



OSH Authority and Agency

**REPORT ON THE STUDY TOUR
OF THE TRINIDAD AND TOBAGO
OCCUPATIONAL SAFETY AND HEALTH AUTHORITY
TO THE OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION OF THE
UNITED STATES DEPARTMENT OF LABOUR
(USDOL)
in the framework of the OAS Inter-American
Network for Labour Administration (RIAL)**

September 16 to 21, 2007

REPORT ON THE STUDY TOUR
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1. Introduction

The Occupational Safety and Health Act No1 of 2004 (as amended) was proclaimed on February 17th 2006, It established the Occupational Safety and Health Authority which consists of eighteen members representing all stakeholders that impact on occupational safety and health in Trinidad and Tobago. The Board functions under the Minister of Labour and Small and Micro Enterprises Development. It oversees the Occupational Safety and Health Agency (the executive organization of the Authority) which is headed by an Executive Director who is a member of the Board.

From September 16th to 21st, 2007 a Study Tour of the Occupational Safety and Health Administration of the USDOL was undertaken by a delegation of Trinidad and Tobago OSH Authority under the framework of the OAS / RIAL project. The Trinidad delegation comprised five (5) members, three (3) members of the Board of the OSH Authority, and two (2) members of the Agency..

The participants were (**Please see Annex 1** for the concise cv's):

1. Lennox Findlay, Board Member, President of The Safety Council Trinidad and Tobago
2. Alfred Phillips, Board Member, Representative of the Trinidad and Tobago Board of Engineering;
3. Paul Huijzendveld, Board Member, Executive Director of the Trinidad and Tobago OSH Agency;
4. Jeffrey Millington, OSH Inspector II (Trinidad and Tobago OSH Agency), Coordinator of the Manufacturing Branch;
5. Colin Gaskin, OSH Inspector II (Trinidad and Tobago OSH Agency), Coordinator of the Construction Branch.

The main objective of the Study tour was to seek information and support on the organizational, strategic and operational development for the beneficiary, the newly built OSH Authority and Agency of Trinidad and Tobago.

It is anticipated that this will assist in the creation of an institution that will be effective in promoting compliance with OSH legislation; promoting healthy work environments and better conditions for workers' safety and health; reducing occupational illness and accident rates and promoting decent work. Effective cooperation with industrial partners and other relevant stakeholders in strategic alliances and partnerships, awareness raising programmes among workers, employers and the general public were to be taken into account.

The timing of this Study Tour was extremely well chosen, since the new T&T OSH Act which meets international standards which was enacted in January of 2004 and proclaimed in February 2006. It resulted in the establishment of the multi stakeholders OSH Authority in October 2006 and the start of the executive enforcing body, OSH Agency on August 17, 2007. This OSH structure is virtually being built from scratch. The staff, the experience and the systems of the former Factory Inspectorate were transferred to the Agency in August 2007. This unit had been expanded from 8 to 32 inspectors in October 2006.

The support, in the form of oral information, written documentation, informative discussions and practical demonstrations and examples, was tremendous. The willingness to share information in an open and transparent way by all USDOL and US/OSHA persons involved in the program, and the motivating and proud way of communicating about responsibilities, programs, results, successes, failures and challenges was amazing.

This attitude was underlined by the high level reception by Deputy Assistant Secretary Edwin G. Foulke Jr., Under Secretary Charlotte M. Ponticelli and Associate Deputy Lawrence Casey, who all demonstrated their serious interest and involvement, and committed to future collaboration.

The members of the T&T delegation would like to express their gratitude to USDOL, OSHA, RIAL, OAS, ILAB and ILO for the opportunity given in this Study Tour. A special word of thanks is directed to the organizers, Keith Goddard, Deborah Crawford, Jacquelyn Gray and Pat Jones.

2. The program

The first four (4) days of the program (**attached as Annex 2**) took place in Washington, USDOL and consisted of the following leading elements:

- The management system of US/OSHA;

- Human resources management system, incl. job and staff competences development;
- Institutional structure, and the philosophy behind;
- Missions and functions development of the organization and its units;
- The relation and cooperation between Federal and State initiatives and programs;
- Communication strategies including internet (web) communication and outreach programs;
- Cooperative state plans, voluntary public private programs, alliances and partnership programs;
- Small businesses initiatives;
- Enforcement strategies, programs and investigations;
- The new generation management and OSH information system;
- Standards development process and economic impact assessment;
- The approach to the Construction sector;
- Science, research, medicine and laboratory functions.

Included in this part of the program was a videoconference with the management of the OSHA Training Institute in Chicago, focussing on:

- Education of enforcement and compliance staff members of federal and state organizations;
- OSH trainings of employers, workers and OSH services staff;
- Education of the general public.

The last part of the program was the one (1) day visit to the Long Island Area Office in New York. Subjects were:

- Area operations and relations with NY State and USDOL;
- Reporting and accounting by inspectors on the basis of performance indicators;
- Regional management information systems;
- Public Service approach and State legislation;
- Whistleblowers investigation procedures.

The participants of US/OSHA delivered outstanding, high quality presentations. The discussions were intensive and informative, and the documentation received is extremely useful.

Extra gratitude has to be paid for the offer for further future cooperation between US/OSHA and TT/OSHA on specific issues.

3. Report of the Activity Specific Objectives

3.0 Overview of objectives

The Study Tour focussed on obtaining information in accordance with the objectives detailed in the RIAL Corporation Fund Request Form. These were:

3. Develop an optimal **Organizational Structure**;
4. Develop a **Multi Annual Strategic Plan**;
5. Develop a program of **Public Education**;
6. Identify **Key Areas** of attention;
7. Develop a plan to **Ensure OSH** in all sectors;
8. Access to **Specialist Incident Investigators**;
9. Develop working arrangement of **Training of key persons**.

For a more detailed summary of the Study group's objectives is annexed (please see **annex 3**).

3.1 Objective 1: Develop optimal Organizational structure

3.1.1 The USDOL and US/OSHA organizations

The study group was briefed on the Department of Labor (USDOL) and OSHA Organizations US/OSHA. US/OSHA is part of the USDOL reporting to the Office of the Deputy Secretary who reports to the Office of the Secretary of Labor, a political appointee. (please see Organization Chart **annex 4**).

The Mission and Vision of the USDOL is stated below:

Mission: “The USDOL promotes the welfare of job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining and tracking changes in employment, prices and other national economic measurements”.

Vision: “We will promote the economic well-being of workers and their families; help them share in the American dream through rising wages, pensions, health benefits and expanded economic opportunities; and foster safe and healthful workplaces that are free from discrimination”.

US/OSHA mission statement is in line with the USDOL and is stated below:

Mission: “To assure as far as possible for every working man and woman in the nation safe and healthful working conditions. This includes such strategies as rulemaking, enforcement, compliance assistance, outreach, and partnerships to enable employers to maintain safe and healthful workplaces”.

The US/OSHA organization consists of nine (9) Directorate and ten (10) Regional Offices Administrators (Please see Organization Chart **annex 5**). The Directorates are as follows:

1. Evaluation and Analysis
2. Standards and Guidance
3. Administrative Programs
4. Cooperative and State Programs
5. Science, Technology and Medicine
6. Enforcement Programs
7. Construction
8. Information Technology
9. Training and Education

The US/OSH Act covers private sector employers and their employees in the fifty (50) states and nine (9) territories and jurisdictions under federal authority.

US/OSHA's provisions cover the private sector only. However, some states have their own OSHA-approved occupational safety and health programs. These state programs cover state and local government employees. There are about thirty six (36) such State Programs and the programs in Connecticut, New Jersey, New York and the Virgin Islands cover public sector (state and local government only.) US/OSHA and its State partners have approximately 2,400 inspectors and about 550 state consultants, plus complaint discrimination investigators, engineers, physicians, educators, standard writers and other technical and support personnel spread over more than 130 offices throughout the country.

