

# Build It Safe

How To Build A Working  
Safety Program For  
Construction Contractors

By: Glenn Whitehead

# Foreword

**Having spent most of my life in the construction industry, as a craftsman, foreman, superintendent, self employed subcontractor, project manager, and safety professional, I fully understand the need for contractors to develop an effective safety and health program. First and foremost, employers have the responsibility, as well as the legal obligation, to provide a safe and healthy work environment for all of their employees. Additionally it is vital that you protect your business and your assets against lawsuits and government fines. Your safety program or lack of one can also determine the size and type of work you will be able to perform. Due to work conditions, personnel, time constraints, and of course money, it can be challenging for small contractors to provide a safe workplace and, at the same time make a profit. It is my hope that this book will provide a foundation for implementing a program that will help you grow and protect your business without breaking the bank. I would like to express my sincere appreciation for your purchase and wish you abundant and continued success.**

**Sincerely,**

**Glenn Whitehead**

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# Introduction

To many people in construction, safety has long been a dreaded four-letter word. It's too much paper work, a pain in the neck, slows down production, IT COSTS ME MONEY! To be honest, I agree with you. It is a lot of trouble and it does slow things down. But, like it or not, it's a fact of life for employers in construction. I know a lot of you are thinking you don't have the time and you just can't afford it. The reality is, you can't afford not to. The costs and liabilities that come with not having a safety program, far out weigh the costs to build and implement one. Our purpose here is to give you a step-by-step plan for building the foundation of safety program. A lot of the material you find on safety reads like it was written by lawyers. OSHA manuals and codes can be confusing and sometimes conflicting. Our goal is to sift through it all and put in simple easy to understand language. This is intended to be a starting point covering the major issues, potential problems, and consequences, as well as solutions. As with anything else, I would recommend that you obtain as much education as possible. The best tool you can have in protecting yourself is a good knowledge of the regulations and industry practices. We will cover a lot of ground from putting together your written program, conducting safety meetings and training, and investigating accidents to preparing for an OSHA inspection. As we cover all the different aspects of construction safety, we will provide suggestions and resources for continuing your safety education. As the construction industry changes and new practices and trends develop, the methods for maintaining a safe workplace change as well. It is important to stay informed of these changes in order to protect the safety and health of your employees, as well as yourself. Many of the major elements of a good safety program are simply common sense and do not have to cost a fortune. When you begin to tackle these issues, your employees will appreciate your concern, you will feel more secure and protected, and you will develop a new reputation with other contractors. Congratulations on taking this big first step. Let's get started.

## Chapter 1

### Why Do I Need A Safety Program?

One of the first questions many business owners have regarding safety is why. Why do I need a safety program? I haven't killed anyone. *Why should I spend all this money? Why should I spend so much time on meetings and training when I could be working?* Believe me, I've asked all those same questions. The reason we spend all that time and money is that the costs of ignoring it are far greater. It's like the old saying "You can pay me now or pay me later". As you'll see, it's a lot cheaper to pay the price up front than waiting until later. Let's take a look at some of the potential costs of doing nothing and benefits of being proactive.

First of all is the human factor. Someone could get seriously injured or killed. Construction sites are dangerous places. There are many hazards, heavy equipment, dangerous conditions, and lots of workers being constantly pushed to go faster. I've talked to several employers and supervisors that have had to tell an employee's family that their husband or father has been seriously injured or killed. They have told me, without fail, that it was the hardest thing they have ever done. Having someone killed or seriously disabled is not something you want to live with for the rest of your life. Even less serious injuries are detrimental causing losses in production and hurting morale. Your employees will develop a stronger loyalty if they know you have their best interests at heart. This is business, however, and we must look at the financial costs.

Let's start with insurance. As you know, insurance in general is one of the largest costs for all businesses. There is your auto, property, liability, builders risk, and the big one; workers compensation. We'll start with workers comp. Quite simply, you have to have workers compensation insurance. Law requires it, general contractors require it, and most property owners will require it. Your premiums (the amount you pay) are multiplied by the number of employee work hours you have. In other words, the more work you do and the more employees you have, the more you will pay. Insurance companies use several factors in determining what rate you will be charged. The type of work you do is a key factor. For instance, a roofer is more likely to be injured on the job than a receptionist. Therefore, you will pay a higher rate to cover that employee because there is a better chance of that employee costing the insurance company money. One of the biggest factors used to determine workers comp rates is the *Experience Modifier*. Basically, insurance companies look at the amount of employee work hours versus the amount time lost due to on the job injuries and compare it to industry standards. You can talk to your insurance agent to get a more detailed explanation of the process, but the short version is if you have more injuries than the industry average, you will pay more money than the average contractor in your industry. This is a big problem, because you'll have to factor in that cost when bidding jobs. It's tough to be competitive if your operating costs are

more than your competitors. Workers comp costs can literally drive you out of business. Therefore, it is critical that you avoid losing time due to injuries. Many owners and general contractors now ask to review your safety record and will look at your experience modifier before awarding you a contract. The workers comp factor alone is reason enough to build a strong safety program.

The strength of your safety program can also affect the rates you pay for ***General Liability and Auto Insurance***. If you are running an unsafe operation or have a history of accidents, you pose a greater risk to the general public, general contractors, and owners. The greater the risk, the higher your insurance premiums will be. If the risk is too great, you may be uninsurable, which will also make you unemployed. Additionally, owners and general contractors don't like to work with companies that expose them to risks and litigation.

If you have employees driving company vehicles, it is important that you develop policies regarding safe driving habits and monitor them closely. Like workers comp and liability, auto insurance is a necessary and constant cost and we must keep these costs as low as possible in order to remain competitive in our industry. Most insurance companies have loss prevention specialist that will help you develop policies and often provide training for you and your employees. This training is usually free or at a very reasonable cost. Talk to your insurance agent and see what's available.

One of the biggest benefits of a good safety program is the type of business it can help you attract. Not all work is the same. When I was just starting out as a small subcontractor, I took every job that came along. I had to just to survive. I was glad to have because it kept money coming in on a weekly basis. However, the profit margins were not very good because there were a lot of contractors competing for it. The owners and general contractors weren't picky about the subs. They just wanted a cheap price. In addition to the low margins, I often found it hard to get paid because I wasn't dealing with the most reputable contractors. I spent almost as much time trying to collect money as I did working. As I grew the business and built my reputation, I began to land better contracts that would actually turn a decent profit. There were several factors at work. One is simply experience. If people are willing to pay more money, they want to work with companies that have a proven track record. They want to feel secure that they won't be left with shoddy or unfinished work. They want to work with companies that won't jeopardize their reputation or put them at risk. This is where your safety program comes in. On the job accidents can result in lawsuits, regulatory penalties, and sometimes even criminal charges. Owners and general contractors that are involved in large, high priced projects have a lot to lose. They can't afford to take unnecessary risks. Therefore, the vendors and subcontractors they work with have to meet certain qualifications. If you have a history of accidents, injuries, or OSHA citations, you will likely be disqualified before the bidding process even begins. If everything else is equal between you and a competitor, the safety programs or lack of could be the deciding factor. When you interview with prospective owners and general contractors, a comprehensive written safety program and strong knowledge of regulations and industry practices will go a long way in making them feel secure that you won't bring them unwanted liabilities. Your ability to attract this type of work can make a huge difference in your bottom line and your future growth. Since many subs don't take the time to build a solid program, this will help you stand out from the pack. There will be less competition for this work and

sometimes you'll get contracts even when you're not low bid. A lot of contracts are bid by invitation only. If you aren't pre-qualified and invited, you can't bid. Government work can be some of the most lucrative there is. Without a good safety program, you won't even get a foot in the door. The government feels that since they are spending taxpayer money, they have a strong obligation to look out for the safety and health of the workers. There is a lot of money to be made in industrial industries such as oil refineries and chemical plants. These types of industries have the most stringent safety regulations of all workplaces due to the many hazards involved and the strict government oversight. Without an excellent safety and health program, you won't have a chance at this type of work. If you plan to plan to grow your business and achieve financial success rather than just scraping out a living, you must begin establishing your program today.

OSHA is only one of the government agencies that regulate job site safety and health, but it's the one we think about first and most often. OSHA is one of the government agencies employers fear the most (probably right behind the I.R.S.). However many business owners, particularly subcontractors don't really know much about them or their regulations. It is critical that you become educated concerning OSHA regulations and requirements. They have the authority to literally put you out of business. If you develop a history of violations and citations, you may be excluded from some of the types of work we talked about earlier. Some states have developed their own branches of OSHA. You will need to be aware of Environmental Protection Agency, as well as state and local regulations. It can get burdensome and expensive, but it isn't going away and will likely become more prevalent. Preparation and education are your best tools in learning to comply with these regulations.

