

# Minnesota OSHA

## Workplace Safety Consultation

### Minnesota STAR (MNSTAR) Program



*Modeled after federal OSHA's Voluntary Protection Programs (VPP)*



## Introduction

In July 1982, the federal Occupational Safety and Health Administration (OSHA) announced the establishment of the Voluntary Protection Program (VPP) to recognize and promote effective worksite-based safety and health management systems. Within VPP, management, labor and OSHA establish cooperative relationships at workplaces that are implementing or have implemented comprehensive safety and health management systems. Approval into VPP is OSHA's official recognition of the outstanding efforts of employers and employees who have created exemplary worksite safety and health management systems. OSHA offers assistance to sites committed to achieving the VPP level of excellence. Minnesota OSHA (MNOSHA) Workplace Safety Consultation created a state program modeled after the federal VPP, the Minnesota STAR – or MNSTAR – Program.

## MNSTAR Program/VPP principles

The following principles are embodied in both the Voluntary Protection Programs and the MNSTAR Program.

### Voluntarism

Participation in the program is strictly voluntary. The applicant, who wishes to participate, submits information to MNOSHA about its safety and health management system, goes above and beyond compliance with the OSH Act and applicable OSHA requirements, and opens itself to agency review.

### Cooperation

MNOSHA has long recognized a balanced, multifaceted approach is the best way to accomplish the goals of the OSH Act. The MNSTAR Program emphasis on trust and cooperation among MNOSHA, the employer, employees and employees' representatives complements the agency's enforcement activity, but does not take its place. MNSTAR Program staff members and participants work together to resolve any safety and health problems that may arise. This partnership enables the agency to remove participants from programmed inspection lists, allowing MNOSHA to focus its inspection resources on establishments in greater need of agency oversight and intervention. However, MNOSHA continues to investigate valid employee safety and health complaints, fatalities, catastrophes and other significant events at MNSTAR Program participant sites.

### A systems approach

Compliance with the OSH Act and all applicable OSHA requirements are only the starting points for MNSTAR Program participants, which must also develop and implement systems to effectively identify, evaluate, prevent and control occupational hazards so injuries and illnesses to employees are prevented. MNSTAR Program participants, in particular, are often on the leading edge of hazard prevention methods and technology. As a result, MNSTAR Program worksites serve as models of safety and health excellence, demonstrating the benefits of a systems approach to employee protection.

MNOSHA Workplace Safety Consultation

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## **Model worksites**

MNOSHA selects MNSTAR Program worksites based on the company's written safety and health management system, the effective implementation of this system and the company's performance in meeting program requirements. Not all worksites are appropriate candidates for the MNSTAR Program. At qualifying worksites, personnel are involved in the effort to maintain rigorous, detailed attention to safety and health. MNSTAR Program participants often mentor other worksites interested in improving safety and health, participate in safety and health outreach and training initiatives and provide MNOSHA with input about proposed policies and standards. They also share best practices and promote excellence in safety and health in their industries and communities.

## **Continual improvement**

MNSTAR Program participants must demonstrate continual improvement in the operation and impact of their safety and health management systems. Annual MNSTAR Program self-evaluations help participants measure success, identify areas needing improvement and determine needed changes; MNOSHA on-site evaluation teams verify this information and improvements.

## **Employee and employer rights**

Participation in the MNSTAR Program does not diminish employer and employee rights and responsibilities, including under the MNOSHA Act, Minnesota Statutes § 182.653 and 182.654.

# **Categories of participation**

## **MNSTAR Program**

The MNSTAR Program recognizes the safety and health excellence of worksites where employees are successfully protected from fatality, injury and illness by the implementation of comprehensive and effective workplace safety and health management systems. These worksites are self-sufficient in identifying and controlling workplace hazards.

## **Merit Program**

The MNSTAR Merit Program recognizes worksites that have good safety and health management systems and that show the willingness, commitment and ability to achieve site-specific goals that will qualify them for MNSTAR Star Program participation. Merit approval will be for a single term not to exceed 3 years.

# Application process

## Pre-application

Prior to submitting an application for the MNSTAR Program, a worksite must undergo a full-service health and safety consultation visit.

## Application

Minnesota OSHA accepts applications from general industry in the private- and public-sector and from resident contractors at participating MNSTAR Program worksites. Applications for participation are subject to the following conditions.

Applicants must understand and agree to fulfill the following program requirements for participation in the MNSTAR Program.

