



# NH Department of Labor Safety Requirements

## Are You in Compliance?

### Background

When the State of New Hampshire revised the Workers' Compensation Statute in 1994, it set in place, for the first time ever, requirements for employers to establish various safety programs to improve workers' compensation performance.

Since then many Primex<sup>3</sup> members have made great strides toward the implementation of these new requirements; however, some have not, and in some cases, once enacted steps to address the requirements have "slipped" and are no longer effective.

Many Primex<sup>3</sup> members have been inspected by the NH Department of Labor (NHDOL), often for failing to file the required *Safety Summary Form*. This enforcement action by the NHDOL suggests that a review of these requirements is in order.

### The Three Basic Requirements:

- 1) Current Written Safety Program
- 2) Joint Loss Management Committee (JLMC) --Safety Committee
- 3) Safe & Healthy Workplace

**Current Written Safety Program.** RSA 281: A requires that employers with more than ten employees — full time or part time — have a current and up-to-date written safety program. The program should include sections that address, at a minimum:

- Statement of safety policy
- Responsibilities of management, supervisors and employees
- Handling emergencies (procedures in place)
- Accident investigations
- Workplace inspections
- Disciplinary procedures

In addition to these areas of guidance, the written safety program should also include task-specific policies. Some examples are:

- Bloodborne Pathogens
- Hazardous and Toxic Substances
- Confined Space Entry


**Joint Loss Management Committee.** RSA 281: A also requires that employers have a Joint Loss Management Committee (JLMC), or as they are more commonly called, a safety committee. Employers with more than five employees — full time or part time — are required to have a JLMC in place.

The committee, equally comprised of both labor and management, should represent the employer’s key work activities. Some of the committee’s requirements and duties are:

- Meet at least quarterly
- Maintain meeting minutes
- Review accident and injury data
- Coordinate workplace safety inspections

**Maintain a Safe and Healthy Workplace.** Finally, RSA 281: A requires that employers maintain a safe and healthy workplace. What would best be described as a general duty clause, this requirement is an attempt to convey the importance of keeping employees safe on the job. While an essential function of all employers, this requirement helps with the enforcement phase of the Statute.

**Documentation and Reporting.** In conjunction with the Statute’s three key requirements is the process of documentation and reporting. While not all municipalities and school districts have been targeted by the NHDOL for a compliance visit, many have been, and we know that the likelihood of a visit/inspection is increased if you have not filed a *Safety Summary Form* with the Department, a form which must be filed every other year. An online version of this form can be found at: [http://www.labor.state.nh.us/safety\\_training.asp](http://www.labor.state.nh.us/safety_training.asp). This website also contains additional information and guidance on the statutory requirements outlined in this bulletin.



**Help and More**  
**In addition to the NHDOL website Primex<sup>3</sup> can also help to address your concerns. For guidance or sample materials, contact your Primex<sup>3</sup> Risk Management Consultant at 1-800-698-2364.**