

Process Safety Management Side by Side Comparison Current and Proposed **EMPLOYEE PARTICIPATION**



Employee Participation

Current Employee Participation (p)

- The employer shall develop a written plan of action to ensure employee participation in process safety management which includes:

Proposed Employee Participation

- (1) In consultation with employees and employee representatives, the employer shall develop, implement and maintain a written plan to effectively provide for employee participation in PSM elements, as required by this Section. The plan shall include provisions that provide for the following:

Employee Participation

Current Employee Participation (p)

- (1) Employer consultation with employees and their representatives on the conduct and development of the elements of process safety management required by this section; and

Proposed Employee Participation

- (A) Effective participation by affected operating and maintenance employees and employee representatives, at the earliest possible point, on all teams pursuant to this Section to conduct PHAs, DMRs, HCAs, MOCs, MOOCs, PSCAs, Incident Investigations, SPAs, and PSSRs;
- (B) Effective participation by affected operating and maintenance employees and employee representatives, at the earliest possible point, throughout all phases of the development, training, implementation and maintenance of the PSM elements required by this Section;

Employee Participation

Current Employee Participation (p)

- (2) Providing employees and their representatives with access to all information required to be developed by this section without regard to possible trade secret status of such information.

Proposed Employee Participation

- (C) Access by employees and employee representatives to all documents or information developed or collected by the employer pursuant to this Section, including information that might be subject to protection as a trade secret;

Employee Participation

Current Employee Participation (p)

Proposed Employee Participation

- (D) Where authorized collective bargaining agents exist, the employer shall allow for bargaining agents to select one or more representatives to participate in overall PSM program development and implementation planning and for one or more person(s) to participate in each team-based activity pursuant to this Section. The employer shall document each instance where collective bargaining agents or their selected representative(s) choose(s) not to participate;

Employee Participation

Current Employee Participation (p)

Proposed Employee Participation

- (E) Where employees are not represented by an authorized collective bargaining agent, the employer shall establish effective procedures in consultation with employees for the selection of employee representatives.

Employee Participation

Current Employee Participation (p)

- NOTE: Nothing in this subsection shall preclude the employer from requiring the persons to whom the information is made available under subsection (p)(2) to enter into confidentiality agreements prohibiting them from disclosing the information as set forth in Section 5194.

Proposed Employee Participation

- (F) Nothing in this subsection shall preclude the employer from requiring an employee or employee representative to whom information is made available under subsection (q)(1)(C) to enter into a confidentiality agreement prohibiting him or her from disclosing such information, as set forth in Section 5194.

Employee Participation Proposed

- STOP WORK AUTHORITY
- (2) The employer shall develop, implement and maintain effective Stop Work procedures that ensure:
 - (A) The authority of all employees, including employees of contractors, to refuse to perform a task where doing so could reasonably result in death or serious physical harm;

Employee Participation Proposed

- STOP WORK AUTHORITY
 - (B) The authority of all employees, including employees of contractors, to recommend to the operator in charge of a unit that an operation or process be shut down based on process safety concerns; and,
 - (C) The authority of the qualified operator in charge of a unit to shut down an operation or process based on process safety concerns.

Employee Participation Proposed

- ANONYMOUSLY REPORTING HAZARDS
 - 3) The employer shall develop, implement and maintain effective procedures to ensure the right of all employees, including employees of contractors, to anonymously report hazards. The procedures shall:
 - (A) Include a method for refinery employees and employees of contractors to anonymously report process safety hazards in writing; and,
 - (B) Require the employer to respond in writing within thirty (30) calendar days to written hazard reports submitted by employees or employees of contractors. The employer shall respond immediately to reports of hazards that present the potential for death or serious physical harm.

Employee Participation Proposed

- (4) The employer shall develop a system to effectively document and record
 - (A) work refusals, as defined in (q)(2)(a);
 - (B) written employee reports of safety or health hazards;
 - (C) recommendations to shut down an operation or process; and
 - (D) the actual shut down of an operation or process that occurs pursuant to this subsection.

Questions???