

[Program](#)  [Validation](#)  [Charter](#)

Construction Leaders Agreement for Safety (CLAS) Partnering Charter

SAFETY PARTNERSHIP STEP PLATINUM INCENTIVE PROGRAM

**U.S. Department of Labor Occupational Safety & Health Administration
Cincinnati Area Office, Region V
and
Associated Builders and Contractors, Inc., Ohio Valley Chapter**

**OSHA and ABC Safety Partnership
STEP Platinum Incentive Program**

February, 2003

STEP Platinum Incentive Program

1. Platinum Partnership

A. The Associated Builders and Contractors, Inc. (ABC), and the Occupational Safety and Health Administration (OSHA), mutually recognize the importance of providing a safe and healthful work environment in the construction industry. To advance our mutual goal, we strongly agree on the need to develop a partnership that fosters mutual trust and respect for the respective roles of each organization in the construction safety process. We recognize and embrace the responsibilities inherent in those roles. We are committed to work as partners to achieve construction workplace safety through shared strategies and objectives.

B. This partnership is expected to result in decreased injuries, illnesses, and fatalities for participant contractors, with a resultant

decrease in worker compensation costs.

C. This partnership (hereafter referred to as the Platinum partnership) will provide assistance and incentives to construction contractors that voluntarily participate in the ABC Safety Training and Evaluation Process (STEP) program and demonstrate implementation of effective safety and health programs.

2. Specific Partnership Goals

Reduce the number of injuries, illnesses, and fatalities affecting participant employees, with an emphasis on reducing injuries and fatalities resulting from falls, struck-by and caught-in mishaps, and electrocution (focused four hazards).

Increase the number of construction companies that implement effective safety programs.

Decrease worker compensation costs and OSHA penalties for contractor participants.

Allow OSHA to focus resources on companies that require assistance from OSHA, rather than companies that have demonstrated existence of effective safety programs.

It is anticipated that with a minimal use of OSHA resources, this partnership will result in improved safety and health programs, a higher level of employee safety and health training, and, as a secondary benefit, improved jobsite safety and health program commitments by subcontractors working with Platinum level participants.

3. Background

ABC has implemented a program to assist its member construction companies in evaluating their safety performance and safety training programs. The program is known as the Safety Training and Evaluation Process, or STEP program. The national office of ABC processes all applications, and in turn, presents awards to qualified applicants.

ABC's National Safety Committee created the STEP program in 1992. The National Safety Committee is composed of construction safety professionals drawn from ABC member companies throughout the United States. Along with this national committee, ABC has over 60 safety committees formed in various chapters across the United States and Guam. Safety committee members at these local chapters identify

and provide safety courses and seminars on safety compliance programs pertinent to their geographical area. These committees convey concerns, stance on issues and other items of construction safety interest to the National Safety Committee.

The STEP program until this year has had three award levels: Bronze, Silver and Gold. Awards are given based on self-evaluation score. ABC will now offer a fourth category, Platinum, to those companies whose achievements in the area of worksite safety is, certifiably, the best of the best. Acceptance into the Platinum level will require additional validation of safety program efficacy, but will also confer certain incentives to Platinum participants from OSHA, to be discussed further in this document.

4. Program Implementation

A. The STEP program is implemented in two phases:

1) First phase is the completion of the STEP application. ABC National will distribute applications to construction contractor members. Typically, distribution is made January or February of each year. The application consists of a two-part form. Part One of the form request safety statistical data. This data is found on summary OSHA 200/300 logs. Part Two of the form is the self-evaluation section. Here, contractors answer a series of questions related to the safety program; each response has a numerical rating. Responses from questions are totaled, providing a self-evaluation rating.

2) The second phase of the STEP program is the evaluation of applicants and the distribution of certificates. ABC National conducts application evaluations. Data from each application is keyed into ABC National's database. This includes information from the applicant's Summary OSHA 200/300 log, employee work-hours from the noted calendar year, as well as the self-evaluation score. Although Summary OSHA 200/300 log data is collected, this data is used to evaluate only applications for Platinum award level, while self-evaluation scores are used to determine the award level of Bronze, Silver and Gold.

