



# OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER: CSP 03-02-003**

**EFFECTIVE DATE: November 06, 2013**

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**SUBJECT:**

OSHA Strategic Partnership Program for Worker Safety and Health

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## ABSTRACT

**Purpose:** This instruction describes and implements revisions to the OSHA Strategic Partnership Program for Worker Safety and Health (OSPP) and describes Agency procedures for implementing this program.

**Scope:** OSHA-wide.

**References:** Occupational Safety and Health Act of 1970, 29 USC 651

OSHA Instruction CPL 02-00-150, *Field Operations Manual (FOM)*, April 22, 2011

CSP 03-02-002, *OSHA Strategic Partnership Program for Worker Safety and Health*, December 9, 2004 (effective February 10, 2005)

CPL 02-13-01, *Site-Specific Targeting 2012 (SST-12)*, Effective, January 4, 2013

DOL Strategic Plan (2011 to 2016)

**Cancellations:** This Instruction cancels OSHA Instruction CSP 03-02-002, OSHA Strategic Partnership Program for Worker Safety and Health, effective February 10, 2005

OSPP Policy Memorandum #1: Removal and Clarification of OSPP Benefits that Impact the Agency's Enforcement Program, dated July 27, 2012

Memorandum, Dated June 1, 2006, "Clarification of Verification and Exemption Policies for OSPP Construction Participants"

**State Impact:** This instruction describes a Federal Program Change for which State adoption is not required.

**Action Offices:** National, Regional, and Area Offices.

**Originating Office:** Directorate of Cooperative and State Programs

**Contact:** Office of Partnerships and Recognition  
Directorate of Cooperative and State Programs  
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By and Under the Authority of

David Michaels, PhD MPH  
Assistant Secretary

## Executive Summary

This instruction describes and implements revisions to the OSHA Strategic Partnership Program for Worker Safety and Health (OSPP) and sets forth procedures to implement this program. It includes the policies and management of the program, and procedures and guidelines for the development, approval, and operation of individual OSHA Strategic Partnerships (OSPs).

## Significant Changes

- A. OSP agreements signed or renewed after July 27, 2012 may not contain reference to “enforcement incentives.” New or renewed OSP agreements may not include deferrals and deletions from routine programmed inspections outside the scope of those provided to any employer who receives an enforcement inspection.
- B. The term “benefits” is changed to “incentives.”
- C. OSHA removed language allowing for an additional 10% good faith penalty reduction for OSP employers who have established safety and health management systems (SHMS). This policy was amended in October 2010 pursuant to a revised penalty policy issued by then-Acting Assistant Secretary Jordan Barab.
- D. OSHA provided clarification for the use of the “phone & fax” procedures to handle some investigations. Area Offices may not expand the scope of the “phone & fax” investigation process beyond what is allowed by reference in the Field Operations Manual (FOM).
- E. OSHA added language on SHMS and worker involvement. These are two new required elements of all OSP agreements. With the addition of these two elements, the number of required core elements for all OSP agreements increased from eleven to thirteen
- F. Removes the requirement for approval of Regional OSPs by the Office of the Assistant Secretary. An OSP developed at the Regional Office level, whether it covers a geographical area within one Region or in multiple Regions, is reviewed by the appropriate National Office Directorate(s) and by the Director of the Directorate of Cooperative and State Programs (DCSP), with consultation from the national Office of the Solicitor as needed.
- G. To comply with the Paperwork Reduction Act (PRA) of 1995, OSHA must document the public reporting burden imposed by the information collection requirements of an OSP and must inform participants of that burden. In the past the reporting requirements were much more rigorous. In 2012, the Office of Management and Budget (OMB) granted OSHA a generic approval to collect

information for all OSP agreements. This information is no longer required to be submitted to OMB individually for each OSP.

OSPs active on or before July 27, 2012 need not amend their agreements. OSPs established or renewed after that date must meet the Directive requirements at the time of OSP approval or renewal.

This instruction becomes effective on the day of issue.

## Contents

I.	Purpose .....	1
II.	Scope.....	1
III.	References.....	1
IV.	Cancellations.....	2
V.	Action Offices .....	2
A.	Responsible Office .....	2
B.	Action Offices.....	3
C.	Information Offices .....	3
VI.	State Plan Impact .....	3
VII.	Significant Changes .....	3
VIII.	Definitions.....	4
IX.	Background.....	5
X.	Distinguishing OSPs from Other OSHA Programs/Activities .....	6
A.	Enforcement Initiatives.....	6
B.	OSHA Cooperative Programs.....	6
C.	Other Cooperative Initiatives/Activities .....	6
D.	Voluntary Protection Programs (VPP) and Safety and Health Achievement Recognition Program (SHARP).....	6
XI.	Program Roles and Responsibilities.....	7
A.	Directorate of Cooperative and State Programs (DCSP).....	7
B.	National Office Directorates, Regional Offices, and Area Offices .....	8
C.	OSHA Primary Contact .....	8
D.	The Partners.....	9
XII.	OSPP Requirements.....	10
A.	Amended Policy .....	10
B.	Required Core Elements of the OSP Agreement .....	
1.	Identification of Partners.....	11
2.	Purpose/Scope .....	11
3.	Goals/Strategies.....	11
4.	Safety and Health Management System: .....	11
5.	Worker Involvement .....	11
6.	Performance Measures .....	12
7.	Annual Evaluation.....	12
8.	OSHA Verifications .....	12
9.	Incentives .....	12
10.	OSP Management and Operation .....	12
11.	Worker and Employer Rights.....	12
12.	OSP Term.....	13
13.	Signatures.....	13
C.	OSP Management and Operation .....	13
D.	Performance of the OSHA Verifications of the OSP Partner .....	14
E.	OSP Approval Requirements.....	14
F.	Safety and Health Management Systems (SHMS).....	15
G.	Worker Involvement and Worker Rights.....	16
1.	Skills.....	16
2.	Union Worksites.....	16
3.	Non-Union Worksites .....	16
4.	Involvement at the Worksite .....	16
5.	Examples of Worker Involvement.....	16
6.	Worker Rights .....	17

H.	OSPP Outreach and Promotion .....	17
XIII.	Verifications.....	18
XIV.	Incentives .....	19
A.	OSHA Non-Enforcement Incentives.....	19
B.	OSHA Enforcement Incentives.....	20
C.	Programmed Inspection with a Limited Scope. Non-Construction.....	20
D.	Programmed Inspection with a Limited Scope. Construction.....	21
E.	Non-OSHA Incentives.....	21
F.	Other Incentives.....	21

APPENDICIES

A.	OSHA Strategic Partnership Agreements Required Core Elements .....	22
B.	Performance Measures.....	25
C.	OSHA Strategic Partnership Program (OSPP) Annual Partnership Activities Report and Evaluation.....	35
D.	Paperwork Reduction Act Requirements .....	43
E.	Guidance On Worker Involvement.....	46

## I. Purpose

The OSHA Strategic Partnership Program (OSPP) for Worker Safety and Health, created by OSHA on November 13, 1998 was designed to broaden the impact of cooperative programs on worker safety and health by reaching out to groups of employers, workers, and labor organizations to encourage, assist, and recognize their efforts to eliminate serious hazards and to achieve a high level of worker safety and health. Experience has validated the significant value of the OSPP's collaborative approach, generated considerable public interest and support, shown some notable success, and also revealed the need for certain changes and improvements. Therefore, OSHA is issuing this instruction to update the policy for the development, approval, and operation of individual OSPs, as well as to provide guidelines for the ongoing management of the overall program.

This instruction states the Agency's general policy for OSPs but does not bind the Agency to approve or disapprove any particular proposed OSP agreement. Nor does it limit the Agency's discretion to enter into cooperative agreements that are not OSPs and do not meet the criteria listed within this instruction. This instruction is intended for the internal management of the government and does not create any rights, obligations, or duties on private parties, nor is it intended to create any right to judicial review.

## II. Scope

This instruction applies OSHA-wide.

