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PRIME, GENERAL, AND SUB-CONTRACTOR RESPONSIBILITY FOR CONSTRUCTION JOBSITE SAFETY

The following material will outline the basic responsibilities for construction jobsite safety as properly distributed between the prime, general, and various potential sub-contractors. Such construction work may involve new construction, facility modification or renovation, facility maintenance, industrial rebuild, or demolition work.

While the basic concepts of jobsite safety will apply in every case, the degree of responsibility for jobsite safety assigned to the various parties involved will depend on the nature of the work being performed and the degree to which necessary knowledge and resources are or should be reasonably available to them.

Herein, the term "prime" contractor refers to the top level or top tier contractor that initiates and coordinates the overall construction project with a "general" contractor and/or various "sub-contractors."

A prime contractor may be the owner or operational management of an industrial plant, the construction management or engineering staff of a large premises owner, or a professional construction management company, but does not include homeowners, industrial plant owners, or others with little or no experience in construction work. Should such inexperienced parties hire a general contractor to construct facilities from plans and specifications prepared by others who will not otherwise be involved at the jobsite, **such a general contractor becomes the prime contractor**, and must assume all the safety related duties and responsibilities of the prime contractor.

To various degrees, the prime contractor may or may not participate in the conduct of the construction work, or have the expertise to do so. Involvement of the most sophisticated prime contractors may include initial overall project design, preparation of project specifications, or design evaluation or approval, followed by an active participation regarding construction methods, construction jobsite safety, construction supervision, or construction and jobsite monitoring or inspection.

RESPONSIBILITY OF A "PRIME" CONTRACTOR FOR JOBSITE SAFETY

Workplace safety programming must establish and provide for a workplace free of recognized hazards that have the potential to cause serious injury to workers or other individuals at the jobsite.

Because workplace safety is so important at various construction jobsites, it is essential that initial responsibility for overall jobsite safety be clearly accepted by one party with the authority to initiate and accomplish what is required.

In terms of effectiveness, safe working conditions at construction jobsites are best achieved when the prime (or general) contractor assumes his rightful leadership role and takes primary responsibility to (a) establish, (b) coordinate, (c) monitor, and (d) generally manage the overall basic safety program content and structure for all persons at his jobsite. Undefined authority among the parties involved related to jobsite safety is not a workable arrangement for such an important matter that literally affects the life and limb of each and every worker on the jobsite.

When a prime contractor possesses relevant knowledge and exercises minimal oversight involvement regarding the construction work to be performed, it is a logical conclusion that the prime contractor should assume initial safety responsibility for safety program *leadership* at his jobsite. The prime contractor has primary and overall authority and control of his jobsite. All persons performing work at his jobsite are either to be his employees or will have been directly or indirectly hired by him. In addition, the prime contractor will typically, to various degrees, either direct, supervise, coordinate, or *at least* monitor the progress of the work and perform inspections to assure that the work complies with provisions of the contract and associated plans and specifications.

When warranted by circumstances, the prime contractor may assign certain specific safety activities to other contractors. These contractors will then *share* a corresponding responsibility for jobsite safety.

DELEGATION OF SAFETY RESPONSIBILITY BY A "PRIME" CONTRACTOR TO A "GENERAL" CONTRACTOR

When a *prime* contractor engages a *general* contractor, the general contractor should have a verifiable, high quality safety program. When the prime contractor assigns certain safety management responsibilities to a general contractor, state-of-the-art prudent practice holds that such a general contractor shall be deemed to have *joint* responsibility for jobsite safety. That is, when an upper tier contractor assigns *specific* responsibility for particular aspects of jobsite safety to a lower tier contractor, both contractors then share responsibility for the assigned work – the lower tier having *specific* responsibilities, and the upper tier contractor retaining *overall* responsibility.

To illustrate this point, consider the following: When a prime contractor delegates *construction* tasks to a general contractor, or the general in turn delegates specific *construction* tasks to various specialty contractors, a reasonable and prudent prime or general contractor will *at least* continue to monitor the delegated *construction* work to reasonably ensure compliance with his directives and the project plans and specifications.

In a similar fashion, due to the importance of jobsite safety, when a prime contractor assigns *safety* responsibility and associated performance to a general contractor, and in turn to various specialty contractors, a reasonable and prudent prime or general contractor will reasonably continue to *monitor* the *safety* related work assigned to ensure compliance with reasonable state-of-the-art *safety* practice and any specific *safety* requirements contained in the project plans and specifications. In the exercise of ordinary care, the prime (or general) contractor can never relinquish his overall leadership role to ensure that a reasonable, state-of-the-art *safety* program is established and conducted at their jobsite.

In line with ordinary prudent practice, ANSI (A10.33) and OSHA (CPL 2-0.124) outline four guidelines that can be used as a model for determining responsibility for particular construction jobsite hazards. For any particular hazard, such guidelines ask who *exposed* their workers to the hazard; who actually *created* the hazard; who is responsible, by contract or by actual practice, for *controlling* the hazard (for controlling safety and health conditions at the jobsite); and who has the responsibility (ability and authority) to *correct* the hazard.

RESPONSIBILITY OF THE "GENERAL" CONTRACTOR

When a separate general contractor is engaged by a prime contractor to perform delegated work, such work will typically involve the general contractor's employees and possibly the additional hiring of further specialty contractors who will be under the general contractor's control and direction. Regardless of the safety resources offered by or available from the prime contractor, it is imperative for the general contractor to assume a major role (and often *the* major role) in providing appropriate jobsite safety programming to ensure an overall workplace free of recognized hazards that have the potential to cause serious injury, with special attention give to generic hazards (such as fall protection) that are not knowledge-specific to a particular craft. Proclaiming to be a *general contractor* implies the possession of sufficient overall construction project management expertise logically associated with being competent in all aspects of *construction* jobsite management, including overall jobsite *safety* management.

The serious nature of jobsite hazards typically involved in general construction work, in terms of the historically high frequency and severity of injuries, should dictate special efforts by general (and prime) contractors to establish and conduct conspicuous, high quality safety programming for the benefit of all persons at their jobsites.

RESPONSIBILITY OF SUB-CONTRACTORS

If it can be timely arranged, or the opportunity is offered, specialty craft sub-contractors should actively participate in the development of the overall project safety program established during pre-job safety planning sessions conducted by the prime or general contractor, so that hazards specific to their trade are addressed.

Sub-contractors have the responsibility to (a) actively participate and adhere to the safety program advanced by the prime and general contractors presented to them during pre-job planning sessions, (b) establish and implement their own safety program relative to general safe work methods and specific craft hazards not requiring assistance, cooperation, or coordination with others, (c) utilize communication procedures established by the prime and general contractors to discuss safety issues as they arise, and (d) coordinate their craft activities with the prime and general contractor and other sub-contractors for the safety of all workers and other individuals at the jobsite.