

THE POWER TO EXCEL



10 CFR 851 Worker Safety and Health
Dept. of Energy
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Contact

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LIUNA

- Building Trades
 - Construction
 - Demolition
 - Abatement
- Sub-contractors
- Specialty Contractors

Session Objectives

- The objective of this session is to make managers, supervisors, safety professionals and workers more aware of:
 - 10 CFR 851 requirements/responsibilities
 - Applicability
 - Management Requirements
 - Worker Rights
 - Importance of work planning/hazard analysis
 - Importance of worker involvement

10 CFR 851 Worker Safety and Health Program

- Establishes framework of a worker protection program
- Provides contractor workers with safe and healthful workplaces.
- Establishes a legal basis with fines and other penalties for non-compliance
- Formally adopts many federal standards

Who does the Worker Safety and Health Rule Apply to?

- Work performed by contractors at DOE sites.
- A contractor means any one under contract, including subcontractors at any tier, and any affiliated entity.
- Activities include design, construction, operation, maintenance, decontamination and decommissioning, research and development, and environmental restoration related work.

Management Requirements

- Establish written policy, goals and objectives
- Provide their written WSHP
- Use qualified safety and health staff
- Assign worker safety and health program responsibilities
- Evaluate personnel performance
- Hold personnel accountable for workers safety and health performance

Management Requirements

- Involve workers in development of program goals, objectives, and performances measures and in identification and control of hazards in the workplace
- Establish procedures to report without reprisal job-related fatalities, injuries, illnesses, incidents, and hazards, and make recommendations about appropriate ways to control those hazards
- Promptly respond to such reports and recommendations

Management Requirements

- Communicate regularly with workers about workplace safety and health matters
- Permit workers to stop work or decline to perform an assigned task based on perceived risk
- Inform workers of their rights and responsibility by appropriate means, in the workplace where it is accessible to all workers

You Have a Right to a Safe and Healthful Workplace ***IT'S THE LAW!***

- ✓ You have the right to notify your employer or the local Department of Energy (DOE) office about workplace hazards, without reprisal. You may ask that your name not be used.
- ✓ You have the right to participate in the activities referenced in 10 CFR 851 "Worker Safety and Health Program," on official time.
- ✓ You have the right to access copies of DOE worker protection publications; the worker safety and health program for your workplace; and the standards, controls, and procedures that apply to your workplace.
- ✓ You have the right to have access to your accident and illness records and copies of your medical records.
- ✓ You have the right to observe monitoring or measuring of hazardous agents, to receive the results of your own monitoring, and be notified when monitoring results indicate an overexposure.
- ✓ You have the right to have a representative accompany the DOE's Director for enforcement or the Director's authorized personnel during the inspection of your workplace.
- ✓ You have the right to request and receive results of inspections and accident investigations. The request for an inspection can be submitted anonymously in writing to HSS.
- ✓ You have the right to decline to perform an assigned task because of your reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious physical harm to you, coupled with your reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures.
- ✓ Your employer must post this notice in your workplace.



Title 10 CFR 851 requires DOE contractors to provide their workers with a safe and healthful workplace. To obtain more information about those requirements and your rights; seek advice or assistance; or report an emergency contact your supervisor, your local DOE office, or the DOE Office of Health, Safety and Security (<http://www.hss.energy.gov>). Additional inquiries or concerns may be addressed to the Employee Concerns Manager at the local DOE office at _____ (phone number and/or email address).



Worker Rights

- Participate in activities described in the Rule on official time and have access to:
 - DOE safety and health publications
 - WSHP for their workplace
 - Applicable standards, controls, and procedures
 - The safety and health poster that informs the worker of relevant rights and responsibilities
 - Information on the recordkeeping log (OSHA Form 300)
 - The DOE Form 5484.3

Worker Rights

- Be notified when monitoring results indicate the worker was overexposed
- Observe monitoring or measuring of hazardous agents and have the results of their own exposure monitoring;
- Accompany the DOE or their authorized personnel during physical inspection of the workplace for the purpose of aiding the inspection.

Worker Rights

- Request and receive results of inspections and accident investigations
- Express concerns related to worker safety and health
- Decline to perform an assigned task because of a reasonable belief of harmful risks
- Stop work when the worker discovers employee exposure to imminently dangerous conditions or other serious hazards

Training and Information

- Contractors develop and implement a training and information program:
 - New Employees or initial assignment
 - Periodic as necessary
 - When information or hazards change
 - Workers who are responsible for program implementation

10 CFR 851 Rule Overview

- Subpart A - General Provisions
- Subpart B - Program Requirements
- Subpart C - Specific Program Provisions
- Subpart D - Variances
- Subpart E – Enforcement Process
- Appendix A – Worker Safety and Health Functional Areas
- Appendix B – Enforcement Policy

Who Should You Contact?

- Supervisor
- Safety and Health Professional on site
- Employee Concern Program
- Office of Worker Safety and Health Policy, HS-11
- Office of Worker Safety and Health Enforcement, HS-41

DOE's Enforcement Process

- Notices of violation
- Compliance orders
- Consent orders
- Civil penalties (\$70K per violation per day or contract penalties)

