One Consultant’s Opinion

Safety An – Ounce of Prevention

Proper Training is the Key to Lowering Work Related Injuries
by Ernest Orchard, Orchard Roofing Consultants

(Editor’s Note: Ernest Orchard is the owner of Orchard Roofing Consultants based in Irvine, Calif. Orchard has been a professional roofing consultant since 1982. Prior to 1982, Orchard spent approximately ten years working national and international construction as a journeyman roofer/foreman/superintendent. Orchard’s firm specializes in expert investigation in roofing and waterproofing system failures and in the specification and quality control for new or replacement systems.)

MARC DODSON highlighted a new trend developing in the legal community of California where attorneys are advertising for “victims” of work-related injuries (see January/February ‘92 issue, Western Roofing, “Electronic Ambulance Chasers”).

This trend has helped increase the number of worker’s compensation claims and thereby contributed to the recent passage of legislation in California upping the penalties for worker’s compensation fraud. Because of the increase in claims made, CAL/OSHA has instituted new safety guidelines for our industry that are based on the standard set by Senate Bill 198, titled The Injury/Illness Prevention Program.

California Governor, George Deukmajian, signed Senate Bill 198 into law on October 2, 1989. This bill was the direct result of State Senator Bill Green’s very effective efforts to promote his Injury/Illness Prevention Program (IIP) that was intended to create a safer work environment within the State of California. This bill actually went into effect in January of 1991, and as of January 1992, the CAL/OSHA inspectors are aggressively enforcing the requirements of this new program. What this means to our industry is that all roofing companies are required to have a safety program in effect within their own organization that is designed around the guidelines provided in the SBI 98 Handbook that is sold through your local California Chamber of Commerce office for approximately $130. These guidelines require that each company develop a handbook that is tailored to meet the safety requirements for their employees that include: designation of responsible individuals; identification of workplace hazards and investigation of injuries and illnesses; correction of safety-related deficiencies; training programs for employees; periodic inspections; and systems for communication with employees on safety matters.

These handbooks will be required to be kept with each foreman on each job site, and with your office manager at each business office. OSHA inspectors are enforcing these rules and regulations and the fines are heavy. So, it is important to implement this program if you haven’t already done so.

Once again our trade is the focal point for the legal community as there are more work-related injuries reported in roofing than in any other organized construction trade. In fact, there are only two other industries that pay a higher workmen’s compensation rate, and they are building movers at 57%, close behind are circus/carnival employees at 52%, followed by roofing at 39%.

Some employers will be quick to note that they’re paying more than 39% and this is because the amount paid increases proportionately to the number of claims made. The cost will only drop when reported injuries decrease.

In addition to work-related injuries, OSHA citations can impact your percentage figure, and when you compare the cost of the higher insurance rates, that are brought about by the increased number of work-related injuries, combined with the cost of the fines that are associated with citations issued by the OSHA inspectors, plus legal costs for defending the company in a legal action, it makes economic sense that all roofing organizations actively pursue the development and implementation of safety programs that are tailored to your company’s special requirements; besides, it is the law.

As a roofing consultant I am called on, from time to time, to investigate the cause of roof-related accidents and then give testimony as an expert witness in court on my findings.

In checking with insurance underwriters, it is my finding that there is a general consensus in the insurance community that the roofing industry as a whole has failed to provide proper training for roof system installers, and most agree that the insurance rates will continue to climb unless there is a marked drop in the number of claims made.

From the industry side, most management personnel are quick to point to the fact that a certain portion of their labor force is “mobile”, meaning that employees move from company to company, based on the type and amount of work that is available from week to week.

Unfortunately, there are only a few companies that have an established clientele that afford them a stable work load, thereby enabling them to offer job security to their roof mechanics. Even the largest of companies are required to augment the size of their labor force from time to time, and this temporary or transient percentage of the labor force can, and generally does, account for a large portion of this


Safety

industry’s work-related injuries, either by injuring themselves or others based on a lack of understanding and/or training in safe and responsible roof installation practices.