Finally, let's look at one of the most basic reasons for developing a solid safety program; protection. When you spend the incredible amount of time, money, and hard work that go into building your own business, it is vital that you take every possible step to protect your business and personal assets. We live in a very lawsuit happy society. As we discussed earlier, there are laws and contractual requirements that require employers to take certain measures to protect their employees, as well others from work related accidents. If you have an accident, you must be able to show proof that you have followed all the required regulations and taken every possible step to prevent it. If you cannot, you open yourself up to legal and financial liabilities. You will carry the various insurances to protect yourself, however, civil suits can award judgments that far exceed the limits of your insurance policies. Plaintiffs that are awarded these large judgments can seek compensation through your assets. Just turn on the television during the day sometime and look at the number of commercials for lawyers seeking clients who have been injured on the job. Not taking the right precautions can cost you your business and, depending on the circumstances, your personal assets as well. The risk of lawsuit is not restricted to just your employees. Owners, general contractors, other subcontractors, and the general public, may be in a position to come after you with civil action. One of the recurring themes in this book will be documentation. By that we mean written documentation. You must have a *written* safety program and *written* proof that you enforce it. You must conduct regular safety meetings and training with a *written* list of what was covered and a *written* sign in sheet. Investigations of accidents and injuries must be thorough and *written*. There is no way to insure you won't be sued or that you won't have accidents. But, it is crucial that you can show proof that every reasonable

measure was taken to prevent them. You should consult an attorney on the best ways to protect yourself and your assets. This can be a scary part of self-employment but being prepared will go along way in easing your mind and dealing with problems if they do arise.

## Chapter 2

### The Basics

The foundation of any all safety and health policy is the *written program*. The written program will tell anyone who wants to know; what your philosophy and procedures are when it comes to safety and health. This must be the first step in building your program.

One of the basic elements of the process is assigning responsibility for your program. The type of operation you have and the number of employees will determine this. It's important that everyone in the company knows who is responsible for each aspect of the safety program and that each employee knows and understands his or her individual responsibility.

We talked earlier about documentation and we will continue to throughout the book. It will become redundant and you will fill file cabinets with endless stacks of paper; most of which will never be seen by anyone. But, it's an absolute necessity. If you didn't document it, you didn't do it.

Training is important in all aspects of a successful business. Nowhere is this truer than with safety. In the chapter on training, we will get into the different types and methods used. As you will see, it is an ongoing and constant part of a successful safety program.

Safety meetings are required as a condition of many construction contracts. Weekly (Tool Box) meetings are generally held at each individual job site. Some general contractors may hold "foreman only" meetings on a regular basis or when specific hazards or conditions arise. One of the first things you need to do is assign responsibility for conducting and scheduling these meetings.

As part of enforcing your safety program, you will need to conduct periodic inspections and evaluations. The frequency of the inspections depends on the circumstances of your operation. Inspections are an important part of documenting the enforcement, the monitoring, and the effectiveness of your program.

OSHA regulations contain specific guidelines for the posting of signs, posters, warnings and notices, including locations and time frames in which they must be posted. There may be state or local requirements as well. Law requires many of these. It is important that you learn the requirements for your trade in your area to avoid fines or other legal action.

The safety and health program should be a company wide effort. Responsibility for the program should be distributed from ownership and management to supervisors and employees. You should develop a system of checks and balances to insure that all interests are protected. A review of the program and policies should be done periodically either in house or by an outside consulting firm to determine it's effectiveness and possible changes that may need to be made.

## Chapter 3

### Goals

I believe an important part of any new project or program is goal setting. When you take a trip, the first thing you decide is where you're going. Otherwise, you're just wandering aimlessly. Before you can chart a course, you must know your destination and your starting point.

Determine your starting point first. What type of program, if any, do you have now? I've included a list of questions below. When you've answered them, you should have a good idea of where you are.

1. Do you have a safety program at all or are you starting from scratch?
2. Is your program written?
3. Do you provide any type of safety training for your employees?
4. How much knowledge of OSHA regulations and industry practices do you have?
5. Do you have any policies, written or not, that pertain to the safety and health of your employees?
6. Do you have regular safety meetings?
7. Have you done a job hazard analysis?
8. Have you made your employees aware of the hazards associated with their jobs?
9. Have you posted the required notices and warnings to your employees concerning OSHA, workers compensation, and work place safety?
10. Do you have a competent person that is responsible in your absence?
11. Do you have emergency procedures to follow in the event of an accident? Do your employees know what they are?
12. Have you or any of your employees had First Aid training?

Now that you've answered these questions, we can begin to look at where you want or need to be and how far away you are from that point. Even if you answered no to all the above questions, don't worry about it. You're no different from a lot of other subcontractors. The positive thing is you've taken a step in the right direction. I think it is important that you write or take notes of the steps we do now. Write down your answers to the questions above and date it. Then, as we begin to establish goals, put them in writing. There is something more empowering about written goals. As you make progress in building your program, look back at your written notes from time to time to see how far you've come and to maintain your focus on where your going.

OK, let's decide where we need to take this program. The type of program you build depends on what you want it to do for you. The first concern of all safety programs is to insure the safety and health of the workers and others who may be affected by the work. Beyond that, what do you need your program to do for you? Do you simply want a program that will comply with government regulations? Do you want to qualify to do

better paying types of work or work for different types of owners and general contractors? What type of work do you do? Some types of work are more dangerous and present more hazards than others. Obviously ironworkers and roofers encounter different hazards than carpet installers. There is not a “one size fits all” safety program. You need to customize it to fit your needs. Let’s make a list of things we need our safety program to provide.

Examples:

1. I need a program that gets me in compliance with OSHA regulations.
2. I need to reduce my number of workers comp claims.
3. I need a program that will help me qualify to bid on industrial work.
4. I want my safety program to give me an edge over my competition.
5. I want a proactive program that gives me a solid reputation and helps me attract the best employees in my field.
6. I need a program that will protect me from civil actions.

Obviously, we can never be too safe. However, circumstances and finances may limit what you can do. Chemical plants and refineries have the strictest safety guidelines you will encounter in construction. You will have to build an excellent program to even qualify to bid this work. Building a program of this type takes a large investment of time and money, but the work generally pays enough to make it worthwhile. If you were doing residential or retail work, the same program would be too costly. If you’re in an industry that requires working at heights, such as roofing or masonry, you need a fall protection plan. Other trades, such as flooring, may not. Your work environment also dictates the type of program you build. If you work on sites with other contractors; you have to consider the hazards they create that your employees may be exposed to. If one of your workers is hurt by the actions of another contractor; you are still responsible. The claim and lost time will be on your insurance and records. To begin set the goals for your program; you will have to do some research. We need to answer some more questions.

- ***What am I required by law to do?*** The biggest governing body is OSHA. You must develop a sound knowledge of the OSHA regulations that affect your business. There are many publications that will summarize the regulations for you. There are classes and seminars as well. In the chapter on OSHA later in the book we will provide several resources for obtaining this knowledge. Depending where you are working; you may also be subject to state or local regulations. Research and learn the laws that may apply to you. Remember, ignorance of the law is not a defense.
- ***What am I required to do by the customers I work for?*** Most general contractors have written policies that their subs must adhere to. Just ask them for a copy. Most of them will be glad you asked and will spend as much time as you like discussing it. I have found other safety professionals (even competitors) are often extremely helpful when asked. If you’re looking at government or public work; the requirements will be in the contract documents or their respective websites.
- ***What are my competitors doing?*** To be successful; you need to be equal or better than your competition in all areas. Safety is no different. If all other

things are equal; the strength of the safety programs may be the deciding factor. Read trade publications and try to join industry associations to keep of with trends and practices. Many organizations will let you attend their meetings and seminars even if you're not a member. Talk to one of your general contractors safety people and ask them if can go as their guest. Safety professionals love talking about what they do and are usually glad to help.

- ***What are the hazards that my employees are exposed to?*** In the next chapter we'll look at the job hazard analysis (JHA). You can't set your goals until you've determined the hazards you're working with.
- ***What's my time frame?*** Decide when you need to be there. You may break it into steps. Come up with a schedule and write it down, so you can use it as a reference. You can always adjust it as you go.

Your goals will most likely change or evolve as your business grows. As you reach goals and see the benefits they bring; it may give you ideas for new targets to shoot for. I recommend evaluating your progress at least annually and setting new goals. There is always room for improvements.

## Chapter 4

### Job Hazard Analysis

A *Job Hazard Analysis or JHA* is exactly what it sounds like. It is process of evaluating your work conditions and environment to determine what hazards your employee may be exposed to or may expose others to. The process will vary depending on the type of work you do and the type of project you're on. Most trades have some basic hazards that are present every day on every job. There will be others that are encountered only on certain projects or during specific phases of a project. For instance; when working on multiple story building you may encounter fall hazards that you would not have on a single story. Some projects may have cranes or excavations. Remember, it's not just the hazards of our trade, but hazards created by other trades as well. It is required that you make your employees aware of and provide training in the abatement of all hazards they may come in contact with.

