

Professional Aviation Safety Specialists, AFL-CIO
Contract Representative Training



▶ Introduction to
Occupational Safety &
Health (OSH)

Intro to Occupational Safety and Health

In this hour we will discuss:

- What is Occupational Safety and Health (OSH)
- A brief History of OSH in the United States
- The Occupational Safety and Health Act of 1970
 - OSHA Standards
 - General Duty Clause
 - Duty to Consult
- NIOSH and OSHA Familiarization (Exercise)



Intro to Occupational Safety and Health

What is occupational safety and health?

- **Occupational**
 - Has to do with work or employment
- **Safety**
 - Free from risk of harm
(risk is usually from a discrete event – short-term)
- **Healthful**
 - Free from the risk of exposure to causes of illness
(risk can be from an event – usually a long-term exposure)



Intro to Occupational Safety and Health

- When did occupational safety and health emerge in the U.S?
 - **1877** Massachusetts passed the nation's first safety and health legislation.
 - Required the guarding of belts, shafts and gears, protection on elevators, and adequate fire exits in factories.



Intro to Occupational Safety and Health

The federal government gets involved.

- **1903** – U.S. Bureau of Labor began publishing graphically detailed studies of **occupational fatalities and illnesses in the dusty trades**, as well as other safety and health topics.
 - Safety or health?



Intro to Occupational Safety and Health

- 1913 – U.S. Department of Labor is established.



Portrait Artist: Hans Schlereth

William B. Wilson

The Secretary- Treasurer of the **United Mine Workers of America** was appointed the **first Secretary of Labor**

- It's significant that five of the first 15 Secretaries of Labor (1913 thru 1977) were union leaders at some point in their careers.
- The Department went through 13 more Secretaries before another labor leader was appointed in 2021, current Secretary Marty Walsh.



Intro to Occupational Safety and Health

- 1940 – All states have job-related safety measures.



Intro to Occupational Safety and Health

- 1970 – The Occupational Safety and Health Act – or OSH Act is signed into law by Richard M. Nixon. (P.L. 91-596)
 - Created OSHA (Occupational Safety and Health Administration)
 - Create standards
 - Enforce Standards
 - Created NIOSH (National Institute for Occupational Safety and Health)
 - Conduct scientific research
 - Advise OSHA

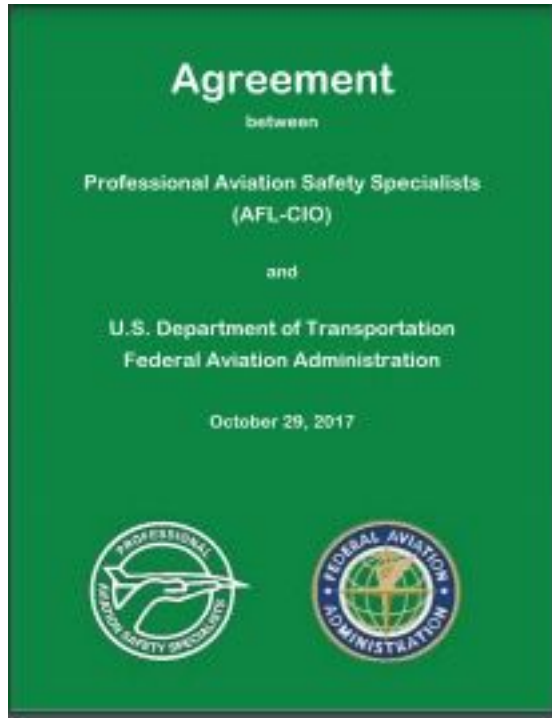


Intro to Occupational Safety and Health

Article 54, Section 1:

Section 1. General.

a. The **Agency shall comply with** all applicable federal regulations associated with occupational safety and health, including but not limited to: Executive Order 12196; **P.L. 91-596**; 29 CFR § 1910; 29 CFR § 1926; 29 CFR § 1960; FAA Order 3900.19; and Agency Directives.



