Why Your Company Should Institute a Cell Phone Policy

Provided by Curtis Speck, President
Safety Resources Company of Ohio, Inc.
And Stark County Safety Committee Steering Member

There are approximately 35,000 vehicle crashes each year. An estimated 26% of those crashes involve cell phones according to the National Safety Council. Vehicle crashes are the number one workplace killer.

The Occupational Safety and Health Administration brochure on distracted driving details employers’ legal responsibility for safeguarding drivers at work. The employer has responsibilities whether the employee drives full time or occasionally and whether they drive a company vehicle or their own.

A best practice cell phone policy should cover all employees, hand-held and hands-free devices, company and personal vehicles and all work-related communications. It could be beneficial to look over work processes to prevent the temptation to use. Items to consider would be holding traveling workers messages until break periods and changing dispatch protocols to prevent mobile workers from having to answer calls or text.

In today’s day and age it is very difficult to disconnect. Technology makes it extremely easy to check email, make calls and even update social media while driving. There is no safe way to use a cell phone and drive. Employers who expect workers to use their phone while driving need to be aware of the risk it exposes the employee to as well as the liability it places on the employer.

September 8, 2016

2016 “Safety, Health & Human Resource Fair”
Sponsored by:
The Stark County Safety Council
11:30 a.m. – 1:00 p.m.
Food * Fun * Door Prizes
(Grand Prize- $250.00 Visa Gift Card)

Upcoming Events

October 11—Fire Prevention Breakfast—Jeff Hussey, Chief Deputy Fire Marshal, Ohio State Fire Marshal’s Office—8-9:30am at Skyland Pines Golf Club & Banquet Facility. Fee-$15.00

October 18—8a.m.-Noon—NFPA 70E Electrical Safety in the Work Place and Arc Flash Training at the Canton—Fee-$20.00

Contact SCSC Program Manager, Connie Cerny (connie@cantonchamber.org) for registration for above events—330-458-2061.

Stark County Safety Council Mission Statement: To provide a forum for safety and health information, education and networking in Stark County, through leadership, innovation, facilitation, program, and support, in partnership with other public and private organizations.
Many businesses today are using subcontractors and independent contractors in their business operations. Therefore, it is important that both the business and the independent contractors and subcontractors are aware of their responsibilities relating to workers’ compensation coverage and OSHA regulations on the worksite in order to protect their businesses.

Ohio law requires that all employers with one or more employees carry active workers’ compensation coverage on their employees. Officers of a corporation are considered employees and are covered under the workers’ compensation policy of the corporation, but for certain business owners and officers, such as sole proprietors or partnerships, coverage is optional and they must elect coverage if they choose to be covered for a workplace injury or illness.

Employers need to be aware of the differences between an employee and an independent contractor. A serious problem could arise if a worker is injured and the employer mistakenly considers the worker to be an independent contractor instead of an employee and fails to provide workers’ compensation coverage. BWC considers that an employer–employee relationship exists when the employer controls the working hours, selection of materials and equipment, traveling routes and quality of work performance of a worker. If this is the case the employer is required to provide workers’ compensation coverage for that worker. Businesses that contract with independent contractors and subcontractors should require a current BWC certificate to verify active coverage before they begin work. If they do not have a current BWC certificate they should be required to obtain one before contracting with them. It is important to keep in mind that most employers are now paying their premiums every two months and must be paid on time to avoid a lapse in insurance coverage.

Independent contractors and subcontractors and the businesses contracting with them should be aware of OSHA regulations while on the worksite. More than one employer may be citable for a hazardous condition that violates an OSHA standard on multi-employer worksites. A two-step process must be followed to determine whether one or more employers will be cited. The first step is to determine whether the employer had any role in creating, exposing, correcting or controlling the violation. Step two determines whether a citation is appropriate.
It is recommended that businesses and the independent contractors and subcontractors that they are considering contracting with discuss these issues before entering into a final agreement for services. An employer who has questions about whether a worker is an independent contractor or an employee should consult with their legal counsel or contact BWC for clarification. Doing so can save you a lot of trouble down the road.

Non-violent Strategies for Caregivers and Other Staff Working Directly with the Public—Sept. 8—8:30 a.m.—4:30 p.m.
Accident Analysis Half-day Workshop—Sept. 22—8:30 a.m.—4:30 p.m.
Bloodborne Pathogens—Sept. 22—1:00-4:30 p.m.
Controlling Costs through Claims Management—Oct. 4—8:30 a.m.-4:30 p.m.
Safety Series Workshop Module 3—Oct. 6—8:30 a.m.—noon
Machine Guarding Basics—Oct. 6—1:00-4:30 p.m.
Train the Trainer Techniques for Safety—Oct. 12-13—1.5 days
Behavior-based Safety Systems—Oct. 20—8:30 a.m.-noon
First Aid in the Workplace—Oct. 26—8:30 a.m.-noon

Safety Council Officers & Contributing Members

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Q: What are the basics about the new OSHA recordkeeping rule that I am hearing about?
A: OSHA has issued a new Recordkeeping rule that requires many employers to electronically submit injury and illness data that they already record on their OSHA 300 logs. Here are a few notable items about this rule:
- Takes effect Jan. 1, 2017, requires certain employers (based on size) to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms.
- Some of the data will also be posted to the OSHA website and available to the public.
- Prohibits employers from discouraging workers from reporting an injury or illness.
- Requires employers to inform employees about their right to report injuries by Nov 1, 2016. You can use the current OSHA poster to “inform” employees.
- Prohibits employers from using drug testing, or the threat of drug testing, as a form of retaliation against employees who report injuries or illnesses.
- If an employer conducts drug testing to comply with the requirements of a state or federal law or regulation, the employer's motive would not be retaliatory and this rule would not prohibit such testing. This includes the BWC Drug Free Safety Program.
- Prohibits employers from creating incentive programs that deter or discourage an employee from reporting an injury or illness. Incentive programs should encourage safe work practices and promote worker participation in safety-related activities.

You can find the new rule, FAQ and other resources at [www.OSHA.gov](http://www.OSHA.gov)

**Coming next month:**

October 13, 2016

Hospital Safety

Ed Roth, President & CEO, Aultman Health Foundation

Spotlight Co.
2016 Stark County Safety Council Float Crew

Kneeling, left to right: Devion Demko, Steve Gronow, David Dennison, Sue Gronow, Tammy Enos. 2nd Row, L to R: Laura Seaver, Connie Cerny, Mary Burkett, Terry Hosner, Julia Specogna, Sheri Haynes, Kenny Branch, Lexi Maurer, Colleen Maurer, Barb Friedman, Mark Cush, Courtney Cush, Sharon Gronow, Don McDonald, Chris Zabel, Sloane Brendle and Jim Fire.