



# STRATEGIC OCCUPATIONAL SAFETY AND HEALTH PARTNERSHIP

Indiana Department of Labor  
and  
Indiana Construction Safety Partners



Updated October 29, 2018

## Purpose and Scope of Strategic Partnership

The Indiana Department of Labor (IDOL), Associated General Contractors of Indiana (AGCI), and the Indiana Constructors, Inc. (ICI) herein recognized as the “Indiana Construction Safety Partners” (ICSP) create the Strategic Occupational Safety and Health Partnership (“Partnership”) to advance the mutual goal of preventing occupational incidents. This statewide Partnership is not a legal partnership, but rather a cooperative program. This Partnership is for the benefit of both AGCI and ICI member companies working within the Indiana construction industry that have demonstrated exemplary safety and health management systems.

Recognizing the importance of providing a safe and healthful work environment, IDOL and ICSP strongly agree on the need to develop a working relationship that fosters trust, respect, and transparency for each organization’s role in the Indiana construction industry.

The “Partnership Agreement” refers to this Agreement, and “Partners” are all parties collectively who are signatory to this Agreement.

It is understood that the Partnership Agreement allows for a cooperative working environment between IDOL, ICSP, and participating AGCI and ICI member companies that have met the partnership eligibility criteria as outlined in this Agreement.

### A. PARTNERS

The following are considered parties to this Agreement:

1. Indiana Department of Labor, by its Commissioner
2. Indiana Department of Labor IOSHA Division
3. Indiana Department of Labor INSafe Division
4. Associated General Contractors of Indiana, by its Executive Director
5. Indiana Constructors, Inc., by its President

### B. BACKGROUND

The overarching goal of IDOL partnerships is to achieve superior occupational safety and health performance in the construction industry.

According to the 2016 Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII), non-fatal occupational injury and illness rate for the Indiana construction industry was 2.8 per 100 full-time workers. For benchmarking purposes, the 2016 rates are the most recently published rates available.

As partners, the ICSP are committed to the following shared strategies and objectives:

1. Implementing an open and transparent communication policy between the ICSP organizations.

2. Increasing the number of participating AGCI and ICI member companies that develop and implement effective workplace safety and health programs and training for all employees—management, supervisory, and tradespeople.
3. Sharing knowledge of best industry technology, innovations, and work practices that improve jobsite safety.
4. Cooperating in the development and continuous improvement of safety training programs for the construction industry.
5. Promoting recognition for construction industry workplace safety and health excellence at every opportunity.
6. Ensuring that enforcement policies and practices are effective, consistent, and fair.
7. Promoting principles of good faith and fair dealings as the foundation of the ICSP relationship.
8. Allowing the IDOL to focus its available enforcement resources on companies that have not demonstrated or implemented an effective safety and health management system and programs.
9. Recognizing that any party may withdraw from the Partnership at any time by submitting written notification of intent to the other Partners.

## C. GOALS

1. **Goal:** Encourage member companies to consider the benefits of participating in the Partnership Agreement.  
**Measure:** Number of AGCI and ICI member companies accepted into the Partnership.  
**Verification:** Monthly partnership report.
2. **Goal:** Reduce the annual aggregate rate of injuries and illnesses for participating member companies that result from the four leading causes of death on a construction worksite (falls, struck-by, caught-in or -between, and electrocutions).  
**Measure:** OSHA recordable incidents.  
**Verification:** Monthly partnership report.
3. **Goal:** Conduct semi-annual educational meetings for participating member companies.  
**Measure:** Number of participating member companies represented in attendance at the semi-annual educational meetings.  
**Verification:** Meeting minutes.
4. **Goal:** Encourage IDOL representative participation in AGCI and ICI meetings and Forums (e.g., AGCI Safety Committee, ICI Safety Forum, Southwest Construction Roundtable, and Partnership Enhancement Subcommittee).  
**Measure:** Number of IDOL representatives that attend association meetings and forums.  
**Verification:** Meeting minutes.
5. **Goal:** Recognize the achievements of participating member companies that have exemplary safety and health programs as well as effective site-specific safety and health plans.  
**Measure:** Number of member companies that participate in the Partnership.

**Verification:** Monthly partnership report.

#### **D. IDOL COMMITMENT/ROLE**

The IDOL will only consider AGCI and ICI member companies with outstanding achievements in workplace safety and health (as defined herein) for inclusion in the Partnership Agreement.

