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OSHA's Safety and Health in Shipyard Employment Bulletin


Thursday, Feb. 13, 2020
3 p.m. Eastern Time


The OSHA logo is located in the bottom right corner of the slide. It consists of the stylized 'O' followed by 'SHA' and the full name 'Occupational Safety and Health Administration' stacked vertically.

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Temporary Worker Initiative (TWI)


Occupational
Safety and Health
Administration


American Staffing Association



Temp Worker Web Page
https://www.osha.gov/temp_workers/



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11 - Bulletins to Date

**Injury and
Illness
Recordkeeping**

S&H Training

**Bloodborne
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**Control of
Hazardous
Energy
(Lockout/
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PPE

Haz Com


**Noise
Exposure and
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Conservation**

**Safety &
Health in
Shipyards
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#11 – Safety & Health in Shipyard Employment

TWI BULLETIN NO. 11

OSHA Temporary Worker Initiative

Safety and Health in Shipyard Employment

This is part of a series of guidance documents developed under the Occupational Safety and Health Administration's (OSHA's) Temporary Worker Initiative (TWI). This initiative focuses on compliance with safety and health requirements when temporary workers are employed under the joint employment of a staffing agency and a host employer.

Shipyard employment operations expose workers to various hazards from industrial operations such as steel fabrication, welding, abrasive blasting, electrical work, pipefitting, rigging, stripping, and coating applications, as well as the operation and servicing of complex machinery and equipment. The hazards associated with these work activities are heightened because they are often performed outdoors in all kinds of weather, confined vessels, in confined or enclosed spaces, below deck, on walkways, and on busy and crowded docks that host workers, equipment and material.

The safe coordination of these work activities is also complicated by the fact that most shipyards are multiple employer workplaces where shipyard employees, ship's crew, temporary workers, contractors, and subcontractors work side-by-side and often on the same ship's systems at the same time. The combination of these factors presents a potential risk of injury for workers, whether they are working on vessels or in landside operations.

Many OSHA standards include specific safety and health training requirements to ensure that workers have the necessary skills and knowledge to safely perform their work. These requirements reflect OSHA's principle that training is an essential part of an effective safety and health program for protecting workers from injuries and illnesses.

Many fatal incidents occurred when workers, particularly temporary workers, were not provided enough training necessary to do their job safely. Appendix A of the document provides recommended training topics and resources for shipyard employment work that align with OSHA standards.

Requirements

Temporary workers are entitled to the same protections under the Occupational Safety and Health Act of 1970 (the OSH Act) as all other covered workers. When a staffing agency supplies temporary workers to a business, typically the staffing agency and the staffing agency's client, commonly referred to as the host employer, are joint employers of those workers. Both employers are jointly responsible for determining the conditions of employment and complying with the law. In these joint employment situations, questions regarding how each employer can fulfill their duty to comply with the standard are common. This bulletin addresses what both the staffing agency and the host employer can do to provide safety and health training to temporary workers, including training on how to report an injury or illness, as required under OSHA standard 29 CFR 1904.35.

Example Scenario

The examples provided below are intended to portray what often happens when temporary workers are not adequately trained for their job assignments or when appropriate coordination between host employers and staffing agencies is absent.

SCENARIO #1

Staffing Company B received a request from Shipping Company A to supply general production workers. Staffing Company B, in advance of the production workers' first day on the job, provided the temporary workers with general health and safety training. Upon starting work with Shipping Company A, the temporary workers were assigned a variety of tasks that included rigging, lift/lift operations, and fire watch. Later that week, a representative of Staffing Company B received a text message from one of their workers stating concern that they were tasked with rigging loads. The temporary workers had no such experience, nor were they trained to perform this type of work. Before Staffing Company B had the chance to discuss this concern with Shipping Company A, a hoisted load fell during rigging operations and injured one of the temporary workers.

