

Re-examining First-line Supervisor Safety Responsibilities

By Philip L. Colleran, CSP

A number of the safety management practices adopted by the construction industry in the past 20 years may require some re-thinking. One such practice deals with the safety responsibilities we have assigned to first line supervisors. In addition to scheduling, coordination, quality assurance and running errands, they shoulder considerable responsibility for the day-to-day implementation of company safety programs. What can we do to make the safety component of their jobs easier and more effective?

Foremen (forepersons), lead men, team leaders – call them what you will – they’re the people we regularly place in charge of crews who perform the inherently dangerous operations of our infinitely variable projects. They’re the faces of our companies in the field. They are “management officials” in OSHA vernacular.ⁱ

They’re the people who can make or break any contractor’s safety program.

Conversely, the safety-related roles and responsibilities a contractor assigns to a first line supervisor, together with the methods used to achieve accountability, can make or break that supervisor’s chances of success in safety leadership.

Who is typically hired as a first line supervisor by today’s commercial or residential construction contractor?

- Often a journeyman-level employee who is paid foreman’s wages for a specific project. He/she may be assigned work with the tools on the next assignment,
- Someone unlikely to have been sent to management retreats where, between rounds of golf, sensitivity training was the fare,
- A one in five chance he or she has been provided with an OSHA 10-hour and/or OSHA 30-hour course at some point during the last construction up-cycle, and then presumed to be a “competent person”ⁱⁱ, and
- Someone who’s less about documentation and more about the craft. Supervisors have been traditionally rewarded for getting jobs done, not writing sagas about how it was accomplished.

As the construction business climate improves, contractors large and small will be hiring up. In addition to those workers you may have been fortunate to have kept on your rolls during lean times (presumably having invested in their professional development), the new people you hire for supervisory positions should not just be made aware of your safety objectives on a sign-off sheet. They must be provided with workable safety management procedures and realistic criteria for gauging their success.

Some might argue that cherry-picking qualified candidates for first line supervisory positions should be a no-brainer, especially given the departure of so many members of the construction work force – those who either retired or gave up for lack of work. That short-sighted approach blackened the image of our industry in the first place and created the skills shortage (including safety hazard recognition skills) we now collectively face. With the exception of the industrial sector and a few labor sheds with collective bargaining agreements, few were willing to pony up for quality training. The chickens have come home to roost.ⁱⁱⁱ

Your operation's man-made climate...

“Zero incidents” is the often stated objective of most employers. In the past twenty years, that objective has been consistently achieved on countless industrial construction projects. As well it might for the advantages enjoyed by that sector. The entities involved in industrial construction, whether union or open shop, draw from a workforce that has typically traveled to its work with a considerable body of knowledge of both its craft and related safe work practices.

The reason? Large construction users (owners) recognized decades ago that they'd pay for safety up front or down the road and in turn created elaborate mechanisms for craft training and contractor audit.^{iv} As a practical matter, until owners in the commercial and residential sectors do the same, contractors will be on their own in making sure their first line supervisors are provided with the necessary tools to manage project safety.

It is a heresy in the safety profession to suggest that “accidents will happen.” Shooting for “zero incidents” is indeed admirable. Most accidents are, in fact, preventable and every employer should seek to improve his/her safety performance. On the other hand, gauging the success of a safety program and/or an individual supervisor's performance on the basis of outcomes such as injury and illness statistics can stymie the momentum needed to build an effective safety program.

Contributions beget improvements

Improvements to the safety *process* should be rewarded, not frequently misleading results such as safety outcomes. While under-reporting of incidents is always a potential concern,^v the larger problem is getting safety programs to work on a continuing basis with mechanisms for improvement.

“But my workers love to get hats, buck knives and other safety paraphernalia...”

“And what about those lunches where we bring in the pizza?”

It’s interesting to study what is incentivized and what isn’t. Some contracts offer incentives and disincentives related to project completion. What about quality assurance (QA)? As much as quality is a “given,” safety should be viewed as equally unconditional.

To that end, first line supervisors should be rewarded for contributions they make in the improvement of their company’s safety *culture*. The company’s reputation for safety will follow.

Here are some realistic and useful interim objectives for building a sound foundation and related performance evaluation criteria:

Employee involvement...

Safety awareness and the capacity for intervention should not be the exclusive province of managers. Given that the lion’s share of construction injuries derive from unsafe acts, employee involvement in the process of building that safety culture is critical. The more eyes we have on each other and the more ideas considered about eliminating hazards, the better. Working from the premise that construction workers have presumably been on other projects and seen what works and what doesn’t, it follows that tapping the experience(s) of hourly workers not only leads to empowerment but a greater likelihood for participation in the process of building the safety culture.

