

CONTRACTOR'S REQUIREMENT FOR ACCIDENT PREVENTION PROGRAM

In 1973, the legislature passed the *Washington Industrial Safety and Health Act* or **WISHA**

[Revised Code of Washington (chapter 49.17 RCW)]. **WISHA** requires employers to provide safe and healthful workplaces for all employees. It gives L&I the responsibility to establish and enforce workplace safety and health rules. These rules are the Washington Administrative Code (WAC).

WISHA covers nearly all employers and employees in Washington. L&I inspectors enforce **WISHA** rules by inspecting workplaces without advance notice including investigations of work-related deaths, injuries and employees' complaints. When **WISHA** inspectors find a violation in a workplace, they issue a citation to the employer and a penalty may be attached.

WISHA applies to you if:

- You hire someone to work for you as an employee, including workers from a temporary agency.
- You are hired to work for someone as their employee.
- You own your own business or you are a corporate officer and have elected industrial insurance coverage for yourself.
- You have a contract with someone else that primarily involves personal labor, even though you aren't required to pay industrial insurance or unemployment insurance premiums.
- You volunteer your personal labor, or you have volunteers working for you who receive any benefit or compensation.

It is **your responsibility** to establish, supervise and enforce an accident prevention program (APP) that is effective in practice (you may call this your total safety and health plan). **You must:**

- Develop a formal, written accident prevention program (APP)
 - WAC 296-800-14005
 - Develop, supervise, implement and enforce safety and health training programs that are effective in practice
 - WAC 296-800-14020
 - Make sure your accident prevention program (APP) is effective in practice
- WAC 296-800-14025

On March 29, 1990, the Washington Supreme Court held in *Stute v. PBMC* that a general contractor could be held liable for an injury to a subcontractor's employee that occurred as a result of a **WISHA** violation. In subsequent cases since the *Stute* decision, the Washington Courts of Appeals have extended the rule to include upper tier subcontractors, owner/developers and land owners. For detailed information about the original *Stute* ruling, subsequent rulings and **WISHA** Directives related to *Stute*, go to L&I's website, www.lni.wa.gov and type *stute v. pbmc* in the "search" bar.

It is the general contractor's duty to require its subcontractors to have Accident Prevention Programs *and* site specific plans, as well as maintain a management plan that not only confirms the existence of subcontractor programs/plans, but also assures review for compliance. Briefly stated, the general contractor must show that it has established an overall process to discover and control recognized hazards. Towards that end, subcontractors must comply with all safety rules and regulations. For more details on **WISHA** regulations, go to www.lni.wa.gov and click on the "Safety" tab.

Here is what **AMERICAN COUNCIL EMPLOYEE SAFETY** does to save money, increase productivity and reduce liability for Contractors and Home Builders:

- Develop a Washington (WISHA) DOSH-compliant site-specific Accident Prevention Plan (WAC 296-800-14005)
- Conduct monthly jobsite safety inspections and safety meetings and provide materials for weekly tailgate safety meetings (WAC 296-800-14020 and 14025)
- Review the site-specific Accident Prevention Plans, employee training records and onsite safety performance of subcontractors
- Manage the documentation trail required by L & I to show ongoing implementation of a comprehensive Safety Program
- Act as Safety Advocate when L & I shows up at a jobsite for any reason. A qualified Safety & Health Specialist will be dispatched to the jobsite immediately to walk thru the inspection or accident investigation with L & I.

Additional resources available from **AMERICAN COUNCIL EMPLOYEE SAFETY** include comprehensive onsite and classroom training as well as testing services to address any specific environmental issues.

Our initial analysis is done at absolutely no cost to you. Once we determine your needs, we present an Action Plan for consideration. More than simple identification of real or potential hazards, **AMERICAN COUNCIL EMPLOYEE SAFETY** recommends practical solutions with careful consideration of budget factors.

Why not call and arrange the initial consultation? As other Contractors have found, you will save money, prevent injuries, reduce liabilities and avoid legal risks. It will cost nothing except a few minutes of your time.



Don't Gamble With Safety!