## III. References

- A. Occupational Safety and Health Act of 1970, 29 USC 651
- B. Basic Program Elements for Federal Employees OSHA, 29 CFR 1960  
[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=11262](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=11262)
- C. Safety and Health Program Management Guidelines; FRN 54:3904-3916, January 26, 1989,  
[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_id=12909&p\\_table=FEDEERAL\\_REGISTER](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=12909&p_table=FEDEERAL_REGISTER)
- D. CPL 02-13-01 (CPL 02), Site-Specific Targeting 2012 (SST-12), effective January 4, 2013
- E. DOL Strategic Plan (2011 to 2016)

- F. Paperwork Reduction Act of 1995 (PRA OMB Control No. 1218-0244, June 2012
- G. CPL 02-00-025I, Scheduling System for Programmed Inspections, January 4, 1995  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=1594](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1594)
- H. Inspection Scheduling for Construction , July 14, 2006  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=3409](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3409)
- I. OSHA’s “focused inspection” policy, 1994 memo from then-Deputy Assistant Secretary James Stanley  
[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=21584](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21584)
- J. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011

#### IV. Cancellations

- A. This Instruction cancels its predecessor, OSHA Instruction CSP 03-02-002, OSHA Strategic Partnership Program for Worker Safety and Health, effective February 10, 2005.
- B. OSPP Policy Memorandum #1: Removal and Clarification of OSPP Benefits that Impact the Agency’s Enforcement Program dated July 27, 2012. This Directive supersedes policy changes initiated by this memorandum.
- C. Memorandum, Dated June 1, 2006, “Clarification of Verification and Exemption Policies for OSPP Construction Participants.” This Instruction supersedes policy clarifications contained in this memorandum.

#### V. Action Offices

##### A. Responsible Office

The Directorate of Cooperative and State Programs (DCSP), through its Office of Partnerships and Recognition (OPR), coordinates the development of OSPP policy, manages selected individual OSPs, oversees the overall program, and advises the Assistant Secretary concerning OSPP issues.



B. Action Offices

All National Office Directorates and Offices, Regional Offices, and Area Offices involved in the design, approval, and implementation of OSPs must adhere to these instructions.

C. Information Offices

Regional Administrators (RAs) will ensure that the information contained herein is transmitted to all State Plan designees and OSHA Consultation Projects.

VI. State Plan Impact

This Instruction describes a Federal Program Change for which State Plan adoption is encouraged, but not required. State Plan notice of intent is required. State Plans adopting a partnership program are encouraged to use the OSPP elements described herein when formulating their partnership program. If a State Plan adopts a partnership program that differs from OSHA's, the program must not negatively impact the State Plan's enforcement program in a manner that causes it to no longer be at least as effective as OSHA's enforcement program.

Within 60 days of the date of issuance of this Directive, State Plans must submit a notice of intent indicating if the State Plan has or will adopt policies and procedures for a partnership program, and if so, whether the State Plan's policies and procedures are or will be identical to or different from the federal program. If the State Plan indicates that it will adopt a partnership program, either identically or different, adoption should occur within 6 months. If adopting identically, the State Plan must provide the date of adoption to OSHA within 60 days of adoption. If the State Plan adopts or maintains a partnership program that differs from the federal program described in this instruction, the State Plan must either post its different policies on its State Plan website and provide a link to OSHA or provide OSHA with information on how the public may obtain a copy. This action must occur within 60 days of the date of adoption. OSHA will post summary information of the State Plan responses to this instruction on its website.

VII. Significant Changes

- A. OSP agreements signed or renewed after July 27, 2012 may not contain reference to "enforcement incentives." New or renewed OSP agreements may not include deferrals and deletions from routine programmed inspections outside the scope of those provided to any employer who receives an enforcement inspection.
- B. The term "benefits" is changed to "incentives."
- C. OSHA removed language allowing for an additional 10% good faith penalty reduction for OSP employers who have established safety and health management

systems (SHMS). This policy was amended in October 2010 pursuant to a revised penalty policy issued by then-Acting Assistant Secretary Jordan Barab.

- D. OSHA provided clarification for the use of the “phone & fax” procedures to handle some investigations. Area Offices may not expand the scope of the “phone & fax” investigation process beyond what is allowed by reference in the Field Operations Manual (FOM).
- E. OSHA added language on SHMS and worker involvement. These are two new required elements of all OSP agreements. With the addition of these two elements, the number of required core elements for all OSP agreements increased from eleven to thirteen
- F. Removes the requirement for approval of Regional OSPs by the Office of the Assistant Secretary. An OSP developed at the Regional Office level, whether it covers a geographical area within one Region or in multiple Regions, is reviewed by the appropriate National Office Directorate(s) and by the Director of the Directorate of Cooperative and State Programs (DCSP), with consultation from the national Office of the Solicitor as needed.
- G. To comply with the Paperwork Reduction Act (PRA) of 1995, OSHA must document the public reporting burden imposed by the information collection requirements of an OSP and must inform participants of that burden. In the past the reporting requirements were much more rigorous. In 2012, the Office of Management and Budget (OMB) granted OSHA a generic approval to collect information for all OSP agreements. This information is no longer required to be submitted to OMB individually for each OSP.

## VIII. Definitions

- A. *Annual Evaluation.* A yearly self-assessment to gauge the effectiveness of each OSP. This assessment is conducted using the standardized OSPP Annual Partnership Activities Report and Evaluation, which contains the minimum data necessary to evaluate the effectiveness of an OSP agreement (see Appendix C).
- B. *OSHA Strategic Partnership (OSP).* An OSP is an extended, voluntary, cooperative relationship between OSHA and groups of employers (or a single employer), workers, worker representatives, and/or other interested stakeholders designed to encourage, assist, and recognize efforts to eliminate serious hazards. OSPs are available to all private sector industries and government agencies where OSHA has jurisdiction. OSPs may be designed to address all hazards at a partner's worksite or one or more discrete hazards of particular concern. An OSP

can assist partners in the reduction of injuries and illnesses through the long-term development of effective SHMS that address hazards in accord with the Occupational Safety and Health Act of 1970 (the OSH Act). OSPs are formalized through written agreements that last for a specified period of time. All the elements identified in Section XII.B. of this Instruction must be addressed in the OSP agreement.

- C. *Safety and Health Management Systems (SHMS)*. Effective workplace SHMS are self-sustaining systems encompassing four main areas: management leadership and worker involvement; worksite analysis; hazard prevention and control; and safety and health training.
- D. *Programmed Inspection*. Enforcement inspections of worksites that have been scheduled based upon objective or neutral selection criteria. These worksites are selected according to national or local scheduling plans for safety and health or for special emphasis programs.

## IX. Background

The OSPP is a federal initiative that seeks to reduce occupational fatalities, injuries, and illnesses as well as to improve worker protections by engaging employer groups, individual employers, workers, labor organizations, and others in formal, cooperative relationships with OSHA to carry out the purposes of the OSH Act. The program was created by OSHA on November 13, 1998, with the goal of encouraging, assisting, and recognizing the efforts of partnering employers, workers, and stakeholders in their efforts to eliminate serious hazards and to achieve a high level of worker safety and health. The program was built on:

- A. Encouraging and promoting the lessons learned and successes of site-based, cooperative programs, such as the OSHA On-site Consultation Program and the Voluntary Protection Programs, to larger and diverse groups and businesses.
- B. Strategies for building relationships and managing individual OSPs and the overall program effort.
- C. Development and continued improvement of the partners' workplace SHMS.
- D. Having a measurable, positive impact on the workplace by preventing or reducing occupational fatalities, injuries, and illnesses. OSPs do this in a variety of ways; for example, they may:
  - 1. Help participants establish an effective SHMS.
  - 2. Train managers and workers on the hazards common to their industry,

recognition of actual hazards at their worksite, and ways to eliminate or control these hazards.

3. Create ways to share expertise and other resources among participating partners and others.
  4. Establish goals and measures to evaluate program impacts on the reduction of workplace illness and injury rates.
  5. Promote an atmosphere that will encourage workers to exercise their rights under the OSH Act.
- E. Supporting the goals of the current DOL Strategic Plan, making the best use of Agency resources, leveraging stakeholder resources, and impacting a large number of workers.

## X. Distinguishing OSPs from Other OSHA Programs/Activities

### A. Enforcement Initiatives

OSHA's Local and National Emphasis Programs, programmed inspection plans, and other enforcement activities are not OSPs and will not be reported or counted as such. OSPs are purely voluntary activities that are developed and operated jointly and cooperatively by OSHA and its partners.

### B. OSHA Cooperative Programs

OSHA recognizes that its other cooperative programs (e.g., Voluntary Protection Programs, On-site Consultation Program, and Alliances) are valuable and desirable activities. The OSPP is designed to complement these programs and to give private sector and federal agencies increased opportunities to participate in these innovative programs and to find prudent solutions to our nation's worker safety and health issues.

