

Virginia BUILT

Building Safety and Health Excellence in Construction

Through Mentorship and Training



A Strategic Partnership Program of the
Associated Builders and Contractors – Virginia Chapter (ABC-VA)
and the Virginia Occupational Safety and Health (VOSH) Program
of the Virginia Department of Labor and Industry (DOLI)

I. BACKGROUND, PURPOSE and SCOPE

a. Background:

The Virginia BUILT program is a strategic partnership of the VOSH Program and the ABC-VA. It was established as a result of a series of meetings starting in 2017, where the ABC-VA and the VOSH Program met to discuss a partnership that would recognize the importance of providing a safe and healthful work environment in the construction industry. To advance this mutual goal, the parties agreed to pursue a cooperative relationship that encourages select construction participants to mentor other contractors to develop exceptional safety and health management systems and recognize that achievement through the Virginia BUILT program.

An essential component of Virginia BUILT is the incorporation of the ABC STEP program (Safety Training Evaluation Process) as the gateway to participation in Virginia BUILT. Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components resulting in recognition through progressive levels of achievement (Bronze, Silver, Gold, Platinum, and Diamond).

b. Purpose:

The purpose of Virginia BUILT is to work to decrease recognized hazards, serious injuries, illnesses, and fatalities for participating contractors; and to improve existing safety and health

management systems in the Commonwealth of Virginia. Virginia BUILT seeks to work with construction employers who have demonstrated a commitment to improving their occupational safety and health practices and who are willing to share resources and best practices, mentor others, and work with the construction industry at large to establish industry-wide exemplary safety and health management systems. Participants in Virginia BUILT will receive incentives for their participation depending upon their tier of recognition.

c. Scope:

The Virginia BUILT program applies to ABC-VA member construction employers working in the Commonwealth of Virginia who meet the program requirements. The program specifically applies to construction sites and does not apply to contractor yards, shops, or administrative offices. Virginia BUILT will be administered in accordance with Virginia occupational safety and health laws, regulations, policies, and procedures, and applicable federal law.

II. EXPECTATIONS AND GOALS

a. Expectations:

- i. This strategic partnership has been negotiated between ABC-VA and the VOSH Program. Owners, association members, and worker representatives are encouraged to endorse and participate in Virginia BUILT.
- ii. Implementation of this program is expected to result in decreased serious injuries, illnesses and fatalities for participating contractors; and the improvement of existing safety and health management systems throughout the Commonwealth of Virginia.
- iii. Virginia BUILT provides for incentives to construction employers that voluntarily participate in the program and demonstrate their achievement of effective and successful safety and health management systems.
- iv. This program will not in any way affect the employer's or the employees' ability to exercise their rights under VOSH laws, standards, and regulations, or the Occupational Safety and Health Act of 1970 (OSH Act).
- v. The number of employers who may be approved as participants will depend on the availability of ABC-VA and VOSH resources.

b. Goals:

- i. The Virginia BUILT Strategic Partnership seeks to measurably reduce the number of recognized hazards; and injuries, illnesses, and fatalities affecting contractor participant employers with a focus on eliminating injuries and fatalities resulting from those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/or between, and electrocutions).
- ii. To increase the number of construction employers that implement effective safety and health management systems and provide proactive safety and health training for management, supervisors, and employees.

- iii. To recognize those contractors that pass on their hard-earned knowledge, experience, and training in construction safety and health management systems through actively mentoring other contractors and subcontractors who want to develop and achieve world class safety and health protections for their employees.
- iv. To recognize those construction employers whose managers and employees work together to develop safety and health management systems that meet and exceed basic compliance with all applicable VOSH laws, standards, and regulations; and result in immediate and long-term prevention of job-related injuries, and illnesses.
- v. To promote open lines of communication between VOSH and the construction industry in pursuit of improving safety and health protections for Virginia’s construction employees and employers:
 - 1. To increase the overall safety and health awareness of all contractors and employees on the participant’s work sites.
 - 2. To reduce the number of safety and health hazards on the participant’s work sites.
 - 3. To establish a list of “leading indicators” that can be monitored and evaluated in order to achieve items 1. and 2. above.
 - 4. To create ways to share expertise and other resources among participating companies and the construction industry as a whole (e.g., attend the Virginia Annual Safety and Health Conference, host Construction Safety Days, etc.).
 - 5. To recognize best practices that exceed VOSH/OSHA laws, standards, and regulations at covered work sites.