ANALYSIS #1

Rigging is a critical part of shipyard employment. Riggers prepare ships' equipment, components or sections for lifting by cranes, hoists or other material handling equipment. Improper rigging of a load or a rigging failure can expose riggers and other nearby workers to potential hazards. Riggers must be:

- Trained to understand the hazards associated with the assigned task;
- Qualified to do assigned work and comply with proper procedures;
- Aware of the surface conditions upon which a crane is operating;
- Familiar with the various and correct rigging techniques and rigging equipment (e.g., slings, shackles, hooks, hoists, blocks);
- Able to anticipate problems before they occur; and
- Aware of the weight of the load and understand the rated capacities of the crane and any rigging gear.

Staffing agencies are obligated to provide workers with training on generic safety and health topics, and verify that they understand the elements included in the training. Additionally, staffing agencies must inform workers that they have the right to refuse to do work they reasonably believe to be dangerous, or if they have not been adequately trained, and should contact the staffing agency immediately.

Host employers must provide temporary workers with safety training that is identical or equivalent to that provided to their own workers assigned to perform the same or similar work.

Staffing Company B and Shipping Company A were jointly responsible for training the temporary workers. The shipping company controls the workers' activities in and around the shipyard, and, therefore, was in the best position to provide site-specific training on rigging. The staffing agency also had a responsibility to ensure the site-specific training was provided and completed by Shipping Company A.

Appendix A — Recommended Training Topics and Resources for Shipyard Employment Work

TOPICS	RESOURCES
Worker Rights	<ul style="list-style-type: none"> • The right to a safe and healthful workplace • The right to complain or request hazard correction from employers • The right to file a complaint with OSHA • The right to be free from retaliation • Temporary Workers' Rights Pamphlet • Temporary Worker Initiative (TWI) Bulletin No. 3 - Whistleblower Protection Rights
Walking & Working Surfaces	<ul style="list-style-type: none"> • Safety While Working Alone in Shipyards • Shipyard Employment - Access and Guarding of Work Surfaces • Shipyard Employment - Housekeeping
Personal Protective Equipment	<ul style="list-style-type: none"> • Hierarchy of Controls • Site & Task Specific PPE Requirements must be based on workplace hazard assessment! • Payment for PPE • When the PPE is necessary • Temporary Worker Initiative (TWI) Bulletin No. 2 - Personal Protective Equipment • Eye Protection against Radiant Energy during Welding and Cutting in Shipyard Employment • OSHA Safety and Health Topics Page - Personal Protective Equipment
Fall Protection/Scaffolding	<ul style="list-style-type: none"> • Scaffolds and Staging • Ladders • Personal Fall Arrest Systems • Safe Work Practices For Marine Hanging Staging • Aerial Lift Fall Protection Over Water • Fall Protection Safety for Commercial Fishing • Hanging Staging Manual OSHA 3104
Electrical	<ul style="list-style-type: none"> • 1915.181 - Subpart L, fall four paragraphal • Lockout / Tags Plus • More detailed for authorized employees • Less detailed for affected employees • Electrical Hazard Recognition (Arc Flash, Arc Blast, Electrical Shock) • Control of Hazardous Energy Lockout/Tags Plus • Shipboard Electrical • General Working Conditions in Shipyard Employment - Lockout/Tags-Plus Coordinator and Log

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#11 – Occupational Safety and Health Act of 1970 (the OSH Act)

- Temporary workers are entitled to the same protections under the OSH Act as all other covered workers.
- Host employers and staffing agencies have a joint responsibility to determine the conditions of employment and to comply with the law.



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Effective Communication and Coordination

Host Employer

- Outlines safety-related specifications & pre-qualifications.
- Establishes & implements procedures for exchanging information among employers.
- Gathers and disseminates information about the job among employers.
- Provides employers and their workers information on potential hazards.
- Grants staffing agencies, contractors, & subcontractors access to conduct site visits, inspections, and access to injury & illness records.

All Employers

- Assess worksites for potential hazards.
- Determine who will implement & maintain various parts of the safety & health program to protect all workers.
- Share pertinent information before work starts and, as needed, if conditions change.
- Ensure work is planned & scheduled.
- Assign supervisors to deal with day-to-day coordination issues.
- Respond to unexpected staffing needs, ensuring workers are trained & equipped with the necessary protective gear.

