



Multi-Employer Worksites

2024 WSC Annual Conference

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OSHA Compliance Directives- Agenda

- ◆ What are Compliance Directives?
- ◆ Case Study- Multi Employer Citation Policy
- ◆ Employer Obligations
- ◆ Next Steps

What are Compliance Directives?

What Are Compliance Directives?

29. CFR. 1910. xx(a)(1)(i)

Title

Code of
Federal
Regulations

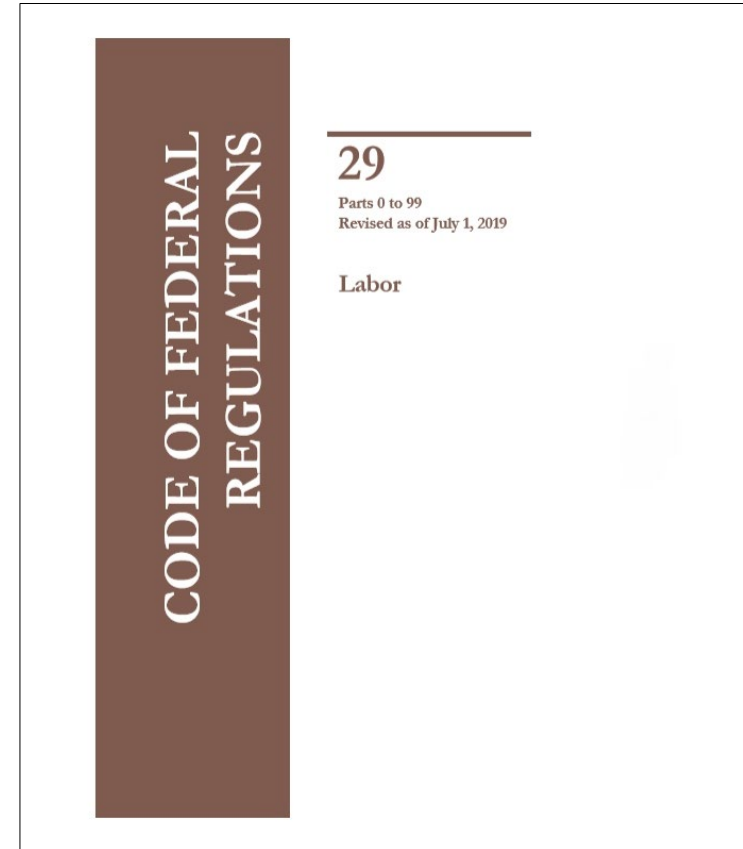
Section

Specific Code

What Are Compliance Directives?

- Title 1: General Provisions
- Title 2: Grants and Agreements
- Title 3: The President
- Title 4: Accounts
- Title 5: Administrative Personnel
- Title 6: Domestic Security
- Title 7: Agriculture
- Title 8: Aliens and Nationality
- Title 9: Animals and Animal Products
- Title 10: Energy
- Title 11: Federal Elections
- Title 12: Banks and Banking
- Title 13: Business Credit and Assistance
- Title 14: Aeronautics and Space (also known as the Federal Aviation Regulations)
- Title 15: Commerce and Foreign Trade
- Title 16: Commercial Practices
- Title 17: Commodity and Securities Exchanges
- Title 18: Conservation of Power and Water Resources
- Title 19: Customs Duties
- Title 20: Employees' Benefits
- Title 21: Food and Drugs
- Title 22: Foreign Relations
- Title 23: Highways
- Title 24: Housing and Urban Development
- Title 25: Indians
- Title 26: Internal Revenue (also known as the Treasury Regulations)
- Title 27: Alcohol, Tobacco Products and Firearms
- Title 28: Judicial Administration
- Title 29: Labor
- Title 30: Mineral Resources
- Title 31: Money and Finance: Treasury
- Title 32: National Defense
- Title 33: Navigation and Navigable Waters
- Title 34: Education
- Title 35: Reserved (formerly Panama Canal)
- Title 36: Parks, Forests, and Public Property
- Title 37: Patents, Trademarks, and Copyrights
- Title 38: Pensions, Bonuses, and Veterans' Relief
- Title 39: Postal Service
- Title 40: Protection of Environment
- Title 41: Public Contracts and Property Management
- Title 42: Public Health
- Title 43: Public Lands: Interior
- Title 44: Emergency Management and Assistance
- Title 45: Public Welfare
- Title 46: Shipping
- Title 47: Telecommunication
- Title 48: Federal Acquisition Regulations System
- Title 49: Transportation
- Title 50: Wildlife and Fisheries

- Title 29: Labor



What Are Compliance Directives?

