



Virtual Safety Summit Agenda

Session 1 – OSHA Compliance: OSHA Enforcement and Rulemaking Updates and Compliance Trends

Presented by Eric J. Conn, Esq. and Daniel Deacon, Esq., Conn Maciel Carey LLP

Run Time - 1:22:41

We are three years into the Trump Administration, and we have seen a mixed bag of change and business-as-usual at OSHA in enforcement and rulemaking. We watched late Obama-era OSHA rules get repealed or amended and a modest boost in compliance assistance—the sort of policy shifts you expect in a transition from a Democratic to a Republican administration. However, we have also seen plenty of the unexpected, such as increases in most enforcement metrics, including record numbers of \$100K+ enforcement actions. And most surprising of all, OSHA still does not have an Assistant Secretary—the longest ever vacancy for the top job at OSHA. As we move through this election year, the final year of President Trump’s current term, we expect more reshuffling of OSHA enforcement policies and rulemaking priorities, and surely more surprises. This session will offer a deep dive into OSHA enforcement and regulatory developments. And, since past is prologue, this session will look back and take stock of what we have learned from and about OSHA over the first three years of the Trump Administration, and more importantly, will look ahead and assess what to expect from OSHA during this election year—from OSHA enforcement data and trends, to rulemaking and deregulatory actions, and personnel developments at OSHA and OSHRC.

You’ll gain an insider’s perspective into OSHA’s latest activities and their potential impact on your industry and your workplace and learn the latest on:

- OSHA and OSHRC organizational developments
- OSHA enforcement data and trends, as well as key case decisions
- The future of OSHA enforcement
- Regulatory developments that may impact your safety policies and procedures
- Significant OSHA policy issues to watch out for the rest of this year heading into 2021

Session 2 - Workplace Violence Prevention: OSHA's GDC, the ADA, and More: Understanding Your Legal Obligations and Limits under Applicable Federal Laws

Presented by Melanie L. Paul, Esq., Jackson Lewis, P.C.

Run Time - 1:08:11

Can you receive an OSHA citation for failing to take steps to prevent workplace violence? What are the potential legal pitfalls of screening applicants and employees in an attempt to reduce the risk of workplace violence? Workplace violence continues to be a top concern for employers everywhere, and businesses of all sizes and in all industries struggle to develop effective preventive measures without running afoul of competing legal obligations. While there is currently no federal regulation specifically addressing workplace violence, employers, nevertheless, still have a legal duty under the Occupational Safety and Health Act's General Duty Clause (GDC) to provide a workplace free from recognized hazards that are likely to result in death or serious physical harm.

This session will cover how to:

- Recognize the legal ramifications of when warning signs of workplace violence are ignored.
- Identify how decisions (or inaction) may spark violations of Section 5(a)(1) of OSHA's GDC with respect to violence at work.
- Navigate intersecting duties under OSHA's GDC and the Americans with Disabilities Act (ADA), which may afford certain employment-related protections to your workforce.
- Legal ways to screen applicants and employees to mitigate the risk of violence in your workplace.
- When you may require an employee to submit to a physical or mental health examination.
- The role employee assistance plans, early intervention, and other measures may play in your ability to defend your organization if alleged GDC violations occur.
- Examples of workplace safety deficiencies involving alarms, exits, lights, and more that could lead to legal liability if a violent attack occurs in your workplace.

Session 3 – OSHA Compliance: Exercising Employer Rights in an OSHA Inspection

Presented by Jenifer Kienle, Esq., Kienle Law, PC

Run Time - 39:41

OSHA has jurisdiction over 7 million worksites, and its scrutiny of those worksites runs the gamut of evaluating imminently hazardous situations, investigating severe illnesses and injuries, worker complaints, referrals from other enforcement agencies, and targeted and follow-up inspections. It's important to know your legal obligations and your legal rights when OSHA conducts any type of inspection of your worksite(s). This session, led by a skilled OSHA attorney, will walk you through what to expect during the OSHA inspection process and provide an essential road map for exercising your organization's legal rights during the inspection.

You'll learn how to:

- Properly identify an OSHA inspector's credentials.
- Recognize the type of information OSHA compliance officers are likely to gather about your organization before OSHA inspectors step foot at your worksite(s).
- Evaluate who from your organization should be the designated representative to accompany the OSHA representative during the inspection.
- Ensure that the OSHA compliance officer doesn't overstep by consulting privately with an unreasonable number of your employees.
- Appropriately handle the walkaround

- Respond to OSHA inspectors' questions—what you should answer and what you don't need to share.
- Determine whether you will appeal citations for OSHA standard violations and serious hazards.

