

- You are listening to The HR Mixtape, your podcast with the perfect mix of practical advice, thought-provoking interviews, and stories that just hit different so that work doesn't have to feel, well, like work. Now your host, Shari Simpson.

- Joining me today is Michele A. Mathews, founder of Mathews' HR & Safety Consulting Services. Michele has over 20 years of progressive human resource management, safety program development, and risk mitigation experience, spanning multiple industries including construction, healthcare, manufacturing, and non-profit. She's passionate about helping organizations and their staff thrive by returning the human aspect to human resources and safety and bringing forward inclusive and equitable opportunities for all. Michele, thank you so much for jumping on the podcast with me today.

- Oh my pleasure. Thank you so much, Shari, for inviting me.

- So you have an interesting background when it comes to OSHA. I am fortunate that in my current HR role I don't have to be in charge of any OSHA regulations but I have done that in my past working in a food manufacturing plant. So definitely there was some OSHA regulations that I had to be on top of and I'd love for us to dig into some of that 'cause I think HR professionals who are in this space sometimes it's hard to stay on top of what OSHA's requiring and what kind of documentation we need. And then if you're, if you don't know anything about OSHA, if you don't know any of the regulation, I think it's really great information to have as you look at other roles that you might be interested in the HR space. So with that, let's start with this question. Can you share some common mistakes that HR professionals make when preparing for an OSHA inspection, which is a very stressful inspection to go through. So I'm sure you have a handful of common mistakes HR professionals make.

- I do, especially because a lot of times HR is just kind of thrown all the OSHA stuff, right? No training, just like, oh, you deal with the people, you figure this out. So common things that I'm seeing when I first go into places or talk to my HR teams, they have too much information. So we wanna kind of look at it this way. OSHA's there to protect our employees, which is a great thing. They're the minimum standard, but it's also kind of like talking to an attorney for the opposing counsel, right? We don't wanna give them too much information. We do wanna have employee names, we wanna have dates, things like that. But we don't wanna give them anything they're not asking for. And before we give them what they're asking for, we actually wanna ask them to give it to us in a list. They're gonna try to verbalize it as much as possible. And there are things that they actually don't get to have the rights to right away. Your OSHA 300 log 300A absolutely within the first four hours, they get to see that. But other items we want to watch like our training logs. Let's hold off on that. Our written policies, let's hold off on that. Who's in charge of

different things? Hold off on that. Talk with your safety consultant and you should also have an OSHA attorney and you wanna work with them in unison to go through what you're gonna turn in and then also make copies of what you turn in because they can come back later and say, oh, you didn't tell us this, and you're like, I swear I gave it to you. The other last thing I'll say is don't give them any agreements you have with any vendors or subcontractors without having your attorney or your safety consultant team look at it first.

- It's just the facts, ma'am. I feel like that's what we have to remind ourselves when it comes to these kinds of inspections. You mentioned a couple of different reports and documentation. Is there key documents or records that HR professionals should kind of just always have on hand as they prepare for an OSHA inspection?

- Yes, you definitely wanna make sure you have all your job safety and health posters, federal and state, right? Your policies and plans for like fire prevention, electrical hazard communication with the GHS system is huge. Your heat safety plan right now, your bloodborne pathogens, your emergency actions and your, like if you live in Florida or other places with natural disasters. So hurricane, tornadoes, pandemic now has to make sure you're updated. You definitely wanna have that. And if you're in like healthcare or food service you have to have your written contract for waste disposals and all your insurance documents plus your OSHA 300 and 300A logs for the last five years and the current year. So that's where a lot of people mess up too is they have the previous ones or they don't have the current year. But also if you took over, I run into this all the time. I took over for a place, they didn't have prior years. Okay, well this is the time to do that self audit and go get your loss runs and put it together and show like, "Hey, yes, we didn't have it, but we went and put it together after the fact. That's gonna show good faith.

- So for those not familiar, what is a GHS system?

- The GHS is the global harmonizing system. That's what came out in 2012 saying that now all of our labels have to have pictograms and signal words really letting the consumer and the user know what their exposure is. So instead of having it in English and Spanish and every other language, it's now just pictograms.

- So in your experience, you know, thinking about all of this type of documentation and making sure that you're up to date, and I really love sharing the example of kind of walking into an organization and they don't have all the things because HR professionals often run into this scenario not just with OSHA, but lots of other things. How can we create some effective strategies to mitigate risk and really minimize that likelihood of an OSHA inspection?

