Chapter 16

CONSTRUCTION SAFETY AND THE MULTIEMPLOYER WORKSITE DOCTRINE

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Chapter Objectives

After completing this chapter, you will be able to

- List the major hazards typically found on a construction worksite
- Know how to deal with the major hazards found on construction worksites
- Explain the doctrine of a multiemployer worksite as viewed by Occupational Safety and Health Administration (OSHA)
- List the components of a company's effective multiemployer worksite policy

Case Study

An 18-year-old male worker contacted electrical energy when he kneeled to plug a portable appliance into a 100–120 V/20 amp floor outlet. After a scream was heard, the victim was found convulsing on the damp floor, with one hand on the plug and the other on the receptacle box. A supervisor went to the electrical panel but was unable to locate the appropriate circuit breaker. A coworker attempted to take the victim's pulse and received an electric shock, but was uninjured. After contacting medical help, the supervisor returned to the panel and deenergized all circuits (three to five minutes after the worker contacted the electrical energy). After five minutes, another call was placed to the emergency squad, and the supervisor yelled for another

employee who came and performed CPR. It was over six minutes from the time the employee was injured. Emergency services were on the scene within 10 minutes of the first call and began treating the employee. He was pronounced dead at the hospital.

Introduction

Although many safety practitioners in general industry have few direct responsibilities regarding construction safety, they often find themselves in situations where knowledge of construction and safe practices is useful, if not imperative. The federal regulations regarding construction safety are found in 29 CFR 1926. They provide essential guidance relative to safety for professionals desiring to steer clear of government-imposed sanctions. Knowledge of those regulations can also help in the management of engineering problems on a construction site. Even though your company may not be in the business of construction, it is important to know whether others engaged in construction practices on your site are following appropriate safety procedures in their work.

OSHA's regulations only provide a starting point for a quality safety program, but its experiences have caused the government to approach the construction problem in a manner that is important to discuss here. OSHA learned that their compliance officers at construction sites were spending too much time on issues of little importance and too little time inspecting for the hazards most likely to cause fatalities. This resulted in a change in inspection policy. When OSHA visits a construction site today, the compliance officer (CO) determines whether there is project coordination by the general contractor and whether that contractor has an adequate safety and health program. COs use OSHA guidelines to determine whether the program is adequate. The inspector also considers whether a designated competent person responsible for and capable of implementing the program plan is on-site. If so, the CO will proceed with a ***focused inspection,*** which zeroes in on a few key areas. Otherwise, the employer can expect a ***general inspection.***

The CO determines adequacy of a safety and health program by looking at the comprehensiveness of the plan, its degree of implemen-

tation, whether there is a competent person designated (if required by standards relevant to that particular jobsite), and how the plan is enforced. Plan enforcement looks at management policies and activities, employee involvement, and training. During the course of a focused inspection, citations will be issued for violations of the four leading hazards and any other serious hazards observed. The four leading hazards include:

- Falls from elevations
- Struck by
- Caught in-between
- Electrical shock

If a worksite has multiple employers, citations are issued to any employers whose employees are exposed to hazards. In addition, the employer creating the hazard, the employer responsible for jobsite safety and health conditions, and the employer who has responsibility for correcting the hazard are also cited.

The conditions that employers typically expose their employees to include not only the above, but also those commonly found in general industry violations. The key concerns of OSHA are those mentioned above.

Construction Safety Recommendations

Prevention is the primary goal of any occupational safety program. Prevention isn't always possible, so workers on construction sites should never be alone. In the event of an incident, someone needs to be able to call for help. All workers should be trained in the hazards they face on a construction site, and they should also be equipped with the appropriate personal protective equipment (PPE). When hazards can be engineered out, they should be. The safety professional needs an in-depth knowledge of potential construction hazards so that he or she knows how to take an engineering approach. Worker attitude and behavior must be addressed. Horseplay, shortcuts, and lack of attention can and do kill on a construction site. New workers

and experienced employees lulled into a routine after months or even years on the job need reminders to stay alert while working around construction sites.

Falls from Elevations

Construction employees often work from heights, which can be hazardous. In observing a worker at height, ask yourself if you would be comfortable in that same job. If your answer is no, you may have a problem. The employer should ensure that any worker performing his or her job on any walking/working surface at a height of 6 feet or more above a lower level is adequately protected from falls. This isn't simply a matter of complying with OSHA. This is a matter of protecting employees.