Session 4 - Workplace Violence Prevention: Assessing Your Workplace Violence Risk and Identifying Safeguards to Protect Your Employees

Presented by Dick Sem, CPP, CSC, Sem Security Management

Run Time - 56:21

No one wants to think about the possibility of workplace violence. However, it's consistently among the leading causes of workplace fatalities, and nearly 40,000 nonfatal cases resulting in days away from work occurred in 2017 (the most recent year for which data are available). Organizations can no longer view workplace violence as an outlier or an unpredictable situation that doesn't require preparation. Therefore, it's important for safety professionals to have an accurate understanding of their risk for all types of workplace violence—from assault and harassment to active shooter situations—in order to identify effective safeguards and protect employees, contractors, customers, facility visitors, and more. Risk assessment for workplace violence must take into account industry, occupation, situational risk factors, physical facility features, and much more.

You'll learn how to:

- Identify the industries and occupations with the highest risk for workplace violence.
- Assess your organization's unique risk factors for workplace violence.
- Identify the situations that may put employees, contractors, or customers at risk.
- Recognize red flags that signal an elevated risk of violence.
- Identify effective physical and administrative control methods to reduce the risk of workplace violence.

Session 5 – Planning for Failure: Design Resilient Safety Systems and Procedures that Allow for 'Normal' Levels of Human Error While Avoiding Catastrophic Consequences

Presented by Steve Roberts, PhD, Safety Performance Solutions, Inc.

Run Time - 59:26

This session will teach you how to design workplace systems and procedures that minimize the chance of error and limit the harm.

Session 6 – Safety and Risk Management: Incorporating Visual Literacy to Improve Safety

Presented by Doug Pontsler, Center of Visual Expertise

Run Time - 58:41

What we see, how we interpret what it means, and the actions we take as a result defines much of the work that we do as safety professionals. Yet very few of us ever learn how to see more effectively. By leveraging lessons from art education and applying common processes associated with visual literacy, we can be more effective in identifying hazards, improving incident investigations, and communicating safe working practices. This insightful and innovative application of visual literacy will provide you with a road map for improving your ability to see more effectively and proactively improve your safety performance.

Session 7 – OSHA Compliance: How to Conduct a Fall Hazard Survey and Assessment

Presented by Jake Williams, PE, CSP, REK Associates

Run Time - 57:05

Slips, trips, and falls remain some of the leading causes of serious work-related injuries and deaths. Though OSHA's 2017 Walking-Working Surfaces and Fall Protection Rule helped protect workers in general industry from these hazards by updating and clarifying standards and adding training and inspection requirements, employers won't know just how many fall hazards their premises contains and whether fall protection or PPE is required unless they conduct a fall hazard survey and assessment. This session will show you how to accomplish that.

Session 8 - Workplace Violence Prevention: The Role of Physical Security, Policies, and Procedures: Choosing Effective Safeguards

Presented by Hector Alvarez, CTM, MS, Alvarez Associates LLC

Run Time - 54:28

It's often the case that even though a security vulnerability is recognized, and a mitigation strategy is identified the concerning problems persist. The stark reality is that security measures are only as effective (or ineffective) as the supporting policies and procedures.

This session will provide expert insight from a security expert on how to:

- Identify security risks.
- Close security gaps using various security controls.
- Design and implement security training that includes routine tactical prevention activities across your workplace—whether you've got one office or several worksites.
- Monitor your workplace security program to evaluate what's working and what needs improvement.
- Recognize the importance of local demographic awareness, and work with local law enforcement to keep your worksites safe.

Session 9 - Workplace Violence Prevention: After the Violence Ends: A Case Study of Lessons Learned

Presented by Alicia Richardson and Ashley Withrow, Cleveland Clinic

Run Time - 59:58

Nothing demonstrates the true consequences of workplace violence more than real-life examples of organizations that found themselves having to pick up the pieces following a violent attack on their workplace. This case study will walk you through the immediate and long-term impact on employees and what organizational leadership, supervisors and managers, the workforce at large, and law enforcement did right, as well as the lessons they learned that you can apply in your organization to prevent and mitigate the unthinkable.