Intro to Occupational Safety and Health

AGREEMENT
Between the
PROFESSIONAL
AVIATION SAFETY
SPECIALISTS (AFL-CIO)
AVS Bargaining Units
and the
FEDERAL AVIATION
ADMINISTRATION
DEPARTMENT OF
TRANSPORTATION



Article 86, Section 1:

Section 1. General.

a. **The Agency shall comply with** all applicable federal regulations associated with occupational safety and health, including but not limited to: Executive Order 12196; **P.L. 91-596**; 29 CFR § 1910; 29 CFR § 1926; 29 CFR §1960; FAA Order 3900.19; and Agency Directives.



Intro to Occupational Safety and Health

OSH ACT
SEC.19.

Federal Agency Safety Programs and Responsibilities

It shall be the responsibility of the head of each Federal agency (not including the United States Postal Service) to **establish and maintain an effective and comprehensive occupational safety and health program** which is **consistent with the standards** promulgated under section 6.



Intro to Occupational Safety and Health

What does it mean?

- Federal agencies must comply with the same OSHA standards as private sector employers.
 - 29 CFR Part 1910 – Safety Standards for General Industry
 - 29 CFR Part 1926 – Safety Standards for Construction

Additionally for federal agencies:

29 CFR Part 1960 - Basic Program Elements for Federal Employee Occupational Safety and Health Programs



Intro to Occupational Safety and Health

General Duty Clause

Employers must provide a safe **workplace even if there is no specific OSHA standard** addressing a hazard to safety or health.

Federal agency version is at 29 CFR § 1960.8(a):

The head of each agency shall furnish to each employee employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.

Private Sector version is in the OSH Act of 1970 § 5(a):

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.



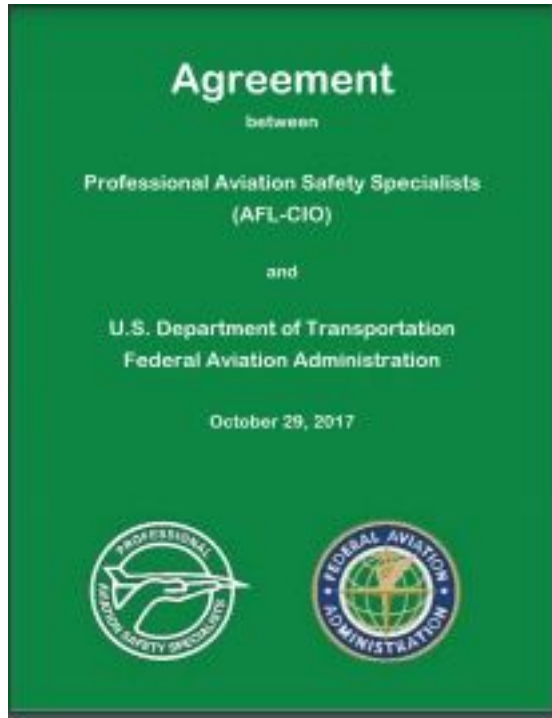
Intro to Occupational Safety and Health

Let's take a look at the standards on OSHA's website:

<https://www.osha.gov/>



Intro to Occupational Safety and Health



Article 54, Section 1:

Section 1. General.

a. The **Agency shall comply with** all applicable federal regulations associated with occupational safety and health, including but not limited to: Executive Order 12196; P.L. 91-596; **29 CFR § 1910**; **29 CFR § 1926**; **29 CFR §1960**; FAA Order 3900.19; and Agency Directives.



Intro to Occupational Safety and Health

AGREEMENT

Between the
**PROFESSIONAL
AVIATION SAFETY
SPECIALISTS (AFL-CIO)**
AVS Bargaining Units

and the

**FEDERAL AVIATION
ADMINISTRATION
DEPARTMENT OF
TRANSPORTATION**



Article 86, Section 1:

Section 1. General.

a. **The Agency shall comply with** all applicable federal regulations associated with occupational safety and health, including but not limited to: Executive Order 12196; P.L. 91-596; **29 CFR § 1910**; **29 CFR § 1926**; **29 CFR §1960**; FAA Order 3900.19; and Agency Directives.