After years of watching construction workers perform death-defying feats, many employers have become complacent and even nonchalant about worker safety. This is true on commercial construction sites as well as on many residential construction sites. (See figure 16-1 for an example of a residential construction site where no fall protection measures have been taken and no personal protective equipment has been issued to workers.) If the worker is doing her job at a height where a fall could injure or kill her, she must be protected from a fall. Protection can come in the form of guardrails, fall protection systems (such as safety nets), fall arrest systems (such as body harnesses and lanyards), or monitored separation from the fall hazard by distance from the edge. It is up to the employer to ensure that the appropriate steps have been taken to protect the worker regardless of the regulations.

Workers should typically be equipped with hard hats and steel-toed shoes. Other personal protective equipment (such as safety glasses and hearing protection) is also necessary in appropriate circumstances. It is up to the employer to ensure that appropriate PPE is provided.

Engineering of the jobsite is critical. Stairways or ladders are needed whenever the elevation changes by 19 inches or more. Two or more ladders are needed if there are 25 or more employees on the site. OSHA estimates there are as many as 36 fatalities per year due to falls

Figure 16-1. Lax safety practices in residential construction. Residential construction workers are entitled to the same protection as those on commercial job sites. Unfortunately, lax enforcement by OSHA results in frequent violations of common safety practices. The construction workers pictured here are not using any personal protective equipment or fall protection. How many violations of OSHA standards can you find in this photograph?
(Photograph by Mark A. Friend.)

from stairways and ladders used in construction. (See figure 16-2 for an example of a construction worker not observing OSHA standards for ladder use.)

Scaffolding is another critical area requiring special attention to protect workers from falls. There are many different types of scaffolds and each has its own requirements. Certain guidelines apply to all types. Among others, there must be:

- Firm footing or anchorage to support the intended load
- A ***competent person*** to erect, move, dismantle, or alter the scaffold. A competent person is one who is capable of identifying existing

Figure 16-2. Ladder hazard. This employee chose not to follow ladder standards, which require a 1:4 ratio for the distance between the bottom of the ladder and the wall compared to the distance between the bottom of the wall and where the ladder rests against it.
(Photograph by Mark A. Friend.)

and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to eliminate them.

- Standard guardrail systems or personal fall arrest systems (harnesses) are required at a working height of more than 10 feet above a lower working level
- Capability of supporting four times the intended load
- Planking of scaffold grade (it will have markings to show it is appropriate)
- "Where platforms are overlapped to create a long platform, the overlap shall occur only over supports, and shall not be less than 12 inches unless the platforms are nailed together or otherwise restrained to prevent movement." Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) shall be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).
- Unsecured scaffold planking extends a minimum of 6 inches beyond the ends of the scaffold support.
- Flat planking extends no more than 12 inches past the scaffold support if the planking is 10 feet or less in length, and no more than 18 inches if the planking is over 10 feet in length (both with exceptions).
- Overhead protection provided
- No slippery conditions
- No work during high winds or storms

These and other conditions are found in 1926 Subpart L—Scaffolds.

Struck by and Caught In-between

A construction site is loaded with moving objects. It is up to the employer to ensure that the moving objects don't strike the employee

in such a way as to cause injury or death. This can be accomplished in a number of ways. Safety professionals should not automatically resort to PPE to solve construction worksite problems. Behavior modification and engineering are better approaches for protecting workers from fast-moving objects than a reliance on PPE.

There are many recorded cases of workers being struck by moving equipment or machinery on a construction site. The employer should implement procedures to ensure that equipment is never moved without someone watching where the equipment is moving and making certain that everyone is out of the way. Backup alarms on heavy trucks can be useful, but on a major construction site, alarms are sounding all the time. Employees soon tune them out. Some companies rely on spotters to make certain the way is clear and to physically keep people out of their paths. The same should be done for any moving equipment where people might be in the path and the operator cannot see where the equipment is moving.