III. STRUCTURE, ROLES AND RESPONSIBILITIES

a. Guidance Documents:

The Virginia BUILT Program and this Strategic Partnership Agreement will be administered in accordance with the laws, regulations, policies and procedures applicable to DOLI and the following VOSH Directives:

- i. VOSH Directive 13-065, Virginia BUILT - Building Safety and Health Excellence in Construction Through Mentorship and Training
- ii. VOSH Directive 09-065, Virginia BUILT Policies and Procedures Manual

Virginia BUILT participants remain subject to VOSH inspections, such as complaint/referral investigations, incident investigations, local emphasis program inspections, etc., in accordance with the procedures in the VOSH Field Operations Manual and the criteria in the above Virginia BUILT directives.

b. Structure:

The Virginia BUILT program will be implemented in four tiers:

Mentorship Tier - The introductory tier of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve

their safety and health management systems, with the goal of becoming a Tier One participant. Mentorship Tier participants are actively working on developing and implementing an effective safety and health management system that meets current VOSH regulatory requirements.

Tier One - The introductory tier of recognition in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) and VOSH to improve their safety and health management systems, with the goal of becoming a Tier Two participant. Tier One participants have developed and implemented an effective safety and health management system that meets current VOSH regulatory requirements.

Tier Two - The intermediate tier of recognition in the partnership for those employers that demonstrate outstanding safety and health performance and are actively working with the VBC and VOSH to continuously improve, with the goal of becoming a Tier Three participant. Tier Two participants have built an established safety and health management system that exceeds current VOSH regulatory requirements. Tier Two participants pass on their hard-earned knowledge, experience, and training in construction safety and health management systems by actively mentoring other contractors and subcontractors who want to develop and achieve world class safety and health protections for their employees.

Tier Three - The highest achievement tier in the Virginia BUILT program for participants having an exceptional safety and health management system that serves as a model for other construction employers. Tier Three participants pass on their hard-earned knowledge, experience, and training in construction safety and health management systems by actively mentoring other contractors and subcontractors who want to develop and achieve world class safety and health protections for their employees.

c. Roles and Responsibilities:

- i. ABC-VA will administer the initial application process, review the required program documents and approve or reject each Mentorship Tier application. VOSH will serve in an advisory capacity on initial Mentorship Tier applications.
- ii. ABC-VA will conduct an initial review of Tier One applications for consideration of approval. Deficient applications may be provided additional mentorship to meet Tier One requirements or recommended for approval at a lower tier if desired by the applicant and approved by ABC-VA.
- iii. ABC-VA will conduct an initial review of Tier Two applications for consideration of approval. Deficient applications may be provided additional mentorship to meet Tier Two requirements or recommended for approval at a lower tier if desired by the applicant and approved by ABC-VA. Conditionally approved Tier Two applications will be forwarded to VOSH for review. ABC-VA and VOSH will jointly decide on final approval or rejection of the application.

- iv. ABC-VA will conduct an initial review of Tier Three applications for consideration of approval. Deficient applications may be provided additional mentorship to meet Tier Three requirements or recommended for approval at a lower tier if desired by the applicant and approved by ABC-VA.

Conditionally approved Tier Two applications will be forwarded to VOSH for review.

ABC-VA and VOSH will jointly decide on final approval or rejection of the application.

As part of the final approval process, Tier Three participants must successfully complete up to three separate onsite reviews at major construction sites by a team consisting of ABC-VA and VOSH personnel (Private Industry Volunteer personnel may also be used as part of the onsite review team).

