# Safety Insights℠
### Safety & Risk Management News & Notes

**Oh baby its cold outside**! Winter weather creates a variety of hazards that can significantly impact everyday tasks and work activities. These hazards include slippery roads/surfaces, strong winds and environmental cold. Learning how to prepare for work during the winter, protect workers from the cold and other hazards that can cause illnesses, injuries, or fatalities, is essential to maintaining a safe work environment and completing tasks successfully. Although the Occupational Safety and Health Administration (OSHA) does not have a specific standard that covers working in the cold, under the Occupational Safety and Health Act (OSH Act) of 1970, employers have a duty to protect workers from recognized hazards, including cold stress hazards, that are causing or likely to cause death or serious physical harm in the workplace. Visit OSHA's cold weather resource page HERE to find information for helping employees protect themselves from the negative effects of winter weather.

**Hazard Communication Program; Are you up to date**? If you answered "Yes, my Material Safety Data Sheets are right here at the front desk", you are most likely not up to date. MSDS sheets have been replaced by Safety Data Sheets (SDS). Changes to the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard have brought the United States into alignment with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The Hazard Communication Standard in 1983 gave the workers the 'right to know,' but the new Globally Harmonized System gives workers the 'right to understand.' The requirement for employers to update workplace labeling and hazard communication programs and provide additional employee training for newly identified physical or health hazards came into full effect on June 1, 2016. See OSHA's HCS Fact Sheet for more info. For an updated model Hazard Communication Program click HERE.

**Cold weather, ice, snow and your facility.** Winter weather creates a variety of hazards for your staff and members, and it can also wreak havoc on your facility. It's important to keep the following winter weather tips in mind. Repair roof leaks immediately and remove tree branches that could get weighed down with ice or snow and fall on your facility or vehicles. Be alert and aware of ice dams and rainy weather especially after a snow fall. Have a contractor check your roofs, especially flat roofs to see if it would sustain the weight of a heavy snowfall. Know your limits and when it's time to clear snow from your roofs. The Insurance Institute for Business and Home Safety estimates the following weight guidelines for fresh snow, packed snow, total accumulated weight and ice. Ensure staff responsible for elevated snow removal is familiar with Occupational Safety and Health Administration (OSHA) clearing snow from roofs and working at heights. Ensure internal entry ways are kept clean, free of sand and salt, with extra mats out and warning signs are posted in high traffic "Wet" entryways. Finally, while we are often good at maintaining our main entrance and walkways it's easy to forget to keep all emergency exits and means of egress clear of snow and ice throughout the winter weather season.

**What you need to know about (RWI) Recreational Water Illness**.   According to the Centers For Disease Control and Prevention (CDC) Recreational Water Illnesses (RWIs) are caused by germs and chemicals found in the water we swim in. They are spread by swallowing, breathing in mists or aerosols of, or having contact with contaminated water in swimming pools, hot tubs, water parks, water play areas, and interactive fountains. Knowing the basic facts about RWIs can make the difference between your staff and members having a safe and enjoyable time at your pool, spa, or water park, and getting a rash, becoming sick, or developing other, potentially serious illnesses.  The most important factors to the prevention of RWI's include: maintaining water quality and equipment; educating pool staff, swimmers and parents; instituting disinfection guidelines like plans for fecal incident response; posting and distributing health information and signage; and finally developing an outbreak emergency response plan. For more detailed information see the Twelve Steps for the Prevention of RWI's HERE.

**Did you see this in the last E-news:**

**Properly executing a waiver agreement is important**. A liability waiver, release or exculpatory agreement is a contract relieving or limiting a party's blame for harm another person may incur, such as bodily injury, as a result of participating in an activity. Your organization can use this type of contract as part of your risk management program. Many nonprofits use a membership waiver for general facility use and may also use additional waivers for certain high-risk or specialty programs such as ropes courses and equestrian programs. Your waiver must be properly constructed, consistent with the legal requirements and precedents in your state, reviewed by legal counsel and properly executed. To be properly executed you must ensure that users are given time to read the form, that the form is legible and clear and that you witness the user's signature. One common error in executing a waiver contract is when utilizing the form for a family or couple. While a parent can sign on behalf of a minor child (check your state's laws on this), one adult cannot sign for another. This often leads to organizations failing to secure both signatures on their waiver form. An example would be that a parent signs-up for a family membership and provides a waiver signature at the time of registration. However, when the other parent or adults in the family are not present organizations must develop a procedure to secure the additional signatures. Waivers can protect your organization and are often required by insurers. It is a good idea to have your waivers reviewed by local legal counsel to ensure they are current. Sample waivers, agreements and contracts are available on in the Online Resource Library.

**Does HIPAA apply to your organization?** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) defines policies, procedures and guidelines for maintaining the privacy and security of individually identifiable health information. The HIPAA privacy rule gives individuals a fundamental right to information about the privacy practices of their health plans and of most types of healthcare providers, as well as information about their privacy rights with respect to their personal health information. HIPAA imposes very specific requirements about how health plans and healthcare providers handle the exchange of "protected health information". The US Department of Health and Human Services oversees the HIPAA privacy rule, and the department has the authority to assess penalties for violations. HIPAA's privacy rule applies only to "covered entities." Covered entities are: healthcare providers, health plans and healthcare clearinghouses. Don't see your organization fitting into one of those categories? How about a program partner or a new program? HIPAA has not been construed as applying to gyms and fitness facilities, or to personal trainers, massage therapists, nutritionists and other nonmedical wellness professionals. Organizations that offer services like physical therapy, rehab classes, and weight-loss guidance may begin to track or collect personal health information and in most cases are not required to follow HIPPA regulations. However, if information is being transmitted to other entities or if the organization falls into the definition of health care provider or business associate, that organization may be required to comply. Confused? Check out the Covered Entity Guidance tool from the US Department of Health and Human Services to learn more.

**This Month's Topics:**
**Working in Cold Weather**
**Hazard Communication Programs**
**Winter Facility Tips**
**Recreational Water Illness**
**Waiver Agreements**
**HIPAA Rules**