**Contractor Safety Plan**

**Tips and Considerations**

**Plan Applicability.** This sample Contractor Safety Plan (Plan) applies to “host” employers (thatis, employers that hire one or more contractors to work at the employer’s worksites) in general industry workplaces where a contractor’s employees are likely to be exposed to workplace hazards. This sample Plan does not specifically cover construction activities; however, it may be modified to cover such activities.

**Contractor prequalification questionnaire.** The contractor prequalification questionnaireattached to this Plan will help you compile information about the contractor for the evaluation and selection process.

**Contractor agreement.** This sample EHS Plan is a host employer’s guide for developing acontractor agreement. It is not to be given to the contractor in its present form. Give the separate attachment, *Contractor Safety and Health Agreement,* to the contractor; modify the Agreement to cover specific worksite conditions. The agreement serves as the certified document that contains the safety and health requirements that the contractor must follow. This Plan may be modified to serve as the Agreement if the attached sample Agreement is not comprehensive enough or does not provide sufficient detail.



**Regulatory requirements.** Several general industry safety and health standards refer specificallyto the responsibilities of the host employer and of the contractor to their respective employees. The rules are:

* Confined Spaces (29 CFR 1910.146(c))
* Hazard Communication (29 CFR 1910.1200(e) and 29 CFR 1910.1200(i))
* Hazardous Waste Operations (HAZWOPER) (29 CFR 1910.120(b) and 29 CFR 1910.120(i))
* Lockout/Tagout (29 CFR 1910.147(f))
* Process Safety Management (29 CFR 1910.119(h))
* Welding, Cutting, and Brazing (29 CFR 1910.252(a))

There are several OSHA construction industry standards (29 CFR Part 1926) that include rules for outside contractors as well. Different standards impose different requirements on the host employer, so read them thoroughly.

**General tips for working with contractors.** Here are some tips to keep in mind whennegotiating written agreements with contractors:

* Require outside contractors to demonstrate an adequate safety program before they come into your workplace.
* Get a copy of the contractor’s Certificate of Insurance and make sure it is up to date.
* Review your own safety program with the contractor; identify any differences between the host’s and the contractor’s programs, and agree on how to bridge any gaps.
* Agree on any special training that the contractor’s employees might need; either provide it yourself, require the contractor to provide it, or provide it through a third party.
* Regardless of regulatory requirements, safety managers of both the host employer and the contractor should exchange all relevant information regarding potential hazards and safety procedures.

When employees of an outside contractor come into your workplace, both your organization (what the Occupational Safety and Health Administration (OSHA) calls the “host” employer) and the contractor share responsibility for the safety of the contractor’s employees. The dividing line between areas of responsibility is not always clear, but consider the following “rule of thumb” as a starting point:

* The contractor is responsible for making sure that its employees know how to do their jobs safety.
* The host employer is responsible for informing the contractor of any hazardous conditions that are specific to the host’s workplace and stipulating any special controls or work practices that the contractor must follow to protect all workers.

**Document regular communications with contractors.** Give the contractor(s) a document orform to sign when resolving specific safety problems or for conducting inspections. For example, give contractors an inspection form to use for periodic inspections that includes a checklist of safety items, or require the contractor to provide inspection forms or checklists and make them available to you. The contractor should complete the checklist and sign the document. Though it may be easy for the contractor to check off items without inspecting, putting his or her signature on it may make the contractor think twice about ignoring the inspection process.

**OSHA citation policy for multi-employer worksites.** OSHA has published an enforcement andcompliance directive (CPL 02-00-124, December 10, 1999) that lays out its citation policy for multiemployer worksites, which includes contractors. The policy may be downloaded from the

Safety.BLR.com® website; type in “multiemployer citation policy” in the Quick Search box, then click Go.

Review this policy thoroughly to ensure that your responsibilities as the hiring employer and the responsibilities of the contractor are clear. According to the policy, there are four primary functions of an employer concerning how hazards are handled and how OSHA will issue citations:

1. Creating—the employer that caused a hazardous condition
2. Exposing—the employer whose own employees are exposed to a hazard
3. Correcting—the employer that is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard (for example, given the responsibility of installing and/or maintaining particular safety/health equipment or devices)
4. Controlling—the employer that has general supervisory authority over the worksite and the power to correct safety and health violations itself or require others to correct them

One employer can be responsible for more than one of these functions. For example, exposing, creating, and controlling employers can also be correcting employers if they are authorized to

correct the hazard.