The IDOL will review information and data submitted on behalf of member companies applying to be in the Partnership Agreement. IDOL will issue a notice of approval or denial to the appropriate ICSP representative and the member company applicant. Once a member company is accepted, the IDOL will:

1. Exempt participating member companies that meet Partnership Agreement requirements from general scheduled inspections.
2. Handle non-formal complaints received regarding participating member companies through IOSHA's defined phone/fax process.
3. Exclude participating member companies from IOSHA inspections that involve employers not participating in the Agreement, unless the compliance officer observes that any employees are exposed to hazards such as, but not limited to, falls, electrical, caught-in or -between or struck-by hazards. In these instances, citations may be issued at the discretion of the compliance officer.
4. Limit formal complaint inspections received regarding participating member companies to the complaint item(s) and "in plain view" items.
5. Utilize IOSHA's defined process to handle inspections and/or investigations of required employer reports of in-patient hospitalizations involving treatment of one or more employees, amputation(s), or loss(es) of eye(s).
6. If violations are found during inspections (e.g., where the employees are not exposed to the hazard), the compliance officer will request the hazard be abated as soon as possible in lieu of a citation being issued.

The IDOL, AGCI, and ICI may jointly or independently retain the discretion to veto member contractors from participating in the Partnership. Examples of issues that may potentially disqualify a contractor from participating in the Partnership include, but are not limited to, 1) unsatisfactory occupational safety and health performance, 2) unpaid fines and penalties, 3) unsatisfactory regulatory history with any other State agency or department, or 4) member not in good standing with the AGCI or ICI.

#### **E. AGCI AND ICI COMMITMENT/ROLE**

The AGCI and the ICI will administer this Partnership as outlined herein and will serve as the principal safety resource in support of its participating member companies. To fulfill the requirements of this Agreement, the AGCI and ICI will also:

1. Administer the overall Partnership Program, which will include, but not be limited to, the initial evaluation of applications to determine whether member companies meet the criteria. Information considered will include pertinent company information, such as demonstrated

safety and health programs, training commitments, history of OSHA citations, fatalities, injury/illness experiences, and other similar factors.

2. Submit a comprehensive occupational safety progress report to the IDOL no later than the 15<sup>th</sup> day of each month.
3. Offer ongoing, quality training on topics of importance to participating member companies, specifically the “focus four” hazards (falls, struck-by, caught-in or -between, and electrocutions).
4. Provide up-to-date informational materials, occupational safety and health statistics, and brochures to participating member companies
5. Organize and provide the IDOL’s interpretations of major standards, as well as statewide inspection issues (including the most frequently cited IOSHA standards) to participating member companies.
6. Promote construction safety excellence through annual safety program recognition awards.
7. Work with the IDOL to create an annual Partnership Agreement evaluation report.
8. Act as a liaison with IDOL on behalf of participating member companies as appropriate. Participating member companies should direct their questions regarding the Partnership to appropriate ICSP representative and the representative will contact IDOL for responses.
9. Terminate participating members from the Partnership if findings indicate that they have provided false documentation or are not fulfilling their obligations under the Partnership.

## **F. PARTICIPATING AGCI AND ICI MEMBER COMPANY COMMITMENT/ROLE**

To participate in the Partnership, the contractor must be a member of AGCI or ICI. A Participating Member Company (PMC) must:

1. Complete a written application.
2. Certify company-wide that no fatalities occurred within the last three years that resulted in serious and/or “knowing” citations related to the incident.
3. Certify a comprehensive written safety and health management program is in place that is at least equivalent to OSHA’s “Safety and Health Program Management Guidelines” of January 26, 1989 in FRN 54:3904-3916, or the American National Standards Institute (ANSI) A-10.38, “Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment.”
4. Assure that all supervisory field personnel have completed the OSHA 10-Hour Training Course for the Construction Industry, or that newly hired or assigned supervisory personnel provide proof of completion within thirty (30) days of being placed in supervisor position.
5. Implement a fall protection program requiring and enforcing the use of conventional fall protection (e.g., personal fall arrest systems, safety net systems, restraints or guardrail systems) where their employees or sub-contractor employees are performing work covered by 29 CFR 1926.
6. Submit the OSHA 300 Log and 300A Summary of work-related incidents for the previous three years.
7. Participate in a site review conducted by the ICSP representative that will include management’s commitment to an action plan to prevent future hazards, rather than just identifying current hazards present on the selected jobsite(s).
8. Maintain a three-year Total Recordable Case (TRC) and Days Away Restricted and Transfer (DART) rates at least 20 percent below the most recently published BLS national average for the North

American Industry Classification System (NAICS) code of the sub-industry in which the participating member company is classified. *See Attachment A for calculation formula.*

- a. The NAICS code of a participating member company will be the governing classification as determined by their insurer (e.g., workers' compensation and general liability).
  - b. Any Standard Industrial Classification (SIC) code must be translated into the current NAICS code.
  - c. If the BLS does not have TRC and DART rate averages for the specific six-digit industry classification, then the rightmost digit(s) of the NAICS should be deleted until a code with current averages is available.
9. Provide monthly occupational safety and health-related data or statistics including the aggregate current OSHA 300 Log information and TRC and DART rates for all Indiana operations.
  10. Develop and maintain a substance abuse testing program within 30 days of entering the Partnership or provide verification of an existing substance abuse testing program.

