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WHAT'S HAPPENING

24th, 25th, & 26th Michigan Worker Deaths of 2013

The 24th and 25th Michigan worker deaths of 2013 occurred on November 9, and November 20, 2013. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident: On November 4, 2013, a 50 year old laborer was struck in the head by a structural steel assembly that fell over while it was being unstrapped from the trailer. The assembly continued falling and pinned the laborer to the ground. On November 9, 2013, the laborer passed away.

Summary of incident: On November 20, 2013, at approximately 11:32 am, a 45 year old laborer was working underneath the bed of a dump truck when it fell, crushing the laborer between the frame of the truck and the dump box.

Summary of incident: On November 26, 2013, at approximately 11:15 am, a 44 year old carpenter fell 30 feet to the ground while installing Oriented Strand Board (OSB) sheathing on a 10/12 pitch residential roof. On November 29, 2013, the carpenter passed away.

Last year there were 27 MIOSHA-related deaths. 2009 saw the lowest number with 24.

If you need help or assistance in ensuring your workplace is safe, MIOSHA is here with resources to help. The Consultation Education and Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at (800) 866-4674 or submit a request online at www.michigan.gov/cetrca. View the [Annual Fatality Information](#) chart, which shares preliminary details about the fatalities reported to the Michigan Occupational Safety and Health Administration this year, by clicking on the link provided, or visit our website.

Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!

Global Harmonized System Training Deadline Has Arrived!

The employee training deadline of December 1, 2013 for the revised Hazardous Communication Standard has arrived. Below are some resources if you have urgent last minute training needs.

The following document from Federal OSHA describes specifically what training employees must receive by December 1, 2013: www.osha.gov/Publications/OSHA3642.pdf

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Global Harmonized System Training Deadline Has Arrived – *continued*

The following direct links to MIOSHA training programs can be used for this training. The webinar is a streaming presentation or you can download and play the three modules which are in PowerPoint formats with voiceover recorded narration.

For the webinar training program (45 minutes), click [here](#).

Following is the online PowerPoint-narrated training program in three modules. (You must launch PowerPoint for program narration to start.) The program will loop back to the 1st slide when it gets to the end of the program so you will have to close it and open the next module, etc.

[Module 1: Overview and Classification](#) - 10 minutes (recorded voiceover PowerPoint)

[Module 2: Labels](#) - 14 minutes (recorded voiceover PowerPoint)

[Module 3: Safety Data Sheets \(SDSs\)](#) - 13 minutes (recorded voiceover PowerPoint)

Hazard Communication Employee Training Program 2013 - [PPT](#) (modifiable version with speaker notes)

The following two documents, when used together, contain information that employees need to know and understand. (This is the same information as the recorded presentations above.)

[OSHA Brief - Hazard Communication: Labels and Pictograms](#)

[OSHA Brief - Hazard Communication Standard: Safety Data Sheets](#)

Or you can visit: www.michigan.gov/ghs.

Third Party Discrimination Hearings

Each year, the Appeals Division participates in discrimination appeal hearings authorized under Section 65 of the Michigan Occupational Safety and Health Act (“the Act”). These hearings differ slightly from how other types of hearings authorized under the Act are typically conducted. Generally, citation hearings will involve two parties: the employer cited and MIOSHA. But under Section 65(5) of the Act, three parties are involved in a discrimination appeal hearing: (1) the employee who filed the discrimination complaint; (2) the employer accused of the discrimination; and (3) MIOSHA. There are several reasons for this type of third party hearing.

If the **Employee Discrimination Section** of the **General Industry Safety and Health Division** concludes a complaint of discrimination filed by an employee is valid, the determination will detail what actions the employer must take to make the employee whole. The actions can include reinstatement of employment; payment of lost wages and fringe benefits; removal of any discriminatory disciplinary actions from the employee’s personnel file; and any other appropriate relief. MIOSHA has the responsibility to ensure an employer complies with any remedy owed to the employee for discriminatory acts that violated the Act. This means that whether MIOSHA initially concludes discrimination occurred in violation of the Act, or the judge does after a hearing, MIOSHA exclusively maintains the authority to pursue enforcement of the decision against the employer. For this reason, MIOSHA is considered a party in the appeal hearing.

Although a discrimination determination made by MIOSHA will generally favor either the employee or the employer, both the employee and the employer are separate parties from MIOSHA at the hearing. This is because MIOSHA’s role in the discrimination complaint investigation process is to be an objective fact-finder, not a representative for either side. The same is true at the hearing. Although MIOSHA may find an employee was discriminated against, the burden to produce evidence to prove discrimination occurred in violation of the Act rests with the employee. If MIOSHA determines there was no violation of the Act, the burden to produce evidence at a hearing to refute a claim of discrimination rests with the employer. In order to ensure the judge has a fair representation of the events and facts at issue, MIOSHA may call witnesses or introduce evidence discovered during its investigation which may not have been introduced by the employer or employee. In addition, MIOSHA may question other parties’ witnesses to ensure the court has sufficient information to determine what relief, if any, should be ordered to an employee.

Because the employee, employer, or their representatives may not be familiar with these types of third party hearings, the Appeals Division has created a fact sheet explaining the hearing process

MEDIA

November 5, 2013 – [Michigan Packaging Company Receives MIOSHA's Highest Recognition Award for Workplace Safety and Health Excellence](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

AGENCY INSTRUCTIONS/MEMOS ISSUED

November 1, 2013 – [MIOSHA Staff Training](#)

November 4, 2013 – [Wood Products Manufacturing – Local Emphasis Program \(LEP\)](#)

November 22, 2013 – [MIOSHA Field Operations Manual Memorandum](#)

November 22, 2013 – [MIOSHA Field Operations Manual \(FOM\)](#)

VARIANCES

Variations from MIOSHA standards must be made available to the public in accordance with Part 12, Variations (R408.22201 to 408.22251). MIOSHA variations are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

[Agency/Division Instructions/Memorandums](#)

[Asbestos Program](#)

[Ask MIOSHA](#)

[Consultation Education & Training \(CET\) Division](#)

[CET Request for Consultative Assistance Services](#)

[CET Training Calendar](#)

[Construction Safety & Health Division \(CSDH\)](#)

[DVD/Video Library Service](#)

[Employee Safety, Health and Discrimination Complaint Forms](#)

[General Industry Safety & Health Division \(GISHD\)](#)

[Hazard Communication / GHS Information, Training & Resources](#)

[Laboratory & Equipment Services](#)

[Michigan Alliances](#)

[MIOSHA FOIA Request Form](#)

[MIOSHA Homepage](#)

[MIOSHA News](#)

[MIOSHA Publications](#)

[MIOSHA Standards](#)

[MIOSHA Training Institute \(MTI\)](#)

[MIOSHA Updates](#)

[MIOSHA Variations](#)

[Strategic Plan & Initiatives](#)

[Telephone, Mailing and Email Addresses](#)

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www.michigan.gov/miosha. Like us on  [Facebook](#) and  Follow us on [Twitter!](#)

For more information about LARA, please visit www.michigan.gov/lara. Follow LARA on Twitter www.twitter.com/michiganLARA, “Like” LARA on Facebook, or find LARA on YouTube www.youtube.com/michiganLARA.