Evaluation criteria:

Supervisor fosters employee involvement in safety hazard abatement through:

- a. Recording employee remarks and suggestions about any safety issues, regardless of importance, on the weekly safety meeting minutes form.*
- b. Supervisor records follow-up(s) with employee making suggestion/remark – reporting what action, if any, has been taken.*
- c. Supervisor requests input of crew in devising safety strategies for non-routine tasks and records same.*
- d. Supervisor recognizes individual’s contribution(s) in crew meetings.*

Supervisor’s recordings are detailed/sufficient/minimal

A useful paper trail...

Some might say: Don’t write anything down. It’ll just be used against you!

Hazards do occur on construction. That's why it's called inherently dangerous. How the hazards are dealt with is what matters. "Competence" is about action. "Prompt" correction in most cases means immediate.

Without some form of documentation, how can a contractor demonstrate that its "competent persons" are actually conducting frequent and regular inspections^{vi}, let alone have a basis for making evaluations and improvements to its existing program?

What should be said: We've buried our supervisors in too much and the wrong kind of paperwork. It sends the wrong message and serves little purpose in improving our programs. Some examples:

Weekly safety inspection checklists - We nag our supervisors to complete them and turn them in, as if they might provide some insight into what's really happening in the field. The title alone suggests that safety inspections need only be performed on a weekly basis rather than "frequently and regularly" – translated: based on the relative degree of hazardous. A review of completed checklist-type forms typically reveals that most items, if not all are marked the same (Yes, No, or N/A) and rarely identify any acts or conditions specific to the project.

What supervisors must be made to understand is that they are always inspecting. They are multi-tasking when they walk through a job looking at progress and quality, what's needed in the way of supplies, who is and isn't working, and what's safe and unsafe. Just as they don't run back to their trailers or pickups to get their quality inspection clipboards, they don't do so with safety. An inspection checklist can be useful as a reminder of the subject areas of safety that should be addressed, not necessarily on every inspection, but rather, in the ongoing process of walking a job.

Weekly "toolbox talks" - Rather than having a meeting about project-specific safety matters, we've given supervisors the task of collecting signatures on a sheet with a safety message that rarely relates to the work at hand. Safety meetings should be held. The meeting agenda should be simple and to the point: Supervisor informs the crew of pertinent information disseminated at the controlling contractor's safety meeting; supervisor informs workers of his/her own observations from the previous week's inspections; employees provide input and ask questions, and strategies are collectively developed for hazards associated with upcoming work.

Safety Violation Notices. No one is inclined to fill out a form they believe will only give rise to adversity. As well, no employer is required to implement a "progressive disciplinary action policy" that works in contravention of continuing employment and sound business practice. Unfortunately, as written, many such policies needlessly hamstring supervisors by instituting more formality than necessary. The result? Non-uniform implementation.

First line supervisors need to understand that the purpose of disciplinary policies relating to safety is not to get rid of people, but rather to change behaviors and compile a body of data with which to audit the safety effort. Most workers, when verbally informed of a particular hazardous activity, do not repeat that activity. They may engage in another type of unsafe activity, but we can again verbally inform them that they have done so. If a worker breaks the same “rule” again, he/she should definitely be written up but the reason for the infraction should be examined as well. All-important, if your disciplinary process is heavy-handed or complex, it probably won’t be implemented.

Evaluation criteria:

The supervisor recognizes that he/she is continually inspecting the work and, whenever possible, seeking the immediate correction of hazardous acts and conditions.

- a. Supervisor records his/her observations of unsafe acts and unsafe conditions (regardless of whether they have been corrected and regardless of who is responsible) in summary form at the end of each shift (reporting format to be determined).*
- b. Supervisor develops and maintains notes of his/her meetings with GC/CM/Owner representatives regarding project safety matters and disseminates that information to his/her crew(s).*
- c. Supervisor completes the weekly safety meeting minutes form, recording the subjects discussed and any and all input from hourly personnel regarding safety.*
- d. Supervisor records first time safety infractions on the daily reporting format, consistent with the company’s progressive disciplinary action policy. On determining that the same work rule is violated by a particular employee on a second occasion, supervisor refers the matter to the Field Superintendent.*
- e. Supervisor and Superintendent together examine the effectiveness of the work rule and interview hourly employee to determine reason for infraction. A written record of these actions is developed and maintained.*
- f. Supervisor, upon leaving the project or being reassigned to another project, places all safety-related documentation in the job file.*

Supervisor’s recordings are detailed/sufficient/minimal/not maintained.

Lightening the load...