You, the controlling employer, should explicitly establish your primary function in the contract agreement. This can take the form of a specific contract right to require another employer to adhere to safety and health requirements and to correct violations the controlling employer discovers. This same relationship can be established between a contractor and subcontractors.

**Contractors and subcontractors.** Generally, it is the responsibility of the contractor to hire andsupervise subcontractors, including supervision of safety and health practices. If the contractor intends to hire the services of subcontractors, ensure the subcontractors are either covered under the contractor’s safety and health program or the subcontractors are committed under written agreement to provide a safety and health program for their own employees.

**Temporary employee vs. contractor employee.** One way to determine the difference between atemporary worker and a contract worker is the "lunch" test. If an employer is responsible for telling a contingent (temporary) worker when to go to lunch, the employer is responsible for the worker and accountable for the worker’s actions. If the contractor tells a worker when to have lunch, the contractor is responsible and accountable for the worker’s actions.

**Injury and illness recordkeeping responsibility.** *The host employer and contractor should**coordinate their efforts to make sure that each injury and illness is recorded only once.* FederalOSHA says the general rule of thumb is that the employer that is supervising the employee at the work location records the injury, regardless of which employer is paying the employee. If a host employer supervises the employee of a contractor (e.g., temporary help service, employee leasing service, personnel supply service, or other contractor) on a day-to-day basis, the host employer must record the injury or illness. If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness.

**Personal protective equipment (PPE) payment rule.** Federal OSHA has added a provision toits PPE standard that explicitly requires employers to provide PPE at no cost to its employees,

with some exceptions (29 CFR 1910.132(h)). See the BLR® white paper, *PPE Payment Rule—* *The Devil’s in the Details,* at Safety.BLR.com for more information and a list of exceptions to thepayment rule.

According to OSHA’s preamble to its final rule concerning employer payment of PPE (*Federal* *Register* 72:64341-64430), whoever directly controls the manner in which an employee performshis or her assigned work is that worker’s employer and is responsible for protecting him or her from occupational hazards. See the discussion about temporary employee vs. contractor employee. If the contractor meets these criteria, the contractor must ensure that PPE is provided to its employees at no cost, unless specifically excepted in the final rule.

There is no prohibition against a contractor passing along the costs of PPE to the host employer through the original bid for the contracted work.

**[Name of Company]**

**Contractor Safety Plan**

Plan last updated: **[date]**

**Authority**

This Contractor Safety Plan is authorized by *[insert name of authority]*.

**Contractor safety plan**

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|  | [Safety Records](%5Cl%20%22_Toc381782393%22) | | | | | | | | | | | | | | | | | | | |  |  |  | | |  |  | | | |  | | | | | | |  | | | |  | | | | | | | | | | | | | | | | | | |  | | | |  |  | | | | [14](%5Cl%20%22_Toc381782393%22) |  |
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| [Noncompliance with Safety and Health Requirements](%5Cl%20%22_Toc381782394%22) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |
| [Supportin](%5Cl%20%22_Toc381782395%22) | | | | | | | | | | | [g Materials](%5Cl%20%22_Toc381782395%22) | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | |  | | | | | | | | | | | | | | | | | | | | | | |  |  | | | | [15](%5Cl%20%22_Toc381782395%22) |  |
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| [Attachments](%5Cl%20%22_Toc381782396%22) | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  |



