

Attention contractors: Worker safety and health *do* affect your insurance premiums

As a contractor, you know that to be insured, you are required to comply with the U.S. Department of Labor, Division of Occupational Safety and Health Administration regulations. Insurance carriers know OSHA regulations reduce worker injuries and illnesses, thus reducing their liability and improving their bottom line. Think of OSHA violations as traffic violations—the more you have, the greater risk you present to your insurance company, and the higher your premium will be. The trick is to avoid costly OSHA violations and fines.

I only have a couple of employees; am I still bound by OSHA regulations?

Regardless of the size of your business—if you have employees, you are required to comply with OSHA regulations.

What are my basic responsibilities as an employer?

One basic OSHA requirement states the following: “The employer shall instruct each employee in the recognition and avoidance of unsafe conditions ... to control or eliminate any hazards or other exposure to illness or injury.” In short, OSHA wants to see proof that employees have been trained. Most training is required on a yearly basis.

Furthermore, OSHA requires a competent person on every job site. A competent person, according to OSHA, is one who “is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.” OSHA continues to state that “It shall be the responsibility of the employer to initiate and maintain [a written health and safety] program ... which provides for frequent and regular inspections of the job sites, materials and equipment to be made by competent persons designated by the employers.”

Do I have to keep records to show my compliance?

Yes. One aspect of the OSHA record-keeping requirements is the 300 form (replaces the OSHA 200 form). Recordable injuries and illnesses must be recorded on the OSHA 300 form or equivalent. To help you understand what injuries or illnesses must be recorded, please refer to Figure 1 at the end of this flier. In addition, this form must be posted from Feb. 1 to April 1 for the previous year. The only exception to this rule is employers with 10 or fewer employees. In addition, any death or workplace incident sending three or more employees to the hospital overnight must be reported to your local OSHA office within eight hours, regardless of the number of people you employ. For help in maintaining the log, please visit www.osha.gov/recordkeeping.

How do I handle inspections? How are violations handled?

There are several basic facts important to contractors:

- OSHA prioritizes inspections based on the following: 1) work sites on which OSHA believes an imminent danger to employees exists; 2) work sites where reportable death or catastrophe has occurred; and 3) work sites that are the subject of complaints.
- Employers have the right to refuse access to an OSHA inspector, however, this does not limit OSHA's ability to observe the site from a remote location. In addition, OSHA can return with a compulsory process to mandate an inspection. If you force OSHA to use this legal process, it may not be as lenient on minor violations.
- Allowing OSHA on-site does not mean that an employer waives all rights of defending himself in either an informal conference or a formal hearing.
- Upon being issued a notice of violation, contractors always should respond in writing within 15 working days and request an informal conference with the area director. This is your best chance to reduce citations and fines.
- Citations must be posted where all employees can see them for a period of three working days, or until the violation is corrected, whichever is longer.

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- Employers should correct violations. A common misconception is that once you're caught, there's nothing you can do. When attending the informal conference, being able to prove violations were corrected as soon as they were discovered can help you tremendously in reducing citations and fines.

What if my employees are conducting business off-site?

Employers are responsible for their employees whenever they're on company time. If you send your employees to a job site, you are responsible for anticipating any hazards that employee may encounter, as well as preparing that employee for such hazards. In other words, a plumbing contractor is responsible for electrical hazards his or her employees may encounter when working next to an electrician.

Who can I turn to for help?

For further information on how to comply with OSHA regulations, contact either your local OSHA office, Alpine Environmental Services Inc. or logon to: www.osha.gov.

Information in this flier was provided by Craig Petreikis, PE, CIH, president, Alpine Environmental Services Inc., Albany, N.Y. He can be reached at (518) 453-0146.

FIGURE 1

