

Report

Evaluation of the Implementation and Impact of a Massachusetts Construction OHS Training Rule

A project for CPWR The Center for Construction Research and Training

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Cora Roelofs
Research Faculty
Department of Work Environment
University of Massachusetts Lowell
Cora_Roelofs@uml.edu

CONTENTS

Abstract	1
Key Findings.....	1
Introduction.....	2
Background.....	2
Research Design and Methods	4
Interviews	5

ACKNOWLEDGMENTS

Rebecca Gore (Department of Work

1

up or cancel contracts, and it can remove employees who do not have OSHA 10 training from the worksite.

Since 1971, OSHA has authorized trainers to teach construction and general industry occupational safety and health courses to workers. Construction industry outreach trainers complete "train the trainer" courses (the OSHA 500 and 501) and are authorized to conduct 10 and 30 hour construction industry outreach courses and sign course completion cards (the "OSHA Completion Card"). According to the OSHA Outreach Training Program Guidelines, the 10 hour course is an awareness level class and is intended to provide training on construction safety and health to entry level workers. In 2011, OSHA changed course requirements to clarify that the course cannot be offered in one day. Mandatory topics to be addressed include an introduction to OSHA (two hours), electrical training, and fall protection. During the course, the trainers must also discuss at least three of the following topics: personal protective and lifesaving equipment; materials handling, storage, use and disposal; tools – hand and power; scaffolds; cranes, derricks, hoists, elevators and conveyers; excavations; and stairways and ladders. Workers receiving the 10 hour course are advised that they must also receive site specific training on construction hazards and that the 10 hour course does not substitute for such site specific training provided by their

addition to receiving training directly at the

improve health and safety on construction worksites. Recommendations for improvements are iterated as well as barriers and opportunities for expansion of training requirements as a policy intervention to reduce construction injuries and illnesses. Two investigative methods were used: 1) key informant interviews of trainers, contractors, union representatives and health and safety agency personnel, and 2) confidential interviewer assisted surveys of workers at construction sites.

INTERVIEWS

Interviews were conducted with 13 “key informants,” including union and non union trainers, occupational health agency and insurance company personnel, union organizations, union and non union construction company professional organizations, and the Massachusetts Attorney General’s office which is responsible for enforcing the requirement. The thirteen interviewed individuals were:

Jean Manoli, Training Specialist, Massachusetts Division of Occupational

Key informant interviews by the principal investigator (C. Roelofs) followed an interview guide that was developed in conformity with best practices in qualitative inquiry and reviewed by CPWR (See Appendix). The questions were designed to solicit open, informative responses that represented the informants' thoughtful and honest understanding of the issues. Interviews ranging from

RESULTS

INTERVIEW ANALYSIS

The interviewees were asked to comment on opportunities and barriers related to the rule; training resources;

that having the minimum 10 hours of safety training in place for workers propelled supervisors to get the 30 hour safety card. The rule may have also provided an opportunity for some workers in residential construction to get basic safety training, although, in general, interviewees did not think that the rule had impacted the residential construction sector. In sum, more workers received training as a result of the rule, but not a huge amount more since the law targeted training for workers who were generally already being trained.

While it is not possible to tease out the specific impact of the rule on construction safety in Massachusetts, it was suggested by interviewees that the increased number of

- Change the enforcement mechanism to include the possibility of civil penalties such as restitution, debarment and/or a penalty amount.

SURVEY ANALYSIS

100 surveys were collected from construction workers between May and December 2011.

OSHA 10 HOUR CARD STATUS

Forty four of the 100 survey respondents possessed OSHA 10 training cards. All of these respondents received training in a group setting with an instructor present. We did not survey anyone who had taken the training online. One third of OSHA 10 card holding respondents had gotten their training prior to 2006 and the rule requirement. The training rule was signed into law in 2004 and 2005 showed an increase in trainees. The greatest number trained in a single year was in the year 2007, the year following the requirement. No one reported being trained in the most recent two years.

Most card holders got their training at their union training center and the training was paid for, or sponsored, by the union (or, more likely, the joint union employer training fund). However, some union members did report paying for training themselves, although we don't know how much they paid. It is possible that costs of the training were shared between the trainees and the training center or the trainee and the employer. The Lawrence Technical School is a private training center that offers OSHA 10 classes in Spanish. Anecdotally, it is known that a local union sends their Spanish speaking members to the Lawrence Technical School for OSHA training rather than to the union training center which does not offer Spanish OSHA 10 training. The "other" locations may have been employer or private training facilities; it was not possible to determine these locations from the survey responses.