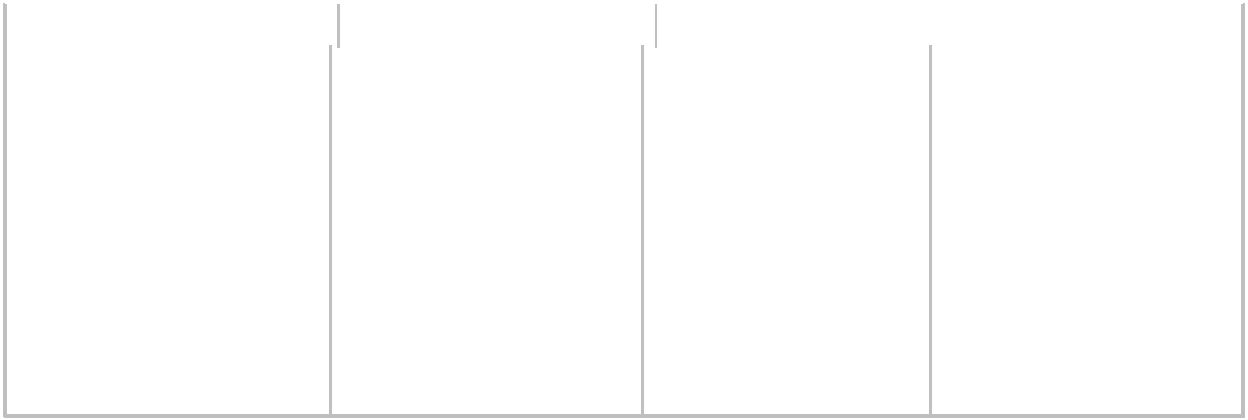
**Policy Statement**

All firms contracted by **[name of organization]** (i.e., the “host facility”) will provide safe and healthy employment to their employees while working on our property. Accordingly, we will provide each contractor with warnings of hazards and information about our programs for abating occupational hazards, and the contractor will be informed of all safety, health, and environmental requirements at our facilities. We will ensure all work is conducted in a safe and responsible manner in compliance with applicable federal and state regulations and host facility requirements and policies.

**Plan Administration**

**Program Contact Information**

*[Modify the table and job descriptions as applicable to your facility. Combine or redistribute the bulleted lists of responsibilities according to your management personnel structure.]*



|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Contact Description** | | | **Contact Person** | | |  | **Contact Information** | | |  |  |
| Contract Administrator | | |  |  |  | Work: |  |  | Mobile: |  |  |
| Safety Manager |  |  |  |  |  | Work: |  |  | Mobile: |  |  |
|  | | |  |  |  |  |  |  |  |  |  |
| Project Manager |  |  |  |  |  | Work: |  |  | Mobile: |  |  |
|  | | |  |  |  |  |  |  |  |  |  |
| Contractor |  |  |  |  |  | Work: |  |  | Mobile: |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| *[Other]* |  |  |  |  | Work: |  |  | Mobile: |  |  |

**Host Facility Administrator (Administrator).** The Administrator is responsible for developingand revising the Plan as necessary and has overall responsibility for ensuring that the requirements of the Plan are followed. The Administrator will monitor the contractor’s compliance with the written contractor’s agreement.

The Administrator will ensure that:

* Each contractor is provided with warnings of hazards and information about facility programs for abating these hazards.
* Each contractor is informed of facility safety, health, and environmental requirements.
* Work is conducted in a safe and responsible manner in compliance with applicable regulations and facility requirements.

The Administrator may appoint the Safety Manager, Project Manager, or other designee with the authority to implement the policies and procedures in this Contractor Safety Plan, the Contractor Safety and Health Agreement, and attachments.

**Host Facility Safety Manager.** The Safety Manager will:

* Conduct a presolicitation project review of the contract to ensure that all appropriate health and safety regulations and requirements and pertinent worksite hazard information have been incorporated, where necessary.
* Document the review of the plan and note any areas of special concerns.
* Review and monitor the contractor’s adherence to its written health and safety plan and all applicable environmental, health, and safety requirements.

**Host Facility Project Manager.** The Project Manager will:

* Communicate the contractual, statutory, and other environmental, health, and safety

requirements to the contractor before the start of the contract.

* Ensure that the safety and health plan is submitted with the bid package.
* Ensure that such requirements are addressed in the contract paperwork.
* Ensure that all regulatory and contractual safety and health requirements are observed.
* Upon receipt of a report of a noncompliance or any condition that poses a serious or imminent danger to health or safety, issue a request for immediate corrective action from the contractor.
* Before the start of the contract, inform the contractor of the requirement to observe all environmental, health, and safety provisions specified in the contract, provided by statutes/ regulations or otherwise required.
* Monitor the contractor’s work performance and determine if the contractor is complying with the contract health and safety plan and pertinent environmental, health, and safety regulations.
* Ensure that all required permits are completed by the contractor and provided for review and signature of an authorized person.
* Notify the Administrator immediately of accidents and provide him or her with a copy of the contractor’s accident reports.
* Notify the Administrator immediately of a safety or health complaint and/or inspection of the contractor’s jobsite.