### C. Other Cooperative Initiatives/Activities

OSHA participates in a number of other voluntary activities and many forms of compliance assistance involving employers, workers, worker representatives, and other stakeholders, including: conducting training at the request of a local labor union or employer group; providing technical assistance at the request of an employer; and taking part in safety and health forums with industry representatives.

### D. Voluntary Protection Programs (VPP) and Safety and Health Achievement

## Recognition Program (SHARP)

OSHA offers the VPP and SHARP to employers who qualify for these site-based recognition programs.

## XI. Program Roles and Responsibilities

### A. Directorate of Cooperative and State Programs (DCSP)

DCSP is responsible for overall program management. Specific duties include:

1. Maintaining a record file for each OSP, to include a copy of the signed agreement, any and all evaluations, correspondence, and other supporting documentation as needed.
2. Collecting, analyzing, and managing data gathered for annual OSP evaluations.
3. Maintaining and reporting statistics as well as analyzing results in light of the OSP's goals as well as the goals of OSHA's Assistant Secretary, the Secretary of Labor, and the Department's current Strategic Plan.
4. Coordinating with the Directorate of Administrative Programs to integrate OSP information and data into OSHA's data management systems.
5. Extracting lessons learned from OSPP experience and individual evaluations, enabling OSHA to continuously improve the program.
6. Providing technical and program support for other National Office Directorates and Regional and Area Offices to facilitate development of new OSPs, as well as providing guidance on existing OSPP management.
7. Ensuring regular communication with and between Regional OSP Coordinators through regular conference calls.
8. Communicating successes to both the field and the public, and promoting the OSPP nationally.
9. Coordinating outreach efforts with the Office of Communications.
10. Developing and delivering training and materials for OSHA personnel and other interested parties on how to develop, promote, and manage OSPs.
11. Composing, reviewing, and maintaining all OSPP information on OSHA's

public web pages.

12. Playing a key role in developing strategies for program evolution, impact, and recognition of partners.

B. National Office Directorates, Regional Offices, and Area Offices

Each Directorate or Office plays a key role in supporting the OSPP, including the following activities:

1. Working toward meeting goals set by the Assistant Secretary in the current DOL Strategic Plan regarding OSPP development and management.
2. Maintaining files for each OSP originating in that Directorate or Office.
3. Ensuring timely communication with DCSP and other affected Offices and Directorates regarding OSP exploration, development, tracking, and evaluation.
4. Identifying OSHA staff to act as a Primary Contact for individual OSPs to coordinate overall OSPP activity within the Directorate or Office (see responsibilities below in Section XI.C).
5. Ensuring adequate review of OSPs prior to signature, including review and coordination by the Office of the Solicitor.
6. Reviewing each OSP on an annual basis and preparing an annual evaluation to ensure it operates effectively, shows meaningful measurement of goals, and has a positive impact on worker safety and health (see Appendix A, Section E). Preparing the annual evaluation is a collaborative effort between the originating party and the partners.
7. Allowing adequate resources, based on each OSP commitment, to enable OSHA to conduct OSP related activity, including regular communication with the partners.
8. Recognizing and promoting OSP success and activity, such as issuing news releases.

C. OSHA Primary Contact

OSHA has a substantial stake in ensuring that each OSP operates efficiently and

effectively. Therefore, the originating Office or Directorate will designate a Primary Contact for each OSP. The Primary Contact will perform a variety of activities, including:

1. Communicating regularly with person(s) responsible for day-to-day management of the OSP to stay abreast of all significant OSP activities and issues.
2. Maintaining documents in the OSP working file.
3. Communicating regularly with others in OSHA, as appropriate; for example:
  - a. Keeping the Regional OSP Coordinators apprised of OSP developments.
  - b. Responding to requests for information from DCSP.
4. Ensuring that OSHA conducts required verification of partnering worksites and properly reports these tracked activities in the appropriate Agency data management systems.
5. Ensuring that OSHA carries out its responsibilities -- for example, that the Agency offers or provides any technical assistance to its partners in a manner that takes into account the needs of the participants and the need to leverage resources.
6. Ensuring that DCSP, and others within OSHA as appropriate, are informed of significant events at OSP sites, e.g., fatalities, catastrophes, and whistleblower complaints.
7. Ensuring that the OSP's written annual evaluation is complete and provided to DCSP in a timely manner.
8. Tracking the progress of the OSP toward the accomplishment of the established goals.
9. Facilitating and participating in recognition ceremonies and other activities intended to highlight the OSP's efforts and success.

D. The Partners

Each OSP partner plays a key role in implementing the OSPP, including the following activities:

1. Compiling their injury and illness data and providing it on a timely basis to OSHA for OSP verification and the annual evaluation.
2. Working with OSHA on any on-site OSP activities.
3. Collaborating on the development of the OSP annual evaluation.
4. Fulfilling the roles and responsibilities agreed to during the OSP development and detailed in the OSP agreement.

## XII. OSPP Requirements

### A. Amended Policy

Employers who partner with OSHA in OSPs developed or renewed after July 27, 2012 will be eligible for any and all incentives available to any employer who is inspected by OSHA. These incentives are detailed in the most current version of OSHA's Site-Specific Targeting (SST) Directive as well as in OSHA's FOM.

1. For construction worksites, OSHA's "focused inspection" policy remains in effect (see 1994 memo signed by then-Deputy Assistant Secretary James Stanley);
2. For non-construction worksites, a national OSP agreement that includes worker participation may include an incentive for limited scope inspections where it can be clearly demonstrated to result in a more effective partnership. Such an OSP must be approved by the Assistant Secretary in advance of the OSP agreement's development.
3. Grace period for pre-existing OSPs. OSPs established before July 27, 2012 may maintain all their existing enforcement incentives until the expiration/renewal date of the OSP.
4. OSPs established after July 27, 2012 and any OSPs renewing their agreements must meet the criteria in this Instruction at the time of approval or renewal, respectively.

### B. Required Core Elements of the OSP Agreement

All OSP agreements must be in writing. When OSHA approves an OSP and the partners sign the agreement, the Regional Office will immediately provide a copy of the final agreement, including the signature page, to DCSP. The Regional



Office will also provide a courtesy copy to other affected National Office Directorates, as appropriate. Although the particular structure and degree of formality of the OSP agreement is left to the discretion of the originating office and its partners, the OSP written agreement must contain the core elements described below. A detailed discussion of mandatory provisions is provided in Appendix A: OSHA Strategic Partnership Agreements Required Core Elements

1. *Identification of Partners*

The agreement should identify all partners and the geographic or organizational boundaries of the OSP. During early development discussions, OSP developers should identify all appropriate partners and seek to involve additional willing stakeholders, both national and local, whose input and participation could further the goals of the program. Contacting other OSHA offices may help identify important stakeholders.

2. *Purpose/Scope*

State the purpose of the OSP and the scope of the agreement. Clearly define the aim of the OSP through a careful analysis of the issue(s).

3. *Goals/Strategies*

Identify the safety and health issues the OSP is intended to address and measures to gauge success. Clearly define goals that support the purpose and the desired outcome of the OSP. State strategies that describe how to accomplish the goal and reach the desired outcome. (See Appendix B for additional guidance.)

4. *Safety and Health Management System*

Employers participating in OSP must have or agree to implement in the near future an effective site-based SHMS. Experience has shown that worker involvement is an essential component of any effective SHMS. A partnering employer must commit to worker involvement in the OSP and their SHMS. (See Appendix E for additional information.)

5. *Worker Involvement*

Experience has shown that worker involvement is an essential component of any effective SHMS. Partnering employers must commit to incorporating a high level of worker involvement into their SHMS. (See Appendix E for additional information.) The OSP agreement must detail

how workers and/or their representatives will be involved in the OSP.

6. *Performance Measures*

Effective quantitative and qualitative performance measures linked to OSP goals must be identified in the OSP agreement. Performance measures are important tools that indicate the progress made towards achieving program goals. (See Appendix B for additional guidance.)

7. *Annual Evaluation*

OSP agreements must provide details on conducting the annual evaluation including identifying responsible parties that will gather data and ensure accurate and timely completion of the report. The OSP annual evaluation is a collaborative effort between OSHA and the partners. The Annual Evaluation Template (Appendix C) is a standardized format designed to improve efficiency, simplify the data collection process, and enhance OSHA's ability to report results. Include measures collected and reported by the OSP in the evaluation even if they are not listed in the template.

8. *OSHA Verifications*

OSHA will verify that OSP participants are upholding their responsibilities under the agreement.