Some duties should be removed from the shoulders of first line supervisors. It is a natural tendency in most organizations to push responsibilities down to the lowest level. First line supervisors are not “all things safety”. The only safety-related duties a first line supervisor should have are inspection, on-site communications and enforcement. We should look for the best formats to facilitate their documentation. Multi-part safety violation notices and similar “forms” should be made as simple as possible. Examine those that have been completed. If they are completed in a slap-dash manner, determine whether they are worth it or if there is a better way of reporting. The last thing they should be responsible for is completing an employer’s first report of injury, let alone having them identify injury sources or root causes. At best, their participation should be limited to the collection of “hard data” such as times, dates and the identities of possible witnesses.

Evaluation criteria

- a. *Supervisor makes recommendations for streamlining company safety reporting systems, such as, but not limited to: proposed daily safety inspection reporting formats, notices of unsafe acts, safety meeting minutes, etc.*
- b. *Supervisor makes recommendations for specific safe work practices and work rules for adoption company-wide.*

Supervisor’s recordings are detailed/sufficient/minimal

Summary

Many of the safety management practices adopted piecemeal by the construction industry in the past 20 years may not mesh in practice. The weakness of these non-integrated systems will be exposed in the inevitable economic upturn. Experience allowed many old hands to deal with some of the contradictions and confusion inherent in a climate increasingly governed by slogans and goals. But, as we have already observed, many of those soon to be hired or promoted into first-line supervisory positions will be inexperienced in safety management and – without adequate training and fair accountability – too insecure to give it the emphasis needed for success.

In addition, just as it was decades ago, our Nation’s new construction workforce will again be largely comprised of immigrants looking to improve their lot. With them will come many cultural ambiguities and a lot of enthusiasm.^{vii}

With these challenging factors in play, each of us needs to revise the questions we ask ourselves in assessing all of our initiatives, including our safety programs. Most

important, how will we structure the responsibilities of first-line supervisors and the approaches we teach them to guarantee that year-in, year-out, these pivotal characters will have the opportunity and motivation to care about safety in the new decade?

The long term problem is clear. Our Nation's largest industry has an image problem. Its skill sets are depleted. Its hourly workers remain commodities, not assets. But individuals are always the inventors and industries the beneficiaries. Individual contractors will be credited with developing the tools that build and the tools that work for safety. The construction industry is comprised of innovators and doers. It has used its innovative spirit to make significant strides in decades past. Through the ideas and efforts of its first line supervisors and hourly workers it will surely do so again.

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References

ⁱ A supervisor's knowledge of his own malfeasance is *not* imputable to the employer where the employer's safety policy, training, and discipline are sufficient to make the supervisor's conduct in violation of the policy unforeseeable. *W.G. Yates & Sons Construction Co.*, 21 BNA OSHRC 1171 (No. 03-2162, 2005) <http://www.dmssearch.gpoaccess.gov/Highlighter.aspx?DocId=544&Index=D%3a%5cWebsites%5cUseIndex%5cOSHRC&HitCount=15&hits=1+2+3+17+18+19+3e+3f+40+106+107+108+14d+14e+14f+>

ⁱⁱ "Competence is demonstrated, not certified" (a maxim credited to an unknown safety professional) We do not become competent because of training alone. A supervisor who is aware of an unsafe act or condition yet fails to act to eliminate it is not being "competent" for purposes of the statutory definition at Title 29, CFR, Part 1926.32(f) and compliance with an employer's accident prevention responsibilities at Title 29, CFR, Part 1926.20(b).

ⁱⁱⁱ See, for example, Construction Users Round Table, *Confronting the Skilled Construction Workforce Shortage*, Report # WP-401, Updated June, 2004, www.curt.org

^{iv} OSHA's compliance programming initiative in the wake of Bhopal and subsequently, the Nation's five largest industrial catastrophes, all of them in the petro-chemical industry ("Petrosep") was later codified as the Process Safety Management Standard (Title 29, CFR, Part 1019.119, within which is thought to be the genesis of contractor screening and oversight.

^v See, for example, J. Hinze, PhD, *Injury Under-Reporting in the United States Construction Industry*, M.E.

Rinker School of Building Construction, February, 2005

<http://web.dcp.ufl.edu/hinze/Under-Reporting-Final-Report.htm>

^{vi} Title 29, CFR, Part 1926.20(b) OSHA Accident Prevention Responsibilities (in construction)

^{vii} Proposed NIOSH/NORA research re: cultural ambiguities of non-English-speaking workers http://webcache.googleusercontent.com/search?q=cache:_Z1RECKb7FoJ:www.asse.org/professionalaffairs/docs/NORA121905%2520Chicagotestimony.doc+asse+cultural+ambiguity&cd=1&hl=en&ct=clnk&gl=us