Unsecured or improperly secured loads can also be a problem. Improper instruction of workers regarding movement about the worksite and around machinery can also cause accidents. Workers can be caught between moving equipment or a shifting load and stationary objects. Proper training on worksite procedures can help prevent caught-between incidents. Supervisors should be trained to watch out for the welfare of employees and correct them when they see unsafe behaviors. A worker getting caught between the superstructure of equipment and a wall, a worker being mashed when a piece of hydraulically operated equipment unexpectedly fell, and a worker caught under a shifting load are only a few of the incidents reported on the OSHA website.

As already mentioned, hard hats and steel-toed shoes are essential. Bureau of Labor Statistics data shows that only 16 percent of those workers who sustained head injuries wore hard hats, although 40 percent were required to wear them for at least some of the tasks they were performing. Only 23 percent of workers with foot injuries wore steel toes and about 40 percent of workers with eye injuries wore eye protection. Protective equipment works, but only if employees use it. The same is true for ear, respiratory, and other forms of protection.

Electrical Shock

According to a NIOSH alert, it has been estimated that at least 700 occupational electrocutions occur each year. One of the primary goals of any safety program should be to prevent workers from contacting electrical energy. A secondary goal must be to provide appropriate medical care to workers who come in contact with electrical energy. The National Electrical Code (NEC) divides voltage into two categories: 600 volts or less (low voltage) and greater than 600 volts (high voltage). Live parts of 50 volts or more must be guarded against accidental contact. Brief contact with low voltage may not cause a burn, but it could cause ventricular fibrillation (a rapid, ineffective heartbeat). High-voltage contacts can cause the heart to stop completely. When the circuit breaks, the heart may resume beating normally. But if there are also extensive burns, death may result anyway.

There is an old saying that says, "It ain't the volts but it's the amps that kill you." One milliampere is 1/1000 of an amp. It provides just a faint tingle. Muscular control can be lost from 6 to 30 milliamperes. Somewhere between 50 and 150 milliamperes, extreme pain, respiratory arrest, and severe muscular contractions will occur. If you are holding on to something when you get the shock, you can't let go. Death is possible at this point. Between 1 and 4 amps, death is likely. A 100-watt light bulb operates at 833 milliamperes of current. Environmental conditions can greatly affect how severely the body is shocked. An individual performing heavy labor on a hot, humid day could come into contact with the same level of electrical energy he or she came into contact with six months before and have completely different results. On a cold, dry day with little moisture on the skin, the energy may result in a relatively mild shock. On a hot, humid day, injury or death may result.

For obvious reasons, someone on the construction site should have a working knowledge of basic electricity. All work is to be done in compliance with the NEC, unless the regulations provide otherwise. Electrical energy needs to be kept separate from all employees. This means that any electrical equipment or tools not double insulated must be grounded and all cords should be of the three-wire type with grounding attached. It is a good idea to replace worn, frayed, or

cut cords. Avoid the use of splices on the construction site. Replace cords; don't patch them. Keep all electrical boxes closed and make certain there is no way accidental contact with a bare wire could occur. All openings to electrical panels must be kept covered.

Electricity and water don't mix. Use ground-fault circuit interrupters (GFCIs) for tools and for any equipment or appliances that might be used in a damp location. The GFCI is a fast-acting circuit breaker that senses small imbalances in the circuit caused by current leakage to ground and, in a fraction of a second, shuts off the electricity. The GFCI continually matches the amount of current going to an electrical device against the amount of current returning. Whenever the amount going differs from the amount returning by about 5 milliamps, the GFCI interrupts the power within as little as 1/40 of a second. All temporary power branch circuits used for construction-related activities are required to be GFCI protected (unless an assured equipment grounding conductor program is in place, where then only 120-volt, single phase, 15- and 20-amp branch circuits are required to be GFCI protected).

Ensure that each disconnecting means for motors and appliances and each service feeder or branch circuit is clearly marked to indicate its purpose. Don't permit employees to look for a particular circuit by switching them individually. A shutoff and restart could seriously injure someone who stops to inspect an electric tool to determine the problem. Every disconnect switch and breaker must be clearly marked to indicate its purpose.

Any temporary electrical systems should be inspected regularly (at least weekly) for proper connections, polarity, etc. A polarity tester should be used to insure that all ground wires are properly connected.

Follow all regulations regarding lockout/tagout. This is particularly true regarding electricity.