9. *Incentives*

OSHA incentives are a valuable component of OSPs that draw interest and provide appropriate positive treatment based on the partner's undertakings. The OSP agreement must describe the selected incentives, if any, upon which OSHA and the partners agree. Incentives offered by OSHA include outreach, information, training, and technical assistance.

10. *OSP Management and Operation*

The agreement must provide details about the responsibilities for the management and operation of the OSP. The roles/responsibilities of each partner must be specified, including a statement of the contribution that each partner will provide.

11. *Worker and Employer Rights*

Standard language ensuring legal rights must be stated in all OSP agreements: "This partnership does not preclude workers and/or employers

from exercising any right provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with the Act."

12. OSP Term

The agreement must specify the expected duration of the OSP and any conditions under which the OSP will be terminated. Typically, the term of an OSP agreement is three to five years. (See Appendix A for examples of standard termination statements.)

13. Signatures

The primary parties must sign and date the OSP agreement to confirm their commitment to the partnership and all requirements and other provisions contained in the agreement. If all OSP signatories are not present at the signing ceremony, the original agreement can be circulated via mail for signature. The OSHA official from the OSP originating office is the last person to sign the agreement; the OSP becomes effective on that date.

C. OSP Management and Operation

A systematic approach to the management and operation of an OSP will help ensure that partners accomplish the activities critical to OSP success and fulfill their agreed-upon responsibilities. Successful OSPs have the following management and operational components:

1. Clearly delineated roles and responsibilities of the partners.
2. Effective communication and involvement of all affected parties.
3. Regularly scheduled communication with all partners. Conference calls should be held on a quarterly basis at a minimum, and a face-to-face meeting of OSP partners should be conducted on an annual basis as resources permit.
4. Establishment of specific criteria to evaluate each participating partner and well-defined conditions to terminate the OSP agreement.
5. Commitment to incorporating worker involvement in the management and operation of their SHMS. (See Appendix E for additional information.)

6. Proper maintenance of records and information in the OSP working file.  
Note: Records voluntarily submitted to OSHA by partnership participants can be expected to contain confidential commercial information not customarily made public by the submitter.

D. Performance of the OSHA Verifications of the OSP Partner

The Agency and OSP partner agree to conduct off-site verification, on-site non-enforcement verification, or on-site enforcement verification. The types of verifications are defined in Appendix A, Section I. Well-defined verification procedures (e.g., nature, frequency, and schedule) should be developed based on the goals and performance measures. OSHA verification must be conducted as defined in the OSP agreement and sufficiently evaluate whether a partner is meeting the necessary obligations under the agreement. The following criteria are among those that should be evaluated to determine whether a partner is meeting its obligations under the agreement.

1. Collection of the data as identified in the OSP agreement, timely data submission, and use of data in the preparation of an annual evaluation.
2. Collaboration in the development of the annual evaluation.
3. Worker involvement in the management and operation of their SHMS.
4. Worker involvement in the OSP.

E. OSP Approval Requirements

All proposed OSP agreements must be reviewed and approved at the next higher OSHA organizational level before implementation.

1. *National Office Level*

An OSP developed at the National Office level is reviewed by the applicable National Office Directorate(s) -- for example, the Directorate of Enforcement Programs (DEP) and the Directorate of Construction (DOC) and by the DCSP Director. Approval is required from the Office of the Assistant Secretary with consultation from the national Office of the Solicitor.

2. Regional Office Level

An OSP developed at the Regional Office level, whether it covers a geographical area within one Region or multiple Regions, is reviewed by the appropriate National Office Directorate(s) and by the DCSP Director, with consultation from the national Office of the Solicitor as needed.

3. Area Office Level:

An OSP developed at the Area Office level is reviewed and approved by the Regional Administrator with consultation from the Office of the Regional Solicitor.

4. Solicitor Review

To ensure that the appropriate Solicitor has opportunity to review the proposed agreement and provide consultation, the Solicitor is given at least ten (10) business days advance notice prior to any approval decision. In addition to a copy of the OSP agreement, the Solicitor will be provided a copy of this Instruction to assist in the review of the draft OSP.

5. OSP Signing Notice

Any Office or Directorate within OSHA originating an OSP should provide DCSP advance notice (preferably four weeks) of the anticipated OSP signing.

6. Consulting Affected Parties

OSP developers should consult with appropriate OSHA Offices and Directorates before submitting a proposed OSP agreement for approval.

F. Safety and Health Management Systems (SHMS)

1. Effective workplace SHMS are self-sustaining systems that encompass management leadership, worker involvement, worksite analysis, hazard prevention and control, safety and health training, and evaluation.
2. Employers participating in OSPs must have now or agree to implement in the near future effective site-based SHMS. These programs should be based on OSHA's 1989 Safety and Health Program Management Guidelines whenever feasible. Any alternative SHMS that differs significantly from OSHA's 1989 Guidelines must be carefully considered and thoroughly described in the Partnership proposal.

## G. Worker Involvement and Worker Rights

### 1. Skills

Workers can bring valuable skills and perspective to the development stage of a partnership. Worker involvement in the OSP development is encouraged. Partners should make efforts to incorporate worker involvement in the OSP development process as early as possible. Worker involvement in the day-to-day implementation of worksite SHMS and other OSP activities is required.

### 2. Union Worksites

For an OSP that includes the participation of unionized worksites, all affected unions must be supportive for the partnership to go forward. The level at which the union is involved, i.e., local, international, or both, will depend on the scope and nature of the partnership. When workers are represented by labor organizations, union representatives at either the local or international level must be signatories to the OSP agreement or, alternatively, must indicate their willingness for the partnership to proceed but waive their opportunity to be signatory.

### 3. Non-Union Worksites

For non-union worksites, involving workers at the outset in the development of the partnership is encouraged. Evidence of worker involvement is required.

### 4. Involvement at the Worksite

Partnering employers must commit to incorporating a high level of worker involvement into the OSP and their SHMS. The degree and quality of such involvement must be considered during any onsite inspections and as part of the periodic worksite safety and health program evaluations expected of all participating sites.

### 5. Examples of Worker Involvement

Worker involvement may include, but is not limited to:

- a. participating on safety and health committees, joint labor-management committees, and other advisory or specific purpose committees, if otherwise lawful and appropriate;

- b. participating in site inspections, safety and health audits, job hazard analyses, and other types of hazard identification;
- c. developing and using a system for reporting hazards;
- d. developing and revising the site's safety and health rules and safe work practices;
- e. participating on workplace teams charged with identifying root causes of accidents, incidents, or breakdowns;
- f. participating in the development and implementation of controls to eliminate or reduce hazard exposure;
- g. presenting OSP information at safety and health meetings;
- h. delivering training to current and newly-hired workers; and
- i. participating in SHMS reviews.
- j. Participating in OSP conference calls/meetings.

6. Worker Rights

OSPs must explicitly safeguard workers' exercise of their rights under the OSH Act and OSHA regulations and policy.

H. OSPP Outreach and Promotion

- 1. All OSHA personnel involved in the OSPP are expected to encourage interest and involvement in OSPs by communicating the program's goals, methods, and successes.
- 2. With the consent of the partners, the Agency will issue a news release at the startup of each OSP and may issue subsequent news releases to inform the public of noteworthy events and achievements.
- 3. The Regional Office of Public Affairs is responsible for issuing news releases about OSPs originating at the Regional or Area Office levels.
- 4. The Office of Communications, in coordination with the appropriate National Office Directorates, will issue news releases and other types of

announcements to highlight OSPs originating in the National Office.

5. The Office of Communications and DCSP will work together to coordinate OSPP conferences and the promotion of the OSPP at other events in which OSHA participates.
6. OSHA will encourage stakeholders to use other means of communication, such as trade journals, to highlight the value and results of the OSP experience.

### XIII. Verifications

- A. To ensure that employers are upholding their responsibilities under a Partnership, verification procedures -- protocols -- must be written into all OSP agreements and must subsequently be implemented. These protocols must specify:
  1. The number or percentage of employers who will receive OSHA verifications, as determined by the originating office based on its analysis of the particular situation.
  2. The type and scope of the verifications. The three types of verification are off-site verification, on-site non-enforcement verification, or on-site enforcement verification. Verification definitions and details are located in Appendix A, Section I.
  3. Assurance that citations will be issued and penalties assessed for violations of standards, regulations, or the general duty clause found during on-site enforcement verification inspections. An employer's SHMS will not in itself be basis for citation except pursuant to CFR 1926.20, 1926.21, or other specific standards that mandate safety and health programs.
  4. The manner in which workers and/or worker representatives will be involved in verifications. At a minimum, the verification protocols must afford workers all statutory rights pertaining to participation in inspections.
- B. OSPs may use their participants or private consultants to conduct worksite assessments. Such assessments, however, do not take the place of required OSHA verifications. The OSP can also use OSHA's On-site Consultation Program (as appropriate) as an additional option to conduct worksite assessments.
- C. All OSPs must stipulate that partnering employers remain subject to OSHA inspections and investigations in accord with established agency procedures.



