

**Platinum Partnering Charter  
Between The United States Department of Labor,  
Occupational Safety & Health Administration, and  
The Associated Builders & Contractors, Inc.  
Central Texas Chapter**

**1. Platinum Partnership**

- A. The Associated Builders and Contractors, Inc., (ABC) and the Occupational Safety and Health Administration (OSHA) mutually recognize the importance of providing a safe and healthful work environment in the construction industry. To advance our mutual goal, we strongly agree on the need to develop partnerships that foster mutual trust and respect for the respective roles of each organization in the construction safety process. We recognize and embrace the responsibilities inherent in those roles. We are committed to work as partners to achieve construction workplace safety and health through shared strategies and objectives.
- B. Implementation of this partnership agreement is expected to result in decreased injuries, illnesses, and fatalities for participant contractors with a resultant decrease in worker compensation costs.
- C. This partnership agreement provides incentives to construction contractors that voluntarily participate in the ABC Safety Training and Evaluation Process (STEP) program and demonstrate implementation of effective safety and health programs.
- D. This partnership agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations, including walk-around rights.

**2. Specific Partnership Goals**

- A. Reduce by 3% annually, the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from falls, struck-by and caught-in mishaps, and electrocution (focused four construction hazards).
- B. Increase the number of construction companies that implement effective safety programs.

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- C. Decrease worker compensation costs and OSHA penalties for contractor participants.
- D. Allow OSHA to focus resources on companies that require attention from OSHA, rather than companies that have demonstrated existence of effective safety programs.
- E. It is anticipated that with minimal use of OSHA resources, this partnership will result in improved safety and health programs, a higher level of employee safety and health training, and as a secondary benefit, improved job site safety and health program commitments by subcontractors working with Platinum level participants.

**3. Program**

- A. ABC has implemented a program to assist its member construction companies in evaluating their safety and health program performance and their safety and health training programs. This program is known as the Safety Training and Evaluation Process, or “STEP” program. The ABC National Office processes all applications and, in turn, presents awards to qualified applicants.
- B. The STEP program was created by the ABC National Safety Committee in 1992. The National Safety Committee is composed of construction safety professionals drawn from ABC member companies throughout the United States. Along with this national committee, ABC has over 60 safety committees formed in various chapters across the United States and Guam. Safety committee members at these local chapters identify and provide safety courses and seminars on safety compliance programs pertinent to their geographical area. These committees convey concerns, stance on issues and other items of construction safety interest to the National Safety Committee.

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- C. A Partnership Steering Committee from the National Safety Committee will oversee the activities of the STEP Platinum Incentive program. The Partnership Steering Committee will be comprised of safety and health representatives from ABC member companies. The Committee will review and approve or disapprove Platinum applications. OSHA's Directorate of Construction will serve as advisor to the Partnership Steering Committee.
- D. The STEP program has four award levels. The Bronze, Silver and Gold awards are based on self-evaluation scores and are wholly administered by ABC. The fourth category, Platinum, will be open to those companies whose achievements in the area of worksite safety are, certifiably, the best of the best. Acceptance into the Platinum level will require additional validation of safety and health program efficacy through an on-site verification inspection. Contractors which are accepted into the Platinum level will receive incentives from OSHA, as listed in Section 6 of this document.

#### **4. Program Implementation**

- A. The STEP program is implemented in two phases:
  - 1) First phase is the completion of the STEP application. ABC National will distribute applications to construction contractor members. The application consists of a two-part form. Part One of the form requests safety statistical data. This data is found on summary OSHA 200 logs. Part Two of the form is the self-evaluation section. Here, contractors answer a series of questions related to the safety program; each response has a numerical rating. Responses from questions are totaled, providing a self-evaluation rating.
  - 2) The second phase of the STEP program is the evaluation of applicants

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and the distribution of certificates. Application evaluation is conducted at the ABC National office. Data from each application is keyed into ABC National's database. This includes information from the applicant's Summary OSHA 200 Log, employee work-hours from the noted calendar year, as well as the self-evaluation score. While Summary OSHA 200 Log data are collected from all STEP participants, this data will be used for evaluation purposes only for Platinum award level applicants; self-evaluation scores are used to determine the award levels of Bronze, Silver and Gold.