B. Applicants seeking Platinum status have additional criteria to satisfy. Platinum applicants must:

1) Have been recipients of Gold certificate in the prior year and are Gold (self-evaluation score 120 or higher) the year of applying;

2) Submit their Summary OSHA 200/300 log and have an occupational injury & illness recordable rate (total case per BLS formula) below 8.0;

- 3) Supply a statement from their insurer that supports applicant's self-evaluation score;
- 4) Have site specific written safety program based on the American National Standards Institute ("ANSI") A-10.38, "Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment" or the OSHA 1989 Guidelines for a Safety Program (as referenced in FRN 54:3904-3916, "Safety and Health Program Management Guidelines," January 26, 1989.
- 5) Implemented a fall protection program where participants require and enforce the use of conventional fall protection (i.e. personal fall arrest systems, safety net systems or guardrail systems (as defined within 29 CFR 1926.502)) when their employees or sub-contractor employees are performing work that is in excess of 6' above a lower level;
- 6) Show evidence of employee involvement in the safety program, to include participation in self-audits, site inspections, job hazard analyses, safety and health program reviews, and mishap investigations;
- 7) Have no fatalities or catastrophes which resulted in accident-related serious citations within the last three (3) years;
- 8) Have no willful violations or repeated serious violations in the last three (3) years; and
- 9) Have designated safety personnel who have been trained to recognize and abate work hazards including the appropriate monitoring/ presence of a competent person(s) (as defined within 29 CFR 1926.32(f)), ensuring program enforcement, employee involvement and effectively trained their employees and supervisors.

5. Program Verification

A. The ABC National Director of Safety and Health will conduct the following program monitoring activities:

- 1) Periodic reviews to ensure that the participating contractors meet program requirements. Reviews will include random on-site verification according to established protocols to validate the partnership program administration;
- 2) Termination of a participating contractor's status if findings indicate unacceptable performance or submission of falsified documentation (Note: At ABC's discretion, a Platinum member may

be permitted to correct deficiencies within 30 days of notification and apply to ABC for continued recognition as a Platinum member in good standing before termination would take effect);

3) Provide recommendations to the ABC National Safety Committee for program improvements.

B. Additionally, randomly selected Platinum participants will have the effectiveness of their safety programs, as reported in the self-audit, verified through onsite review.

C. Neither Bronze, Silver nor Gold STEP participants will be eligible to participate in this program until such time as they have been accepted and formally recognized as a Platinum level participant.

D. It is understood by all parties that information submitted by contractors as part of the application or renewal process, as well as information obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the partnership program. However, in event of an unprogrammed inspection, such information which is relevant to any elements of the investigation and normally is available will be provided when requested by OSHA.

6. OSHA Incentives

A. Platinum level participants will receive special recognition in ABCs national publications.

B. Upon acceptance as a Platinum member, OSHA will provide certain incentives to participants:

1) Platinum participants, following an onsite OSHA verification inspection, will be removed from the initial OSHA targeted inspection schedule on which they may appear, and other inspections would normally only be scheduled in association with investigations of formal complaints and major accidents.

2) Platinum level participants will receive unprogrammed inspections only in response to reports of imminent danger, fatalities/ catastrophes, or in the case of a signed, formal complaint. OSHA will use telephone and fax to handle all other complaints (e.g., reports of alleged hazardous work conditions) except in cases of serious injuries or fatalities. When the phone and fax procedure is used, it will be the responsibility of the Platinum level participant to immediately provide a copy of the complaint(s) to the ABC National Safety Director.

3) OSHA will not issue citations for non-serious violations, provided the violations are abated within a prescribed period of time.

4) If cited by OSHA, Platinum participants will be eligible for the maximum good faith, size and history penalty reductions currently outlined within OSHA Instruction CPL 2.103 ("Field Information Resource Manual" a.k.a. the FIRM).

5) During OSHA inspections of non-participant employers, Platinum participant contractors/subcontractors will not be included in the inspection unless the inspector observes that, as a result of partnership contractor actions, employees are exposed to hazards listed in Section 2. (Specific Partnership Objectives), i.e . falls, electrical hazards, caught in/between hazards, and struck-by hazards. However, during such site visits, OSHA may conduct a verification visit of the Platinum participant(s) in order to assess the effectiveness of this partnership agreement. (Reference Section 3, Paragraph 5.2)

7. Employee/Employer Rights

A. As an integral part of an effective safety and health program, the availability of employees to exercise their rights which are guaranteed under the OSH Act and regulations (such as, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements (e.g. the OSHA-200/300 log and medical exposure records) will not be infringed. It is anticipated that routine employee involvement in the day to day implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analyses, safety and health program reviews, and mishap investigations.

