CHAPTER

14

Risk Management and Worker Protection

After you have read this chapter, you should be able to:

- Identify the components of risk management.
- Discuss three legal areas affecting safety and health.
- Identify the basic provisions of the Occupational Safety and Health Act of 1970 and recordkeeping and inspection requirements.
- Discuss the activities that constitute effective safety management.
- List three workplace health issues and how employers are responding to them.
- Explain workplace violence as a security issue and describe some components of an effective security program.
- Describe the nature and importance of disaster preparation and recovery planning for HR.

$1.6 Million Fine When Young Worker Suffocates

(© Nigel Cattlin/Alamy)

In a statement regarding Tempel Grain Elevators in Colorado, the U.S. Department of Labor said that teenage workers were being exposed to hazards. The federal investigation, which followed the death of a 17-year-old Tempel employee, uncovered many safety violations regarding employees aged 14 to 17 years old. In addition, the company had employed a 13-year-old, which was a clear violation of federal law. Teens were driving front-end loaders, forklifts, and other dangerous equipment.

The company was fined for both safety violations and violations of child labor laws. A press release from the Secretary of Labor said the company was "well aware of the hazards and knowingly put its young workers in harm's way." "From safety to wage and hour issues the company created a hazardous and illegal working environment for its workers."

The 17-year-old employee who was killed fell inside a grain bin and was suffocated by grain. Other hazards OSHA found included unguarded conveyors, fall hazards, lack of first aid supplies and trained medical personnel, incomplete fire extinguisher inspections, use of extension cords instead of wiring, and failure to inspect electrical equipment. Tempel Grain received 22 "willful" and 13 "serious" violations. Willful violations included not providing an emergency action plan, no training in safe bin entry, and failure of shut-off and lockout equipment when employees were in the bins. In addition, the wage and hour division found 77 child labor violations involving 15 minors.

> The largest OSHA fine to date was $86 million against BP Products North America for safety violations in a Texas City, Texas, refinery that exploded and killed 15 people while injuring 170. Those citations are still being appealed.[1]

Preparing an employer for the variety of potential problems that can occur when doing business is the focus of *risk management*. For human resources, risk management includes:

- Preventing accidents and health problems at work
- Preparing for natural disasters
- Planning for terrorism attacks
- Anticipating global disease outbreaks
- Protecting against workplace violence
- Ensuring HR data are secure

In the United States and most developed nations, the concept of using prevention and control to minimize or eliminate a wide range of risks in workplaces has been expanding.

Effective risk management also is a key component of strategic management.[2] **Risk management** involves responsibilities to consider physical, human, and financial factors to protect organizational and individual interests.[3] Its scope can range from workplace safety and health to disaster preparation. A well-done HR risk management program can affect the bottom line through direct savings in workers' compensation costs, civil liability damages, and litigation expenses, as well as by increasing the likelihood of winning bids and government contracts.

The first emphasis in HR risk management in most organizations is health, safety, and security. The terms *health*, *safety*, and *security* are closely related. The broader and somewhat more nebulous term is **health**, which refers to a general state of physical, mental, and emotional well-being. A healthy person is free from illness, injury, or mental and emotional problems that impair normal human activity. Health management practices in organizations strive to maintain employees' overall well-being.

Typically, **safety** refers to a condition in which the physical well-being of people is protected. The main purpose of effective safety programs in organizations is to prevent work-related injuries and accidents. The purpose of **security** is protecting employees and organizational facilities. With the growth of workplace violence and other risk management issues, security has become an even greater concern for employers and employees alike.

Risk management
Involves responsibilities to consider physical, human, and financial factors to protect organizational and individual interests.

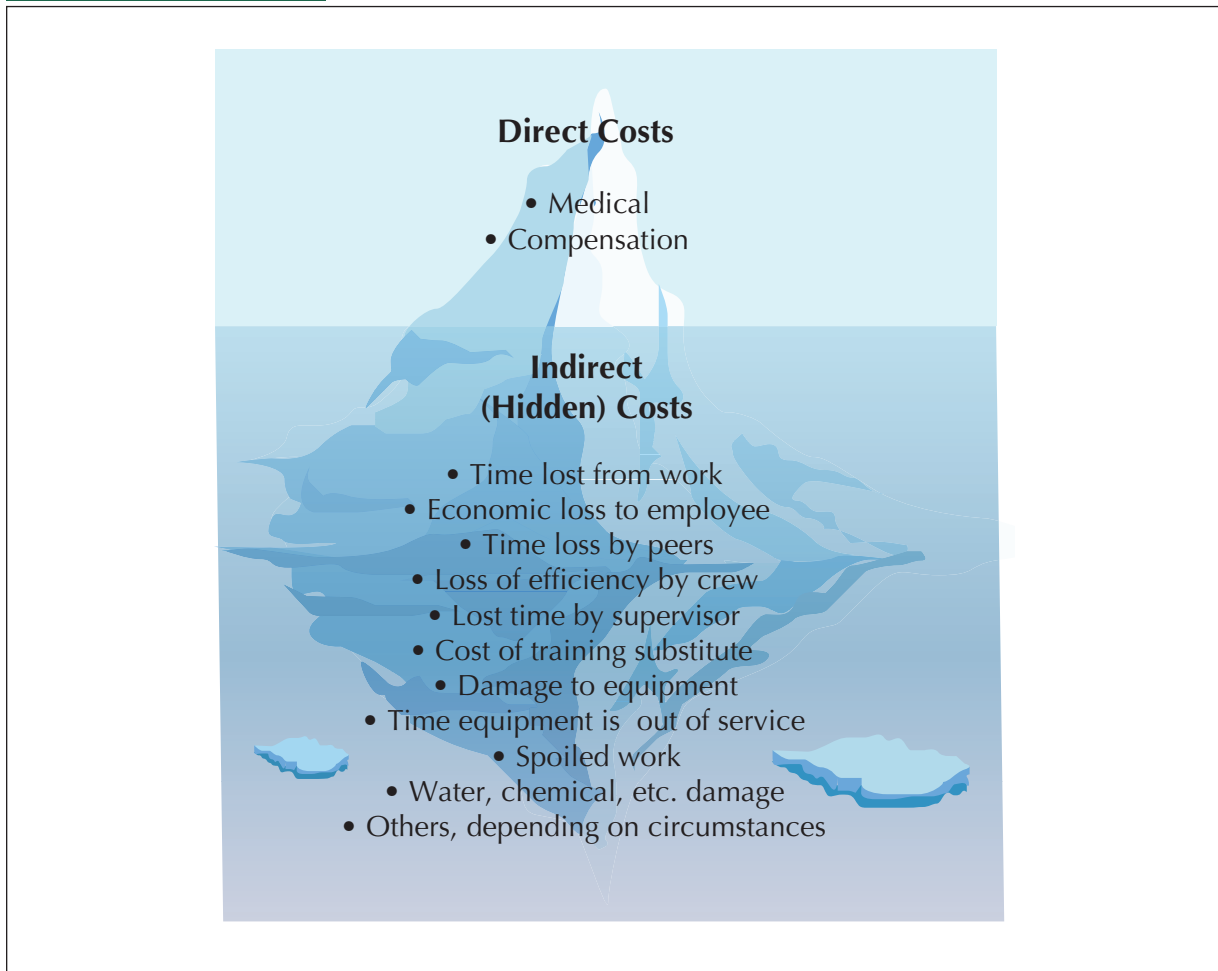**Health** General state of physical, mental, and emotional well-being.

Safety Condition in which the physical well-being of people is protected.

Security Protection of employees and organizational facilities.

CURRENT STATE OF HEALTH, SAFETY, AND SECURITY

In a recent year in the United States, about 4 million nonfatal injuries and illnesses occurred at work. That was down from previous years. Specific rates vary depending on the industry, type of job, and other factors. The number of workplace injuries also varies by employer size, with smaller employers having more injuries per employee. The three major causes of injury (overextending, falling, and bodily reaction) were responsible for almost half of the direct costs

Hidden Costs of Accidents

Direct Costs

• Medical
• Compensation

**Indirect
(Hidden) Costs**

• Time lost from work
• Economic loss to employee
• Time loss by peers
• Loss of efficiency by crew
• Lost time by supervisor
• Cost of training substitute
• Damage to equipment
• Time equipment is out of service
• Spoiled work
• Water, chemical, etc. damage
• Others, depending on circumstances

of injuries. Accident costs have gone up faster than inflation because of the rapid increase in medical costs, even though the total number of accidents has been decreasing for some time. Figure 14-1 shows that the direct costs of accidents are only a small part of the total costs. More serious injuries involving days away from work occurred in about half the cases, or 2.1 per 100 workers.[4]

Trends

While injury accidents in general are down, injuries resulting in disabilities among American workers are growing. The problem seems to be related partly to unhealthy lifestyles.[5] The aging workforce also is a factor. Older workers have lower frequencies of disability, but when they are out of work, it is usually for a longer period of time.[6]

Deaths from accidents among Hispanic workers are on the rise. Many work in low-wage jobs with higher risk factors. In addition, poor English communication skills, lack of training, and other factors contribute to this situation, which runs counter to the trends for other groups.[7]

One interesting finding is that it appears more accidents occur in the spring on the day after the change to daylight savings time. Employees had almost 6% more workplace injuries on the Monday following the change to daylight

savings time, presumably because of the "lost" hour of sleep. However, no significant change has been shown in the fall when everyone "gains" an hour.[8]

Self-employed workers have higher accident rates than do those who work for others. Although self-employed individuals make up less than 8% of the U.S. civilian workforce, self-employed workers have 20% of the workplace fatalities. When compared to those working for someone else, self-employed individuals were almost three times as likely to be killed. One explanation is that self-employed individuals are more likely to work in industries and occupations with higher fatality rates, especially farming. For instance, more than one of every four self-employed people who died on the job were farmers. A possible conclusion is that self-employed people are more willing to work in dangerous circumstances, and therefore they are more vulnerable to illnesses, injuries, and death.

To reduce risk of lawsuits, a number of companies have turned to employment practices liability insurance (EPLI), mandatory arbitration, and internal conflict resolution programs.[9] EPLI can provide some protection from employment-related lawsuits, but generally it is available only if employment practices, policies, recordkeeping, past claims, training, complaints, and problems pass muster. Mandatory arbitration requires all employees to agree, as a condition of employment, that they will participate in arbitration rather than instituting a lawsuit to settle any employment differences. Alternative conflict resolution programs, such as peer review panels, are designed to solve problems before they become lawsuits, thereby reducing risk for the employer.

Global Health, Safety, and Security

GLOBAL

Safety and health laws and regulations vary from country to country, ranging from virtually nonexistent to more stringent than those in the United States. The importance placed on health, safety, and security relates somewhat to the level of regulation and other factors in each country.

International Emergency Health Services With more and more expatriates working internationally, especially in some less-developed countries, significant health and safety issues require attention. One consideration is provision of emergency evacuation services. For instance, evacuating and caring for an expatriate employee who sustains internal injuries in a car accident in the Ukraine or Sierra Leone may be a major issue. Many global firms purchase coverage for their international employees from an organization that provides emergency services, such as International SOS, Global Assistance & Healthcare, or U.S. Assist. If an emergency arises, the emergency services company dispatches physicians or even transports employees by chartered aircraft. If adequate medical assistance can be obtained locally, the emergency services company maintains a referral list and arranges for the expatriate to receive treatment. Emergency services firms may also provide legal counsel in foreign countries, emergency cash for medical expenses, and assistance in reissuing lost documents.

International Security and Terrorism As more U.S. firms operate internationally, the threat of terrorist actions against those firms and their employees increases. The extent to which employees are likely to experience security problems and violence depends on the country. The employer must regularly check the security conditions in countries where expatriates are traveling and working.

GLOBAL

Global firms take a variety of actions to address security concerns. For example, one U.S. firm removed signs identifying its offices and facilities in a Latin American country in order to reduce the visibility of the firm and reduce its potential as a target for terrorist acts. Many international firms screen entry by all employees, and use metal detectors to scan all packages, briefcases, and other items. Firms commonly use physical barriers such as iron security fences, concrete barricades, bulletproof glass, and electronic surveillance devices in offices as part of their security efforts. Long-term effects of such attacks have been to change attitudes toward travel and security and to increase concern about being able to encourage international assignments and travel.[10]

Kidnapping Not all violence occurs at work. Kidnapping, murder, home invasion, robberies, and carjackings happen relatively frequently in some cities, such as Mexico City. In a number of countries throughout the world, U.S. citizens are especially vulnerable to extortion, kidnapping, bombing, physical harassment, and other terrorist activities.

