

Workshop W1

Wednesday, October 11, 9 a.m.-noon

SAFETY IN THE MODERN CULTURE

Presented by



D. Tim Carter
Vice President, HSSE
Trammell Crow Company

With construction being one of the most dangerous jobs in America, construction safety and risk managers are continually seeking ways to reduce the number of on-site accidents. This workshop takes a look at two modern cultural issues that impact construction safety—drug and alcohol abuse and the rising percentage of non-English-speaking workers. Find out how you can reduce accidents and increase productivity by taking proactive steps to address these issues.

- Examines various drug-testing options and the pros and cons of each method.
- Discusses legal and practical considerations, such as union buy-in, for drug testing and English-only construction sites.
- Provides strategies for enhancing on-site communication and training of workers in a bilingual environment.



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D. Tim Carter
Vice President, HSSE
Trammell Crow Company

Mr. Carter is one of the presenters for Workshop W1, "Safety in the Modern Culture," on Wednesday morning. He is vice president, Safety and Health, Trammell Crow Company, having formerly served in the same position for Fluor Hanford, Inc., in Washington, and as the director of Safety and Health for the Global Construction group at Fluor Corporation in Aliso Viejo, California. Mr. Carter worked with Fluor for over 18 years and has worked in the safety and health field for the past 25 years. As the director of Safety for Global Construction he was directly associated with a vast number of construction projects worldwide. His efforts were combined with a group of well-seasoned safety and health professionals who provided a variety of direct project support services for Fluor's field safety professionals and project management teams.

Mr. Carter's background in occupational safety and health began in the mining industry and later expanded into construction. He has been involved with several operations and projects that are among some of the most challenging and unique in the world. From 1978 through 1983, Mr. Carter was directly involved in several mining and construction projects associated with the oil shale industry in western Colorado. For the following 10 years he continued to work with various construction projects throughout the United States in the private and government sectors. In 1993, Mr. Carter was given the regional management responsibility of the Americas, overseeing the regional and field safety teams in Fluor's safety and health organization. During this time he concentrated a significant amount of his time and support efforts in South America on numerous construction projects in Brazil, Peru, Chile, and Argentina. Most of these construction projects were associated with major mining operations in the Andes at elevations in excess of 14,000 feet above sea level.

Mr. Carter is a member of the American Society of Safety Engineers.

Notes

This file is set up for duplexed printing. Therefore, there are pages that are intentionally left blank. If you print this file, we suggest that you set your printer to duplex.

Safety in a Bilingual Workforce

Presented By:

Tim Carter

V.P. Health, Safety, Security, Environmental

Trammell Crow Company

Irvine, CA

Languages in the World Today



- More than 2700 languages
- More than 7000 different dialects

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Languages in the World Today



Top 10

- Chinese - Mandarin 885 million
- Spanish 332 million
- English 322 million
- Bengali 189 million
- Hindi 182 million
- Portuguese 170 million
- Russian 170 million
- Japanese 125 million
- German 98 million
- Chinese - Wu 77 million

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Languages in the United States - Today



**Over 215 million Americans speak “English only”
(82% of the population)**

**Nearly 47 million Americans speak a language other than
English (18% of the population)**

- Spanish 28 million
- French 2.1 million
- Chinese 2 million
- German 1.4 million
- Italian 1 million

Source: U.S. Census Bureau, Census 2000

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Spanish in the United States - Today



**Over 28 million speak Spanish in the U.S.
How well do they speak English?**

- **Very Well** **14.3 million**
- **Well** **5.8 million**
- **Not Well** **5.1 million**
- **Not At All** **2.8 million**

Source: U.S. Census Bureau, Census 2000

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The Workforce in 2010



**Hispanics will probably be 47% of the workforce in
construction**

Source: ENR

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Hispanic Population Increases During the 90s

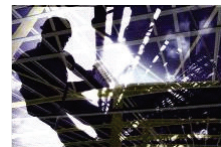


- **North Carolina** **394%**
- **Arkansas** **337%**
- **Georgia** **300%**
- **Tennessee** **278%**
- **Nevada** **217%**

Source: BLS

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Re-Settling Immigrants - Top 10 Cities



- **Atlanta**
- **Charlotte**
- **Greensboro - Winston - Salem**
- **Louisville**
- **Memphis**
- **Minneapolis - St. Paul**
- **Nashville**
- **Portland - Vancouver**
- **Seattle**
- **Washington D.C.**

Source: BLS

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The Issues



- **The Spanish speaking population is growing**
- **The Hispanic workforce is growing (62% 1994-1999)**
- **The death rate of Hispanic workers is increasing (102% increase between 1994 and 1999)**
- **The death rate for blacks/whites fell 20% during the same period**

Source: BLS

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Bureau of Labor Statistics (BLS) 2004 Industry Fatality Data



Bureau of Labor Statistics (BLS) 2004 Fatality Data

- **5,703 fatal work place injuries, an increase of 2 percent from 2003. Despite the increase, the total for 2004 was the third lowest annual total recorded by the fatality census, which has been conducted each year since 1992.**
- **Fatal work injuries among Hispanic workers were up 11 percent in 2004 after declining the previous two years.**

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There Is A Safety Issue!