- D. It may not be necessary for OSHA to conduct a programmed inspection of a partnering employer if the Agency has conducted a comprehensive, on-site enforcement verification inspection in accord with the approved protocols of the partnership within the last 12 months. The deletion Activity Code O#, which is described in paragraph B.1.b. (1)(b)6 d of OSHA Instruction CPL 02-00-025I, Scheduling System for Programmed Inspections, issued January 4, 1995, shall be used to delete an establishment from the targeting list.
- E. For inspections of construction OSP sites as well as some national non-construction OSPs, certain programmed inspections may be affected by focused inspection provisions offered as an OSHA incentive and detailed in a Partnership's approved verification protocols (see XII.A. above).
- F. If a partnering employer appears on a Special Emphasis Program (SEP) list, i.e., an NEP or LEP list, the inspection will focus on the hazards identified as targets of the SEP, if applicable, as well as any hazards identified as targets of the OSP effort. It is anticipated that, in most instances, the hazards that are the focus of an SEP will parallel or closely relate to the hazards identified as most serious by an OSP.
- G. If a partnering employer is targeted for inspection under a programmed inspection plan that calls for comprehensive inspections, the inspection will be conducted in accord with established agency procedures, will be comprehensive, and will not be affected by focused inspection provisions except as provided for in Section XII.A.

#### XIV. Incentives

##### A. OSHA Non-Enforcement Incentives

Each OSP will list the types of assistance OSHA can offer, including:

1. Outreach, technical assistance, and training.
2. Free on-site services may be provided by OSHA-funded State Consultation Projects to qualifying partners. When the appropriate Consultation Project agrees, an OSP participant may be offered priority consideration for these services.
3. OSHA personnel may be available to OSP participants for a variety of on-site and off-site activities such as SHMS review and assistance to develop or improve them, OSP verifications, and guidance in conducting audits and evaluations.

4. Seminars, workshops, and other speaking events.
5. Availability of informational materials such as safety and health brochures, pamphlets, and electronic tools.
6. OSHA National and Regional offices are also potential sources for technical assistance -- for example, the OSHA Health Response Team and technical experts within the Agency, such as the Directorate of Construction.
7. Partner recognition such as certificates and news releases issued by OSHA, recognition on OSHA's Web page, worksite banners, letters, and plaques are encouraged. Other types of recognition may be offered by the OSP developers and detailed in the OSP agreement.

B. OSHA Enforcement Incentives

1. OSPs may use any and all enforcement incentives allowed to any employer who receives an enforcement inspection. These incentives are detailed in the FOM.
2. Note concerning OSHA Incentives and Programmed Inspections: Within the context of OSPs, the term "programmed inspection" refers to traditional enforcement inspections as described in the FOM and in the SST Directive, i.e., inspection of workplaces that are selected according to national scheduling plans for safety and for health or special emphasis programs. Exemptions from routine programmed inspections are not provided because an employer participates in an OSP. Only active VPP and SHARP sites are eligible for this incentive.
3. New OSPs or those renewed after July 27, 2012 may not include any programmed inspection deferral or deletion provisions outside the scope of those provided to an employer through OSHA's current SST Directive and FOM. Only active VPP and SHARP sites are eligible for this incentive.

C. Programmed Inspection with a Limited Scope. Non-Construction

1. For non-construction worksites partnering in Regional or Area Office level OSPs, OSHA does not offer a limited scope inspection to an establishment operated by an OSPP participating employer.
2. A National OSP agreement that includes worker participation may include a limited scope inspection where it can be clearly demonstrated to result in

a more effective partnership. Any proposed National OSP for non-construction worksites with a provision for a limited scope inspection must be approved by the Assistant Secretary in advance of the OSP agreement's development.

D. Programmed Inspection with a Limited Scope. Construction

For construction worksites, OSHA's "focused inspection" policy remains in effect (see 1994 memo signed by then-Deputy Assistant Secretary James Stanley). This provision is available only where the partner has effective safety and health programs fully compliant with 29 CFR 1926.20 and 29 CFR 1926.21, the effectiveness of these programs is confirmed during the on-site enforcement inspections, and the partner demonstrates adequate control over safety and health for the entire worksite, including work performed by all subcontractors.

E. Non-OSHA Incentives

OSP developers should consider incentives other than those that partners and stakeholders can bring to the OSP effort. Some examples include:

1. An employer group or labor organization may offer workers safety and health training.
2. An insurance company may offer reductions in workers' compensation premiums to employers meeting specific SHMS criteria.

F. Other Incentives

Any incentives not discussed in this section must be described in detail in the proposed OSP agreement and reviewed and approved DEP and/or the DOC, DCSP, and the national Office of the Solicitor. Partnership-developed incentive programs may not provide disincentives to workers for reporting injuries and illnesses and/or actively engaging in safety and health processes.

## APPENDIX A

### OSHA STRATEGIC PARTNERSHIP AGREEMENTS REQUIRED CORE ELEMENTS

OSHA desires to encourage flexibility, creativity, and sensitivity in the OSP development process. There are no standard rules for initiating dialogue to develop effective OSPs. OSHA may initiate discussion with potential partners, or outside parties may approach OSHA to form a partnership. What works for one group of partners may not be appropriate for another, and one OSP's first steps may occur at a different stage than another OSP's. However, OSHA has learned from experience that there are core elements critical for creating well-functioning and ultimately successful OSPs. All OSPs must address these elements and discuss them in the written OSP agreement.

#### **Required Elements:**

##### A. IDENTIFICATION OF PARTNERS

1. During early development discussions, OSP developers should identify all appropriate partners and seek to involve other willing stakeholders, both national and local, whose input and participation could further the goals of the program.
2. Contacting other OSHA Offices or scanning the OSPP web page may help identify important stakeholders. In addition to the OSHA originating office and its primary partners, other potential partners are trade groups, insurance companies, universities and community colleges, local government entities, community healthcare and emergency service providers, professional associations, and other interested stakeholders.
3. OSPs normally involve one or more employers and their workers and/or their representatives and other interested stakeholders.
4. State Consultation Projects can make valuable contributions to many OSPs. Developers are encouraged to involve Consultation personnel at the earliest stages of planning and, as appropriate, during subsequent implementation.
5. Workers can bring valuable skills and perspective to the development and operation of the OSP. Their involvement is recommended in the initial development of the OSP agreement. Worker involvement in the day-to-day implementation of worksite SHMS and other OSP activities is required.

6. The involvement of appropriate OSHA offices, Consultation Projects, and outside stakeholders at the OSP development stage is advisable.

B. PURPOSE/SCOPE

1. The Purpose/Scope of the OSP must be determined during the development stage of the OSP. The OSP agreement must clearly detail what the OSP will accomplish and to what extent.
2. A critical analysis should be performed to identify the purpose of the OSP. This analysis should examine the identified worker safety and health issues and evaluate the most suitable approach for developing an OSP to produce effective solutions. The result should identify how the OSP can most effectively improve the situation.
3. The process should also consider the suitability of the OSP for meeting the requirements and goals for resolving or improving the identified worker safety and health issue/problem.
4. Effective analyses not only rely on statements from the OSP participants and anecdotal experience, but also examine data from various industry sources that can objectively characterize the safety and health issue to be addressed by the OSP.

C. GOALS/STRATEGIES

1. The OSP must identify the major goal(s) of the agreement.
2. Well-defined goals support the purpose and define the expected outcome(s) of the OSP.
3. The strategies should describe the approach for reaching the goals. Effective strategies define the plan or key steps necessary for attaining the goal.
4. The OSP agreement must provide information on the specific tasks/actions or initiatives that will be performed to achieve the stated goals. For each specific task/action or initiative, provide details on the responsible party, the necessary resources, and expected time frames for task completion.

5. An example of a broad goal for an OSP could be: to reduce worker injuries and illnesses. Strategies to achieve this goal could be: implement an effective SHMS; eliminate/control a serious hazard endangering workers. The specific initiatives for each strategy could include tasks/actions such as: perform workplace surveys; conduct worker training; or develop a hazard communication program.