To counter such threats, many global firms have *kidnap and ransom insurance*. This insurance covers the costs of paying ransoms to obtain releases of kidnapped employees and family members, paying for the bodily injuries suffered by kidnap victims, and dealing with negotiations and other expenses.

Individual employees and their family members working and living abroad must constantly be aware of security concerns. Both predeparture and ongoing security training should be given to all expatriates, their dependents, and employees of global firms working internationally, especially if located in high-risk areas.

LOGGING ON

National Institute for Occupational Health and Safety (NIOSH)
For a list of links to information on a variety of safety and health topics, visit this website at www.cdc.gov/niosh.

LEGAL REQUIREMENTS FOR SAFETY AND HEALTH

Employers must comply with a variety of federal and state laws when developing and maintaining healthy, safe, and secure workforces and working environments. Three major legal areas are workers' compensation legislation, the Americans with Disabilities Act, and child labor laws.
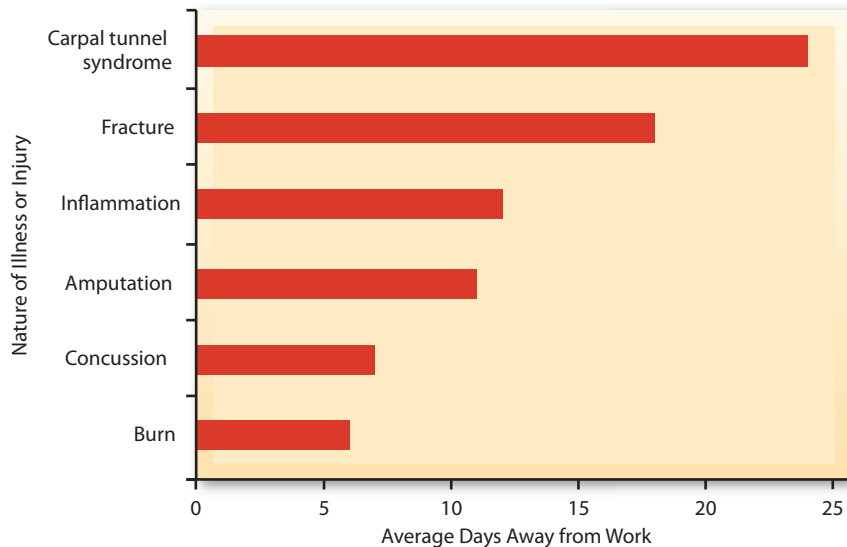
Workers' Compensation

First passed in the early 1900s, workers' compensation laws in some form are on the books in all states today. Under these laws, employers contribute to an insurance fund to compensate employees for injuries received while on the job. Premiums paid reflect the accident rates of the employers, with employers that have higher incident rates being assessed higher premiums. These laws usually provide payments to replace wages for injured workers, depending on the amount of lost time and the wage level. They also provide payments to cover medical bills and for retraining if a worker cannot go back to the current job.[11] Most state laws also set a maximum weekly amount for determining workers' comp benefits. Figure 14-2 shows some of the injuries covered and time lost for each.

Workers' compensation coverage has been expanded in many states to include emotional impairment that may have resulted from physical injury, as well as job-related strain, stress, anxiety, and pressure. Some cases of suicide

FIGURE 14-2   **Sample of Worker's Comp Covered Injuries**

Source: Adapted from Nicole Nestoriak and Brooks Pierce, "Comparing Workers Compensation Claims with Establishments Responses to the 5011," *Monthly Labor Review*, May 2009, 63.

have also been ruled to be job related in some states, with payments due under workers' compensation.

Another aspect of workers' compensation coverage relates to the use of telecommuting by employees. In most situations, while working at home for employers, individuals are covered under workers' compensation laws. Therefore, if an employee is injured while doing employer-related work at home, the employer likely is liable for the injury.

Controlling Workers' Compensation Costs Workers' compensation costs have become a major issue for many employers. These costs usually represent from 2% to 10% of payroll for most employers. The major contributors to increases have been higher medical costs and litigation expenses.[12] However, the frequency of workers' compensation claims for lost time has decreased some in all industry groups.[13]

Key to these reductions has been *return-to-work plans*. These plans monitor employees who are off work due to injuries and illness. Also, the plans focus on returning the individuals to do *light-duty work* that is less physically demanding until they are able to perform their full range of job duties.

Workers' compensation fraud is a fast-growing and expensive problem. It has been estimated that about one fourth of the workers' compensation claims filed are fraudulent. False and exaggerated claims make up the bulk of the fraud—costing employers billions of dollars annually. Employers must continually monitor their workers' compensation expenditures. Efforts to reduce workplace injuries, illnesses, and fraud can reduce workers' compensation premiums and claims costs. Many of the safety and health management suggestions discussed later in this chapter can contribute to reducing workers' compensation costs. Further, research has shown a clear

linear relationship between obesity and the rate of workers compensation claims.[14]

The Family and Medical Leave Act (FMLA) affects workers' compensation as well. Because the FMLA allows eligible employees to take up to 12 weeks of leave for their serious health conditions, injured employees may ask to use that leave time in addition to the leave time allowed under workers' comp, even if it is unpaid. Some employers have policies that state that FMLA leave runs concurrently with any workers' comp leave.

Americans with Disabilities Act and Safety Issues

Employers sometimes try to return injured workers to light-duty work in order to reduce workers' compensation costs. However, under the Americans with Disabilities Act (ADA), when making accommodations for injured employees through light-duty work, employers may undercut what are really essential job functions. Also, making such accommodations for injured employees for a period of time may require employers to make similar accommodations for job applicants with disabilities.

Health and safety recordkeeping practices have been affected by an ADA provision that requires all medical-related information to be maintained separately from all other confidential files. Specific access restrictions and security procedures must be adopted for medical records of all types, including employee medical benefits claims and treatment records.

HR professionals understand the ADA guidelines as they affect physical disabilities. However, it becomes more difficult where mental illness is at issue. Employees may not be aware of the extent to which their disability may impact their performance. To the extent workplace misconduct is the issue, management should follow normal procedure. Depending on the seriousness of the complaint, it should be determined if the employee presents a risk of violence, but concerns must be based on objective facts. Although no one should ignore a threat to safety, an overreaction to "odd" behavior could be a liability under the ADA.[15]
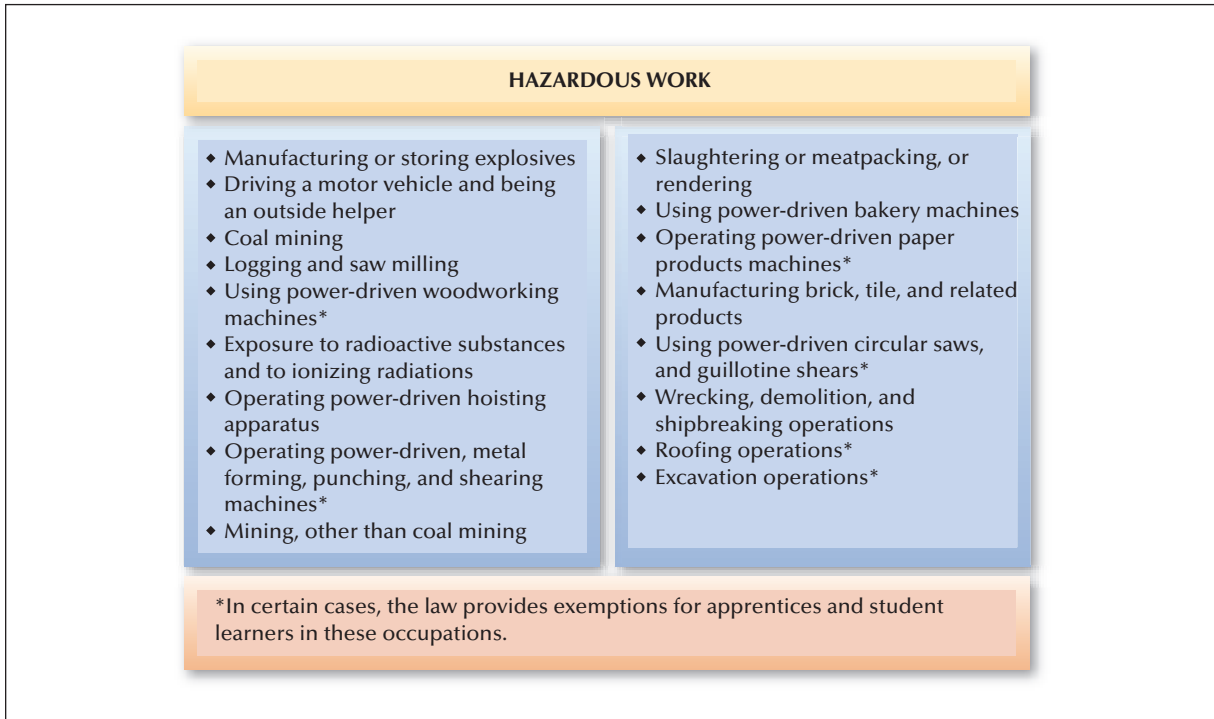
Child Labor Laws

Safety concerns are reflected in restrictions affecting younger workers, especially those under the age of 18. Child labor laws, found in section XII of the Fair Labor Standards Act (FLSA), set the minimum age for most employment at 16 years. For "hazardous" occupations, 18 years is the minimum. Figure 14-3 lists 17 occupations that the federal government considers hazardous for children who work while attending school.

Two examples illustrate violations of the child labor law provisions. At a fast-food restaurant specializing in roast beef sandwiches, a teenage worker operated a meat slicer, which is a hazard covered by the FLSA. At a national discount retailer, teenage workers were found to have operated the mechanical box crushers. Both situations resulted in enforcement actions and fines for violating the FLSA.

Work-related injuries of younger workers are a significant issue for employers with many youth employees. Industries such as retail and fast food consistently face safety and health issues with these workers. One characteristic

FIGURE 14-3

**Selected Child Labor Hazardous Occupations
(minimum age: 18 years)**

HAZARDOUS WORK

- Manufacturing or storing explosives
- Driving a motor vehicle and being an outside helper
- Coal mining
- Logging and saw milling
- Using power-driven woodworking machines*
- Exposure to radioactive substances and to ionizing radiations
- Operating power-driven hoisting apparatus
- Operating power-driven, metal forming, punching, and shearing machines*
- Mining, other than coal mining

- Slaughtering or meatpacking, or rendering
- Using power-driven bakery machines
- Operating power-driven paper products machines*
- Manufacturing brick, tile, and related products
- Using power-driven circular saws, and guillotine shears*
- Wrecking, demolition, and shipbreaking operations
- Roofing operations*
- Excavation operations*

*In certain cases, the law provides exemptions for apprentices and student learners in these occupations.

of many young workers is to take more risks at work, much like they do when they drive cars. The degree to which workers engage in work-related risks is a significant factor that affects the types and rates of injuries and safety practices of younger workers.

In addition to complying with workers' compensation, ADA, and child labor laws, most employers must comply with the Occupational Safety and Health Act of 1970. This act has had a tremendous impact on the workplace. The act is administered by the Occupational Safety and Health Administration.

OCCUPATIONAL SAFETY AND HEALTH ACT

The Occupational Safety and Health Act of 1970 was passed "to assure so far as possible every working man or woman in the Nation safe and healthful working conditions and to preserve our human resources." Every employer that is engaged in commerce and has one or more employees is covered by the act. Farmers having fewer than 10 employees are exempt. Employers in specific industries, such as coal mining, are covered under other health and safety acts. Federal, state, and local governments are covered by separate statutes and provisions.

The Occupational Safety and Health Act of 1970 established the Occupational Safety and Health Administration, known as OSHA, to administer its provisions. The act also established the National Institute for Occupational Safety and Health (NIOSH) as a supporting body to do research and develop standards. In addition, the Occupational Safety and Health Review Commission (OSHRC) has been established to review OSHA enforcement actions and to address disputes between OSHA and employers who have been cited by OSHA inspectors.