**Contractor.** A firm or individual contracted to the facility is responsible for meeting allcontractual agreements and for providing a safe and healthy workplace for its employees while working at the host facility. The contractor will:

* Provide for regular safety inspections of the worksites, materials, and equipment by competent employees.
* Notify the Administrator or designee of accidents in a timely manner.
* Notify the Administrator or designee of complaint notifications and/or regulatory agency inspection of the jobsite.
* Maintain OSHA 300 Injury and Illness recordkeeping forms and keep them up to date and available for review by the Administrator or designee.

***Plan Review and Update***

This Plan will be reviewed *[insert time interval]* and updated by the Administrator as needed to reflect changes in the work and/or worksite conditions and when incidents that result in injury or illness warrant a review.

**Contractor Prequalifications**

Each contractor who submits a bid for work at the host facility must provide the following occupational safety and health information to the Administrator:

* Written Safety and Health Plan
* OSHA 300A Annual Summary forms for the 3 most recent years
* Certificate of Workers’ Compensation Insurance
* Completed *Contractor Safety and Health Questionnaire*



**Contractor Written Safety and Health Plan**

Any contractor awarded work on the property of the host facility must comply with applicable federal, state, and local codes and standards, including occupational safety and health requirements, as well as any additional special requirements invoked by contract.

When required by the contract, the contractor must develop and implement a comprehensive health and safety plan for his or her employees that covers all aspects of on-site operations and activities associated with the contract. The contractor’s plan must comply with all applicable health and safety regulations and any project-specific requirements specified by the host facility. The contractor must provide the Administrator or designee with a copy of the plan with the contract bid package.

***Written Plan Elements***

The contractor’s prepared plan must, at a minimum, include the following elements:

* Identification of work to be performed and location of expected operations
* Description of the safety program, safety monitoring responsibilities, organizational structure, and contact information for on-site personnel
* The method for conducting hazard analysis of the worksite and operations to be performed
* A description of required safety training and communication programs
* Emergency response plans and procedures that relate to protection of employees and property
* How and where records of the hazard assessment, inspections, training, and other safety and health documents will be kept and made available to the Administrator and designee
* Facility description to include the electrical wiring and fire protection systems (i.e., fire suppression, fire detection, fire extinguishers, fire walls), required equipment, and any other items necessary for the protection of all personnel and property

The contractor may use the host facility’s *Job Hazard Analysis Worksheet* and *Chemical Job* *Hazard Analysis Worksheet* forms or alternative methods to conduct the hazard analysis.

Acceptance of the contractor’s health and safety plan only signifies that the plan generally conforms to the requirements of the contract. It does not relieve the contractor of the responsibility for providing employees with a safe and healthful work environment.

***Phased Work***

The contractor will not initiate any new or modified phase of work until a safety and health

program for that portion of the work has been accepted by the Administrator or designee. Original and supplemental submissions covering hazardous operations and/or activities, such as working at heights over 4 feet, use of hazardous chemicals, electrical exposure, and work in confined spaces, will include a standard operating procedure and hazard analysis. The procedure will break down the operation or activity into specific basic steps. The hazard analysis will define the hazards associated with each basic step and proposed method(s) for eliminating or minimizing the hazard. At a minimum, such methods will outline employee training requirements, methods to regularly communicate hazards and controls to employees, PPE requirements, procedural changes, and methods for evaluating program effectiveness.

**Medical Clearance**

The contractor must ensure that employees have appropriate medical clearance when required either by regulation or by the host facility’s requirements. Copies of medical clearance for contractor personnel must be submitted to the Administrator or designee as specified by the contract. The Administrator or designee will determine if additional medical requirements are required for contractor personnel before the start of work.

**PREJob Commencement Meeting**

Representatives of the contractor will meet with the Administrator or designees before the start of contract work to review safety and health requirements and discuss implementation of all health and safety provisions pertinent to the work under contract.

During the meeting, the Administrator or designee will review the contractor’s site-specific safety and health plan with the contractor as well as review all required safety data sheets (SDSs) submitted for proposed hazardous chemical products to be used by the contractor.

The Plan Administrator or designee will, as prescribed by OSHA standard 29 CFR 1910.1200, *Hazard Communication Standard*, provide information to contractors on any chemical hazardspresent at the worksite. This information will be made available to the contractor in the project specifications as well as at the preconstruction meeting.

The Administrator or designee will, during the preconstruction meeting, provide the contractor with copies of the host facility’s written safety and health procedures and hazard communication plan.