Most responsible employers know that OSHA requires at least one tail gate safety meeting per week on each job site, and that the company foremen are required to attend a shop safety meeting once per month while organized safety lectures are presented that are designed to instruct them on how to create a safer work environment on the roof. Part of the problem in developing a more conscientious work force is related to a shorter “time in trade” for roofing employees than in years past, combined with “specialization and/or piece-work”, where employees are experienced in one phase of roof system application, but only vaguely familiar with the total concept.

I believe that the general consensus of the insurance underwriters is essentially correct, in that many of the work-related injuries in the roofing trade are directly related to a failure on the roof mechanic’s part to adequately understand his role regarding the success or failure of any safety program. Some helpful tips:

**Specification Writers:**
- In the general conditions section of your specifications make specific reference to compliance with OSHA’s SB198 program in addition to the more vague requirement that is generally referenced by calling for the bidders to comply with all State and Local code requirements.

This will help the roofing industry focus more on their responsibility to provide a work environment that is as safe as possible.

**Owner’s and Management:**
- Be aware of the fact that OSHA requires that each company develop a safety program that is tailored to their company’s specific needs and know that you’re required to develop a safety booklet that must be readily accessible by your employees.

This means that at least one booklet should be kept in the office where all employee’s are aware of its location, and at least one booklet should be kept on each job site, either in the foreman’s truck or on the roof.

Remember... OSHA inspectors are increasing the number of site inspections and are actively citing companies for violations of this program and the fines are heavy.

**Superintendent/Foreman:**
- Being the most experienced in the hands-on application process, it is your responsibility to instruct the less experienced workers in the safe and responsible installation requirements for your company’s specialty.

You are responsible for holding the tail gate safety meetings at the job sites and you are the ones that will be questioned by the OSHA inspectors when they visit your construction sites, and if you do not have a safety program in effect, or if you are not familiar with the latest guidelines of the OSHA SB198 program, then your employer can be cited for this failure to comply.

- I know for a fact that some of the more responsible companies are using the incidents of citation or repeat citation to demote field management personnel.
- Roofing contractors generally do not verify the survey of a roof, meaning that they are not engineers and are generally not capable of calculating live and dead loads for a roof structure, but are capable of performing a visual inspection and should be able to recognize the more obvious problems associated with substrate failure, such as dry rot in wood, rust in metal, or cracking/spalling in concrete.
- On older buildings with exposed eaves, it is best to check the underside of the roof from the ground elevation before accessing the roof and, of course, the same holds true when it comes to inspecting the underside of the deck inside the building, where possible.

If it is not possible to inspect the underside of the roof substrate, then it is important to perform a general roof-top inspection and make particular note of any areas that show evidence of staining, deflection, or previous repair.

**Workmen:**
- You need to remember that safety begins at home, meaning that if you don’t protect your health and welfare then it is difficult to expect someone else to do so.
- Be aware of the fact that the most commonly reported injury is related to falls from the roof that are generally associated to unsafe work practices, like: working too close to the perimeter of roof without proper safety barriers; backing into hazards like openings in the roof or electrical weather heads; failure to properly dispose of tear-off materials or failure to properly disperse newly loaded materials; and failure of the roof substrate related to dry rot and/or structural weakness.

**Secretaries:**
- Mark your calendars and try to remind the foremen when it is time for safety meetings and assist them as best you can in documenting attendees and topics, so a record of all meetings can be kept in the job files.

This can be immensely important in a worker’s compensation claim, and as most of you know, it is somewhat of a problem receiving accurate written documentation from the field. So, any assistance you might be able to provide would be greatly appreciated by all.

Safety is the responsibility of everyone and negligence is no excuse in a court of law or in a hospital bed.

If your company does not have an active safety program designed around the requirements of OSHA’s SB198 guideline, then you must develop one now because it is the law.

If you do not know how to start your safety program then contact your local Chamber of Commerce and request that they supply you with the pamphlet outlining the latest program requirements or contact your local OSHA office for instructions on how to begin developing your company’s safety program.