In every trade there are certain hazards that are present every time we go to work. I am a safety director for a large masonry contractor. Working on scaffolds and the hazards that come with it is something our workforce deals with everyday on every job. Carpenters work with power saws and nail guns everyday. The first step of the job hazard analysis is recognizing these constant hazards because your employees will need a more thorough training and understanding in how to safely deal with them. Some of these common hazards may require you to have a competent person on the job to be responsible for controlling the hazard. In the masonry business we are required to have a competent person to supervise the erection and dismantling of scaffolds as well as inspect the scaffolds before each shift to insure they are in safe working condition. A competent person is also required for fall protection and hazardous communication. In Chapter 10 we'll go into detail on the requirements and qualifications for competent persons. Other everyday hazards may include heavy equipment operation, fire hazards, and driving if you have company owned vehicles. These hazards that we encounter on a daily basis should be a regular part of our training and should be covered in the new hire orientation before sending new employees out into the field. A JHA should be done for your office or warehouse in addition to the job site. There are generally several hazards that we don't give much thought to in those places that pose equal risk to job site hazards.

Even if you do pretty much the same the same thing in the same type of environment all the time, each individual job will present hazards or conditions that are specific to that site. There may be cranes or jackhammers in use occasionally. There may be explosives on some jobs. These hazards should be brought to your attention by the general contractor or the contractor creating the hazard. But, things don't always happen the way they should. Don't depend on others to protect your interests. Look at the scope of work for the entire project to try and identify hazards created by others that you may not be accustomed to. If you find hazards that are not being properly controlled you must bring it to the attention of the creating contractor or the general contractor. If another contractor's crane falls and kills one your workers, you will be held responsible because you sent him into that environment and exposed him to that hazard. Sometimes it may be

necessary to stop work and pull off the job until a hazard can be abated or controlled. No job is important enough to put lives at risk. On the following page I've included a sample JHA form you may want to print and use the form for your jobs or as a template to create your own company form. I would recommend doing one at the beginning of each project and, depending on how long your going to be there, you may need to do others as job conditions change. We work for general contractors and owners that require us to complete a JHA everyday and turn it in to them. Some of them have their own form that we must complete. Whether your using your form or theirs it is important that you keep copies of all paperwork and put it in your safety file. This is an important part of the documentation of your program as well as protection in the event of an accident or litigation.

## Chapter 5

### The Written Program

This is the bible of your safety program. A written program is an absolute necessity and the most important element of your program. A sound written program will provide protection, direction, and credibility for your company. It establishes the purpose, goals, policies, and procedures for protecting the safety and health of your employees. The program should be detailed and written specifically customized for your needs. It will be used as manual and reference for your workers and a statement to customers, insurance companies, and government of your philosophies on safety and health. It can be a huge asset if done correctly or a liability if written poorly or ignored. There are four basic elements that must be included in a good written program. They are: Mission/Purpose, Responsibility, Procedures, and Enforcements. Whether you write your own, purchase an outline or template and customize it to your needs or hire someone to write it for you; I recommend having an attorney look it over before putting it to use. You don't want to put something to use that could bring you liability down the road.

Your written program should start with a **“Mission or Purpose Statement”**. This will tell anyone who reads it what your program is trying to accomplish. *Note: This is different from the list of things we want our program to do for us that we talked about in Chapter 1. “The purpose of my program is to help me attract better paying jobs.” Is probably not a good mission statement for your written program.* The focus of your **“Mission Statement”** should be on protecting the safety and health of your employees, other contractors and the general public, as well as complying with government regulations. It should be thorough and complete, but it does not have to read like a legal document. It should be something that is easy to understand for your employees, as well as customers. After all, that's whom it is meant to protect. If it's good enough for them, it should be good enough for OSHA. *“It is the policy of (Your Company) that we will work toward improving safety and health conditions in all of our work places in order to protect our employees, customers, and the general public to the best of our abilities”.* A simple opening statement such as this can be the starting point for your program. Your mission statement should clearly state the importance that your company places on safety and the protection of the workers and should stress that following the safety procedures should always take precedence over production and financial interests. Remember, this program will be available for employees, customers, and OSHA inspectors to look at. In the first pages it is important to stress your commitment to safety. The mission statement should be signed by the owner, president, or highest-ranking member of management to emphasize that the commitment starts at the top. Also remember, you will need to document the enforcement of program. So beginning with your mission statement, don't make statements that you can't or don't intend to follow through on.

One of the most important things your written program does is establish responsibility. What are management's responsibilities? Who will conduct inspections and safety meetings? In order to have a successful program, everyone from top to bottom must understand their role and be held accountable for doing their part. You should begin at the top. The owners or senior management will have the ultimate responsibility for the

program. Your written program should explain how management will go about implementing the rules and procedures and insuring compliance. The size of your organization will determine how many levels of responsibility there are. If you are a small company with less than ten employees; most of the responsibilities will probably be split between you and your employees. Larger organizations may have superintendents, project managers, foremen, and administrative personnel involved. No matter the number of people, your written program should clarify who will do what. The list of responsibilities include but is not limited to:

- Evaluating and deciding policies and procedures
- Oversight of the overall program
- New hire orientations
- Training
- Inspections
- Discipline
- Record Keeping

There may be other responsibilities depending on the type of work and the number of people you have.

The procedures and policies are the foundation of your program. These are the methods with which you attempt to prevent or abate potential hazards. There are many considerations when deciding policy. The first priority is on providing the safest possible workplace for your employees. However, we must also look at feasibility and enforceability. To remain viable you must find a way to provide safety without sacrificing too much productivity. There is always a conflict because safety procedures tend to slow down or hold up the work. Almost every time I've introduced a new procedure into the workplace; I've heard complaints of how much time and money it's going to cost. But, once the procedure is in place, it becomes second nature and there is no loss in production. That being said; there are generally more ways than one to do things and it's important to find a method that works with as little interruption of the work as possible. We must always look at OSHA and other government regulations to determine what the minimum standards are. When deciding company policy we want to meet or hopefully exceed OSHA standards. A program that goes beyond the minimum requirements shows a true commitment from management. As I mentioned earlier, you should never have written policies that you can't or won't defend. The written program can be a valuable tool in helping you defend yourself against lawsuits and OSHA fines. However, if it can be shown that you don't even follow your own program then it will be used as a weapon against you. The written procedures should govern activities on the job as well as in the office. The following list contains a number of topics that should be covered in the procedures.

- Procedures for new employees
- Record Keeping
- Common Everyday Hazards (hazcom, fire protection)
- Industry or Job Specific Hazards
- Accident Reporting and Investigation

- Disciplinary Actions
- Training
- Inspections

Entire chapters or sections should be devoted to hazards that are encountered on a regular basis and to hazards that may be common specifically to your industry. Emergency and catastrophe procedures should be detailed. I would recommend having written procedures for dealing with an OSHA inspection. The idea is to have written plans for dealing with any circumstance or condition that could reasonably be expected. The more detailed the program is, the more protection it will provide.

The final element of your written program should focus on enforcement. Once you've determined the best methods for controlling hazards and protecting your workers, you must make sure the procedures are followed. There are basically three ways to enforce your program.

1. Incentives
2. Education
3. Disciplinary Action

Whichever method you decide to use, make sure you plan to follow through. Documenting the enforcement of your procedures will help validate your program.

The more time and thought you put into your written program, the more it will benefit your business.

## **Chapter 6**

## Training

The single most effective tool in providing a safe workplace is training. If everyone involved has a good knowledge of the hazards of their job and the methods for controlling or eliminating those hazards; the chances for accidents are reduced greatly. The first reaction of many people when an accident occurs is to place blame. *“The injured employee was doing something he shouldn’t have.”* Or *“The supervisor wasn’t paying close enough attention.”* When in reality, they have never received the proper training or any training at all. Training and education greatly reduce the risk of injury. Many companies will institute new procedures, policies, and training programs after they’ve had serious accidents. To prevent accidents you must be proactive when it comes to training. OSHA regulations require that all employees be made aware and receive training in the hazards of their jobs. Some hazards have training guidelines that must be met in order to comply with OSHA regulations, but much of the training is left up to the employer. Deciding the type and amount of training that you need requires some research into mandatory and industry standards. As we mentioned before, to remain competitive, you need to do as much or more than your closest competition.

