



10 CFR 851

Worker Safety and Health Program Construction Project Issues



DOE is a Safe Place to Work

DOE			Non-DOE
Year	Hours Worked	DART Rate/Fatalities	DART Rate
2008	244,163,054	0.6 / 4	3.9
2009	251,865,368	0.6 / 1	3.6
2010	271,132,947	0.5 / 2	3.5
2011	269,580,247	0.4 / 2	3.5
2012	253,262,531	0.4 / 0	3.5
2013	123,108,614	0.4 / 1	No Data
Totals	1,413,112,761	N/A / 10	N/A

DART = Days Away, Restricted, or Transferred

Source: DOE HSS (Through August 2013) and Bureau of Labor Statistics



Introduction to 10 CFR 851

- Strong Similarity to OSHA Worker Rights
- The rule has been effective since 2/9/2007
- Provides responsibilities for Contractors
- Provides rights and responsibilities for Workers at all levels
- Provide for enforcement actions



Employee Involvement

Knowledge / Awareness



Partnership / Participation



Working Safely / Mentoring





Overview of 10 CFR 851

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





Job Safety and Health Poster (2014)

Includes a link for requesting DOE to perform an investigation.

The poster is made to be printed with local contact information.

Job Safety & Health

It's the law!

EMPLOYEES
And their Representatives have a right to:

- Participate in the worksite safety and health program, including inspections of the site;
- Anonymously request inspection of unsafe and unhealthful working conditions;
- Report unsafe or unhealthful working conditions;
- Decline to perform tasks they believe pose an imminent risk of death or serious physical harm;
- Stop work in imminently dangerous conditions; and
- Obtain reports of inspections and accident investigation results.

The Department of Energy and Contractors
Are responsible for:

- Establishing a written Worker Safety and Health Program;
- Using qualified worker safety and health staff and inspecting the workplace at least annually;
- Involving workers and their elected representatives in developing a site safety and health program;
- Establishing procedures for workers to report without reprisal job-related hazards and for prompt response to such reports;
- Posting notices of unsafe and unhealthy conditions, and abating hazardous conditions promptly;
- Providing for regular communication with workers regarding workplace safety & health matters;
- Displaying this poster prominently in the workplace where it is accessible to all workers; and
- Conducting safety & health training for all employees.

All EMPLOYEES are responsible for:

- Complying with applicable safety and health standards, orders, directives, and procedures;
- Using personal protective equipment as assigned and in accordance with training; and
- Reporting hazardous conditions or hazardous actions by others.

Employees have a right to report and request inspections of unsafe or unhealthful conditions to the appropriate officials, Federal employees to the Occupational Safety and Health Administration, Contractor employees to the DOE Office of Enforcement (<http://energy.gov/oea/request-investigation-or-inspection-safety-or-classified-information-security-violations>). DOE encourages employees to use local employee concerns processes before requesting an enforcement investigation.

The Occupational Safety and Health Act of 1970, Executive Order 12149, 29 CFR 1960, and 10 CFR 851 require DOE to furnish employees with a workplace free from job-related safety and health hazards.

For More Information:
This Poster: <http://www.energy.gov/ehs/downloads/job-safety-and-health-poster-worker-rights>
Federal Employees Requirements: www.directives.doe.gov/directives-documents/0440.1-BOrder-badmchg1
Contractor Employees Requirements: www.gpo.gov/fdsys/granule/CFR-2012-title10-vol4/CFR-2012-title10-vol4-part851

Additional information on the local employees' concern process:

Your Health and Safety Representative:



Employee Rights

- Participate in the worksite safety and health program, including inspections of the site;
- Anonymously request inspection of unsafe and unhealthful working conditions;
- Report unsafe or unhealthful working conditions;

Job Safety & Health **EHSS**
Office of Environment, Health, Safety and Security

It's the law!