## **G. PARTICIPATING MEMBER COMPANY EVALUATION**

The ICSP will conduct an annual evaluation that will include a comparison of the TRC and DART rates with the most current Indiana BLS rates for each participating member company's NAICS code.

This evaluation shall include a report acknowledging injuries incurred by participating member companies relative to falls, struck-by, caught-in or -between, and electrocutions. Such reports alone will not be cause for inspection.

This evaluation will be largely administrative in nature, but may also include site tours and employee interviews as deemed appropriate by the IDOL.

## **H. PARTICIPATING MEMBER COMPANY BENEFITS**

1. Special recognition of PMCs from the IDOL may include news releases, newsletter articles and other printed or electronic materials that identify PMCs as strategic occupational safety and health Partners.
2. PMCs may receive priority when seeking workplace safety and health consultation from INSafe. Requests for consultation may be completed and submitted using the online form available at [www.in.gov/dol/insafeconsultation](http://www.in.gov/dol/insafeconsultation). Direct questions to INSafe at (317) 232-2688 or email [insafe@dol.in.gov](mailto:insafe@dol.in.gov).

## **I. EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES**

This Partnership Agreement does not preclude employees and/or employers from exercising any rights provided by law nor shall it nullify any responsibility to comply with any rule adopted under the Occupational Safety and Health Act (OSH Act). IOSHA may enter a participating member company's site at any time it believes a serious compliance issue exists. No part of this Partnership Agreement shall be

construed as limiting OSHA enforcement authority or the rights of workers to protections afforded by the OSH Act.

## J. PARTNERSHIP TERM

Any of the undersigned Partners may withdraw from the Partnership by providing written notification to the other Partners. Termination shall be effective 30 days after the receipt of notification.

A PMC may elect to withdraw from the Partnership by providing written notification to the ICSP. Termination shall be effective upon receipt of such notification.

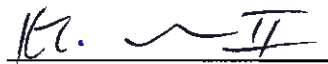
When a fatal or other serious incident occurs involving a participating member company and a serious, willful or repeat Safety Order is issued as a result of the ensuing inspection, that company shall be barred from participation in the Partnership or any of its benefits for a period of three years from the date the safety order is issued.


The IDOL, AGCI, or the ICI may terminate a participating member company from the Partnership Agreement if that company fails to meet the qualifications or otherwise violates the terms and conditions of this Partnership Agreement.

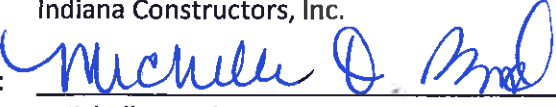
## K. PARTNERSHIP SIGNATORIES

By:  \_\_\_\_\_ Date: 12/11/2018  
Rick J. Ruble, Commissioner of Labor  
Indiana Department of Labor

By:  \_\_\_\_\_ Date: 12/11/2018  
Timothy E. Maley, Deputy Commissioner  
Indiana Department of Labor, IOSHA Division

By:  \_\_\_\_\_ Date: December 11, 2018  
Kenneth R. Boucher, Deputy Commissioner  
Indiana Department of Labor, INSafe Division

By:  \_\_\_\_\_ Date: 12/11/2018  
Richard H. Hedgecock, President  
Indiana Constructors, Inc.

By:  \_\_\_\_\_ Date: December 11, 2018  
Michelle Boyd, Executive Director  
Associated General Contractors of Indiana

## ATTACHMENT A

### Rate Calculations

1. Annual non-fatal workplace injury and illness incident rates are calculated by using the formula  $(N/EH) \times 200,000$  where:

N=Total number of recordable injuries and illnesses in the year.

For the TRC rate, use the total number of injuries plus illnesses.

For the DART rate, use the injuries and illnesses that result in days away from work, restricted work activity or job transfer.

EH=Total number of hours worked by all employees in the year.

200,000=Equivalent of 100 full-time workers working 40 hours per week, 50 weeks per year.

2. Three-Year TRC Rate Calculation. To calculate the three-year TRC rate, add the number of all recordable injuries and illnesses for the past three years and divide by the total hours worked for those years. Multiply the result by 200,000.

$$\frac{[\text{Sum of the Number of Injuries and Illnesses for Three-Year Period}] \times 200,000}{[\text{Total Hours Worked for Three-Year Period}]}$$

3. Three-Year DART Rate Calculation. To calculate the three-year DART rate, use the same formula as calculating the TRC, except add the number of recordable injuries and illnesses that result in days away from work, instead of just total recordable injuries.

$$\frac{[\text{Sum of the Number of Injuries and Illnesses resulting in DART for Three-Year Period}] \times 200,000}{[\text{Total Hours Worked for Three-Year Period}]}$$

4. Rounding Instructions. Rates must be rounded to the nearest tenth following the traditional mathematical rounding rule. For example, 5.85 up to 5.9; 5.84 down to 5.8.