- B. Applicants seeking Platinum status will have additional criteria to satisfy. Platinum applicants must:
- 1) Have been recipients of Gold certificate in the prior year and must qualify as Gold level (self-evaluation score 120 or higher) in the current year;
  - 2) Submit their Summary OSHA 200 Log and have an occupational injury & illness recordable rate (total case per BLS formula) below 8.0;
  - 3) Supply a statement from their insurer that verifies the applicant's self-evaluation score;
  - 4) Receive a safety and health verification visit of at least one active job site to be conducted by the Central TX Chapter Safety Committee which includes a member of OSHA.
  - 5) Have a written site specific safety and health program based on the ANSI A-10.38 guidelines or the OSHA 1989 Safety and Health Program Management Guidelines;
  - 6) Show evidence of employee involvement in the safety and health program, including participation in self-audits, site inspections, job hazard analyses, safety and health program reviews, safety training, and mishap investigations;

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- 7) Show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s); examples are: General Safety Awareness for new employees plus Scaffolding, Fall Protection, Etc.
- 8) Have provided construction site supervisors with training equivalent to the OSHA 10-hour construction safety course; within 6 months of employment.
- 9) Have designated safety personnel who, through training and experience (reference 29 CFR 1926.32(f), competent person), are able to recognize work hazards and have the authority to take prompt corrective action, ensure program enforcement, employee involvement and effectively trained their employees and supervisors. Training curriculum equivalent to the OSHA 30-hour Construction Safety course will be deemed to be satisfactory;
- 10) Have no willful violations or repeated serious violations in the last three years;
- 11) Have no fatalities or catastrophes within the last three years that resulted in serious, willful or repeat citations related to the incident.
- 12) Implemented a fall protection program where participants require and enforce the use of conventional fall protection, ie. personal fall arrest systems, safety net systems or guardrail systems (as defined within 29CFR1926.502) when their employees or sub-contractor employees are performing work that is in excess of 6 feet above a lower level.
- 13) Offering of CPR/First Aid to all members.

C. Application Review

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- 1) The ABC Executive Director or Designee will review each Request for Partnership Acceptance to assure criteria are met.
- 2) The ABC Executive Director or Designee will notify applicants in writing of their acceptance or non-acceptance of the Request for Partnership.
- 3) As soon as practicable following a contractor's acceptance into the Platinum partnership program, the ABC Executive Director or Designee will notify the US DOL OSHA Austin Area Office and ABC's Central TX. Chapter.
- 4) To qualify as a participant in the ABC Central TX. Chapter, Texas OSHA partnership, the ABC member must sign a participation agreement with the ABC Central TX Chapter. By signing this agreement the member agrees to adhere to all conditions and requirements of the "OSHA and ABC Safety Partnership, STEP Platinum Incentive Program".

**5. Program Verification by ABC**

- A. The ABC National Director of Safety and Health is responsible for the following program monitoring activities:
  - 1) Periodic reviews of participatory ABC chapter activities to ensure that program requirements are met;
  - 2) Reviews will include random on-site verification of Platinum participants to validate partnership program administration;
  - 3) Termination of a participating contractor's status if findings indicate unacceptable performance or submission of falsified documentation;

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- 4) Providing recommendations to the ABC National Safety Committee for program improvements.
- B. Bronze, Silver and Gold STEP participants will not be eligible to participate in this partnership until such time as they have been accepted and formally recognized as a Platinum level participant.
- C. Information submitted by contractors as part of the application or renewal process, as well as information obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the partnership program. However, in event of an OSHA inspection, such information that is relevant to any element of the investigation and normally is available will be provided to OSHA upon request.
- D. The Central TX Chapter , ABC will provide to OSHA a list of Platinum members who have signed the Partnering Agreement with the Chapter. and the results of verification inspections conducted by the Central TX Chapter, ABC.

**6. OSHA Incentives**

- A. Platinum participants will receive special recognition in ABC's national publication.
- B. Upon acceptance as a Platinum participant, ( refer to page 4 of 12, 4B) OSHA will provide certain incentives to participants:
  - 1) Participating companies will be taken off the General Scheduled Program Plan Inspection List.
  - 2) Participants will receive inspections only in response to reports of

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imminent danger, fatalities/catastrophes, signed formal complaints, and violations visible from the public way. OSHA will use telephone and fax to handle all other complaints except in cases of reported serious injuries. When an inspection of an informal complaint is deemed necessary, a copy of the complaint will be provided to the ABC National Safety Director by the chapter Safety Committee.

