

MCA/OSHA

PARTNERSHIP AGREEMENT

Purpose

The masonry industry is one of the largest users of scaffolding. As a result this Partnership will focus on:

1. Fall Hazards
2. Electrocutions
3. Caught-between & struck-by injuries
4. Trenching and excavation operation

With the help of the participating Unions, The Mason Contractors Association and OSHA, the masonry industry will focus on its own safety concerns and strive for a zero rate of accidents. This would allow OSHA to leverage their resources by allowing their personnel to focus on other industries in need of their assistance.

Goal

The goal of this partnership is to reduce the injuries/illnesses reported by 10% by the end of the third year.

Understanding

OSHA agrees to educate their staff regarding the terms of this partnership

Criteria for Qualification into the MCA/OSHA Partnership

The contractor:

1. Must be a member of the Mason Contractors Association of St. Louis.
2. Has established a written safety program.
3. Has provided clear evidence of implementation of the program throughout the company.
4. Is in compliance with applicable OSHA regulations and requirements.
5. Has made safety and health an integral part of the company's training and employee awareness programs.
6. Has had the effectiveness of the safety and health program confirmed by a site visit. The contractor and its employees are not only operating safely but can serve as a model for other contractors and their employees.
7. Agree to provide injury, **illness**, accident records **and employment data** to the designated administrator of the partnership. **The administrator will then provide this information to the St. Louis Area Office.**

8. Avail themselves to the free Missouri 21(d) state consultation service for one jobsite.
9. Must pass an on-site inspection by their organization (see Safety Program Criteria A. 7).
10. Membership will be established when all criteria is satisfied as determined by a third party consultant, an OSHA representative and the Executive Director of the Mason Contractors Association.
11. Verification inspections will be **conducted** in accordance with the Field Inspection Reference Manual (reference OSHA Instruction CPL 2-103) and the focused inspection policy covering the focused four construction hazards of falls, struck by, crushed by and electrocutions (outlined in OSHA Memorandum for James W. Stanley, Deputy Assistant Secretary, August 22, 1994 and revised September 20, 1995).
12. A minimum of two **OSHA** verification inspections will be conducted among all participants annually. In the event that less than two inspections have been conducted, the necessary number of jobsites (one or two) from participating contractors will be selected at random for verification inspection.

Safety Program Criteria

The criteria for a sound company safety and health program will include the following:

- A. Management Commitment and Employee Participation:
 1. A written safety and health program that addresses recognized hazards.
 2. Training that includes safety and health awareness.
 3. Employee participation in company safety and health programs.
 4. Annual safety and health program review.
 5. Compliance with the occupational safety and health standards promulgated by OSHA.
 6. Implement a company-wide 6' fall protection policy
 7. Designation of an individual by the involved organizations to conduct at least 2 jobsite visits **of each contractor** for quality control:
 - a. The individual selected shall have completed, as a minimum, the OSHA 10-Hour Construction Safety and Health Training Course or equivalent training within three (3) years immediately prior to appointment.
 - b. The individual appointed shall have at least five (5) years of construction experience, or a combination of five (5) years of experience and formal education as deemed appropriate for the size and job hazards encountered by the contractor.
 - c. The individual appointed shall have line authority from contractor top management to order or otherwise direct field supervisory personnel/field employees to take prompt corrective measures to eliminate recognized safety and health hazards.
 - d. The individual selected shall periodically conduct safety and health audits, depending on the hazards involved that address at a minimum fall hazards.

8. **It is the** responsibility of each contractor on a project **to** enforce of its own safety and health program.
 - a. Each contractor shall establish disciplinary rules that include discharge for willful or repeated safety violations, and may include lesser forms of discipline for less serious types of violations.
 - b. A contractor who is party to a collective bargaining agreement containing an established grievance procedure may utilize such procedure for enforcement of its disciplinary rules.
9. Participation in a substance abuse program according to mutually agreed guidelines.
10. Any and all contractors **participating in this partnership** must agree to **these** guidelines.

B. Job-Site Analysis:

1. Job-site systems to recognize and abate hazards in a timely manner, with particular attention to:
 - fall hazards
 - electrocutions
 - caught-between and struck-by injuries
 - trenching and excavation operations
2. Regular job-site safety inspections by line supervisors.
3. Job-site accountability for safety program enforcement.