Intro to Occupational Safety and Health

The OSH Act Continues

The head of each agency shall

(after consultation with representatives of the employees thereof)

- (1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;
- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;



Intro to Occupational Safety and Health



Consult

1: to have regard to : CONSIDER

: to ask the advice or opinion of

Is this the same thing as “bargaining?”



Intro to Occupational Safety and Health

In summary:

- **OSH ACT of 1970** instructs federal agencies to:
 - **Comply** with OSHA standards
 - **Consult** with unions



Intro to Occupational Safety and Health

Important Takeaway

Your role in workplace safety and health as a PASS workplace representative is primarily about ensuring Agency **compliance** with the law: PL 91-596 the **OSH Act of 1970**.

There is **no “wiggle” room** in regard to compliance with safety and health standards.

Additionally, the Agency must **consult** with us regarding how they go about complying with those standards.

Any “bargaining” is around **how** the Agency will comply; **not** around **whether** the Agency complies with standards.



Intro to Occupational Safety and Health

NIOSH and OSHA Familiarization Exercise & Break



Intro to Occupational Safety and Health

During the last hour we discussed:

- OSH is about **eliminating the risk** of injury or illness in the workplace.
- Massachusetts took the lead by regulating safety in 1877.
- All States had regulated OSH by 1940.
- The Occupational Safety and Health Act of 1970
 - OSHA Standards
 - General Duty Clause
 - Duty to Consult
- NIOSH performs OSH research to inform OSHA regarding where new and improved regulations may be necessary.



Intro to Occupational Safety and Health

During the next hour we will discuss specific OSH related duties of a PASS workplace representative.

- PASS representative's OSH roles and emphasis.
- Workplace Inspections.
 - ❑ FAA Self Inspections
 - ❑ FAA Special Inspections
 - ❑ Accident Inspections
 - ❑ OSHA Inspections
- OSHECCOM
 - ❑ Organization
 - ❑ Structure
 - ❑ Operation
 - ❑ Issue Identification and Resolution
 - ❑ Reporting



Intro to Occupational Safety and Health

OSH Roles and Emphasis



Intro to Occupational Safety and Health

The role of PASS is **not** to police the workforce.

- Ensuring that employees follow safe work practices is an Agency role.
- PASS's role is to ensure that employees have what they need to effectively perform work in a safe manner,
 - in a safe and healthful environment.



Intro to Occupational Safety and Health

- Primary emphasis of PASS regarding OSH:
 - Ensure safe workplaces.
 - Built and maintained to code.
 - Hazardous materials are identified, managed, maintained, and abated.
 - Safe and healthful environment per applicable standards.
 - Ensure that employees are provided necessary information and training.
 - Ensure that employees are provided necessary equipment and personal protective equipment (PPE).



