

SUBCONTRACTOR SAFETY AGREEMENT

1.1 Introduction

This packet contains the Subcontractor Safety Agreement for all personnel working or supporting work on the contractor projects. Any reference made to he or she, his or hers, him or her in these rules shall include all workers. Additionally, these instructions apply to all personnel, subcontractors (to include lower tier subcontractors), vendors and suppliers of outside subcontractors performing work on these programs/projects/sites.

Subcontractors, their employees, and any other personnel are required to be familiar with this directive and abide by it. Violation or non-conformance with this document may subject the subcontractor and/or his personnel to disciplinary action and/or discharge from the premises. The subcontractor shall keep and make available a copy of these rules on the job site for employee review.

1.2 Purpose

All workers on site shall adhere to all applicable safety directives to include, but not limited to OSHA 1926 & 1910, EM 385-1-1, NAVFAC, and the contractor's Safety Program requirements.

This document identifies the requirements that all personnel must adhere to on the contractor project sites. The requirements herein may exceed those requirements outlined in Federal and State standards. If conflicts between directives occur, the more stringent directive shall be followed.

1.3 Supervision

Subcontractors are hired as subject matter experts (SMEs) and therefore understand the tasks and hazards of the job and are in the best position to plan and manage the safety and health of their employees. SME employees shall answer to their respective subcontractor who in turn, is responsible to the contractor.

In matters of imminent danger or immediately dangerous to life and health (IDLH), anyone on the project can call a "stop work" until the issue is addressed, and hazardous conditions are resolved. The controlling contractor project management may also direct subcontractor personnel in the correction of hazards in order to mitigate imminent danger situations on a case-by-case basis. Coordination with the subcontractor is the preferred method, but may be forgone, depending on the severity of the situation.

In cases of an emergency, a contractor Site Safety Health Officer (SSHO), superintendent or supervisor (if no SSHO is assigned on site) having jurisdiction over persons in danger may modify or suspend any of these instructions on a temporary basis to permit proper handling of the emergency. In this case, it shall be the responsibility of the superintendent/supervisor to see that any work carried out under suspension of these directions shall be performed in a safe manner. Use of the pre-planning AHA process with prior coordination/approval through the contractor management to document variances is required.

1.4 Roles and Responsibilities

The Controlling Contractor ("Contractor" as referenced in Subcontract Agreement) has general supervisory authority over the worksite, including the power to correct safety and health violations or requiring others to correct them. This contractor also has the responsibility to exercise reasonable care to prevent and detect violations on the project site.

This document does not relieve any subcontractor from their inherent safety responsibilities as the "employer." The controlling contractor shall not be responsible for implementing a safety program for subcontractors but shall ensure subcontractors have **their own** safety program in place and will ensure that the program is being utilized on active projects.

All subcontractors, vendors, suppliers, or any other entity that places their employees on the controlling contractor's jobsites fall under one of the following employer roles:

Creating Contractor – The contractor that causes a hazardous situation.

Correcting Contractor – The contractor who is responsible for correcting a hazard on the exposing contractor's worksite. The correcting contractor must exercise reasonable care in preventing and discovering violations and meet his/her obligation of correcting the hazard.

Exposing Contractor – The contractor whose own employees are exposed to the hazard. The exposing contractor may be held responsible if the contractor:

1. Knew of the hazardous condition or failed to exercise reasonable diligence to discover the condition, and
2. Failed to take steps to protect his/her employees.

If the exposing contractor has the authority to take corrective actions, they must do so. If the contractor **does not** have the authority to take corrective actions, they must:

1. Report the hazard to the creating and/or controlling contractor for correction.
2. Inform his/her employees of the hazard, and
3. Take reasonable alternative protective measures.

Each contractor has the responsibility to protect their own employees under the General Duty Clause (Section 5 of the OSH Act of 1970):

Section 5. Duties

(a) Each Employer

- (1) *Shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious medical harm to his employees.*
- (2) *Shall comply with occupational safety and health standards promulgated under this Act.*

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders pursuant to this Act which are applicable to his own actions and conduct.

Subcontractors shall provide a copy of OSHA's Whistleblower Fact Sheet to all employees prior to commencing work (Appendix A). This document outlines the employees' rights and protection from retaliation for raising safety concerns.

1.5 Personnel General Jobsite Work Conduct

- a. All Subcontractor employees shall attend a Newcomers Safety Orientation prior to commencing work. This training shall be provided by the controlling contractor and all trainees will be required to sign the form, *Newcomers Safety Orientation Checklist*, (Appendix F), acknowledging understanding of the training. The sign in log and each Newcomers Safety Orientation Checklist shall be delivered to the contractor's project management staff prior to commencing work.
- b. Subcontractor personnel are to use subcontractor trailers or pre-established areas away from the work zone/operation/task when carrying out lunch/coffee breaks.
- c. The possession and/or consumption of alcoholic beverages and/or use of any illegal drugs or narcotics or OTC drugs/medicines that may impair judgment or affect their ability to safely perform their daily duties, are prohibited on the job site.
- d. Smoking is prohibited outside of designated areas.
- e. Subcontractors will enter the job site from the designated entrances. Subcontractor supervision shall ensure a current manning count at all times in case of emergencies.