C. Hazard Prevention and Control:

1. Regular investigation of accidents and serious "near miss" events to determine their causes.
2. Control of hazards through engineering controls, administrative and work practice controls or the use of PPE as required.

D. Training:

1. Job site supervisors and foreman shall have attended the OSHA 10-Hour Construction Safety and Health Training Course, or equivalent training, within the past three (3) years. Equivalent training would include instructions pertaining to accident prevention and investigation that have been tailored to the scope of the supervisor or foreman's duties.
2. Employee safety training programs at all levels of the company.
3. Programs to make workers aware of potential health exposures.

Partnership Incentives

Partnering contractors shall be removed from OSHA programmed inspection lists for a 12-month period following the successful completion of an **OSHA** verification inspection.

1. An OSHA inspection resulting from a **National or** Local Emphasis Program or a programmed inspection shall serve as a verification inspection. The contractor will have successfully completed the inspection when no willful, serious, or repeat citations are issued.

2. In the event that an OSHA verification inspection does reveal willful, serious, or repeat violations, the inspection will not be considered successful. The partnering contractor will remain subject to OSHA inspections. **Under this circumstance**, the OSHA Area Director may also remove the contractor from the partnership program. The contractor will be eligible for reinstatement to the partnership program in twelve months.

Contractors Participating in the MCA/OSHA Partnership:

- A. Will not be subject to OSHA inspections except as follows;
 - 1. OSHA receives a report of an imminent danger situation or a formal written complaint filed by a current employee or employee representative.
 - 2. A fatality/catastrophe as defined in the OSHA FIRM (CPL 2.103) occurs.
 - 3. During OSHA verification visits set forth in the Partnership Incentives Section.
- B. Will not be included in OSHA inspections of non-partnership employers unless the inspector observes that, as a result of partnership contractor actions, employees are exposed to hazards listed in the purpose section of this agreement **or other serious hazards**.
- C. Will receive no penalties for **other-than**-serious violations from OSHA, provided that the violation is abated within **the** prescribed period of time. The contractor reserves the right to request a informal conference and formally contest any alleged OSHA violation/citation.
- D. Will receive maximum reductions allowed **by the OSHA FIRM** for good faith, size and history for penalties assessed for serious OSHA violations
- E. May receive incentives from owners and respective insurance companies/contractors/unions and recognition from affiliates of the partnership program.

Outreach Programs

- A. One of the core benefits of the Partnership Program will be to develop contractors who can serve as models for others to emulate. The program will include the development of criteria for a "model" company; and those companies that qualify will be asked to mentor smaller contractors, or contractors with less effective safety and health programs. The respective contractor association and unions participating in the partnership can also provide such mentoring services.
- B. This mentoring can take several forms:
 - 1. Structured programs created within the scope of ongoing contractor association/apprenticeship/union safety and health education;
 - 2. Programs developed for presentation at the MCA monthly meeting; and
 - 3. Instruction offered in conjunction with apprentice/journeyman union training programs, and other training programs.

Measuring the Program's Success

- A. The success of this program will be jointly evaluated by the partnership administrator and OSHA’s St. Louis Area Office based on the following four measures:
 - 1. Injury/Illness Incidence rates (OSHA 200/300 and employment data) as well as near misses of participating contractors on a quarterly basis will be collected and provided to OSHA.
 - 2. Surveys of participating contractors and their employees annually.
 - 3. Downward trend in injuries due to falls and reduced near misses.
 - 4. Data will be provided for previous 3 years to determine a baseline using days away, restricted or transferred. (DART).

Implementation

- A. This partnership may be terminated by any of the participating organization with a sixty-day notice.
- B. The date of this MCA/OSHA partnership is _____, 2003 and will be effective in sixty days. The partnership will remain in effect for three years from the effective date.
- C. Contractors seeking participation in this partnership program have read this partnership agreement in full and signify agreement to all the requirements herein upon application to the Mason Contractors Association and the St. Louis Area Office-OSHA Partnership Agreement.

Bill McDonald, Area Director, OSHA

John Smith, President, Mason Contractors Association

Dave Gillick, Executive Director, Mason Contractors Association

Don Brown, Business Manager, Bricklayers' Local # 1 of Missouri

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