



## Employee Safety and Health Program

**Policy 10: Imminent Danger**

**Effective Date: January 10, 2011**

### References:

North Carolina State Employees Workplace Requirements Program for Safety and Health, Section 2, Pages 2.2.2 and 2.11.1

Retaliatory Employment Discrimination Act, NCGS 95-241.

### Purpose:

To authorize North Carolina Department of Labor Employees to take immediate action to correct situations, actions, or equipment which pose an immediate danger to the life or health of employees.

### Policy:

- I. Each employee of the department is empowered and responsible to immediately order the cessation or modification of any action, activity, process, or procedure and prohibit the use of any equipment, tool, machine, or working space which constitutes in his/her opinion an immediate threat to the life and/or health of department employees.
- II. Upon the declaration of Imminent Danger, each involved employee shall immediately cease the activity associated with imminent danger, which shall not be resumed until the declaration is lifted by the Unit Manager or his or her designee.
- III. Upon notification of imminent danger, the Unit Manager, or his or her designee, shall take immediate steps to return the affected agency, employee, and/or operation to normal working conditions as soon as possible.

## **Procedures:**

### **I. Initiation and Reporting**

- A. An employee who determines that imminent danger exists shall immediately notify all involved employees to stop work or process. If deemed necessary, the employee shall notify all exposed employees to evacuate the area of danger.
- B. When notified that a condition of imminent danger exists, employees shall immediately and without debate halt the work being performed and, if so ordered, leave the area of danger.
- C. The initiating employee, with the assistance of involved employees, should take whatever steps possible to abate the danger, but under no circumstances shall any department employee expose himself or herself to danger for the purpose of abatement.
- D. The initiating employee shall, within thirty (30) minutes of initiation, notify or ensure the notification of the following persons:
  - 1. The Unit Manager, or his or her designee
  - 2. The supervisor responsible for the work, area, and/or process involved in the imminent danger
  - 3. The initiating employee's supervisor
- E. The work, process, and/or area involved in imminent danger shall remain halted and/or cleared of personnel until the Unit Manager, or his or her designee, determines that the danger has passed.

### **II. Assessment by the Unit Manager, or his or her designee**

- A. Within twenty-four (24) hours of receipt of notification of a possible imminent danger condition, the Unit Manager, or his or her designee, shall arrive at the site of the condition and conduct an assessment.
- B. As soon as practical upon completing the assessment, the Unit Manager, or his or her designee, shall notify the affected Division Director(s) and the Department Safety and Health Coordinator to apprise them of the situation.

- C. The Unit Manager, or his or her designee, in conjunction with the affected Unit Safety and Health Committee and the Department Safety and Health Coordinator, shall develop a process, or series of actions which will (1) end the threat of imminent danger; (2) allow work to continue as soon as possible; and (3) prevent the recurrence of the condition. The plan must receive the approval of both the Department Safety and Health Coordinator and the affected Unit Manager, or his or her designee.
- D. The affected Unit Manager(s), or his or her designee, with the active assistance of the affected Unit Safety and Health Committee(s), shall implement the plan. The Unit Manager, or his or her designee, shall monitor the implementation of the plan to its conclusion, and shall terminate the imminent danger declaration once, in his/her opinion, the condition no longer exists.

### III. Incident Report

- A. The Unit Manager, or his or her designee, within one (1) week of the successful termination of imminent danger, shall make a full written report to the Employee Safety and Health Steering Committee, the affected Unit Safety and Health Committee(s), the affected Division Director, the Department Safety and Health Coordinator and the Commissioner of Labor. Such report shall include:
  - 1. A description of the imminent danger condition.
  - 2. Events and/or conditions leading up to and/or creating the condition.
  - 3. A description of the abatement plan and projected time requirements
  - 4. A description of the actions taken and the time spent.
  - 5. An assessment of the possibility of a similar condition existing or being created in other areas of the department.
- B. The Employee Safety and Health Steering Committee shall submit written recommendations to the Commissioner on the best ways to prevent a recurrence of the imminent danger condition in other areas of the department.
- C. The Employee Safety and Health Steering Committee shall make the

report by the Unit Manager, or his or her designee, available for review by the employees of the Department by posting the report on the Employee Safety and Health Program website.

#### IV. Actions Against Initiating Employees

- A. No adverse actions shall be taken against any employee who in good faith invokes imminent danger authority.
- B. If during the assessment the Unit Manager, or his or her designee, obtains evidence that the employee initiated the imminent danger authority for any reason other than safety, he/she will document such evidence according to the department's discipline policy.

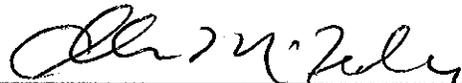
Approved:



John Baldwin, Chief of Staff  
North Carolina Department of Labor

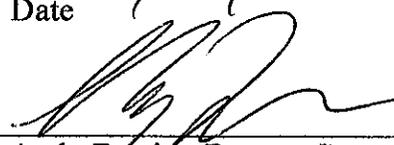
Date

1/10/11  
January 1, 2016  
Review Date



Allen McNeely, Deputy Commissioner  
Occupational Safety and Health Division

Date



1/10/11  
Andy Frazier, Deputy Commissioner  
Standards and Inspections Division

Date