



**United States Department of Labor  
Occupational Safety & Health  
Administration**

**&**

**Mason Contractors Association of St. Louis**

**Partnership Agreement**

**1429 South Big Bend  
St. Louis, MO 63117**

**Partnership Agreement  
Between the  
Mason Contractors Association of St. Louis  
and  
Occupational Safety and Health Administration  
St. Louis Area Office**

**I. Identification of Partners**

The partners in this agreement will include the Occupational Safety and Health Administration's St. Louis Area Office and the Masonry Contractors Association of St. Louis.

The Eastern Missouri Laborers' District Council and The International Union of Bricklayers & Allied Craftworkers Administrative District Council of Eastern Missouri pledge their support of the Partnership by signing the agreement.

**II. Purpose/Scope**

The Occupational Safety and Health Administration (OSHA) and Mason Contractors Association (MCA) mutually recognize the significance of promoting safe and healthful work environments in the construction industry. To advance this mutual goal, MCA and the St. Louis Area Office (SLAO) formalized a partnership committed to encouraging contractors to improve their safety and health performance, provide methods to assist them in their efforts, and recognize employers with exemplary safety and health programs. The masonry industry is one of the largest users of scaffolding. As a result, this Partnership will focus on:

1. Fall Hazards
2. Caught-between Hazards
3. Struck-by Hazards
4. Electrical Hazards
5. Trenching/Excavation Hazards (when appropriate)

With the help of the participating Unions, MCA, and OSHA, the masonry industry will focus on its own safety concerns and strive for a zero rate of accidents. This would allow OSHA to leverage its resources by allowing personnel to focus on other industries in need of assistance.

The MCA originally formed the partnership with the SLAO on May 16, 2003. Renewal dates for the partnership are March 1, 2007, January 1, 2011, July 31, 2014, August 17, 2017, and August 28, 2020.

### III. Goals/Strategies and Performance Measures

The goal of this partnership is to reduce the number of injuries, illnesses, and fatalities among participant employers, with an emphasis on the following safety and health topics: falls, struck-by, caught-in/between, electrocutions, and trenching and excavations. With the help of participating unions, MCA, OSHA, and employers included in this partnership will focus on industry-specific concerns and strive for a zero rate of accidents. The overall goal of the Partnership is to reduce Group Aggregate injuries/illnesses reported by 10% over the length of the partnership.

Goal	Strategy	Measure
The annual goal of this partnership is to maintain recordable injuries / illnesses to an aggregate rate that is below the current BLS average rates for the masonry contractors industry (NAICS 238140) annually, 10% below the 2021 Bureau of Labor Statistics (BLS) average for the masonry industry by the end of the third year, and zero fatalities.	Implementation of a comprehensive safety and health program; frequent job site inspections utilizing a system developed by the Partnership Members. Site-specific orientations for every employee and additional training as needed.	OSHA injury/illness data-Total Case Incident Rate (TCIR), Days Away, Restricted or Transferred (DART) Rate below the most current published BLS National Average for NAICS 238140; after the third year, 10% reduction of both rates from the established baseline.  <b>Note: The baseline rates for the partnership are 2.4 and 1.7, respectively, as established by 2021 BLS data for NAICS 238140.</b>
Developing an employer/government partnership; encourage management commitment and employee participation in the improvement of safety and health performance.	Require the Partnership Member to develop and implement written safety and health systems (SHMS) (Including a fall protection plan), Adherence to company's safety program (i.e., Good Catch Hazard Identification Program, Jobsite Pre-Planning Meetings, etc.), and work to continuously improve safety and health programs.	Verify by reviewing the number of members that implemented and/or improved written safety and health programs from year to year. The measurement will be compared annually as part of the OSP evaluation.
Job Site Analysis	Recognition and abatement of hazards in a timely manner; regular job site safety inspections by foremen	Track the number of job site analyses as well as employee involvement in hazard identification in the annual evaluation; review quarterly submissions of job site inspection review sheets

Hazard Prevention and Control	Implementing innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical); Fall protection is to be used in any instance where work is being performed 6' or more above a lower surface.	Track compliance and incidents through daily worksite audits and weekly Safety and Health Committee Meetings and compare to 100% compliance and zero incidents in the annual evaluation; partnership review of Disciplinary Notifications submitted quarterly.
Training	All Partnership members agree to the 10-Hour OSHA Training requirement, and will have all of their workers trained to this level; Individual partners conduct Tool Box Talks and other job site training; At the quarterly Partnership meeting, the Mason Contractors Association will provide training, such as fall protection, general contractor safety requirements, hazard communication, Hydraulic scaffolds, etc.	Track and verify accomplishment of training by subcontractor and subcontractor employee. Maintain documentation of training on file, made available to OSHA upon request. Conduct other hazard specific training, as needed, by respective subcontractors; report training in the annual evaluation.
Provide for worker involvement	Provide worker involvement and/or union representation in safety meetings, worksite audits, and hazard analysis.	Document the number of workers involved in safety meetings, site safety audits, and hazard analysis; report worker/union involvement in the annual evaluation.