The first step in building your training program is finding out what the minimum standard is. The most obvious place to begin would be the **OSHA STANDARDS FOR THE CONSTRUCTION INDUSTRY CFR 1926.** If you don’t already have a copy, you need to pick one up. The standards will tell you the training requirements that have been mandated for various hazards. One of the first sections of the book is Subpart C-General Safety and Health Provisions in this section *1926.21 Safety training and education.* It basically states that employees must be instructed in recognizing and avoiding any hazards they may encounter in their job. This leaves a lot of gray areas, as do much of the OSHA standards. It is left to you as the employer to determine what those hazards may be. If you have completed the JSA we talked about earlier, then you should have a list of those hazards. Search the index of the Standards, find the section on that hazard and see what it says with regard to training. For instance in the masonry industry we work on scaffolds all of the time. Subpart L covers Scaffolds, CFR 1926.454 Training requirements states: *“The employer shall have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used.”* It then goes on to list specific hazards such as electrical and fall protection that may be present. This type of wording is found throughout the OSHA Standards and leaves it up to the employer to determine the type and amount of training needing. I believe it’s done this way in order to place the ultimate responsibility on the employer. If OSHA were to mandate specific training, which was then followed, then they would have to take some responsibility in the event of an accident. It may not seem fair, but, as the employer; you shoulder all of the liability. The best practice is to make sure that you understand all of the hazards associated with your profession and best methods of controlling or preventing them. When you are confident that you’ve accomplished this; you can decide the best method of passing this knowledge along to your employees. I would strongly recommend taking an OSHA Standards class. They offer 10 HOUR and 30-HOUR classes that cover the basics of the standards and the most common construction related hazards. Obviously,

the 30 Hour class is much more extensive and covers a lot more ground. I would recommend that at least one member of your organization takes a 30 HOUR. Even if you have a designated safety person, it is important that you know and understand OSHA regulations. There is too much riding on this to depend completely on others to protect your interests. These classes are offered in many different ways and prices. You can take an entire 30-hour class in a five-day seminar or in sections over several weeks. Many trade organizations offer classes at discount prices. Check around and you may find a deal.

Once you've received your own training, you must begin to train your workers. This can be difficult if you've never done any training. Keep it simple. After all, most safety training is just common sense. Explain the hazard and the types of injuries that can occur. Use the same stories and methods that were used in your training. The key is to make sure that you're students have a good understanding of the material when you're finished. The key elements you should cover are:

- What are the hazards?
- What types of injuries and accidents do they cause?
- What methods are available to control or abate the hazard?
- What are the mandatory requirements?
- What are industry practices?
- What are the company policies?

The first phase of training should be new hire orientation. OSHA requires that all new employees be made aware of the hazards of their jobs before beginning work. What is involved in this training; depends on the type of work you do. An orientation for iron workers would probably be more involved than one for carpet installers. The new hire orientation should cover the basic hazards that your workers will see on a daily basis, procedures for reporting accidents, first aid procedures, drug and alcohol policies, and emergency procedures. Make sure new employees know who within your organization is the responsible or competent person and how to contact them. This training can be verbal, written, or a video if this is feasible. Whichever method you choose to use, you should have a written summary with a place for the new employee to sign, acknowledging that they have received the training. This should be done prior to the employee beginning work. If you get in a hurry and think "I'll do it later", it is likely it will never get done. Not having this training documented; puts your employee's health and your company at great risk.

First Aid training is an absolute necessity as well as a requirement. OSHA standards require employers to make first aid available in the absence of a clinic or hospital that is reasonably accessible. They don't really make it clear what "reasonably accessible" means. But, unless all of your work is within walking distance of a clinic or hospital, you should always have someone on site that has had first aid training. The most common and widely accepted is the American Red Cross first aid training. The classes generally run from 4 to 8 hours and the prices are reasonable. They will cover basic first aid and CPR and certification cards will be awarded upon completion. First aid kits should be readily available on all of your jobs and employees should be aware of their location.

Now we'll take a look at the general training you should do regarding the everyday activities of your profession. What type of environment are your workers exposed to

everyday? Hazardous communication should be a part of every company's basic training. However, some trades work with more dangerous chemicals such as acids and solvents. This requires a more extensive look at how to control those substances. Many trades work on scaffolds or roofs and require in depth fall protection training. Most construction trades use ladders at least occasionally. You wouldn't think a forty-year-old man should need training to work on a stepladder. But, if one of your people falls off a ladder, the first question that comes up in the investigation will be "***Did he have ladder training?***" and "***Do you have documentation of it?***" As you can see, the documentation issue keeps coming up. Nowhere is it more important than with training. You really have to take a broad look at your work environment when deciding what training to provide. On a construction site your employees will most likely be exposed to hazards that do not pertain to your work, but are present nonetheless. Employers are responsible for recognizing and controlling all hazards that their employees are exposed to (not just the one that they created. If you're working on a site with a steel erection crew, there is a potential hazard from falling objects. You didn't create the hazard, but you exposed your employees to it. Therefore you must provide training in "***Falling Object Protection***". If one of your employees is injured, you will be held at least partially responsible regardless of who may have caused the accident. OSHA provides guidelines for many types of training and you need to be sure that your program at least meets these minimum standards. However, use your own judgment. Common sense may dictate that your training be more extensive than the minimum requirements of OSHA. The better trained your employees are, the more protection you've provided for your company.

Each job site that you work on will, most likely, be a little different than the others. There may be cranes, excavations, or explosives on a particular site that you rarely encounter. The general contractor should be holding regular safety meetings with all subcontractors and should advise them of any hazards that may be present. However, as we mentioned before, you can't rely on others to protect you. Look at each individual site you're working on and identify hazards that you or your employees may not be familiar with and determine what training is needed. Consult the contractor who is creating the hazard, the general contractor, or refer to the OSHA standards. There are no dumb questions when it comes to safety. Even veteran OSHA agents don't have all the answers. If you're not sure what type of training your employees need, keep asking questions until you find someone who is. Too much is always better than not enough when it comes to safety training.

As you can see, safety training in the construction industry is an ongoing and extensive undertaking. There are many options available that you can take advantage of to save time and money. Regular safety meetings are required by OSHA and by most general contractors. These meetings should be conducted on a weekly basis. Choose topics that are specific to your job or site. Document, in writing, the topics discussed, have everyone sign in, and you've just conducted site specific or hazard specific training. Nowhere does it say you have to shut the job down, go to a classroom, or spend a lot of money. General contractors will regularly conduct safety training or meetings for all employees on the job. Ask them for a copy of the material and the sign-in sheet and file it with your training documentation. Chances are, your workers comp carrier offers free safety training and classes occasionally. Call your insurance agent to see what's available and take advantage of it. These are services that you are paying for with your premiums.

Another type of training that I would recommend is “*Emergency Procedures*” and “*Accident Investigation*” for your managers or supervisors. You should have policies for these detailed in your written programs that should be covered in your general training. However, if you have supervisors that are in charge when you’re not there, you should have detailed, written procedures to be followed in the event of an emergency. Everyone reacts differently in stressful situations. Having a written policy to refer to can help prevent missing critical steps that can protect your employees and your interests. We’ll cover this in detail later in the book. But remember, while training is vital to protecting the safety and health of your employees, it is also essential to protecting your company.

## **Chapter 7**

### **Inspections**

One of the key elements of an effective safety program is enforcement. You may have the best-written program ever conceived, but it’s useless if you don’t enforce it. The most

important tool for enforcing your program is inspections or audits. Your written program should clearly spell out inspection procedures including: frequency, responsibility, types, and record keeping. As with other elements of the program, it's important that we follow the inspection procedures as they are defined in our program. Don't put in writing that you will do weekly inspections if you plan on only doing them bi-weekly. The frequency and depth of your inspections depends on how many people you have and what they're doing. Inspection procedures may vary depending on circumstances. Your written plan should allow for these variances.

We'll begin with what types of inspections you need to be conducting. Is the majority of your work done in your own shop or warehouse, on the job site, or a combination? If you have employees doing a lot of work in your own facility, such as a cabinet, or fabricating shop, you will need to conduct regular inspections of your facilities. These will need to be thorough because, unlike a job site you the creating employer, the exposing employer, and the controlling employer. In other words, if there is a problem, you've got no one else to blame. You are completely responsible for everything that happens in that workplace. Job site inspections are different, in that there are circumstances and conditions that you can't control. Your employees will be exposed to hazards that are created and controlled by that don't work for you. The many variables and different situations, make job site inspections much more complex and require the person conducting the inspection to have a broader knowledge of regulations and practices. When you're inspecting your own facility, you know all the potential hazards because you're generally working with the same materials, tools, and environment everyday. Job site inspections require at least a general knowledge of the potential hazards of every trade on site. I would recommend that if you have someone conducting job site inspections, that person should have taken, at a minimum, an OSHA 30 hour course.