OSHA 10 Training Location		
Local/Union Training Center	27	61%
Lawrence Training School	6	14%
Vocational School	4	9%
Other	5	11%
No Answer	2	5%

Fifty five percent of card holders thought that having a card was an advantage in getting work. Seventy four percent of the respondents were aware of the OSHA 10 requirement for training on public projects. Of those who were not aware, 92% were Spanish or Portuguese speakers. One quarter of the respondents had been asked to show their OSHA 10 cards.

GEOGRAPHY

Surveys were collected throughout Massachusetts. Most surveys came from urban areas, although some were collected in small towns. Lawrence was the city that contributed the most surveys (24%).

Surveys by Region of Massachusetts

Northeast	45	45%
Southeast	23	23%
Greater Boston	20	20%
Metrowest	9	9%
Western	2	2%

Years in Construction		
More than 10	18	18%
5 10	27	27%
1 5	41	41%
Less than 1	14	14%

LANGUAGE

Surveys were conducted in English or Spanish according to the preference of the respondent. Forty three percent of the respondents reported that they spoke English at home, 43% Spanish and 14% Portuguese. While we did not ask for nativity, it is likely that the majority of the Spanish and Portuguese speaking respondents were immigrants or children of immigrants. Of the 44 respondents who possessed OSHA 10 cards, 66% spoke English at home. Seventy three percent received their OSHA 10 training in English, 20% in Spanish and 7% in Portuguese. Of the 5 Portuguese speakers with cards, three reported receiving their training in Portuguese, one in English and one in Spanish. Of the 10 Spanish speakers

Only 5% of the respondents who had had OSHA 10 training found it to be of no use and more than one third found it very useful. One third reported that they were more likely to take action on their worksites to improve health and safety following the OSHA 10 training.

Appendix

INTERVIEW GUIDE

1. What role did you played in the development of the 10 hour training rule?
2. What role do you play in its implementation?
3. What is your perception of how the rule has been implemented

SURVEY (ENGLISH)

1. What is

- c. Once
- d. Several times a year
- e. Annually

16. Have you been asked to show your OSHA card (proof of training)?

- a. Yes
- b. No

17. Are you aware that Massachusetts requires 10 hours of safety training for all workers on public work sites?

- a. No
- b. Yes

SURVEY (SPANISH)

1. ¿Cuál es su oficio?
 - a. Obrero
 - b. Obrero de estructuras "Ironworker"
 - c. Etc.

2. ¿A

SUMMARY NOTES

getting the

Bianchi thought that safety on construction sites has been more motivated by industry pressures than statutory requirements. He felt that the construction industry, particularly the large players, have been maintaining high standards of safety and enforcing it among their subcontractors – spreading safety downward. He thought that safety in construction has been driven by past experience with accidents, concern for employees, and increased competitiveness that forced companies to professionalize and differentiate themselves by adding enhanced safety programs. Bianchi has considerable respect for the knowledge that construction workers have about their trades and says he “feels funny” talking to electricians about electrical safety – but says that the 10 hour requirement for training plays the role of “reminder” to pull focus back to safety, to promote commonsense and to avoid complacency. The 10 hour training brings their awareness up one more notch, he says, and if that’s all it accomplishes, that’s a lot.

According to Bianchi, the challenges involved in implementing the 10 hour rule are recent. Specifically, he believes that OSHA’s requirement that the 10 hour training be done in two days is a major challenge for employers requiring them to take employees off the job for two days. Bianchi feels that doing it in one day is feasible and can be effective as long as there is more

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Jean

especially if the company has paid for the training. If an employee leaves or is fired or laid off, they may not get their card back.

She believes that there are higher standards for training now and some auditing, but there is a lack of resources for enforcing the quality of training. Bates reflected on the most important impact of the training: it exposes the workers to the fact that they have health and safety rights and gives them a general awareness that there are hazards. However, she felt that if there is no or a limited safety program on the site, then the 10

position on the proposal to require recertification of training every five years. She said

Ken Corbett is the administrator of the Massachusetts Division of Industrial Accidents (DIA) Office of Safety, which has the primary responsibility for the Commonwealth's Safety Grant Program. The Safety Grant Program administers \$800,000 in grant funds a year in the form of \$25,000 grants. Half the funding goes to OSHA 10 classes and 75% of these funds go to union apprenticeship training programs. The remaining OSHA 10 training funds go to small business or non union programs such as those offered by the regional associations of the National Association of Homebuilders. Through the grant program applications, DIA is able to assure that trainers are certified and qualified. They monitor trainer payment and quality. They do not fund on line training or webinars.

Corbett felt

Mary Vogel is the Executive Director of The Construction Institute, a construction safety training and advocacy group. When the Mass Building Trades Council brought forward the bill, Vogel provided advice on it and provided testimony and support to get it passed into law. The

TEXT

who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards made subject to section 44A.

SECTION 4. Paragraph I of subdivision (2) of section 44F of said chapter 149, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:
The undersigned hereby certifies that he is able to