Recommendations

- 1. Review organization structure, mission and vision statements in order to ensure that all relevant elements are being addressed properly.*
- 2. Define the relationship between TT/OSHA and MLSMED.*

3.1.2 The USDOL and US/OSHA Advisory structure

The study group was informed on the various advisory committees. These would have the involvement of non governmental persons on the committees. A copy of the composition of the National Advisory Committee on Occupational Safety and Health (NACOSH) is attached (**annex 6**). A specific advisory Committee is also established for the maritime sector. The structure of the TT/OHSA Board is designed to capture the input of all stakeholders however there are some aspects that require specific attention.

Recommendations

- 3. Review the scope of influence of the Occupational Safety and Health Act to establish that the uniqueness of all sectors are being addressed*
- 4. Establish specific ad hoc committees of the TT/OSHA Board to address aspects with unique OSH issues e.g. like in the maritime sector.*

3.2 Objective 2: Multi annual strategic planning

3.2.1 Political and Department Top commitment

This necessity for successful operation was clearly demonstrated in written and in personal contributions.

3.2.2 Planning

From patchwork legislation and some programmes the USDOL planning process developed to overall federal planning and approval of state programs by federal USDOL. These Federal/State Partnerships are supported by partially (50%) federally financing of approved State programs.

Recommendation

5. *Develop Memoranda of Understanding (MOU) between TT/OSHA and the Tobago House of Assembly, and regional authorities in order to provide for further outreach of OSHA initiatives.*

US/OSHA described its strategic planning process, including the development, monitoring and reporting on the implementation of the developed initiatives and targeted results.

The USDOL rolling Strategic Plan (2006-2011), 3rd iteration, gives a systematic and transparent overview of:

- the Vision and Mission,
- the Organizational Picture to accomplish the mission,
- the four (4) Strategic Goals, of which goal 3: “safe and secure workplaces” relates to OSH ,
- the Performance Goals are
 - Goal 3A: “Improve workplaces through compliance assistance and enforcement of regulations and standards”, and:
 - Goal 3B: “Reduce work related fatalities, injuries and illnesses”
- the concrete 5 year Performance Indicators are set e.g. “Rate of workplace fatalities < 5%”.

An Annual Plan and an Annual Performance and Accountability Report are published, in order to inform Congress, stakeholders and tax payers on the assessment of the USDOL’s program, performance and financial results.

Annual operation plans are also developed per unit.

A similar process of establishing a strategic plan which will start within TT/OSHA in November 2007 shall be largely supported by the information obtained.

Recommendations

6. *Use the relevant aspects of the US Government Performance Results Act of 1993 to guide the development of the strategic plan and reporting processes.*

7. *Emulate the Mission and Function Instruction and the overview of all descriptions on Unit level of US OSHA.*
8. *Issue publications of TT/OSHA's Multi-Annual Plans and Reports.*

3.2.3 Regional planning and management

In the Long Island area office an extensive insight was presented in the management, planning, reporting, and accountability of all employees. The auditing system (the internal audit checklist was distributed), the inspection reporting forms, the management information schemes and performance indicators were demonstrated.

Recommendation

9. *Use the USDOL reporting protocol and systems as input in further developing TT/OSHA's system.*

3.2.4 Performance Measurement and Accountability

Performance of departments including compliance officers is measured constantly against the goals and targets.

Recommendations

10. *Improve the monitoring of performance of TT/OSHA. As a Statutory Authority the TT/OSHA is publicly accountable.*
11. *Introduce performance measurement and management and evaluation at all levels. Develop systems to track and evaluate the work of each officer and each Unit.*
12. *Develop systems of measurements and evaluation of the effectiveness of the various OSH initiatives / programs It is imperative that coherent systems for data collection, data retrieval, and data analysis be developed.*

3.2.5 Effectively influencing OSH Compliance levels

Dealing with 1700 fatalities 80,000 work related injuries annually is a challenge. Priority setting takes place by programs, focussing on occupational accidents, injuries and illnesses rates. Highest illness rates: highest chance of having a program targeted inspection (non construction)

The starting point: 7 million businesses and 2400 US/OSHA (federal and state) employees the expectation from the public about US/OSHA's ability to prevent every injury, illness or death is unrealistic.

Enforcement Programs ("strong, fair, effective") are carried out also for US/OSHA as a necessary and important basic task. In order to increase the impact of US/OSHA it has to be completed with a variety of compliance strategies.

US/OSHA developed these strategies according to the "soft power" principle.

US/OSHA's compliance activities are multi-instrumental:

- Compliance promoting strategic alliances,
- Public -Private Partnerships
- Cooperative Programs
- Outreach programs,
- Small Businesses Assistance programs,
- Communication: multi-channel information dissemination, among which is a very informative website.

An overview of the US/OSHA's Compliance strategies is presented in Paragraph 3.3

Recommendation

13. Formalise an approach on Public -Private Partnerships, Small Businesses Supportive Programs and Outreach Programs.

14. Apply US/OSHA's strategic instruments as a "checklist" for developing specific mixes of compliance promoting activities. All strategies can be considered for successful application in the T&T situation.

Advisory, consultation and outreach programs are strictly separated from enforcement. Officials that are involved in compliance assistance and outreach programs are different from the officials executing enforcement.

The outreach efforts seek to change US/OSHA's image of aiming just at "shutting down companies" to a more supportive image.

TT/OSHA implicitly made the choice to combine supporting and enforcing functions, requiring Inspectors to execute both.

Recommendation

15. Since this has far reaching implications the Board should carefully discuss and decide on this approach during its strategic conference in November.

3.2.6 Management Information System

US/OSHA demonstrated the developments of the new Integrated OIS (OSHA Information System), which started with analysing the business processes, formulating strategic drivers:

- Reduce hazards,
- promoting US/OSH culture programs,
- Increase efficiency and effectiveness.

The study group was further informed about the business case description, conceptual planning phase, functional requirement formulation, and involvement of stakeholders. The information system is filled by electronic reporting by officers and inspectors on their activities, results and opinions. It is a web-based system, which possesses the advantages of quick uploading, easy access and instantaneous actualised provision of information.

Recommendation

16. Improve the Agency's data collection, analysis and reporting processes. The Agency is in the process of building up a computerized management information system , which is at the stage of rounding off the description and improving the business processes.

3.2.7 Science, Research and Labour Statistics

Research is an important input for strategic process and priority setting. Performance indicators measurement (outcome of OSHA's programs) and monitoring of trends are tasks of the Science Research and Statistics departments. Annual surveys are carried out via the questionnaire on accidents and illnesses for that reason. Annual Newsletters are published with the results of statistical surveys. Inspectors also deliver statistical information as by-product of their inspections.

Recommendations

17. Use the information received for establishing TT/OSHA's Research, Development and Planning unit.

18. Develop a relationship with the TT Central Statistics Board to facilitate the collection of complete and appropriate data on workplace accidents and injuries.

On State level : US/OSHA has access to Insurance Compensation Data

Recommendation

19. Review the insurance association's approach to the cost of premiums for poor performing companies. (Experience Modification Rate)

20. Develop a relationship with the National Insurance Board to facilitate sharing of data on workplace accidents and injuries.

The Globally Harmonized System (GHS) for Classification and Labelling of Chemicals is an important worldwide development.

Recommendation

21. Consider adoption of the Globally Harmonized System for Classification and Labelling of Chemicals by TT/OSHA. Discuss with the TT Pesticides and Toxic Chemicals Board and the Trinidad and Tobago Bureau of Standards.

3.2.8 Funding

Publications, outreach activities and services are principally free of charge. Citations (direct fines) are not available for OSHA, but are taken by the Treasurer. The cost of training programmes is paid by commercial users on a not-for-profit basis.

