

*HEALTH & SAFETY*

## Industrial companies that use contractors need to prepare for OSHA scrutiny

By Jim Stanley

Industrial companies that turn to contractors to carry out projects as the economy recovers may be minimizing risk by not hiring full-time employees, but they should be aware of a new factor in the equation: increased liability for allowing the contractors' employees to be exposed to unsafe working conditions.

A court ruling earlier this year affirmed the power of the Occupational Safety and Health Administration (OSHA) to issue citations/violations to companies for actions taken by contractors at their work sites, even if the companies didn't create the hazard and didn't expose their employees to it. OSHA is choosing to exercise such authority as part of a wider step-up in enforcement and is applying that authority to industrial companies as well as construction firms.

Companies that expect to use contractors need to plan now — before contractors set foot on the premises — to make sure they are not needlessly exposing themselves to OSHA liability. If they already have contractors on-site, it's time to step back and do a thorough review of their contractor safety programs.

### *Contractor safety programs*

Every employer that hires outside contractors needs to have a well-defined safety program for contractors that is distinct from the safety program for their employees. Here are seven key steps in preparing a contractor safety program:

1. **Management involvement.** Management must be part of the process of identifying contractors that are eligible to bid on work within their facility. Before any contractor gets on that list, managers should satisfy themselves that the contractor has the following:
  - a written overall safety and health program;
  - specific plans within the overall safety program for things such as fall protection, lockout, work in confined spaces, personal protective equipment, etc.;
  - OSHA logs going back three years and the OSHA recordable rates from those logs; and
  - any citations/violations issued by OSHA at any of the contractor's locations in the past three years.

2. **Worker safety.** Once management is satisfied that a contractor is eligible to work in the facility, its workers must follow all plant safety rules, including personal protective equipment requirements. The contractor must be able to provide workers that have negative results from recent drug tests. If a contractor cannot provide the recent negative tests, the company must require that a drug test be administered to workers before they can continue any work in the facility.

3. **Safety professionals.** Most companies require any contractor with more than a few employees to have a full-time safety professional with them who is responsible for the contractor's employees and their safe working environment.

4. **Worker training.** Many companies require contracted employees to be trained in the 10-hour OSHA course or have equivalent training. Proof of this training should be required before any worker can come onto the work site.

5. **Manager meetings.** Company managers and contractor managers should meet at the beginning of each day to discuss any potential hazards in the workplace. Both parties should document this meeting.

6. **Management awareness.** Company management must be aware of what contractor employees are working on and where they are located every day. Contractors need to observe their workers daily and audit their compliance with company and OSHA rules.

7. **Understanding safety responsibility.** Both the contractor and company management need to understand their responsibility to protect their workers while contractors are on the premises. This responsibility cannot be delegated to anyone else. Each has to be responsible for providing a safe place to work while on company property. Most world-class companies have a zero tolerance policy for violation of health and safety rules.

### *Bottom line*

It's important for you to be proactive, rather than reactive, by planning for the safety of your contractors' employees. If your company follows these seven key steps, it will be in a good position to withstand increased OSHA scrutiny.

*Jim Stanley is president of FDRsafety and a former deputy assistant secretary of labor for OSHA, the number two job at the agency. FDRsafety, [www.fdrsafety.com](http://www.fdrsafety.com), provides safety staffing and consulting on OSHA issues, including contractor safety programs. Jim may be reached at [jstanley@fdrsafety.com](mailto:jstanley@fdrsafety.com) or (513) 317-5644. ♦*