

## “Competent Person”...*more than just a title*

by Philip L. Colleran, CSP

When you designate someone as your “Competent Person” for jobsite safety, be sure you fully understand the meaning of that designation and the responsibilities that go with it.

One of the most misused expressions in construction safety management is the term “competent person”. A construction site foreman, after completing an OSHA ten-hour hazard recognition course, announces that he is now a competent person. Another considers himself a competent person simply because he’s the foreman. Still another calls himself a competent person because his boss informed him of the designation in passing that morning... (“If anyone asks, you’re the competent person.”) Which one is right? The answer: None.

### What’s a Competent Person?

OSHA’s definition of a competent person, like most regulatory language, doesn’t give us much help. Title 29 Code of Federal Regulations, Part 1926.32 (f) (OSHA Rules for Construction) states:

#### *Competent Person:*

“...one who is capable of identifying existing and predictable conditions in the surroundings and work areas which are unsanitary, hazardous or dangerous and who has authorization to take prompt corrective action.”

For decades, the term “competent person” has been used by the construction industry to mean the person knowledgeable and in charge. And yet, being a competent person isn’t about the level of training a person has received, nor simply a matter of being in a supervisory role and certainly not just a matter of being designated. Being a competent person is about knowledge and action.

Simply stated, a competent person is one who:

- Knows the hazards existing and likely to exist;
- Knows how to control or eliminate the hazards;
- Has been given the authority to promptly correct hazards... *and does!*

Because construction is an ever-changing work environment, hazards present themselves in the same way. What was yesterday a matter of working at ground level is today a matter of getting to a second floor. (Did someone remember to bring a ladder?) In construction, because hazards can be instantaneous and usually cause serious consequences if left uncorrected, promptly almost always means immediately.

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The role of competent person has traditionally fallen on the shoulders of first line supervisors. Yet the first line supervisor is often least prepared for the task. It may be that he or she isn't capable of recognizing a particular hazard(s), doesn't know the right way to deal with it, isn't given the resources to deal with it or simply doesn't deal with it. In overseeing the work for quality, scheduling and other requirements, the supervisor often overlooks the critical importance of identifying and correcting hazards promptly. As a consequence, that person, regardless of any kind of designation or training, simply isn't being competent for purposes of OSHA - more important, preventing accidents.

**Mind reader or effective planner?**

"....capable of identifying existing and predictable conditions! You've got to be kidding! Sure I can spot a hazard when I see one, but do I have to read minds?"

Not really. If a competent person understands the process involved in performing the work, safety isn't that much more of a challenge. A knowledgeable supervisor knows what tools will be required for a job. The same can be said for what's required to accomplish it safely. If you know that some of the work will be performed above ground, you know you'll need the right equipment to get there. Planning safety is as critical as estimating.

**Sure we've got a safety program.**

OSHA requires that employers "initiate and maintain such programs as may be required" to comply with the agency's construction regulations. The agency further requires that such "programs provide for frequent and regular inspections of the jobsites, equipment and materials to be performed by competent persons designated by the employers" ( 29 CFR 1926.20). What's a "program" and how often is "frequent and regular"?

Nothing in the requirements above state that a contractor must have a written safety program, yet how can a contractor realistically expect to establish consistent policies and the roles its personnel plays in managing safety without one? In 1996, contractors' failure to have safety programs was one of OSHA's most frequently cited violations. The agency interprets its requirement for "programs" to mean a document that spells out how a contractor will manage safety and its procedures for dealing with hazards. Many contractors have written safety programs. While they may be very comprehensive, the day-to-day implementation of those programs gets back to performance (or non-performance) by the competent person.

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The frequency of inspections for safety is based on the degree of hazards at a project. On one day, a competent person will be in the trailer catching up on paperwork, and the next, three contractors will be working on top of each other, requiring greater attention to safety oversight.

**At all places at all times...**

“If hazards are always coming and going, how can I possibly predict every unsafe act or condition?” The answer again is simple. You can’t. What is possible however, is a competent person’s understanding that if specific work rules are regularly spelled out, those rules are uniformly enforced, and hazards get eliminated as they are identified, the workers themselves will often become competent persons - shouldering a lot of the safety burden in the process.

About the author: Phil Colleran’s career in construction safety and health spans twenty-five years, seventeen of them as an OSHA Compliance Officer and Supervisor. He is now in private practice and the author of numerous articles on workplace safety and health.