3.2.9 Rulemaking

The Rulemaking process includes public involvement and consultation. Technical feasibility and economic impact analyses of new regulations are carried out. When many small businesses are likely to be affected the Small Businesses Regulatory Enforcement Fairness Act prescribes that a panel reviews costs and benefits systematically.

With reference to the discussion on the legal status of Guidance Documents ("Codes of practice") the following preamble in US/OSHA's guidance might be illustrative:

"This Guidance document is not a standard or regulation, and it creates no new legal obligations. The Guidance document is advising in nature,

informational in content, and is intended to assist the employer in providing safe and healthy workplaces”

Recommendation

22. Make use of US/OSHA’s guidance approach.

23. Create regulations that will address the challenges faced by the state institutions in their effort to comply

3.3 Objective 3: Development of a program of public education.

US/OSHA representatives briefed the study group about its education, training and outreach programs. US/OSHA’s Training Institute provides training and education in occupational safety and health for federal and state compliance officers, state consultants, other federal agency personnel, and the private sector. The Agency’s education centres provide fee-based occupational safety and health training to public and private sector safety and health professionals around the United States. Outreach and education resources and activities such as its Susan Harwood Grant Program, Outreach Training Program are part of the overall strategy.

3.3.1 Compliance Assistance

US/OSHA offers a comprehensive suite of compliance assistance initiatives. They are made available through the OSHA Web Site and delivered by trained Compliance Assistance Specialists.

Compliance Assistance General Resources are:

- US/OSHA Web Site, which contains “E-tools”:
 - Compliance Assistance Web Page,
 - Electronic Assistance Tools,
 - Compliance Assistance electronic Quick Start (evacuation plans, PPE. information, etc).
- Compliance Assistance Specialist support,
- Contact with US/OSHA: Toll free hotline for advice and support
- SB Handbook with checklist For self inspection
- Publications,
- Self Assessment worksheets,
- Employers comparative report scores: rating in group top 25, Nr in industry on specific issues.

Recommendations

1. Develop a similar comprehensive Small Businesses compliance assistance programme to assist businesses with compliance.

2. *The effective use of the internet will make the information more accessible and user friendly.*

3.2.2 Alliance Program

“Where organizations committed to workplace S&H collaborate with OSHA to prevent injuries and accidents at work”;

The Alliance Program enables trade or professional organizations, employers, labour organizations, educational institutions and government agencies that share an interest in workplace safety and health to collaborate with OSHA to develop compliance assistance tools and products that will help prevent injuries and illnesses in the workplace. OSHA and the organization sign a formal 2-year agreement, which can be renewed for an additional two years or concluded, with goals that address training and education, outreach and communication, and promoting the national dialog on workplace safety and health.

Recommendation

3. *Seek to initiate alliances that will promote the enhancement of workplace safety and health. These may be bi-lateral or multi-lateral with the objective of bringing varied and expansive expertise to impact on workplace safety and health.*

3.3.3 Strategic Partnership Program

“Where organizations and stakeholders work together to eliminate serious hazards and achieve a high level of employee S&H”

Organisations can enter into strategic partnerships with OSHA to address specific safety and health issues. In a partnership, OSHA enters into an extended voluntary cooperative relationship with groups of employers, employees and employee representatives (sometimes including stakeholders, and sometimes involving only one employer) in order to encourage, assist and recognize their efforts to eliminate hazards and achieve a high level of worker safety and health.

Recommendation

4. *While TT/OSHA has already been involved in this to some extent, by way of “National Safety Week and Awards”, this type of relation should be defined and the nature of the partnerships must be carefully executed so as not to compromise the enforcement aspects of OSHA’s responsibilities.*

3.3.4 Voluntary Protection Programs

“Model worksites are recognized for their excellent S&H management system and their willingness to share their expertise with other businesses”

The VPP is designed to recognize and promote effective safety and health management. A hallmark of VPP is that management, labour and US/OSHA work together in pursuit of safety and health in the work place. VPP participants are work sites that have successfully designed and implemented outstanding health and safety management systems.

Recommendation

- 5. Introduce a similar program since it will provide an opportunity to reduce the workload on the inspectorate by assuring quality performance at approved work sites and by sharing the enforcement responsibility. The selected work sites will require their contractors and suppliers to be compliant.*

3.3.5 On-Site Consultation Program for Small Business

Small businesses, particularly those in high-hazard industries or involved in hazardous operations, can use this free and confidential service to help improve their safety performance. Safety and health consultant's work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health management systems.

The protocol: request, conference, walk through, conference, hazard correction, follow through

Separate from the enforcement unit, there are NO citations or penalties issued for workplace hazards found by the consultants (except reporting to enforcement units in case non solution of serious imminent dangerous situations). Consultancy will be continued if max. 1 of 6 non serious hazards remain unsolved

Recommendations

- 6. Introduce an on-site consultation programme. This approach is highly recommended at this time. Selected trained inspectors and consultants employed by the Authority should be used in this mode to accelerate compliance by employers.*
- 7. It is also recommended that enforcement officers are not allowed to operate in this mode since it allows them the freedom to determine whether an organization should be cited for a violation or not.*

3.3.6 Safety and Health Achievement Recognition Program (SHARP)

“Incentive program supporting and official acceptance of small businesses for businesses that operate an exemplary S&H management system and continuously improving (model workplace)”

Employers that participate in this On-Site consultation Program may seek recognition and exemption from programmed compliance inspections under SHARP for their exemplary safety and health programs. SHARP provides incentive and support for small businesses to develop, implement and continuously improve safety and health programs. Successful companies will be exempted from workplace inspections.

TT/OSHA’s National Safety Awards demonstrates its acceptance of the importance of recognition in the process of improving safety and health performance.

Recommendation

- 8. Alter the recognition programme to be more widespread by recognizing achievement of a level of performance instead of trying to identify the best in class.*

3.3.7 Outreach Training Program

The US/OSHA Outreach and assistance programs are further compliance promoters and include: lectures, presentations, speeches, support, personal interaction, forums and round tables.

The Outreach Training Program is US/OSHA’s primary way to train employees in occupational safety and health. Through the program, individuals who complete a one-week trainer course are authorized to teach 10-hour or 30-hour courses in construction and general industry safety and health standards. Outreach trainer training is readily available at US/OSHA Education Centers and the curriculum is viewed as a standard foundation for safety and health training.

Recommendation

- 9. Establish canned training programmes to satisfy the needs of the various types of industrial establishments.*

Special compliance assistance officers are operating in the outreach area, without enforcing tasks

Recommendation

- 10. Introduce a separate outreach unit*

3.3.8 OSHA Training Institute (OTI)

US/OSHA's primary training provider, OTI, provides training and education in occupational safety and health for federal and state compliance officers, state consultants, other federal agency personnel, and the private sector. (see also paragraph 3.7)

Recommendation

11. A structured approach to preparing individuals to train workers is very important. An OSH Training Institute should be developed to provide this training under the auspices of TT/OSHA. Training should focus on training both public and private sector officials in the interest of advancing occupational safety and health

3.3.9 OSHA Training Institute Education Centres

The US/OSHA Training Institute (OTI) Education Centre Program was initiated as an extension of OSHA Training Institute, which targets Federal and State compliance officers and state consultation program staff, but also provides training to private sector personnel and Federal personnel from agencies other than US/OSHA on a space availability basis. As of March 31, 2007 OSHA has 19 training centres throughout the U.S.

Recommendations

12. Bring the proliferation of "safety training providers" under the control of a system that ensures that the quality of training is appropriate. TT/OHSA should collaborate with the TT/Accreditation Council to develop such a system.