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- f. Subcontractors will confine themselves to the area in which they are working and/or their designated break areas. Workers shall not roam the facility or engage client personnel in non-work-related issues.
- g. Subcontractors shall not take construction related directives/changes directly from clients. Subcontractors shall submit any changes, even those initiated by client directive, to on-site management staff, seeking guidance **before** proceeding.
- h. In case of personal injury, property damage or any unusual circumstance, the appropriate on-site superintendent, project manager and safety manager shall be contacted immediately.
- i. Shirts, with a minimum sleeve length of four inches, are to be worn at all times. Full length trousers are required. Sweatpants, shorts, or clothing with offensive symbols/language are prohibited at all times on our project sites. The senior contractor staff member on site has final discretion on clothing issues. Noncompliance may result in a worker's removal from site.
- j. Subcontractors and their personnel are **required** to furnish their own serviceable PPE and safety equipment, i.e., gloves, safety glasses, hard hats, welding shields, fall arrest systems, etc.
- k. All Subcontractors shall conduct weekly safety meetings with **mandatory** attendance by all their employees working on site. The safety meeting content and attendance will be documented and signed by all attendees. Copies of safety meeting documentation are to be forwarded to the contractor as an attachment to the daily report.
- l. All subcontractor supervisors (foremen, superintendent, PMs, etc.) shall have successfully completed the OSHA 10-hour training course by an OSHA authorized Outreach Training Provider; OSHA 30 is preferred. This is to ensure subcontractor leadership has the ability to reasonably identify hazards on the project sites.
- m. All Subcontractors shall conduct pre-planning daily or before each shift and will document this process on the attached Activity Hazard Analysis (AHA) form (Appendices B-1 to B-4). This document shall be reviewed by all craft workers and updated daily or as conditions change. The completed forms shall be maintained at the work activity location. Subcontractors shall collect these forms and turn them into the contractor superintendent every Friday by close of business.
- n. Use of radios, etc. to play music, shall be at the discretion of the contractor management. The use of any earbud/earphone type music device is strictly prohibited due to reduction in situational awareness. *NOTE: At no time shall music volume, genre, or offensive language create a disturbance to co-workers/clients or mitigate verbal warnings/communications. Offensive language or volume in any form shall not be tolerated on any job sites.*
- c. Intentional property/equipment damage including graffiti on the job site.
- d. Possession of firearms or weapons of any kind on the job site, as well as firearms inside of vehicles.
- e. Engaging in fighting or horseplay.
- f. Failure to use designated sanitary facilities.
- g. Sexual harassment.
- h. Unlawful conduct.
- i. Theft, to including the unauthorized (contracted) removal of demolition "scrap" materials such as copper/brass.

*Note: We enforces a drug free workplace.

1.7 Subcontractor Requirements

1. Each subcontractor will develop and support their own safety program to include training, inspections, reporting procedures, incident investigations, and safety meetings.
2. All visitors must sign into the appropriate contractor office before entering the project site for accountability and site safety brief.
3. At a minimum, each worker on site shall wear protective toed boots, hard hat (IAW ANSI Z89.1), gloves, and safety glasses (IAW ANSI Z87.1), and reflective vest (ANSI 107 Class 2 or above). Any variance from this will be submitted to the contractor in writing for approval.
4. Any work that will be performed outside of normal hours per contract requirements will be coordinated with contractor management for safety oversight.
5. Each subcontractor must have a means of communication on site unless prohibited under client directives.
6. Each subcontractor will provide their own supervision and competent person on site as the task warrants. Contractor management reserves the right to "disqualify" any competent person due to lack of training, credentials, or knowledge.
7. Each subcontractor will have a designated employee that is trained in first aid / CPR on site. Proof of training shall be readily available.
8. All accidents, injuries, and illnesses will be reported to contractor management immediately for case management and investigation. The event will be reported immediately, then as a written statement using the attached initial incident report and a witness statement if applicable. (Appendices C-1 and C-2).
9. Any subcontractor that creates an unsafe condition must immediately notify the contractor and mitigate the risk by installing the correct barricades, covers, and warning signs.
10. Strict adherence to all posted signage on site is mandatory.
11. No high-risk work (excavations, electrical, high work, confined space, etc.) shall take place without prior coordination and approval from contractor management.
12. Each subcontractor is held responsible for general housekeeping conditions in and around their work area.

1.6 Personnel Prohibited Conduct

In addition to the conduct requirements, a finding of any of the following prohibited actions may result in immediate dismissal from the site:

- a. The possession or drinking of alcohol on any job site. *
- b. The suspected use of any substances which alter mental or physical capacity including, but not limited to, prescription drugs, narcotics, marijuana or other "controlled substance" or "controlled dangerous substance" on the job site. * Examples may also include cold/flu/allergies over the counter (OTC) drugs.

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Cleanup shall occur as crews work and as a team (end of day/shift) on a daily basis.

