Head: THE IMPORTANCE OF EFFECTIVE COMMUNICATION
BETWEEN THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
AND THE INDUSTRIES IT SERVES

The Importance of Effective Communication between the Occupational Safety and
Health Administration and the Industries It Serves

In APA style

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Abstract

The Occupational Safety & Health Administration plays significant role in the lives of almost everyone in the United States of America. Almost anyone who works will be effect in some way by the Occupational Safety & Health Administration's rules and policies. This report will focus on the importance of effective communication, and how it relates to the Occupational Safety & Health Administration. This report will also show some of the positive things the Occupational Safety & Health Administration has done as well as some of the negative things the Occupational Safety & Health Administration has done as far as effective communication and interpretation.

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Introduction

In today's world effective communication is a necessary for almost anything and everything. According to the Lexico Publishing Group (2006) communication is "the exchange of thoughts, messages, or information, as by speech, signals, writing, or behavior." Effective communication is essential when it comes to how the Occupational Safe and Health Administration effectively communicates with the individual industries it serves because ineffective communication can have a substantial amount of negative impacts on both the Occupational Safe and Health Administration and the individual industries it serves, negative impacts include, but are not limited to, injury, illness, and fatal accidents within the work place (Henshaw 2003).

The Occupational Safe and Health Administration already has taken some preventative measures to ensure that injury, illness and fatal accidents do not occur within the work place, however, infrequent inspections by the Occupational Safe and Health Administration and limited knowledge of the average employee makes it difficult to enforce standards, on the other hand, the massive amount of complicated standards are somewhat the problem. Listed below (Figure 1) is an example of what an average employee, whether it may be an experienced college graduate or an inexperienced high school drop out, may see about the inspections, citations, and proposed penalties taken from the Code of Federal Regulations that is distributed by the Occupational Safe and Health Administration (2003).

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TITLE 29--LABOR

CHAPTER XVII--OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1903--INSPECTIONS, CITATIONS AND PROPOSED PENALTIES--Table of Contents

Sec. 1903.19 Abatement verification.

Purpose. OSHA's inspections are intended to result in the abatement of violations of the Occupational Safety and Health Act of 1970 (the OSH Act). This section sets forth the procedures OSHA will use to ensure abatement. These procedures are tailored to the nature of the violation and the employer's abatement actions.

(a) Scope and application. This section applies to employers who receive a citation for a violation of the Occupational Safety and Health Act.

(b) Definitions. (1) Abatement means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by OSHA during an inspection.

(2) Abatement date means:

(i) For an uncontested citation item, the later of:

(A) The date in the citation for abatement of the violation;

(B) The date approved by OSHA or established in litigation as a result of a petition for modification of the abatement date (PMA); or

(C) The date established in a citation by an informal settlement agreement.

(ii) For a contested citation item for which the Occupational Safety and Health Review Commission (OSHRC) has issued a final order affirming the violation, the later of:

(A) The date identified in the final order for abatement; or

Figure 1

As shown in Figure 1, there are a lot of chapters in the Occupational Safe and Health Administration Codes of Federal Regulations, and many of the codes are difficult to interpret. The Occupational Safe and Health Administration has an important task of effectively communicating the Federal Regulations it imposes upon the industries it serves and regulates, and if communication does not become more efficient injury, illness, and fatal accidents will continue to occur.

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Based on information provided by numerous web resources and personal knowledge this report will show the importance of effective communication between the Occupational Safe and Health Administration and the industries it serves and regulates, the current communication methods of the Occupational Safe and Health Administration, negative impacts of ineffective communication, improvements that the Occupational Safe and Health Administration has already made, and the future communication methods and future regulation methods that the Occupational Safe and Health Administration plans to instill.

Findings

Overview of the Occupational Safe and Health Administration

According to the mission page of the Occupational Safe and Health Administration their mission is “to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.” (Occupational Safety & Health Administration 2006) The Occupational Safe and Health Administration missions page states that it, along with its state partners, have “approximately 2100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country.” (Occupational Safety & Health Administration 2006) The job of the staff is to establish protective standards, enforce those standards. Another job of the staff is to get in contact with employers and

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employees through technical assistance and consolation programs. (Occupational Safety & Health Administration 2006) Employers and employees include just about every working man and woman in that nation, some exceptions may include miners, transformation workers, many public employees, and the self-employed. Aside from the previously listed other users and recipients of the Occupational Safety & Health Administration include: the academic community, lawyers, occupational safety and health professionals, and personnel of other government entities. (Occupational Safety & Health Administration 2006)

In a statement before a subcommittee on employment concerning safety and training John L. Henshaw, the assistant secretary Occupational Safety and Health U.S. Department of Labor, stated that the Occupational Safety & Health Administration establishes its efforts to protect the safety through different enforcement programs. Its primary focus was to assist the majority of employers who want to do that right thing while channeling its enforcement assets on sites in more hazardous industries, predominantly those with high injury and illness rates. Henshaw goes on to state that “less than 1 percent of inspections -- about 300 -- came under the agency's Enhanced Enforcement Program, designed to address employers who repeatedly and willfully violate the law. Strong enforcement has helped to increase alleged violations by more than 10 percent over the past five years, including an increase of 14 percent in alleged willful violations since 2003” (Henshaw 2002), and while this is occurring injuries and illnesses continue to significantly decline.