13. Collaborate with TT Universities and TT National Training Institute to set up a training structure.

3.3.10 Susan Harwood Training Grants

OSHA awards grants to non-profit organizations on a competitive basis through the Susan Harwood Training Grant Program. Grants are awarded to provide training and education to employees and employers on the recognition, avoidance, and prevention of safety and health hazards in their workplace. US/OSHA selects the safety and health topics and holds a national competition to award grants for Targeted Topic Training programs.

Recommendation

14. *Lobby the Government to provide grants for training in occupational safety and health to suitable organizations. There are only a limited number of non-profit organizations therefore no need for competition for the grants.*

3.4 Objective 4: Plan for Ensuring Safety and Health Act implementation in all Sectors

The study group received a huge amount of information for designing such a plan, as an operational framework to ensure implementation of OSH Act in all sectors of Industry.

A first operational framework applicable for the internal TT/OSHA measures to be taken is attached as **annex 7**.

Some main issues not dealt with in other chapters of this report are mentioned below.

3.4.1 Human Resource Management and Development

USDOL/OSHA staff discussed its procedures for hiring and training qualified personnel such as industrial hygienists, safety engineers, ergonomists and medical professionals to serve in positions such as Compliance Safety & Health Officers (CSHO) and Occupational Safety and Health Specialists. They provide continuing education to its staff by offering staff members training at the OSHA Training Institute and sending them to occupational safety and health conferences and meetings.

The Factor Evaluation System, Classification System and salary scales were explained and handed over. These included the OSH functional competency model (see for more details paragraph 3.7.1) and derived Competence Job profiles. The US/OSHA Personnel Appraisal System and Appraisal Assessment forms for managers (and workers) were demonstrated.

Recommendation

38. *Develop Performance Appraisal Systems and Competency model and use those instruments to identify the training requirements of an officer for the improvement of competency, coaching and professional development.*

3.4.2 Communication

US/OSHA's Communication strategy: "One mission, one voice" was developed to ensure consistency in regional, national and local messages, delivering a common "look, feel and message" on OSH and US/OSHA all over the US. The principles of the OSHA communication plan were explained: (What we do- How we do it-Where we do it).

A variety of written and electronic means of information for various target groups is created: Quick Cards, Quick Takes, Guidelines, Guides, Fact sheets, Safe Working Practices, Tool kits, Posters, Brochures, Videos, Pocket guides. A sign up system for users is created.

The US/OSHA website is extremely informative and interactive. It is built up with input from inspectors. Special sites for target groups: small businesses, youth workers.

At regional level attention is paid to regional actualities: Fatal Facts Sheets (learning from accidents) and Project Result Sheets.

Recommendation

39. Use the US/OSHA website as a model for the TT/OSHA website. It is an (interactive) valuable source of information.

40. Conduct training on how TT/OSHA personnel should respond to the press.

41. Develop easy-to-read documents that assist in advancing OSH initiatives for distribution to the public.

3.4.3 Code of Ethics

All officers of the US/OSHA are operating under an established Code of Ethics. US/OSHA applies a strict "zero tolerance" approach in integrity issues for all officers with respect to the acceptance of gifts and enticements. They are required to take an oath of office.

The T&T Agency is in the process of finalizing such a Code of Ethics. The "Zero Tolerance Policy" is to be inserted in the integrity training in October 2007 for TT/OSHA.

Recommendations

42. Consider the introduction of swearing in of inspectors.

43. Introduce a rule preventing the pre-notification of employers when an inspection is to be carried out.

3.5 Objective 5: The Identification of key areas for special attention

3.5.1 Fatalities

According to the US Bureau of Labour Statistics (BLS) there were 5,703 fatal work injuries in the United States in 2006, with the construction industry having the highest number of fatalities (**annex 8**). The rate of fatal work injuries in 2006 was 3.9 per 100,000 workers, down from a rate of 4.0 per 100,000 in 2005. There are 7 million businesses and 2,400 OSHA employees. The expectation of US/OSHA's ability to prevent every injury, illness and death is consequently unrealistic.

The US/OSHA deploys its resources via a targeted approach by directing inspections and outreach to worksites and industries with the highest injury and illness and fatality rates. These decisions are ultimately determined by the available statistical data. This indicates the importance of timely and reliable data.

Recommendation

44. Make efforts to ensure that all accidents, especially critical injuries and fatalities, are expeditiously recorded and an efficient and effective database maintained.

Three basic strategies are used by US/OSHA to help employers and employees reduce injuries, illnesses and deaths on the job:

- Strong, fair and effective enforcement;
- Outreach, education and compliance assistance; and
- Partnerships, Alliances and other cooperative and voluntary programs.

3.5.2 Coverage

The US OSH Act of 1970 covers private sector employers and their employees in the 50 states and certain territories and jurisdictions under federal authority. Those jurisdictions include the District of Columbia, Puerto Rico and the Virgin Islands.

Section 18 of the US OSH Act encourages states to develop and operate their own job safety and health programs or state plans. Federal OSHA approves and monitors state plans and provides up to 50% of an approved

plans operating costs. There are currently 22 states or jurisdictions that operate complete state plans (covering both private sector and state and local government employees). Each part of a state's program must be "at least as effective" as the federal program.

New York State's Public Employee Safety and Health Act (PESH) of 1980 provides safety and health coverage to all public employees at the state and local level. The Act provides that the same safety and health standards that apply to workers in the private sector (OSHA) will be applied to employees in the public sector.

3.5.3 Inspection Priorities

Inspection priorities re established as follows:

- Imminent Dangers
- Fatalities / Catastrophes
- Complaints
- Referrals
- Programmed inspections
 - Site specific targeting (SST)
 - National Emphasis Programs
 - Developed at the national level
 - Address high hazard industries and activities
- Local Emphasis Programs
 - Developed at Area and Regional Offices
 - Address high hazard industries and activities specific to the area.

Can be based on BLS data, workman's compensation data, complaint history, and anecdotal information.

3.5.4 Enforcement Programs

US/OSHA's Enhanced Enforcement Program targets employers who have a history of the most severe safety and health violations. This helps US/OSHA focus on employers who wilfully and repeatedly expose their employees to the most serious hazards, refuse to correct violations and violate their safety and health agreements.

Inspectors are not free to randomly select businesses or construction sites for inspection. The Area Director is the first person that decides where the inspector should visit. There must also be proper justification for the inspection i.e. complaints, imminent danger etc. Employers must not be allowed to feel that they are being unfairly targeted (Marshall v. Barlow's, Inc. 1978).

National Emphasis Programs are developed, binding in inspection programs nationwide.

Recommendation

- 45. Establish a system of selecting work sites for inspections that will not be considered unfair targeting. Establish a “national emphasis program” that helps with the selection of work sites to be inspected.*
- 46. Implement a program similar to the US/OSHA’s Enhanced Enforcement Program (which targets employers who have a history of the most severe safety and health violations). This can be done across all industrial sectors.*
- 47. Establish programs to promote partnerships, alliances and other cooperative programs. A collaborative effort with the industry and other stakeholders is not only desirable but also essential if we are to effectively regulate the safety and health of the national workforce.*

Article 5 of the Labour Inspection Convention, 1947 (No 81) states:
“The competent authority shall make appropriate arrangements to promote:

- a) Effective cooperation between the inspection services and other government services and public and private institutions engaged in similar activities; and*
- b) Collaboration between officials of the labour inspectorate and employers and workers or their organizations.”*

It must be noted that Cabinet agreed to ratify this convention on September 14, 2006.

Compliance assistance services using specialists (who provide information and training) work for USDOL-OSHA since their enforcement officers are not involved in these programs. There must be a firewall between US/OSHA compliance officers and US/OSHA enforcement officers.

This may be more difficult to adopt in Trinidad and Tobago. To avoid compromising the authority of the OSH Agency’s enforcement officers, implementation may involve nothing less than the investment in additional human resources to serve in these specialized roles.