FIGURE 14-4

Distribution of Nonfatal Occupational Injuries versus Illnesses by Private Industry Sector, 2008

Source: Bureau of Labor Statistics, U.S. Department of Labor, October 2009.
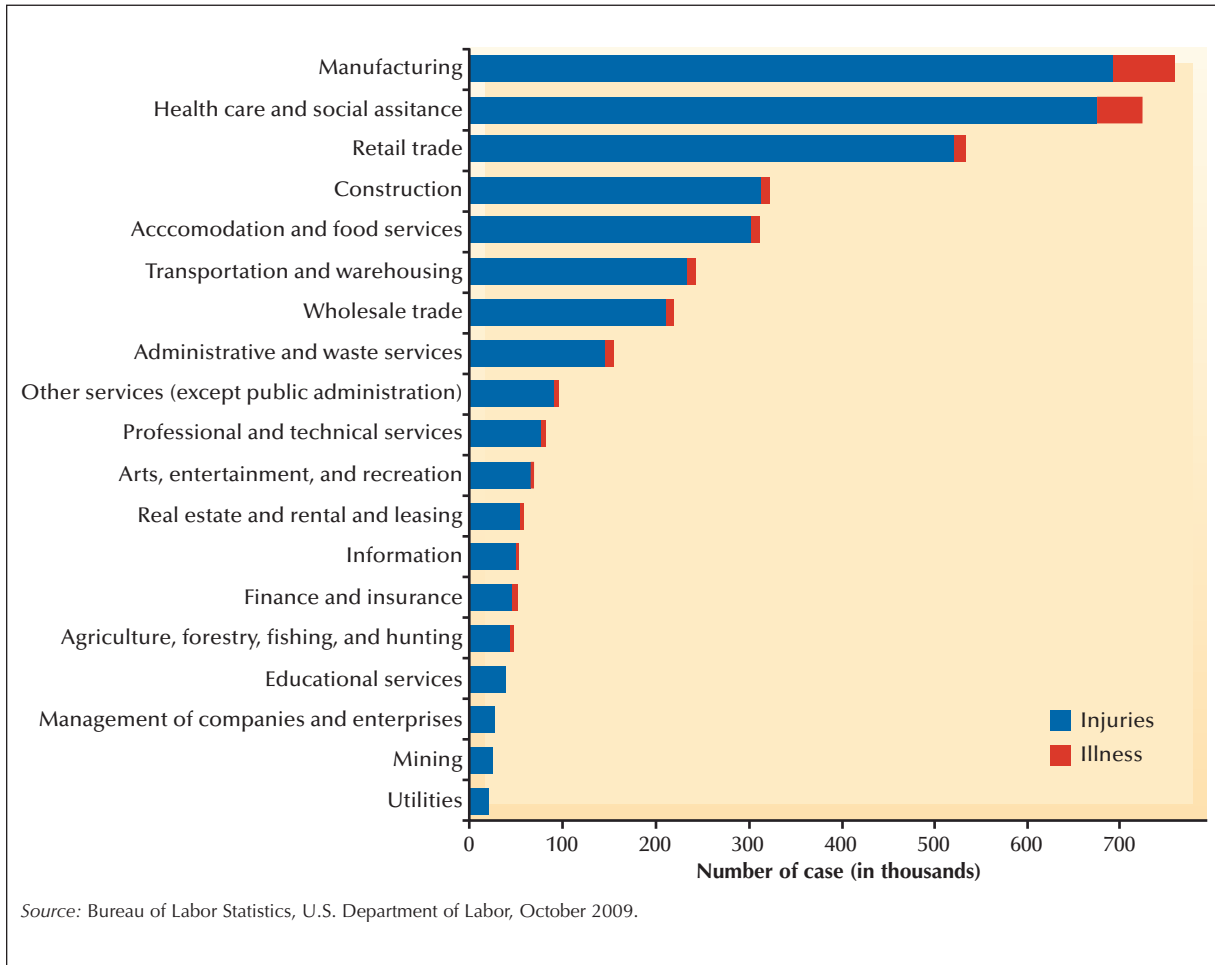
By making employers and employees more aware of safety and health considerations, OSHA has significantly affected organizations. OSHA regulations appear to have contributed to reductions in the number of accidents and injuries in some cases. But in other industries, OSHA has had little or no effect. Figure 14-4 indicates the percentage of workplace illnesses and injuries by industry. In the figure, legal, hospitality, education, and other services are grouped in the services category.

OSHA Enforcement Standards

To implement OSHA regulations, specific standards were established to regulate equipment and working environments. National standards developed by engineering and quality control groups are often used. OSHA rules and standards are frequently complicated and technical. Small business owners and managers who do not have specialists on their staffs may find the standards difficult to read and understand. In addition, the presence of many less important minor standards has hurt the credibility of OSHA.

Some provisions have been recognized as key to employers' responsibility to comply with OSHA. Two basic ones are as follows:

- *General duty*: The act requires that the employer has a "general duty" to provide safe and healthy working conditions, even in areas where OSHA standards have not been set. Employers who know or reasonably should know of unsafe or unhealthy conditions can be cited for violating the general duty clause.
- *Notification and posters*: Employers are required to inform their employees of safety and health standards established by OSHA. Also, OSHA posters must be displayed in prominent locations in workplaces.

Hazard Communication OSHA has established *process safety management* (PSM) standards that focus on hazardous chemicals. As part of PSM, hazard communication standards require manufacturers, importers, distributors, and users of hazardous chemicals to evaluate, classify, and label those substances. Employers also must make available information about hazardous substances to employees, their representatives, and health professionals. This information is contained in material safety data sheets (MSDSs), which must be kept readily accessible to those who work with chemicals and other substances. The MSDSs indicate antidotes or actions to be taken should someone come in contact with the substances. If the organization employs a number of workers for whom English is not the primary language, then the MSDSs should be available in the necessary languages. Also, workers should be trained in how to access and use the MSDS information. The HR On-the-Job describes one means for providing accessible details.

As part of hazard communications, OSHA has established *lockout/tag-out regulations*. To comply with these regulations, firms must provide mechanics and tradespeople with locks and tags to use to make equipment inoperative

Hazard Communication

HR *on-the-job*

The availability of the Internet has made it much quicker and easier for employers to meet OSHA's hazard communication requirements. First, employers can access safety information produced by vendors and suppliers on hazardous materials and chemicals. Many of the firms that sell the supplies have websites that contain safety, treatment, and antidote specifications. An employer can immediately access and download updated information and details on new or revised chemicals.

Additionally, information technology allows employers to use the Internet to maintain MSDSs on chemicals and workplace substances. Using MSDS software, firms can update electronic MSDSs regularly rather than having to reissue printed manuals regularly. An employer can place all MSDSs on an intranet, through an Internet link, or access manufacturers' information sheets.

Many MSDSs also can be found on websites. For example, at a warehouse for a company, an employee was injured when a chemical spilled on him. The company used an online link to retrieve the MSDS for that chemical. Coworkers took the employee to the hospital. By the time they got there, the current version of the MSDS had been faxed to the hospital, and a company safety person was on the phone with the hospital staff to provide information about the chemical and the injured employee's treatment.

for repair or adjustment to prevent accidental start-up of defective machinery. Only the person whose name is printed on the tag or engraved on the lock may remove the device.

Bloodborne Pathogens OSHA has issued a standard regarding exposure to the hepatitis B virus (HBV), the human immunodeficiency virus (HIV), and other bloodborne pathogens. This regulation was developed to protect employees who regularly are exposed to blood and other such substances from contracting AIDS and other serious diseases. Obviously, health care laboratory workers, nurses, and medical technicians are at greatest risk. However, all employers covered by OSHA regulations must comply in workplaces where cuts and abrasions are common. Regulations require employers with the most pronounced risks to have written control and response plans and to train workers in following the proper procedures.

Personal Protective Equipment One goal of OSHA has been to develop standards for personal protective equipment (PPE). These standards require that employers analyze job hazards, provide adequate PPE to employees in hazardous jobs, and train employees in the use of PPE items. Common PPE items include safety glasses, hard hats, and safety shoes. Employers are required to provide PPE to all employees who are working in an environment that presents hazards or who might have contact with hazardous chemicals and substances on the job.[16]

Pandemic Guidelines In addition to regulations, OSHA issues guidelines that can help to protect people at work. The guidelines are suggestions that employers can use to deal with a health or safety issue. One such set of guidelines can help employers to prepare for a pandemic disease. These guidelines present information on how a virus is likely to spread among the workforce and include information on engineering controls, work practices, and the use and value of PPE such as respirators and surgical masks. The guidelines also recommend planning to deal with a depleted workforce.[17]

Ergonomics and OSHA

Ergonomics is the study and design of the work environment to address physical demands placed on individuals. In a work setting, ergonomic studies look at such factors as fatigue, lighting, tools, equipment layout, and placement of controls. Ergonomics can provide economic value to employers.

For a number of years, OSHA focused on the large number of work-related injuries due to repetitive stress and repetitive motion, such as cumulative trauma disorders, carpal tunnel syndrome, and other injuries. **Cumulative trauma disorders (CTDs)** are muscle and skeletal injuries that occur when workers repetitively use the same muscles to perform tasks. *Carpal tunnel syndrome*, a cumulative trauma disorder, is an injury common to people who put their hands through repetitive motions such as typing, playing certain musical instruments, cutting, and sewing.

Problems caused by repetitive and cumulative injuries occur in a variety of work settings. The meatpacking industry has a very high level of CTDs. Grocery cashiers experience CTDs from repetitively twisting their wrists when they scan bar codes on canned goods. Office workers experience CTDs too, primarily from doing extensive typing and data entry on computers and computer-related equipment. Most recently, attention has focused on the

Ergonomics Study and design of the work environment to address physical demands placed on individuals.

Cumulative trauma disorders (CTDs) Muscle and skeletal injuries that occur when workers repetitively use the same muscles to perform tasks.

application of ergonomic principles to the design of work stations where workers extensively use personal computers, portable message devices, cell phones, and video display terminals for extended periods of time.

OSHA has approached ergonomics concerns by adopting voluntary guidelines for specific problem industries and jobs, identifying industries with serious ergonomic problems, and giving employers tools for identifying and controlling ergonomics hazards. Among the industries receiving guidelines are nursing homes, poultry processors, and retail grocery stores.

Successful Ergonomics Programs A successful ergonomics program has several components. First, management must commit to reducing injuries caused by repetition and cumulative trauma, including providing financial and other resources to support the efforts. Involvement of employees is key to getting employee support. Other actions should include reviewing jobs where CTD problems could exist and ensuring that proper equipment, seating, lighting, and other engineering solutions are utilized. Also, supervisors and managers should be trained to observe signs of CTD and on how to respond to employee complaints about musculoskeletal and repetitive motion problems.

LOGGING ON

Occupational Safety & Health Administration
Access to OHSA regulations for compliance, newsroom, and much more can be found at the OSHA home page by visiting the website at www.osha.gov.

Work Assignments and OSHA

The rights of employees regarding work assignments have been addressed as part of OSHA regulations. Two prominent areas where work assignments and concerns about safety and health meet are reproductive health and unsafe work.

Work Assignments and Reproductive Health Assigning employees to work in areas where their ability to have children may be affected by exposure to chemical hazards is an issue. Women who are able to bear children or who are pregnant have presented the primary concerns, but in some situations the possibility that men might become sterile also has been involved.

In a court case involving reproductive health, the Supreme Court held that Johnson Controls violated the Civil Rights Act and the Pregnancy Discrimination Act through a policy of keeping women of childbearing capacity out of jobs that might expose them to lead.[18] Although employers have no absolute protection from liability, the following actions can help:

- Maintain a safe workplace for all by seeking the safest working methods.
- Comply with all state and federal safety laws.
- Inform employees of any known risks.
- Document employee acceptance of any risks.

Refusing Unsafe Work Both union and nonunion workers have refused to work when they considered the work unsafe. In many court cases, that refusal has been found to be justified. The conditions for refusing work because of safety concerns include the following:

- The employee's fear is objectively reasonable.
- The employee has tried to have the dangerous condition corrected.
- Using normal procedures to solve the problem has not worked.