D. SAFETY AND HEALTH MANAGEMENT SYSTEMS

1. Employers participating in an OSP must have or agree to implement in the near future an effective site-based SHMS.
2. SHMS is a method of preventing worker fatalities, injuries, and illnesses through the ongoing planning, implementation, integration, and control of four interdependent elements: Management Leadership and Worker Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training.
3. A safe and healthful workplace depends on the active participation of workers, individually and through their representatives, at every level of safety and health activity.
4. Experience has shown that worker involvement is an essential component of any effective SHMS. Partnering employers must commit to incorporating a high level of worker involvement into their SHMS. (See Appendix E for additional information.)
5. The basic structure of the partners' SHMS should be patterned after OSHA Safety and Health Program Management Guidelines, FRN 54:3904-3916, January 26, 1989; and/or 29 CFR 1960, Basic Program Elements for Federal Workers,

E. WORKER INVOLVEMENT

1. Workers bring valuable skills and perspective to the development and operation of the OSP. Their involvement is required to be integral to the operation of the OSP. They should also take part in discussions during the development of the OSP agreement.
2. The OSP agreement must detail how workers and/or their representatives will be involved in the OSP

## F. PERFORMANCE MEASURES

1. Effective performance measures compare the actual result with the intended or desired outcome. The process of establishing performance measures must begin during OSP development and must be addressed in the agreement.
2. OSPs must identify and use results-focused quantitative measurements for evaluating program goals. Because all partnerships aim to reduce workplace fatalities, injuries, and illnesses, each OSP must identify baseline data. Baseline measures, or at the very least what these measures will be and their sources, should be included in the agreement. The OSP must track changes at either the employer or the participant level.
3. Examples of other quantitative performance measures include workers' compensation rate comparisons, workers' compensation costs, number of workplace inspections performed and response time for correcting identified hazards, and survey results of worker knowledge before and after OSP-sponsored training.
4. Qualitative performance measures may also be used to assess OSP effectiveness. Although less tangible, these measures are important to the success of the OSP. Examples of qualitative outcomes include improved worker morale, increased worker understanding of safety and health requirements, and better attitudes or cultural acceptance of SHMS in the workplace.
5. Wherever possible, performance measures should relate to the current DOL Strategic Plan and should gauge whether the OSP is an effective strategy, whether it uses resources efficiently, and whether it contributes to the goals and priorities OSHA has set.

## G. EVALUATION

1. Once meaningful performance measures are in place, OSHA and its partners must conduct annual evaluations to identify strengths and weaknesses of the OSP strategies and progress in meeting OSP goals.
2. The evaluation is a collaborative effort of the primary partners and OSHA. It is incumbent upon the partners to provide OSHA with the necessary data and assistance in developing the annual evaluation. Minimally, the evaluation should be completed by someone with knowledge of the OSP's strategies who can verify the completion of applicable requirements and

recognize areas needing improvement.

3. The format for the OSPP Annual Partnership Activities Report and Evaluation has been developed to standardize the process and ensure consistency in the data collected. Evaluators use the report format/template provided in Appendix C, which contains the minimum data that must be supplied. The evaluation should provide pertinent information needed to determine whether the OSP should be modified to better meet its goals, be discontinued, or be expanded from a Local or Regional OSP to a National OSP. Additional information, measures, and results may be provided to adequately assess the OSP. The evaluation must be sent to DCSP within two months after each anniversary of the OSP signing.
4. Association-based OSPs that require individual employers to qualify after the OSP agreement is signed must submit a full evaluation one year after the first employer qualifies. However, if more than 18 months has passed since the agreement was signed and there are no participating employers, a modified evaluation must be submitted, including the reasons for the OSP's lack of employers and what is being done to address the issue.

#### H. VERIFICATION PROCEDURES

OSHA will verify that OSP participants are upholding their responsibilities under the OSP agreement. Below is a description of the types of verification that should be considered and defined in the OSP:

1. **Off-site Verification:** OSHA reviews OSP data, reports, etc. without actual entry into the partner's worksite(s). The OSP agreement should identify verification procedures including:
  - a. Any off-site verification activities that OSHA will perform. These may include, for example, OSHA review of the Annual Partnership Evaluation Report, OSHA Form 300 data, and quarterly progress reports.
  - b. The frequency of any off-site verification.
  - c. The written format for documenting off-site verification.
  - d. Who is responsible for performing verification activities, collecting and evaluating data, and providing reports to the appropriate parties.



2. **On-site Non-enforcement Verification:** Non-enforcement verifications may be conducted with partners to discuss and review their worksite and their progress within the OSP. Non-enforcement verifications can be tailored specifically to meet the needs of the individual OSP. An effective format is a presentation given by the partner on OSP initiatives and a worksite review by OSHA. To take maximum advantage of the time on-site, OSHA may request and review documents prior to arrival at the partner's worksite. During such visits, if OSHA personnel identify serious hazards that site management refuses to correct, OSHA should make a referral for an enforcement inspection. The OSP written agreement should identify on-site non-enforcement verification procedures including:
  - a. The scope of the non-enforcement on-site verification.
  - b. The minimum number or percentage of worksites that will receive OSHA on-site non-enforcement verification, as determined by the OSHA originating office based on its analysis and understanding of the partner's SHMS.
  - c. How workers and/or worker representatives will be involved in all on-site non-enforcement verification.
3. **On-site Enforcement Verification:** These inspections include the potential for issuing citations and assessing penalties for violations. These inspections may be combined with other programmed and unprogrammed inspections -- for example, an SST or complaint inspection.

#### I. INCENTIVES

1. Incentives provided must be commensurate with participating partners' efforts to provide safe and healthful working conditions in accord with their obligations under the Act and their degree of success. The incentives for the OSP should be linked to goals and performance measures that are mutually agreeable to OSHA and OSP partners.
2. It is essential that OSP developers (both OSHA personnel and potential partners) understand the Agency's policy concerning enforcement at partnering sites.
3. Any incentives not established in this Directive or in another enforcement policy must be described in detail in the proposed OSP agreement and reviewed and approved by DEP and/or DOC, DCSP, and the national Office of the Solicitor. Partnership-developed incentive programs may not

provide disincentives to workers for reporting injuries and illnesses and/or actively engaging in safety and health processes.

J. OSP MANAGEMENT AND OPERATION

1. A systematic approach to the management and operation of an OSP will help ensure that partners accomplish the activities critical to OSP success and fulfill their agreed-upon responsibilities.
2. Leveraging of resources is critical in the day-to-day management and operation of an OSP. To assure maximum leveraging and participant involvement, the roles and responsibilities of each partner must be specified in the agreement, including a statement of the contribution that each partner will make.
3. In some cases, the OSP agreement will specify a steering committee (or partnership management team) composed of representatives from OSHA and from the employers and the workers participating in the OSP. Another possibility is that the agreement assigns responsibility for OSP management and operation to an individual, for example the safety and health director of the industry group partnering with OSHA.
4. OSHA recommends employers involve workers at the outset of the OSP's development. Evidence of worker involvement in an OSP is required.
5. If an OSP includes unionized worksites, it is desirable that affected unions are actively involved in the OSP. The level of union involvement (local, international, or both) will depend on the scope and nature of the OSP.
6. The OSP must have a designated OSHA "Primary Contact" who advocates participation and continuous improvement and articulates and promotes the goals and actions set out in the agreement.

K. WORKER AND EMPLOYER RIGHTS

The OSP agreement must contain the following statement: "This partnership does not preclude workers and/or employers from exercising any right provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act."

L. OSP TERM

1. The proposed agreement must specify the expected duration of the OSP

and any conditions under which the program will end, such as:

- a. "Sunset provision" that specifies the date when the agreement is automatically terminated.
- b. Termination if a primary party unilaterally withdraws.
- c. Closure when the goals of the OSP have been met.
- d. Termination when the OSP is failing to meet requirements -- for example, failing to provide required annual evaluation data.

2. Typically, the term of an OSP agreement is three to five years. This timeframe is sufficient for accomplishing basic OSP goals. Standard term language for the proposed agreement may be:

a. **For Multiple Signatories:**

- This agreement will terminate on \_\_\_\_\_, (or at the completion of construction; use only for a construction OSP) which is three years from the date of the signing. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to withdraw must be provided to all other signatories.
- If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated. Any signatory may also propose modification or amendment of the agreement.

b. **For a Single Signatory:**

- This agreement will terminate on \_\_\_\_\_, which is three years from the date of the signing. If either OSHA or (insert name of the partner) wishes to withdraw its participation prior to the established termination date, the agreement will terminate upon receiving written notice of the intent to withdraw from either signatory.

c. **For Non-Signatory Participants:**

- For non-signatory participants of the OSP, OSHA may terminate the participant's involvement at any time with written notice. Additionally, the participant may withdraw

its participation from the OSP at any time with written notice to OSHA of the intent to withdraw.