13. Any subcontractor using chemical or hazardous materials will have a Hazard Communication Program in place and all affected employees will have received GHS training.
14. All subcontractors are required to submit their Safety Data Sheets (SDS) hazardous materials to be used on the job. This must be done prior to the delivery of the hazardous materials to any project site. Subcontractors must follow applicable hazardous chemical labeling procedures.
15. Subcontractors are responsible for the containment, packaging, removal, and disposal of any and all hazardous waste they produce.
16. No subcontractor or employee will handle any recognized or suspected lead or asbestos containing materials (ACM), unless they are certified to do so by all applicable state and federal laws.
17. When required, only the minimum quantities of oil, gasoline and other flammable liquids shall be kept in buildings other than separate POL structures/oil houses.
18. Gasoline and other flammable liquids shall be kept in metal safety containers approved by the Underwriters Laboratories (UL).
19. The controlling contractor is not responsible for lost or stolen equipment or tools (personnel lifts, ladders, power/hand tools, etc.).
20. No metal ladders are allowed on our project sites. A variance may be given only if a ladder is needed as an emergency egress and is positioned away from all energized sources.
21. All tools and equipment must be inspected prior to use. Tools will only be used with the proper guards and handles in place.
22. Workers must be trained on the safe operation and hazard recognition of tools before using them.
23. All subcontractors must identify their equipment and tools brought to the job site with some form of permanent identification i.e., stamped, etched or tagged.
24. All power tools will be plugged into a ground fault circuit interrupter (GFCI) which will be located at the power source.
25. All power tools shall either be double insulated or have a factory installed ground pin or equivalent.
26. Tools and materials shall only be stored in areas designated for subcontractor storage. If storage facilities have not been designated, the subcontractor will be expected to remove his tools and materials when leaving the site for the day.
27. Contractor personnel have the authority, after proper inspection, to prohibit the use of any tools, protective devices and other equipment, regardless of ownership, which are considered unsafe. This includes clothing or jewelry that is incompatible to the work operation/area/task (i.e., synthetic fabrics during arc-flash tasks, etc.).
28. Workers must inspect the general area where welding or other hot work is to take place prior to the start of the job to ensure there are no flammable materials present by:
 - Clearing a 35-foot radius of all combustible or flammable material **OR**
 - Covering all flammable or combustible material (within a 35' radius) with flame retardant protective materials
29. Hot work permits and fire fighting equipment (minimum 10 lb. fire extinguisher) shall be in a stand-by condition at the site of the hot work. The fire fighting equipment shall be compatible with the materials involved in the hot work.
30. Welding or flame cutting operations must be shielded to protect immediate and adjacent workers and passers by from flash and sparks.
31. The subcontractor will assign a trained Fire Watch to inspect the area during work and for a minimum of one hour after task completion. This Fire Watch shall not have any other duties and establish their position at the same level of work with an unobstructed view. NOTE: Client specific "Hot Work" permit rules shall be followed. If there are any conflicting directives, the more stringent shall be used.
32. The subcontractor supervisors shall ensure their workers are qualified physically and mentally to perform the work assigned to them safely.
33. The subcontractor supervisor shall ensure that workers are trained in and familiar with the safety related work practices, safety procedures, and other safety requirements that pertain to their respective job assignments.
34. All vehicles and equipment (i.e., ladders, extension cords, lifts, etc.) will be inspected and will have a tag to signify inspection has taken place. Tags will not be attached where or if it hinders the safe operation of any tool or piece of equipment. This inspection will take place daily and after any incident which may cause damage to the equipment.
35. All portable generators, when used, shall be properly grounded per manufacturer.
36. Only authorized employees are allowed on or in any piece of equipment. No one will ride on any equipment outside of a designed seat with seat belts in use.
37. Subcontractors will make arrangements for the receipt and unloading of any and all material and equipment for their assigned tasks.
38. When backing or moving equipment, each operator will ensure the area around the vehicle is clear and must have a clear view of the vehicle's path.
39. Spotters must be used in congested areas or areas that do not have a clear view of the path of travel.
40. Operators shall not use cell phones or two-way radios while driving on any projects.
41. All equipment on project sites must have functioning back up alarms.
42. Any worker that operates a piece of equipment will be properly trained and hold the credential on his/her person while operating this equipment.
43. Excavations will be cleared from all utilities or obstacles via governing entities (dig permit); the dig permit will be maintained on site for the duration of the excavation activities.
44. Workers working over or near water, where the danger of drowning exists, shall wear a US Coast Guard approved life

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jacket or buoyant work vest. The jacket or vest shall be zipped or securely fastened while in use. Where fall hazards (above 6-foot fall) exist, the PFD shall be removed to prevent interference with the Personal Fall Arrest System (PFAS).

45. Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations when working near or over water. Distance between ring buoys shall not exceed 200 feet.
46. Work on any roof that places a worker within six (6) feet of a fall hazard (6 feet or greater distance) will require a 100% fall protection system. This includes roof work within 6 feet of an unprotected skylight, shaft, or rooftop opening on low sloped roofs. Roofing crews may use a warning line system 6 feet from the edge. All non-roofing crews will establish their warning line system at least 15 feet from the unprotected edge or wear proper fall protection.
47. When working on or near energized conductors, all conductors, exposed ground wires, guys and grounded equipment, shall be protected to prevent contact. Covers include rubber line hose, insulator hoods, line guards, line-duct, blankets or other approved protective devices.
48. Lanyards used in lifts shall be either “shortys” (2’- 4’ in length) providing positioning protection or horizontally rated, self retracting lifelines (SRLs). “Normal” length lanyards shall not be used. Shorty’s and SRLs will keep the worker from being ejected out of the work cage/basket unlike “normal” length (6’ with approx. 3’ shock pack/extension) lanyards.
49. All lifts shall be provided with a manufacturer’s approved anchorage point for each worker. “Back choking” with unapproved lanyards or to non anchorage point rails is forbidden. Workers shall not stand on rails of lifts.
50. All subcontractors working rooftop operations shall address (at a minimum) in their pre-planning process:
 - Emergency egress (2 routes of travel)
 - Location of first aid kit, and potable water for emergency deluge (hot tar exposure etc.).
 - Fire protection equipment.
 - Delivery of supplies and removal of debris without exposing their workers to unprotected fall hazards.
 - Additionally, all equipment will have manufacture approved/pre-engineered attachments. No “home made” wooden boxes used on forklifts to remove trash from roofs etc.
 - Emergency Action Planning (documented) shall include How to detect high winds/lightning in the area, the proper time to stop operations and seek shelter in an approved location.

1.8 Emergency Action Plan (EAP)

As previously mentioned above, each craft supervisor/manager shall explain the details of the job, possible hazards associated with each tasking, and controlling measures for each hazard before work begins. This shall be documented on the *Activity Hazard Analysis* (AHA). AHAs are to be reviewed daily and prior to each shift. They are craft specific and include an **Emergency Action Plan** (EAP) for the project site (i.e., hazardous weather or medical/fire/criminal emergency issues). The AHAs will be briefed to the workforce who will subsequently sign/date them. This review and signature demonstrates the workers’ understanding of the day’s tasking and the safety controls associated with the tasks and how to respond to EAP events.

Subcontractors are required to develop and utilize their own EAP, on a task appropriate basis. Subcontractors will also be required, as part of their

own EAPs, to appropriately train, perform drills with their employees, and document those training activities. Each subcontractor must perform at least one training drill once they have mobilized onto a project site. During weather events, subcontractors must monitor weather conditions to ensure the safety of their employees.