Intro to Occupational Safety and Health

Workplace Inspections



Intro to Occupational Safety and Health

Workplace Inspections

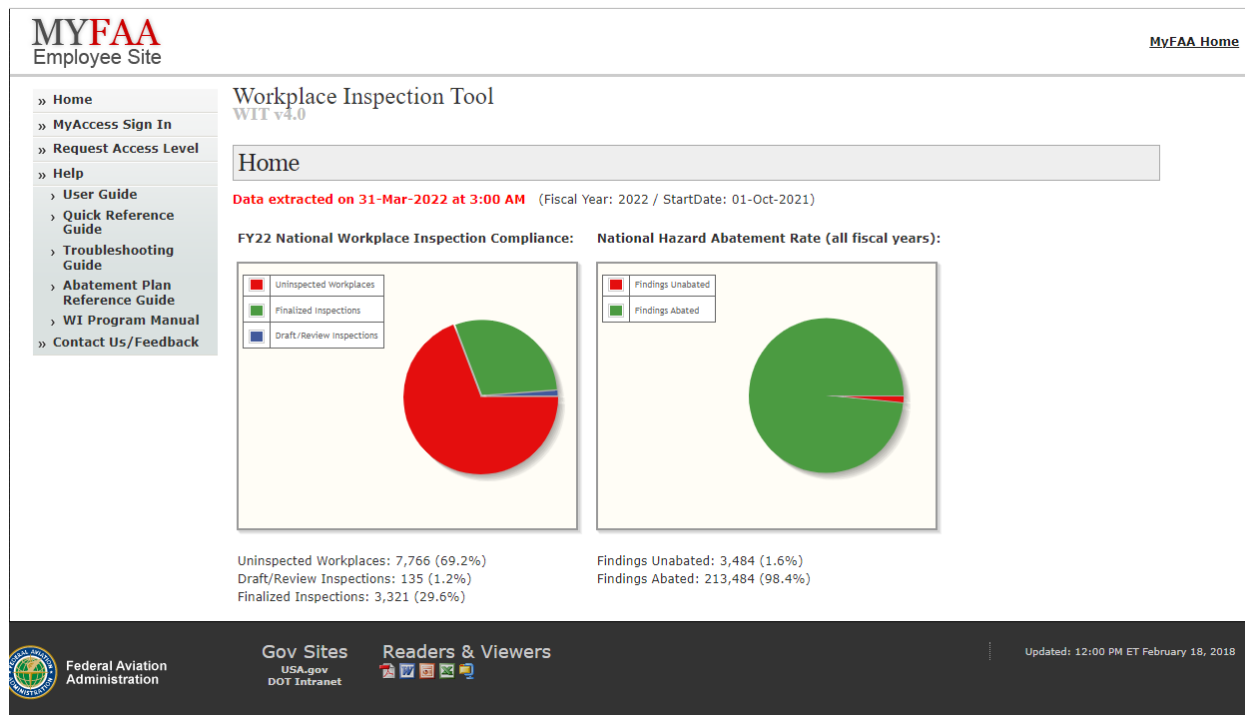
- The Agency is required to perform inspections of all workplaces annually; 29 CFR § 1960.25(c):
- **All** areas and operations **of each workplace**, including office operations, shall be inspected at least annually.



Intro to Occupational Safety and Health

Workplace Inspections

Agency annual inspections are sometimes called “WIT” inspections after the Workplace Inspection Tool database that the inspections are recorded in.



Intro to Occupational Safety and Health

Workplace Inspections

PASS's right to represent employees during workplace OSH inspections comes from 29 CFR § 1960.27 (a):

... A representative of the official in charge of a workplace and **a representative of employees** shall be given an opportunity to accompany Safety and Health Inspectors during the physical inspection of any workplace,



Intro to Occupational Safety and Health

Workplace Inspections

Your role as employee representative is **not** to act as an escort for travel and access (although you may provide that as a convenience).



Intro to Occupational Safety and Health

Your role as a representative of employees **is** to:

- Both to **aid the inspection**,
- and to **provide** such representatives with **more detailed knowledge** of any existing or potential unsafe or unhealthful working conditions.



Intro to Occupational Safety and Health

The representative of employees shall be selected by the employees.

- That means designated by PASS.



Intro to Occupational Safety and Health

In other words,

- Management can't simply grab someone and designate him/her as the representative of employees.
- Designation of the representative of employees during workplace OSH inspections is a primary duty of a PASS workplace representative.



Intro to Occupational Safety and Health



PROFESSIONAL AVIATION SAFETY SPECIALISTS

Blue River SSC Office
2145 ATCT Circle
Blue Sky, MT 59105
406-289-1600

May 5, 2022

Via E-mail

Receipt Ack: _____

Date: _____

David Blowhard
Blue River SSC Manager
2145 ATCT Circle
Blue Sky, MT 59105

Mr. Blowhard:

I hereby designate the following individuals as representative of employees for any safety or health workplace inspection of any work or workplace associated with the Blue River SSC. The Agency must provide the required training for these individuals: OSHA 6005 with an 8-hour field exercise (mock inspection), both presented by an OSHA OTI instructor.

Name(s)

Sincerely,

Scott Diligent
Blue River SSC Representative

cc: Dennis Eversharp, PASS Blue Sky District Representative
Louis Diehard, PASS Regional (AXX) Safety Representative



Intro to Occupational Safety and Health

PASS workplace representatives should only designate PASS members who have been properly trained.