Let's talk first about in house inspections of your own facility. The key elements of an inspection policy are: responsibility, frequency, reporting, and documentation. The responsibility for conducting inspections depends on your workforce and what they're doing. If you are a small operation (less than 20 employees), it is likely that you will be doing your own inspections. However, you may have key employees that you delegate some of that responsibility to. If you have employees who are running pieces of equipment in your shop each employee should be trained in the safe operation of that equipment and should perform basic inspections of the equipment before each shift to insure that it isn't safe working order. The employer should check that all safety guards are properly installed, electrical connections or a good order and power switches are working properly. The Foreman or supervisor of the area, whether it you or a designated employee should perform regular basic inspections of the equipment in the area are regular basis. Persons performing these inspections should have a good knowledge of OSHA regulations and basic industry safety practices. If you are designating these responsibilities to the employer supervisor, I would recommend that that person have some basic OSHA safety training. In order to protect yourself and your employees, it is important to be sure that any employees who are conducting your safety inspections have a good knowledge of the rules, potential hazards and methods for recognizing and correcting those hazards. How frequently you are conducting these in house inspections, will depend largely, on the types of work that you are performing. For example, a

machine shop or cabinet shop will need more frequent and thorough inspections than a warehouse that is used mainly for storing materials and tools. The more serious and greater number of hazards that are present, the more frequent and thorough the inspections will need to be. For in house inspections that will be conducted on a regular basis, I would recommend putting together an inspection checklist. The checklist should include all hazards or potential hazards that are present on a regular basis. This will help insure that whoever is conducting the inspections doesn't miss key items because of the redundancy of the task. Each inspection should be recorded and it should include the time of the inspection, the day, the name of the person conducting the inspection, and the noted violations, recommendations for correcting violations, and the method and time of correction. If possible, I would recommend taking pictures during the inspections. If violations are found, take pictures of the violation before and after correction. Depending on your chain of command, inspections should be turned into reports when completed, and filed in your records upon review. I would recommend keeping these records on file for at least one year, and probably longer to use as documentation in the event of an accident or an OSHA inspection. If you have an accident, in the ensuing investigation, you will be asked if you perform regular safety inspections of your facilities. If you answer yes, you will be asked to provide documentation of those inspections. Again, if you didn't document it, you didn't do it. A good knowledge of OSHA regulations and industry practices, will help you determine what should be on your inspection checklist. In a shop or warehouse type facility, house keeping will always be a key issue. A clean workplace is generally a sign of a safe workplace.

Now let's talk about job site inspections. As I mentioned before construction job site inspections are much more involved and require greater knowledge of OSHA regulations. The person conducting these inspections will need to have an expanded knowledge of OSHA regulations and general safety practices. The inspector will need to look not only at his own people but everyone working around them. There are many potential hazards on the construction site and every time you send your employees out there you are exposing them to whatever hazards may be present. Many of the hazards that are found you will have no authority to correct. When an inspector finds hazards that his employees are exposed to that can't be corrected immediately, you must remove those employees from exposure until he can be sure the hazards are controlled. For instance, your employees may be installing data cable inside a building, but in order to get to their workplace they must walk past a large open excavation that has not been protected. If one of your employees falls into the excavation, you will be responsible as his employer even though you are not responsible for the excavation. In this situation, the inspector should first address the situation with the contractor who created the hazard. If the contractor fails to respond, the general contractor should then be notified. But, until this hazard is corrected by someone, you can't have your employees walking by this hazard on a regular basis. As you can see, when inspecting a large job site you must have a broad view of the entire site and all contractors working on that site. As always, ignorance of the law or rules is not an excuse. If you're working on a large site with a good general contractor they will generally have their own safety personnel on the job on a regular basis and be conducting their own safety inspections of all subcontractors. However, you cannot take this for granted. How frequently you conduct these inspections, just depends on the circumstances. On a large site with a lot of employees, if

you are there on a daily basis, I would recommend conducting job site inspections at least biweekly. However depending on the number of employees you have and the number of overall contractors working on the job, you may be able to get by with monthly inspections. Aside from these general inspections of the entire job site, your employees and supervisors should be conducting regular inspections of their individual work areas and equipment. All tools and equipment should be given a visual inspection by supervisor or the employees that are using them before each work shift. A visual inspection will suffice with small hand tools and personal equipment. However other equipment such as forklifts or scissor lifts require daily inspections that be documented on paper by the employee using them. The operators of this type of equipment required by OSHA to have completed a training class in the use of equipment and have received a certification. To find out which types of equipment require this training and certification, consult your OSHA codebook. It is not necessary that the inspections of individual tools and equipment be documented, however, you should have documentation that your employees have undergone training that instructs them to do these inspections. Who will have the responsibility for conducting the job site inspections depends on the size of your operation. If you are not on the job on a daily basis, you will need to designate someone in a supervisory position to be responsible for the inspections. This person is commonly referred to as a competent person. We'll talk more about competent persons later in the book, but basically this is someone who is familiar with all the task he will be inspecting, the company policies for controlling hazards and correcting them, and has the authority to stop the work until hazards or violations of been corrected. Most general contractors will require you to provide them with a list of your competent persons as a condition of your contract. When choosing your competent persons were supervisors, you must be confident that they are capable of performing their jobs in your absence. Your business and livelihood are literally in their hands. On large sites most general contractors will generally conduct weekly safety meetings for all subcontractors and their supervisors. It is important and usually mandatory that you attend these meetings. It is during these regular subcontractor meetings that you will be informed of any new hazards that have been introduced on the job site. It is the responsibility of the contractor creating the new hazard or the controlling or general contractor to inform the other subs of new hazards that have been introduced into the job site. As an employer who is responsible for the people you send on to the job, it is your responsibility to hold the general contractor and other contractors accountable for following through with their responsibilities. It is a good practice to forward copies of your inspections and the results to the general contractor that you're working for and in many cases it may be a requirement by the contractor. In addition, if you find hazards created by other subcontractors that your employees are being exposed to, I would recommend sending a written notice of the hazard to the creating contractor even if the hazard is corrected at the time. This will help protect you in the event of a recurring trend of hazards being created repeatedly by the others up. Copies of the notices sent other subcontractors should also be sent to the general contractor. General contractors have many things to look at and their people are only human. They cannot see every situation that may come up on the job site and most of the time they will be appreciative of any help you can provide. After all, it is in the best interest of everyone on the job to control hazards and keep the workplace as safe as possible. Results of all inspections should always be forwarded to the immediate

supervisor. Employees inspecting their work area are responsible for informing their immediate supervisors of any hazards or potential hazards that may arise. Supervisors were competent persons performing general job site inspections should also forward these inspections to whomever has been designated by the company. As we do with in house shop inspections you will want to designate someone to file and store documentations of the job site inspections. These job site work area inspections are required by OSHA, however, as with many things the language is where he they want how often they should be conducted and what should be covered. In work to protect yourself you need to use your judgment in determining how thorough the inspection should be and how often you need to do that in order to best protect yourself and keep a safe workplace. A little too much is always better than not enough.

If you are designating the workplace inspections to supervisors or competent persons, I would recommend that occasionally you or a designated representative for you such as a safety consultant conduct your own inspections. This is simply oversight on your part to ensure that the policies and practices you've established in your written program are being carried out in the proper manner. Even if you believe you have competent qualified people supervising your jobs, you must, from time to time evaluate their performance. Safety is a part of their job just like other responsibilities you may assign. I would recommend from time to time, perhaps annually, that you have someone outside your company perform an inspection of your jobsites. Safety professionals for other contractors, sometimes even competitors, will usually be glad to do this for you and won't charge you a thing. There are also many independent safety consulting firms that will perform this service for you but that can be expensive. The value of having is an outside source look at your jobsites, is to gain a perspective of how you looked others. Many times we may miss things due to either a lack of experience or just being too close to the situation. If you have employees that have been with you for a long time, that you develop relationships with, it is easy to overlook unsafe habits they may have developed. This is not in the best interest of you or your employees. Also, it is valuable to have the opportunity to draw upon others' experiences. Some of the best safety education I've received has been from other safety professionals. Safety people are not involved in the competition for work and are generally truly concerned with protecting the health and safety of workers. Another value of these outside inspections is that it can help you demonstrate to OSHA or prospective clients that you take the safety and health of your employees seriously and that you continually strive to improve your program. Depending on the number of employees that you have and the size of jobs that you do, I would recommend keeping either an individual file for each job containing the safety inspections for those jobs or one file that contains the safety inspection documentation for all your jobs. I would recommend storing the documentation of your safety inspections for several years. In the event that you have a serious accident or injury on the job, it could be important to document the history of safe practices.

## **Chapter 8**

## Enforcement

Enforcement is the most important element of any good safety program. Without outline the procedures for enforcing your program, it's nothing but words on a piece of paper. Enforcement is not about punishment. It's about protection. By enforcing your company policies and procedures, you protect the safety and health of your employees to protect the interests of your company and the interest of your customers as well is the general public. As we've mentioned repeatedly, your employees are your responsibility. Much the same way you protect your children, you must protect your workers by forcing them, if necessary, to follow the rules. The first step as we talked about earlier, is to insure that all employees have received proper training. Once you are certain that your employees understand the company policies and procedures for working safely, you must make sure that they follow through on these practices. Following the inspection procedures we talked about in the last chapter will help us determine which employees are complying with company policy and which ones are not. Enforcement procedures are important for several reasons. First and foremost, is preventing accidents and injuries. The next reason, and a very important reason, is to protect yourself and your customers against liability and legal action. If you have established a good safety program, and that employee is injured because he did not follow that program or violated company policies, and the employee must bear some or all of the responsibilities. Unfortunately, in our society today everyone is lawsuit happy. All you have to do is turn on daytime television to see all the ads for personal injury attorneys to know that on the job injuries are big business. If an employee is injured on the job, and pursues legal action against you, you must be able to demonstrate that you took every measure to protect the safety of employee. You must show that you train the employee, establish a sound workplace safety program, and follow through with the enforcement of that program. You will never truly be a winner in this type of lawsuit. However, there are things you can do to mitigate your damages. In addition, if you are sided for violations during an OSHA inspection for the actions of one of your employees, you may be able to have the violation reduced or dismissed if you can show that employee had received the proper training and made a personal choice to violate company procedures. The key element of proving that a violation was a personal choice of employee is being able to show enforcement of your program and policies.

