

CONSTRUCTION BLOG

Attention Subcontractors!

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Check out this article by attorney Ross Boden published in *The Contractor's Compass* titled, "LEGALLY SPEAKING: OSHA Compliance Tips on Multi-Employer Work Sites and Joint-Employer Relationships." It summarizes the responsibilities you need to know to help you escape your next OSHA inspection without a dreaded citation.

LEGALLY SPEAKING: OSHA Compliance Tips on Multi-Employer Work Sites and Joint-Employer Relationships

Subcontractors must remain cognizant of OSHA's continued enforcement focus on multi-employer job sites and joint-employer relationships. At current penalty rates of \$12,934 per violation or \$129,336 for willful violations, citations carry significant consequences. This article summarizes the responsibilities you need to know with examples and practice tips to help you escape your next OSHA inspection without a dreaded citation.

OSHA's Multi-Employer Citation Policy, Examples, and Practice Tips

Under OSHA's multi-employer citation policy, more than one employer may be cited for a violating condition. OSHA's multi-employer policy identifies four types of employers who may be cited:

Creating Employer: The employer that caused a hazardous condition that violates an OSHA standard. Under this definition, it does not matter whose employees were exposed to the hazard. Creating employers can be cited even if none of its own employees were exposed to the hazard, which is consistent with all employers' duty not to create hazardous conditions.

Example: While operating a crane on a job site, XYZ Subcontractor damages guardrails that were installed as fall protection in a currently vacant part of the job site. The extent of the damage is unclear, and XYZ Subcontractor does not have access to that area of the job site. Although no employees of XYZ Subcontractor or any other contractor are present, XYZ Subcontractor is potentially citable. However, XYZ Subcontractor should be able to avoid citation if it immediately notifies the general contractor (preferably verbally and in writing) and prevents its employees and other contractors' employees from accessing that area of the job site until the damage can be assessed and corrected.

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