



Safety, Health, and Environmental Trainers: Standards of Care and Legal Obligations

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- Safety, health, and environmental (SHE) trainers play a pivotal role in ensuring a safe learning environment in industries involving

heavy machinery, fall protection, or hazardous equipment. Trainers are legally and ethically obligated to uphold a high standard of care, especially when instructing students on how to use fall protection equipment, operate cranes, forklifts, or other heavy machinery. Their responsibilities extend beyond mere instruction to ensuring students are well-versed in the safe and proper use of such equipment.

I recently had a friend return from a prominent and well-known five-day Competent Person Fall Protection Training Course. The Content of this course covered:

- Regulatory review
- Adult education principles
- Lesson planning
- Course administration
- Delivery practice
- Classroom management
- Instructor assessments
- Workshop Preparation and Instruction
- Rescue

He went on to say that he received a Certified Instructor kit which included a messenger style bag containing a binder with the study guide / lesson plans, a scaled version of the student workbook with space for his own notes and prompts to assist him when delivering the program, a training administrative guide and an initial supply of other classroom materials.

He also received access to their online portal, where he could download the electronic presentation, submit completed training records for processing, and print cards. In addition, he would receive an initial supply of Student Activations.

My friend was really excited until I asked him the real questions from a legal liability standpoint since I do expert witness work for the last 50 plus years. I asked him these three questions.

1. Question - Did the instructor ask you if you had any medical conditions before you put on the equipment? Answer NO!

2. Next Question – Did the instructor review all the equipment user and installation manuals and ensure that you had the required knowledge before using the equipment? Answer? No!

3. Last Question: Was the equipment, such as the lifelines, anchors, and harness, fit tested to you? Did you and another independent qualified person inspect the other pre-installed equipment before you used it? Did they review the manufacturer's user manuals with you before you used it? Answer—NO!

Liability? You bet. Can you be considered a properly trained individual in this subject? No, not according to the manufacturer if they went to court and had to testify under oath. But a manufacturer who was giving the training, and their manuals state:

"A WARNING | Manufacturer's instructions must be read and understood prior to use. Instructions supplied with this product at time of shipment must be followed. Failure to do so could result in serious injury or death.

Contact (Name Omitted) if an instruction sheet is needed. Inspect before each use. Do not use if wear or damage is present. This body harness is intended to be used to arrest the most severe free falls. Items subjected to fall arrest or impact forces must be immediately removed from service and destroyed. Connecting snap and D-Ring must be compatible in size, shape, and strength.

This item is not flame or heat-resistant. Repairs must be performed only following the Manufacturer's instructions, which must be read and understood prior to use.

In this case, as an expert in this subject, I would represent my friend, who was the student, if he had been hurt. And you know what? I would have won the case for his attorney and him based on the document in the manufacturer's own documents. And to further win my case, this manufacturer had a document that was out of date with an American National Standards Institute (ANSI Z395.11 and it was dated 2014, and the new standard is dated 2021 and also 2024

Legal Obligations of SHE Trainers

A combination of regulatory standards, industry practices, and case law shapes the legal duties of her trainers. These responsibilities include the duty to:

1. **Provide Comprehensive Training:** Trainers must ensure that trainees are taught how to use equipment and fully understand the operational and safety guidelines, including reading and comprehending the manufacturer's manuals. These manuals contain critical information on usage, potential risks, and emergency procedures that the trainee must understand before handling equipment.
2. **Inspect Equipment:** SHE trainers must perform routine inspections and verify that equipment is inspected by others when required. For instance, fall protection gear, cranes, and forklifts must be in optimal condition and compliant with safety standards before any trainee uses them. Trainers should also provide instructions on how to inspect equipment properly, so trainees are empowered to assess equipment condition independently.
3. **Evaluate Trainee Medical Fitness:** Certain equipment, such as machinery that involves heights, heavy lifting, or hazardous environments, may require physical fitness standards. Trainers have a responsibility to confirm that trainees are medically fit to perform tasks associated with specific equipment. This is essential to mitigate risks to the trainee and those around them.
4. **Communicate Hazards and Risks Clearly:** Safety trainers must communicate all potential hazards and ensure that the trainee understands them. Product sellers, and by extension trainers, have a duty to provide "reasonable warnings and instructions" to educate users about any inherent risks associated with a product. Legal precedent differentiates between warnings and instructions: warnings alert users to potential dangers, while instructions outline the safe use of a product.

The Duty to Warn: Labels, Manuals, and Communication

In the case of dangerous products or equipment, manufacturers and trainers must provide adequate warnings if:

- The product poses inherent dangers.
- The manufacturer is aware of or should reasonably know of these dangers.
- The product is likely to be used to expose the user to these dangers.
- The danger is not immediately apparent to the user.

A key aspect of this duty is the “adequacy” of warnings. Courts have found that warnings should be noticeable and clear, effectively informing the average user of potential dangers. Warnings should also be placed in manuals, on product labels, and within additional safety communication channels such as videos, websites, and even social media.

Standards for Safety Instructions: ANSI Z535.6

The ANSI Z535.6 standard, published in 2023, Product Safety Information, established uniform guidelines for displaying safety information in product collateral materials. This includes requirements for the visual layout of safety instructions to create a consistent approach across products. Although ANSI Z535.6 provides a helpful structure for instructional materials, it does not encompass digital formats like websites, videos, or social media, which are increasingly relevant for modern product communication.

While adhering to standards such as ANSI Z535.6 is not a fail-safe against liability in product liability cases, it sets a foundational benchmark for providing clear safety instructions.

Negligence and Liability: Failure to Use Reasonable Care

A trainer’s failure to use reasonable care in instruction, equipment inspection, or communication of potential hazards constitutes negligence. This negligence may stem from an **act of omission**, where a trainer fails to perform a legal duty, such as omitting a critical safety instruction or not conducting a proper equipment check. If a trainee is injured due to insufficient instruction, failure to warn, or inadequate inspection, the trainer, and potentially the manufacturer, may be held legally responsible.

Conclusion

SHE trainers play a critical role in maintaining safety by adhering to rigorous standards of care. They are required to ensure that trainees are well-informed, competent, and physically able to safely use equipment, understand all safety instructions, and are aware of any potential hazards. Given that manufacturers and trainers alike are responsible for providing adequate warnings and instructions, the training process should be comprehensive, with a focus on both preventative care and adherence to recognized safety standards. Fulfilling these duties ensures legal compliance and, more importantly, promotes a safety culture, ultimately preventing injuries and saving lives.

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