- Well, first things first I'm gonna tell you, you get a checklist

together and find out where the written policies are. Look at them, see when they were last updated. If you got like John Paul Jones as the person you're supposed to see and he hasn't worked there for 10 years, that's a problem, right? The other thing you wanna look at is what chemicals are we currently using? Where are the books that have our SDS's, hard copy, soft copy? Where are they? You wanna see what PPEs we're using. And I would say also look at the access and look at can your employees get to those safety data sheets easily if something happens? Can they easily find their OSHA 300A summary sheets, their 300 logs, those basic things to make sure you're starting off right, that's a good thing. And then from there you kind of can put together, do I need to go look at different PPEs? Do I have fall hazards? Let me go inspect and make sure we have fall protection for people. Let's ask the employees, are those gloves fitting you? Do you like those eyeglasses we're having you wear? If not, let's find a unison together, a better pair to make them wear 'em. So those little things, getting the employees involved is especially key because if they're not happy, yes, sometimes they'll come to you and tell you, but they have the right to call OSHA, go online, send it mail pigeon if they want, and then go in person and complain that you guys aren't keeping them safe. So those are the key areas I would start and definitely with those employees too.

- Is there any documents that you've seen that haven't been handled properly that can really create challenges once you start that OSHA investigation?

- There are so many, unfortunately I've seen in my 25 years of doing this, but some of them really are gonna be starting off with what we're telling our employees. What are we training them with? Are we giving them that yes, the onboarding of welcome to the company but here's how we're here to protect you, and if you don't feel safe doing something, stop and tell us. Right, that is a big, huge red flag. If an employee doesn't know or they don't feel safe and they're afraid to say anything, especially in construction manufacturing, you probably saw too, in your food service side, people were like, oh, I'm afraid to lose my job. No, I wanna make that safe environment for them. So starting there, doing kind of like a PPE switch out, let's bring 'em all new pairs, let's bring them cooling towels for heat safety right now, right, starting there is key for me, I would say.

- When you think about the employer-employee side of these inspections, what rights do employers and employees have? You know, is there things that HR professionals should be doing to ensure that those rights are protected during the process?

- Absolutely. And OSHA doesn't always tell you this stuff. So the employer has the right to have a representative walking with OSHA. I recommend having the person who's gonna be your OSHA rep, for lack of better terms, then also having someone to take notes of everything

they're saying and someone to take pictures. You can have as many people as you want. The employees also get to have a representative or to attend the walkthrough. Other things that you don't necessarily know, is the employee has the right to talk to OSHA by themselves if they're being talked to as an employee. But if they're a manager or a supervisor, they're usually gonna do two folds. Number one, talk to them as a standard employee, which they don't get to have any representation in there, if they don't want it. But then as a supervisor or a manager, you as the company representative get to have someone sit with them. The other thing that a lot of people forget and this is important, is employee and employer do not have to talk to OSHA. I would not suggest anyone saying, I plead the fifth. No, no, no, nope, don't say that one. Just say I don't, I choose not to speak with you or something along those lines that I have the right not to. You also should not sign anything. I say it that way, a lot of people will say, oh hey, this is your statement of what I took. Can you review it and sign that I got what you said correctly? You have the right not to and I would recommend that you don't sign it. You can say, those are your notes, I'm not going to review them, I'm not going to sign them because anything you say, just like in a different side of the house is gonna be used as evidence and you may have misspoke or something like that, I mean, I misspeak all the time and say the wrong words sometimes and we don't want it held against you. Right. So you have the right not to sign. You have the right as an employer to say, I'm gonna schedule you to come back a different time to talk to the employees when it's more appropriate. Working with your attorney and your safety consultant, arrange that, you have the right to say, now's not a good time for the walkthrough. We're gonna arrange a more appropriate time. Now know, if you are really in a bad situation, they could potentially say, we're gonna come back with a warrant. Okay, if that word is used and you don't have your attorney involved, get 'em involved. But you have the right to hold those items off.

- You know, when you were talking about having representation with you, one of the things I'm curious about and I'm in Illinois, so this is a state with a lot of unions. How or what is the union's role in some of this stuff as far as representation goes and having access to some of the information when it comes to these OSHA inspections?

- Yeah, great question. So in states with unions, and I'm from up north, so I understand that, they actually, unions work in concert with OSHA a lot of the times, especially if the shop steward or the party is saying, "Hey, we don't feel this is right here." They have the right to be present. They have the right to talk to OSHA as well. They have the right to walk through. So I would tell you really look at your collective bargaining agreement and see what you're signing up for. And if it's above what OSHA minimum standards are and some states have more than just federal, so make sure you pay attention to that. But make sure you're minimally meeting the required minimums of your collective bargaining agreement and what OSHA's saying for your state

or federal and do better, right? These are our assets, right? So you don't have to just do the basics, but they do have the right to call, they have the right to attend and talk with OSHA as well. Now, proprietary information, just like with OSHA for the business, they don't get to see that, neither does OSHA. So you have the right to protect that, but it's basically they're representing their concert of employees and so they have the right to join in on all of that.

