

Understanding Safety Compliance



September General
Membership Meeting

SafetyResources

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Unknown Risks

- Accident and Injury Costs
 - Direct
 - Indirect
- Worker's Compensation
 - EMR
 - Accident Management
- OSHA Citations
- Future Work



The Basics of Safety Compliance

- Safety Program
- Individualized Programs
- Regular Safety Inspections
- Safety Training
- Disciplinary Action Program
- Competent and Qualified Persons

SAFETY OBSERVATION REPORT

Location: **Methodist Church** Inspector: **Chris Hall**

Gen. Contr: **Supervisor** Date:

Item: **Fire Extinguisher**

Category: Critical Violation Important Favorable

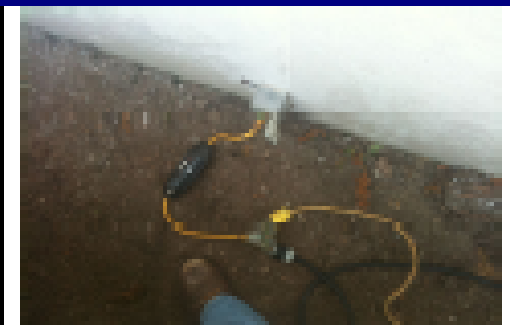
Corr. Action: Fire Extinguisher for the truck was found not charged. The job fire extinguisher was on the ground level and not the roof. The foreman was instructed to bring the truck extinguisher back to the shop and the other extinguisher was moved to the roof.



Item: **Electrical Safety**

Category: Critical Violation Important Favorable

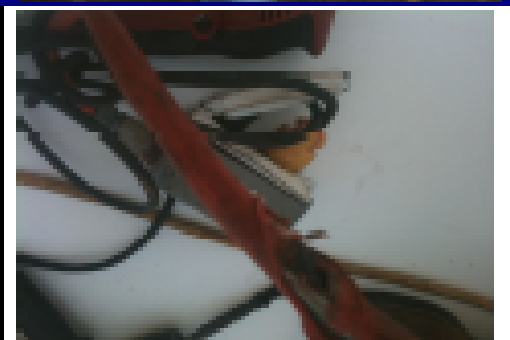
Corr. Action: All electrical power onsite was protected by GFCI devices.




Item: **Electrical Safety**

Category: Critical Violation Important Favorable

Corr. Action: The junction box positioned on the roof has a damaged outlet and power cable. This box was removed from service, but needs to be repaired or replaced.





Competent Person in Construction

- A person who;
 - Knows the right standard,
 - Can identify hazards in the operation, and
 - Is designated by the employer, and has the authority to take appropriate actions.
- "Competent Person" is found in many standards.

OSHA Inspections

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Purpose

“....to assure as far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources”



General Duty Clause 5(a)(1)

- The OSH Act has a broad general duty clause requiring all employers to furnish a workplace “free from recognized hazards that are causing or likely to cause death or serious physical harm.”



OSHA Inspections

- "Enter without delay and at reasonable times any factory, plant, establishment, construction site or other areas, workplace, or environment where work is being performed by an employee of the employer";



Inspection Process

- CSHO displays official credentials
- Opening conference
- Walk-around inspection
- Closing conference





Informal Conference

- Within 15 working days
- Gives the employer an opportunity to resolve issues with penalties and citations without going to court.

Multi-employer Worksites

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The Multi-Employer Rule

- One or more Employer may be cited for hazardous conditions
- Two Step Process
 - Categorize the Employer
 - Determine if obligations were met

Employers and Contractors

- **Exposed** to the hazard
- **Created** the hazard
- Should have **Corrected** the hazard
- **Controlled** the hazard





Exposing Employer

- **Step 1: Definition:** An employer whose own employees are exposed to the hazard.
- **Step 2: Actions taken:** the exposing employer is citable if it:
 - (1) knew of the hazardous condition or failed to exercise reasonable diligence to discover the condition, and
 - (2) failed to take steps consistent with its authority to protect its employees.



Exposing Employer

- **Ask the creating and/or controlling employer to correct the hazard;**
- **Inform its employees of the hazard; and**
- **Take reasonable alternative protective measures.**
 - **(In extreme circumstances (e.g., imminent danger situations), the exposing employer is citable for failing to remove its employees from the job to avoid the hazard.)**

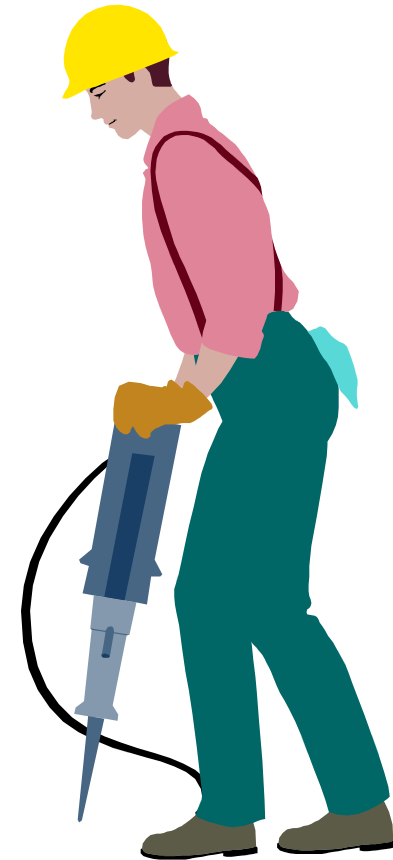


Contractual Control

- By a specific contract right to control safety
- By a combination of other rights
- Responsibility to control work without contractual authority
- Reasonable care

Reasonable Care

- **Knowledge**
- **Identification**
- **Authority**
- **Expertise to take corrective action**





Reasonable Care - Controlling

- Create SSSP (Site-Specific Safety Plan)
- Enforce safety policy for entire project site
- Provide general supervision of project activity/safety
- Fulfill budget and schedule requirements
- Exercise authority to correct safety hazards
- Exercise authority to require other specialty employers to correct hazards
- Conduct/document frequent and regular inspections of subcontractors site-specific work
- Conduct/document frequent and regular safety meetings with subcontractors



Reasonable Care

- A controlling employer or manager will be cited if it failed to exercise reasonable care in preventing or correcting a violation.
- The reasonable care standard for a controlling employer or manager is not as high as it is for exposing, creating or correcting employer.

Conclusion

- Unknown Risks and Costs
- Basic Safety Compliance
 - Written Programs
 - Inspections
 - Training
- OSHA Inspections
- Multi-employer Policy