



The Four Killers

Who is Responsible?

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Multi-Employer Worksites

Uniform Multi-Employer Citation Policy

Multi-employer Worksites

- On multi-employer worksites more than one employer may be cited for a hazardous condition that violates a standard
- A two-step process must be followed in determining whether more than one employer is to be cited

Step One

Determine if the employer is a:

- Creating
- Exposing
- Correcting
- Controlling

Creating

The employer that caused the
hazardous condition

Exposing

The employer whose employees are exposed

Correcting

The employer that is responsible for
correcting the hazard

Controlling

The employer that has specific contract right to control safety, or exercises control in practice (i.e. General or First Tier Contractor).

The employer must itself be able to prevent or correct a violation or require another employer to prevent or correct a violation

Step Two

Determine if an employer's actions
were sufficient to meet their
obligations

Example

- 1st Tier: General Contractor hires
 - 2nd Tier: ABC Roofing sends
 - 3rd Tier: Jose Rodriguez crew to perform work
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- Who is responsible when one of the roofers falls?

Result

- Citations may be issued to any and all of the employers involved
- The citation(s) and penalty are the same as traditional violations
- Prompt and documented abatement is essential

Benefit

Employees are provided a safe and healthful workplace where each involved company is held responsible for their part

What To Do

Creating

- Control exposure to any hazard you create at ALL times and for ALL persons including other's employees
- Ensure the hazard is completely abated and inform those affected

Exposing

- ask the creating and/or controlling employer to correct the hazard
- inform your employees of the hazard
- realize potential hazard before sending out workers
- take reasonable alternative protective measures, up to and including removing its employees from the job to avoid the hazard.

Correcting

- Correct all hazards immediately
- Perform frequent inspections to keep up with changing environment

Controlling

- Perform frequent inspections
- Spell out what is required in contracts (i.e. carpenter will install handrails as soon as stairs are placed)
- Contracts do not relieve liability, but give you the authority to take action
- Ensure the contractors hired are aware of applicable regulations and are proactive

29 CFR 1926.16

“...In no case shall the prime contractor be relieved of overall responsibility from compliance with requirements for this part...”

“Passing Down” of Penalties

- Does not clear a company’s history
- Results in crews/subcontractors responsible for fines calculated for larger companies

Pre Planning

- General Contractor- ASK Questions & predict hazardous situations
 - Schedule work to eliminate hazards
- Prime- Pre Plan & Communicate- anticipate needs when you bid & ensure proper equipment
- 2nd Tier- Work out w/Prime BEFORE you arrive to work how you will handle anticipated hazards





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