



Multiple Employer Worksite By Jeff Carter

Although the analysis and conclusions to the following scenarios are based on OSHA policy, it is the responsibility of each Area Director, based on information collected by the Compliance Officer, to determine if the multiple employer worksite policy should be applied, and then the responsibility of each of the employers on site.

Generally the exposing employer is cited; however employers creating hazardous conditions are citable even if the only employees exposed are those of other employers at the site.

Considering the multiple employer worksite, we have

- Creating Employer
- Exposing Employer
- Correcting Employer
- Controlling Employer

Creating Employer description

An employer that caused a hazardous condition that violates an OSHA standard.

Scenario 1

Able Mechanical Services hoists roof top units (RHUs) onto the upper deck, damaging perimeter guardrails. Neither its own employees nor employees of other employers are exposed to the hazard. Able takes effective steps to keep all employees, including those of other employers, away from the unprotected edge. Able informs McArthur General Contracting (controlling employer) of the problem. Able lacks authority to fix the guardrails itself.

Analysis

Able is a creating employer because it caused a hazardous condition by damaging the guardrails.

Citable?

Although lacking authority to fix the guardrails, Able took immediate and effective steps to keep all employees away from the

hazard and notified McArthur General Contracting of the hazard. Able is not citable since it took effective measures to prevent employee exposure to the fall hazard.

Exposing Employer description

An employer whose own employees are exposed to the hazard.

Scenario 2

Mud Drywall is working from a scissors lift installing sheetrock in the office area. When it is raised a Mud employee comes in contact with the temporary lighting receiving a shock. Static Electrical installed the faulty lighting.

Analysis

Mud Drywall is an exposing employer but are they citable? In order for an employer to be cited, one element of a citation includes knowledge of the existence of a hazard. There are three forms of employer knowledge

Actual knowledge.

- Observed / known by the employer.

Imputed knowledge.

- Agent of the employer knew of the hazard.
- The supervisor knew.
- The lead person knew.

Constructive knowledge.

The employer should have known with the exercise of reasonable diligence, such as hazards known throughout the industry.

Analysis

Mud Drywall is an exposing employer.

Citable?

It is not reasonable to expect the Mud Drywall employer to recognize this hazard. Therefore Mud Drywall is not citable as the exposing employer.

Heat Illness Prevention Water. Rest. Shade.

Every year, dozens of workers die and thousands more become ill while working in extreme heat or humid conditions. More than 40 percent of heat-related worker deaths occur in the construction industry, but workers in every field are susceptible. There are a range of heat illnesses and they can affect anyone, regardless of age or physical condition.

For additional information visit <https://www.osha.gov/SLTC/heatstress/>

Correcting Employer description

An employer engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard. The condition usually occurs where an employer is given responsibility of installing and/or maintaining safety/health equipment or devices.

Scenario 3

During the Job Meeting, Top-Off Erectors tells Able and McArthur GC they will cut the deck and place the curbing for the air handlers tomorrow, therefore creating a fall hazard for employees on the upper deck. All agree once the deck is cut and curb set, Able “owns the hole” making them responsible for any fall hazard. The hazard can be corrected by; installing guard rails; placing a substantial cover marked “HOLE”, placing the equipment on the curb or preventing access to the deck.

The decking is cut, curb set and Leaky Roofing starts the insulation and membrane installation. Able pulls off the job to do startups of equipment on another site.

Analysis

During the job meeting a verbal contract is created making Able Mechanical responsible for correcting the fall hazard.

Citable?

With Leaking Roofing employees exposed, Able Mechanical is citable as the correcting contractor.

Controlling Employer description

General supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them

Control can be established by contract granting right to require another employer to adhere to safety and health requirements and to correct violations the controlling employer discovers.

Control can be established by a Combination of Other Contract Rights, such as authority to resolve disputes, set schedules and determine construction sequencing.

Scenario 4

McArthur General Contracting hires Shaky Painting. The contract requires Shaky to comply with safety and health requirements. McArthur has the contractual right to take various actions against Shaky for failing to meet contract requirements, including the right to have non-compliance corrected by using other workers and back-charging for that work.