Enforcement actions are based upon a risk/frequency basis and are related to statistical surveys on accidents, injuries and illnesses.

60% Of the inspections are programmed; 40% are reactive (accident and complaint investigation). In the “H&S week” routine inspections are set back. Targeted inspections in a transparent way (random sampling, or clear high illness/accident rates) of selecting companies (according to the “Barlow-decision”) and results are published.

A list of citation actions is developed to promote uniform enforcement nationwide.

US/OSHA’s inspection principle: “Never issue a notification of an inspection in advance”, but also: “Compliance before inspection”.

According to prosecution the strong advice was given, to seek the assistance of a professional lawyer in TT/OSHA in the first court cases.

Recommendation

48. Diversify in formal and informal complaints (tips). The last ones can effectively be dealt with via telephone and fax.

49. Seek the assistance of a professional lawyer in TT/OSHA in the first court cases.

50. Explore legal possibilities of publication of citations on the web site.

The US/OSHA Whistleblower program helps to ensure that employees are free to participate in safety and health activities and Section 11[c] of the OSH Act prohibits any person from discharging, discriminating or retaliating against an employee for exercising rights under the Act.

Recommendation

15. Ensure proper investigation in case of victimization of workers, prohibited in the TT/OSH Act, applying a similar uniform protocol. It is noted that Section 76 of the TT/OSH Act provides employees with the protection that US/OSHA’s Whistleblower program seeks to do.

3.5.5 Directorate of Construction

Apart from having an Office of Construction Standards and Guidance, this Directorate is supported by an Office of Construction Services and an Office of Engineering Services. The latter investigates structural failures that occur

due to construction and design flaws and provides technical support to Federal Agencies.

In the Alliance Program (see paragraph 3. 3) participants work together to reach out, educate and lead the nation's employers and their employees in improving and advancing workplace safety and health. Out of a total of 67 alliances there are 12 construction alliances. The Roadway Work Zone Safety and Health Partners Alliance have included asphalt fumes among their safety and health topics to be addressed.

The Strategic Partnership Program (see paragraph 3.3) provides an avenue for employers, employees and other stakeholders to improve their safety and health management systems while working with OSHA in a cooperative, non-adversarial way.

The type of alliances and partnerships made particularly for the construction industry is significant. For example the Electrical Distribution and Transmission Partnership (ED&T) involves at least 11 companies, organizations and a union. It includes a company named "Asplundh", which is hired by electrical utilities to trim trees. Similar ties can be made by the OSH Agency & lines of communication opened to sensitize these groups to their OSH responsibilities. There is also an alliance with the American Road and Transportation Builders Association, but perhaps an MOU with the Ministry of Works may serve our interest here.

3.5.6 Standard development

Standards are developed on the initiative of OSHA or in response from other parties including the National Institute for Occupational Safety and Health (NIOSH) and state and local governments. A list of all regulations that have work underway is published in the Federal Register by the DOL each spring and fall.

Recommendations

52. Make use of internationally recognized standards including the impressive collection of standards developed by US/OSHA for building up the T&T regulatory system.

3.6 Objective 6: Access to Specialist Incident Investigators

Under the National Response Plan for emergencies US/OSHA is the Lead Federal Agency for Worker Safety and Health. In response to emergency situations of national significance involving workers and occurring in workplaces, US/OSHA will inform the Incident Commander of their presence and offer their services. There are specialized response teams for

- Biological hazards,
- Chemical hazards,
- Structural Collapse,
- Ionizing Radiation.

US/OSHA relies upon internal expertise, including regional engineers and construction experts in emergency response situations.

Specific policies exist in emergency situations (floods, quakes, industrial or terrorist disasters). Enforcement is suspended and guidance and support is the main approach in the rescue and restore period.

Recommendations

- 16. Establish MOU's with national services. Develop a relationship with the Office of Disaster Preparedness and Management (ODPM) that provides for the protection of responders during a disaster*
- 17. Verify existing Emergency Response Plan in place by Trinidad and Tobago Emergency Mutual Aid Scheme (TTEMAS) and ascertain how the TT/OSHA can position itself in the system of coordination.*
- 18. Identify and map the expertise, the persons, the evaluation of these persons and enter into some type of agreement with these persons. These Specialist Incident Investigators would have to be readily available at short notice. It may serve the interest of the OSH Agency to have a choice of available expertise. The Board of Engineering could be asked to recommend expertise.*
- 19. Give consideration to development of in-house expertise in the planned "technical support unit".*
- 57. Investigate the status of occupational health nursing. If a body exist develop a relationship with them. If not encourage the formation of a body.*

3.7 Objective 7: Recommendations for training of key persons e.g. Inspector, Investigators, Researchers etc.

1.0.0 Procedure for Hiring, Coaching and Development of staff

This is handled by OSHA Human Resources through its Office of Personnel Management (OPM) which have a General Position Classification System. The Classification is defined as:

The analysis and evaluation of the duties, responsibilities and qualification requirements of a position and the assignment of the position to the proper title, series, grade and pay plan under the position classification or job grading system by manager or supervisor.

However specific position descriptions are developed by managers and supervisors with the assistance of the Human Resource (HR) Specialist. Position Descriptions include:

- Major Duties and Responsibilities
- Supervisory Controls
- Factor Evaluation System (FES)

These positions are evaluated using the following nine (9) factors:

- a) Knowledge required by the position
- b) Supervisory Controls
- c) Guidelines
- d) Complexity
- e) Scope and Effect
- f) Personal Contacts
- g) Purpose of Contacts
- h) Physical Demands
- i) Work Environment

1.1.1 Procedure for Training OSHA personnel

US/OSHA has developed a model to evaluate officers which is called the OSHA Compliance Safety and Health Officer (CSHO) Functional Competency Model (**annex 9**).

The model includes the following six (6) components with their sub-components:

- Conducting Inspections and Investigations

- Safety and Health Compliance Fundamentals
 - Planning and Preparing for Inspections and Investigations
 - Conducting Opening and Closing Conferences
 - Conducting Walkaround Inspections and Interviews
 - Calibrating and Operating Equipment and Instruments
 - Analyzing Information Related to Inspections and Investigations
 - Monitoring State Plans (Specialized competency appropriate for a subset of geographic regions)
 - Legal and Regulatory Proficiency
- Providing Compliance Assistance
 - Safety and Management System Fundamentals
 - Promoting Voluntary Compliance
 - Promoting Cooperative Programs and Outreach Activities
- Documenting and Presenting Information
 - Organizing and Documenting Information
 - Writing
 - Oral Communication
- Developing and Maintaining Interpersonal Relationships
 - Interpersonal Skills
 - Teamwork
 - Influencing/Negotiating
- Applying Technical Knowledge
 - Applying Technical Knowledge
- Personal Conduct and Professional Development
 - Personal Conduct
 - Professional Growth and Development

OSHA also developed its Field Inspection Reference Manual (FIRM). The purpose of this instruction is to transmit the FIRM and provide the field offices with a reference document for identifying the responsibilities associated with the majority of their inspection duties.

1.1.2 OSHA Training Institute

OSHA Training Institute (OTI) was started in the 1970s with the stated objective of conducting In-House Training for its Compliance SH Officers. OTI provided training for Federal, State and Local agencies and later provided training for the Private Sector for a fee. The OTI facility covers an area of over 58,000 square feet with six (6) identical classrooms and has a staff of fifty five (55) persons. There is also a training Lab for light and heavy equipment.

OTI has also developed the OTI Education Centres which are private sector run institutions. The OTI develops the Standards and Competencies required. Then they used the tendering process to select the institutions to deliver the training. There are thirty two (32) such Centers and together with universities, colleges and learning centers around the USA they deliver the OSHA Outreach Programs to the general public. These institutions conduct the OSHA 10 & 30 hrs courses in the general, construction and other industries. They also conduct OSHA Train the Trainer Outreach Program in the stated industries.