IV. PARTICIPANT REQUIREMENTS

- a. All Tier One, Tier Two, and Tier Three applicants must meet the following minimum requirements:
 - i. For the purpose of evaluating the implementation of safety and health management systems, the participants must be a member in good standing of the ABC-VA; and must allow the ABC-VA and VOSH designated representative(s) access to project sites throughout Virginia, when requested. Coordination for visits will be made with the contractor's participant contact.
 - ii. Assign a competent person to every worksite that will have the experience and education to identify safety and health hazards and the authority to supervise immediate correction of those hazards.
 - iii. Provide for direct employee involvement in safety and health management systems. A safety committee, comprised of company employees and management, or participation of employees in self-inspections, site inspections, job hazard analysis, safety and health program reviews, safety training, and incident investigations would be acceptable.
 - iv. Maintain a total case injury/illness incidence rate (three-year average) that is below the most current Bureau of Labor Statistics rate for the applicant's North American Industrial Classification System (NAICS) code for the Safety Training Evaluation Process (STEP) level of the Applicant/Participant.
 - v. Have no willful, repeat, or failure to abate violations that became a final order of the Commissioner within the three years prior to application.
 - vi. Develop, implement and maintain a prohibited substance policy and conduct and document a random testing program that complies with applicable laws, statutes and agreements.
 - vii. The existence of any of the following precludes the company's filing of an application with Virginia BUILT:
 - 1. Open enforcement investigations;
 - 2. Pending or open contested citations or notices under appeal at the time of application;
 - 3. Affirmed willful or antidiscrimination whistleblower violations under § 40.1-51.2:1 of the Code of Virginia during the 36 months prior to application;

4. Documented instances of misclassification of employees during the 36 months prior to application; or
5. Unresolved, outstanding enforcement actions, such as long term abatement agreements or contests.

V. BENEFITS FOR PARTICIPANTS

- a. A DOLI website page will be dedicated to this partnership with recognition for Tier One, Tier Two, and Tier Three participants.
- b. Acceptance in the program can be publicized by the participant to enhance its marketplace recognition.
- c. Participants will be recognized as industry leaders in construction safety and health.
- d. Access to specific targeted training sessions conducted by VOSH Consultative Services.
- e. Priority access to VOSH Consultative Services for briefings on new standards, regulations, and emphasis programs.
- f. Potentially reduced costs in insurance rates, lost time and less damaged or lost materials resulting in greater profit margin.
- g. Improved employee morale and productivity, and the ability to attract the best workers based on the participant's enhanced reputation in the industry.
- h. Use of official logo, icons, devices and/or official program flag, etc.
- i. Recognition and incentive provisions are outlined in VOSH Directive 13-065.

VI. OVERSIGHT AND REVIEW

- a. Oversight:
 - i. A committee consisting of VOSH personnel (2), ABC-VA personnel (2), authorized representatives of employees (2), insurance carriers (1) and at least one representative from an independent third party such as ASSP, AIHA, Virginia Occupational Health Nurses, National or Virginia Safety Council, etc., will be established to review the program and make recommendations to the Commissioner of DOLI and ABC-VA. The committee will meet at least annually. It is anticipated that program changes may be needed early in the process to ensure the success and effectiveness of the program. After being briefed by the Committee, the Commissioner of DOLI will decide if changes to the program are needed and act accordingly.
 - ii. ABC-VA and VOSH will review this partnership at least every third December (three years).
- b. Review:
 - i. An annual review and evaluation of the program, its policies and procedures, the overall effectiveness of the program, and recommendations for improvement will be conducted by the Oversight Committee.

- ii. It is the responsibility of the VBCEC to gather required participant data to evaluate the overall success of the program.
- iii. Virginia BUILT will be evaluated annually. ABC-VA will be responsible for collating baseline and annual performance data upon which the program will be measured. This aggregated data will be reported to VOSH annually.
- iv. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether goals have been met at the chapter and/or national level.
- v. Participant incidence of injuries from the hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/or between, and electrocutions) will be measured and compared against a baseline established in the first year of Virginia BUILT.
- vi. ABC-VA and VOSH may revise criteria annually based on recommendations for continual improvement, including any "leading indicators" approved by the Oversight Committee.


VII. EMPLOYEE/EMPLOYER RIGHTS AND RESPONSIBILITIES


This partnership does not preclude employees and/or employers from exercising any right provided under VOSH laws, rules and regulations nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Title 40.1 of the Code of Virginia.

VIII. TERMINATION

Any party to the partnership may withdraw from Virginia BUILT at any time after submitting its' written notification of intent to the other party.

ENTERED INTO THIS 18TH DAY OF AUGUST, 2020, BY:


 Commissioner
 Virginia Department of Labor and Industry


 Chairman, Associated Builders and Contractors -
 Virginia Chapter

