



# Employee Safety and Health Program

## Policy 1: Establishment of the Department of Labor Employee Safety and Health Program

### References:

North Carolina General Statutes, §95-148

North Carolina General Statutes, §143-580 – §143-584

North Carolina Administrative Code: 25 NCAC 1N.0105(a)

North Carolina Administrative Code 13 NCAC 07A.0605

State Employees' Workplace Requirements Program for Safety and Health: Section 8, Pages 11-14.1

### Purpose:

The North Carolina Department of Labor shall develop, implement, and maintain an Employee Safety and Health Program to meet the above requirements.

### Goals:

- I. To ensure that the department provides each employee with the tools, equipment, knowledge, and training to perform their duties in a manner free of recognized hazards that could cause injury or occupational illness.
- II. To ensure that the department provides each employee with a place of employment, where owned, operated, or controlled by the department, which is free of recognized hazards that could cause injury or occupational illness.
- III. To ensure that the department has plans to protect employees and remove them from danger during emergency situations.
- IV. To ensure that the department complies with all applicable safety and health laws, regulations, standards, codes, and policies.
- V. To ensure involvement and ownership of the program by all employees, including review and comment on policies and procedures, and membership on safety committees, limited special issue committees and task forces.

### Policy:

- I. The department shall establish and maintain an Employee Safety and Health Program to meet the safety goals of the department.
- II. The department shall develop safety and health policies, procedures, and work rules, based on: applicable laws, regulations, codes, and standards, the requirements of the North Carolina State Employees' Workplace Requirements Manual for Safety and Health, identified safety and health needs and issues, and the unique needs and missions of the divisions and bureaus within the department.



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- III. The Commissioner of Labor shall appoint a safety and health professional to assume the role of the Department Safety and Health Coordinator, and to assist in the direction and administration of the Employee Safety and Health Program.
- IV. The department shall establish and empower a system of safety and health committees, presided over by the Employee Safety and Health Steering Committee.
- V. The department encourages each employee to participate in the Employee Safety and Health Program, without fear of discrimination, reprisal, or punishment.
- VI. Each employee, supervisor, and manager shall adhere to the policies, procedures, and practices of the Employee Safety and Health Program in the performance of their duties.

### Procedures:

- I. Employee Safety and Health Manual
  - A. The department shall establish an Employee Safety and Health Manual, which contains:
    1. The department safety and health policies and procedures;
    2. Specific procedures unique to each unit;
    3. Work rules issued by the supervisor;
    4. Emergency Evacuation Plans and Security Plans unique to each building;
    5. Position Papers of, and other documentation specific to, the Employee Safety and a health Program.
  - B. The Employee Safety and Health Manual shall be readily available to each employee, supervisor, and manager within the department.
    - a. A hard copy of the Employee Safety and Health Manual shall be maintained in the office of the Department Safety and Health Coordinator;
    - b. In coordination with the Division of Information Technology, an electronic version of the Employee Safety and Health Manual shall be maintained on the Employee Safety and Health Program website. The electronic version of the Employee Safety and Health Manual will be considered the controlling document.
- II. Development and Maintenance of the Employee Safety and Health Policies and Procedures
  - A. Initiation
    1. The Department Safety and Health Coordinator or the Employee Safety and Health Steering Committee may initiate the creation or revision of the Department Safety and Health Policies and/or general procedures, based on the requirements of regulations, identification of need, or recommendation by Management or employees.