OSHA Recordkeeping Requirements

Employers are generally required to maintain a detailed annual record of the various types of injuries, accidents, and fatalities for inspection by OSHA representatives and for submission to the agency. OSHA guidelines state that facilities whose accident records are below the national average rarely need inspecting. But those with high "days away from work scores" may get letters from OSHA and perhaps an inspection.[19] Many organizations must complete OSHA Form 300 to report workshop accidents and injuries. These organizations include firms having frequent hospitalizations, injuries, illnesses, or work-related deaths, and firms in a labor statistics survey conducted by OSHA each year. However, no one knows how many industrial accidents go unreported. It may be more than half, despite increased surveillance of accident-reporting records by OSHA. Immigrants typically do not report accidents, and more workers classified as independent contractors may contribute to lack of reporting.[20]

Reporting Injuries and Illnesses Four types of injuries or illnesses are defined by the Occupational Safety and Health Act. They are as follows:

- *Injury- or illness-related deaths*: fatalities at workplaces or caused by work-related actions
- *Lost-time or disability injuries*: job-related injuries or disabling occurrences that cause an employee to miss regularly scheduled work on the day following the accident
- *Medical care injuries*: injuries that require treatment by a physician but do not cause an employee to miss a regularly scheduled work turn
- *Minor injuries*: injuries that require first aid treatment and do not cause an employee to miss the next regularly scheduled work turn

The recordkeeping requirements for these injuries and illnesses are summarized in Figure 14-5. Notice that only very minor injuries do not have to be recorded for OSHA. For example, an employee was repairing a conveyor belt when his hand slipped and hit the sharp edge of a steel bar. His hand was cut, and he was rushed to the hospital. He received five stitches and was told by the doctor not to use his hand for three days. This injury was recorded and reported to OSHA because the stitches and restricted duty required that it be recorded.
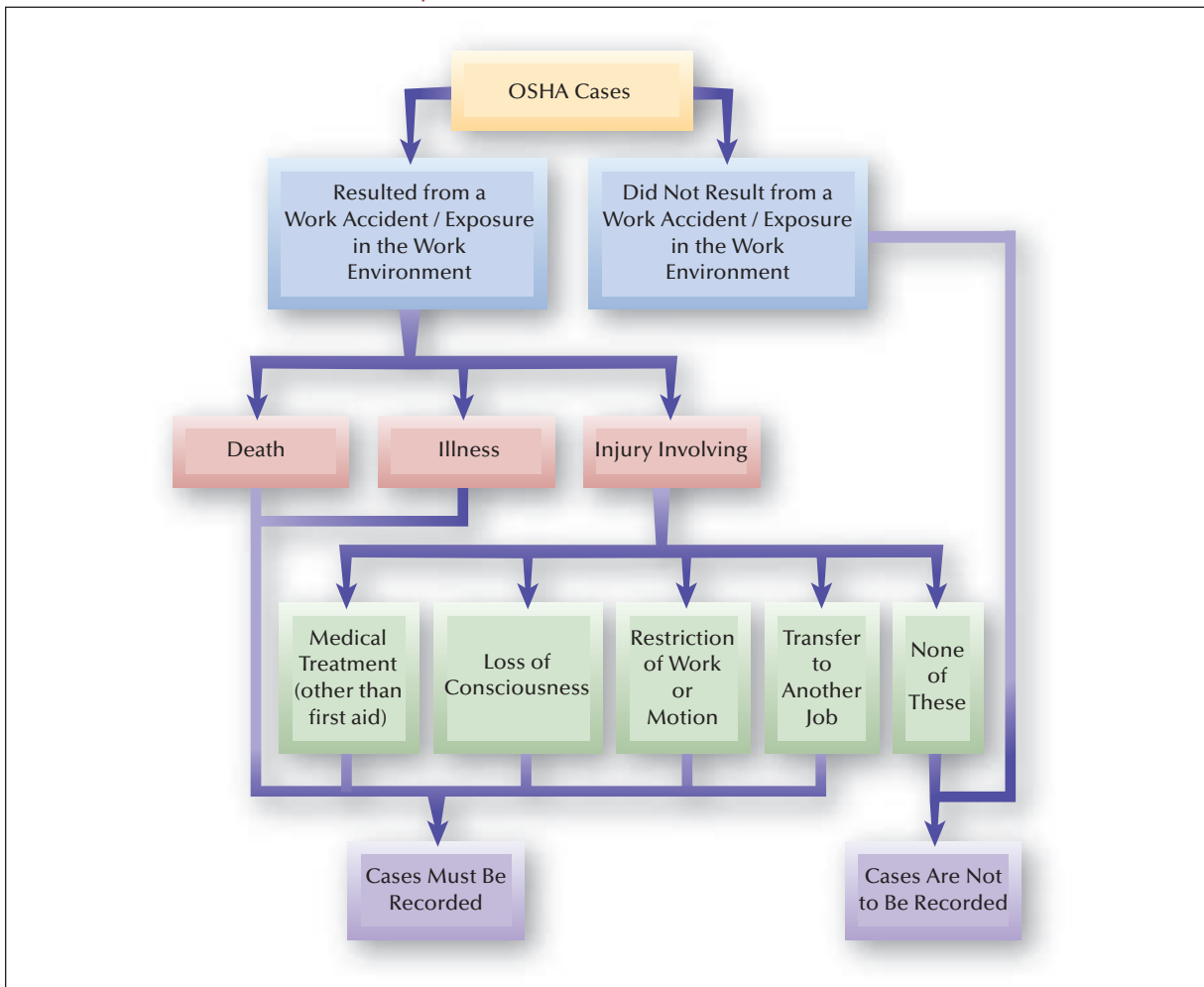
OSHA Inspections

The Occupational Safety and Health Act provides for on-the-spot inspections by OSHA representatives, called compliance officers or inspectors. In *Marshall v. Barlow's, Inc.*, the U.S. Supreme Court held that safety inspectors must produce a search warrant if an employer refuses to allow an inspector into the plant voluntarily. The Court also ruled that an inspector does not have to show probable cause to obtain a search warrant. A warrant can be obtained easily if a search is part of a general enforcement plan.[21]

Dealing with an Inspection When an OSHA compliance officer arrives, managers should ask to see the inspector's credentials. Next, the HR representative for the employer should insist on an opening conference with the compliance officer. The compliance officer may request that a union representative, an employee, and a company representative be present while

FIGURE 14-5

Guide to Recordability of Cases under the Occupational Safety and Health Act

OSHA Cases

Resulted from a Work Accident / Exposure in the Work Environment

Did Not Result from a Work Accident / Exposure in the Work Environment

Death

Illness

Injury Involving

Medical Treatment (other than first aid)

Loss of Consciousness

Restriction of Work or Motion

Transfer to Another Job

None of These

Cases Must Be Recorded

Cases Are Not to Be Recorded

the inspection is conducted. During the inspection, the officer checks organizational records to see if they are being maintained and to determine the number of accidents that have occurred. Following this review of the safety records, the officer conducts an on-the-spot inspection and may use a wide variety of equipment to test compliance with standards. After the inspection, the compliance officer can issue citations for any violations of standards and provisions of the act.

Citations and Violations Although OSHA inspectors can issue citations for violations of the provisions of the act, whether or not a citation is issued depends on the severity and extent of the problems, and on the employer's knowledge of them. In addition, depending on the nature and number of violations, penalties can be assessed against employers. The nature and extent of the penalties depend on the type and severity of the violations as determined by OSHA officials.

A number of different types of violations are cited by OSHA. Ranging from the most severe to minimal, including a special category for repeated violations, the most common are as follows:

- *Imminent danger*: When there is reasonable certainty that the condition will cause death or serious physical harm if it is not corrected immediately, an imminent-danger citation is issued and a notice posted by an inspector. Imminent-danger situations are handled on the highest-priority basis. They are reviewed by a regional OSHA director, and the condition must be corrected immediately. If the condition is serious enough and the employer does not cooperate, a representative of OSHA may obtain a federal injunction to close the company until the condition is corrected. The absence of guardrails to prevent employees from falling into heavy machinery is one example of an imminent danger.
- *Serious*: When a condition could probably cause death or serious physical harm, and the employer should know of the condition, OSHA issues a serious-violation citation. Examples of serious violations are the absence of a protective screen on a lathe and the lack of a blade guard on an electric saw.
- *Other than serious*: Violations that could impact employees' health or safety but probably would not cause death or serious harm are called "other than serious." Having loose ropes in a work area might be classified as an other-than-serious violation.
- *De minimis*: A *de minimis* condition is one not directly and immediately related to employees' safety or health. No citation is issued, but the condition is mentioned to the employer. Lack of doors on toilet stalls is a common example of a *de minimis* violation.
- *Willful and repeated*: Citations for willful and repeated violations are issued to employers who have been previously cited for violations. If an employer knows about a safety violation or has been warned of a violation and does not correct the problem, a second citation is issued. The penalty for a willful and repeated violation can be high. For example, if death results from an accident that involves such a safety violation, a jail term of six months can be imposed on the executives or managers who were responsible.

Consider a case in which a metal manufacturer instructed its employees to operate the machines differently than usual when OSHA conducted an inspection. It also hid pieces of equipment, and management lied about its usual practices. These actions led to a "willful" violation and large fines for numerous violations, primarily because the firm tried to cover up its noncompliance.

Critique of OSHA

OSHA has been criticized on several fronts. Because the agency has so many worksites to inspect, employers have only a relatively small chance of being inspected. Some suggest that employers pay little attention to OSHA enforcement efforts for this reason. Labor unions and others have criticized OSHA and Congress for not providing enough inspectors. For instance, it is common to find that many of the worksites at which workers suffered severe injuries or deaths had not been inspected in the previous five years.

Employers, especially smaller ones, continue to complain about the complexity of complying with OSHA standards and the costs associated with penalties and with making changes required to remedy problem areas. Larger firms can afford to hire safety and health specialists and establish more proactive programs. However, smaller firms that cannot afford to do so still have

to comply with the regulations, which leads to managers needing to be more involved in safety management.

SAFETY MANAGEMENT

Well-designed and well-managed safety programs can pay dividends in reduced accidents and associated costs, such as workers' compensation and possible fines. Further, accidents and other safety concerns usually decline as a result of management efforts that emphasize safety.[22] Often, the difference between high-performing firms with good occupational safety records and other firms is that the former have effective safety management programs. As Figure 14-6 indicates, both HR and operating managers must be involved in coordinating health, safety, and security efforts.

Successful safety management has been researched extensively. A summary of what is known about managing safety effectively and reducing accidents includes the following necessary components:

- Organizational commitment
- Policies, discipline, and recordkeeping
- Training and communication
- Participation (safety committees)
- Inspection, investigation, and evaluation

Organizational Commitment and a Safety Culture

At the heart of safety management is an organizational commitment to a comprehensive safety effort that should be coordinated at the top level of management and include all members of the organization. It also should be reflected in managerial actions. A president of a small electrical manufacturing firm who does not wear a hard hat in the manufacturing shop can hardly expect to enforce a requirement that all employees wear hard hats in the shop.

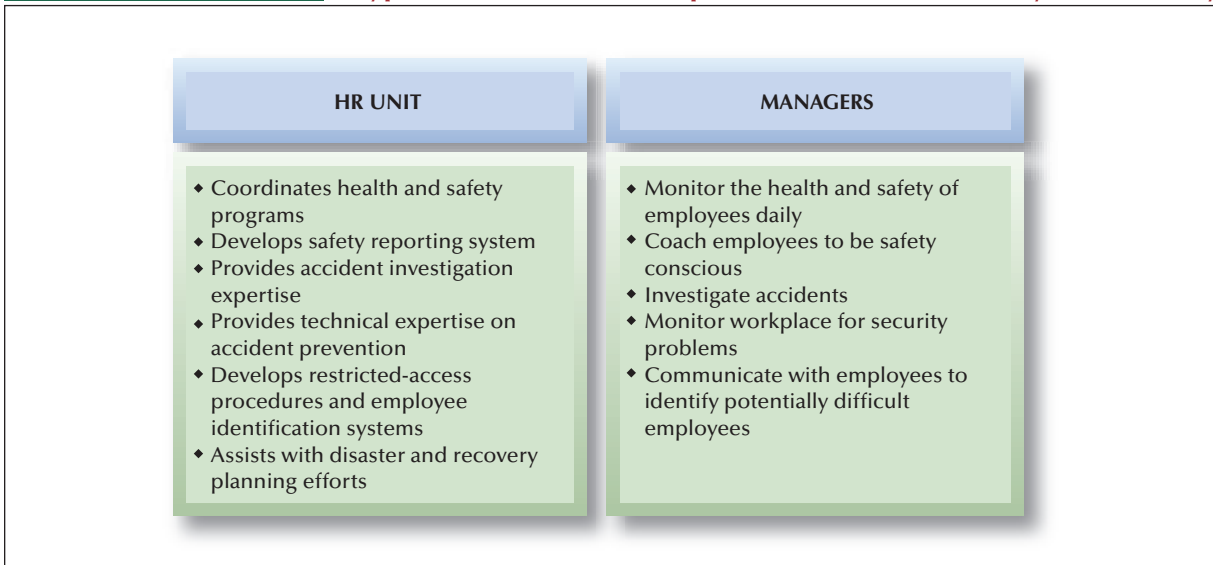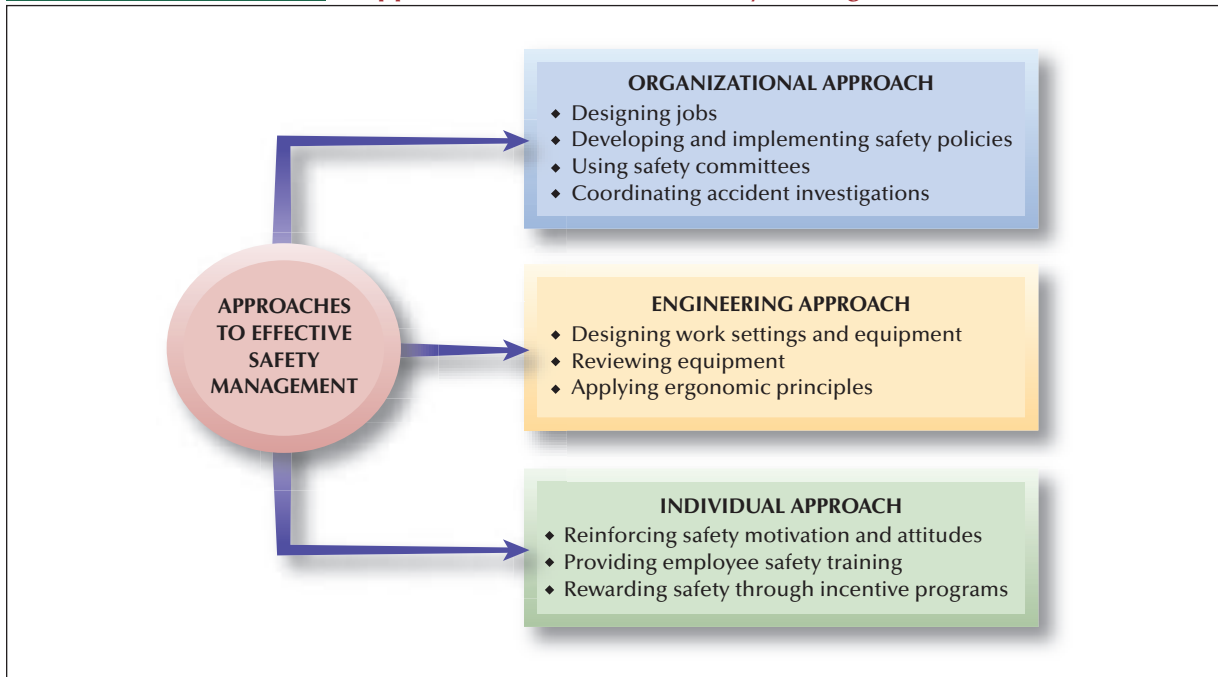**FIGURE 14-6**   **Typical Division of HR Responsibilities: Health, Safety, and Security**