- Title 29: Labor

Volume	Chapter	Parts	Regulatory Entity
1		0-99	Subtitle A--Office of the Secretary of Labor
2	I	100-199	National Labor Relations Board
	II	200-299	Office of Labor-Management Standards, Department of Labor
	III	300-399	National Railroad Adjustment Board
	IV	400-499	Office of Labor-Management Standards, Department of Labor
3	V	500-899	Wage and Hour Division, Department of Labor
4	IX	900-999	Construction Industry Collective Bargaining Commission
	X	1200-1299	National Mediation Board
	XII	1400-1499	Federal Mediation and Conciliation Service
	XIV	1600-1699	Equal Employment Opportunity Commission
5	XVII	1900-1910 (1901.1-1910.999)	Occupational Safety and Health Administration, Department of Labor
6		1910 (1910.1000-end)	Occupational Safety and Health Administration, Department of Labor
7		1911-1925	Occupational Safety and Health Administration, Department of Labor
8		1926	Occupational Safety and Health Administration, Department of Labor
9		1927-1999	Occupational Safety and Health Administration, Department of Labor
	XX	2200-2499	Occupational Safety and Health Review Commission
	XXV	2500-2599	Employee Benefits Security Administration, Department of Labor
	XXVII	2700-2799	Federal Mine Safety and Health Review Commission
	XL	4000-4999	Pension Benefit Guaranty Corporation

What Are Compliance Directives?



What do they mean?

How will they be enforced?



What Are Compliance Directives?

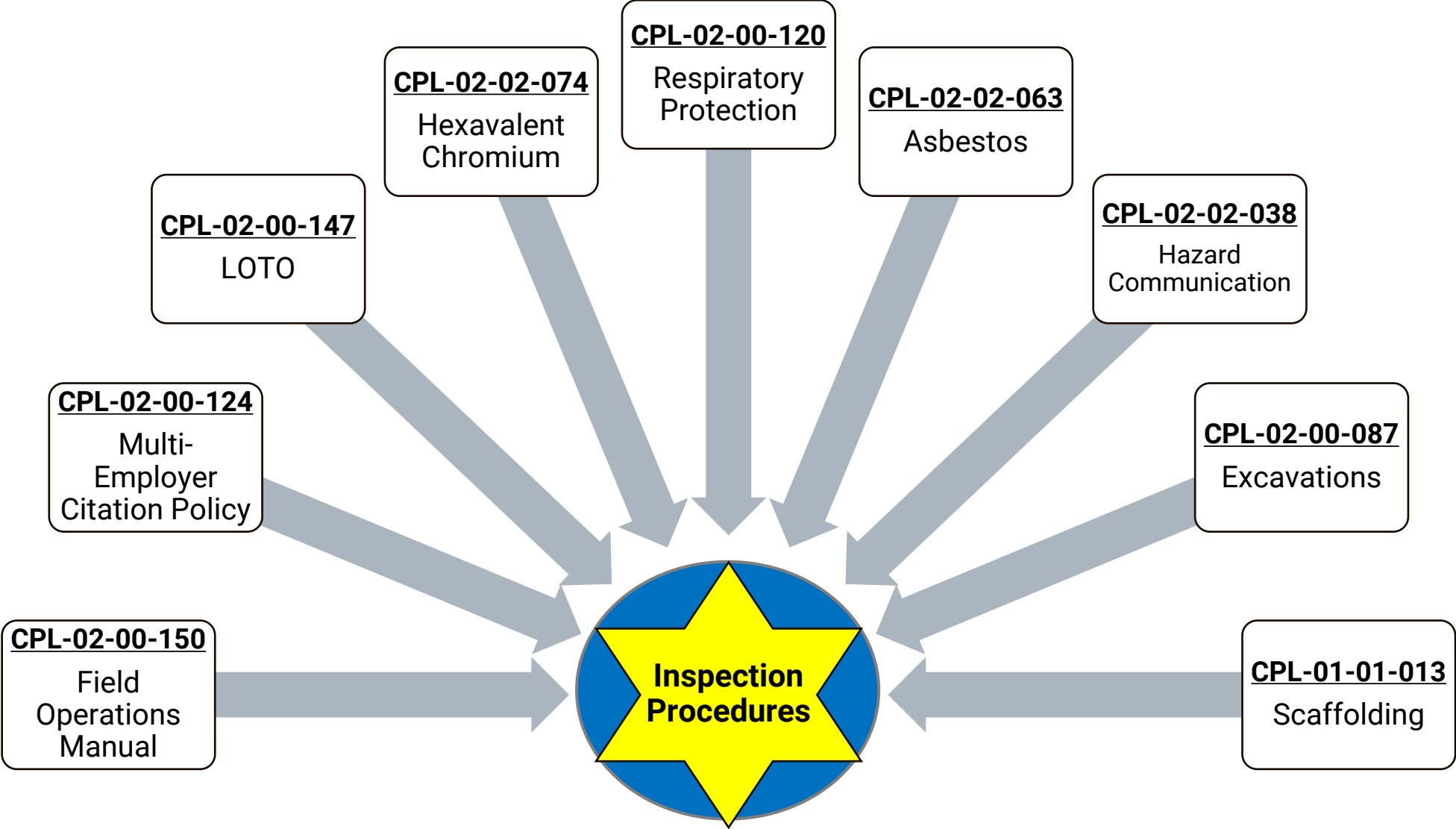
- ◆ What Forms Do Compliance Directives Come In?
 - CPLs- Compliance Directives
 - NEPs- National Emphasis Programs
 - LEPs- Local Emphasis Programs
 - Standard Interpretations