- **Hispanic deaths are 20% higher than blacks/whites**
- **The Hispanic fatality rate in construction is 5.2/100,000**
- **917 Hispanic workers died in 2005—up 2% from 2004. The 2004 rate was 11% higher than 2003**
- **Hispanic workers accounted for 16% of all fatalities in 2005**
- **12% of serious injuries among Hispanic workers occur during the first day on the job**

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Why Is There a Safety Issue?



- **Communication skills**
- **Little or no safety training**
- **High exposure to high hazard work (trenching)**
- **Safety has never been a priority or requirement**
- **Many have minimal or no skills**
- **Safety questions can go unasked/unanswered**

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The Concerns and Position of OSHA



July 2000

OSHA Fines Sub-Contractor \$120,000 Following Fatal Accident (Decatur, GA)

Victim: Carpenter, Hispanic origin

Cause of Death: Fall (21 ft.)

Citations: 2 willful - \$98,000

5 serious - \$21,350

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The Concerns and Position of OSHA



July 2000

OSHA Fines Sub-Contractor \$120,000 Following Fatal Accident (Decatur, GA)

Raymond Finney, Atlanta - East area director, OSHA

“OSHA will hold employers responsible for training every employee at every job site regardless of their understanding of the English language.”

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The Concerns and Position of OSHA



July 2000

OSHA Fines Sub-Contractor \$120,000 Following Fatal Accident (Decatur, GA)

Raymond Finney, Atlanta - East area director, OSHA

“This is particularly important in a metro area like Atlanta where the construction industry draws large numbers of Hispanic and other non-English speaking workers.”

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The Concerns and Position of OSHA



July 2000

OSHA Fines Sub-Contractor \$120,000 Following Fatal Accident (Decatur, GA)

Raymond Finney, Atlanta - East area director, OSHA

“If ignorance of job hazards and proper work practices is even partly to blame for high injury rates and fatalities, training will provide a solution.”

Source: OSHA Regional News Release

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OSHA Initiatives



- **Hispanic workers Task Force**
- **800 number - Spanish**
- **National clearinghouse for training programs - Spanish**
- **Spanish-language website**
- **Compiled a list of fluent Spanish speaking employees in Federal OSHA**
- **Grants for safety and health safety training**

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OSHA Initiatives



The screenshot shows the OSHA website interface. At the top, it displays the U.S. Department of Labor logo and the text "Occupational Safety & Health Administration" and "www.osha.gov". Below this is a search bar and navigation links for "MyOSHA", "Advanced Search", and "A-Z Index". The main content area is titled "OSHA en Español" and features several menu items: "Sobre OSHA", "Derechos y Responsabilidades del Empleado", "Problemas en el Trabajo", "Quejas del Empleado", and "Recursos". A central box highlights the "OSHA en Español" section with sub-links for "Sobre OSHA", "Derechos y Responsabilidades del Empleado", and "Recursos". To the right, there is a photo of a group of people holding a banner that says "OSHA OSHA" and the text "Comunicado de Prensa".

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Is “English” the Solution?



- **Federal appeals courts have upheld “English Only” rules in the workplace**
- **Some employers adopt “English Only” to enhance efficiency and/or safety**

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California Speak-English-Only-Rule



January 1, 2002 Businesses prohibited from enacting workplace policies that require employees to speak only English or prohibit the use of other languages on the worksite. The law provides business necessity exceptions:

- **Necessary for safe and efficient business operation**
- **Effectively fulfills the business purpose it was created to serve if no alternative practice accomplishes the same business purpose with less discrimination**

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The EEOC Speak-English-Only-Rule



- **May violate Title VII (Civil Rights Act of 1964) unless necessity can be proven**
- **Employer must prove it is a business necessity**
- **Employees must be told when they must speak English**
- **Employees must be made aware of the consequences for violating the rule**

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“English-only” Is Not THE Solution



Alternatives:

- **Group workers according to language skill**
- **Mix bilingual workers with the non-English speaking**
- **Require supervisors to be bilingual**
- **Include language skill requirement in JSA process**
- **Let risk and communication barriers define the language strategy**

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Potential “English-only” Liability



To minimize potential liability when adopting an English-only rule :

- **Narrowly tailor English-only rules to actual business needs**
- **Be consistent and fair. Do not let the rule create a hostile environment**
- **Do not adopt the rule until you are able to state, and justify a significant business reason (i.e., safety)**
- **Clearly communicate the rule to the employees**

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The Importance of Good Communication



In Any Language!