A general Safety Orientation will be provided for all authorized staff, subcontractors, clients, and visitors. Within this training are our overarching EAP steps: Identify the hazard. Sound the alarm. Respond if capable. Secure the scene.

1. Identify the Hazard. Is the issue Fire, Medical, Property Damage, Criminal, Weather or Environmental related?

2. Sound the Alarm. Use the site’s specific means of notifying Emergency Responders. In many cases, this is simply calling 9-1-1. It all depends on the project/site resources and levels of security involved. For example, at high security/ classified project sites, it may be more effective to call the facility’s Fire Department vs. the off-site EMS. Off site EMS may not be able to clear the facility’s multi-layers of security controls in a time efficient manner.

3. Respond if Capable. This step assumes you have the proper training/qualifications to address the hazardous condition until relieved by proper authority (Supervision) or Emergency/First Responders. **It also assumes you will not place yourself in a situation where unreasonable levels of risk is placed upon you.** One example may be identifying a trash can fire on the job site (Step 1 completed). Step 2 (Sound the Alarm), you’ll pull the fire alarm, or call 9-1-1 or the local command and control number. Step 3 (Respond if Capable), deploy the site’s fire extinguisher to put the fire out. On the other hand, if the fire has progressed to the point where the entire room or facility is a blaze, sound the alarm while simply removing yourself from harms way. If possible, help others evacuate to the muster point for accountability. Guide the Fire Department to the problem if need be.

4. Secure the Scene. This step will be to simply follow directions provided by the Emergency Responders and then the controlling contractor management staff. This could be to gather evidence (documentation). Or fill out accident reports and provide witness statements etc.

With the above EAP Steps in mind, what are the possible hazards to consider?

Tornado/high winds, sandstorms, heavy rains/floods, hail, earthquakes, volcanoes, wildfires, thunder/lightning, high heat, extreme cold, and blizzard/icy conditions with limited visibility from ice fog. The key to all of these issues is to pre-plan prior to mobilization. With a focus on local—**reasonably expected hazards**—to help customize the Subcontractors’ EAP:

- **Volcanoes**, in Hawaii and Alaska may dictate multiple evacuation routes triggered by a unique alarm/signal. Choose the route that leads to higher ground while traveling cross/up wind, whenever possible.
- **Thunder and lightning** are possible anywhere in the world. EAP planning for this issue will be at a minimum; to follow local/client directives (i.e., alarms set off at specified countdown distances and be under cover before storms are within 10 miles of the project site), begin closing up operations when lightning is detected in the local area and seek cover in a hardened shelter. Remain under cover until thunder/lightning has not occurred within 10 miles for 30 minutes. Remote projects (raw land or water operations) will require workers to seek shelter in hard top vehicles if no other option (“shelter” while trying not to touch bare metal/electrical components with exposed skin) is available. Review the OSHA Fact Sheet, *Lightning Safety When Working Outdoors*. (Appendices D-1 to D-5) for additional information concerning this issue.

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- **Tornados/high winds**, would follow this same planning process as lightning except the shelter planned for, will need to protect for the damaging winds and not just the lightning strikes. Seek cover in the strongest shelter possible at or below ground level. Remain there until the “all clear” is given.
- **Flash flooding** can also happen anywhere. EAP planning will center on local alarms and weather forecast monitoring by the Subcontractor’ Supervisory staff. This will be documented on the daily AHAs and will require cell phones to remain on alert status to monitor changes in weather conditions throughout the day. Seek protection in shelters away from low lying areas.
- **Hurricane and tsunami (tropical storms and tidal waves)**, coastal projects are all subject to these types of weather hazards. These events may provide a little more warning via local weather forecasts, but the EAP will still need to address: Active situational awareness, emergency monitoring systems, and egress routes/shelters in protected areas when evacuation orders are delivered by local authorities. EAP development must also include accountability of workers and recovery needs after the storms.
- **Extreme temperatures of heat and cold**, (depending on locations) dictate the use of increased situational awareness. Check the weather before reporting to work. Projected weather conditions should dictate proper selection of personal clothing. If it’s cold, dress in layers. If it’s hot, reduce the amount of heavy clothing and use work rest cycles while drinking plenty of water. Driving and working in snow/icy conditions demands a concerted effort to maintain control of the worker’s body position and if driving...safely operating the vehicle. Generally speaking, slow down due to lack of visibility and personal/equipment/vehicle traction.
- **Criminal activity**, sadly, this issue is becoming a more frequent reality. It is also one of the hardest EAP events to plan for since it can happen without warning and by people who we trust (co-workers/friends/family etc.). The EAP basic plan for an active shooter is:

Run = As soon as the issue is known, departing the area with your hands visible. Sound the alarm! Follow the directions of any on-coming police/security officers.

Hide = If you can’t get escape from the shooter without exposing yourself to gun fire or weapon attack, hide. Lock the doors or barricade yourself away from the shooter. Turn off lights and silence your cell phones. Rings/tones/vibrations can give your location away to the shooter.

Fight = If all else fails, find whatever is available and fight the aggressor with all you have. This is the last resort!

The subcontractor is responsible for planning and documenting the EAP and then training their staff. This training includes measuring the effectiveness of the EAP by testing/drilling it upon initial work activities. When/if errors are identified; the Subcontractor’s Supervision must make corrections. The bottom line is to train your workforce on what to anticipate and most important, how to respond. All EAP training must be project specific and documented via date and student/worker signature. Included will be basic issues like:

- Muster/rally points for accountability.
- Chain of Command with emergency points of contact numbers.
- Maps/directions to the nearest Fire Department, Hospital, Police Department.
- Locations of the projects’ emergency supplies (i.e., first aid kits, AEDs, eye wash stations, and SDS for chemical spills/exposure).
- Work with your contractor staff member to develop this information.
- The controlling contractor will require a copy of your EAP and training.