Your written program should detail the methods of enforcement. It should detail the type of warnings that will be issued for first violations and all subsequent violations. It should also detail specifically what types of disciplinary action will be taken. The disciplinary action for repeated violations should be more severe with each subsequent occurrence. Also, violations with serious danger or potential harm should carry more severe disciplinary action. I believe that first time violations can be handled with a verbal warning. However I would make a note in writing in a disciplinary file of that verbal warning. When making a warning, explain to the employer the policy that was violated, the hazards or dangers associated with the violation, and corrective actions that need to be taken. These discussions should be included in your notes of the verbal warning. It's important to emphasize to the employee during the violation that these policies are in place for his or her protection. This should also be stressed with supervisors or other

employees who may be charged with issuing warnings and disciplinary actions. The purpose of these enforcement procedures is not to punish or demean the employee or look for potential reasons to fire the employee. The purpose is to establish safety conscious attitude throughout the company. If you delegated responsibility to supervisors or managers for enforcing your safety program it's important that they understand the vision and the mission statement of the program. If employees believe that supervisors are using safety as a means of punishment, this will damage the effectiveness and the results of the overall program. It's also important to insure that enforcement of the program is equal throughout the company. In order for your policies to be effective, they must apply equally to everyone. Veteran employees and supervisors cannot be exempt from safety policies.

After employee has been issued a verbal warning, subsequent warnings should be in writing. The written warning should include the employees named the time and location of the violation, the specific policy violated, and the action taken. You should design your own company form or simply copy the one from the forms in the back of the book will fill in the blank spaces for all the necessary information. Most of the time for a first violation the only action that will be taken is to retrain the employee in the correct methods for performing the task. If an employee is performing a task such as cutting metal or wood that presents the potential hazard of flying particles to the eye, and is not wearing eye protection, the violation would be not using the proper PPE (eye protection). The retraining would involve explaining the dangers (damage or loss of vision) and the methods for controlling or preventing the hazard (wearing safety glasses or goggles). Both the employee and the supervisor issuing the warning should then sign the written warning and copies should be filed in a disciplinary file and the employee's personnel file. The designated members of upper management should be notified of all written warnings and disciplinary actions. Subsequent written warnings for the same types of violations should carry more severe disciplinary actions such as performance evaluations suspensions, job reassignments, and possibly, termination. Enforcement and disciplinary actions should apply not only to the workers, but also management and supervisors. Through the inspection process and in the course of accident or incident investigations, it's important to watch for trends that may be developing. If you notice trends or reoccurrences of certain hazardous conditions, further investigation should be done to determine the root of the problem. Is it employees making personal decisions to violate policy or is it a lack of enforcement by management or supervision? If you're supervisors are neglecting their responsibilities, disciplinary actions should be applied in the same manner they are with employees. It's vital to the success of your program that everyone knows that safety is everyone's job and no one is exempt from the rules. When enforcing your program and applying disciplinary actions it's important to have knowledge of federal and local guidelines regarding the treatment of your employees. You should visit the Department of Labor's website or consult with an attorney if you have questions regarding the legality of your policies. However, if you believe there is imminent danger to your employees or others, always err on the side of safety and take care of the legal issues after the hazard has been controlled. Records of all disciplinary actions should be kept on file in the main office for a period to be determined by management. I would recommend no less than two years and possibly as many as 10 years. One of the most important things to remember about the enforcement of your program is to strictly follow

the written guidelines you have outlined. If your written program says the employee will be terminated after four written warnings you must follow through. Otherwise, you will never be able to document an effective safety program. When it comes to the disciplinary actions you'll have to make judgment calls. Try to make the discipline comparable to the violation. When employees commit the same violations repeatedly, they are endangering their own safety as well as others. When employees continue to knowingly violate your company policies, suspensions or terminations are warranted. It may seem harsh to terminate an otherwise good employee because of safety violations. But, these types of violations bring great risk to your employees and your business. In some situations, violations of policy may pose such a great danger, that strict disciplinary action may be needed after the first violation. For example; an employee working on the leading edge of a high-rise structure without fall protection would face almost certain death if he has an accident. It may be necessary to impose harsh penalties to ensure that these dangerous types of violations don't occur. When developing enforcement and discipline policies I would suggest consulting with other safety professionals in your industry. If you're going to spend the time and money that it takes to develop a good safety program is critical that you have the proper enforcement.

## Chapter 9

### Competent Persons

Now let's talk just a little about the about term "*competent person*". You will see this term mentioned throughout the OSHA standards and you'll hear it commonly when discussing on the job safety. The OSHA standards define a competent person as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions, which are unsanitary, hazardous, or dangerous to employees, and who has the authorization to take prompt corrective measures to limit exposure. Generally, the competent person on a particular job site will be the manager or supervisor. As you can see, the general definition covers a lot of ground. It's critical, because the employer carries the ultimate responsibility for all employees, that whomever you designate as your competent person, is qualified for the job. This person, literally, has your business and the lives of your employees in his hands. A competent person should be familiar with all tools and equipment being used on the job and their proper use and maintenance, should have complete knowledge of the hazardous communications program, should have a good knowledge of your emergency procedures, must have a thorough knowledge of your written program and policies, and should have the authority to enforce the program and carry out disciplinary actions for violations of the program. In most cases, the competent person will also have received the required first aid training. It is possible that you may have several employees who have been trained as specific types of competent persons. For example, in the masonry industry where I work, due to the amount of scaffolding we use, I have several employees that have been trained as competent person scaffold builders. They have received training in the proper methods for erecting and dismantling scaffolds. The competent person scaffold builders are required, before each shift, to inspect any scaffold that we will be working on to insure that it is in complete working order with all necessary components. Additionally, they are authorized, if they observe hazardous conditions on a scaffold, to stop the work and abate the hazard. Depending on your industry, there may be other specific tasks such as fall protection or hazardous communications that you may want to designate a competent person just for those activities. When designating competent persons, it is important to have a specific training session and certify those employees as part of the training. We provide all of our employees who've completed any competent person training with certification cards as documentation they have completed competent person training which meets all federal and local regulations. When conducting the training sessions, as always, it is important to document in writing the material that was covered and who was in attendance. You may want to have a test that is completed as part of the training. This can be used as further documentation that the competent person has a thorough understanding of his responsibilities. Additionally, I would recommend having the employees who've completed competent person training sign a *Competent Person Agreement* which explains their responsibilities and has the make knowledge there understanding of those responsibilities.

## Chapter 10

### General Safety Requirements

While this book is not meant to provide education in OSHA standards or safety training, I would like to talk in this chapter about some of the basic general requirements and most common practices for any safety program. These are things that everyone will encounter in construction no matter what trade you may be in. Keep in mind however, that this is only a basic overview and is not intended to substitute as safety training.

#### **PPE:**

The most common method used for controlling hazards on the job is personal protective equipment or PPE. Employers are required by OSHA to provide certain items of PPE such as eye protection, ear protection, and gloves. Employees may be required to provide some of their own PPE such as hardhats and foot protection. To determine the proper PPE for a task you should refer to OSHA regulations or the material safety data sheet for particular material you may be working with. OSHA regulations provide general requirements as well as specific requirements for some jobs. One of the most common types of PPE is the hardhat. Most commercial construction sites require all employees working on that site to wear hardhats. Even though, in many cases, there may be no danger from falling objects. Most general contractors will make it a mandatory condition on their jobs from startup until completion. After hardhats, the most common item of PPE is eye protection or safety glasses. OSHA requires that all employees performing jobs that involve cutting, grinding, or flying objects or particles, be provided with safety glasses or goggles. Certain activities require employees to wear gloves to protect their hands. Certain chemicals may require several different types of PPE such as eye and face protection, chemical resistant gloves, and respirators. On most sites proper foot protection is required, most commonly, steel toe shoes or boots. When deciding the PPE requirements for your written program, I would recommend first referring to the OSHA standards for each individual activity. It's best to first determine what the minimum requirements are. For some activities, OSHA provides specific requirements for PPE. For example, in subpart Q.1946 701 in the general requirements for concrete and masonry construction it states that any employee applying a cement, sand, and water mixture through a pneumatic hose, must wear head and face protection equipment. However in the PPE standard OSHA also provides very vague warning that requires head and face protection wherever hazards may exist from falling or flying objects. The point is, even though the codebook section for your type of work may not include specific PPE requirements, PPE is still required through the general requirements when hazards are present. As the employer, you must make a determination as to when, where, and what type of PPE is needed. Later, when we look about hazardous communications, we will be talking about material safety data sheets. Almost every material that you purchase for your jobs from chemicals to stone or paint will have a material safety data sheet, which will describe the properties of that material. This sheet will also let you know what type of PPE is needed when working with the product. You should know that OSHA requires employees working with products to use any PPE that may be recommended on the MSDS. PPE is required to be maintained in proper working order and inspected on a

regular basis. Equipment that is provided by the employers must be replaced when necessary. Employers are also required to ensure that employee provided PPE is kept in clean working order and replaced as necessary. In other words, you're responsible for all PPE, whether you bought it or not. Certain types of PPE, such as personal fall arrest systems, require that the employee have training before using the equipment. The employee must have a good working knowledge of the protective equipment and be trained to inspect it on a regular basis and notify management if the equipment is worn or needs to be replaced. PPE is an extremely viable tool in controlling and abating hazards on the job. It's also one of the most common procedures that are violated by employees. Many times the equipment can be uncomfortable and burdensome, thus, employees will neglect PPE for the sake of comfort or convenience. If you receive a citation from OSHA due to employ not using the proper PPE, it's important that you be able to document that PPE was provided, that the employee received training in the use of equipment, and that you require PPE as part of your written program. I've seen many on the job accidents and injuries that would not have occurred with the simple use of safety goggles or gloves. Most of the equipment is inexpensive to provide and to replace once damaged. PPE may be the simplest, most effective way we have as employers of protecting our employees and controlling injuries.