Session 10 – Safety and Risk Management: ISO 45001: How the Adoption of This International OH&S Standard Will Impact How You Manage Workplace Health and Safety

Presented by Edwin G. Foulke, Jr., Esq., Fisher Phillips LLP

Run Time - 1:03:17

The international occupational health and safety (OH&S) standard ISO 45001 has been out since March 2018, but many organizations are still unsure of how this benchmark applies to their hazard controls, the steps they should be taking to implement its principles, and how using an ISO 45001 framework

can offer both organizational and safety benefits. It's important to understand the scope of ISO 45001 and how it fits into existing OH&S standards.

This session will explain how to:

- Recognize how ISO 45001 fits into existing OH&S standards.
- Identify how ISO 45001 differs from OHSAS 18001.
- Understand ISO 45001's practical impact on your business.
- Evaluate whether to adopt ISO 45001 and what you'll need to do to implement its principles.

Session 11- Safety Leadership: Want Better Safety Outcomes? Try Servant Leadership and Build a Sense of Community Not Just a Culture

Presented by David J. Sarkus, MS, CSP, David Sarkus International, Inc.

Run Time - 1:08:56

Being a strong safety leader requires the ability to engage and influence attitudes and actions in a meaningful way. One of the best ways to ensure that you have positive influence over those you seek to lead is to practice servant leadership. But what are the key characteristics that successful servant leaders share? And how can you use servant leadership strategies and tactics to achieve a higher level of influence, engagement, and build a greater sense of community in your workplace?

This session will help you to:

- Better understand your culture as it relates to productivity and safety.
- Improve personal credibility where it has been lacking.
- Increase communications and engagement.
- Tap into the five dimensions of building community through safety.
- Promote a culture where workers are more confident and feel more competent, thereby demonstrating their commitment to your overall safety mission, vision, and goals.
- Properly assess safety mishaps, and fairly yet effectively avoid future safety errors.

Session 12 – Safety Culture: Integrating Behavioral and Systems Approaches to Safety to Improve Performance

Presented by Steve Roberts, Ph.D., Safety Performance Solutions, Inc.

Run Time - 47:00

Some safety professionals see a dichotomy between behavior-based safety and approaches that focus on systemic factors within an organization that support or hinder safety performance. However, safety-related behavior does not occur in a vacuum. In the workplace, it occurs in the context of organizational processes, procedures, and systems that influence motivations, attitudes, and actions. Identifying these systemic influences is key to understanding and shaping the behavior they drive and developing effective safety improvement strategies. Therefore, an integrated approach that takes both systems and behavior into account is essential for moving safety performance to the next level.

This session will teach you how to:

- Identify systemic factors that support and hinder safety-related behaviors.
- Design effective safety interventions that work within the context of your organization.
- Recognize the influences on behavior and motivation in the workplace and how they impact safety.
- Delve deeper into the root causes of incidents and near misses to uncover systemic factors that contribute to workplace hazards.

- Implement effective safety strategies that motivate and engage employees using an understanding of the context for their work
- Identify the role of leadership, management, frontline supervisors, and other key elements of your organization in shaping safety-related behavior and culture.

Session 13 – Safety Training: Measure Training Effectiveness: How to Comply with OSHA’s ‘Verify Competent Performance’ Requirements

Presented by Chip Darius, OHST, CSHO, CIT, Safety Priority Consultants

Run Time - 59:12

It can be difficult to measure a change in workers’ performance after they have completed safety training. Many OSHA standards require employers to verify the effectiveness of their training by confirming that employees can demonstrate competent performance in the subject covered by the training. Verifying competent performance means a skilled trainer must observe or otherwise evaluate the trainee’s competence to perform physical tasks or apply knowledge learned in the training. OSHA 1910 and 1926 standards for forklifts, personal protective equipment, respiratory protection, slips and falls (i.e., walking and working surfaces), confined spaces, lockout/tagout, and others are among many rules that require verification of competent performance. Learn compliant practices and proactive ways to verify safety training effectiveness, assessing competence, and documenting your efforts in case OSHA comes knocking.

Session 14 – Safety Culture: Psychological Safety: Making It Safe to Speak Up

Presented by Dominic Cooper, B-Safe Management Solutions, Inc.