HR UNIT	MANAGERS
◆ Coordinates health and safety programs ◆ Develops safety reporting system ◆ Provides accident investigation expertise ◆ Provides technical expertise on accident prevention ◆ Develops restricted-access procedures and employee identification systems ◆ Assists with disaster and recovery planning efforts	◆ Monitor the health and safety of employees daily ◆ Coach employees to be safety conscious ◆ Investigate accidents ◆ Monitor workplace for security problems ◆ Communicate with employees to identify potentially difficult employees

FIGURE 14-7   **Approaches to Effective Safety Management**

ORGANIZATIONAL APPROACH
- Designing jobs
- Developing and implementing safety policies
- Using safety committees
- Coordinating accident investigations

APPROACHES TO EFFECTIVE SAFETY MANAGEMENT

ENGINEERING APPROACH
- Designing work settings and equipment
- Reviewing equipment
- Applying ergonomic principles

INDIVIDUAL APPROACH
- Reinforcing safety motivation and attitudes
- Providing employee safety training
- Rewarding safety through incentive programs

One result of a strong commitment to safety is that a "safety culture" pervades the organization. Firms such as Johnson & Johnson, DuPont Chemical and Energy Operations, and Frito-Lay are well known for emphasizing safety as part of their organizational cultures.

Three approaches are used by employers in managing safety. Figure 14-7 shows the organizational, engineering, and individual approaches and their components. Successful programs may use all three in dealing with safety issues.

Safety and Engineering Employers can prevent some accidents by designing machines, equipment, and work areas so that workers who perform potentially dangerous jobs cannot injure themselves and others. Providing safety equipment and guards on machinery, installing emergency switches, installing safety rails, keeping aisles clear, and installing adequate ventilation, lighting, heating, and air conditioning can all help to make work environments safer.

Designing a job properly requires consideration of the physical setting of the job. The way the work space surrounding a job is utilized can influence the worker's performance of the job itself. Several factors that affect safety have been identified, including size of work area, kinds of materials used, sensory conditions, distance between work areas, and interference from noise and traffic flow.

Individual Considerations in Accidents Engineers approach safety from the perspective of redesigning the machinery or the work area. Industrial psychologists and "human factors" experts see safety differently. They address the proper match of individuals to jobs and emphasize employee training in safety methods, fatigue reduction, and health awareness.

Numerous field studies with thousands of employees, have looked at the human factors in accidents. The results have shown a definite relationship between cognitive factors and occupational safety. Behavior-based safety (BBS) approaches are efforts to reduce *risky behavior* and increase safe behavior by defining unsafe behavior and attempting to change it. While BBS is beneficial, it does not constitute a complete approach to dealing with safety.

Work schedules can be another cause for accidents. The relationship between work schedules and accidents can be explained as follows: Fatigue based on physical exertion sometimes exists in the industrial workplace of today. Boredom, which occurs when a person is required to do the same tasks for a long period of time, is rather common. As fatigue increases, motivation decreases; when motivation decreases, workers' attention wanders, and the likelihood of accidents increases. A particular area of concern is overtime in work scheduling. Overtime work has been consistently related to accident incidence because the more overtime worked, the higher the incidence of severe accidents.

Another area of concern is the relationship of accident rates to different shifts, particularly late-night shifts.[23] Because there tend to be fewer supervisors and managers working the "graveyard" shifts, workers tend to receive less training and supervision. Both of these factors lead to higher accident rates.

Safety Policies, Discipline, and Recordkeeping

Designing safety policies and rules and disciplining violators are important components of safety efforts. Frequently reinforcing the need for safe behavior and frequently supplying feedback on positive safety practices are also effective ways of improving worker safety. Such safety-conscious efforts must involve employees, supervisors, managers, safety specialists, and HR staff members.

For policies about safety to be effective, good recordkeeping about accidents, causes, and other details is necessary. Without records, an employer cannot track its safety performance, compare benchmarks against other employers, and may not realize the extent of its safety problems.

Safety Training and Communication

Good safety training reduces accidents. Supervisors should receive the training first, and then employees should receive it as well, because untrained workers are more likely to have accidents. Safety training involving behavioral modeling, lots of practice, and dialogue is most effective.[24]

Safety training can be done in various ways. Regular sessions with supervisors, managers, and employees are often coordinated by HR staff members. Communication of safety procedures, reasons why accidents occurred, and what to do in an emergency is critical. Without effective communication about safety, training is insufficient. To reinforce safety training, continuous communication to develop safety consciousness is necessary. Merely sending safety memos is not enough. Producing newsletters, changing safety posters, continually updating bulletin boards, and posting safety information in visible areas are also recommended.

Employers may need to communicate in a variety of media and languages. Such efforts are important to address the special needs of workers who have vision, speech, or hearing impairments; who are not proficient in English; or who are challenged in other ways.

Safety Committees

Employees frequently participate in safety planning through safety committees, often composed of workers from a variety of levels and departments. A safety committee generally meets at regularly scheduled times, has specific responsibilities for conducting safety reviews, and makes recommendations for changes necessary to avoid future accidents. Usually, at least one member of the committee comes from the HR department.

Companies must take care to ensure that managers do not compose a majority on their safety committees. Otherwise, they may be in violation of provisions of the National Labor Relations Act, commonly known as the Wagner Act. That act, as explained in detail in Chapter 16, prohibits employers from "dominating a labor organization." Some safety committees have been ruled to be labor organizations because they deal with working conditions.
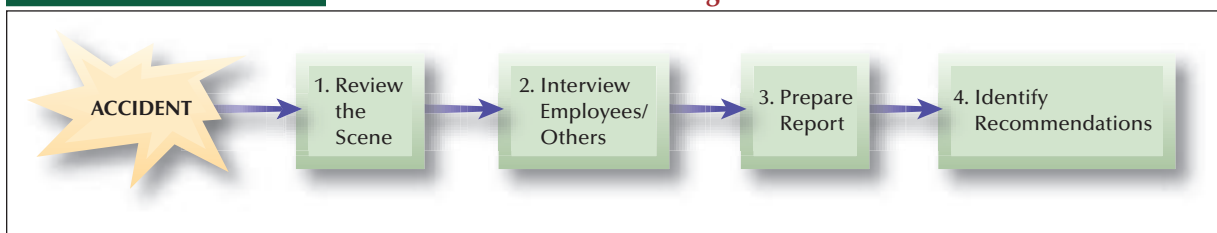
In approximately 32 states, all but the smallest employers may be required to establish safety committees. From time to time, legislation has been introduced at the federal level to require joint management/employee safety committees. But as yet, no federal provisions have been enacted.

Inspection, Investigation, and Evaluation

It is not necessary to wait for an OSHA inspector to check the work area for safety hazards. Inspections may be done by a safety committee or by a company safety coordinator regularly. Problem areas should be addressed immediately in order to keep work productivity at the highest possible levels. Also, OSHA inspects organizations with above-average rates of lost workdays more frequently.

The phases of accident investigation are in Figure 14-8. Identifying why an accident occurred is useful; taking steps to prevent similar accidents from occurring is even more important.

Closely related to accident investigation is research to determine ways of preventing accidents. Employing safety engineers or having outside experts evaluate the safety of working conditions may be useful. If many similar accidents seem to occur in an organizational unit, a safety training program may be necessary to emphasize safe working practices. As an example, a medical center reported a greater-than-average number of back injuries among employees who lifted heavy patients. Installation of patient lifting devices and safety training on the proper way to use them was initiated. As a result, the number of worker injuries was reduced.

FIGURE 14-8   **Phases of Accident Investigation**

ACCIDENT → 1. Review the Scene → 2. Interview Employees/ Others → 3. Prepare Report → 4. Identify Recommendations

MEASURE

Measuring Safety Efforts

Organizations should monitor and evaluate their safety efforts. Just as organizational accounting records are audited, a firm's safety efforts should be audited periodically as well. Accident and injury statistics should be compared with previous accident patterns to identify any significant changes. This analysis should be designed to measure progress in safety management.

Various safety efforts can be measured. Some common ones are workers' compensation costs per injury/illness; percentage of injuries/illnesses by department, work shifts, and job categories; and incident rate comparisons with industry and benchmark targets. Regardless of the specific measures used, it is critical to be able to track and evaluate safety management efforts using relevant HR metrics.

Employers in a variety of industries have found that emphasizing health and safety pays off in a number of ways. Lower employee benefits costs for health care, fewer work-related accidents, lower workers' compensation costs, and more productive employees can all be results of employer efforts to stress health and safety.

EMPLOYEE HEALTH

Employee health problems are varied—and somewhat inevitable. They can range from minor illnesses such as colds to serious illnesses related to the jobs performed. Some employees have emotional health problems; others have alcohol or drug problems. Some problems are chronic; others are transitory. All may affect organizational operations and individual employee productivity.

There is a small trend to return to the "Company Doctor" model of years ago to help deal with these issues. The HR Perspective discusses the specifics of that model.

Employers face a variety of workplace health issues. Previously in this chapter, cumulative trauma injuries and exposure to hazardous chemicals were discussed because OSHA has addressed these concerns through regulations or standards. Other concerns associated with employee health include substance abuse, emotional/mental health, older workers, smoking, and obesity.

LOGGING ON

HealthyCulture.com
For information on services and programs that support healthy organizational cultures, visit this website at www.healthyculture.com.

Substance Abuse

Use of illicit substances or misuse of controlled substances, alcohol, or other drugs is called **substance abuse**. The millions of substance abusers in the workforce cost global employers billions of dollars annually, although recently there has been a decline in illegal drug use by employees. Most companies have a drug screening policy that focuses on preemployment testing.[25]

A company should have a written policy covering alcohol and drugs and the possession of illegal drugs at work. Such a policy should prohibit employees from coming to work under the influence of alcohol or drugs. The policy should be communicated in writing, and each employee should sign off and understand that failure to take a test can lead to adverse inference.[26]

In the United States, the incidence of substance abuse is greatest among young single men.[27] Also, blue-collar workers are more likely than white-collar

Substance abuse Use of illicit substances or misuse of controlled substances, alcohol, or other drugs.

