

# 10 Commandments of Workplace Emergency Training

## Part 1

by Bo Mitchell

**T**raining your organization's emergency response plans: While great emergency plans are a smart thing, training is everything.

If we don't get the words off the paper and into employees' heads, we have failed operationally, morally and legally.

Understanding the obligation of employers regarding training is critical. These are the Ten Commandments of workplace emergency training as required by law for every employer in the U.S. without exception for Emergency Action and Fire Prevention Plans.

### The 10 Commandments of Workplace Emergency Training

1. All U.S. employers without exception shall create and train Emergency Action and Fire Prevention Plans.
2. All U.S. employers shall create and train employees as their emergency team Training shall be annual at least.
3. Training all other employees is required by law.
4. Training Shall Be Annual at Least.
5. Training shall be at hire on day-one including full-time, temporary and contract workers.
6. Training shall occur in a classroom by a "qualified" trainer—qualified by dint of experience and/or training. On-screen training shall not substitute for classroom training.
7. Training Shall Occur if the Plan Changes or If the People in the Plan Change.
8. Training shall be for all hazards.

9. All emergency planning and training shall be site specific. No plagiarizing. No landlord plan can substitute for tenant's responsibilities under law.
10. The CEO is the responsible party civilly, personally and criminally.

To experts in workplace safety and security, the Ten Commandments of Workplace Emergency Training are self-evident truths. But, these experts also recognize that most senior managers in corporations, campuses and medical facilities are ignorant of even their core management responsibilities for personnel safety in the workplace. In fact, many employers' inside and outside lawyers are ignorant of these responsibilities. Accordingly, we lay out here the legal rationale that proves these Ten Commandments. Workplace and worker law is a specialty unknown to most. But, once through this door, the documentation regarding the Ten Commandments is voluminous.

This controlling documentation is manifested in federal, state and local statutes, regulations, codes and court decisions; plus administrative interpretations on part of authorities having jurisdiction—from your local Fire Marshal to OSHA regulators in Washington, D.C.

## 1st Commandment

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### **All U.S. employers without exception shall create and train Emergency Action and Fire Prevention Plans.**

OSHA 29 CFR 1910.34:

*Every employer is covered. Sections 1910.34 through 1910.39 apply to workplaces in general industry except mobile workplaces such as vehicles or vessels.*

*General industry* refers to any employer who is not a construction company, shipyard, vessel, vehicle or other selected industry. The regulations for these are even stricter.

**OSHA is not a town in Wisconsin**, yet there are legions of employers who believe they are exempt. These regulations shall apply to corporation, campuses, medical facilities, non-profits, employers of any size or business model, federal agencies and, in most cases, state and local agencies.

29 CFR 1910.38 and 1910.39 cover Emergency Action Plans and Fire Prevention Plans, both required by federal law of every employer without exception. EAPs and FPPs are required in addition to what the state and local codes may require. All plans should be in concert.

## 2nd Commandment

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### **All U.S. employers shall create and train employees as their emergency team**

OSHA 29 CFR 1910.38(e) Emergency Action Plans:

*Training. An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.*

Remember that police, fire and EMTs are not the first responders; they are the official responders. Your employees are the first responders by dint of physics, time and space. If you are injured, the employee standing over you is your first responder.

The regulations recognize this by requiring the employer to designate employees as the emergency team.

## 3rd Commandment

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### **Training all other employees is required by law.**

OSHA 29 CFR 1910.38(f) Emergency Action Plans:

*Review of emergency action plan. An employer must review the emergency action plan with each employee covered by the plan.*

OSHA 29 CFR 1910.39(d) Fire Prevention Plans

*Employee information. An employer must also review with each employee those parts of the fire prevention plan necessary for self-protection.*

Too many employers believe that if they train only their emergency response team that their job is done and legal. This is illegal.

“Employees hate this stuff!” This is a myth invented by too many senior managements. Echoing a parade of research, National Opinion Research Corporation surveyed employees across all American workplaces. When asked what their most important workplace issue, 85% of employees responded, “safety.” All the issues you thought would come out #1—wages, sick leave, vacation—all came in a distant #2 at less than 50%. Surveys of trainees in workplaces like yours consistently report a 98% love of training and confidence that they now know what to do when an emergency strikes.

## Fourth Commandment

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### **Training shall be annual at least**

OSHA interpretation:

*Training must be conducted at least annually and when employees are hired or when their job changes. Additional training is needed when new equipment, materials or processes are introduced, when the layout or design of the facility changes, when procedures have been updated or revised, or when exercises show that employee performance is inadequate.*

Source: OSHA Fact Sheet, April 2004

Requiring annual training of complex procedures of Life Safety should not surprise. None of us learns to operate competently a vehicle or computer with only infrequent and long-separated training sessions. The same goes for workplace safety across a score of different threats. Whether it regards your emergency team or all employees, the requirement for training at least annually reflects the need to keep all employees skilled at emergency response.

We have lessons learned from employers who don't comply with annual training. Employees don't know who is in command; what specific movements are required of them for all kinds of emergencies such as shelter in place; the headcount system fails.

Remember, that under your fire code and national standards, drills are not training—by law. False alarms are not drills or training—by law.

Emergency Action and Fire Prevention Plan training shall be at least annually. More than annual training is triggered by redesigning, renovating, redecorating or restacking your space. If an employer has more than one floor, such renovation for just one floor triggers training for all employees at this site given the mobility of all employees in today's workplace.

## How is annual defined for the employer's workplace calendar?

“OSHA interprets that to mean that employees must be provided re-training at least once every 12 months (i.e., within a time period not exceeding 365 days.) This annual training need not be performed on the exact anniversary date of the preceding training, but should be provided on a date reasonably close to the anniversary date taking into consideration the company's and the employees' convenience in scheduling. If the annual training cannot be completed by the anniversary date, the employer should maintain a record indicating why the training has been delayed and when the training will be provided.”

Source: Interpretation Letter 24 January 2007

## Fifth Commandment

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### Training shall be at hire on day-one including full-time, temporary and contract workers.

OSHA 29 CFR 1910.38(f)(1):

Training shall occur *“when the plan is developed or the employee is assigned initially to a job.”*

OSHA 29 CFR 1910.39(d) Fire Prevention Plans:

*Employee information. An employer must inform employees upon initial assignment to a job of the fire hazards to which they are exposed.*

OSHA never defined “at hire.” Many employers interpreted this to mean within 30 or 60 or 90 days of hire. Then, in February 2013, after the death of a just-hired worker, OSHA's Director, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels, ruled:

*A worker's first day at work shouldn't be his last day on earth. Employers are responsible for ensuring the safe conditions of all their employees, including those who are temporary. Employers must train all employees, including temporary workers, on the hazards specific to that workplace – before they start working.*

### Next week: Part 2 of The Ten Commandments of Workplace Emergency Training.

▶▶▶▶ **Don't delay. Take action.** Develop a plan with the aid of qualified professionals, and TRAIN YOUR PEOPLE. Then drill them. Conduct exercises, and review lessons learned afterwards. Hope isn't a strategy - and hoping that an active shooter won't disrupt the lives of everyone you're responsible for isn't just irresponsible, it's illegal. You can't stop crazy - but you can ensure that your people are as prepared as possible to deal with these complicated and challenging situations.