



Business Management Advisory

For Precision Custom Manufacturers

TC42

File: TECHNICAL

YOU , OSHA & CONTRACTORS CAN YOU BE HELD RESPONSIBLE?

SUMMARY

When members hire contractors to work inside their plants, citations can be issued if employees are exposed to hazards created by the contractor. Therefore, members should have a contractor's policy in place.

MULTI-EMPLOYER WORKSITES

If you use contractors to do work in your plant, you are considered a multi-employer worksite. The Multi-Employer Site, Citation Policy, mainly applies to the construction trade, however, the spirit of this policy carries over to non-construction industries as well.

EXAMPLE

Some companies hire riggers to move their machine tools. If one of your company employees volunteer or is volunteered to help, your company becomes affected.

HOW ARE YOU HELD RESPONSIBLE?

Citations are normally issued to employers whose employees are exposed to hazards. Additionally, the following employers are usually cited whether or not their own employees are exposed:

- The employer who actually creates the hazard;
- The employer with the authority to control or correct the hazard, but doesn't;
- The employer that did not make an effort to notify the employer responsible for the hazard, to correct it (this should be done in writing);
- The employer that fails to instruct his/her employees how to avoid or minimize the dangers of the hazard and, where feasible, provide protection for them.

AVOIDING A CITATION

Prior to issuing citations to an exposing employer, OSHA must determine whether the facts available indicate the

employer has a legitimate defense to the citation, as set forth below:

- The employer did not create the hazard;
- The employer did not have the responsibility or the authority to have the hazard corrected;
- The employer did not have the ability to correct or remove the hazard;
- The employer can show proof that the creating, the controlling and/or the correcting employers, have been specifically notified of the hazards to which his/her employees are exposed;
- The employer has instructed his/her employees to recognize the hazard and informed them how to avoid the dangers associated with it.

CONTRACTOR'S POLICY

A contractor's policy should contain, whether or not the contractor is in compliance with OSHA, whether they have a good safety record, the name of the insurance carrier for the contractor and the type of safety & health program?

You can write OSHA to request a history on the contractor you are about to hire. OSHA does not have a history on all contractors.

RESOURCES FOR ASSISTANCE

OSHA recommends their Handbook for Small Businesses (OSHA No. 2209) This booklet can be obtained from your local OSHA area office.

This BMA was written by NTMA's Technical Department.