EMPLOYEES

Employees have the occupational safety and health right to:

- Participate in the worksite safety and health program, including inspections of the site;
- Anonymously request inspection of unsafe and unhealthful working conditions;
- Report unsafe or unhealthful working conditions;
- Decline to perform tasks they believe pose an imminent risk of death or serious physical harm;
- Stop work in immediately dangerous conditions; and
- Obtain reports of inspections and accident investigation results.

The Department of Energy and Construction has responsibilities too:

- Establishing a written Worker Safety and Health Program;
- Using qualified worker safety and health staff and inspecting the workplace at least annually;
- Involving workers and their elected representatives in developing a site safety and health program;
- Establishing procedures for workers to report without reprisal job-related health and loss of pay concerns to work reports;
- Posting notices of unsafe and unhealthful conditions, and abating hazardous conditions promptly;
- Providing for regular communication with workers regarding workplace safety & health matters;
- Displaying this poster prominently in the workplace where it is accessible to all workers; and
- Conducting safety & health training for all employees.

ALL EMPLOYERS are responsible for:

- Complying with applicable safety and health standards, orders, directives, and procedures;
- Using personal protective equipment as assigned and in accordance with training; and
- Reporting hazardous conditions or hazardous actions by others.

Employees have a right to report and request inspections of unsafe or unhealthful conditions to the appropriate officials, Federal employees to the Occupational Safety and Health Administration, Contractor employees to the DOE Office of Enforcement (<http://energy.gov/enr/request-investigation-or-inspection-safety-or-identified-interest-in-safety-or-health>).

DOE encourages employees to use local employee concerns processes before requesting an enforcement investigation.

The Department of Energy and Health has all OSHA, Department of Labor, 29 CFR 1960, and 29 CFR 801 regulations that apply to Federal employees and contractors at the occupational safety and health locations.

For More Information:
This Poster: <http://www.energy.gov/ehss/ebovbaedu/job-safety-and-health-poster-worker-rights>
Federal Employees Requirements: www.doe.gov/ehss/ebovbaedu/job-safety-and-health-poster-worker-rights
Contractor Employee Requirements: www.doe.gov/ehss/ebovbaedu/job-safety-and-health-poster-worker-rights

Additional Information on the local employees' concerns process:
www.doe.gov/ehss/ebovbaedu/job-safety-and-health-poster-worker-rights

Your Health and Safety Representative:



All Employees Responsibilities

- Complying with applicable safety and health standards, orders, directives, and procedures;
- Using personal protective equipment as assigned and in accordance with training; and
- Reporting hazardous conditions or hazardous actions by others.

Job Safety & Health
It's the law!
EHSS
Office of Enforcement, Health, Safety and Security

EMPLOYEES
You have the constitutional right to:

- Participate in the workplace safety and health program, including inspections of the site;
- Anonymously request inspection of unsafe and unhealthful working conditions;
- Report unsafe or unhealthful working conditions;
- Decline to perform tasks they believe pose an imminent risk of death or serious physical harm;
- Stop work in imminently dangerous conditions; and
- Obtain reports of inspections and accident investigation results.

The Department of Energy and Construction
has responsibilities too:

- Establishing a written Worker Safety and Health Program;
- Using qualified worker safety and health staff and inspecting the workplace at least annually;
- Involving workers and their elected representatives in developing a site safety and health program;
- Establishing procedures for workers to report without reprisal job-related health and/or personal response to work reports;
- Posting notices of unsafe and unhealthful conditions, and abating hazardous conditions promptly;
- Providing for regular communication with workers regarding workplace safety & health matters;
- Employing this poster prominently in the workplace where it is accessible to all workers; and
- Conducting safety & health training for all employees.

All EMPLOYERS are responsible for:

- Complying with applicable safety and health standards, orders, directives, and procedures;
- Using personal protective equipment as assigned and in accordance with training; and
- Reporting hazardous conditions or hazardous actions by others.