1.9 Safety Discipline Policy - For Subcontractors

We are committed to providing a safe and healthy workplace for all subcontractor employees working on all projects. It is the responsibility of the subcontractor’s management team to assure that its employees have read, understand and are in compliance with this section of the Safety Plan. All subcontractor employees shall acknowledge this training and their understanding by completing and signing the acknowledgement page during their initial site safety orientation provided by the contractor.

Safety violations having a significant impact on the contractor, its clients, or workforce may result in immediate disciplinary action, which can include termination of employment and/or restitution. For other violations, a progressive discipline may be used with a verbal warning, written violation (Appendix E), and suspension from all contractor projects. Each violation will be reviewed on a case-by-case basis and reserves the right to impose any discipline on the violator it deems appropriate, up to and including termination.

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Appendix A



Filing Whistleblower Complaints under Section 11(c) of the OSH Act of 1970

Employees are protected from retaliation for raising workplace health and safety concerns and for reporting work-related injuries and illnesses.

Covered Employees

Section 11(c) of the *Occupational Safety and Health Act of 1970* (OSH Act) prohibits employers from retaliating against employees for exercising a variety of rights guaranteed under the OSH Act, such as filing a safety and health complaint with OSHA, raising a health and safety concern with their employers, participating in an OSHA inspection, or reporting a work-related injury or illness.

A covered employee is any private sector employee in a business affecting interstate commerce, an employee of the U.S. Postal Service, an employee of certain tribal employers, or a non-federal public sector employee in a state having an OSHA-approved state program.

Protected Activity

A person may not discharge or in any manner retaliate against an employee because the employee:

Filed any complaint or instituted or caused to be instituted any proceeding under or related to the OSH Act.

Exercised any right afforded by the OSH Act. Examples include, but are not limited to, communicating orally or in writing with management personnel about occupational safety or health matters, including asking questions or expressing concerns, requesting safety data sheets, reporting a work-related injury or illness, or requesting copies of OSHA regulations; filing a safety/health complaint with OSHA, participating in an OSHA on-site inspection.

Unfavorable Employment Actions

A person may be found to have violated Section 11(c) of the OSH Act if the employee's protected activity was a motivating factor in the person's decision to take unfavorable employment action(s) against the employee. Unfavorable employment actions may include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failure to hire or rehire
- Intimidation
- Making threats
- Reassignment affecting prospects for promotion
- Reducing pay or hours

Deadline for Filing Complaints

Complaints must be filed within 30 days after the alleged unfavorable employment action occurs (that is, when the employee is notified of the retaliatory action).

Employees filing untimely retaliation complaints with OSHA may be referred to the National Labor Relations Board (NLRB) for possible further action.

How to File an 11(c) Complaint

An employee, or representative of an employee, who believes he or she has been retaliated against in violation of Section 11(c), may file a complaint with OSHA within 30 days (see above). Complaints may be filed verbally with OSHA by visiting or calling the local OSHA office at 1-800-321-OSHA (6742), or may be filed in writing by sending a written complaint to the closest OSHA regional or area office, or by filing a complaint online at www.whistleblowers.gov/complaint_page.html.

Written complaints may be filed by facsimile, electronic communication, hand delivery during normal business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, facsimile, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or

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Appendix B-1

Activity Hazard Analysis Form (With Weather EAP)

Activity/Work Task:	Overall Risk Assessment Code (RAC) (Use highest code)	
Project Location:	Risk Assessment Code (RAC) Matrix	
Contract Number:	Severity	Probability
Date Prepared:		
Prepared By (Name/Title):	Frequent	Likely
Supervisor has ensured all workers are trained on EAP issues. (Yes) initial _____ Signature (Name): _____ Printed Name / Title: _____	Catastrophic	Occasional
	Critical	Seldom
	Marginal	Unlikely
	Negligible	
	Step 1: Review each "Hazard" with identified safety "Controls" and determine RAC (See above)	
Reviewed by (Name/Title):	"Probability" is the likelihood to cause an incident, near miss, or accident and identified as: Frequent, Likely, Occasional, Seldom or Unlikely.	
	RAC Chart	
	E = Extremely High Risk	
	H = High Risk	
Notes: (Field Notes, Review Comments, etc.) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	"Severity" is the outcome/degree if an incident, near miss, or accident did occur and identified as: Catastrophic, Critical, Marginal, or Negligible	
	Step 2: Identify the RAC (Probability/Severity) as E, H, M, or L for each "Hazard" on AHA. Annotate the overall highest RAC at the top of AHA.	
Temperature/ Conditions: AM Weather Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Other <input type="checkbox"/> _____ PM Weather Clear Cloudy Other _____ <i>High winds/ Tornado/Hurricanes/ Flash Floods etc.</i>	Local Weather/Environmental Hazard Emergency Action Plan (EAP) "At the direction of contractor staff, activation of local weather alarms or whenever lightning is detected within 10 miles or deemed a danger, all project workforce will seek shelter in Bldg. _____." "Remain in the shelter until the last strike hasn't been observed for at least 30 min. or supervision gives the all clear or the local all clear signal is received." Local Alarms are:	
Job Steps	Hazards	Controls
		RAC

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Appendix B – 2

Equipment to be Used	Training Requirements and Competent or Qualified Personnel name(s)	Inspection Requirements	RAC

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Instructions for completing Contractor Activity Hazard Analysis:

