

**§ 95-251. Safety and health programs.**

(a) Establishment of safety and health programs.

- (1) Except as provided in subdivision (2) of this subsection, each employer with an experience rate modifier of 1.5 or greater shall, in accordance with this section, establish and carry out a safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to employees.
- (2) Employers with an experience rate modifier of 1.5 or greater which provide temporary help services shall, in accordance with this section, establish and implement a safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to its full-time employees permanently located at the employer's worksite. Employers which provide temporary help services shall not be required to establish and implement a safety and health program under this section for its employees assigned to a client's worksite. This subdivision shall not apply to employee leasing companies.
- (3) The Commissioner may modify the application of the requirements of this section to classes of employers where the Commissioner determines that, in light of the nature of the risks faced by the employees of these employers, such a modification would not reduce the employees' safety and health protection.

(b) Safety and health program requirements. A safety and health program established and implemented under this section shall be a written program that shall include at least all of the following:

- (1) Methods and procedures for identifying, evaluating, and documenting safety and health hazards.
- (2) Methods and procedures for correcting the safety and health hazards identified under subdivision (1) of this subsection.
- (3) Methods and procedures for investigating work-related fatalities, injuries, and illnesses.
- (4) Methods and procedures for providing occupational safety and health services, including emergency response and first aid procedures.
- (5) Methods and procedures for employee participation in the implementation of the safety and health program.
- (6) Methods and procedures for responding to the recommendations of the safety and health committee, where applicable.
- (7) Methods and procedures for providing safety and health training and education to employees and to members of any safety and health committee established under G.S. 95-252.
- (8) The designation of a representative of the employer who has the qualifications and responsibility to identify safety and health hazards and the authority to initiate corrective action where appropriate.
- (9) In the case of a worksite where employees of two or more employers work, procedures for each employer to protect employees at the worksite from hazards under the employer's control, including procedures to provide information on safety and health hazards to other employers and employees at the worksite.
- (10) Any other provisions as the Commissioner requires to effectuate the purposes of this section.

(c) No loss of pay. The time during which employees are participating in training and education activities under this section shall be considered as hours worked for purposes of

wages, benefits, and other terms and conditions of employment. The training and education shall be provided by an employer at no cost to the employees of the employer. (1991 (Reg. Sess., 1992), c. 962, s. 1.)