M. SIGNATURES

1. OSHA representatives and primary parties will sign and date the OSP agreement to ensure commitment to the OSP requirements and other provisions.
2. If all OSP signatories are not present at the signing ceremony, the original agreement can be circulated via mail for signature. The OSHA official from the OSP originating office is the last person to sign the agreement. The OSP becomes effective on that date.
3. A draft signature page, with signatories clearly identified by name, title, and organization, should be submitted with the draft OSP agreement as part of the approval process.

## APPENDIX B

### PERFORMANCE MEASURES

To measure progress effectively, performance measures derived from OSP goals and objectives must be established. It is also essential to establish baseline measures during the OSP development. These processes are critical success factors for meeting the OSP's stated objectives. Establishing well-defined performance measures enables the assessment of the OSP's success at achieving the desired improvements to the workplace SHMS at participating sites. In addition, good measures form the basis for an objective and systematic analysis of the results, impact, or effects of the OSP. Several steps are involved in establishing performance measures, including selecting meaningful performance measures, establishing baseline data, collecting data to measure progress, and evaluating the significance of this data. Each of these steps is discussed in this section.

#### A. **Selecting Performance Measures**

During the development of the OSP agreement, or at a minimum at the outset of the OSP, the partners must identify the specific measures or indicators that will be tracked to assess progress toward achieving the OSP goals. Participants in an OSP should analyze their agreement's goals and determine the most useful performance measures to track progress. The selected measures should be reasonable and not overly burdensome so that participants have the logistical and administrative capacity to track the data. To develop the most effective performance measures, feedback from all participants should be obtained prior to making decisions. The views and opinions of the individuals directly responsible for collecting data and tracking the measures may serve as an invaluable technical resource for developing the most suitable OSP strategies.

#### B. **Attributes of Good Performance Measures**

1. Good performance measures for an OSP should be balanced to address all of the key goals of the agreement. OSP performance measures should be meaningful and focused to include useful and relevant metrics. Measurements that are data-rich but lack insight have limited value for developing effective solutions. The measures should provide substantive information concerning the status of the specific strategic focus of the OSP. For example, voluminous monthly reports on illnesses are irrelevant if the OSP goal is elimination of fatalities.
2. Measurements should be valid and reliable. Validity speaks to the accuracy of a measurement. Reliability means the data can be replicated. For example, if the number of worker injuries is being tracked, a valid result is a number that is accurate within a narrow range. A reliable result is one that can be repeated if the measurement is recalculated.

3. Measures should be flexible, considering a variety of sources and means.
4. Measures should be practical, and time- and cost-effective to achieve.

**C. Types of Performance Measures**

1. Performance measures, for OSPP purposes, are quantitative and qualitative data used to evaluate an OSP's effectiveness. A mandatory quantitative measure for all OSPs is the workplace injury and illness rates. Development of performance measures linked to these quantitative evaluation criteria is recommended. Below is a non-exhaustive list of some other quantitative and qualitative performance measures that may be useful to assess progress of an OSP agreement:
  - a. Number of job safety analyses conducted
  - b. Exposure assessment data
  - c. Number of worker complaints
  - d. Breadth of training delivered
  - e. Level of worker knowledge before, immediately after, and 6 months after training
  - f. Number of worksite audits
  - g. Number of hazards identified and abated
  - h. Number of root cause analyses conducted
  - i. Improved worker productivity
  - j. Increased worker involvement
  - k. Number of safe actions demonstrated in the workplace
  - l. Enhanced communication between management and workers

*The table below provides several examples of performance measures tied to OSP goals and strategies:*

Goal	Strategy	Measures/Products
1. Identify and communicate an effective process to develop and implement successful ergonomics programs and guidelines.	Develop a written process to address ergonomic hazards in the workplace.	<ul style="list-style-type: none"> <li>i. Number of sites where ergonomic process has been effectively implemented</li> <li>ii. Number of training courses/people trained in process</li> <li>iii. Awareness survey of workers</li> </ul>
2. Reduce the incidence and severity of MSDs at participating facilities	Develop an ergonomic protocol to assist in assessing compliance with General Duty Clause requirements	<ul style="list-style-type: none"> <li>i. Baseline of MSD cases</li> <li>ii. MSD cases involving day(s) of restricted work activity</li> <li>iii. MSD cases involving day(s) away from work</li> <li>iv. Number of MSD-related surgeries</li> <li>v. Annual comparison of the incidence and severity criteria to the baseline numbers</li> </ul>

#### D. Establishing a Baseline

Baseline data must be established once the goals and performance measures have been established. To measure progress and improvement effectively, baseline data is established at the beginning of a process for comparison with new data. If historical data is available, it can be used as the baseline. The baseline is usually derived from the most recent one-year period, or a shorter time frame if available. If no data is available, industry averages can be used; otherwise, data will need to be collected to establish the initial baseline information. For example, if an OSP goal is to reduce the number of workers exposed to silica, useful baseline information would include the average number of documented workplace exposures for a specified period of time or the information available in OSHA's Integrated Management Information System (IMIS) or in the OSHA Information System (OIS) on exposure rates for the industry. The baseline data will serve as a starting point from which OSP results will be gauged.

**E. Collecting Data**

Data must be collected and analyzed for each performance measure to determine if and how well goals are being met. Data collection should be based on pre-determined definitions. These definitions need to be understood by all OSP participants. Data collected within a common framework of understanding can be easily compared and analyzed, allowing subsequent evaluations to be consistent.



APPENDIX C

**OSHA Strategic Partnership Program (OSPP) Annual Partnership  
Activities Report and Evaluation**  
Month/Day/Year – Month/Day/Year

OSHA Strategic Partnership (OSP) Name
Text Box

Purpose of OSP
Text Box

Partnership Goals		
<i>Goal</i>	<i>Strategy</i>	<i>Measure</i>

<b>Anticipated Outcomes</b>
<b>Text Box</b>

<b>Strategic Plan Target Areas (check one)</b>	
<input type="checkbox"/> Construction	<input type="checkbox"/> Non-Construction
<b>Areas of Emphasis (check all applicable)</b>	
<input type="checkbox"/> Amputations (Construction or General Industry)	<input type="checkbox"/> Recordkeeping
<input type="checkbox"/> Combustible Dust	<input type="checkbox"/> Ship/Boat Building and Repair
<input type="checkbox"/> Ergonomics/Musculoskeletal Disorders	<input type="checkbox"/> Silica
<input type="checkbox"/> Hazardous Chemical Exposures (Chromium, Lead)	<input type="checkbox"/> Agriculture/Migrant Workers
<input type="checkbox"/> Healthcare Industry Hazards	<input type="checkbox"/> Diverse Workforce/Limited English Proficiency
<input type="checkbox"/> Oil and Gas Field Services	<input type="checkbox"/> Temporary Service Workers
<input type="checkbox"/> Public Warehousing and Storage	<input type="checkbox"/> Youth Workers
<input type="checkbox"/> Federal Agency	<input type="checkbox"/> Process Safety Management
<input type="checkbox"/> Trenching/Excavation	
<input type="checkbox"/>	

**Section 1 General Partnership Information**

<b>Date of Evaluation Report</b>	
<b>Evaluation Period</b>	
<b>Start Date</b>	<b>End Date</b>

<b>Evaluation Contact Person</b>	
<b>Originating Office</b>	

<b>Partnership Coverage</b>		
<b># Active Employers</b>		<b># Active Workers</b>
<b>Text Box</b>		

<b>Industry Coverage (note range or specific SIC and NAICS for each partner)</b>		
<b>Partner</b>	<b>SIC</b>	<b>NAICS</b>

Text Box		

***Section 2 Activities Performed***

<b>Note whether an activity was required by the OSP and whether it was performed</b>		
	<b>Required</b>	<b>Performed</b>
<b>a. Training</b>	Yes/No	Yes/No
<b>b. Consultation Visits</b>		
<b>c. Safety and Health Management Systems Reviewed/Developed</b>		
<b>d. Technical Assistance</b>		
<b>e. OSHA Enforcement Verifications (OSHA will provide)</b>		
<b>f. Off-site Verifications</b>		
<b>g. On-site Non-Enforcement Verifications</b>		
<b>h. Participant Self-Inspections</b>		
<b>i. Field Sampling; Industrial Hygiene Monitoring</b>		
<b>j. Other Activities</b>		