McArthur conducts inspections that are sufficiently frequent. During a number of its inspections, McArthur finds that Shaky has violated fall protection requirements. The violations are pointed out to Shaky Painting during each inspection. No further actions are taken.

Analysis

McArthur is a controlling employer since it has general supervisory authority over the site, including a contractual right of control over Shaky.

Citable?

McArthur took adequate steps to meet its obligation to discover violations. However McArthur failed to take reasonable steps to require Shaky Painting to correct hazards since it lacked a graduated system of enforcement. Nor did they have non-compliance corrected by using other workers.

A citation to McArthur for the fall protection violations is appropriate.

BONUS FEATURE

Creating Employer description

An employer that caused a hazardous condition that violates an OSHA standard.

Scenario

After the concrete pad is poured McArthur General Contracting discovers the floor drain is located under a wall partition. McArthur hires Dwight Conman, a self-employed worker calling his business Dwight’s Con Cutting to cut the pad so the drain can be relocated. Dwight uses a walk-behind concrete saw but does not connect the water supply as required in Table 1 of 1926.1153, Respirable crystalline silica, therefore sending a cloud of silica dust into the air. Dino’s Plumbing employees are working alongside to relocate the drain.

Analysis

Con Cutting has created the hazard, exposing employees to silica dust. However, “self-employed workers” are not an employee under the OSH Act, and therefore do not fall under the jurisdiction of OSHA.

Citable?

Although his activities created a hazard and exposed employees to silica dust, Dwight Conman cannot be cited.

Each scenario was created to describe a type of employer using the multiple employer worksite policy. By using each scenario you can further the analysis to determine the responsibility of other employers on the worksite.

Connecticut Department of Labor - OSHA
38 Wolcott Hill Road
Wethersfield, CT 06109

To receive the *Quarterly* electronically or to make suggestions on how to improve this newsletter, contact Grayson.gregory@ct.gov In the subject line type “*subscribe*” and provide your e-mail address. You may also reach us by phone at (860) 263-6900 or visit us at: www.ConnOsha.com

Protect your workers from heat related illnesses

The Connecticut Department of Labor's Occupational Safety and Health Division (CONN-OSHA) urges all employers working in hot environments to protect their workers. With the excessive heat waves we have been experiencing, along with projected high humidity, it is imperative that supervisors and workers understand preventative measures to prevent heat related illnesses. The message is simple: **Water, Rest, and Shade**. **Water:** (Drink water often, at least one quart per hour). **Rest:** (Allow new or returning workers to gradually increase workloads and take more frequent breaks as they acclimatize, or build a tolerance for working in the heat). **Shade:** (Allow time for workers to get out of direct sunlight and rest in the shade for at least five minutes).

Work operations involving high air temperatures, radiant heat sources (e.g., sunlight, hot exhaust), high humidity, direct physical contact with hot objects, or strenuous physical activities have a high potential for causing heat-related illness. Indoor workplaces with hot conditions may include iron and steel foundries, brick-firing and ceramic plants, glass products facilities, electrical utilities (particularly boiler rooms), bakeries, commercial kitchens, laundries, chemical plants, material handling and distribution warehouses, and many other environments. Outdoor locations such as farm work, construction, landscaping, emergency response operations, and hazardous waste site activities, also increase the risk of heat-related illness in exposed workers.

Heat-related illnesses can be prevented. Important ways to reduce heat exposure and the risk of heat-related illness include engineering controls such as air conditioning and ventilation that makes the work environment cooler as well as work practices such as work/rest cycles, drinking water often, and providing an opportunity for workers to

build up a level of tolerance to working in the heat.

Employers should have an effective heat illness prevention plan that includes emergency response procedures, providing plenty of drinking water, and training. Training should include heat illness prevention, recognition of signs and symptoms of heat related illnesses, and how to get immediate medical help if symptoms persist.