Compliance Directives (CPLs)

Compliance Directives (CPLs)

- ◆ OSHA Compliance Directives (CPLs) are **written instructions** providing compliance policies and enforcement procedures on certain subjects, such as compliance with and enforcement of specific OSHA standards, or procedures to implement specific emphasis programs to target particular hazards.
- ◆ These policies are **intended to ensure uniform enforcement** by OSHA's field offices.

Compliance Directives (CPLs)



**Case Study-
Multi Employer
Citation Policy**



Case Study- Multi-Employer Citation Policy

- ◆ OSHA conducts an inspection of a construction site and finds a violation related to trenching on the site. There are multiple employers on the site.
- ◆ Contractor A performed the trenching while Contractors B and C had people working inside of the trench.
- ◆ Contractor D was the GC for the project.
- ◆ Who will be cited by OSHA for the violation?

Case Study- Multi-Employer Citation Policy

Directives / Multi-Employer Citation Policy.

- **Record Type:** OSHA Instruction
- **Current Directive Number:** CPL 02-00-124
- **Old Directive Number:** CPL 2-0.124
- **Title:** Multi-Employer Citation Policy.
- **Information Date:** 12/10/1999



DIRECTIVE NUMBER: CPL 2-0.124	EFFECTIVE DATE: December 10, 1999
SUBJECT: Multi-Employer Citation Policy	

Case Study- Multi-Employer Citation Policy

- ◆ Creating Employer

- The employer that caused a hazardous condition that violates an OSHA standard.
- Citable even if the only employees exposed are those of other employers at the site.



Case Study- Multi-Employer Citation Policy

- ◆ Exposing Employer
 - Responsible if...
 - the exposing employer created the violation
 - created by others



Case Study- Multi-Employer Citation Policy

- ◆ Correcting Employer
 - The correcting employer must exercise **reasonable care** in preventing and discovering violations and meet its obligations of correcting the hazard



Case Study- Multi-Employer Citation Policy



- ◆ Controlling Employer
 - Definition: An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them
 - Control can be established by contract or, in the absence of explicit contractual provisions, by the exercise of control in practice.

Case Study- Multi-Employer Citation Policy

- ◆ A controlling employer must exercise **reasonable care** to prevent and detect violations on the site.



Case Study- Multi-Employer Citation Policy

- ◆ The extent of the measures that a controlling employer must implement to satisfy this duty of reasonable care is **less than what is required of an employer with respect to protecting its own employees.**



Case Study- Multi-Employer Citation Policy

- ◆ Who will be cited? Potentially everyone!

- Contractor A- Creating Employer



- Contractors B & C- Exposing Employers



- Contractor D- Controlling Employer



- Contractor ?- Correcting Employer



Employer Obligations



Employer Obligations

- ◆ Creating Employer

- Don't create a violation condition in the first place!
 - Safety Management
 - Hazard Mitigation

Employer Obligations

◆ Exposing Employer

- Don't knowingly expose your employees to worksite hazards!
 - Hazard Recognition
 - Stop work authority
 - Documentation

Employer Obligations

◆ Correcting Employer

- Fix the hazards you are made aware of!
 - Reasonable Care
 - Hazard control and mitigation
 - Documentation

Employer Obligations

◆ Controlling Employer

- Create a safe environment for all other parties to perform their work!
 - Site/Project Safety Planning
 - Site Safety Orientation
 - Site Safety Observations
 - Incident Reporting and Investigation
 - Documentation

Next Steps / Summary



Next Steps

- ◆ **Know and Understand the “rules of the game”**

Know and understand OSHA’s multi-employer worksite citation policy!

Know what role(s) you may have on multi-employer worksites!

Understand and meet your obligations under the policy!