Employees have a right to report and request inspections of unsafe or unhealthful conditions to the appropriate officials, Federal employees to the Occupational Safety and Health Administration, Contractor employees to the DOE Office of Enforcement (<http://energy.gov/oea/request-investigation-on-unsafe-or-unhealthy-conditions>).

DOE encourages employees to use local employee concerns processes before requesting an enforcement investigation.

The Department of Energy and Health has 4700, Department of Energy, 11100, 2012 CFR 1960, and 10 CFR 851.

For More Information:
This Poster: <http://www.energy.gov/ehss/ehsswebfiles/job-safety-and-health-poster-worker-rights>
Federal Employees Requirements: www.doe.gov/ehss/ehsswebfiles/documents/OEISS-1-804-04-1-01-01.pdf
Contractor Employee Requirements: www.doe.gov/ehss/ehsswebfiles/CFR-2012-04-10-041/CFR-2012-04-10-041-01-01-01.pdf

Additional Information on the local employees' concerns process:

Your Health and Safety Representative:



Reporting a 10 CFR 851 Issue

Company specific

- Contact your supervisor or manager
- Contact your Safety and Health Professional
- Contact your company Employee Concerns Department*
- Contact your Union Steward or Business Agent

DOE Site specific

- Contact your DOE Facility Representative or Worker Safety and Health subject matter expert
- Contact your DOE Site Employee Concerns Department*



Reporting a 10 CFR 851 Issue

(cont.)

DOE HQ Contacts

The Office of Worker Safety and Health Policy,
AU-11

<http://energy.gov/ehss/worker-safety-and-health>

The Office of Worker Safety and Health Enforcement,
EA-11

<http://energy.gov/hss/services/enforcement>

A Note on OSHA:

OSHA Regulations have been adopted by and are enforced by DOE on their sites. If you make a report to OSHA, they will refer you back to the DOE. Call the DOE Site contacts listed on the previous slide.



10 CFR 851 Enforcement

Process similar to Nuclear Safety Enforcement Process

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



United States
Department
of Energy



Project challenges

- You don't know what you don't know...
- 10 CFR 851 applies to all levels
- Compliance is mandatory





10 CFR 851 Challenges

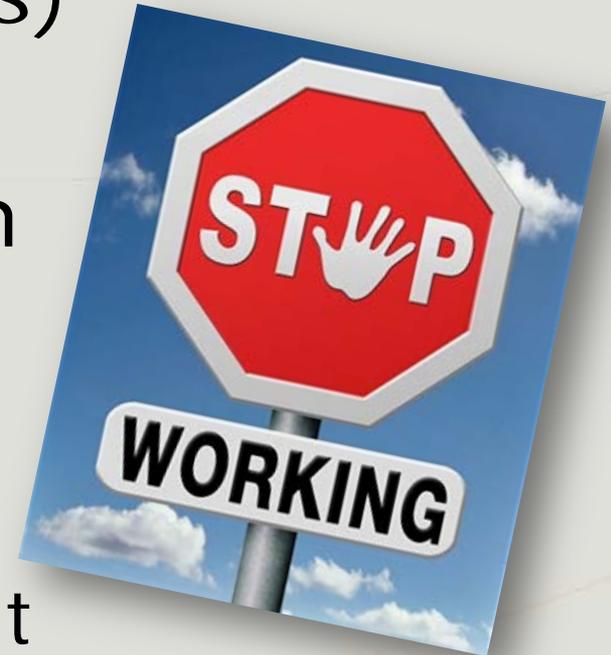
- Informing the Workers
- Contract Types
(e.g., Fixed Price)
- Oversight





More 10 CFR 851 Challenges

- Staffing (H & S Employees)
- No Existing Company Plan
 - Funding Issues
 - Lack of Worker Involvement





Typical Implementation

- Subcontractors adopt the prime contractor's program
- Don't really understand the program or their obligations
- Workers either uninformed or hesitant to use the program



Open Discussion / Questions

