

A Collaborative and Proactive Approach to Workplace Safety



Support Legislation by Senator Feldman and Delegate Peña-Melnyk Requiring Maryland Employers to Establish an Injury and Illness Protection Program

According to the most recent *U.S. Bureau of Labor Statistics* data, in 2019 there were 64,900 recorded cases of Marylanders suffering work-related injuries and illnesses. These cases were serious enough to lead to a combined **25,600 days missed from work**, and another 10,800 days that were spent in a transferred position or on restricted duty. Occupational injuries and illnesses are devastating to the employee, but they are also very costly for the employer. The 2018 *Liberty Mutual Workplace Safety Index* estimated that U.S. businesses spent more than one billion dollars a week on serious, nonfatal workplace injuries totaling of **\$58.8 billion** for the year. In Maryland, that amounts to hundreds of millions of dollars spent annually on workplace injuries and illnesses. It is smart policy for employees and employers to invest in occupational safety and health. **Work-related injuries and illnesses are preventable.**

Two effective methods of preventing worker injuries are mandating the establishment of **health and safety committees** and requiring employers to have **written injury and illness prevention program plans**. Health and Safety committees are important so that workers can take a measure of control over their safety and collaborate with management to address safety issues in an environment where they can't be retaliated against for speaking up about their concerns. Injury and illness prevention programs are written plans that find and fix workplace hazards before workers are hurt. Both have been proven to be effective in reducing workplace injuries, illnesses, and fatalities.

Senator Feldman and Delegate Peña-Melnyk are introducing legislation that would require Maryland employers with 10 or more employees to establish health and safety committees. This legislation also requires all Maryland employers to have written Injury and Illness Prevention Plans. **If passed, Maryland would join 14 other states that mandate injury and illness prevention programs and 11 states that mandate health and safety committees.** Maryland would become the 6th state to mandate both health behind Minnesota, North Carolina, New Hampshire, Nevada and Washington. Current Maryland statute is remarkably silent on injury and illness protection standards for workers. The last item this legislation requires is for the **Maryland Occupational Safety and Health Administration to promulgate standards** specific to the hazards that contribute to highest incidence rate of work-related injuries and illnesses during the previous fiscal year.

State	Mandatory Injury and Illness Prevention Programs	Mandatory Health and Safety Committees
Alabama		X
California	X	
Connecticut		X
Hawaii	X	
Louisiana	X	
Michigan	X	
Minnesota	X	X
Mississippi	X	
Montana	X	
North Carolina	X	X
North Dakota		X
Nebraska		X
New Hampshire	X	X
Nevada	X	X
New York	X	
Oregon	X	
Utah	X	
Vermont		X
Washington	X	X
West Virginia		X

Source: OSHA Directorate of Standards and Guidance

In recent years, **the Maryland General Assembly has been moving in the direction** of extending similar protections to Maryland's workers. During the 2020 abbreviated session, [SB 943](#), a comparable bill specific to state healthcare workers **passed third reader in the senate by a vote of 44-0** days before the session ended early. [SB 943](#) established a standard for workplace violence enlisting the same components of the above-mentioned injury and illness prevention program to find and fix hazards before workers get hurt. This bill was amended on to legislation from 2014 ([HB 710/SB 483](#)) which **passed the house and senate unanimously** and established a health and safety committee requirement for Maryland hospitals and nursing homes. The injury and illness protection legislation that Sen. Feldman and Del. Peña-Melnyk are introducing this year follows along this tradition and helps all Maryland workers.

Fact Sheet

New Requirements under the Proposed Legislation to Require Injury and Illness Prevention Programs

Sponsors Senator Brian Feldman and Delegate Joseline Peña Melynk

New Health and Safety Committee Requirements

- Employers with 10 or more employees are required to establish health and safety committees made up of the same number of managerial staff and non-managerial staff.
- Where a collective bargaining agreement exists, that committee shall be established in accordance with the CBA.
- The committees shall:
 - Meet regularly, not less than quarterly
 - Prepare and make available to employees and upon inspection MOSH, all written records of the safety issues discussed at committee meetings and shall be maintained for at least 3 years
 - Submit suggestions for the prevention of future incidents
 - Review investigations of alleged hazardous conditions brought forth the committee by other employees
 - Conduct investigations and inspections to determine solutions to remediate hazards
 - Establish procedures concerning:
 - Safety inspections
 - Investigating incidents, accidents, illnesses and deaths
 - Evaluating injury and illness prevention programs
 - Establishing training programs for committee members and employees in understand hazard prevention
- All committee members shall participate on work time

Injury and Illness Prevention Program Requirements

- Requires all Maryland employers to establish, implement, and maintain an effective injury and illness prevention program.
- Employers with 10 or more employees shall work in consultation with the health and safety committees
- The Program shall:
 - Be written and easily understandable
 - Identify the individuals with authority responsible for implementing the program
 - Develop a process for ensuring the employees comply with safe work practices including:
 - Recognition for those who do follow safe practices
 - Training and retraining programs
 - Disciplinary actions, and other means to ensure employee compliance
 - Include processes for communicating with all employees about health and safety matters, including provisions to encourage employees to inform the employer of safety concerns, without fear of reprisal
 - Include period inspections and other procedures for identifying workplace hazards
 - Inspections shall be made when:
 - The program is established
 - New substances, processes, procedures, or equipment that present a new hazard are introduced
 - The employer is made aware of a new or previously unrecognized hazard
 - Include procedures to investigate occupational injury and illnesses
 - Include methods or procedure's for correcting unsafe and unhealthy working conditions, practices, and procedures in a timely manner
 - Provide training and instruction relating to program:
 - When the program is first established

- To all new employees
- To all employees given a new job assignment
- When new substances, processes, procedures or equipment are introduced
- When an employer is made of a new or previously unrecognized hazard
- For supervisors to be made aware of hazards the employees they supervise may be exposed to
- Upon request, the employer shall provide a copy of the written program within 2 business days
 - Inspection and maintenance records should be included
 - Inspection and maintenance records shall include:
 - Records of scheduled and period inspections as required to identify unsafe conditions including:
 - Persons who conducted the inspection
 - Unsafe conditions and practices that have been identified
 - Actions taken to correct identified unsafe conditions/practices
 - Documentation of safety training required for each employee (including name of each employee, training dates, type of training, and training provider)
- Records shall be maintained for 3 years.
- Yearly, MOSH shall promulgate or update regulations that establish standards specific to the hazards that contribute to the highest rates of work-related injuries and illnesses in the state. MOSH shall also report the generally assembly yearly in August on the industries with the highest rates of injury and illness
- MOSH shall publish and maintain on their website data and average rate relating to work-related injuries and illnesses

Effective Date July 1, 2021

