

Case 238. 41-year-old female dining room server who worked at a nursing home died as a result of complications of a surgical procedure to repair a fractured ankle sustained at work as a result of a fall on black ice as she was taking a bag of garbage to a dumpster.

A 41-year-old female dining room server who worked at a nursing home died as a result of complications of a surgical procedure to repair a fractured ankle sustained at work as a result of a fall on black ice as she was taking a bag of garbage to a dumpster. The dumpster was located at the back of the building near a parking area that sloped toward the dumpster. A wood fence had been erected around the dumpster. The incident occurred at night. The lighting present did not adequately illuminate the dumpster area. Snow piles had begun to melt and the water accumulated and then froze around the dumpster as the temperature dropped at night. Salt had been utilized earlier in the day, but was stored in a locked maintenance shed. Only maintenance personnel had keys to access the shed. After the decedent slipped, she used her cell phone to call the facility. EMS was summoned and had difficulty retaining their footing due to the slippery conditions.

MIOSHA General Industry Safety and Health Division issued the following Serious and Other-than-Serious citations at the conclusion of its investigation.

SERIOUS: ILLUMINATION, PART 478, R325.47801(1)

The employer did not ensure that the level of illumination was adequate for the task that was performed:

No lighting, employee was taking out the trash to the dumpster about 25 to 50 feet away from the back of the building. Employee slipped on the ground and broke her ankle – Dumpster at back of building

SERIOUS: GENERAL PROVISIONS, PART 1, RULE 15(3)

The floor of a work area, passageway, or aisle was not maintained free of hazardous accumulations of scrap, debris, water, oil, grease and/or other slip and trip hazards.

Slip hazard, employees are required to carry garbage outside to the dumpster. Employee was carrying garbage and slipped on black ice from melting of snow settling in sloped area of the ground around the dumpster – Outside Dumpster Area

OTHERTHAN-SERIOUS: RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, PART OSH 11:

- **RULE 1129(1)**

A log of all work-related injuries and illnesses (MIOSHA 300), and/or the summary of work-related injuries and illnesses (MIOSHA 300-A), and/or the injury and illness incident report (MIOSHA 301), or equivalent forms were not kept by the establishment:

The firm had an injury on the log on March 1, 2010 and had not entered it on the log until several days later

- RULE 1132(2)(e)
The annual summary of work-related injuries and illnesses (MIOSHA 300-A or equivalent) was not posted in a conspicuous place or places where notices to employees were customarily posted:

Not posting a 2009, 300 injury and illness summary page

- RULE 1139(1)
An oral report of a work-related incident resulting in a fatality or the inpatient hospitalization of three or more employees was not made within eight hours after the occurrence to the Michigan Department of Labor and Economic Growth, Michigan Occupational Safety and Health Administration, State Secondary Complex, 7150 Harris Drive, P.O. Box 30644, Lansing, Michigan 48909, phone 1-800-858-0397:

Not reporting a fatality within 8 hours time. The firm had an employee that had an accident from taking garbage out to the dumpster. The employee had an accident on Day 1, 2010 and had surgery five days later and eventually died from complications.