**Emergencies**

The Administrator or designee will inform the contractor of the proper procedures for employees to follow if an evacuation or fire alarm is heard, and of any procedures the contractor’s employees must initiate to alert others if they observe a fire, hazardous substance spill, or other emergency.

**Hazardous Chemical Communication/Right to Know**

**Host Facility Responsibilities**

The Administrator or designee will inform the contractor of any exposure or potential exposure to hazardous chemicals that the contractor and his or her employees may encounter during their work at the host facility and provide the contractor with a copy of the facility’s Hazard Communication Plan and all other information and procedures, including chemical labeling and engineering controls, related to working safely with hazardous chemical.

**Contractor Responsibilities**

The contractor will provide the Administrator or designee with the following information:

* How he or she will inform contract employees about all physical and chemical hazards of the workplace
* How SDSs will be made available for each hazardous chemical that host facility or contractor employees may be exposed to while working
* Precautionary protective measures that the contractor will need to take under the facility’s normal conditions and in foreseeable emergencies
* Any other hazards discovered or known to be present, even if the hazard was preexisting, to the workplace before the workers come on-site
* The type of hazardous substance labeling used by the contractor in the work area

**Contractor-Supplied Hazardous Substances**

Each contractor bringing hazardous substances on-site must provide the Administrator or designee with the appropriate hazard information for these substances, including SDSs, chemical labels, and precautionary measures to be taken when working with or around such substances.

**Contractor Tools and Equipment**

All equipment and tools provided by the contractor to his or her employees must be fully compliant with regulatory requirements and in excellent working condition. All electrical or spark-producing equipment or internal combustion engines must be approved by the Administrator or designee for use in any area.

**Contractor Safety Personnel**

When the contract does not require the contractor to provide a full-time safety professional, the contractor must designate in writing a competent safety representative to administer the safety program.

If the Administrator or designee considers the contractor’s safety effort inadequate, the Administrator may require the contractor to employ the services of safety and health specialists where special or technical expertise is required.

**Safety Meetings**

**Host-Contractor Safety Meetings**

The Administrator or designee and a representative of the contractor must participate in *[insert* *interval such as weekly, monthly, quarterly, or periodic]* safety meetings. Participants will reviewthe effectiveness of the contractor’s safety effort, resolve health and safety problems, and discuss

or plan future safety activities.

**Employee Safety Meetings**

Each contractor job supervisor or foreman must conduct at least one on-the-job safety meeting with contractor employees *[insert interval]*, and all employees under their supervision must attend. The supervisor or foreman must maintain a record of each meeting, including signatures of attendees, and make it available for review by the contractor and the Administrator or designee.

**Safe Work Practices**

**Prohibit Unsafe Conditions**

No contractor employee will be permitted to work in areas with known occupational hazards without proper information and training, engineering and administrative controls, safe work practices, and PPE sufficient to protect him or her from unsafe conditions.

The contractor must prohibit the use of any machinery, tool, material, chemical, or equipment that is not safe and/or is not in compliance with applicable regulatory standards or the provisions of this Plan.

**Inspections**

The contractor must ensure competent employees conduct *[insert interval, such as daily or* *weekly]* safety inspections of the worksite(s), materials, and equipment.

The contractor must maintain detailed written inspection records and make them available for review by the Administrator or designee.

**Accident Management**

The Administrator or designee and the contractor will coordinate responsibility for reporting accidents that result in occupational injury or death. Unless the Administrator and contractor agree in writing on an alternative reporting process, the procedures described below must be followed.

**Accident Reporting**

The contractor must report all accidents or incidents resulting in a fatality, injury, illness, and/or damage to or loss of property to the Administrator or designee, in addition to fulfilling regulatory reporting requirements for fatalities and multiple hospitalizations under workplace safety and health rules (29 CFR 1904.39).

*[Modify the following accident reporting and contact information if your facility is in a state with its own safety and health regulatory program.]*

All contractors, including those exempt from standard recordkeeping or reporting requirements under workplace safety and health rules, must report in person or by telephone any accident resulting in one or more fatalities or the hospitalization of three or more employees under their direct supervision to the nearest OSHA area office within 8 hours of either the occurrence of the

accident or the time it became known to any agent of the contractor. If the OSHA area office is closed, contractors must call OSHA toll-free at 800-321-6742.