Staffing Agency, Contractors & Subcontractors

- Establishes & implements procedures for sharing information with the host employer, pertaining to hazards, control measures, & procedures to protect workers.
- Regularly inform the host employer of injuries, illnesses, hazards, or concerns reported by their workers and the results of any tracking or trend analyses they perform.

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Hazard Assessments

To adequately protect workers, host employers, contractors, subcontractors, and staffing agencies should jointly assess all worksites:

1. Collect, organize, and analyze information.
2. Inspect the workplace and observe workplace operations
3. Determine control options
4. Select and implement
5. Surveillance (follow up)



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Medical Screening and Surveillance

Work/jobsites requiring medical screening include:

- Noise Exposure (1910.95)
- Respiratory Protection (1910.134; incorporated by 1915.154)
- Hazardous Waste Operations/Emergency Response (1910.120)
- Toxic and Hazardous Substances (1915.1000)
- Chemical Exposure in Laboratories (1910.1450; incorporated by 1915.1450)

<https://www.osha.gov/SLTC/medicalsurveillance/standards.html>



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Incident, Injury, and Illness Investigations

- Host employers and staffing agencies should investigate all worksite incidents — a fatality, injury, illness, or close call (near miss) to determine:
 - The root cause(s)
 - What immediate corrective actions are necessary
 - What opportunities exist to improve safety and health programs
- While the host employer and staffing agency may conduct their investigation separately, OSHA recommends that host and agencies work together and share findings throughout the investigation.
- Employers (or their representative) should collaborate with workers during incident investigations since each bring different knowledge, understanding and perspectives.



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Scenario 1

Example

- A staffing agency supplied temporary workers to a shipyard that requested labor to fulfill general production tasks.
- Once at the shipyard, the temporary workers were assigned a variety of tasks — rigging, operating of forklifts, and fire watch.
- While rigging loads, with which the temporary workers had no experience, a hoisted load fell and injured one of the temporary workers.

Analysis

- The temporary workers only received general health and safety training. However, they should have received specific training for rigging operations.
- The host employer had a responsibility to provide the temporary workers with site-specific training for the work assigned.
- The staffing agency was responsible for ensuring site-specific training was provided and completed by the host employer.



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Scenario 2

Example

- A staffing agency supplied 10 temporary workers that were skilled in welding to a shipyard that had a short-term increase in production.
- During welding operations, fumes built up in the space.
- No plan was in place to appropriately ventilate the space, nor was respiratory protection supplied by the host employer.
- Once made aware of the safety and health concern, the staffing agency requested an evaluation of potential respiratory hazards be conducted and issue of respiratory protection, which the host employer refused.

Analysis

- The host employer had the obligation to conduct an evaluation of the workplace for worker exposure to welding fumes, as well as institute an adequate respiratory protection program.
- The staffing agency should have ensured that its employees' potential overexposure to air contaminants was assessed before they were placed in a potentially hazardous environment. Additionally, they should have verified that the host employer had a respiratory protection program in place.



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Scenario – Multiple Employer Example

Example

- A temporary worker was employed by a staffing agency to assist with the washing of wing tanks of a grain-carrying ship.
- Prior to starting work, a screw conveyor that ran through the wing tank was locked out to prevent unexpected start up.
- While the temporary worker was washing down the wing tank, a member of the ship's crew activated the conveyor, crushing and killing him.

Analysis

- Despite having a lockout procedure in place, this information was not conveyed to the other employees, nor was there any coordination between employers.
- All employers were responsible for the control of hazardous energy.



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Recommended Training Topics


- Worker Rights
- Walking- Working Surfaces
- Personal Protective Equipment
- Fall Protection
- Electrical Safety
- Confined and Enclosed Spaces
- Fire Protection
- Hazard Communication
- Machine Guarding
- Crane Safety
- Hazardous Waste
- Radiation Safety
- Injury Reporting and Recordkeeping



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OSHA Help

- Consultation
- Compliance Assistance
- Factsheets, Videos, Compliance Guides
- Safety & Health Topics Pages
- Resource Links



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