OTI also sponsors the Susan Harwood Training Grants which is focus to support NGOs conduct OSHA training programs. These grants are usually for one (1) year.

OSHA also has the Directorate of Science, Technology and Medicine which have the following offices:

- Office of Occupational Health Nursing
- Office of Occupational Medicine
- Office of Science and Technology Assessment
- Office of Technical Programs and Coordination Activities
- Technical Data Center

There are also two (2) centers at the following:

Salt Lake Technical Center which covers:

- OSHA's Industrial Hygiene Analytical Laboratory
- Industrial Hygiene and Engineering Support
- Specialized Response Teams Coordination
- E Product maintenance (Web based compliance assistance tools)

Cincinnati Technical Center which cover:

- Program Support
- Technical Support

The OTI conducts between 175 – 192 weeks of training per year and conducts about 4000 programs per year. This year they would have trained over 500,000 persons.

Some of the activities of the OTI includes but not limited to the following:

Provide training at Basic, Intermediate and Advance Levels.

Provide over ninety five (95) courses including Health Care, Ship & Port, Industrial Hygiene, Air Quality Monitoring, Confined Space, Trenching, Combustible Dusts, Compliance course (2 wks), New Investigation Course, Legal Aspects, Good Case File Documentation, Competencies for Compliance Staff, Introduction to Specific Related Laws etc.

1.1.3 Safety & Health Conferences and Meetings

OSHA together with organizations such as NIOSH, National Safety Council, American Industrial Hygiene Association and other similar organisations organises Safety and Health Conferences and meetings throughout the USA. OSHA employees are sent on these conferences as part of their training and development.

Recommendations

- 58. Make use of the OSHA-Human Resource OPM Classification and Position Descriptions as a guide to develop our OSH Agency hiring procedures.*
- 59. Use the US/OSHA Compliance Safety and Health Officer (CSHO) Functional Competency Model to develop training for Inspectors.*
- 60. Use the Field Inspection Reference Manual as a guide to develop field instructions for TT/OSHA inspectors.*
- 61. Use the OTI as a model for developing standards and competencies required for OSH employees and workers in other organizations. Use the OTI Outreach Model to standardized training in the country.*
- 62. Consider Safety & Health Conferences and Meetings as a good area to source information and training to develop the inspectors.*

Annexes

1. Concise CV's of participants
2. Program of Study Tour
3. Study Tour Objectives
4. Organizational Chart US/DOL (1)
5. Organizational Chart US/OSHA (2)
6. Advisory Committees
7. Operational Framework
8. Number & rate of fatal occupational injuries
9. Competency Model

Annex 1

Concise curricula vitae Study group members

Drs. Ing. Paul Huijzendveld, Executive Director of OSHA

Paul Huijzendveld (61), (The Netherlands) was educated as a Chemical Technology engineer and has a Master of Science in Sociology. After working in the pharmaceutical industry (Organon / Dyosynth) for 5 years (1969-1974) he joined the Dutch Labour Inspectorate as a Health and Safety Inspector in the chemical industry and fulfilled several management positions within this organization later on. For more than 10 years (1994 – 2004) he was General Director of the Dutch Labour Inspectorate, an organization of 950 members of staff, of which approximately 550 were Inspectors. Paul Huijzendveld was the Secretary General of the IALI (International Association of Labour Inspectorate, an organization of ca. 100 institutional members worldwide) from 2002-2005. During the last 10 years Huijzendveld carried out short-term international missions on Labour Inspection for the ILO (International Labour Organization, UN, Geneva) and IALI in Russia, Hungary, Zimbabwe, Costa Rica and Indonesia, and “Twinning Projects” on OHS between The Netherlands and respectively the Czech Republic and Hungary. After his retirement from the Dutch Labour Inspectorate in 2004, he lived for ca. 2 year in Ankara, Turkey, as the project leader for an OHS project funded by the European Union, in the framework of the future membership of Turkey. (2004-2006). In 2006 Huijzendveld carried out a long-term mission for the ILO focusing on the improvement of the Labour Administrative System (OHS, labour contracts, employment, collective bargaining) in the Ministry of Manpower and Migration in Cairo, Egypt.

Huijzendveld was assigned as Executive Director of the Occupational Health and Safety Agency in the Republic of Trinidad and Tobago May 23, 2007.

Mr. Lennox Findlay, Member, Representative of The Safety Council of Trinidad and Tobago

Mr. Findlay has significant experience in the field of Occupational Safety and Health. He occupied various positions in occupational safety and health and environment care at Petrotrin and its predecessor companies culminating as head of the Safety Section of the Environment and Safety Department responsible for planning, organizing and directing the coordination of programs throughout the company. He has acted as a safety consultant for the state oil company of Suriname, advising on the development of management systems and procedures and assisting in training of administrative and health and safety personnel. At present, Mr. Findlay is the Health, Safety and Environment Coordinator with the University of Trinidad and Tobago. Mr. Findlay holds several certifications in the area of occupational safety and health from both foreign and local institutions.

Mr. Alfred Phillips, Member, Representative of the Board of Engineering of Trinidad and Tobago

Mr. Phillips has over twenty-five years of industrial experience in the oil, gas and petrochemical industry. During this time, Mr. Philips has worked with several leading companies in various positions such as Mechanical/Maintenance Engineer, Project Engineer and Manager-Safety & Security. Presently, he is Managing Director of Set, Ready & Go Limited, a training service provider in safety and quality management systems. Mr. Phillips is a registered engineer with the Board of Engineering of Trinidad and Tobago (BOETT), a member of the Association of Professional Engineers of Trinidad and Tobago (APETT), the American Society of Mechanical Engineers (ASME), the American Society of Safety Engineers (ASSE). He is also a facilitator/tutor for Health, Safety and Environment programs, seminars and workshops. Mr. Phillips also served on the occupational Safety and Health Advisory Council and headed one of the Sub-Committees, specifically the Organization Structure Sub-Committee.

Mr. Jeffrey Millington, Occupation Safety and Health Inspector II in the Occupational Safety and Health Agency

Mr. Millington has been a Public Servant for the past fifteen years. Of that period he served as a Chemistry Teacher for six years and a Safety Officer for five years. He previously lectured in the Safety and Health at the Cipriani Labour College is a certified audiometric Technician. Mr. Millington's qualification and training include a BSc (Hons) in Chemistry and Zoology, National Examination Board in Occupational Safety & Health (NEBOSH) Certificate, Lead Auditing for Occupational Safety and Health Assessment Series (OHSAS 18001), NEBOSH Level Six Diploma, Occupational Hearing Conservation, Occupational Safety and Health Inspection Systems, Basic Petroleum Technology, and Basic Offshore Safety Induction and Emergency Training (Boiset) Training. Mr. Millington serves on several committees at the Trinidad and Tobago Bureau of Standards, which among other things has responsibility for developing Safety and Health Standards. In 2007 Mr. Millington participated in the International Association of Labour Inspectors Conference that was held for the first time in North America as well Canada's Industrial Accident Prevention Association's (IAPA) annual conference.

Mr. Colin Gaskin, Occupational Safety and Health Inspector II in the Occupational Safety and Health Agency

Mr. Gaskin has a Master of Science (M.Sc.) Degree from the Faculty of Mechanical Engineering, The University of the West Indies. Wrote a thesis entitled "Complying with the Factories Ordinance: A Study of Industrial Accidents in Trinidad and Tobago". This thesis can be found in the libraries of the three UWI campuses: Trinidad, Barbados and Jamaica. Also holds certificates in Occupational Safety & Health from the ILO Centre in Turin, Italy; BSI Management Systems (UK); NEBOSH and Falck Nutek. Presently supervising the OSH Agency's sub-unit regulating construction and quarries.

