



## Can You "App" Yourself To Safety?

Insights

6.23.13

Safety “apps” are a hot topic. Even techno-challenged souls use apps to spot check noise, avoid heat stress, or conduct basic safety inspections. OSHA announced in January, “[Winners of an OSHA App Challenge](#).”

While recently teaching in the AGC’s Advanced Safety Management Training classes, I discussed safety “apps” with three recognized safety professionals: Experts and Safety Consultants [Bob Emmerich](#) and [Jim Goss](#), and AGC safety head, [Kevin Cannon](#). We did not critique or recommend apps, we simply discussed their effective use and impact on safety management.

### **That’s A Lot Of Information Out There . . . .**

Bob pointed out that “inspection” apps could generate a staggering amount of information to analyze and improve the safety processes of employers, contractors, and suppliers. Site managers and even mobile employees and crews could regularly inspect their work sites, including isolated locations or customer sites where they work.

The June 2013 NSA “Safety & Health” Magazine included an article, “[Safety In The Palm Of Your Hand](#)” which discussed Roto Rooter plumbers, who had developed an app which mobile employees use to conduct a site safety analysis on scattered jobs. The app was not intended as a substitute for the process of “pause – consider the hazards – and then work,” or for spot-visits by safety professionals or supervisors. However, the app does facilitate individual employees or crews reviewing sites for hazards and complying with the broad intent of 1926.20 and 21. Many electric, mechanical and other contractors now require technicians to carry out some sort of job or site hazard analysis on a tablet or phone before commencing work.

I am interested in learning about similar efforts by other employers, as well as groups such as NECA, IEC, SMACNA and other associations with members whose employees may work alone or in small crews with limited on site supervision.

Bob, who also serves as an expert in civil cases, worried about whether employers would properly collect and in fact act on so much data, and whether plaintiff lawyers or regulators might use or “misconstrue” so much data.

If employers develop data on hazards or patterns, and do not document effective and timely response, their position is worse than if they labored in ignorance. Possessing this perhaps

disorderly mass of information and not acting on it could be described as “plainly indifferent” to safety, “willful,” or an intentional-type act, perhaps providing an exception to workers comp “exclusive remedy” protections.

Jim Goss pointed out that HCSS Construction Software is designed to provide data to designated management, and have provisions to trigger and remind employers to take corrective measures. Jim is very impressed with HCSS’ full line of services and mentioned a number of pleased contractors. Their website lists Skanska and Flat Iron as users. Several of my clients have expressed satisfaction with Predictive Solutions products.

But what happens when lots of employees and managers use individual apps to inspect sites, and develop data that is not provided to a central repository for analysis and action?

Devices and their content could be discoverable in legal action. Employers might have to spend large sums gathering such data, and be subject to sanctions on occasions that they miss some data. Could employers even be heavily sanctioned for “spoliation of evidence” where individual managers delete such data?

Bob also commented that extensive or ill-managed use of inspection apps could generate huge amounts of data which could be twisted. As an example, the employer would be pleased if a job proudly logged 100 instances of correcting scaffolding, fall prevention and similar issues. But a lawyer might focus on the volume to assert, “don’t they ever get it right! Bob was quick to rightly point out that this concern does not even come close to outweighing the advantages of regular inspections!

### **What About The Old Ways?**

I doubt that app developers intend their creations to replace the walk-arounds and instinctive hands-on involvement of safety professionals. Bob cautioned that apps will never replace hands-on inspections, but-tech-focused employees may begin to try just that approach.

Similarly, I use a noise measurement app for casual spot checking, but would never use the app for actual compliance or evidentiary efforts.

Some apps would require tablets, not phones, and they may not be practical to tote up and down ladders. Others must require Wi-Fi or cellular connection. Some employers prohibit having cell phones on the job. Debbi Ferri from the Minnesota AGC Chapter raised the question of how does one climb a ladder” with a tablet, and proposed a surveyors vest instead of a belt holder. Bob and Kevin commented on one app that relied on color codes and was unusable for individuals who are color blind.

A final concern involves accident or incident investigations. Apps will encourage swift on-the-spot preparation of incident reports and even full root-cause analysis, but after a death, counsel often involves itself in this process. and with an app. the initial report may be done without counsel or

company safety management involvement. Jim commented that procedures need to be clear about when to immediately involve safety management, counsel, etc. in preparation of reports and analysis.

### **Custom Apps Are Great!**

I'm not a techno-god, but as an attorney and safety professional, I become giddy at the thought of employers developing their own inspection, accident analysis, tool box talk, job safety analysis and training log apps. Okay, perhaps the thought doesn't really make me giddy, but I do like the prospect of such custom apps addressing two recurrent challenges: developing site and job-specific safety procedures, and making it easier for employees and supervisors to use those walk-arounds and other processes to audit safety efforts. Best of all, apps could be used to "document" safety observations and efforts that often are informal and are not documented. Consider:

- A foreman or supervisor tracking "observations" as they walk around the job, and this data being available to safety management to use to improve safety or to establish "reasonable diligence" in defense of a claim.
- Supervisors pulling up the day's tool box talk on their tablet and being required to log the specific issues they discussed.
- Mobil employees using an app to confer with the home office to complete a site safety analysis, including sharing photos of the site.
- Tracking sub performance, and more importantly, individual subcontractor supervisor and foremen's performance.

I assume that many employers could develop a customized tablet app or use providers such as HCSS or Predictive Solutions to customize a system, and these customized apps are what most appeal to me.

I have been less impressed with some of the free apps or have felt that they were too complicated to use or too general ... but, of course, I'm a picky lawyer. As a guy in my mid fifties, I also dislike the small screens of a smart phone for audit-type apps.

### **What Apps Have Impressed You?**

I recently saw smart phone app recommendations in an AGC-Safety web exchange, including iauditor Safety Checklist by Safety Culture, the decibel meter from decibel 10 (free from Apple apps and is part of the series of 10 virtual measurement devices from SkyPaw Co. Ltd. ), and Evernote (a virtual notebook). David Wessin of Coastal Construction did a great presentation on construction technology in 2012 and explained that Site Audit Pro, with a mix of photos and data was quite impressive. He also mentioned decibel meter pro, plumb bob, spirit level, protractor, Flash Bang, KHA's Online MSDS, OSHA's Heat Tool, Qualitative Fit Test, and others. Debbi Ferri of Minnesota AGC shared a PPT presentation on a wide range of construction technology subjects.

Please share with us apps that have impressed you. Also, what apps are "easiest" to use and seem

to work with people of various cultures and ages ?  
Howard

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