



Job Safety and Risk Factors in Construction

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Managing construction safety risks requires more than recognizing the most frequently cited OSHA standards or focusing on reducing the experience modification rate (EMR) and injury and illness rates.

As a starting point, risk professionals should divide their efforts into two separate (and not always related) categories:

- risk as a direct safety issue; and
- risk as a monetary issue.

Frustratingly, efforts to comply with OSHA standards may not meaningfully affect workplace injuries, and a focus on reducing injuries may still leave the company exposed to OSHA citations for routine compliance items. One also could add a third category, documentation, because employers may be following OSHA requirements, but they cannot document their actions.

Safety expert Bob Emmerich and Fisher Phillips Partner Howard Mavity say the most pressing direct safety issues are:

- walking surfaces and falls from all surfaces, including ladders;
- scaffolds;
- bobcats/steer loaders, lifts and “independent” dump truck drivers;
- steel erection;
- excavation;
- struck-by construction equipment, especially in site work (not just in highway work zones);
- electrocution, especially involving overhead power lines; and
- inappropriate use of lifting equipment, including cranes and forklifts.

Beyond serious OSHA citations, financial issues include:

- the cost of injuries, including soft tissue and ergonomic-related problems;
- multi-employer contract liabilities;

- civil exposure to injured members of the public or another contractor's employees; and
- harm to reputation, brand and bidding ability after a highly publicized incident, "willful" or "repeat" items, or enrollment in OSHA's Severe Violators Enforcement Program.

Increasingly even a modest number of injuries or a single serious OSHA citation may be enough to cost a contractor a bid worth millions of dollars.

Building A Safety Process

Strategies to manage these risks are well known; however, many employers do not follow even well-known procedures. First, every employer has a safety culture, whether or not they realize it. Employers should survey managers and employees about safety and then compare the answers. Management almost always will be shocked to see the difference between employee and management perception of safety.

Absent an effective safety culture, even experienced employees will continue to cut corners and make bad decisions. An employer has to make a specific business plan to develop an effective safety culture. The proper culture will not simply occur, no matter how good the intentions.

The second step is to gain top leadership support. Most CEOs believe "safety is number one," but that assumption usually won't be realized unless top management has consistently focused on specifically integrating safety in all areas of the business.

Once top leadership is on board, the construction employer has to deal with the fact that its frontline supervision is promoted from within, based on their skills, and the employer has not adequately trained those supervisors to manage employees and to maintain a safety-driven culture.

The employer then has to determine what actions are predictive of safe work habits. Instead of driving a safety program by injury and illness data or the even less reliable EMR, determine which policies, procedures and attitudes result in safe work practices. Most construction employers find that leading indicators include:

- documented, consistent site- and job-specific training;
- supervisory involvement in safety efforts;
- employee engagement in activities such as job safety analysis and safety inspections; and
- maintaining effective discipline for unsafe work practices.

Enterprise Actions To Further Reduce Risks

Employers often fail to consistently involve their safety professionals in planning and bidding a job, as well as ensuring that an adequate number of safety professionals are budgeted

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Ensure an effective site safety plan is designed in coordination with the work sequence. This document should not be a boilerplate form, but it should serve as the overview of how to keep that job safe. The contractor should develop specific tasks and job safety analyses. These brief analyses of the hazards and ways to prevent harm should be the basis of toolbox safety meetings.

While many contractors do a superb job in starting the project, little thought is put into the wind down and punch list stage, when many injuries occur. Similarly, the contractor should consider the non-routine challenges posed by the site, weather, quality of the local workforce and the uniqueness of the architect and structural engineer's designs. Many fall protection issues arise because of non-routine settings. Experienced employees have a tendency to do things the way they have always done them.

Contractor management must move beyond focusing on avoiding "controlling employer" OSHA citations and emphasize how to prevent issues.

Jobs where isolated employees or crews are working without immediate supervision present other challenges. Experienced journeymen may cut corners and injure themselves by electrocution or falls when they supervise themselves. Contractors must repeatedly remind employees working alone that they must continually conduct their own basic job safety analysis, which can be summed up by "always stop and consider the hazards, then consider how to avoid them."

Real Causes Of Unsafe Behavior

Contractors must expand their concept of root cause analysis of unsafe behavior, accidents and workplace injuries. There is a clear correlation between fatigue or low blood sugar and employees exercising poor judgment. Similarly, while employers have focused on distracted driving, they often don't consider the numerous distractions present on a fixed site. Technology can cause distractions, but other factors may affect an employee's judgment and reflexes, such as reporting to work after an all-night argument with a spouse. Depression can contribute to performance issues and related workplace injuries.

Contractors also must consider the problems posed by increasingly unhealthy new workers and an aging skilled workforce. This concern has contributed to employers' renewed interest in devising effective fitness for duty programs. Any fitness for duty program must be carefully devised and must not permit supervisors to make knee-jerk decisions about whether a new or returning employee can perform the essential functions of the job with or without reasonable accommodation.

Concerns For The Future

Fisher Phillips safety professionals Kathi Dobson, Jim Goss, Howard Mavity and Bob Emmerich list developing concerns as cranes, silica and increase in lead, asbestos and other industrial hygiene

developing concerns as cranes, silica and increase in lead, asbestos and other industrial hygiene issues presented when working in existing buildings. From a legal standpoint, OSHA's continued focus on the "corporation" instead of a single jobsite can only cause more problems. Finally, don't be caught off guard by OSHA's determined promotion of retaliation and whistleblower claims.

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