Annex 3

Objectives of Study Tour

PROPOSAL FOR ACCESSING THE INTER-AMERICAN NETWORK FOR LABOUR ADMINISTRATION (RIAL) FUND FOR TECHNICAL ASSISTANCE

Trinidad and Tobago is a highly industrialized twin island state with a population of approximately 1,400,000. The Government proclaimed the Occupational Safety and Health Act on February 17th 2006. The Act provides for the appointment of an Occupational Safety and Health Authority under the direction of the *Minister of Labour, Small and Micro Enterprise Development* to oversee its implementation. Members of the Authority were appointed in October 2006 and took full effect in February 2007 when its Chairman was appointed. Members of the Authority are drawn from employers' organizations, labour unions, governmental institutions and nongovernmental organizations.

Safety in the workplace was regulated by the Factories Ordinance, a 1947 legislation that did not provide for all persons at work. The proclamation of the Act allowed for the Factories Ordinance to continue in effect while the operating instruments for the new Act are being developed. The wide scope of the new legislation brings with a complexity that impacts on and is impacted by several other state entities, institutions and activities. At present the Authority is using traditional management approaches to set up the necessary structures and systems to carry out its mandate. It is believed that the study of the operation of a mature body with similar responsibilities will provide valuable information that will guide the development of this nation's Authority.

It is proposed to have three members of the Authority visit with key persons involved in the functioning of the Department of Labour or the United States of America to study its operation at the levels of policy making, executive functioning, administration and operation. We anticipate this visit can provide technical assistance to accelerate the effective implementation of the Act and consequent improvement of occupational safety in the nation.

The study tour party will include the Chairman of the Authority, Mr. Wayne Bertrand and two committee heads.

The Occupational Safety and Health Authority of Trinidad and Tobago, the **"Beneficiary" institution**, proposes to access the RIAL Cooperation Fund to undertake technical assistance activity in collaboration with the Department of Labour of the United States of America, the **"Providing" institution**. The financial support sought from the fund is economy airfare tickets and per diems (accommodation and meals) for a one week study tour at Washington D.C.

This study tour reflects the objective of the initiatives for Working Group 2, paragraph "c" of the Declaration and Plan of Action of Mexico (XIV IACML).which states inter alia:

- a. Strengthen the Strategic Alliance of ministries of labor and ministries of health, education, and environment in order to advance the social protection of workers and develop national and sub regional activities to promote healthy work environments, better conditions for workers' health and safety, and joint initiatives for professional training.

The table below shows the broad objectives of the study tour and the proposed methods for obtaining the information.

OBJECTIVES <i>Provided by the Occupational Safety and Health Authority of Trinidad and Tobago</i>	PROCESS <i>Provided by the Department of Labour of the United States of America</i>
1. Develop an optimal organizational structure.	<p>OSHA staff members will brief the study group with information on the Occupational Safety and Health Act of 1970 (OSH Act), which established the Occupational Safety and Health Administration (OSHA). They will provide an overview of the Agency's mission, structure, and strategic management plan. The briefing will include information on OSHA's standard setting, enforcement and compliance assistance efforts.</p> <p>The study group will learn about OSHA's advisory committees, including the National Advisory Committee on Occupational Safety and Health, the Advisory Committee on Construction Safety and Health, the Federal Advisory Council on Occupational Safety and Health and the Maritime Advisory Committee for Occupational Safety and Health, which provide recommendations to the OSHA Administrator on issues related to the OSH Act. OSHA staff will share information about the advisory committees' charter, meetings and memberships, which like the Trinidad and Tobago Occupational Safety and Health Authority includes representatives from labor, industry and government. Staff members will provide information about committee members' roles and responsibilities.</p>
<ul style="list-style-type: none"> • Establish the most effective and efficient composition of Agency, Authority, stakeholder groups (government, industry, labour). 	
<ul style="list-style-type: none"> • Definition of Roles, Accountabilities and Responsibilities for all key roles 	
<ul style="list-style-type: none"> • Identify the most favourable sub-committee composition. This includes optimisation of Sub-committee terms of reference; report submissions; proposal 	
<ul style="list-style-type: none"> • Determine how to encourage communication and cooperation within and between the different stakeholder groups. 	
2. Development of a 5-year strategic plan by the OSH Authority.	<p>OSHA staff will describe OSHA's strategic planning process, including how the Agency develops, monitors and reports on the implementation of OSHA's plan.</p>
<ul style="list-style-type: none"> • Agree on strategic priorities for the next five years. 	

<ul style="list-style-type: none"> • Create a process to develop / enhance the mission, vision, values. 	
<ul style="list-style-type: none"> • Define Key Result Areas and map how they will be defined, measured and communicated. 	
<ul style="list-style-type: none"> • Map process for OSH Authority communicating those successes to key stakeholders. 	
3. Development of a program of public education.	<p>OSHA representatives will brief the study group about its education, training and outreach programs. The briefing will include information about OSHA’s Training Institute, which provides training and education in occupational safety and health for federal and state compliance officers, state consultants, other federal agency personnel, and the private sector, and the Agency’s education centers, which provide fee-based occupational safety and health training to public and private sector safety and health professionals around the United States. The study group will learn about the Agency’s additional outreach and education resources and activities such as its Susan Harwood Grant Program, Outreach Training Program, Compliance Assistance Specialists, and cooperative programs, which promote occupational safety and health and share best practices.</p>
<ul style="list-style-type: none"> • Education program for the foundation of a best practice occupational safety and health system. 	
<ul style="list-style-type: none"> • Focus for a permanent shift in attitude toward worker safety. 	
<ul style="list-style-type: none"> • Education public stakeholders in the importance of the OSH Authority & Agency. 	
4. Institute a plan which provides for ensuring “Occupational Safety and Health Act Implementation” in all sectors	<p>OSHA staff members will discuss how the Agency created its operational framework and organizational structure. They will focus on the development of a human resources department and related programs and the steps to recruit and train personnel for agency functions such as standard setting, enforcement, and compliance assistance. The study group will review OSHA’s organizational chart, which includes management, human resources personal, health and safety experts, enforcement inspectors, and other employees.</p>
<ul style="list-style-type: none"> • Create an operational framework for managers, employees, Human Resource (HR), Occupational Safety and Health Committees. 	
5. Identify key area for special attention	<p>OSHA representatives will outline the Agency’s processes for several important</p>
<ul style="list-style-type: none"> • “Fatalities in industry” 	

<ul style="list-style-type: none"> • Formulate specific and detailed programs of instruction, 	<p>functions, including system(s) of classification and reporting of accidents, hazard identification, standard development, recordkeeping, attendant investigations and methods of enforcement. In addition, OSHA staff will discuss the Agency's National and Local Emphasis Programs.</p>
<ul style="list-style-type: none"> • Describe roles and responsibilities all stakeholders 	
<ul style="list-style-type: none"> • Develop Standards, Codes of Practice and Regulations 	
<p>6. Develop a working arrangement for short notice access to "Specialist Incident Investigators"</p>	<p>OSHA staff will discuss the Agency's emergency response procedures, including OSHA's internal procedures and those for coordinating with other federal, state and local government agencies under the National Response Plan and Worker Safety and Health Support Annex.</p>
<p>7. Recommendations for training of key persons e.g. Inspector; investigators; researchers etc</p>	<p>OSHA staff will discuss its procedures for hiring and training qualified personnel such as industrial hygienists, safety engineers, ergonomists and medical professionals to serve in positions such as Compliance Safety and Health Officers and Occupational Safety and Health Specialists. The study group will also learn about the Agency's efforts to provide continuing education to its staff by providing staff members with training at the OSHA Training Institute and sending them to occupational safety and health conferences and meetings.</p>

Annex 7

Operational framework of a plan for Ensuring Safety and Health Act implementation in all Sectors

1. Introduction

The Agency is currently divided into six units that are categorized according to the nature of Industry. Each unit is composed of a number of generalist inspectors (SHO I) and has a manager (SHO II). Two Senior Inspectors who report to the Chief Inspector coordinate the efforts of the various units.