1. Activity/Work Task – Insert work/task this AHA is written for i.e., excavation, scaffold building, foundation preparation.
2. Project Location – Insert project location and name of PWD, FEAD, ROICC
3. Enter contract number
4. Enter date AHA was prepared
5. Enter name/title of person preparing AHA and ensure workers are trained on EAP.
6. Enter Name and Title of person reviewing AHA.
7. Enter any field comments, review notes (permits or work documents/plans)
8. Enter any Emergency Action Planning (EAP) local information and weather checks.
9. Job Steps... List the steps of the day's tasking.
 - ❖ Job steps are the complete sequence of work, not general statements to complete the entire activity.
10. Identify the hazards associated with the job steps.
 - ❖ Hazards is the known safety risks associated with completing the task.
11. Lists the controls to eliminate or mitigate the hazards.
 - ❖ Controls is the safety measures in place to reduce the hazard to the lowest level possible
12. Identify the RAC (probability vs severity) as E, H, M, or L for each "Hazard" on AHA.
 - ❖ **Steps with an E or H rating must be brought to the contractor's Safety Representative attention for coordination.**
13. Annotate the overall highest RAC at the top of AHA.
- ❖ Risk Assessment code is where Severity and Probability intersect, place that letter E, H, M, or L in the RAC column.
14. List all equipment to be used to complete this activity i.e., crane, backhoe, vehicle, all heavy equipment.
15. List the training requirements required by EM 385, or OSHA that apply to this task.
16. List competent person(s) required for specific tasks in EM 385 or OSHA. List qualified person(s) required for specific tasks in EM 385 or OSHA List CPR/First Aid training and qualification dates.
17. List all inspection requirements of EM 385, Governmental Safety Requirements Specifications or OSHA 29 CFR 1926
18. Annotate on the signature page all employees who were briefed on the AHA contents.

AHA's are intended to be developed and used by the field crews/workers performing the work, with the assistance of others (SSHO, QC, Superintendent, etc.) as needed. The initial, accepted AHA shall be provided to and used by the field crews/workers that are performing that activity. AHAs are to be considered living documents and are intended to be created in the field and updated by the workers as needed. Workers/crews shall have in their possession the current AHA that reflects current site conditions, personnel, equipment, control measures, etc. while the work is being performed.

SUBCONTRACTOR SAFETY AGREEMENT

Appendix B – 4

ACTIVITY HAZARD ANALYSIS DAILY REVIEW LOG

[illegible]

Safety Brief / Tool Box Talk:

Date:

Topic:

SUBCONTRACTOR SAFETY AGREEMENT

Appendix C - 1 INITIAL INCIDENT REPORT

- * Employee's supervisor will submit this report to the safety manager with 24 hours.
- * Description of incident should only state the known facts about what happened. Do not provide any opinions or conjectures about what you believe happened or why.

Incident Tracking Code: _____	
Company: _____	Project No: _____ Client: _____
Location (Base / Address): _____	
Employer: _____	Date / Time of Incident: _____
Person that Received Telephonic Report: _____	
Date / Time Reported to Management: _____	
Incident Category (Check all that Apply):	
<input type="checkbox"/> Injury / Illness <input type="checkbox"/> Property Damage <input type="checkbox"/> Equipment <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Fire	
<input type="checkbox"/> Other: _____	
Severity of Injury: <input type="checkbox"/> Minor <input type="checkbox"/> Serious <input type="checkbox"/> Major <input type="checkbox"/> Not Applicable	
Was Injured Worker Transported to Clinic: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
Nature of Injury / Illness: _____	

Employee Involved: _____ Contractor: _____	
Date of Hire: _____	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Seasonal Employee
Job Title: _____	Age: _____ Phone: _____
Employee's Supervisor: _____	Phone: _____

Employee Involved: _____ Contractor: _____	
Date of Hire: _____	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Seasonal Employee
Job Title: _____	Age: _____ Phone: _____
Employee's Supervisor: _____	Phone: _____

Witness: _____	Phone: _____
Witness: _____	Phone: _____
Hours on Duty Prior to Incident: _____ Hours on Duty for the Week: _____	
Activity Being Performed Before Incident Occurred: _____	

Was Task Pre-planned in Writing? <input type="checkbox"/> Yes (Attach) <input type="checkbox"/> No, explain why: _____	
--	--

Was the Plan Followed? <input type="checkbox"/> Yes <input type="checkbox"/> No, explain why: _____	
---	--

Property / Equipment Damage: _____	
Property / Equipment Owner / Lessee: _____	
Exact Location of Incident (Building, Unit, Level): _____	
Pictures / Sketches Made? <input type="checkbox"/> Yes (Attach) <input type="checkbox"/> No	
Description of Incident (Facts only). Use additional pages as needed: _____	

[illegible]

SUBCONTRACTOR SAFETY AGREEMENT

Appendix C – 2

INCIDENT WITNESS STATEMENT

- * Description of witness account should only state only the known facts about what happened. Do not provide any opinions or conjectures about what you believe happened or why.

[illegible]

SUBCONTRACTOR SAFETY AGREEMENT

Preparer's Name:	Title:	Phone:
Company:	Signature:	

SUBCONTRACTOR SAFETY AGREEMENT

Appendix D - 1

FactSheet

OSHA®



Lightning Safety When Working Outdoors

Lightning strikes can severely injure or kill workers whose jobs involve working outdoors. Lightning is often overlooked as an occupational hazard, but employers need awareness about lightning hazards to ensure their workers' safety. This fact sheet provides employers and workers at outdoor worksites with lightning safety recommendations from the Occupational Safety and Health Administration (OSHA) and the National Oceanic and Atmospheric Administration (NOAA).

Introduction

Lightning is a dangerous natural force. Annually in the United States, cloud-to-ground lightning occurs 20 to 25 million times and over 300 people are struck by lightning. During the past 30 years, about 50 people, on average, have been killed by lightning strikes every year, and many more suffer permanent disabilities.

Precautions should be taken to prevent worker exposure to lightning. Employers should recognize lightning as an occupational hazard. Supervisors and workers at outdoor worksites should take lightning safety seriously.