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After reading such information an everyday person may come to the conclusion that the Occupational Safety & Health Administration is going an amazing job of communicating with employers and employees that it needs to get in contact with, and that the long rules are understandable, after all injuries and illnesses are continuously declining according to Henshaw, however there are several miscommunications occurring between the Occupational Safety & Health Administration that are potentially resulting in injuries and illnesses to employees and employers, and even some unnecessary charges, and accusations being made, due to various interpretations of the Occupational Safety & Health Administration's policies.

Misconstrued Interpretations

Most of the correct interpretations are left up to the employers and employees to determine. However, the ultimate decision of whether or not someone is fined or not for a safety violation is left up to a representative of the Occupational Safety & Health Administration, known as an inspector. It is the inspector's job to interpret the rules and regulations of the Occupational Safety & Health Administration and their policies, and there is little to no room for argument. MacLeod states in response to his own article, *the way out of the OSHA ergonomics debacle* that was originally published in the Occupational Safety and Health Magazine and he stated that the compliance officers or inspectors were wrong in what they were advocating. As a representative of the meat industry MacLeod worked with the Occupational Safety & Health Administration to develop the ergonomics guidelines for meatpacking. He also goes on to that while he was

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drafting those guidelines the Occupational Safety & Health Administration personnel in Washington D.C. provided sensible interpretations of their intent while drafting those guidelines. However, his current inspector spotted him for violations that he did not feel he deserved. MacLeod did not like the “misinterpretation of injury data, the inappropriate use of quantitative methods, and dubious recommendations for task improvement.”

(MacLeod 2003) His problem issue was not with individuals who were ergonomic professionals, but the inspectors who have taken a few classes.

The MacLeod example is a primary example of how two different readers can misinterpret the same rules and policies created by the Occupational Safety & Health Administration. When rules are unclear, misinterpretations occur that can lead to injuries and illness, which can potentially result in death, and there are many statistics backing this fact.

Misconstrued Interpretations Can Lead to Death

Every day more than fifteen American workers are unsuccessful with returning home to their loved ones due to work related injuries and deaths. (U.S. Department of Labor 2006) Along with that “nearly 6,000 workers suffer fatal accidents each year, and in the year 2000 alone, there were 5.7 million injuries and illnesses in America's workplaces”. (Henshaw 2002) The Occupational Safety & Health Administration is somewhat responsible for that because it was enacted in 1970 to explicitly serve as police rather than educators or advisors (Henshaw 2002). The Occupational Safety & Health Administration does not intend to claim any of the responsibility for the miscommunication that has resulted in death of several employers and employees. In

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fact, in harmony with the Title 29, the code of Federal regulations, the civil actions that the Occupational Safety & Health Administration can bring are based solely on individual employers' violations of safety and health requirements and not on the consequences of these violations. In fact criminal referral is a tool that the Occupational Safety & Health Administration uses rather than playing the role of the police officers. "The OSH Act also provides that where OSHA can document that an employer willfully violated an OSHA standard and that violation caused the death of a worker, the matter may be referred to the Justice Department for consideration for criminal prosecution" (U.S. Department of Labor 2006), which therefore almost forbids the Occupational Safety & Health Administration from playing the role of the "police". On the other hand the Occupational Safety & Health Administration's role is to perform investigations, and communicate with employees and employers, and take preventative measures

The Occupational Safety & Health Administration's Preventative Measures

The Occupational Safety & Health Administration has begun taking several preventatives to ensure the safety of the employers and employees, and is trying to target every business, or company it can to ensure safety for everyone. On the Occupational Safety & Health Administration's mission page, their service improvement plan states that they are determined to use their limited resources effectively to encourage management commitment and employee involvement in comprehensive workplace safety and health programs. They have begun to improve their communication by listening and responding to its customers by conducting a survey that focused primarily on the inspection process to learn more about what employers and employees think of the

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Occupational Safety & Health Administration's services. This survey was given to a random sample of employees and employers who had experienced an OSHA inspection recently, and the survey asked what they thought of the inspection in particular, and of the standards and educational and other assistance activities in general. (Occupational Safety & Health Administration 2006)

The Occupational Safety & Health Administration has also begun to play a significant role in preventing on-the-job injuries and illnesses. On their homepage, www.osha.gov, they offer a special section devoted to small businesses and interactive eTools to help employers and employees address specific hazards and prevent injuries. In 2004 more than 50 million users have logged onto the Occupational Safety & Health Administration's website. The Occupational Safety & Health Administration has now also established an agency that provides several publications both on print and online, along with a 24 hour a day hotline that is used for fatality and accident reporting during non-business hours, assistance is also available through their call center. Because of their innovations work related illnesses and injuries are steadily decreasing, and improvement is being made, due to improvements on the Occupational Safety & Health Administration's communication with employers and employees. They plan on continuing this trend in the future. (Occupational Safety & Health Administration 2006)

Conclusion

As described in this report it is very important for to communicate with its employers and employees effectively. When interpretations of things are vague and/or proper communication methods are not enacted properly the result is usually illness or

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injury to an employee or employer, or at the least an upset employee and/or employer. In my opinion the more the Occupational Safety & Health Administration continues to better communication methods, and make information more available, and easier to understand, the better things will work out for everyone in the long run.

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death_on_the_job.pdf.