Run Time - 57:21

Do your workers feel powerless when it comes to reporting safety concerns to a supervisor? Do they brush off near misses or “minor” injuries that you just happen to learn about after the fact through the workplace grapevine? As a safety manager, your job isn’t just to train supervisors and the workforce on engaging in safe working practices. You’re responsible for ensuring that your organization has effective internal controls for reporting potentially dangerous practices and remedying the situation before something bad happens. Everyone should feel confident in suggesting better work practices to managers or refusing to do something that’s just not right from a safety perspective. But, how can you ensure that everyone does feel that way? Take a deep dive into the psychological safety.

You’ll learn how to:

- Effectively communicate that everyone’s voice will be heard.
- Build a feedback and reporting system designed to take effective action to alleviate workers’ safety concerns through varied approaches to policy development and practices.
- Train employees to trust their instincts and to report anything they believe could result in a safety hazard or has caused an injury—however so slight it may be.
- Recognize the myriad reasons why employees don’t speak up about safety concerns—and what you can proactively do to change that.
- Turn near misses into teachable moments rather than focusing on them as grounds for discipline.

Session 15 –Fitness for Duty: Balancing Safety Obligations with the Changing Landscape on Drug Testing, Opioids, Marijuana, and More

Presented by Adele L. Abrams, Esq., Law Offices of Adele L. Abrams, PC

Run Time - 1:18:22

With the ongoing opioid epidemic and rapidly changing state laws around marijuana and drug testing, it may seem as if employers have fewer and fewer tools at their disposal to ensure that their employees come to work unimpaired and protect against the hazards of substance use on the job. However, by using a broad “fitness for duty” framework, employers can set performance standards that protect safety while avoiding potential liability under the ADA, OSHA’s antiretaliation provisions, and other relevant laws. In implementing this strategy, it is critical to clearly define safety-sensitive roles and duties, set transparent standards that require employees to be prepared to safely perform their work, and balance legal considerations with safety concerns.

You’ll learn how to:

- Identify state and federal legal considerations that impact your substance use and drug testing policies and procedures.
- Balance safety concerns surrounding substance use on the job with legal and practical considerations.
- Clearly define safety-sensitive roles and responsibilities.
- Determine what constitutes fitness for duty and how it interacts with your drug testing policies and safety programs.

Session 16 –Supporting Frontline Supervisors: Effective Ways to Empower Your Strongest Safety Advocates

Presented by Earl Blair, EdD, CSP, FASSP, Indiana University

Run Time - 59:22

The frontline supervisor is often the individual with the most direct impact on your safety culture and your employees’ level of engagement. A great supervisor can motivate employees, secure buy-in for safety initiatives, and contribute to a strong culture of safety. On the other hand, a supervisor who lacks proper support, fails to internalize the safety message, or manages through complacency can damage morale and allow hazardous conditions to fester. To be successful, supervisors must possess critical “soft skills”—leadership, effective communication, and trust—that effectively motivate and influence employees to take ownership of safety, in addition to the technical skills and knowledge to find and fix hazards and maintain compliance. Support from management is critical to allow supervisors to succeed in these objectives and instill a culture of safety.

This session will teach you how to:

- Recognize the core responsibilities of supervisors to support, promote, and maintain safe and healthful working conditions for employees.
- Identify the signs of effective and ineffective supervisors.
- Encourage supervisors to motivate and lead workers toward safe and healthful work practices.
- Incorporate elements of an effective training program for supervisors to teach them “soft skills” that promote a safety culture.
- Provide support for frontline supervisors to allow them to excel at engaging their teams and strengthening your organization’s safety culture.

Session 17 –Let’s Talk Safety: How to Have Candid Conversations that Move the Safety Needle Forward

Presented by Pam Walaski, CSP, Specialty Technical Consultants, Inc.

Run Time - 55:46

Are your conversations with the workforce about safety-related issues meaningful? Is your message getting across? How can you tell? Communicating about safety requires so much more than telling employees that what they are doing isn’t “safe.” Interactions like these do little to effect real safety change and can be harmful to the relationship between the OSH professional and the workforce. Effective communication is a key part of safety leadership, but it’s often challenging to get right.

During this session you’ll learn how to:

- Identify the qualities of a constructive safety conversation.
- Ask good questions and engage in effective dialogue to uncover useful information that may impact workplace safety risks and potential hazards.
- Pinpoint where communication often breaks down and how to overcome common barriers to impactful conversations.
- Use strategies for active listening to absorb key information from employees, managers, and other stakeholders.
- And more.