Workers whose jobs involve working outdoors in open spaces, on or near tall objects, or near explosives or conductive materials (e.g., metal) have significant exposure to lightning risks. Worker activities at higher risk for lightning hazards include:

- Logging
- Explosives handling or storage
- Heavy equipment operation
- Roofing
- Construction (e.g., scaffolding)
- Building maintenance
- Power utility field repair
- Steel erection/telecommunications
- Farming and field labor
- Plumbing and pipe fitting
- Lawn services/landscaping
- Airport ground personnel operations
- Pool and beach lifeguarding



Figure 1: Lightning strikes tall tree.

Photo: NOAA

Reducing Lightning Hazards When Working Outdoors

Employers, supervisors, and workers should understand lightning risks, characteristics, and precautions to minimize workplace hazards. Lightning is unpredictable and can strike outside the heaviest rainfall areas or even up to 10 miles from any rainfall.

Many lightning victims are caught outside during a storm because they did not act promptly to get to a safe place, **or they go back outside too soon after a storm has passed**. If signs of approaching thunderstorms occur, workers should not begin any task they cannot quickly stop. Proper planning and safe practices can easily increase lightning safety when working outdoors.

SUBCONTRACTOR SAFETY AGREEMENT

Appendix D - 2

When thunder roars, go indoors!

If you hear thunder, even a distant rumble, get to a safe place immediately.

Thunderstorms always include lightning. Any thunder you hear is caused by lightning!

NOAA advises that nowhere outside is safe when thunderstorms are in your area.

OSHA and NOAA recommend that employers and supervisors follow these lightning safety best practices for workers whose jobs involve working outdoors:

Check NOAA Weather Reports: Prior to beginning any outdoor work, employers and supervisors should check NOAA weather reports ([weather.gov](https://www.weather.gov)) and radio forecasts for all weather hazards. OSHA recommends that employers consider rescheduling jobs to avoid workers being caught outside in hazardous weather conditions. When working outdoors, supervisors and workers should continuously monitor weather conditions. Watch for darkening clouds and increasing wind speeds, which can indicate developing thunderstorms. Pay close attention to local television, radio, and Internet weather reports, forecasts, and emergency notifications regarding thunderstorm activity and severe weather.



Figure 2: Lightning strikes a communications tower.

Seek Shelter in Buildings: Employers and supervisors should know and tell workers which buildings to go to after hearing thunder or seeing lightning. NOAA recommends seeking out fully enclosed buildings with electrical wiring and plumbing. Remain in the shelter for at least **30 minutes** after hearing the last sound of thunder.

Vehicles as Shelter: If safe building structures are not accessible, employers should guide workers to hard-topped metal vehicles with rolled up windows. Remain in the vehicle for at least **30 minutes** after hearing the last sound of thunder.

Phone Safety: After hearing thunder, do not use corded phones, except in an emergency. Cell phones and cordless phones may be used safely.

Emergency Action Plan

Employers should have a written Emergency Action Plan (EAP), as outlined in 29 CFR 1910.38 or 29 CFR 1926.35. The EAP should include a written lightning safety protocol for outdoor workers. This lightning safety protocol should:

- Inform supervisors and workers to take action after hearing thunder, seeing lightning, or perceiving any other warning signs of approaching thunderstorms.
- Indicate how workers are notified about lightning safety warnings.
- Identify locations and requirements for safe shelters.
- Indicate response times necessary for all workers to reach safe shelters.
- Specify approaches for determining when to suspend outdoor work activities, and when to resume outdoor work activities.
- Account for the time required to evacuate customers and members of the public, and the time needed for workers to reach safety.

Employers should also post information about lightning safety at outdoor worksites. All employees should be trained on how to follow the EAP, including the lightning safety procedures.



Figure 3: Cranes are especially vulnerable to lightning.

SUBCONTRACTOR SAFETY AGREEMENT

Appendix D - 17

What is lightning?

Lightning is a giant spark of electricity in the atmosphere between clouds or between a cloud and the ground.

Lightning can occur:

- Between the cloud and the ground (cloud-to-ground lightning)
- Within and between thunderstorm clouds (intra- and inter-cloud lightning)

For more information, see:

www.nssl.noaa.gov/education/svrwx101/lightning/faq

Lightning Safety Training

Employers should adequately train all workers on lightning safety. Training should be provided for each outdoor worksite, so that supervisors and workers know in advance where a worksite's safe shelters are and the time it takes to reach them. Employers should train supervisors and workers to provide lightning safety warnings in sufficient time for everyone to reach a worksite's safe shelters and take other appropriate precautions.

Lightning Warning Systems

An employer's EAP may include lightning warning or detection systems, which can provide advance warning of lightning hazards. However, no systems can detect the "first strike," detect all lightning, or predict lightning strikes. NOAA recommends that employers first rely on NOAA weather reports, including NOAA Weather Radio All Hazards: www.nws.noaa.gov/nwr.



Figure 4: Preparedness reduces lightning risks.

(For NOAA toolkits for organizations and large venues see: www.lightningsafety.noaa.gov/toolkits.shtml)

Commercial lightning detection and notification services are available to monitor for lightning activity. These notification services can send alerts when lightning activity develops or moves to within a certain range of a work site. In addition, these commercial systems can provide mapped locations of lightning strikes from an approaching storm. However, these systems cannot predict the first lightning strike. Consequently, it is important to watch the sky for storms developing overhead or nearby and get to a safe place prior to the first lightning strike.

Portable and hand-held lightning detectors function by detecting the electromagnetic signal from a nearby lightning strike and then processing the signal to estimate the distance to the lightning strike. These devices typically do not detect all strikes, cannot predict the first strike, cannot provide the location of a strike, and are less accurate than the commercial detection and notification systems. In some cases, simply listening for thunder or watching the sky may be a better indication of a developing or nearby storm.

For situations which require advance notice of thunderstorms, NOAA recommends monitoring forecasts and radar observations from either commercial weather services or NOAA to stay informed of changing weather conditions.

