

Criminal Liability for Jobsite Construction Accidents

New Hire Training Processes

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New Hire Training Processes

The key to protecting against accidents - whether they give rise to criminal liability or not - is vigilance. Vigilance in training. Vigilance in monitoring safety standards. Vigilance in documenting company compliance with those standards.

- a. Understanding the reality that less-experienced workers increase the likelihood of a workplace accident.

The time to become vigilant is during the hiring and onboarding process. To be sure, new employees can be overloaded—they meet co-workers, learn the ins and outs of the company, and begin performing their duties. Meanwhile, it's your responsibility to keep your employees safe. This can be a challenge with new workers: Employees in their first month on the job have more than 3 times the risk for a lost-time injury than workers who have been at their job for more than a year, according to research from the Toronto-based Institute for Work & Health ("IWH").

Why is this the case? Employees in their first month on the job have more than 3 times the risk for a lost-time injury than workers who have been at their job for more than a year.

The lack of familiarity that comes with a new job can be daunting. That's a common theme that could be contributing to new workers' increased risk. Another possibility is that new

workers might be encountering more hazards than they are used to. Risk perception is another cause—new employees don't have the knowledge and awareness of a longtime employee, so they're underestimating the risks.

According to a 2007 IWH study, few new workers receive safety training – 1 out of 5 among a sample of workers. Even more alarming from the same IWH study, almost 80 percent of workers who were in their first year of employment could not remember receiving any workplace safety or orientation training. This likely results in these workers being without important knowledge that could prevent them, or one of their co-workers, from getting injured. This should come as no surprise, but as apprentice workers gain job experience, their risk declines.

Let's do the numbers

In 2013, nearly one-third of the nonfatal occupational injuries or illnesses that involved time away from work were suffered by workers with less than one year of service, according to data from the Bureau of Labor Statistics. Nearly one-quarter of these cases resulted in 31 or more days away from work according to the National Safety Council.

To be sure, certain subdivisions of new workers are at heightened injury risk. In the construction and extraction industry, 34.9 percent of the injuries and illnesses in 2013 occurred among workers with less than one year of experience.

Thinking specifically about the construction industry, we have a lot of seasonal employment and contractor-type workers, so a larger proportion of that population by definition is going to have less service with their current employer.

b. Implementing outside-the-box processes, like site-specific orientation with job hazard analysis and site specific safety equipment training.

Site-Specific Safety Plans are well-known throughout the construction industry as they are a requirement of the Occupational Safety and Health Administration (OSHA) Standard for Construction 29 CFR 1926. These plans are designed to identify, evaluate, and control health and safety hazards for the purpose of protecting employees. The plan provides for emergency response activities at the jobsite as well as covering site hazard analysis, training requirements, engineering controls, materials handling, and safe construction operations.

This Site-Specific Plan is intended to provide guidance and information in dealing with the hazards that may be faced on the job by employees. As the name suggests, the plan is a site-specific document. Technical, Contract and/or Operational Managers must be responsible for ensuring all aspects of employee safety are addressed in this plan. It is incumbent on the employer to make sure health and safety personnel are available to assist management with the contents of the plan, and help ensure the plan complies with all applicable federal, state, and corporate regulations and policy.

When preparing Site-Specific Safety Plans, employers should go one step further, and develop site-specific employee orientations with job hazard analysis and site-specific safety equipment training. Exposing employees—new and old—to as much site-specific training and information as possible will only serve to reinforce safety training and prepare employees to act in ways that avoid serious accidents.

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