Dept. of Labor Safety Requirements

PRIMEX³ RISK MANAGEMENT BULLETIN

The New Hampshire Department of Labor has established safety provisions for employers to help ensure safer workplaces. Although many of these provisions have been in place for many years, they have been amended from time to time. Many Primex members have well established safety programs that meet or exceed these requirements. The following is a summary of the basic safety provisions outlined in RSA 281-A:64. It is a good idea to periodically review your compliance with these requirements.



The Basic Requirements:

1. Current Written Safety Program
2. Joint Loss Management Committee (JLMC) — Safety Committee
3. Safe and Healthy Workplace
4. Documentation and Reporting

Current Written Safety Program. RSA 281: A requires that employers with more than 15 or more employees, full-time or part-time, to have a current and up-to-date written safety program. Additionally, the program must be reviewed and updated by the employer at least every two years. This review must be documented in the written safety program. The program should include sections that address, at a minimum:

- Management Statement of Commitment
- Responsibilities of Management, Supervisors, and Employees
- Joint Loss Management Committee - organization and Duties and Responsibilities
- Safety Rules and Regulations
- Disciplinary Policy
- Accident/Incident Reporting
- Training Requirements for Safety and Health
- Emergency Evacuation and Response Plans
- Safety and Health Communications
- Workplace Violence



In addition to these areas of guidance, the written safety program should also include task-specific policies. Some examples are, Bloodborne Pathogens, Hazardous and Toxic Substances, and Confined Space Entry.

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Joint Loss Management Committee. RSA 281: A:64 also requires that employers have a Joint Loss Management Committee (JLMC), or as they are more commonly called, a safety committee. Employers with fifteen or more employees, full time or part time, are required to have a JLMC in place.

The committee, equally comprised of both labor and management, should represent the employer's key work activities. Some of the committee's requirements and duties are:

- Meet at least quarterly
- Maintain meeting minutes
- Review accident and injury data
- Coordinate workplace safety inspections



Maintain a Safe and Healthy Workplace. RSA 281: A:64 requires that employers maintain a safe and healthy workplace. What would best be described as a general duty clause, this requirement is an attempt to convey the importance of keeping employees safe on the job. While an essential function of all employers, this requirement helps with the enforcement phase of the Statute.

Documentation and Reporting. Employers are required to report any workplace deaths and serious Injuries. Death of any person in the workplace must be reported by the employer to the NHDOL within 8 hours of the occurrence. Serious injury of any person in the workplace (amputation, loss or fracture of any body part, head injury or internal injury that necessitates immediate hospitalization) must be reported by the employer to the NHDOL within 24 hours. These reports must be made electronically or telephonically, and must identify the cause and location of the incident, the place where the injured person is receiving medical care, and any other relevant information as requested. A prompt determination must be made on whether the incident is reportable and employer representative must interact cooperatively with the NHDOL. Specific questions about whether an incident is reportable should be directed to the employer's legal counsel.

- The NHDOL provides guidance for developing a Written Safety Program. https://mm.nh.gov/files/uploads/labor/documents/written-safety-guide.pdf
- The following link outlines more specific guidance for your JLMC: http://www.gencourt.state.nh.us/rules/state_agencies/lab600.html

For more information, please contact your Primex³ Risk Management Consultant at 800-698-2364 or email *RiskManagement@nhprimex.org*.