1. All hazards discovered through self-inspection, employee notification, accident investigations, MNOSHA on-site reviews, process hazard reviews, annual evaluations or any other means will be corrected in a timely manner.
2. Worksite deficiencies relating to MNOSHA compliance requirements and identified during on-site reviews will be corrected within 90 days, with interim protection provided.
3. Employees support the MNSTAR Program application.
4. MNSTAR Program elements are in place and the requirements of the elements will be met and maintained.
5. All employees will have the MNSTAR Program explained to them, including their employee rights both under the program and under the MNOSHA Act, including under Minn. Stat. 182.654.
6. Employees performing safety and health duties as part of the applicant's safety and health management system will be protected from discriminatory actions resulting from their carrying out such duties.
7. Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request.
8. The information listed below will be maintained and available for MNOSHA review to determine initial and continued approval to the MNSTAR Program:
  - a. a written safety and health management system;
  - b. all documentation detailed in CSP 03-01-003, 6.III.B;
  - c. any agreements between management and the collective bargaining agent(s) concerning safety and health;
  - d. any data necessary to evaluate the achievement of individual Merit Program or one-year conditional goals.

9. By Feb. 15 each year, the participant must send an annual evaluation submission to the MNSTAR Program team. Sites covered under the PSM standard 1910.119 must additionally complete the PSM questionnaire.
10. Whenever significant organizational or operational changes (example: ownership/union/processes) occur, within 60 days the participant will provide MNOSHA with a new statement of commitment signed by both management and any authorized collective bargaining agent(s), as appropriate.

## On-site evaluations

An on-site evaluation consists of a thorough evaluation of a MNSTAR Program applicant's or participant's safety and health management system to recommend approval or re-approval. On-site evaluations are carried out by a team consisting of MNOSHA staff members acting in a consultative capacity and other qualified team members. Every inspection includes a review of posting and recordkeeping requirements; the consultants will inspect records of deaths, injuries and illnesses the employer is required to keep. Also, the consultants will verify the mandatory MNOSHA workplace poster, which explains employee safety and health rights, is prominently displayed. Where the employer has records of employee exposure to toxic substances and harmful physical agents, these may also be examined.

### Opening conference

The opening conference with the employer and employee representatives will set the stage for the on-site evaluation, letting everyone know what to expect and what assistance the team will need. During this session the on-site evaluation team should be able to get a sense of the extent of commitment that exists at the worksite.

### Document review

The applicant's written safety and health management system and individual safety and health programs must describe how each of the MNSTAR Program requirements is implemented and being met. The documentation of the system must be site-specific. On a case by case basis for small businesses, some documentation need not be in writing, provided all employees have the same clear understanding of the particular policy. These requirements will be verified by the on-site evaluation team.

### Walk-through

The MNSTAR Program team will conduct a walk-through of the worksite to understand the type of work performed and to gain a sense of overall working conditions and effectiveness in hazard identification and control. The employer may conduct an orientation tour with the entire on-site evaluation team on the first day of the on-site evaluation; the remainder of the on-site evaluation may include a walk-through of the entire worksite, to further evaluate the safety management system.

## **Interviews**

Private, formal interviews will be conducted with employees in an area away from the workstation to ascertain the extent of safety and health involvement and program awareness of managers, supervisors, employees and contractors.

Informal interviews are conducted at employees' workstations during the walk-through and at other times, as appropriate.

## **Closing conference**

The findings of the on-site evaluation team, including its recommendation for level of participation, will be presented to management and appropriate employee representatives upon approval during a closing conference.

# Discussion of findings

## Daily briefings

At the end of each day during the on-site evaluation, the MNSTAR team must meet privately to discuss members' findings. The team leader is responsible for organizing the findings and conducting daily briefings with the management and employees.

## Uncontrolled hazards

As hazards are found and discussed during the walk-through, the on-site evaluation team will add them to a written list of uncontrolled hazards identified. This list will be used when the team briefs management at the end of each day.

MNOSHA expects every effort will be made by the applicant to correct identified hazards before the closing conference. If hazard correction cannot be accomplished before the conclusion of the on-site evaluation, the team and management must discuss and agree upon correction methods and time frames. The applicant may be given a maximum of 90 days to correct uncontrolled hazards, as long as interim protection is provided. These "90-day items" must be corrected before the final on-site evaluation report can be processed. Management must provide the team leader with a signed letter indicating how and when the correction will be made.

## Correction of remaining hazards

Within a week of the closing conference, the applicant must document in a letter or by email, to the MNSTAR Program Coordinator, any hazard correction plans and the dates that have been agreed to. This letter will be kept on file until a correction letter is received.

## Hazard correction plan required information:

1. Employer name, address and contact information.
2. Abatement time frame (30/60/90 days)
3. Hazard items
4. Actions taken
5. Completion date

## Information services

For more detailed information about topics covered in this document, refer to CSP 03-01-003 Voluntary Protection Programs (VPP): Policies and Procedures Manual. This directive is available on [www.osha.gov](http://www.osha.gov) or through the local MNOSHA office.