### **House Keeping:**

This one is pretty simple. It's also probably the most neglected of all basic safety practices. In construction, we make a mess. All construction subcontractors leave behind a trail of scrap material, product packages, and debris to some degree. This is the first thing that most safety professionals look at when conducting job site inspections. This is also the first thing that OSHA inspectors look at when inspecting a job site. A clean site makes a good first impression, not only when talking about safety, but also concerning the impression others will have of the quality of work you do and your professionalism. A lot of people just assume that if your conscientious about keeping a clean worksite you will apply that same attitude toward the quality work that you do. Concerning just the safety aspect, it's easy to understand how a clean site translates into a safe site. Having trash and debris scattered throughout the work area creates trip and fall hazards, the hazard of more serious injuries if you do fall, and obstructs entry and egress from the building in the event of an emergency. Various types of trash and debris can also become fire hazards or create unsanitary conditions. The best rule of thumb is to have your written program require a continuous cleaning of the worksite. Periodically, at least daily, each employee should pick up his or her work area or, depending on the number of employees you have, you may designate one or more employees as cleanup persons only. When housekeeping is done on a regular basis it prevents the accumulation and pileup of debris. As a condition of most commercial construction contracts, subcontractors are responsible for cleaning up after themselves and in many cases assisting the general contractor in general cleanup of the job site. It may not always be convenient to remove all trash and debris from the job site at that particular moment. When this is the case, stockpile or consolidate the debris to one area or pile until it can be removed later. The most important objective is to keep high traffic areas, entries, and exits clear of obstructions and trip hazards. Many new construction sites will have the added hazard of water or mud due the fact that parking lots and landscaping haven't been completed. Bad

weather can make for some extremely hazardous working conditions. Make the extra effort to keep the work surfaces as clean and dry as possible and if necessary, provide your employees with protective equipment or clothing to minimize or eliminate these hazards. The first step toward a safe workplace is a clean workplace.

### **Hazardous Communication:**

Hazardous communications or as HAZCOM is term you will hear often when talking about safety. Employers are required by law to notify their employees, other contractors, and the general public of any hazardous materials they will be using on the job. The communication of this information is done through the use of “*material safety data sheets*” or “*MSDS*”. A material safety data sheet contains pertinent information on a particular product including: the materials used in the product, the name, address, and contact information of the manufacturer, the proper methods for using the product, a list of hazards associated with product or its materials, and the proper handling and storing procedures for the product. Copies of MSDS for all of the products that you use should accompany those products into the job site and should also be kept on file in your main office and on the job site by your competent person. All employees should receive training regarding any hazardous materials they may come in contact with, should be aware of where the MSDS for those products is located, and should have access to them at all times. You are also required to provide this material to the owners and general contractors that you're working for and other contractors working on the job site. Usually the general contractor will request a copy of your hazardous communications program, which will include an inventory of all materials being used in the project and their MSDS as a condition of your contract. Your written safety program must include a section on hazardous communication. Notification and training are also required when any new material is introduced into the job site. To obtain copies of MSDS contact the manufacturer or the supplier from whom you purchase the material.

### **First Aid:**

Employers are required by law to provide medical attention and consultation for employees who may be injured on the job. If the worksite does not have a clinic, which is the case with most construction sites, or a facility is not accessible within a reasonable distance of the job, employers are required to have an employee who has completed training and been certified in basic first aid procedures. This training is provided through various sources, the most common being the American Red Cross. A basic first aid kit is required to be available to all employees upon request. The size of the first aid kit should be commensurate with the size of the job. The competent person or safety professional should insure that the contents are properly packaged in weatherproof containers and are replenished as needed and should inspect the kits at least weekly. Emergency contact information for local law enforcement, fire department, hospital, clinic, or physicians should be posted in a location visible to all employees. Supervisors and competent persons should be aware of the locations and contact information of the nearest medical facilities. Reliable transportation to medical facilities for injured employees must be readily available. Only the most minor of injuries should be treated with first aid on the

job site. If there any questions about the seriousness of an injury, the employee should be provided medical attention by qualified professional.

### **Sanitation:**

Basic sanitation procedures are required on all job sites. These requirements include but are not limited to:

- An adequate supply of potable water shall be provided in all places of employment
- Portable containers used to dispense drinking water shall be capable of being tightly closed and equipped with a tap, clearly marked and are not to be used for any other purpose
- If single service drinking cups are provided, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided
- Toilets shall be provided for all employees with no less than one toilet and one urinal per every 40 workers and shall be clean and serviced in accordance with federal and local regulations
- Employers shall provide washing facilities for employees engaged in the application of paints, coatings, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. These facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.
- All leftover and discarded food items shall be disposed of in proper containers

### **Fire Protection:**

Employers are required to develop a fire protection program to be followed throughout all phases of the project. The fire protection program for the job site is the responsibility of the general contractor. However, it is the responsibility of each individual employer to make sure that all of his employees have received the proper fire protection training, have good knowledge of the job site fire protection program, and the locations and use of fire protection equipment. Additionally, some specific jobs or equipment may require their own fire protection equipment. Employers shall ensure that all employees working with or around these types of conditions have received the proper fire protection training. Fire extinguishers are required to be provided within 50 feet of more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas. A fire extinguisher rated not less than 2A shall be provided for each 3000 square feet of the work area and the distance to the nearest fire extinguisher from any particular work area should not exceed 100 feet. *Subpart F. "fire protection and prevention"* of the OSHA standards contains a chart displaying the various sizes and types of fire extinguishers required for different applications. All fire protection equipment is subject to inspection and certification in accordance with federal and local regulations. All flammable or combustible materials must be labeled in appropriate containers and stored in accordance with federal and local regulations. Unapproved containers such as paint buckets should never be used for storing or transporting gasoline or diesel. Additional information and fire protection procedures for individual products can be found on the MSDS.

## **Bloodborne Pathogens:**

Blood borne pathogens is a term you'll hear often in safety and health discussions. So I will give just a brief summary of the definitions and requirements. Bloodborne pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). This section applies, primarily, to employees who may come in contact with the blood or bodily fluids of others. This would include employees who may be administering first aid to others, are involved in cleaning or maintenance of toilet facilities, or may be performing work in medical facilities. For most of us this is isolated to first aid procedures. Employees involved in administering first aid to injured employees should follow safeguards as outlined in their training such as the wearing of sanitary gloves and masks and the proper disposal of used or contaminated first aid materials. Employees that may be at further risk due to their specific job responsibilities should receive more extensive training as warranted.

## **Tools and Equipment:**

No matter what type of work you do chances are you're using some types of tools and equipment on a regular basis. An important element of workplace safety is the proper maintenance and operation of these tools and equipment. There are way too many tools to get into the specifics of each individual one, but there are basic rules that apply all. Employers are responsible for ensuring that any employee operating any type of tool or piece of equipment has received training in the proper operation of the equipment. The employee should have knowledge of the proper method of using the tool, the proper care and maintenance, and any necessary inspection procedures that should be regularly performed. Your written safety program should include inspection procedures for all tools and equipment as well as lockout/tagout procedures for taking the equipment out of service while maintenance or repairs are being performed. Certain types of tools and equipment require the user to receive training and/or be certified in the use of that equipment. Specific requirements for this training can be found in the OSHA standards or the manufacturers recommendations.

## **Trade Specific Hazards:**

Now that we've talked about general hazards that exist for all contractors, we need to acknowledge that there are many hazards that only apply to certain jobs. Some examples of these types of hazards are: scaffolds, fall protection, scissor lifts, and cranes. In the masonry industry, where I work, we work on scaffolds everyday. There is a good chance, however, that a carpet installer will never work on a scaffold. Steel erectors work with cranes as a regular part of their job. Drywall contractors will rarely, if ever, use cranes. It's the responsibility of the employer to know all the potential hazards and risks that are involved with their occupation, to know the various types of training required for their employees, and to insure that their employees have received this training, and follow the regulations.

