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**ISHM Safety Professional of the Year**

ISHM is accepting nominations for Professional Safety Manager of the Year for 2015 through June 30, 2015.

We hope to see you in Atlanta!!!

[Apply Here]

**ISHM Board of Directors Election**

ISHM is accepting applications for the Board of Directors.

CSHMs and CSMPs are eligible.

Please have your information to us by June 30th.

ISHM is facing new challenges and has new opportunities. We need your expertise to help guide your organization into the future!!
From the Executive Assistant

Hi! I am Sarah Bynum and trying my best to be the great executive assistant in all that is ISHM. I have a vast work experience from customer service to child care to being a Marine spouse. Having been raised in SoCal L.A. areas and now just coming back from 3 years in Minnesota as a recruiting spouse, I look forward to bringing my own personal and professional experience to the ISHM team. I enjoy learning new information and bringing my own knowledge to the table. I like to share ideas and make positive changes in areas that matter which makes me strive for personal growth and excellence. When I am not working hard for Larry and the rest of the staff at ISHM, I run and volunteer at the local humane society along with volunteering on base with the military and their families. I look forward to working with the ISHM Team to grow our presence in the health and safety industry and lend my knowledge and skills to grow this wonderful company.

OSHA publishes guide to restroom access for transgender workers

WASHINGTON

- The Occupational Safety and Health Administration today published a Guide to Restroom Access for Transgender Workers. The publication provides guidance to employers on best practices regarding restroom access for transgender workers. The guide was developed at the request of the National Center for Transgender Equality, an OSHA Alliance partner that works collaboratively with the agency to develop products and materials to protect the safety and health of transgender workers. OSHA's Sanitation standard requires that all employers under its jurisdiction provide employees with sanitary and available toilet facilities, so that employees will not suffer the adverse health effects that can result if
toilets are not available when employees need them.

"The core principle is that all employees, including transgender employees, should have access to restrooms that correspond to their gender identity," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "OSHA's goal is to assure that employers provide a safe and healthful working environment for all employees."

Many companies have implemented written policies to ensure that all employees-including transgender employees-have prompt access to appropriate sanitary facilities. The core belief underlying these policies is that all employees should be permitted to use the facilities that correspond with their gender identity. For example, a person who identifies as a man should be permitted to use men's restrooms, and a person who identifies as a woman should be permitted to use women's restrooms.

The publication includes a description of best practices and also makes employers aware of federal, state and local laws that reaffirm the core principle of providing employees with access to restroom facilities based on gender identification.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

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**Board of Directors - Magdy Akladios**

**Summer Heat**

It is finally summer...at least in some parts of the world! Summer brings more outdoor activities, and most people start their lawn projects in the summer. But what most people fail to realize is that hydration is extremely important.

Our star, the energy provider for life on this planet can also be a killer. Every year a lot of people lose their lives due to being in the sun. Workers mostly affected are those who have outdoor jobs, such as nursery workers, agricultural and crop production workers, fishing, hunting, etc. In the United States alone, during the 15-year period of 1992-2006, 423 workers were reported dead due to exposure to heat (JAMA, September 3, 2008-Vol 300, No. 9).
It is unknown how many people die each year as a result of being exposed to heat in non-occupational settings.

Regardless of the setting, one must be able to know oneself, and recognize the signs and symptoms of heat stress and exhaustion. To avoid these signs, one must stay hydrated at all times while working or exercising outdoors. Hydration may be done by pushing fluids, cool water, electrolytes, and power drinks. Individuals should also slowly train themselves on the new warmer summer conditions. This process is called acclimatization. In addition to this slow process (which may take up to a week), individuals must develop a work/rest schedule that is appropriate for the amount of time they are planning to spend outdoors, as well as how warm it is. Furthermore, outdoor activities may be planned to better if shade is available, or at times when it is not as hot outside. Finally, if worse comes to worse, and one does show signs of heat stress, it is important that prompt medical attention is available to prevent these activities from becoming a statistic.

In closing, being outdoors is fun, enjoyable, and essential to physical and psychological health. So get out there and enjoy that day at the beach, working out, working on the yard, or just working...but remember that it is important to also stay hydrated, cool, calm, and collected.

Enjoy your summer!

Magdy Akladios, PhD, PE, CSP, CPE, CSHM

Question: How does OSHA address whistleblower cases?

Response: Under section 11(c) of the Occupational Safety and Health Act ("OSH Act"), employers cannot discharge or in any way discriminate against any employee because the employee: 1) filed a complaint related to the OSH Act; 2) instituted proceedings related to the OSH Act; 3) testified in any proceeding under the OSH Act; or 4)
exercised any right afforded under the OSH Act. This provision has been interpreted broadly in favor of the employee. Of note, this provision protects employees for filing complaints made to OSHA, other governmental agencies and the employer.

If the employee believes he was discriminated against for any of these reasons, he may file a complaint with OSHA. While the employee is required to file the complaint within 30 days, OSHA routinely extends the period. OSHA will initiate an investigation to determine if the employer discriminated against the employee. Typically, the employer’s defense is that any actions it may have taken against the employee were not in any way discriminatory or retaliatory. For example, if the employer terminated or demoted the employee, the employer will typically assert that its actions were justified on independent grounds.

If OSHA agrees that the employee may have been discriminated against, then it will attempt to negotiate a settlement to make the employee whole. If a settlement cannot be reached, then OSHA will refer the file to the Department of Labor to file a Complaint against the employer in federal district court. On the other hand, if OSHA agrees that the employer did not discriminate or retaliate against the employee, then OSHA will close the investigation.

In addition to investigating complaints under the OSH Act, OSHA also investigates whistleblower claims under 21 other statutes. While the procedures under each statute vary, OSHA investigates whether the employer discriminated against the employee for exercising his rights under the statute. OSHA published a new whistleblower investigation manual that became effective on April 21, 2015, a copy of which can be found here.

Darren Hunter is a partner and an experienced OSHA practitioner in the Chicago law firm of Rooney Rippie & Ratnaswamy LLP. This column does not constitute legal advice or the formation or proposal of an attorney-client relationship to or with any person or entity. In addition, this column should not be understood to represent the views of ISHM, the law firm, the individual attorneys at the firm, or of any of the firm’s clients or former clients.