Other Hazards

Construction sites often have many of the same hazards that are present in manufacturing operations and other nonconstruction workplaces. Some of the other hazards that are commonly found on

construction worksites include confined space, trenching, and equipment hazards. (See figures 16-3, 16-4, and 16-5 for examples of these hazards at construction sites.)

Case Study

An employee was installing a small-diameter pipe in a trench 3 feet wide, 12–15 feet deep, and 90 feet long. The trench was not shored or sloped, nor was there a box or shield to protect the employee. Further, there was evidence of a previous cave-in. The worker may not have been aware of that. The employee apparently entered the trench and a second cave-in occurred, burying him. He was found face down in the bottom of the trench.

Trenching

Trenching is a particularly hazardous area on construction sites. Even relatively shallow trenches are capable of trapping and suffocating a worker within their walls. Many accidents occur because no one took into account the specific conditions associated with the site of the trench. Traffic, heavy structures nearby, a high water table, weather, and soil type are among factors contributing to weakened trenches. Before beginning the job, a thorough analysis of the area to be trenched by a competent person must be performed.

The trench also requires ongoing inspection by a competent person inspecting on at least a daily basis or whenever conditions change (such as rain). Large or complex trenching operations may require more. Employees must be protected from cave-ins. A small person in a shallow trench might be bending to perform work when the trench collapses. Even though the worker's head is above the ground, the weight of the earth can prevent breathing and suffocate the worker before he is rescued. OSHA requires protection via sloping or shoring/trench box at a depth of 5 feet. However, the competent person may determine unstable conditions mandate stabilization/protection prior to reaching that depth.

OSHA requires adequate means of egress from any trench 4 or more feet deep in the form of ladders, steps, ramps, or the like. These need to be placed within 25 feet of travel for any worker.

Figure 16-3. Confined space hazard. Confined space hazards are often encountered on construction sites. In this case, an employee is standing by while another is in the manhole. Notice the equipment used to provide fresh air in the confined space. How would the worker in the manhole be rescued if he lost consciousness inside?
(Photograph by Mark A. Friend.)

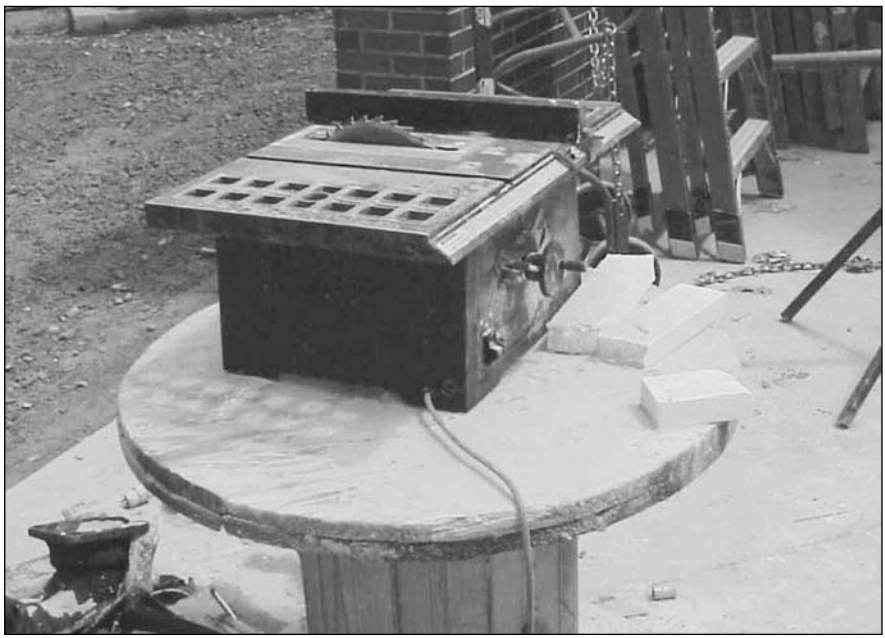
Figure 16-4. Potential for collapse. If the dirt wall at the sides of this excavation were to collapse, a fatality could result.
(Photograph by Mark A. Friend.)

Many companies are able to take care of their own construction safety problems, but they run into problems when interfacing with other companies. They may have employees who work with employees of other companies. They may hire companies who bring employees onto their site.