- 3) OSHA will not issue penalties for non-serious violations, provided the violations are abated during visit, eliminating the exposure.
- 4) If cited by OSHA, Platinum participants will be eligible for the maximum good faith, size and history penalty reductions currently outlined in the OSHA FIRM (CPL 2.103, Field Inspection Resource Manual);
- 5) During OSHA inspections of non-participant employers, Platinum participants whose program has been previously verified by an OSHA inspection will not be included in the inspection unless the compliance officer documents that the Platinum participant is responsible for employee exposure to hazards listed in Section 2.A.

## **7. Hazard Reporting**

All Platinum Partners will report findings of their monthly \* self inspection program to the ABC Central TX Chapter Safety Committee. (Refer to Form "A" – ABC - OSHA Partnership Monthly Inspection/Hazard Abatement Report)

These FORMS will be maintained in a secured file, not to be copied or removed from premises, and only subject to review by the Safety Committee.

A summary of all Platinum Partner forms will be submitted to OSHA by the Central TX ABC Safety Committee. ( Refer to Form "B" -.... Monthly Hazard Inspection / Abatement Report)

\* A minimum of once per month per site in Central TX area.

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**8. Employee/Employer Rights**

- A. As an integral part of an effective safety and health program, the availability of employees to exercise their rights which are guaranteed under the OSH Act and regulations (such as but not limited to the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements (e.g. the OSHA 200 log and medical exposure records) will not be fringed. It is anticipated that routine employee involvement in the day to day implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews and mishap investigations.
  
- B. Employers retain all rights guaranteed under the OSH Act, including the right to appeal or contest violations issued by OSHA.
  
- C. Participation by employers at the Platinum level does not abrogate the employer's responsibility to comply with the rules and regulations adopted pursuant to the OSH Act and does not abrogate their responsibility to comply with any other commitments negotiated via separate agreements between the agency and the employer.

**9. Program Evaluation**

- A. The partnership pilot will be evaluated annually for achievement of the annual goal of a 3 % reduction in the number of injuries, illnesses and fatalities has been met. ABC is responsible for gathering baseline data upon which the partnership will be measured.
  
- B. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether

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the goal has been met.

- C. Participant incidence of the focused four construction hazards (falls, struck-by, caught between and electrocutions) will be measured and compared against a baseline established in the first year of the partnership
  
- D. The ABC National Office will prepare an annual report evaluating the merits of the program and providing recommendations for continuous improvement. The report will include injury/illness total case rates, fatality rates and focused four incidence rates. Copies of the report will be provided to all of the organizations participating in the partnership.
  
- E. The partnership annual report will be reviewed by OSHA and the Partnership Steering Committee and may be revised based on recommendations for continuous improvement.

**10. Contractor Termination**

- A. A contractor's participation will be terminated and OSHA will be informed if one or more of the following occurs:
  - 1. An inspection reveals a significant deviation from program criteria;
  - 2. The contractor has falsified information on the application or supporting records;
  - 2. The contractor's injury/illness rate rises above 8.0.
  - 3. The contractor takes other such actions that may be determined to be grounds for termination by the Partnership Steering Subcommittee;

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- B. Prior to final termination of a contractor's status, the following will occur:
  - 1. The contractor will be notified in writing of the intent to terminate;
  - 2. The notice will include an explanation of the reasons for termination;
  - 3. The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days; and
  - 4. The contractor will have the right to make an appearance before the Partnership Steering Subcommittee.
- C. The Partnership Steering Committee will have the authority to reinstate the contractor if it determines that the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program. In this event OSHA is free to conduct another verification inspection.
- D. Any contractor may terminate participation in the program at any time.

**11. Partnership Duration**

- A. The partnership shall have an initial term of three years from the date of the Partnership Agreement and may be renewed if all parties concur.
- B. Either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner by providing a written notice to the other member(s) of the partnership, then the partnership will terminate. Any party may also propose modifications or amendments to the program subject to concurrence by the other partners to the agreement.

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