The contractor is responsible for providing or obtaining appropriate medical and emergency assistance and for notifying emergency response personnel, law enforcement, safety and health regulators, and family members, when appropriate.

**Accident Scene Procedures**

Except for rescue and emergency measures, the contractor must not disturb the scene of the accident or incident and must cease all operations in or related to the immediate area of the accident until authorized to resume by the Administrator or designee.

**Accident Investigation**

When ordered by the Administrator or designee, the contractor must conduct a separate and complete independent investigation of an accident or incident and submit a comprehensive report of findings and recommendations to the Administrator or designee. The contractor must arrange and be financially responsible for the independent investigation and any equipment or material inspections or tests conducted by contractor investigators.

If the Administrator or designee initiates and supervises an investigation of an accident in an area under the supervision of the contractor, the contractor will cooperate fully and assist the Administrator or designee until the investigation is completed.

Contractors may use the *Accident Investigation Report* form attached to this Plan to process accident investigations.

**Accident and Incident Summary Report**

The contractor must submit *[insert interval]* a report that summarizes all serious and nonserious incidents and accidents during the report interval to the Administrator or designee.

**PPE**

Unless otherwise specified in this Plan or supplemental documentation, the contractor is responsible for providing all necessary PPE needed by its employees for adequate protection from recognizable hazards where they cannot be protected by engineering or administrative controls. This equipment must meet all applicable regulatory requirements for PPE and be in good working order.

The contractor will:

* Perform an assessment identifying hazards or potential hazards and determine necessary PPE for activity(s) to be performed.
* Comply with all host facility documentation requiring use of PPE.
* Provide adequate PPE for all its employees.
* Properly maintain, use, and store PPE.
* Remove damaged and/or defective PPE from service.

The costs to purchase, maintain, and replace required PPE will be borne by the contractor and be in accordance with regulatory requirements for payment for protective equipment (see 29 CFR 1910.132(h)).

The contractor will not substitute PPE for engineering and administrative controls. Such controls must be implemented where feasible to mitigate the hazard so that the need for PPE is reduced or eliminated. The contractor must receive written approval from the Administrator or designee for any deviation from this requirement.

**Respiratory Equipment**

Where respirators are required, the contractor must prepare and implement a written respiratory protection program and make the document immediately available to the Administrator or designee on request.

**PPE Training**

The contractor will ensure that its employees have received appropriate training on the use and maintenance of PPE before its use. Failure to correctly use appropriate safety equipment is a violation of the contract and may result in default of the contract.

**Training requirements**

The contractor must ensure that its employees have completed appropriate health and safety training when required by law and host facility requirements, and provide documentation of such training when required by the contract.

**Recordkeeping**

Unless the Administrator and contractor agree in writing to an alternative recording process, the recordkeeping procedures described below must be followed.

**OSHA 300 Injury and Illness Records**

The Administrator or designee and the contractor will coordinate responsibility for recording occupational injuries to and illnesses of contractor employees. The contractor is responsible for recording all occupational injuries to and illnesses of employees beyond first aid who are directly supervised by the contractor on the contractor’s illness and injury recordkeeping forms. The contractor is not responsible for recording injuries to and illnesses of host facility employees.

**Safety Records**

The contractor must provide the Administrator or designee, on request, with documentation of all required training, medical exams, permits, (SDSs, and other safety-related documents for his or her employees and operations.

**Noncompliance with Safety and Health Requirements**

If during the course of the contract the Administrator or designee notes any situations of noncompliance with the contractor’s safety and health plan or host facility’s safety and health

requirements, the Administrator or designee will verbally communicate the problem to the contractor and will immediately follow up in writing. Failure to correct the violation or continued violations will be grounds for termination of the contract.

If after notifying the contractor in writing of deficiencies in any health, safety, or environmental requirements, or the Administrator or designee find continued violations of those requirements or find actions that pose an imminent danger, an immediate order to stop work will be issued. Such violations may result in the default of the contract.

The Administrator or designee will document all violations brought to the attention of the contractor.

**Supporting Materials**

*[This product includes supporting materials, such as forms or attachments, which you may need to supplement your EHS Plan. Samples of the attachments are available at Safety.BLR.com.]*

**Attachments**

*Contractor Safety and Health Questionnaire*

*Contractor Safety and Health Agreement*

*Accident Investigation Report*

*Job Hazard Analysis Worksheet*

*Chemical Job Hazard Analysis Worksheet*