Multiemployer Worksite Policy

Employers around the country are finding that hiring an expert, independent contractor is riskier than anyone (except, perhaps, government regulators) ever imagined. OSHA is citing host employers for safety violations committed by independent contractors and their employees. Why? Host employers have an obligation to provide safe working conditions to any person working at their facilities, even the employees of some other employer.

Figure 16-5. Saw without guard. Saws on construction sites frequently lack guards, grounding, and other protections that should be afforded every worker.
(Photograph by Mark A. Friend.)



This ***multiemployer worksite doctrine*** first arose in the construction industry, where the presence of numerous contractors and subcontractors on one site sometimes made it difficult to determine who was responsible for safety violations. In response to this problem, OSHA established a rule that basically imposed responsibility on any employer who had control of the site. The rule has been and continues to be challenged in courts across the country, and recent rulings tend to support individual employer-employee responsibility.

Safety professionals need to analyze and define contractor safety requirements. Contractors are being used extensively on- and off-site by a large number of companies. There are some facilities that provide safety direction and supervision to contractors, while others provide little or no safety direction and/or supervision. Actions of contractors

that work for any organization can have a profound impact on the hiring company's loss experience (dollar and injury). Contractors can cause injury to host employees, other contractors, the general public, and property owned by others.

The legal relationships presented by associations of these groups remain complex. Questions continually arise over responsibility and process ownership. If an employee creates a hazard while working with others, who is responsible? What if the other employers ignore the hazard and continue to work or even contribute to the situation? How does a compliance safety and health officer (CSHO) handle the audit and/or citation? Multiemployer worksites can be complicated by these differing work relationships.

Early in the development of the multiemployer doctrine, OSHA's attempt to clarify issues was the usual one-standard-fits-all approach. The Williams-Steiger Occupational Safety and Health Act of 1970 requires employers to provide their employees a safe workplace. In fact, the original multiemployer doctrine is entirely based on the following standard quotation:

> (a) Each employer (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; (2) shall comply with occupational safety and health standards promulgated under this Act. (OSHA ACT 1970, Section 5, Duties [29 USC 654(a)])

OSHA sees these two statements as imposing two distinct duties. First, (a)(1) requires employers to protect their own employees from hazards in the workplace. The employer's duty under (a)(1) owes only to its employees, as indicated by the language requiring a *hazard-free workplace for "his employees." Second, (a)(2) requires employers to comply with the Act's safety standards. Unlike (a)(1),* ***it does not limit its compliance directives to the employer's own employees, but requires employers to implement the Act's safety standards for the benefit of all employees in a given workplace, even employees of another employer.*** OSHA issues citations based on the

multiemployer doctrine under (a)(2) (Briscoe; *Universal Construction Co., Inc. v. OSHRC*).

Doctrine History

The multiemployer doctrine is one of many processes outlined in OSHA's *Field Inspection Reference Manual* (FIRM). The FIRM is a manual that provides guidance regarding some of OSHA's operational processes. Position responsibilities within OSHA are also outlined here, along with inspection procedures. In 1974, OSHA's enforcement policy on multiemployer worksites was first stated in the Field Operations Manual (FOM). The policy provided for the citing of employers who exposed their employees to hazards. Over the years, this policy was changed to provide for the citing of controlling employers. In 1981, OSHA issued directive CPL 2.49, Multiemployer Citation Policy, which was incorporated into the FOM. The actual manual revision was eventually published in 1983.

An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them, can be said to have ***control***. Control can be established by contract, or in the absence of explicit contractual provisions, by the exercise of control in practice. The courts accepted this interpretation in one form or another. (See *Marshall v. Knutson Construction Co.* [8th Cir., 1977], or *Brennan v. OSHRC,* [2nd Cir., 1975] for more information on this.) Eventually, OSHA's policy evolved to also provide for the citing of ***correcting*** and ***creating*** employers as well.

Currently the doctrine is not only intended for construction sites, but is equally applicable to temporary employees and professional contractors within the workplace. That is not to say that the policy has not had its legal bumps and bruises along the way. The changing workplace and legal opinions have prompted yet another change in the doctrine.