Employees can download the OSHA/NIOSH Heat App Safety Tool. It is a useful resource for planning outdoor work activities based on how hot it feels throughout the day. It features real-time heat index and hourly forecasts specific to your location, as well as occupational safety and health recommendations from OSHA and NIOSH. The OSHA-NIOSH Heat Safety Tool features:

- A visual indicator of the current heat index and associated risk levels specific to your current geographical location
 - Precautionary recommendations specific to heat index-associated risk levels
 - An interactive, hourly forecast of heat index values, risk level, and recommendations for planning outdoor work activities in advance
 - Editable location, temperature, and humidity controls for calculation of variable condition
- Signs and symptoms and first aid information for heat-related illnesses **Heat Safety Tool**



How do I know if it's too hot?

Heat Index	Risk Level	Protective Measures
Less than 91°F	Lower (Caution)	Basic heat safety and planning
91°F to 103°F	Moderate	Implement precautions and heighten awareness
103°F to 115°F	High	Additional precautions to protect workers
Greater than 115°F	Very High to Extreme	Triggers even more aggressive protective measures

Fatality & Casualty Reporting

State & Town: CONN-OSHA (860) 263-6946 (local) or 1-866-241-4060 (toll-free)
Private Employers: Report to Federal OSHA at 1-800-321-OSHA(6742)

Hazard Corner...

Eighteen-Year-Old Sporting Goods Retail Store Worker Dies in a Fall From a Shelving Unit

On February 18, 2001, an 18-year-old retail store worker (the victim) died as a result of severe head injuries he sustained in a fall off an H-frame shelving unit after falling approximately 12 feet from the top of a shelving unit. When the incident happened, the victim was in the process of retrieving a large, heavy box from the top shelf of the H-frame shelving unit. A witness reported that as the victim leaned over and grasped the box by its nylon shipping bands, one of the bands broke and the victim fell backwards off the H-frame to the concrete floor. A registered nurse (RN) who was shopping in the store witnessed the incident, and rendered cardiopulmonary resuscitation (CPR) to the victim. The store's manager called 911 and emergency rescue personnel and police arrived within minutes. The victim was life-flighted to a nearby trauma center where he died later that day from his injuries. The victim had worked at the store for over a year during evenings and weekends.

Safety and health training for employees was provided by the corporate office and coordinated by their District Loss Prevention Manager. The store provides training and certification in the proper operation and use of fall protection, operation of the electrically powered high-lift

order picker, (referred to as the beeper), and materials handling. Employee certification is denoted by different colored name badges. It was a corporate policy that no one under the age of 18 be allowed to operate or be raised in the air by the beeper. This was the sporting goods retailer's first workplace fatality.

NIOSH investigators concluded that, to prevent similar incidents, employers should:

- ensure that only properly trained personnel operate hydraulic lifting equipment.
- ensure that all workers utilize fall protection when working on top of the H-frame shelving units.
- implement a spot inspection program to ensure that all employees are complying with safety requirements, and develop and enforce consequences for noncompliance.
- evaluate their store's storage requirements, and their materials handling procedures.

Taken from the NIOSH In-house FACE Report 2001-06

CONN-OSHA~ Training Update...

Control of Hazardous Energy (Lockout/Tagout) **August 22, 2019 from 10:00 a.m. to noon** This 2-hour session will discuss comprehensive energy control protocols designed to protect workers performing servicing and other tasks while achieving maintenance, quality control and production goals.

OSHA Recordkeeping **September 19, 2019 from 9:00 a.m. to noon** This interactive session will make you knowledgeable of the rules and ensure confidence that you have properly recorded and reported occupational injuries and illnesses, including how to fill out the OSHA 300 Log of Work-Related Injuries and Illnesses accurately and correctly

Breakfast Roundtable This discussion group meets the third Tuesday of every month from 8:15 am to 9:45 am. Pre-registration is required. Visit our web page for more information: <http://www.ctdol.state.ct.us/osha/Breakfast/index.htm> To be placed on the e-mail distribution list, contact John Able at John.able@ct.gov

Classes are free and are held at 200 Folly Brook Boulevard, Wethersfield, CT in Conference Room A/B (unless otherwise noted). To register, contact Catherine Zinsser at catherine.zinsser@ct.gov Pre-registration is required. A Photo I.D. is also required to allow entry into a public building. For more training information, visit the CONN-OSHA web site www.ConnOsha.com