The "Company Doctor"

Toyota Motor's San Antonio plant is getting rave reviews for its on-site medical center. Louis Aguillon, a line worker who had a nagging back pain, saw the doctor for 20 minutes and paid $5 for the visit. Managed by Take Care Health Systems, which runs clinics, the program is helping Toyota cut costs on big-ticket items including referrals to highly paid specialists, ER visits, and brand-name drugs. Further, employees do not have to leave the plant for treatment.

Company doctors have roots going back to the 1800s, but the tradition began to fade in the 1930s and 1940s on suspicion that the doctors were serving employers' interests. Toyota, Nissan, Harrah's Entertainment, Walt Disney Parks and Resorts, and Walgreens have brought the tradition back. Their efforts offer employees a major break on copays (at Toyota a visit is $5 instead of $15 to see another doctor). Some companies make deposits to employee health savings accounts if they use the in-house services.

At Toyota in San Antonio, the clinic has three doctors, dentists, physical therapists, X-ray capability, and the ability to treat broken bones and handle various emergencies. The prices for these services are about half what others charge. The doctors also screen for long-term problems that might be costly to treat later. At an Ohio plant with a clinic, only 4% of the patients are sent to specialists; most are handled in-house. The percentage of referrals to expensive specialists in the general population is 25%.
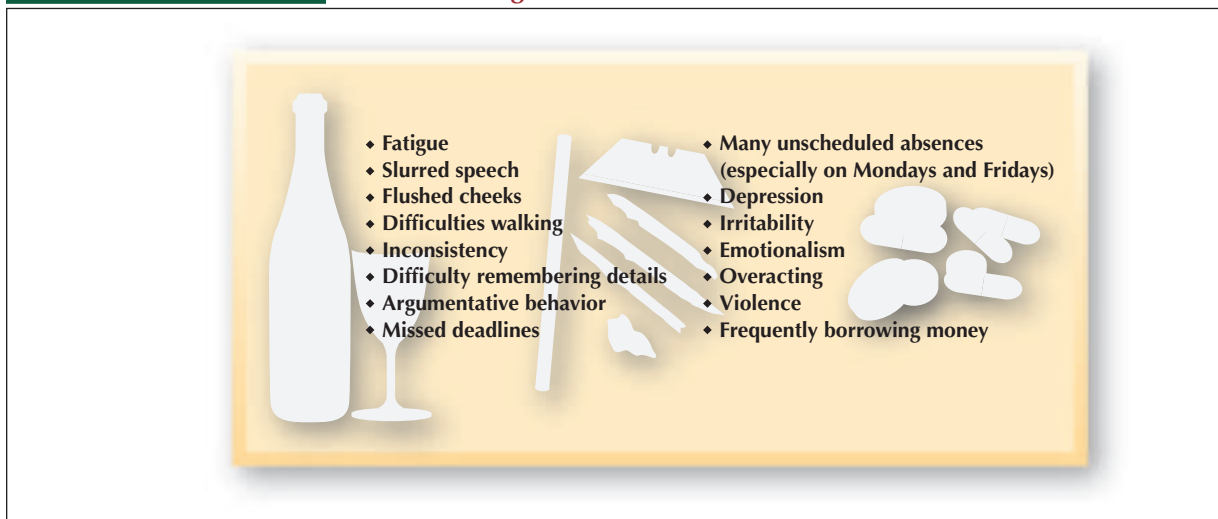
The question, of course, is whether health management companies hired to help control costs will act in the patients' best interests. Dr. Johnson at the San Antonio plant responds, "If patients perceive that we place some company's interest over their well-being, they won't come."[28]

workers to abuse substances. Figure 14-9 shows common signs of substance abuse. However, not all signs are present in any one case. A pattern that includes some of these behaviors should be a reason to pay closer attention.[29]

Employers' concerns about substance abuse stem from the ways it alters work behaviors, causing increased tardiness, increased absenteeism, a slower

FIGURE 14-9   **Common Signs of Substance Abuse**

- Fatigue
- Slurred speech
- Flushed cheeks
- Difficulties walking
- Inconsistency
- Difficulty remembering details
- Argumentative behavior
- Missed deadlines
- Many unscheduled absences (especially on Mondays and Fridays)
- Depression
- Irritability
- Emotionalism
- Overacting
- Violence
- Frequently borrowing money

work pace, a higher rate of mistakes, and less time spent at the work station. It can also cause an increase in withdrawal (physical and psychological) and antagonistic behaviors, which may lead to workplace violence.

Alcohol testing and drug testing are used by many employers, especially following an accident or some other reasonable cause. Some employers also use random testing programs. The U.S. Department of Transportation *requires* drug testing for aviation workers, commercial freight carrier employees, railroad workers, mass transit employees, pipeline employees, and commercial vessel operators.

Types of Drug Tests There are several different types of tests for drug use: urinalysis, radioimmunoassay of hair, surface swiping, and fitness-for-duty testing. The innovative fitness-for-duty tests can be used alone or in conjunction with drug testing. These tests can distinguish individuals under the influence of alcohol or prescription drugs to the extent that their abilities to perform their jobs are impaired. Some firms use *fitness-for-duty tests* to detect work performance safety problems before putting a person behind dangerous equipment. As an example, in one firm when a crew of delivery truck drivers comes to work, they are asked to "play" a video game—one that can have serious consequences. Unless the video game machine presents receipts saying they passed the test, they are not allowed to drive their trucks that day. It works like this: the computer has already established a baseline for each employee. Subsequent testing measures the employees against their baselines. Interestingly, most test failures are not drug or alcohol related. Rather, fatigue, illness, and personal problems more frequently render a person unfit to perform a sensitive job.

Handling Substance Abuse Cases The Americans with Disabilities Act (ADA) affects how management can handle substance abuse cases. Current users of *illegal* drugs are specifically excluded from the definition of *disabled* under the act. However, those addicted to *legal* substances (e.g., alcohol and prescription drugs) are considered disabled under the ADA. Also, recovering substance abusers are considered disabled under the ADA.

To encourage employees to seek help for their substance abuse problems, a *firm-choice option* is usually recommended and has been endorsed legally. In this procedure, a supervisor or a manager confronts the employee privately about unsatisfactory work-related behaviors. Then, in keeping with the disciplinary system, the employee is offered a choice between help and discipline. Treatment options and consequences of further unsatisfactory performance are clearly discussed, including what the employer will do. Confidentiality and follow-up are critical when employers use the firm-choice option.

Emotional/Mental Health

Many individuals are facing work, family, and personal life pressures. Although most people manage these pressures successfully, some individuals have difficulty handling the demands. Specific events, such as death of a spouse, divorce, or medical problems, can affect individuals who otherwise have been coping successfully with life pressures. A variety of emotional/mental health issues arise at work that must be addressed by employers. It is important to note that emotional/mental illnesses such as schizophrenia and depression are considered disabilities under the ADA.

Stress that keeps individuals from successfully handling the multiple demands they face is one concern. All people encounter stress; but when "stress overload" hits, work-related consequences can result.[30] Beyond trying to communicate with the employees and relieving some workload pressures, it is generally recommended that supervisors and managers contact the HR staff, who may intervene and then refer affected employees to outside resources through employee assistance programs.

Depression is another common emotional/mental health concern. The effects of depression are seen at all organizational levels, from warehouses and accounting offices to executive suites. Employees who appear to be depressed are guided to employee assistance programs and helped with obtaining medical treatment.

Health and Older Employees

The graying of the workforce has been mentioned previously, but there are implications for health and safety. All signs point to an abundance of older workers, as many are showing signs of working beyond age 65. As noted earlier, there is a diminishing pool of successful younger workers to replace them. Data show that older workers have fewer injuries, but are out of work longer when they do, and these injuries cost more to fix. Musculoskeletal disorders are more severe. Key practices for dealing with older workers are:[31]

- Preventing slips and falls
- Eliminating repetitive stress and heavy lifting
- Using ergonomically sound workspaces
- Emphasizing driver safety
- Providing means for healthy gradual transitions back to work.

Smoking at Work

Arguments and rebuttals characterize the smoking-at-work controversy, and statistics abound.[32] A multitude of state and local laws deal with smoking in the workplace and in public places. In response to health studies, complaints by nonsmokers, and resulting state laws, many employers have instituted no-smoking policies throughout their workplaces. Although employees who smoke tend to complain initially when a smoking ban is instituted, they seem to have little difficulty adjusting within a few weeks. Many quit smoking or reduce the number of cigarettes they inhale and exhale each workday. Some employers also offer smoking cessation workshops as part of health promotion efforts.[33]

Health Promotion

Health promotion
Supportive approach of facilitating and encouraging healthy actions and lifestyles among employees.
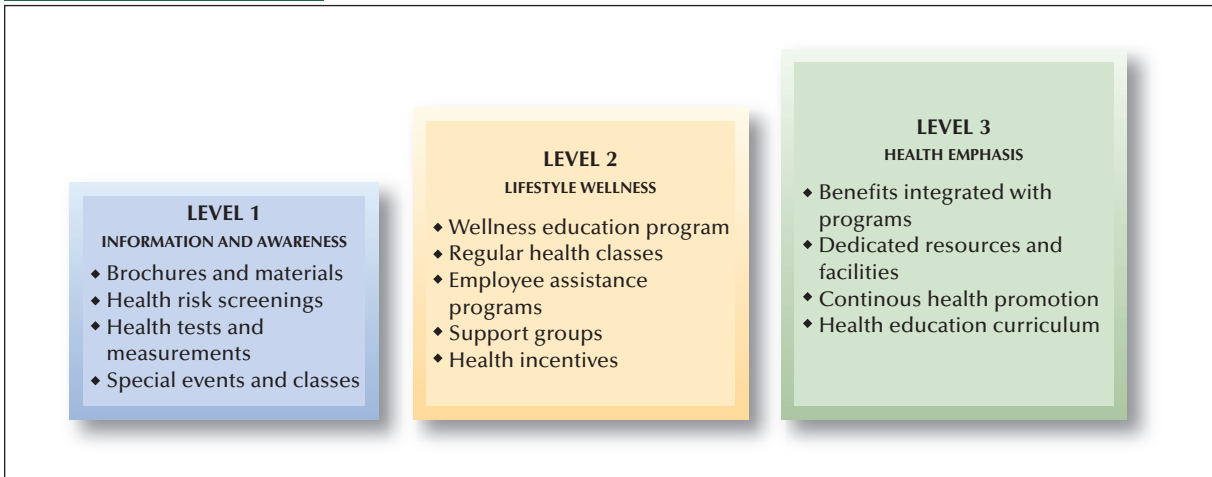
Employers concerned about maintaining a healthy workforce must move beyond simply providing healthy working conditions and begin promoting employee health and wellness in other ways. **Health promotion** is a supportive approach of facilitating and encouraging healthy actions and lifestyles among employees. Health promotion efforts can range from providing information and increasing employee awareness of health issues to creating an organizational culture supportive of employee health enhancements, as Figure 14-10 indicates. Going beyond simple compliance with workplace safety and health regulations, organizations engage in health promotion by encouraging employees to make physiological, mental, and social choices that improve their health.

FIGURE 14-10   **Health Promotion Levels**

LEVEL 1
INFORMATION AND AWARENESS
- Brochures and materials
- Health risk screenings
- Health tests and measurements
- Special events and classes

LEVEL 2
LIFESTYLE WELLNESS
- Wellness education program
- Regular health classes
- Employee assistance programs
- Support groups
- Health incentives

LEVEL 3
HEALTH EMPHASIS
- Benefits integrated with programs
- Dedicated resources and facilities
- Continous health promotion
- Health education curriculum

The first level of health promotion (see Figure 14-10) leaves much to individual initiatives for following through and making changes in actions and behaviors. Employers provide information on such topics as weight control, stress management, nutrition, exercise, and smoking cessation. Even though such efforts may be beneficial for some employees, employers who wish to impact employees' health must offer second-level efforts, such as more comprehensive programs and actions that focus on the lifestyle "wellness" of employees. The third level requires a commitment to wellness that is seldom seen in employers.

Obesity Nearly one-third of U.S. adults are obese and another one-third are overweight. Obesity is a fact of modern life and a concern to employers, and a movement to involve employers in employee weight management is apparently gaining momentum. The reason employers are concerned is cost. The economic costs of obesity include doctor visits, diabetes, high blood pressure, higher health care premiums, and lost workdays. To address the increasing problem of obese employees, employers are taking a number of actions. Some firms are offering incentives to workers who are involved in physical fitness programs and lose weight. In one firm with an active program focusing on obese employees, more than 2,000 employees lost over 61,000 pounds as part of the program.