If Caught Outside in a Thunderstorm

If you find yourself caught outside during a thunderstorm, there may be nothing you can do to prevent being struck by lightning. There simply is no safe place outside in a thunderstorm. This is why it is very important to get to a safe place at the first signs of a thunderstorm. If you are caught outside follow NOAA's recommendations to decrease the risk of being struck.

- Lightning is likely to strike the tallest objects in a given area—you should not be the tallest object.
- Avoid isolated tall trees, hilltops, utility poles, cell phone towers, cranes, large equipment, ladders, scaffolding, or rooftops.
- Avoid open areas, such as fields. Never lie flat on the ground.
- Retreat to dense areas of smaller trees that are surrounded by larger trees, or retreat to low-lying areas (e.g., valleys, ditches) but watch for flooding.
- Avoid water, and immediately get out of and away from bodies of water (e.g., pools, lakes).

SUBCONTRACTOR SAFETY AGREEMENT

Appendix D - 18

Water does not attract lightning, but it is an excellent conductor of electricity. For boating safety see [NOAA PA 200252](#).

- Avoid wiring, plumbing, and fencing. Lightning can travel long distances through metal, which is an excellent conductor of electricity. Stay away from all metal objects, equipment, and surfaces that can conduct electricity.
- Do not shelter in sheds, pavilions, tents, or covered porches as they do not provide adequate protection from lightning.
- Seek fully-enclosed, substantial buildings with wiring and plumbing. In modern buildings, the interior wiring and plumbing will act as an earth ground. A building is a safe shelter as long as you are not in contact with anything that can conduct electricity (e.g., electrical equipment or cords, plumbing fixtures, corded phones). Do not lean against concrete walls or floors (which may have metal bars inside).

OSHA Standards

Under the General Duty Clause, [Section 5\(a\)\(1\)](#) of the *Occupational Safety and Health Act of 1970* (OSH Act), employers are required to provide their employees with a place of employment that “is free from recognizable hazards that are causing or likely to cause death or serious harm to employees.” The courts have interpreted OSHA’s general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard. This includes lightning hazards that can cause death or serious bodily harm.

During storms or high winds, OSHA prohibits:

- work on or from scaffolds ([29 CFR 1926.451\(f\)\(12\)](#));
- crane hoists ([29 CFR 1926.1431\(k\)\(8\)](#)); and
- work on top of walls ([29 CFR 1926.854\(c\)](#)).

In these situations, scaffold work may continue only if a qualified person determines it is safe and personal fall protection or wind screens are provided. Crane hoists may continue only if a qualified person determines it is safe.

Helpful Resources

- NOAA Lightning Safety on the Job, www.lightningsafety.noaa.gov/job.shtml
- National Fire Protection Association (NFPA):
- *NFPA 780: Standard for the Installation of Lightning Protection Systems*, 2014 Edition, www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=780
- National Lightning Safety Institute, lightningsafety.com
- National Aeronautics and Space Administration (NASA), Global Hydrology Resource Center, Lightning and Atmospheric Electricity Research, thunder.msfc.nasa.gov
- Transportation Research Board of the National Academies, *Protecting Airport Personnel from Lightning Strikes*, onlinepubs.trb.org/onlinepubs/acrp/acrp_iop_004.pdf

Contact NOAA

For information on lightning safety, or to obtain data, educational and outreach materials, and posters, visit NOAA’s lightning safety website: www.lightningsafety.noaa.gov or the wrn program at noaa.gov/wrn. Contact NOAA at wrn.feedback@noaa.gov. Examples of data available from NOAA are provided below.



Figure 5: Work-related lightning fatalities



Figure 6: Annual lightning fatalities

SUBCONTRACTOR SAFETY AGREEMENT

Appendix D - 5

Contact OSHA

For more information, to report an emergency, fatality, inpatient hospitalization, amputation, or loss of an eye, or to file a confidential complaint, or to request OSHA's free On-site Consultation Program services for small and medium-sized businesses, contact your nearest OSHA office, visit www.osha.gov, or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

Workers' Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards,

methods to prevent them, and the OSHA standards that apply to their workplace.

- Review records of work-related injuries and illnesses.
- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules. OSHA will keep all identities confidential.
- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For more information, see [OSHA's Workers page](#).



OSHA - DTSEM FS-3863 05/2016

SUBCONTRACTOR SAFETY AGREEMENT

Appendix E

Safety Violation Disciplinary Action Form

Name of Subcontractor:

Violation/s:

Violator:

(Print Name)

(Signature)

Date _____

Subcontractor Supervisor:

(Print Name)

(Signature)

Date _____

Contractor Supervisor:

(Print Name)

(Signature) _____

Date _____

Proposed Disciplinary Action:

SUBCONTRACTOR SAFETY AGREEMENT

Appendix F

Sub-Contractor Safety Orientation Checklist

This orientation checklist certifies that I, _____, have received and understand the orientation presented.

In the following areas:

- General Requirements
- Project Layout
- Reporting Unsafe Acts or Conditions
- Injury Reporting
- Contractor Access & Control
- Equipment Ownership and Liability
- Personal Protective Equipment
- Fall Protection
- Ladder Safety
- Scaffolding
- Hazardous Communication
- Emergency Action Plan (EAP)
- AHA Acknowledgement for EAP Training and Twice Daily Weather Checks
- Emergency Action Plan / HAZMAT
- Powered Industrial Trucks & Equipment
- Lockout / Tagout (LOTO)
- Excavation and Trenching
- Hot Works Permits
- Confined Space
- Fire Safety
- Electrical Safe Work Practices
- Misc./site/client specific issues

By signing this document, I certify that I have received and understand the requirements of the Sub-Contractor Safety Plan.

Management Signature: _____
Employee Signature: _____

Date: _____
Date: _____