



STATE OF NEW MEXICO

Workers' Compensation Administration

ONE TEAM | ONE GOAL

A Better New Mexico for Workers and Employers

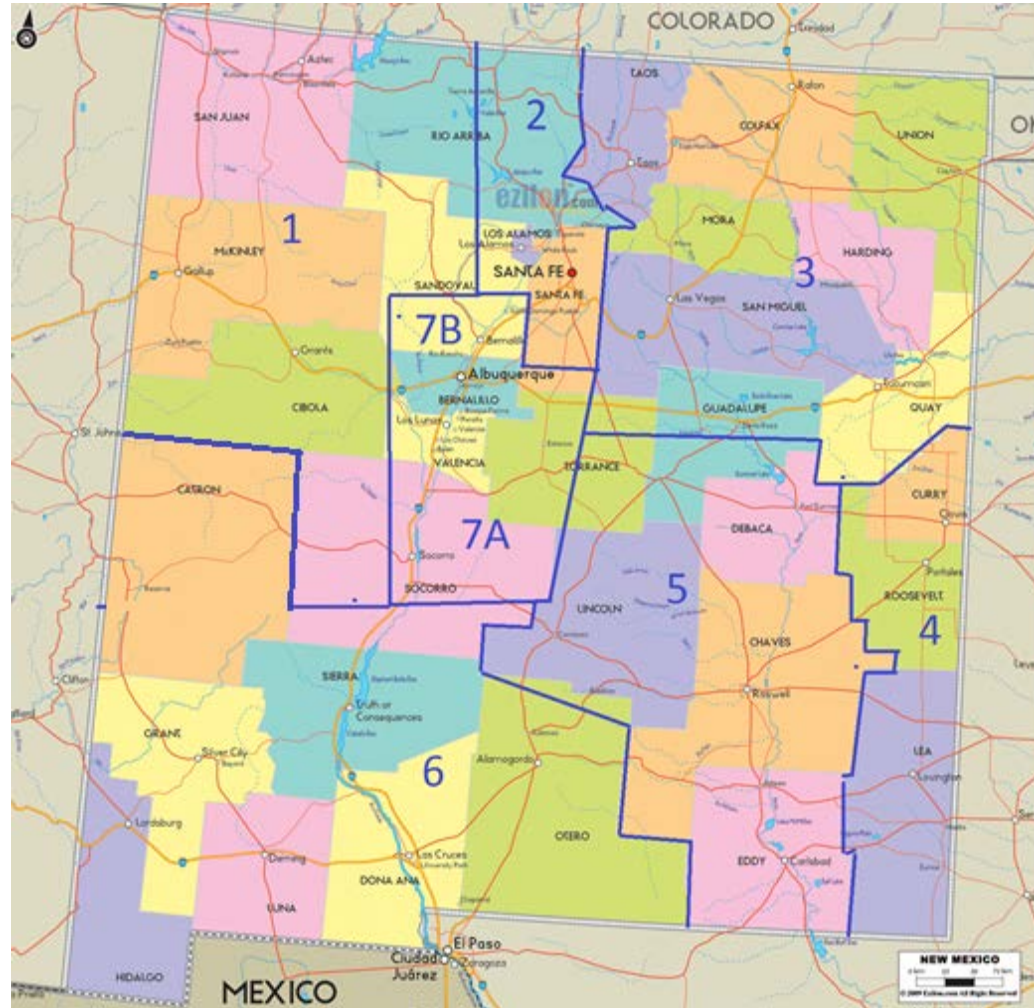


NM WCA Safety Program

The Safety Bureau provides businesses with knowledge regarding safety standards and practices, encourages employers to implement and maintain safer working conditions for their employees.

Safety Consultants Area of Responsibility

- 1-Farmington
- 2-Santa Fe
- 3-Las Vegas
- 4-Hobbs
- 5-Roswell
- 6-Las Cruces
- 7A-ABQ 7B-ABQ



Accident Prevention

Most accidents arise from known, identifiable hazards in combination with human error, and lack of knowledge or inattention. The way to prevent accidents is to:

- Eliminate hazards by conducting safety inspections, mitigation, and prevention.
- Eliminate human error through employee training and awareness.

Safety Program (NMAC 11.4.2.9)

Program Elements

- 15K-Annual Safety Inspection (11.4.2.9(A))
- Risk Reduction Program (RRP) (11.4.2.9(B))
- Safety Consultation

15K Annual Safety Inspection

- All employers, as identified in Section 52-1-6.2 NMSA 1978, are required to have an annual safety inspection. All Other employers are encouraged to do so.
- Any employer who purchases or renews a policy of workers' compensation insurance with a premium liability of \$15,000 or more shall, within 60 days of the policy issuance or renewal submit proof of an annual safety inspection to the WCA.
- Certified Self-insured employers shall conduct an annual safety inspection and submit proof to the WCA within 60 days of completing an inspection.

15K Annual Safety Inspection (cont.)

- Employers shall submit an affidavit listing the address of all facilities inspected to the WCA safety program - though the responsibility for reporting is with the employer.
- The insurance carrier may report completed inspections, provided the insurance carrier, safety organization, or safety professional retained by the carrier conducted the inspection.