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- B. Creation or Revision of Department Policy and/or General Procedures
1. At a minimum, every policy shall be reviewed by the Employee Safety and Health Steering Committee within five (5) years of its effective date, or last review. However, each individual policy may specifically state the period of review. If a need is determined for revisions of the policy, the Employee Safety and Health Steering Committee shall initiate such revisions;
  2. The Employee Safety and Health Steering Committee shall place draft/revised policies and procedures on the Employee Safety and Health Program website for review for a minimum of ten working days. The Employee Safety and Health Steering Committee shall also notify department employees of the means for submitting comments to the proposed drafts/revisions, the deadline for submitting such comments, and the means by which employees will be notified of the status of their comments;
  3. After receiving employee comments on draft/revised policies and procedures, the Employee Safety and Health Steering Committee shall accept or reject such comments. If the Employee Safety and Health Steering Committee accepts the employee comments, the draft/revised policies and procedures shall be modified to reflect such comments and be resubmitted for review at the next committee meeting;
  4. Upon acceptance by the Employee Safety and Health Steering Committee, the final policy shall be submitted to the Commissioner of Labor, or his/her designee, for approval. If the Commissioner submits changes, the Employee Safety and Health Steering Committee shall incorporate the changes into the policy and resubmit it to the Employee Safety and Health Steering Committee for approval;
  5. Upon final approval by the Commissioner, the policy shall be incorporated into the Employee Safety and Health Manual, and the employees shall be notified of the new policy
- C. Creation or Revision of Unit Specific Procedures
1. Initiation: The Unit Safety and Health Committee and Unit employees may initiate the creation or revision of the Unit Specific Procedures.
  2. Each unit shall ensure that:
    - a. The required procedures and elements outlined in Department Safety and Health Policies and Procedures and applicable regulations are implemented;
    - b. Draft/revised policies are placed on the Employee Safety and Health Program website for a minimum of ten working days for review and comment;



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- c. Employees are made aware of proposed procedures;
    - d. Employees are made aware of finalized procedures;
    - e. Employees are able to initiate review of established procedures.
  3. The Employee Safety and Health Steering Committee shall have the authority to overrule any unit specific procedure, which violates regulations or department policy.
- D. Creation and Revision of Work Rules
  1. A supervisor may at his/her discretion develop work rules unique to the employees supervised, which further define the implementation of the department policy and unit specific procedures.
  2. Work rules shall adhere to the specific limitations and restrictions, and with the specific benefits, responsibilities, and allowance, of the governing department policy and/or unit specific procedures.
  3. Creation
    - a. Draft/revised work rules shall be placed on the Employee Safety and Health Program website for a minimum of ten working days for review and comment.
      - i. The Employee Safety and Health Steering Committee shall have the authority to veto any work rule, which violates safety and health regulations, department policy, or governing Unit procedures;
      - ii. The Unit Manager shall have the authority to veto any work rule at his/her discretion;
    - b. Upon the end of the review period, the supervisor shall incorporate employee comments and suggestions that he/she feels are appropriate into the rules.
  4. Revision
    - a. Upon revision of department policy and/or unit specific procedures, the supervisor shall review the affected work rules to ensure that they remain in compliance with the revised policies and/or procedures;
    - b. The supervisor shall follow the procedures for employee review and authorization of the revised work rules.
  5. The supervisor or any affected employee may request the assistance of the Department Safety and Health Coordinator or the Employee Safety and Health Steering Committee in the preparation of work rules.



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- III. Violation of Safety and Health Policies, Procedures and Practices
  - A. Supervisors are responsible for assuring that safety policies, procedures, and practices are followed within their area of authority, and shall follow Office of State Personnel and department policy and procedures for the recommendation and action of violations invoking this policy. The department HR and Legal Affairs must approve all disciplinary action beyond the documented coaching level of discipline.
    - 1. If an employee willfully or continuously ignores or violates established safety and health policy, procedures, or practices, such employee shall be subject to formal disciplinary action up to and including dismissal.
    - 2. A violation of policy or an unsafe act may be considered in the Grossly Inefficient Job Performance and/or Unacceptable Personal Conduct category of the Disciplinary Procedures if it is so careless, reckless, or wanton that it is likely to result in an immediate or severe threat to life or property.
- IV. Disputes Concerning Safety and Health Issues
  - A. A. If an employee, supervisor, or manager disagrees with a requirement, decision, position or mandate of the Employee Safety and Health Steering Committee or Department Safety and Health Coordinator, they may petition the Employee Safety and Health Steering Committee;
  - B. B. While the petition is being considered, the petitioner's supervisor shall ensure that employees are protected from harm during the period of dispute;
  - C. If an employee, supervisor, or manager disagrees with a requirement, decision, position or mandate of the Employee Safety and Health Steering Committee or Department Safety and Health Coordinator, they may petition the Employee Safety and Health Steering Committee.



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