- Three hours of classroom training (OSHA 6005)
- Eight-hour field exercise, mock inspection.
- All training must be provided by an OSHA Training Institute (OTI) Instructor



Intro to Occupational Safety and Health

29 CFR § 1960.59 **Training of** employees and **employee representatives.**

(b) Occupational safety and health training for employees of the agency who are representatives of employee groups, such as labor organizations which are recognized by the agency, shall include both

introductory

and

specialized

courses and materials



Intro to Occupational Safety and Health

... that will enable such groups to **function appropriately** in ensuring safe and healthful working conditions and practices in the workplace.



Intro to Occupational Safety and Health

and enable them to ...

effectively assist in conducting workplace safety and health inspections.



Intro to Occupational Safety and Health

Workplace Inspections

There are several different workplace inspections that a PASS designated employee representative may participate in:

- FAA Self Inspections
 - Usually annual
- Special Inspections
 - Employee reported hazard
 - Joint Acceptance Inspection (JAI) of new facility
- Accident Inspections
- OSHA Inspections



Intro to Occupational Safety and Health

Safety Committees (OSHECCOM)



Intro to Occupational Safety and Health

What provision from the OSH Act of 1970 (P.L. 91-596) § 19 does a union/agency workplace safety committee help fulfill?

The head of each agency shall:

(after consultation with representatives of the employees thereof)

- (1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;
- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;



Intro to Occupational Safety and Health

PASS assists the Agency in meeting its obligation to consult with representatives of employees by participating in safety committees (OSHECCOM).

- It is largely up to us to ensure that actually happens.



Intro to Occupational Safety and Health

The National OSHECCOM
Charter describes OSHECCOM:

- Organization
- Structure
- Operation
- Issue Identification and Resolution
- Reporting

Occupational Safety, Health, and Environmental Compliance Committee (OSHECCOM)

Charter

Revision 1


Robert A. Sturgell, Acting Administrator

JUN 4 2008
Date

Revision 1, with Oct 15, 2008, Oct 15, 2009, Oct 20, 2011, and Oct 17, 2012 Editorial Changes

1 of 25



Intro to Occupational Safety and Health

OSHECCOM Organization

- Establishment
 - Staffed facility
 - Covers associated unstaffed workplaces (facilities/structures)
 - Each distinct type of work in a facility is its own establishment
 - e.g. ATC versus ATSS
- Regional/Center
 - Each of the FAA's 9 regions (AAL, ACE, AEA, AGL, ANE, ANM, ASO, ASW, AWP)
 - Each of the two Centers (MMAC / WJHTC)
- National



Intro to Occupational Safety and Health

OSHECCOM Structure

- Equal number of management and nonmanagement members who are members of record.
 - Chairperson
 - Alternates between management and nonmanagement biannually
 - Vice Chairperson (optional)
 - OSHECCOM Coordinator
 - (may be an OSHECCOM member)
 - Additional members as agreed to by the parties.



Intro to Occupational Safety and Health

OSHECCOM Operation

- Establishment OSHECCOM meets quarterly
- OSHECCOMs determine how many of their members must be present for a vote (a.k.a. quorum)
- Consensus decision making



Intro to Occupational Safety and Health

OSHECCOM Reporting

- Establishment OSHECCOMs must submit a report to the Regional OSHECCOM after each meeting.



Intro to Occupational Safety and Health

OSHECCOM is an opportunity – nothing more.

- What you do with that opportunity as a representative determines its worth.



Intro to Occupational Safety and Health

During the last hour we discussed:

- Workplace safety and health inspections.
 - ❑ All workplaces must be inspected annually
 - ❑ A PASS designated employee representative's role is to actively participate in the inspection, not passively observe
 - ❑ All PASS representatives and designated inspection employee representatives must receive basic and specialized training
- OSHECCOM
 - ❑ A forum in which the Agency consults and with PASS regarding safety and health matters
 - ❑ OSHECCOM structure and operation is parallel to FAA organizational structure



Intro to Occupational Safety and Health

The End