## **Chapter 11**

### **Accident/Incident Procedures**

If you are contractor, working in construction, eventually, you will have an accident or incident on one of your jobsites. A common saying among safety professionals is “all accidents are preventable”. While I agree that this is true, reality tells us, that we're not going to prevent all of them. It's just human nature. Employees performing the same tasks and routines, day after day tend to become comfortable. When we become too comfortable and begin to relax, we become more vulnerable to making a mistake. Another common source of accidents is getting in a hurry. As employers, we constantly pushed our employees to work faster. The faster we work, the more productive will be. The more productive we are, the more money we make. However, when trying to rush the work or production. One of the things that is often neglected is safety. Being in too much of her rush causes us to become careless. As employers, and safety people, it's important that we stress that safety is never to be bypassed for the sake of speed and convenience. However, being human, we must recognize and accept that eventually we will make a mistake. When this happens, we must have procedures in place for dealing with the accidents or incidents, controlling or eliminating hazardous conditions, and determining the cause to prevent a re-occurrence.

The most important issue when an accident occurs is to insure the safety of all employees and provide care for any injured employees. It should be part of your written safety program that any and all accidents or incidents including close calls should be immediately reported to the supervisor or competent person. The first priority in the case of an injury is to provide first aid or medical attention for the injured employee. The first aid being provided on the job site should be strictly for minor injuries or to stabilize the injured worker until professionals can treat him. Competent persons who have received first aid training must quickly determine the seriousness of the injuries and decide if they can be treated using basic first aid at the job site or if they require more extensive medical treatment. If there are any doubts, always seek professional help. Emergency contact information should be posted in a visible location on all jobsites and should contain the contact information for local law enforcement and the nearest medical facilities or physicians. Even the most minor of injuries should be reported to supervisors immediately. Waiting or not properly treating injuries can lead to more serious conditions later. If it is determined that the injured employee can be safely transported in a personal or company vehicles to the nearest medical facility this should be done as soon as possible. If there is danger of further injury or worsening the condition of the injured employee, call 911 and have medical personnel come to the job site. Always err on the side of caution in these circumstances.

Once the injured employee has been treated or transported for medical attention, we need to secure the area where the accident occurred. The area should be cleared and

barricaded to prevent possible additional accidents and to preserve the accident scene until we can determine the cause and be sure that the hazard is been controlled or eliminated. The Foreman or competent person should keep a supply of caution or danger tape available for roping off accident areas. Once the area been secured, an investigation should begin into the cause and details of the accident. The investigation should include interviewing witnesses, inspecting any equipment that may be involved, taking pictures that may be relevant to the cause of the accident, and confirming the health of others who may have been in the area the time of the accident. I have put together an accident investigation kit for all of my Foreman that includes specific instructions for securing the accident scene, taking witness statements, and collecting evidence from the accident. The kit includes a portable voice recorder, a disposable camera, a witness questionnaire, and an accident investigation report. I believe having these tools helps keep the person investigating the accident focused on the task in front of them. Many people become excited in the event of an emergency, especially if is someone they know has been seriously injured. It's easy to forget simple steps when an accident has occurred. Having a detailed set of instructions for investigating the accident helps to make sure that we don't miss any critical steps or evidence. The goal of the accident investigation is not the place blame for the accident, but to prevent it from happening again in the future. It should be a part of company policy that immediately after caring for the injured employee, supervisors notify management or the Main office of the accident. Depending on the seriousness of the accident, the owner or a designated member of management may need to go to the site to insure that all the proper procedures are in place.

All injury and accident reports should be submitted to management for review and copies should be filed in the main office. You should consult your OSHA standards for recordkeeping requirements, but as a rule, accident reports must be kept for a period of no less than five years from the date of the accident. Employee medical records must be kept on file until 30 years from the date of termination of employment.

I would recommend that ownership or management conduct periodic reviews of accident and injury reports in order to recognize trends that may be developing and find their cause. A good safety program is a constantly changing thing. As industry practices change, new tools and methods are introduced into the workplace that may present new hazards. By conducting reviews of our program, we can make decisions regarding possible changes that may need to be made. We should always think progressively and be proactive when it comes to preventing on-the-job accidents.

## Chapter 12

### Managing Workers Comp Claims

Insurance is a necessary evil of business. It is complicated and expensive but we absolutely cannot operate without it. Workers comp insurance is a requirement that provides us with protection but can also potentially drive us out of business. The cost for workers compensation insurance is determined by rates that are multiplied by the number of employees we have and the type of work that they're doing. It's a complicated formula and I'm not qualified to give a thorough explanation of it. But, I can tell you some of the key factors that go into determining your rates. Let's start with the type of work you do. Obviously, some types of work are more dangerous than others and the greater the risk, the higher your premiums. Next, insurance companies look at your experience, how long you've been operating, and the number of work days you've lost to injuries compared to your total number of work days overall. These are just some of the statistics used by insurance companies in determining what's known as your "*experience modifier*". The experience modifier is used to determine a dollar amount that is then multiplied by the amount of payroll you have. To summarize this, the more days you lose to injury, the higher the dollar amount that will be multiplied by your payroll. As you can see, this can cause a dramatic increase in your labor cost factor. If you have to factor a much higher percentage for workers comp insurance than your competitors, it's going to be difficult to be competitive in the bidding process. You will most likely be awarded fewer contracts and the once you are awarded will have smaller profit margins. Many contractors have literally been driven out of business this way. So we understand that the best way to control workers comp costs is to avoid injuries and insurance claims. Another way to control these costs is to handle these claims in the best fashion when they do occur.

The management of the claim should begin immediately after the accident occurs. As we talked about in the previous chapter the first priority should be care for the injured employee. Where I work, we've made it company policy that all injured employees will be taken for medical attention by either safety personnel or member of management. This allows us to be sure our employees receive the best care possible while protecting the interests of the company. The majority of on the job injuries are minor things such as: small cuts, bruises, and muscle strains. However, if these claims are not handled properly they can turn into huge dollar amounts and multiple lost days. I would strongly recommend that you find a doctor or clinic that specializes in industrial or occupational medicine. These types of facilities understand the workings of workers compensation, the reporting of claims, and the effects of lost days and restricted duty days. It is important that, when searching for a company medical facility, you interview the doctors, managers, and accounting department about their policies and procedures. There are many facilities that specialize in worker comp claims whose business plan is simply to drag out each claim for as long as possible to maximize billing. This is especially true of some of the large corporate healthcare chains. I have had personal experience with some of these companies and seen a simple wrist strain turn into an eight thousand dollar claim due to weeks of physical therapy. I had one clinic that prescribed physical therapy for every patient I took them. One day it occurred to me that since they had a large, in house, therapy department with thousands of dollars worth of equipment and several therapists

on the payroll, that they had to find a way to pay for it. I'm not suggesting that you cut corners by providing inadequate medical care for your employees. That approach is bad for the company as well as the injured workers (not to mention illegal). However, it is important that you find a facility that will look out for the best interest of the company in conjunction with caring for your employees.

One of the most important things you can do in managing claims is to avoid or reduce lost workdays. The best way to do this is by providing restricted or light duty for the injured employee. In most states doctors are required to complete an injury status report for workers comp claims; that must then be submitted to the state employment commission and the insurance company. The doctor can list the workers status as: cleared to return to work with no restrictions, return with the following restrictions, or do not return to work until further notice. The most desirable status, of course, is return with no restrictions. The next best scenario is to put the employee back to work with restrictions, which can include such things as: no lifting anything over a determined weight, no excessive walking or standing, no use of the left hand, or a variety of other restrictions depending on the type of injury. It is always in your best interest to make the restricted duty available if at all possible. While there will still be a claim, it will reflect better if the insurer doesn't have to compensate the employee for lost time. This is also better for the employee because workers compensation is only equal to about two thirds of the normal salary. One of the key advantages to having a relationship with the doctor is to insure that he knows that restricted duty is available and completes the reports appropriately. It is also important to make sure that employees on restricted duty go to all follow up visits and receive updated status reports until they are cleared to return with no restrictions.

Another important aspect of managing workers comp claims is post accident drug and alcohol screenings. This is most likely a requirement by your insurer and should be company policy anyway. This should be included in your written safety program and an acknowledgement of the policy should be included and signed by employees in the application process. If an employee is injured while under the influence, it may reduce or eliminate your responsibility. It's important that medical personnel be aware that this is your protocol. This is also why it is so important to stress to employees that injuries be reported immediately.

While many employers feel that, since they are paying so much money for insurance, the insurer should handle all aspects of the claim, this is probably not the best long-term solution for the company. Spending a little extra time and money in the early stages, will help prevent larger expenses down the road.

I hope you've found the information in this book helpful in the building or improvement of your program. Providing a safe and healthy environment for your employees will pay big dividends for years to come. Thank you again for your purchase of this product and good luck.