B. Employers retain all rights guaranteed under the OSH Act, including the right to appeal or contest violations issued by OSHA.

C. Participation by employers at the Platinum level does not abrogate the employer's responsibility to comply with the rules and regulations adopted pursuant to the OSH Act and does not abrogate their responsibility to comply with any other commitments negotiated via separate agreement(s) between the agency and the employer.

8. Program Evaluation

A. The partnership will be evaluated annually to see if stated goals of 9 % reduction (3% annually) in the number of injuries, illnesses and fatalities are met.

B. Participant aggregate injury/illness incidence rates (total case) will be compared with BLS published data.

C. The ABC National Office will prepare an annual report evaluating the merits of the program and providing recommendations for continuous improvement. The report will include injury/illness total case rates and fatality rates. Copies of the report will be provided to all of the organizations participating in the partnership.

9. Duration and Location of Partnership

A. The Partnership Program is initially located within the twenty (20) county area in southwestern Ohio covered by the Cincinnati OSHA Office and is formed for a period of three years from the date of the Partnership agreement.

B. A joint decision by both partners in this agreement, i.e. the Cincinnati OSHA Office and ABC's Ohio Valley Chapter, has resulted in a decision to expand coverage of this partnership program to all OSHA areas within the State of Ohio.

C. Either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner by providing a 30-day written notice to the other member(s) of the partnership, and the partnership agreement will terminate. Any party may also propose modification or amendment to the program subject to concurrence by the other partner(s) to the agreement.

D. An individual contractor's violation of this agreement shall not be grounds for OSHA to terminate this partnership agreement as between OSHA and ABC.

E. ABC and OSHA may terminate an individual contractor from the partnership program if the contractor fails to meet the qualifications of otherwise violates the terms and conditions of this partnership agreement.

Validation Procedures

1.0 Objective

Provide a consistent method of validating the safety program information submitted by ABC members in the STEP Platinum Award program.

2.0 Definitions

STEP, Safety Training and Evaluation Process, is a program designed by ABC as a safety program evaluation tool for construction contractors. (Section 4).

Self-evaluation score is the score obtained from the summation of sub-scores from the Twenty Key Components section of the STEP application.

Gold level are contractors with a self-evaluation score of 120 or higher.

Evaluation Form is used to validate and record Platinum members' compliance with STEP Platinum Incentive Program requirements. (Section 5).

Transitional Platinum is a company that has moved from Gold to Platinum level during the STEP Platinum Incentive Program.

3.0 Platinum Criteria

Companies that are Platinum satisfy the following criteria:

- received Gold and/or Platinum STEP certificate for the two most current consecutive years;
- submitted summary OSHA 200/300 log;
- an OSHA injury and illness recordable rate 8.0 or less;
- no fatalities in the two most current consecutive years which resulted in fatality-related serious, willful or repeated violations;
- supplied a statement from their insurer that supports the Gold level;
- have a written safety program based on ANSI A-10.38 or OSHA 1989 Guidelines for Safety Program;
- employ at least one designated safety personnel (i.e competent person(s) (as defined within 29 CFR 1926.32(f)) who has been trained to recognize and abate work hazards.

4.0 Application Review

4.1 The ABC Safety & Health Director will review each Platinum application to assure criteria are met. This review will include:

Calculation of injury & illness recordable rate.

Review of insurer's statement.

Review of safety representative information.

Verification of Gold level status.

4.2 The ABC Safety Director will notify applicants in writing of their acceptance or non-acceptance into the Platinum program.

4.3 As soon as practicable following a contractor's acceptance into the Platinum partnership program, the ABC Safety Director will notify the Cincinnati OSHA Office and ABC's Ohio Valley Chapter.

4.4 To qualify as a participant in the ABC Ohio Valley Chapter, Cincinnati OSHA partnership, the ABC member must sign a participation agreement with the ABC Ohio Valley Chapter. By signing this agreement the member agrees to adhere to all conditions and requirements of the "OSHA and ABC Safety Partnership, STEP Platinum Incentive Program".

5.0 Verification Procedures

Verification of a company's compliance with Platinum level requirements will consist of two verification visits; a visit to the company's corporate office and a visit to one of the company's worksites. ABC and OSHA may conduct an independent verification-visit.