15K Annual Safety Inspection (cont.)

➤ Who may conduct the inspection:

1. A safety consultant from the WCA (at no cost).
2. A senior manager or dedicated safety professional employed by the business. WCA will provide training on how to conduct a proper safety inspection.
3. A third party safety organization or safety professional
4. A safety professional from the insurance company

15K Annual Safety Inspection (cont.)

- Minimum standards for the annual safety inspection are contained in the WCA publication, “Annual Safety Inspections” which may be obtained from the WCA’s website.
- Failure to comply with the annual safety inspection requirement may subject an employer to penalties under Section 52-1-6.2 NMSA 1978.

15K Annual Safety Inspection (cont.)

Program Process

- 60 day follow-up done by WCA Safety Consultant
- 15K referrals from RRP
- Compliance with New Mexico Law NMSA § 52-1-6.2(A) & NMAC 11.4.2.9(A)
- Enforcement- penalty of up to \$5,000 per violation

Risk Reduction Program

- An employer may be classified for the RRP if its experience modifier (e-mod) is higher than the state average for that industry.
- Safety audit reveals a need for assistance based on the employer's accident frequency or severity of injury caused by the accident(s).

Risk Reduction Program (cont.)

- The WCA shall notify the employer and its insurance carrier if the employer meets the criteria to be enrolled in the RRP.
- Within 30 days of service of a notice of classification or within 30 days of the director's decision (if a request for reconsideration is filed).
- An employer who is classified and enrolled in the RRP shall obtain a safety consultation.

Risk Reduction Program (cont.)

- The safety consultant shall submit a written report to WCA and the employer within 10 days, detailing any identified hazardous conditions or practices identified through the safety consultation.
- Within 30 days of submitting the written report, the employer participating in the RRP shall submit a specific accident prevention plan to resolve the hazards and practices identified in the report.

Risk Reduction Program (cont.)

- The WCA may investigate accidents occurring at the work site(s) of an employer participating in the RRP, and may otherwise monitor the implementation of the Accident Prevention Plan as necessary.
- Six months after the initiation of an Accident Prevention Plan, the WCA shall conduct a follow-up inspection of the employer's premises.
- The WCA may require the participation of the safety consultant who performed the initial consultation and formulated the safety plan

Risk Reduction Program (cont.)

- If the WCA determines that the employer has complied with the terms of the accident prevention plan, the WCA shall so certify.
- If the employer continues to exceed the injury frequencies the WCA shall continue to monitor the safety conditions at the work site(s).
- WCA may formulate additional safety plans reasonably calculated to abate hazards.

Risk Reduction Program (cont.)

- Any employer who fails to comply with the rules on an Accident Prevention Plan is subject to imposition of a penalty of up to \$5,000.
- Each incident persisting for a period of 15 days shall constitute a separate violation and subject the employer to additional penalties.
- An employer who satisfies the requirements of Paragraphs (4) through (8) of Subsection B of 11.4.2.9 NMAC, inclusive, shall no longer be designated to participate in the RRP.

Risk Reduction Program (cont.)

- The employer, its insurer and all agents of the employer or insurer shall comply with reasonable requests for information from WCA personnel.
- WCA personnel shall collect data regarding all workplace fatalities in New Mexico.

Safety Outreach

- Worksite hazard assessment and identification
- Hazard prevention, mitigation, and control
- Annual Safety Inspection support and training
- Basic employer safety awareness resources (OSHA)

Accident Prevention Principles

- All accidents, by definition, can be prevented.
- Management and employees are directly responsible for preventing accidents, injuries and illnesses.
- Working safely is a condition of employment.
- Hazardous conditions must be identified and eliminated.
- Unavoidable hazards must be controlled through management, training, supervision and safety equipment.

Employer Safety Programs

- Reduce workers compensation cost and premiums
- Reduce direct and indirect cost
- Create a possible safety culture in the workplace
- Increase productivity, quality and reduce employee turnover
- Improve employee moral and satisfaction
- An improved workplace environment with greater collective responsibility for workplace health and safety.

Six basic elements to create an excellent safety program

- Management Commitment and Employee Involvement
- Worksite Analysis, Facility Inspections, and Safety Audits
- Hazard Identification, Mitigation, Prevention and Control
- Incident/Accident Analysis
- Safety and Health Training for Employees
- Annual Safety Program Review and Evaluation

Helpful Websites

- **N.M. State Government Home Page** www.state.nm.us
- **N.M. Workers' Compensation Administration**
<http://www.workerscomp.nm.gov/>
- **N.M. Department of Workforce Solutions** www.dws.state.nm.us
- **N.M. Environment Department – OSHA**
https://www.env.nm.gov/Ohsb_Website
- **U.S. Department of Labor** www.dol.gov
- **Small Business Development Centers**
<http://www.nmsbdc.org>



NM-WCA Safety Farmington Contact Information

Angela Gettler, Safety Consultant

New Mexico Workers Compensation Administration

2700 Farmington Ave Bldg. E Suite 2 Farmington, NM 87401

(505) 599-9746 Office

(505) 599-9753 Fax

Angela.Gettler@state.nm.us

QUESTIONS?



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