

Safety program best defense against accidents and OSHA citations

The scene is a familiar one: the judge occasionally looks up from his notes and stares intently at the roofing contractor being questioned relentlessly by an Occupational Safety and Health Administration (OSHA) prosecutor. The prosecutor's voice rises a half-tone with each question. The contractor perspires heavily and looks at the floor.

A few months earlier, one of the contractor's employees fell from a ladder to his death. The contractor claimed the employee caused his own demise through carelessness and poor work habits.

"Does your company have an employee safety program?" the prosecutor asks at the trial.

"Not a particular program, no," the contractor answers.

"Do you teach your employees how to choose the right ladder for the job? How to check its condition before using it? How to place it properly and climb it safely?" the prosecutor continues. The contractor nods his head.

"Then would you show the court some evidence of this?" the prosecutor says. When the contractor says he has no evidence to offer, the prosecutor asks, "Have you ever reprimanded or fired someone for violating safety practices?" Here again the contractor must answer no.

"Do you train your employees to recognize, avoid and prevent hazardous conditions?" the prosecutor demands. The contractor, realizing he is on shaky ground, blurts out in a last-ditch effort to save himself, "But Your Honor, I told those guys to be careful."

His words rattle around the courtroom with a strange, hollow sound as the judge proceeds to affirm the citation and levy a penalty.

The roofing contractor did not realize it at the time, but his troubles were just beginning. Other lawyers representing the victim's family were preparing to bring suit against him, the general contractor and the owner. His insurance rates were being raised, his workers' morale was deteriorating, his production was suffering and his competitive edge was fading fast.

Improves morale and productivity, too

By Jim Stephens

Where did he go wrong? Would a safety program have helped him? You bet it would.

Program reduces accidents

A safety program reduces and controls the number of accidents that might occur. Without an organized, documented safety effort, safety is left to chance. If you want to gamble, go to Las Vegas or Atlantic City and take all the chances you want. The shop and project are not the places to gamble—the stakes are too high.

A safety program in which management and employees work together to prevent accidents is your best defense against a damaging OSHA citation. If you can show proof to the court that you instruct your employees on how to recognize, avoid and prevent hazardous conditions, you can make a good case that the OSHA violation was an isolated instance of employee misconduct. OSHA case histories reveal that employees who give safety instruction to their workers, and have evidence to prove it, fare better in the courts.

An effective safety program contributes to better production and higher morale. Consider a roofer on a ladder. If the ladder is not level, is unstable, has broken rungs or is not positioned properly, the worker will be so worried about his own welfare that he will be unable to perform at his capacity. On the other hand, if a worker is on a solid, well-placed, safe ladder, he can concentrate on his work without fear.

A safety program also makes a significant difference in your insurance costs. For example, workers compensation insurance premiums are affected by your previous three years of accident and injury experience. If the record is good, your cost decreases accordingly. In addition, by submitting proof of an active, ongoing safety program to your insurance carrier, you become eligible for certain discounts and favorable rates for preferred risks.

With the insurance advantages available, it pays to be safety conscious. If \$100 worth of roll roofing costs you \$80 while a competitor across town is paying \$120 for it, you have the competitive advantage. It is the same with your insurance costs. When

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you combine this savings with better production and a happier work force, it is easy to see why a good safety program is an economic necessity.

What are the basics of a safety program?

A good safety program contains several basic elements, all of which are inexpensive to implement:

A management safety policy. This is a brief statement, usually less than a page, that tells employees and others that the company is committed to complying with the law and protecting the health and welfare of its employees. The policy does not provide rules or guidelines, but establishes a supportive atmosphere in which a safety program can grow and flourish.

A safety committee. No safety program lasts without employee involvement. A safety committee composed of representative members of the workforce should meet regularly to discuss safety problems, inspect sites and make recommendations. When an employee committee originates safety policy, participation in a safety program is noticeably better than in a program handed down by company owners.

Tool box safety meetings. This is probably the most important part of an effective safety program. These meetings bring workers face-to-face with safety for five or 10 minutes weekly. During these meetings, those working in the most dangerous situations are taught how to protect themselves and avoid injury. It is important that employees participate in these meetings and that a record be kept of the subjects covered and people attending.

Safety supervision. Foremen and supervisors are the key to an effective safety program. Foremen are in positions that allow them to keep an eye on the workers continuously. Safe work performance is a natural benefit of good safety supervision. The foremen need some help to properly supervise safety performance, however. The smart contractor will give his foremen extra supervisory safety training, which they then can pass to their workers.

Documentation. While documentation does not prevent accidents, it is proof of your good faith efforts to promote safety and is invaluable during OSHA hearings, civil court cases and when purchasing insurance. Failure to document accidents can result in many dollars slipping through the cracks.

Could our roofing contractor friend in the opening scenario have benefitted from a safety program? By now the answer should be obvious; of course he could have. The hard question is: "How much is a safety program worth?" Can you place a price tag on a life or permanent disability? Although the benefits of a safety program are hard to measure in dollars and cents, their impact on the bottom line cannot be denied. And the consequences of ignoring safety can be catastrophic.

Safety Associates is located in Charlotte, N.C. It was formed in 1978 and offers safety programs and related services to companies that cannot justify a full-time staff person.

The firm provides a client company with an entire safety program, starting with the company's safety policy and following through with a safety manual, supervisory training, employee training, OSHA assistance, hazard correction, regular safety audits and consultations. Client companies have reduced their accident and injury rates with the program.

Before forming the company in 1978, Jim Stephens was the Corporate Safety Director for the Nello L. Teer Co. of Durham, N.C., an international contractor. During Stephens' tenure, Teer won the highest award of safety in the construction industry.

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