Wellness Programs Employers' desires to improve productivity, decrease absenteeism, and control health care costs have come together in the "wellness" movement.[34] **Wellness programs** are designed to maintain or improve employee health before problems arise by encouraging self-directed lifestyle changes. Early wellness programs were aimed primarily at reducing the cost and risk of disease.[35] Newer programs emphasize healthy lifestyles and environment, including reduced cholesterol and heart disease risks and individualized exercise programs and follow-up. Employer-sponsored support groups have been established for individuals dealing with health issues such as weight loss, nutrition, and smoking cessation. The top-rated topics for wellness programs are stress management, exercise/fitness, screenings/checkups, health insurance education, disease management (heart disease, diabetes, etc.), nutrition and diet, and smoking cessation.[36]

Wellness programs
Programs designed to maintain or improve employee health before problems arise.

Employee assistance program (EAP) Program that provides counseling and other help to employees having emotional, physical, or other personal problems.

Online and Web-based wellness programs have grown in popularity. Ford, Microsoft, Chevron, and Watson Wyatt are just a few of the companies that offer online wellness programs. These programs use information and subtle psychology to motivate people to live healthier lifestyles. They typically focus on exercise, nutrition, sleep, stress, and life balance.

Employee Assistance Programs One method organizations use as a broad-based response to health issues is an **employee assistance program (EAP)**, which provides counseling and other help to employees having emotional, physical, or other personal problems. In such a program, an employer typically contracts with a counseling agency for the service. Employees who have problems may then contact the agency, either voluntarily or by employer referral, for assistance with a broad range of problems. Counseling costs are paid for by the employer, either in total or up to a preestablished limit.[37]

EAPs commonly provide help with troubled employees, problem identification, short-term intervention, and referral services. The most common employee issues dealt with in EAPs are: (1) depression and anxiety, (2) marital and relationship problems, (3) legal difficulties, and (4) family and children concerns. Other areas commonly addressed as part of an EAP include substance abuse, financial counseling, and career advice. EAP participation rates by employees are only 5% to 7%, which is low. This figure indicates that many individuals are not using this health benefit as often as would be expected.[38]

Critical to employee usage of an EAP is preserving confidentiality. For that reason, employers outsource EAPs to trained professionals, who usually report only the numbers of employees and services provided, rather than details on individuals using an EAP. The effectiveness of an EAP depends on how well the employer integrates and supports it in the workplace. Done well, EAPs can help reduce health care and other costs.[39]

MEASURE

Measuring Health Promotion Effects Organizations can assess the effectiveness of their health promotion programs in a number of ways.[40] Looking at participation rates by employees is one means. Although participation rates may not be as high as desired, the programs have resulted in healthier lifestyles for more employees. Cost-benefit analyses by organizations also tend to support the continuation of such programs. The return on investment (ROI) for one firm has been estimated to be $50 million total savings over a 5-year period. This ROI represents a payoff of $3 for every $1 spent on employee wellness efforts.

SECURITY CONCERNS AT WORK

Traditionally, when employers have addressed worker health and safety, they have been concerned about reducing workplace accidents, improving safety practices, and reducing health hazards at work. However, in the past decade, providing security for employees has become important. Notice that virtually all of the areas discussed in the following text have significant HR implications. Heading the list of security concerns is workplace violence.

Workplace Violence

Workplace violence is violent acts directed at someone at work or on duty. For example, physical assault, threats, harassment, intimidation, and bullying all qualify. Workplace violence can occur in four contexts:

- *Criminal*: a crime is committed in conjunction with the violence by a person with no legitimate relationship with the business (e.g., robbery, shoplifting, trespassing).
- *Customer*: a person with a legitimate relationship with the business becomes violent (e.g., patients, students, inmates, customers).
- *Coworker*: a current or past employee attacks or threatens another employee (e.g., contractor, temp).
- *Domestic*: a person who has no legitimate relationship with a business but has a personal relationship with the victim commits some form of violence against an employee (e.g., family member, boyfriend).

Most workplace homicides were criminal, and only a small number were between coworkers. Work-related homicides have decreased. Nonfatal violence averaged 12.6 incidents per 1,000 workers but was higher for police officers (261/1,000), taxi drivers (128/1,000), bartenders (82/1,000), special education teachers (68/1,000), and junior high teachers (54/1,000).[41] Employees in some of these occupations and others such as nurses routinely receive training on dealing with violent behaviors.[42]

Workplace Violence Warning Signs There are a number of warning signs and characteristics of a potentially violent person at work. Individuals who have committed the most violent acts have had the relatively common profile depicted in Figure 14-11. A person with some of these signs and characteristics may cope for years until a trauma pushes that person over the edge. A profound humiliation or rejection, the end of a marriage, the loss of a lawsuit, termination from a job, or other sources of stress may make a difficult employee turn violent.[43]

Workplace Incivility and Bullying Workplace incivility occurs when rude behavior by ill-mannered coworkers or bosses makes the targets of incivility feel annoyed, frustrated, or offended. Most do not find incivility serious

FIGURE 14-11   **Profile of a Potentially Violent Employee**
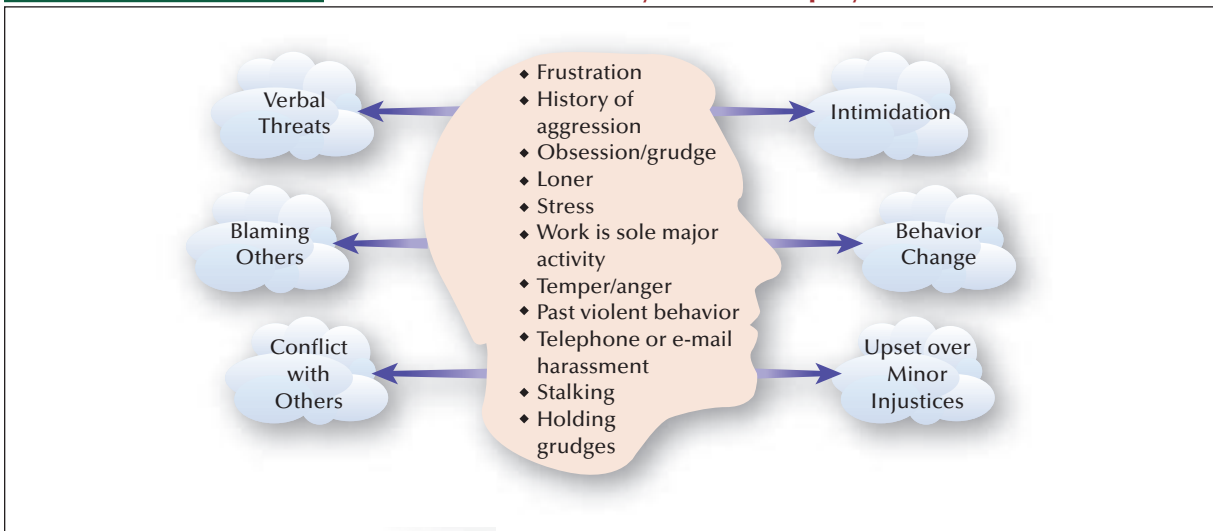
enough for formal action.[44] But incivility can escalate into bullying, which is more likely to require action.[45] Bullying is behavior that the victim perceives as oppressive, humiliating, threatening, or infringing on the victim's human rights. Such behavior must occur over an extended period of time. Bullying, especially by supervisors, can result in damage to the employee and to the organization and turnover.[46]

Perceptions of organizational support moderate the impact on a person's intention to leave an organization due to bullying.[47] This suggests a need for management attention to the problem through training, policies, and codes of conduct.[48]

Domestic Causes of Workplace Violence Too often violence that begins at home with family or "friends" can spill over to the workplace. One in five homicides of women at work is perpetrated by current or former husbands or boyfriends.[49] Also, many abused women report being harassed frequently at work, by telephone or in person, by abusing partners.

A reaction by employers is to ignore obvious signs of domestic violence. In fact, some employers have been sued and found liable for ignoring pleas for help from employees who later were victims of domestic violence in company parking lots or on employer premises.

Dealing with Workplace Violence The increase in workplace violence has led many employers to develop policies and practices for trying to prevent and respond to workplace violence. Policies can identify how workplace violence is to be dealt with in conjunction with disciplinary actions and referrals to EAPs. Training of managers and others is an important part of successful practice.

One application of these policies is a *violence response team*. Composed of security personnel, key managers, HR staff members, and selected employees, this team functions much like a safety committee, but with a different focus. Such a team conducts analyses, responds to and investigates employee threats, and may even help to calm angry, volatile employees.

Employers must be careful because they may face legal action for discrimination if they discharge employees for behaviors that often precede violent acts. For example, in several cases, employees who were terminated or suspended for making threats or even engaging in physical actions against their coworkers then sued their employers by claiming they had mental disabilities covered under the Americans with Disabilities Act.

Post-violence response is another part of managing workplace violence. Whether the violence results in physical injuries or deaths or just intense interpersonal conflicts, it is important that employers have plans to respond afterward. Their response must reassure employees who may be fearful of returning to work or who experience anxiety and sleeplessness, among other reactions. Providing referrals to EAP resources, allowing employees time to meet with HR staff, and arranging for trained counselors on-site are all part of post-violence response efforts.

Security Management

A comprehensive approach to security management is needed to address a wide range of issues, including workplace violence. HR managers may have responsibility for security programs or may work closely with security managers or consultants.

Security Audit In a **security audit**, HR staff conduct a comprehensive review of organizational security. Sometimes called a *vulnerability analysis*, such an audit uses managers inside the organization (e.g., the HR manager and the facilities manager) and outsiders (e.g., security consultants, police officers, fire officials, and computer security experts) to assess security issues.

Typically, a security audit begins with a survey of the area around the facility. Such factors as lighting in parking lots, traffic flow, location of emergency response services, crime in the surrounding neighborhood, and the layout of the buildings and grounds are evaluated. The audit also may include a review of the security available within the firm, including the capabilities of guards. Another part of the security audit reviews disaster plans, which address how to deal with events such as earthquakes, floods, tornadoes, hurricanes, and fires.

Controlled Access A key part of security involves controlling access to the physical facilities of the organization. Many workplace homicides occur during robberies. Therefore, employees who are most vulnerable, such as taxi drivers and convenience store clerks, can be provided bulletproof partitions and restricted access areas.

Many organizations limit access to facilities and work areas by using electronic access or keycard systems. Although not foolproof, these systems can make it more difficult for an unauthorized person, such as an estranged spouse or a disgruntled ex-employee, to enter the premises. Access controls also can be used in elevators and stairwells to prevent unauthorized persons from entering designated areas within a facility.

Controlling computer access may be an important part of securing IT resources. Coordination with information technology resources to change passwords, access codes, and otherwise protect company information may be important.

Violence Training Managers, HR staff members, supervisors, and employees should be trained on how to recognize the signs of a potentially violent employee and what to do when violence occurs.[50] During training at many firms, participants learn the typical profile of potentially violent employees and are trained to notify the HR department and to refer employees to outside counseling professionals. Such training requires observers to notice verbal and nonverbal reactions by individuals that may indicate anger or hostility, and to listen to individuals exhibiting such reactions.

Specific suggestions addressed in training for dealing with potentially violent employees typically include the following:

- Ask questions requiring explanations and longer answers that allow individuals to "vent."
- Respond calmly and nonthreateningly to individuals' emotions, acknowledge concerns, and demonstrate understanding about how the individuals feel.
- Get assistance from others, perhaps a manager not directly affected by the situation being discussed.
- Indicate the need for time to respond to the concerns voiced, and then set up another time for follow-up.
- Notify security personnel and HR staff members whenever employees' behaviors change dramatically or when job disciplinary action may provoke significant reactions by employees.

Security audit
Comprehensive review of organizational security.

Employee Screening and Selection

A key facet of providing security is screening job applicants. HR management is somewhat limited by legal constraints on what can be done, particularly regarding the use of psychological tests and checking of references. However, firms that do not screen employees adequately may be subject to liability if an employee commits crimes later. For instance, an individual with a criminal record for assault was hired by a firm to maintain sound equipment in clients' homes. The employee used a passkey to enter a home and assaulted the owner; consequently, the employer was ruled liable for not doing an adequate background check. Of course, when selecting employees, employers must be careful to use only valid, job-related screening means and to avoid violating federal EEO laws and the Americans with Disabilities Act.

Security Personnel

Providing adequately trained security personnel in sufficient numbers is a critical part of security management. Many employers contract for these personnel with firms specializing in security. If security is handled in-house, security personnel must be selected and trained to handle a variety of workplace security problems, ranging from dealing with violent behavior by an employee to taking charge in natural disasters.