The multiemployer directive, CPL 2-0.124 (11/99), is a result of court opinions recognizing individual company and employee behavior on multiemployer worksites (e.g., Silberman, *IBP, Inc. v. Herman* [DC Cir., 1998]). This revision continues OSHA's existing policy for

issuing citations on multiemployer worksites. Court opinion holds that the following can be held liable:

- An employer who is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard. This usually occurs where an employer is given the responsibility of installing and/or maintaining particular safety/health equipment or devices.
- The employer that caused a hazardous condition that violates an OSHA standard.

A subcontractor whose employees are threatened by a hazard created and controlled by another subcontractor has only two options: request the offending subcontractor to abate the hazard or request the general contractor to correct or direct correction of the condition. As a practical matter, the general contractor may be the only party on-site with authority to compel compliance with OSHA safety standards (decision, Briscoe). (Also see *Anning-Johnson Co. v. OSHRC* [7th Cir., 1975].)

The multiemployer doctrine is particularly applicable to multiemployer construction worksites. The nature of construction requires that subcontractors work in close proximity with one another and with the general contractor at the same worksite. In these situations, a hazard created by one employer could be seen as reasonably affecting the safety of other employers (*Bratton Corp. v. OSHRC* [8th Cir., 1979]). Specific areas of expertise or job area responsibility may limit a subcontractor's ability to abate hazards posed to its own employees that may be created by another subcontractor, general contractor, or host employer (*IBP, Inc. v. Herman* [DC Cir., 1998]).

J. Anthony Penry, an attorney in Raleigh, North Carolina, states, "Expect OSHA to expand citations for failure to inspect. Every serious accident and even some not-so-serious accidents, will result in a failure-to-inspect citation, because it is now very easy to prove. Expect an increase in third-party claims. Because courts often confuse the OSHA standard for liability and liability for negligence, and because the cases are less than clear on this issue, expect injured sub-

contractor employees to assert more claims against general contractors" (*Risky Business*, Summer 2005, p. 1).

If outside contractors are working at a facility, the agreement should clearly set forth the contractor's safety responsibilities. It's also a good idea to adopt a specific outside contractor safety program.

Contractor Qualifications and Programs

Contractor programs are administered in one of two ways: hands on or hands off. Both methods incorporate varying degrees of the following recommendations. Whichever approach is chosen, consistent application and thorough documentation are necessary. Each of these approaches requires an equal amount of initial paperwork. The first things that must be reviewed are the contract and the safety qualifications of the prospective contractor, otherwise known as contractor qualifications. Three sources of information provide ways for an employer to evaluate the probable safety performance of a prospective contractor. Review

- Experience modification rates for workers' compensation insurance
- OSHA incident rates for recordable injuries and illnesses
- Contractor safety practices and written procedures

The insurance industry has developed experience-rating systems as an equitable means of determining premiums for workers' compensation insurance (see chapter 3 on workers' compensation). These rating systems consider the average worker's compensation losses for a given firm's type of work and payroll and predict the dollar amount of expected losses to be paid by that employer in a designated rating period (usually three years). The rating is based on comparison of firms doing similar types of work and in each work classification. Losses incurred by the employer for the rating period are then compared to the expected losses to develop the ratio factor.

The second suggested analysis should take the contractors' OSHA incident rates into consideration. OSHA requires employers to report and record accident information on occupational injuries and illnesses on the annual OSHA 300 Log. The employer must

retain completed forms for five years and the following information can be obtained from them:

- Number of fatalities and injuries
- Number of days involving lost or restricted time
- Incident rates based on the employer's annual hours-worked calculation

The third performance measurement is very important in determining a company's safety record and attitude. Companies that hold their project management accountable for accidents along with productivity, schedules, and quality, etc., are usually the ones that carry the best safety records. As with any safety program, a few of the things to be considered are

- Management commitment
- Written safety program
- Hazard assessments
- Training programs and employee qualifications
- Emergency plans and procedures
- Accident reporting protocol
- Regular safety meetings and inspections

Once the prospective contractor qualifies, an agreement, a written contract, must be prepared. This contract, at a minimum, should state the host company's safety beliefs and expectations and a statement extending these to the contractor. Thus, the contract would include statements similar to the following:

- Contractor employees are required to adhere to all applicable federal and state occupational safety and health laws as they apply to this contract.
- The contractor shall enforce the host company's safety rules and practices as they apply to the contractor's employees, in addition to the contractor's own safety rules and procedures.

