



How To Choose Safe Subcontractors – And Help Them Stay Safe

Safety-conscious state and federal agencies have increased inspections of construction sites - large and small.

Citations for safety violations are up and general contractors are paying larger penalties for infractions caused by subcontracted employees. Contractors can no longer hide behind the old “hands off” approach or “hold harmless” contract clauses. Courts are increasingly eroding those protections. Job site owners and project contractors are now held wholly or partially liable for the action of subcontractors, and for providing them safe working conditions.

More than ever, you must take the time to select safe subcontractors, and work closely with them to maintain safe job sites.

Five key indicators of a subcontractor’s safety

1. Past safety record

- » Look at the contractor’s Worker’s Compensation records. The Experience Modification Rate (EMR) shows you how many losses the contractor has had over the previous three-year period, compared to how many losses can be expected for that type of contractor. An EMR of 2.0, for example, means that the contractor had two times the average number of losses. EMRs of 1.0 or lower indicate a safer subcontractor that generally pays lower worker’s comp rates. It’s common to find very different EMRs among similar contractors; the National Safety Council’s records include construction contractors with EMRs raging from 0.3 to 3.0.

2. Management is accountable for safety

Evaluate these elements of the subcontractor’s safety program:

- » How frequent are safety meetings for field supervisors?
- » How frequent are project safety inspections, and to what degree do they include project and field supervisors?
- » Who receives accident reports (field superintendent, vice president of construction, company president) and how often (as they happen, once a week, once a month)?
- » Do accident reports include the names of those in charge at the site? Management is held more accountable for safety if accident report frequency is charged against supervisors, not just to the company.
- » How are accident costs reported? Again, are accident costs charged against the supervisors involved?

3. Formal safety program

Contractors with good safety records generally have formal safety programs that include these components:

- » An orientation for new workers and supervisors
- » Frequent toolbox meetings
- » A written safety program
- » On-site inspections, including evaluations of:
 - Management accountability
 - Staff qualifications
 - Written safety and health plans
 - Regular orientations
 - Toolbox safety meetings
 - On-the-job discipline
 - Hazard identification and correction

4. Favorable state and OSHA inspection reports

Ask whether the subcontractor has been inspected in recent years, and read the inspection reports and any OSHA citations.

5. Up-to-date insurance certificates

Subcontractors should provide proof of worker's compensation, general liability and (if applicable) vehicle insurance. Subcontractors who aren't adequately covered are more of a liability risk to the site owner and/or general contractor.

After you've selected a safe subcontractor

Use the following checklist to communicate your minimum safety requirements.

- Pre-project safety planning (safety equipment, scaffolding, etc.)
- Planning and coordinating safety activities between different operations
- Safe access to work areas
- Safety education
- Supervisors responsible for safety
- Safety measures integrated into operation methods and procedures
- Safe housekeeping program
- Safety factors in job-built apparatus
- Traffic control and parking facilities
- Fire and lightning protection
- Proper ventilation
- Protective work clothes and gear
- Quick access to medical care
- Daily or weekly site progress meetings

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DISCLAIMER

The recommendations printed here follow generally accepted safety standards. Compliance with these recommendations does not guarantee that you will be in conformance with any building code, or federal, state or local regulations regarding safety or fire. Compliance does not ensure the absolute safety of you, your operations or place of business.