- **A fundamental component of an effective safety process**
- **Effective communication of hazards**
- **Orientation, Training, Instruction**
- **Safe work planning/assignment**
- **Emergency procedures, preparedness, and response**
- **Effective supervision**

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The Importance of Good Communication



- **Disciplinary measures**
- **Permit compliance**
- **Reporting unsafe conditions**
- **Challenging unsafe behaviors**
- **Investigating incidents/accidents**
- **Positive recognition**

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Managing Safety in a Bilingual Environment



- **Assessing the language mix**
- **Training**
- **Supervision**
- **High-hazard tasks**
- **Visibility items**
- **Programs and procedures**

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Managing Safety in a Bilingual Environment



Assessing the language mix

- **How many languages are/will be spoken?**
- **Approximate language mix (%)**
- **Is the mix concentrated within a craft, area, contractor, or is it site-wide?**
- **How will the language mix vary over time (project time line)?**

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Managing Safety in a Bilingual Environment



Training

- **What will it take to assure the same level of delivery?**
- **What will it take to assure the same level of comprehension?**
- **Use videos**
- **Conduct practical training (i.e., scaffolding, permitting, special PPE instruction, etc.)**

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Managing Safety in a Bilingual Environment



Training

- **Utilize handouts with illustrations when practical or necessary**
- **Do not condense, abbreviate or limit training sessions that are not conducted in English**
- **Conduct “Tool-Box” meetings in a manner that facilitates safety communication and safety training**

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Managing Safety in a Bilingual Environment

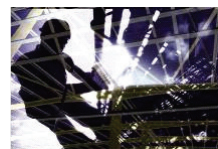


Supervision

- **MUST HAVE effective communication skills**
- **MUST HAVE effective language skills**
- **Task planning must consider language needs or restrictions**
- **Must be able to give safe work-task instructions EFFECTIVELY!**

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Managing Safety in a Bilingual Environment

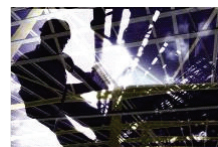


High Hazard Tasks

- **Is language an issue?**
- **Process safety**
- **Hazardous energy control**
- **Hot work**
- **Excavation/Trenching**
- **Permit controlled activity**

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Managing Safety in a Bilingual Environment



Visibility Items

- **Posters, banners, signs, tags, signals, etc.**
- **Do they need to be bilingual in selected areas or site-wide?**
- **Look at strategic and effective placement of such items**

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Managing Safety in a Bilingual Environment



Programs and Procedures

- **What should be available in "dual language"?**
- **Information availability (i.e., MSDS)**
- **Will they work as intended and as needed for everyone?**
- **Is there adequate information available and accessible for everyone?**

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What Some Contractors Are Doing



- **Hiring bilingual supervisors and foremen**
- **Developing bilingual employees to become supervisors and foremen**
- **Conducting training in more than one language**
- **Requiring/encouraging supervision to learn a second language**

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What Some Contractors Are Doing



- **Provide English classes for those who do not speak the language**
- **Embrace the “English-only” position**
- **Ignoring the issue**

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What Some Owners Do and Require



- **Require bilingual communication programs**
- **Require bilingual safety training**
- **Require bilingual field supervision**
- **Imposing “English-only” requirements**
- **Ignore the issue**

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Conclusions



- **The issue is not going to shrink or go away**
- **The U.S. work force is growing in language diversity**
- **Learning a language other than English should be encouraged**
- **English-only requirements often avoid or confuse the true issue—it is a near-term fix at best**
- **Enhancing communication enhances safety**

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Recommended Solutions, Strategies and Practices



1. **Identify those who cannot speak/understand English**
2. **Embrace a bilingual safety process**
3. **Analyze the language needs/challenges that may be present—especially when it involves high-hazard work**

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Recommended Solutions, Strategies and Practices



- 4. There are many training aids and programs available in languages other than English—seek them and use them**

- 5. Be careful with translations—sometimes the message can be lost or changed. Test the material first.**

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Recommended Solutions, Strategies and Practices



- 6. Avoid the English-only solution unless you are prepared to screen and test all you hire**

- 7. Be prepared for the possibility of accusations of discrimination if English-only is your position of choice**

- 8. Don't put supervisors in charge of people they cannot effectively communicate with—interpreters can be a solution**

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**Recommended
Solutions, Strategies and Practices**



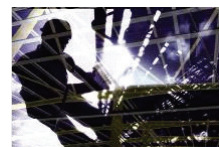
- 9. Adopt safety program strategies that focus on effective communication**

- 10. Be flexible—one solution for one project or site may not be the solution for another**

- 11. Your bilingual challenge may not be Spanish—assess the language diversity of your workforce**

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**Recommended
Solutions, Strategies and Practices**



- 12. Make the development of a second language skill a training goal/performance measurement/development objective**

- 13. Seek those who are bilingual and develop them to be supervisors/leads (near to mid-term), and future project managers (long-term)**

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Recommended Solutions, Strategies and Practices



- 14. When assessing safety performance in general, assess the communication capabilities, challenges, and needs—address the findings accordingly**

- 15. Do not discriminate in the name of safety—go with the solution that will result in the highest level of safety possible**

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Closing Thoughts ...



Effective communication will always have its challenges.

**A bilingual work force may be one of those challenges ...
but it will never be the only one!**

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