DISASTER PREPARATION AND RECOVERY PLANNING

During the past several years, a number of significant disasters have occurred. Some have been natural disasters, such as hurricanes, major snowstorms, flooding in various states, tornadoes, and forest fires. There also has been concern about terrorism, and some firms have been damaged by fires and explosions. All of these situations have led to HR management having an expanded role in disaster planning.

To prepare for any instance in which organizations and their employees are impacted by such events, crisis management has become important. Yet various surveys have found that about one-third of organizations do not have disaster plans. Of those that do, about half have not tested or revised their plans.[51] For an example of one disaster plan that got tested, see the HR Perspective.

Disaster Planning

For disaster planning to occur properly, three components must be addressed by HR, as shown in Figure 14-12. Imagine that a hurricane destroys the work facility where employees work, as well as many of the employees' homes. Or picture an explosion or terrorist attack that prohibits workers from getting to their workplaces. Such situations illustrate why each of the components in Figure 14-12 has human dimensions to be addressed.

Organizational Assessment Organizational assessment includes establishing a disaster planning team, often composed of representatives from HR, security, information technology, operations, and other areas. The purpose of this team is to conduct an organizational assessment of how various disasters might

Disaster Plan Put to the Test

When the wildfires started in southern California, Los Angeles based TelePacific Communications had it covered. The state's third-largest telecommunications provider had a disaster plan. Further, the plan had been tested through drills earlier in the year. The company was able to respond quickly because it had the plan—but there were problems, as will always be the case. Shutting the offices down was not an option, as customers needed telecommunication capability more than ever.

The fires touched about 45 employees in San Diego and 125 in Irvine. Ten employees had to evacuate their homes, some lost their homes, and smoke permeated the office, making working difficult. What the company did not foresee was voluntary evacuations. Employees in San Diego and Irvine who became concerned about road closures or the smoke-filled offices left work without telling management. The number who did so became a factor in trying to maintain critical business functions.

The disaster plan had been put together by a team who had insights from previous California disasters as well as New York on September 11, 2001. This team effort recognized priorities and critical functions for operations during a disaster. Several things worked well. A GPS system tracked vehicles of employees who were in the field so the company knew where techs were. Two HR professionals oversaw the "War Room," allowing regular updates. Employees suffering direct losses were given pay and other assistance to help, and managers kept contact with most employees and presented a uniform message on what to do.

However, the live test of the plan demonstrated that some changes needed to be made. In the future, e-mail will be used instead of telephones for updates. A vendor put fans and air purifiers in place to fix the office-air problem. Voluntary evacuations have been addressed in the new disaster plan as well.

Ideally, companies should not wait for a disaster to test a plan, but no matter how carefully a plan is done, there will always be deficiencies that surface during a test, as TelePacific Communications found.[52]

affect the organization and its employees. Then a disaster recovery plan is developed to identify how the organization will respond to different situations.

Human Impact Planning A number of areas are part of human impact planning, including items such as having backup databases for numerous company details, along with employee contact information. Who will take

| FIGURE 14-12 | **Disaster Planning Components** |
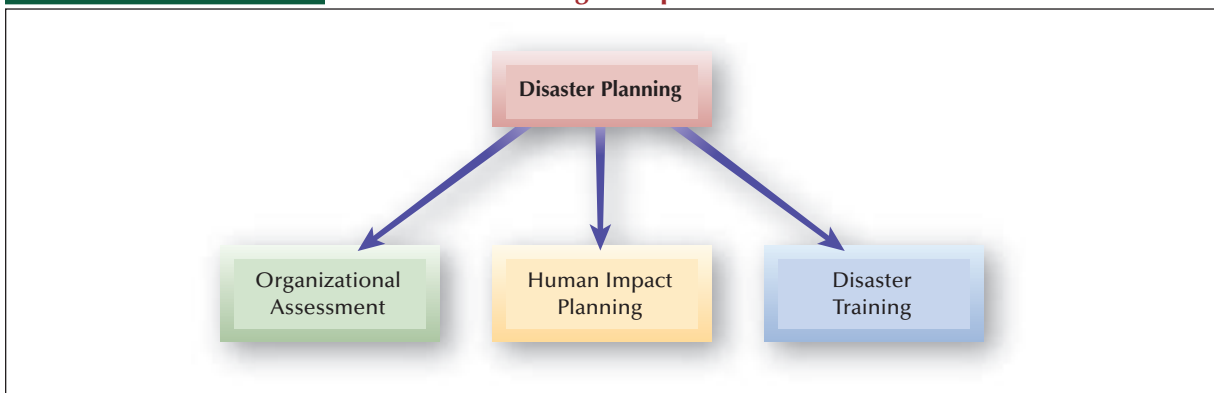
responsibilities for various duties and how these efforts will be coordinated must be identified. For instance, following Hurricane Katrina, many employers could not reach employees, nor could employees contact their employers. However, firms such as Home Depot and Wal-Mart had databases outside of the Gulf Coast area. Employees could contact any other company location or a national hot line and learn about receiving paychecks, ask benefits questions, and even find out about continuing employment elsewhere. Home Depot allowed evacuees to become employees at any other U.S. location, and these stores had access to employment history and payroll data, making the worker transition easier. Yet estimates are that about a third of employee contact information in employer files is not current.

Disaster Training All of the planning efforts may be wasted if managers and employees are not trained on what to do when disasters occur. This training covers a wide range of topics, including the following:

- First aid/CPR
- Hazardous materials containment
- Disaster escape means
- Employer contact methods
- Organizational restoration efforts

But this training is not sufficient without conducting exercises or simulations for managers and employees to use the training.[53] Much like public schools have tornado evacuation exercises, employers may have site evacuation drills. Regular tests to ensure that information technology and databases are security accessible outside of the main location should occur. Testing responses if a workplace violence attack occurs may identify additional activities needed in an organization. Training must be a continuing consideration, and must reflect updated disaster planning efforts.[54]

Disaster Planning for Disease

A significant worldwide concern is the occurrence of environmental risks. One issue during the past few years has been the spread of various kinds of viruses and flu throughout the world. The global nature of business travel has increased the likelihood of the spread of a deadly virus. Two key issues are whether to evacuate expatriate employees from locations where flu occurs and how to protect local employees if the flu symptoms occur within an area.[55]

The concerns about flu and other pandemic diseases have led OSHA to establish guidelines for employers to use. The guidelines have special sections for firms in the poultry production industry due to their higher vulnerability. Relatively few U.S. employers and other worldwide organizations are prepared for the spread of pandemic flu or any other critical environmental disease. Many of the recommendations for preparations are similar to other types of disaster planning, but specialized policies, programs, and training may be needed. Experts project that there could be a major epidemic disease spread, whether a natural one or one instigated by terrorism. Thus, risk management preparation for this specialized area is part of broader disaster preparation and recovery planning efforts.

SUMMARY

- The four components of risk management are workplace safety and health, employee health/wellness promotion, workplace and worker security, and disaster preparation and recover planning.
- Health is a general state of physical, mental, and emotional well-being. Safety is a condition in which the physical well-being of people is protected. Security is the protection of employees and organizational facilities.
- Global security is of growing importance, and emerging health services, terrorism, and kidnapping are key concerns.
- Workers' compensation coverage is provided by employers to protect employees who suffer job-related injuries and illnesses.
- Both the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA) affect employer health and safety policies and practices.
- The Fair Labor Standards Act (FLSA) limits the types of work that younger employees, especially those under the age of 18, can perform.
- The Occupational Safety and Health Act states that employers have a general duty to provide safe and healthy working conditions.
- The Occupational Safety and Health Administration (OSHA) has established enforcement standards to aid in a number of areas, including hazard communication.
- Ergonomics looks at the physical demands of work.
- OSHA addresses employee work assignments, requires employers to keep records on occupational illnesses and injuries, inspects workplaces,

- and can issue citations for several levels of violations.
- Effective safety management requires integrating three approaches: organizational, engineering, and individual.
- Developing safety policies, disciplining violators, keeping safety records, conducting safety training, communicating on safety issues, establishing safety committees, inspecting work areas for safety concerns, investigating accidents, and evaluating safety efforts are all part of comprehensive safety management.
- Substance abuse, emotional/mental health, workplace air quality, and smoking at work, as common health issues, are growing concerns for organizations and employees.
- Employee health is promoted by employers at several levels to improve organizational operations and individual employee productivity.
- Employers have responded to health problems by establishing and supporting wellness programs and employee assistance programs (EAPs).
- Establishing and maintaining an organizational culture of health continues to pay off for a number of employers.
- Security of workplaces is important, particularly as the frequency of workplace violence increases.
- Employers can enhance security by conducting a security audit, controlling access to workplaces and computer systems, screening employees adequately during the selection process, and providing security personnel.
- Disaster preparation and recovery planning have grown as important HR concerns.

CRITICAL THINKING ACTIVITIES

1. How does one go about controlling workers' compensation costs, and why is that important?

2. What should an employer do when facing an OSHA inspection?

3. As the HR manager of a distribution and warehouse firm with 600 employees, you plan to discuss a company wellness program at an executive staff meeting next week. The topics to cover include what a wellness program is,

how it can benefit the company and employees, and the process for establishing it. To aid in developing your presentation to the executives, consult the website www.welcoa.org and other applicable websites you can locate.

4. What should be included in disaster planning for a big employer in New York City that is concerned about terrorism attacks that might shut down the company and part of the city?

HR EXPERIENTIAL PROBLEM SOLVING

Due to an increase in recent employee layoffs because of economic conditions and the increased risk of workplace violence, as well as an increase in domestic restraining orders that several employees have recently obtained against former spouses, company management has decided it is time to take a proactive position and develop a workplace violence action plan. There are many factors to consider, as your company has three locations and more than 500 employees. For information to assist you in identifying workplace violence categories and prevention strategies, visit the website at www.fbi.gov/publications/violence.pdf.

1. Which workplace violence categories are of most concern to your company?

2. What steps and provisions do you need to include in your workplace violence action plan?

CASE

Data Security

Policing the workplace used to mean reminding employees about personal phone calls and making sure that paper clips did not disappear. But with the computer revolution at work that began in the 1990s, checking on employee behavior at work became considerably more technical. The threats to data security, not to mention other threats for potential lawsuits (e.g., sexual harassment), are now more complex as well. New federal laws pertaining to financial and medical records have put increased pressure on companies to protect their data. But auditing user privacy cannot be done without input and buy-in from HR, notes a senior consultant with an IT security firm in Massachusetts.

Whether the concern is in appropriate Internet usage or transferring files outside the company, HR may be the first to learn of a problem. Although the possibility of outside attacks on the computer network is a real problem, the threat of internal security breaches is even greater. The growing insider problem and the sheer volume of electronic messages coming into and out of a company (a large company easily processes one million e-mails per day) present HR with a challenge on data security policy development, implementation, and enforcement.

HR may be asked to "identify personnel at risk" who might require more stringent watching, such as people who are sending out résumés. In many cases, people leaving organizations take advantage of the opportunity to take intellectual property with them. Security software identifying employee behaviors will always require HR involvement. Policy violations, banned sites, and stealing identity data are examples. Companies look very bad when sensitive customer or employee data are stolen or leaked to the public. Employees can easily resent the security measures and see the security as "Big Brother" watching. However, the growth of identity theft and spyware means that more employees have been personally affected by data security and are more likely to recognize the need for their employers' data security efforts.

At Spherion, HR publishes a "computer and telecom resources policy" that specifies appropriate usage and a code of conduct. Employees must read and sign the policy. The company also has an IT Risk Team with members from HR, accounting, internal auditing, and other departments.

There are, of course, attempts at a purely technical solution to the problem. But it is clear that HR must have a role in balancing employee privacy with company risk management. A simple act, such as a bank's loan officer burning credit information to a CD and selling the data to another bank, can undo all the technical protections. The human side—developing a policy, communicating it, helping people understand why it is needed, and applying it fairly—is the big piece for HR.[56]

QUESTIONS

1. How would you communicate a data security policy that required software checking of employees' emails?

2. What elements should a data security policy for a bank include?

3. Employee data theft most frequently occurs with new employees or when an employee has given notice and is leaving. How would you deal with these two very different issues?

S U P P L E M E N T A L   C A S E S

What's Happened to Bob?

This case concerns warning signs of possible alcohol use and the consequences at work. (For the case, go to www.cengage.com/management/mathis.)

Communicating Safety and Health Success

This case provides information on the success of safety and health efforts in the workplace. (For the case, go to www.cengage.com/management/mathis.)

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