

OSHA - Subcontractors' Responsibility

- A. Subcontractors shall be familiar with and abide by the safety rules and regulations of [COMPANY NAME] _____ and of any governmental body having the authority to control the manner or method of carrying out the work, including, but without limitation the Williams-Steigner Occupational Safety and Health Act of 1970 (OSHA), all rules and regulations established pursuant thereto, and all amendments and supplements thereto. Subcontractor is expected to enforce its own safety program to the fullest extent relative to their scope of work. In no way does [COMPANY NAME] _____ release the Subcontractor of their responsibilities concerning safety issues. It shall be the responsibility of the Subcontractor to furnish and pay for any special tools and equipment required to comply with the safety standards herein stated.
- B. Without limiting the foregoing, subcontractor shall specifically be expected to:
1. Require all of his employees, visitors and suppliers to wear hard hats at all times on the jobsite. Safety glasses/goggles when chipping concrete, driving nails, hitting steel on steel, etc. Workers will be properly dressed for construction when entering the jobsite.
 2. All tools and equipment, including of ladders, platforms, lifts and scaffolding will conform to OSHA requirements.
 3. Use full body harnesses with lanyard attached to a suitable anchor point when working in areas above 6' and not protected by guardrails.
 4. If it becomes necessary to have access to any opening or shaft or to remove any guardrail system, Subcontractor shall see that the openings or shafts are adequately protected while the work is in progress and that covers or guardrails are replaced before leaving the area. If a Subcontractor does not follow this procedure [COMPANY NAME] _____ will assess a backcharge for its time and material in order to correct the problem.
 5. Require his foremen and all his employees to attend weekly safety meetings. Subcontractors may attend [COMPANY NAME] _____'s safety meetings in lieu of their own.
 6. Furnish [COMPANY NAME] _____ with a report on any accident involving any of the subcontractor's employees or equipment as well as a copy of all Insurance and Worker's Compensation Claims involving this project.
 7. Provide our job superintendent with the identity of the subcontractor competent person responsible for ensuring compliance with OSHA requirements.
 8. Provide our job superintendent with an emergency list showing your company doctor, hospital, insurance carrier, etc. Furnish the project with a first aid kit and/ or send your first aid type injuries to your company [COMPANY NAME] _____'s first aid kit will not be available to subcontractor's employees.
- C. If Subcontractor's foreman and/or his employee(s) do not comply with the above [COMPANY NAME] _____ has the authority to remove them from the project and Subcontractor agrees to provide a new foreman and/or employee(s) who will abide by the safety rules.
- D. If it is necessary for [COMPANY NAME] _____ to loan hard hats or other safety equipment to employees of the subcontractor, their visitors or suppliers, in order to comply with state and federal law, there shall be a backcharge against the subcontractor of \$10/day for each hard hat or piece of safety equipment loaned. This money shall be withheld from the monthly payments due the subcontractor. Safety equipment loaned that is not returned will be also backcharged at replacement cost.
- E. Subcontractor shall be responsible for providing drug-free employees to the Construction jobsite. Subcontractor warrants and agrees to advise its employees that alcohol and drugs will not be tolerated on any [COMPANY NAME] _____ jobsite. Subcontractor will furnish a post-accident drug test on any Subcontractor employee involved in a lost-time accident. [COMPANY NAME]

_____ reserves the right to direct random drug testing of all Subcontractor employees on its worksite(s), if reasonable suspicion of substance abuse is being experienced on said sites. This test will be conducted as outlined in the [COMPANY NAME] _____ Substance Abuse Program testing procedure (copy available upon request). If Subcontractors' employee refuses a drug test in either case, [COMPANY NAME] _____ will not allow him (or her) back on the project site.

F. It shall be the responsibility of all Subcontractors to provide the appropriate Material Safety Data Sheets (MSDS) to [COMPANY NAME] _____ for all hazardous chemicals being used by their company at the jobsite. This instrument is intended as an agreement by and between the parties hereto and is intended as an Amendment to any Written or Oral Subcontract Agreement previously entered into by and between the same parties for work to be performed at a project located at _____.

Executed this _____ day of _____, 200_____.

Contractor: _____

By: _____

Its: _____

Subcontractor: _____

By: _____

Its: _____