5.1 ABC

5.1.1 The ABC Safety & Health Director will randomly select Platinum members to receive validation visits. The selection will be conducted using a software program or other random selection method. Random selection process will identify a minimum of 10% of Platinum level companies to receive verification-visits. The ABC Safety & Health Director will notify selected Platinum members at least one week prior to verification.

5.1.2 Verification-visits maybe conducted via:

The ABC Safety & Health Director;

A member of the ABC National Safety Committee;

A member of a local ABC Chapter's safety committee;

A contracted safety consultant.

5.1.3 ABC will share its list of randomly selected Platinum members with OSHA.

5.2 OSHA

5.2.1 OSHA may conduct random verification-visits of Platinum members' corporate offices and worksites. ABC will make every attempt to accompany OSHA officials during these visits. It is anticipated that OSHA's onsite evaluation of the effectiveness of this partnership agreement will occur during the normal course of compliance investigations and onsite inspections consistent with the criteria specified within this partnership agreement. It is further anticipated that approximately 10% of the Platinum participants will receive an OSHA evaluation to determine the employer's compliance with the terms and principles contained within this partnership agreement

5.2.2 OSHA may use the Evaluation of STEP Platinum Awardee form as a guideline to conduct and record verification-visits.

6.0 Validation Process

6.1 Parties conducting verifications on behalf of ABC in accordance with Section 3, Paragraph 5.1 will complete the Evaluation of STEP Platinum Awardee form. Upon completion, the form will be forwarded to the Safety & Health Director, Associated Builders and Contractors, 1300 North Seventeenth Street, Suite 800, Rosslyn, Virginia 22209.

6.2 The ABC Safety & Health Director will compare scores on the Evaluation of STEP Platinum Awardee forms (corporate and worksite) to Platinum members' submitted self-evaluation score. Platinum members whose scores are above 120 will be notified of findings and of their continued acceptance as a Platinum member.

6.3 If Platinum Awardee does not meet the Platinum Program criteria specified in paragraph 4.B of STEP Platinum Incentive Program (section 2 of proposal), the Safety & Health Director will notify Platinum member of their removal from the program provided deficiencies are not corrected within 30 days from the date of written notice.

6.4 Contractors who are removed from Platinum level will be advised

on the availability of ABC and OSHA consultation services.

7.0 Reports

ABC will submit a semi-annual report to the Cincinnati OSHA Office and ABC's Ohio Valley Chapter, and to the OSHA Construction Directorate's office each June and January. The report will contain:

Number of Platinum members.

Change in number of Platinum members between reporting periods.

Names and verification scores of companies that received verifications conducted the past calendar year.

Platinum members' injury/illness rates.

Sampling of practices implemented by transitional Platinum companies.

Construction Leaders Agreement for Safety (CLAS) Partnering Charter

Between the

**United States Department of Labor
Occupational Safety and Health Administration
Region 5, Cincinnati Area Office**

and the

Associated Builders and Contractors, Inc., Ohio Valley Chapter

The United States Department of Labor Occupational Safety and Health Administration (OSHA) and the Associated Builders and Contractors, Inc., Ohio Valley Chapter (ABC) mutually recognize the importance of providing a safe and healthful work environment for the Nation's construction workforce. To advance our mutual goal, we strongly agree on the need to develop a working relationship that fosters mutual trust and respect for each organization's respective role in the construction safety process. We recognize and embrace the responsibilities inherent in those roles. We are committed to work as partners to achieve construction workplace safety through the following shared strategies and objectives:

1. Implement continuing and open communication policy between OSHA and ABC at all area, regional, chapter and national levels, in a manner that encourages respect and understanding.
2. Share knowledge of the best industry technology, innovations and work practices that improve jobsite safety and health performance.
3. Cooperate in the development and continuous improvement of safety training programs for the construction industry and OSHA personnel.
4. Promote recognition for construction safety excellence throughout the industry at every opportunity.
5. Ensure that enforcement policies and practices are effective, consistent and fair.
6. Promote principles of good faith and fair dealings as the foundation of our relationships.
7. Recognize and honor the Safety Partnership STEP Platinum Incentive Program - Construction Leaders Agreement for Safety (CLAS) for a period of three years February 6, 2006; changes to

this agreement may be performed on each yearly anniversary.

8. Recognize that either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner.

Agreed this day, February 20, 2003

 [Back to Top](#)