This “Plan for Ensuring Safety and Health in all Units” is intended as an Operational Framework to *provide guidance for ensuring OSH in all sectors*.

There is proposed the development of a Legal Unit, a Technical Unit and a Human Resource Unit. It is anticipated that similar competencies as available to the US OSHA will be required for effective enforcement as revealed during the study tour on which this document is based.

Such competencies will be sourced within the Agency or from other Government establishments with which there will be memoranda of understanding. In order to maximize the efficiency of the Units support staff will be required.

It is anticipated that the support staff will require knowledge of OSH requirements and the operational requirements of the various units and therefore would require specific training in these areas.

2.0 Training

2.1 To ensure the effective execution of the operational plan of the OSH Agency all Officers must be functionally competent. During the transition stage to the Occupational Safety and Health Agency a Training Matrix was developed for the provision of training for Technical Officers.

The Human Resource Unit will review the Training Matrix and develop and implement **a competency model** to ensure functional competence. This model will give consideration is given to the following components: (1) Conducting Inspections and Investigations, (2) Providing Compliance Assistance, (3) Documenting and Presenting Information, (4) Developing and Maintaining Interpersonal Relationships, (5) Applying Technical Knowledge, (6) Personal Conduct and Professional Development

3.0 Performance Measurement & Accountability:

3.1 As a Statutory Authority the OSH Agency will be publicly accountable. Officers will be accountable for their performance and the Unit's Manager will be responsible for performance management and evaluation. **Systems are to be developed to track and evaluate the work** of each officer and each Unit.

3.2 Performance Appraisal Systems be developed by the Human Resource Department and that system will be used to identify the training requirements of an officer for the improvement of competency and professional development.

3.3 Systems of measurements and evaluation of the effectiveness of the various OSH initiatives / programs are also important. It is imperative that coherent systems for **data collection, data retrieval, and data analysis** be developed. The IT department will be responsible for the development of such a system. Regarding the development of an Information Management System, this is currently underway by the Ministry's IT Unit.

4.0 Code of Ethics

4.1 All officers of the OSH Agency are operating under an established Code of Ethics. The Agency is in the process of finalizing such a code. This code will include a "Zero Tolerance Policy" with respect to the acceptance of gifts and enticements.

5.0 Standards

5.1 The OSH Act provides a framework for Safety and Health Management. In order to ensure the efficient Management of risk it is essential that industry standards be adhered to in preference to an "ad hoc approach." Consultation between the Unit Managers and the Chief Inspector should provide for recommendations to the OSH Authority for standards that may be required.

There are currently nine sets of regulations identified for the Trinidad and Tobago Bureau of Standards to commence development.

6.0 Enforcement

6.1 The Manager of each Unit is responsible for setting of performance targets within the unit and the scheduling of inspections. There will be a rotation of inspectors visiting establishments.

6.2 Officers are not to provide information to stakeholders with respect to actions that may be taken to ensure legal compliance (compliance assistance).

6.3 The Executive Director and Chief Inspector should be give consideration to the development of “compliance assistance” initiatives for Small and Micro Enterprises as well as Outreach programs, voluntary programs, strategic partnership programs and alliances between the OSH Agency and stakeholder associations.

6.4 Unit Managers, the Chief Inspector and the Executive Director of the Agency should continually develop proposals on these initiatives for consideration by the Occupational Safety and Health Authority.

6.5 Protocols are to be established regarding the issue of Enforcement Notices by all Officers. The Legal Department will develop these protocols.

7.0 Inspections:

7.1 Unit Managers are to provide an “Evaluation Report” on the Unit’s performance twice annually.

7.2 *Programmed Inspections* will be targeted in a manner that is “Administratively Neutral.” The Unit Managers and the Chief Inspector will have that responsibility to develop such a system.

7.3 Records of inspections made for monitoring improvements made by establishments must be kept and the observations made by the officer must be recorded in that establishment’s file. This information will be included on the Information Management System that is being developed.

7.4 *Non-Programmed Inspections* During the investigation of an accident or complaint the Safety and Health Officer will determine whether an inspection of the establishment will be required. Such an inspection could be a partial inspection or a complete inspection. The Officer must inform the Unit manager of any intention to conduct such an inspection.

7.5 Forms should be designed for the purpose of data collection by the Agency. These forms are to contain information such as injury rates that can be used to evaluate the safety and health performance of the establishment and also serve as a source of information for OSHA’s the annual report

8.0 Accident Investigation

8.1 Accident investigation will be prioritized with fatal accidents having the highest priority. Upon notification of a fatal accident to the Agency, it must

be brought to the attention of the Unit Manager, the Chief Inspector and the Executive Director. The Unit Manager will assign the officers to undertake the investigation.

8.2 All accident reports for fatalities and critical injuries are to be evaluated for breaches of Occupational safety and Health legislation. There should be communication with the Legal Department in this respect. Unit Managers are responsible for that.

8.3 There must be a system to facilitate “follow-up” inspections of fixed establishments where fatality occurred.

9.0 Complaint Investigation

9.1 Systems should be developed to prioritize and categorize complaints. Protocols will be developed in that respect. All person making complaints must be advised that during the investigation the source of the complaint will not be revealed. The outcome will be communicated to the complainant where telephone contacts were given.

9.3 Complaints involving the presence of imminent danger are to be investigated the same day that it is reported. Some complaints may be investigated through the “Fax / Phone” route

10.0 Tracking Systems

10.1 Support staff will be responsible for tracking the status of “outstanding matters” such as abatement or corrective measures. Systems should be developed to ensure that current information on “open inspections” is available (Tracker).

11.0 Case-File

11.1 Each Complaint or accident investigated should be placed into a case-file. The Officer conducting the investigation is responsible for maintaining the case-file and the Unit Manager is responsible for ensuring that it is done. Maintenance of case files are important as they may be used to initiate Legal Action against an establishment.

12.0 Referrals

12.1 Referrals may serve as the source for an accident investigation. Referrals are notification of accidents through routes other than the formal notification as required by law.

13.0 One Mission One Voice

13.1 All officers are to conduct their undertaking in accordance with specific guidelines as outlined by the OSH Agency. It is anticipated that the OSH Authority / Agency will develop and implement a “Field Inspections Reference Manual” which will serve as a tool to promote consistency in approach. This reference manual would clearly outline all the systems as previously mentioned and those required for the effective operations of the OSH Agency.

A generic version of such a manual is available currently. That was an output from a previous exercise where an International Safety and Health Consultant provided such a document for modification and use by the Trinidad and Tobago’s OSH Agency.

14.0 Informational

14.1 The Manager of each Unit is to develop at least one brochure every six months for publication. The brochure is to be Industry Specific and should seek to provide information on key areas that will promote improvement in the safety and health components of those areas.

15.0 Safety and Health Committee

The OSH Agency will have a Safety and Health Committee whose duty will be as outlined in the OSH Act 2004. The Committee shall be responsible for setting its rules and protocols.

Annex 8

Number & rate of fatal occupational injuries by industrial sector, 2006

Industrial sector	Number of fatalities	Rate of fatalities
Construction	1,226	10.8
Transportation & warehousing	832	16.3
Agriculture, forestry, fishing & hunting	646	29.6
Government	501	2.3
Professional & business services	449	3.1
Manufacturing	447	2.7
Retail trade	351	2.1
Leisure & hospitality	252	2.2
Wholesale trade	217	4.8
Mining	190	27.8
Other services (except public administration)	175	2.5
Educational & health services	172	0.9
Financial activities	122	1.2
Information	64	1.9
Utilities	52	6.2

Fatality rate (per 100,000 employed)