<b>2a. Training (if performed, provide the totals)</b>	
Training sessions conducted by OSHA staff	
Training sessions conducted by non-OSHA staff	
Workers trained	
Training hours provided to workers	
Supervisors/managers trained	
Training hours provided to supervisors/managers	
<b>Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)</b>	
Text Box	

<b>2b. Consultation Visits (if performed, provide the following total)</b>	
Consultation visits to partner sites (OSHA Consultation Programs only)	
Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)	
Text Box	

<b>2c. Safety and Health Management Systems (if performed, provide the following total)</b>	
Number of systems implemented or improved using OSHA's 1989 Guidelines for Safety and Health Management Programs as a model	
Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)	
Text Box	

<b>2d. Technical Assistance (if performed, provide total for each type, and provider)</b>			
	Provided by OSHA Staff	Provided by Partners	Provided by Other Party
Conference/Seminar Participation			
Interpretation/Explanation of Standards or OSHA Policy			
Abatement Assistance			
Speeches			
Other (please specify)			
Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)			
Text Box			

<b>2e. OSHA Enforcement Activity (if performed), provide the totals for any programmed, unprogrammed, and verification-related inspections)</b>
OSHA enforcement inspections conducted
OSHA enforcement inspections in compliance
OSHA enforcement inspections with violations cited

<b>Number of citations classified as Serious, Repeat, and/or Willful</b>	
<b>Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)</b>	
Text Box	

<b>2f. Off-site Verification (if performed, provide the total)</b>	
<b>Comments Explanations (briefly describe activities or explain if activity is required but not performed)</b>	
Text Box	

<b>2g. On-Site Non-Enforcement Verification (if performed provide the total)</b>	
<b>Onsite Non-enforcement Verifications Performed</b>	
<b>Comments/Explanations (briefly describe activities, of explain if activity is required but not performed)</b>	
Text Box	

<b>2h. Participant Self-Inspections (if performed, provide the totals)</b>	
<b>Self-inspections performed</b>	
<b>Hazards and/or violations identified and corrected/abated</b>	
<b>Comments/Explanations (briefly describe activities, or explain if activity is required but not performed)</b>	
Text Box	

**21. Other Activities (briefly describe other activities performed)**

Text Box.

**Section 3 Illness and Injury Information**

Year	Hours	Total Cases	TCIR	# of Days Away from Work Restricted and Transferred Activity Cases	DART
<b>Total</b>					
<b>Five-Year Rate</b>					
<b>BLS Average for CY: (most current)</b>					
<b>SIC:</b>		<b>NAICS</b>			

**Comments**

Please use this text box to provide comparative and evaluative comments about the injury and illness rate experiences of the employer.

Text Box

## Section 4 Partnership Evaluation and Recommendations

In the section below please provide narrative regarding each question.

- 1. Changes and Challenges:** During the evaluation period what observations were made regarding the issues faced by the partnership that need to be further evaluated to determine if changes to the structure, implementation or operation of the OSP are necessary going into the next evaluation period? Please address any areas where changes were made to the OSP or where challenges or impediments to reaching the goals were observed. *The following is a list of information to be considered for this question: management structure, participants, data collection, worker involvement, OSHA enforcement inspections, OSP outreach, and training. Please do not limit your responses to those items if other areas need to be addressed.*

Text Box

- 2. Plans to Improve:** During the evaluation period what observations were made regarding areas in which the OSP needs to improve in order to increase the chances of reaching and/or exceeding the OSP goals? *The following is a list of information to be considered for this question: need to meet more often, need to improve data collection, need to conduct more training, and need to change the OSP goals. Please do not limit your responses to those items if other areas need to be addressed.*

Text Box

- 3. During the evaluation period what observations were made regarding how the partners are benefiting from their participation in the OSP? Additionally, how does OSHA's participation enhance the ability of the partners to reach the OSP goals? The following is a list of information to be considered for this question: increased safety and health awareness, improved relationship with OSHA, improved relationship with employers, and improved relationship with the workers or unions. Please do not limit your responses to those items if other areas need to be addressed**

Text Box

<b>Status Recommendation (check one)</b>	
<b>Partnership Completed</b>	
<b>Continue/Renew</b>	
<b>Continue with the following provisions:</b>	
<b>Text Box</b>	
<b>Terminate (provide explanation)</b>	



## APPENDIX D

### PAPERWORK REDUCTION ACT REQUIREMENTS

To comply with the Paperwork Reduction Act (PRA) of 1995, OSHA must document the public reporting burden imposed by the information collection requirements of an OSHA Strategic Partnership Program (OSPP) and must inform participants of that burden.

- The Office of Management and Budget (OMB) has granted OSHA a generic approval to collect information for all OSP agreements. This Directive describes and implements the OSHA Strategic Partnership Program for Worker Safety and Health (OSPP) and sets forth procedures to implement this program. It includes the policies and management of the program, and procedures and guidelines for the development, approval, and operation of individual OSHA Strategic Partnerships (OSPs).
- All OSP agreements must be in writing. When OSHA approves an OSP and the partners sign the agreement, the originating office will immediately provide a copy of the final agreement, including the signature page, to the Directorate of Cooperative and State Programs (DCSP). The originating office also will provide a courtesy copy to other affected OSHA National Office Directorates, as appropriate.

Although the particular structure and degree of formality of the OSP agreement is left to the discretion of the originating office and its partners, the OSP agreement must contain the following core elements:

- Identification of Partners
- Purpose and Scope
- Goals and Strategies
- Safety and Health Management Systems
- Worker Involvement
- Performance Measures
- Evaluation

- Verification Procedures
- Incentives
- OSHA Verification Reports
- OSP Management and Operation
- Worker and Employer Rights
- OSP Term
- Signatures

Each OSP agreement details measures/data to be collected by the partners and reported to OSHA for the purposes of annual OSP evaluations. As designated in the OSP agreement, the responsible parties gather and submit their data to OSHA using the OSPP Annual Evaluation Report contained in Appendix C of CSP XX-XX-XXX. The information provided varies based on the partnership-specific goals and the individual strategies set forth by the OSP itself. The following is a listing of elements most frequently required to be submitted to OSHA by the partners:

- Injury and Illness Data
- Self-Audits/Evaluations
- Monitoring results
- Accident/Near-Miss Investigations
- Workers' Compensation
- Data related to safety and health management systems (and elements)
- List of companies participating in the OSP
- Fatality Data
- Equipment Inspection/Certification
- Experience Modification Rates (EMR)
- Hazards identified and abated

- Logistical (i.e. site information, project/process descriptions, etc)
- Training Information (number of training sessions conducted, number of hours of training conducted, number of workers trained, number of supervisors trained)

**Originating Office or Directorate.**

The OSHA OSP Primary Contact, during development of the OSP, will provide all prospective partners with the following written narrative:

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires December 31, 2015), the public reporting burden for this partnership's collection of information is estimated at 22 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration  
Attention: Director, Office of Partnerships and Recognition  
Directorate of Cooperative and State Programs  
200 Constitution Avenue, NW - Room N3700  
Washington, DC 20210

## APPENDIX E

### GUIDANCE ON WORKER INVOLVEMENT

Experience has shown that worker involvement is an essential component of any effective SHMS. A partnering employer must commit to worker involvement in their SHMS. During any verification activity and during OSHA inspections, the Agency will consider the degree and quality of worker involvement. Worker involvement should also be considered during the periodic worksite self-evaluations that are integral to an effective SHMS. To ensure the quality of involvement, appropriate safety and health training may be necessary prior to involving workers in many safety and health activities. Worker involvement may include, but is not limited to:

- Conducting worksite inspections, safety and health audits, job hazard analyses, and other types of hazard identification.
- Developing and using a system for reporting hazards.
- Developing and revising the worksite's safety and health rules and safe work practices.
- Participating on workplace teams charged with identifying root causes of accidents, incidents, or breakdowns.
- Implementing controls to eliminate or reduce hazard exposure.
- Assisting in job hazard analyses.
- Making presentations at safety and health meetings.
- Participating on safety and health committees, joint labor-management committees, and other advisory or specific-purpose committees, if otherwise lawful and appropriate.
- Delivering safety and health training to current and newly-hired workers.
- Participating in safety and health program reviews.