- When it comes to OSHA violations. As you go through this process, I suspect that there's common citations that you've seen or that you've heard of, what are some of those common citations that HR professionals should be aware of so that they can proactively address those?

- I call those the low hanging fruit. And those low hanging fruit could be as much as \$15,000 in 2023 or higher as we go forward. So that's going to be, if we have proper signage if we have employees wearing PPE where that signage says PPEs needing to be worn, do we have those secondary labels from the GHS system on spray bottles? Here's one, this happens all the time in construction and manufacturing. If we have scrap wood or broken pallets and a nail is sticking out where someone could be poked or impaled, that's a huge low hanging fruit. It's under housekeeping and it can be the 15,000 plus. Definitely wanna do that. And also, this sounds weird for HR, but as you're walking around talking to your employees look at your fire extinguishers. We have those done annually. Absolutely. 'Cause that's required. But did you know on the back of your fire extinguisher, there's a card and you're supposed to be checking that monthly to see if the green pin is in the right area. If it says overcharge or undercharge, those are huge fines. And so anybody can look at that. That's an easy one for HR as you're making your rounds talking to your people, it also gets you out of your office to get among your people. So they get accustomed to talking and seeing HR in a good way.

- I have been in HR over 16 years. I am married to a battalion chief in the fire department and I have literally never heard that tip. So I appreciate that. I think that's just, like you said, it's just a really easy one. You know, when you think about OSHA inspections, what are some of the misconceptions or myths surrounding those that you've heard?

- Some of them I've heard is that they're like Gestapo. They're there to give employers a hard time. Truly they're not. Yes, there are some, just like where anyone you have some people who take it a little far, but really they're there to do the right thing for the employee. I'll tell you the whole reason I got involved in safety is I had a fluke accident that could have been prevented and I was paralyzed for 18 hours. The fact that I'm able to walk to this day tells me something was meant for me to be in safety. And so then I grew up in

construction and it was my dad's company, and I would see things happen. I'm like, we can prevent this. So OSHA's whole thing when it was signed in is so that people didn't lose arms, limbs, or lives to go to work. And I'm okay with that. And being an OSHA instructor myself I get trained by OSHA people and I interact with them. They're really there to find if we're doing the right thing. They don't wanna tag employers who are trying. A lot of the times, even when I'm doing representation walkthroughs with them, they'll say, "Hey, if you guys can get this fixed before I leave today, we're good." So they're willing to work with you if you treat them with respect. I've heard some bad stories about people saying really bad things about them and embarrassing, and so then they won't work with you. But they truly just wanna make a safer work environment for the employees, which I'm all for.

- I love your advice about checklists. You know, I think as we've talked through everything, have those really great robust checklists, right? What are your processes? How are you going to, what are your audits? How often are you gonna do 'em? Add the fire extinguisher thing on there. You know, what is your process when you have OSHA come in the door? You know, I've gone through one inspection in my career and I was very fortunate. The organization at the time had a really great checklist. So there wasn't any like, oh my gosh, OSHA's here. What do we do? We had a really great plan in place. So I think this is really great valuable information for those in the HR space who are new to OSHA regulations and some of the requirements and inspections related to them. And/or if you just wanna educate yourself, you can definitely go down a rabbit hole with a lot of this information. We've only touched basically the surface. So I really appreciate the conversation, Michele, and it wouldn't be The Mixtape if I didn't ask this question. It's something I'm asking to all my guests now, as you kind of go through life right now, what is some song that's giving you inspiration or motivation right now?

- So I hope you don't laugh at me but I teach CPR as well as OSHA and it is how to save a life. Because literally the other day I was on a OSHA training site for a roofing client of mine, and I saw something and if the guy had not taken a step forward when I yelled at him, he would not still be here. So I think that is what's really given me inspiration. If I can save one person one day, that's my thing.

- Ugh. Goosebumps, Michele. I love that answer. Thank you so much for spending a few minutes with me.

- Thank you for having me. Again, I really appreciate it. And if anyone has questions on how to make that checklist, they're always welcome to reach out. I do seminars, as you know I did with SHRM and it's important to just help people know what they don't know.

- I hope you enjoyed today's episode. You can find show notes and

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