- The contractor shall provide all of their subcontractors with copies of all safe working procedures and shall ensure their enforcement.

Without relieving the contractor of full responsibility to comply with all appropriate safety requirements, the host employer should ensure that a project manager is assigned and advised to keep management apprised of all activity and work progress. With regard to construction managers, host employers should be aware of the following OSHA interpretation:

> To the extent that a construction manager has a role in directing the manner or timing of the work, it may be cited as a "creating" employer if a violation occurs as a result of its direction. Depending on the circumstances, including contractual responsibility or the assumption of a safety-monitoring role, a construction manager may also be a ***controlling employer***. A controlling employer is one having the responsibility or authority to have violative conditions corrected. General (or prime) contractors are controlling employers for many types of violations that occur on construction sites, but they may choose to carry out their safety role in whole or in part through a construction manager. (OSHA 8/5/93)

Contractor safety orientation is another critical step in ensuring that contractor employees understand hazards related to the job, know site safety practices and rules, and are familiar with local emergency practices related to the site. Contractor safety orientation methods involving classroom sessions or video presentations can be very effective in preventing needless losses. The duty of a contractor in a host employer's workplace should be, at a minimum, to maintain the same level of safety and compliance that the host employer practices. These requests and requirements should be outlined in the scope of work and contract documentation. The host employer should also remember that the contractor's responsibility (liability) only applies to the extent to which the contractor has control of or can reasonably be expected to have control of the site. Those actions by the host employer that may create or expose employees to hazards remain the responsibility of that employer.

In summary, OSHA has determined that employers at a multiem-

ployer worksite fall into four basic categories: controlling, creating, correcting, or exposing. The ***controlling employer*** is the employer who, by contract or actual practice, has the responsibility and authority for ensuring that hazardous work conditions are corrected. This employer is usually the general contractor, or GC. When a company acts as the general contractor for a construction project, it is considered the controlling employer and would be responsible for the safety and health of all workers at the site.

The ***creating employer*** is the employer whose activities actually create a hazardous condition, while the ***correcting employer*** is the employer that has the responsibility for correcting the hazardous condition. An ***exposing employer*** is any employer whose workers are exposed to the hazardous condition. Depending upon the situation, any employer at a construction site could fall into one or more of these classifications and could be issued a citation by OSHA.

Employers should consider the multiemployer worksite rules whenever their workers are working with other employers, or whenever they are acting as the project manager for such an activity. In situations where the host company is acting as the general contractor, the burden of providing a safe worksite rests with the project manager and each of its supervisors involved with the project. However, even on those projects where an outside contractor is acting as the general contractor, subcontractors or departments are still responsible for their own workers' safety. Any hazardous condition should be brought to the attention of the general contractor and/or host employer. If the condition is so hazardous as to be imminently dangerous, supervisors should remove their workers from the worksite and contact their assigned safety representative and/or management.

Conclusion

Even companies operating under general industry standards find themselves dealing with construction practices and standards. While OSHA standards provide a basis for practices, safety practitioners not dealing with construction on a regular basis may not be familiar with even basic construction safety principles. This lack of knowledge can create a triple-barreled shock to the employer. An injured or killed

worker who may not be employed directly by the host company can create problems in terms of dealing with the tragedy, paying costs associated with the tragedy directly and subsequently in litigation and increased insurance premiums, and paying OSHA fines. Safety practitioners need to familiarize themselves with basic construction safety practices and with the multiemployer worksite doctrine when dealing with outside contractors.

Questions

1. Why is it important for the safety professional to be familiar with construction safety practices?
2. What are the major construction safety problems the safety practitioner is likely to encounter on the job?
3. Interview a safety professional in general industry. Ask about this person's familiarity with construction safety practices. Ask if the professional's employer hires construction contractors and what the company policies are regarding these contractors. Are both the company and the safety professional prepared to deal with the multiemployer workplace problem?
4. How has the multiemployer worksite doctrine changed since this chapter was written? Review the OSHA website at www.osha.gov and determine what changes have been made.

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