

# HOUSE BILL REPORT

## EHB 2509

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### As Amended by the Senate

**Title:** An act relating to improving workplace safety and health by enacting the blueprint for safety program.

**Brief Description:** Promoting workplace safety and health by enacting the blueprint for safety program.

**Sponsors:** Representatives Chandler, Bailey and Pearson.

#### **Brief History:**

##### **Committee Activity:**

Labor & Workforce Development: 1/25/12, 1/31/12 [DP].

##### **Floor Activity:**

Passed House: 2/9/12, 97-0.

Senate Amended.

Passed Senate: 3/1/12, 49-0.

#### **Brief Summary of Engrossed Bill**

- Enacts the Blueprint for Safety program within the Department of Labor and Industries to promote management and labor leadership in workplace safety and health as essential for long-term success.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass. Signed by 13 members: Representatives Sells, Chair; Reykdal, Vice Chair; Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Green, Kenney, Miloscia, Moeller, Ormsby, Roberts, Taylor and Warnick.

**Staff:** Joan Elgee (786-7106).

#### **Background:**

The Department of Labor and Industries (Department) administers and enforces the Washington Industrial Safety and Health Act. The Department, through the Division of

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Occupational Safety and Health (DOSH), adopts safety and health standards, provides consultation and advice to employers, and conducts inspections and investigations.

Workers' compensation premiums paid by an employer are determined, in part, by the employer's experience rating, which is based on the costs of claims of the employer's workers.

The Department has created a Blueprint for Safety series within the DOSH to change the perspective of management and labor leaders in an organization and give them a vision of why their leadership in their safety and health program is an essential element for long-term success. About 12 employers currently participate in the series.

### **Summary of Engrossed Bill:**

The Blueprint for Safety program is enacted. The goal of the program is to improve safety for employees and lower employer costs by assisting employers for which the traditional safety and health model has not been effective. The Department must design the program to promote management and labor leadership in safety and health as essential for long-term success. Criteria for participation may include, but are not limited to:

- history with the Department indicating a less than optimal leadership commitment to safety and health;
- rising experience modification factor;
- recent catastrophic workplace injury;
- changes in the employer's safety management; and
- request by the employer to participate.

The Department must adopt rules to establish criteria for participation beginning in 2012.

The Department must offer the program statewide in a phased manner and must post information on its webpage to inform employers about the program. Participation in the program is voluntary and employers must be approved by the Department to participate. The program does not replace the Department's existing compliance or consultation programs.

### **EFFECT OF SENATE AMENDMENT(S):**

The amendment provides that the Blueprint for Safety program must be implemented within existing resources and that funding for the program may not be appropriated from the medical aid or accident funds (workers' compensation funds).

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) This bill comes from constituents. There are lots of contentious issues with the Department; this is a success story. About 12 employers have voluntarily entered this safety program. The program is innovative and creates a culture of safety. It is about more than just enforcement, penalties, and inspections. The program includes assessments, workshops, and consultations, and is best practice driven. Top management must buy in. It goes beyond the traditional model of services. The program reduces costs. The bill will make the program more available. Blueprint for Safety should be the trademark of how to deal with workplace safety. Fewer accidents and claims means lower rates.

(With concerns) The program combines risk management with safety and health. Its effectiveness has not been fully evaluated. The program was started in northwest Washington and the Department has variations of the program rolling out into other regions. The program is very labor intensive for the Department and the employer. Those with concerns want to work with sponsors to make sure flexibility is not lost. The Legislature should proceed carefully. The program could be a bridge between workers' compensation and safety and health.

(Opposed) None.

**Persons Testifying:** (In support) Representative Chandler, prime sponsor; Representative Bailey; and Rick Anderson, Sakuma Brothers Farms and Processing.

(With concerns) Rebecca Johnson, Washington State Labor Council; and Tamara Jones, Department of Labor and Industries.

**Persons Signed In To Testify But Not Testifying:** None.