**Performance Measures:**

The overall success of this program will be jointly evaluated by the Partnership administrator and OSHA's St. Louis Area Office based on the following measures:

- A. The Partnership administrator will collect and provide to OSHA the Injury/Illness Incidence rates (OSHA 300 and employment data), as well as near misses of participating contractors, on a quarterly basis.
- B. Annually, the Group aggregate TCIR and DART Rates will be compared to the most currently published BLS National Average rates for Masonry Contractors (NAICS

23814) TCIR and DART rates. The BLS 2021 rates for NAICS 23814 are TCIR of 2.4, and DART of 1.7, which will serve as the baseline for the partnership.

- C. The three-year Group aggregate TCIR and DART Rates will be compared to the BLS 2021 rates for NAICS 23814 to evaluate the achievement of the partnership goal to reduce the injuries/illnesses reported by 10% at the end of the third year. The BLS 2021 rates for NAICS 23814 are TCIR of 2.4, and DART of 1.7, which will serve as the baseline for the partnership.
- D. The Partnership administrator will administer surveys to participating contractors and their employees annually.
- E. Partnership participants will show a downward trend in injuries, particularly due to falls, caught-between, struck-by, electrical and trenching/excavation hazards and reduced near misses.
- F. Documented job site inspections and the total number of hazards identified and corrected.
- G. Training activities, including the number of employees and managers trained, hours of training provided to employees and managers, and training subjects/topics. This may include, but not be limited to, OSHA 10 and 30-hour courses as well as other hazard specific training and orientations.
- H. Evaluate the effectiveness of the 100% Fall Protection Plan, through the number of plans implemented and/or improved and as measured by injury/illness records and near misses.
- I. Track the number of written silica exposure control plans developed and implemented.
- J. Participation in OSHA's initiatives, such as the National Fall Prevention stand down, Heat Illness Prevention, Safe + Sound campaign, and Suicide Prevention.

#### **IV. OSP Management and Operation/Implementation**

Contractors seeking participation in this Partnership program have read this Partnership agreement in full and signify agreement to all the requirements herein upon application to the Mason Contractors Association and the St. Louis Area Office-OSHA Partnership Agreement.

Contractors seeking participation in the MCA/OSHA Partnership must meet the following criteria:

- A. Contractors who are members of MCA may apply for membership in the Partnership provided they meet certain established criteria listed in the agreement.
- B. Have established a written safety and health program.
- C. All contractors participating in this partnership must agree to the safety and health guidelines (as outlined below), as well as the Partnership agreement.
- D. Have provided clear evidence of implementation of the program throughout the company.
- E. Is in compliance with applicable OSHA regulations and requirements.
- F. Have made safety and health an integral part of the company's training and employee

awareness programs.

- G. Have had the effectiveness of the safety and health program confirmed by a site visit. The contractor and its employees are not only operating safely but can serve as a model for other contractors and their employees.
- H. Agree to provide injury, illness, accident records, and employment data to the program administrator of the Partnership. The administrator will then provide this information to the St. Louis Area Office.
- I. Implement a company-wide 100% Fall Protection Plan where work is being performed 6' or more above a lower surface.
- J. Develop and implement a written silica exposure control plan.
- K. May utilize the free Missouri 21(d) state consultation service, where appropriate.
- L. Must pass an on-site inspection by their organization (see Safety Program Criteria).
- M. Membership will be established when all criteria are satisfied as determined by a third-party consultant, an OSHA representative, and the Executive Director of the Mason Contractors Association.

#### **OSHA**

- A. OSHA may conduct one unannounced on-site enforcement verification inspection each year for the term of the Partnership in accordance with section VIII of this agreement.
- B. OSHA personnel from the St. Louis Area Office may assist the Partnership with off-site safety and health training.
- C. OSHA may give technical assistance as requested.
- D. OSHA will ensure that the Partnership is evaluated annually and will include data used to monitor the success of the Partnership efforts.
- E. OSHA agrees to educate their staff regarding the terms of this Partnership.

#### **V. Safety and Health Management System**

MCA members participating in this partnership will implement a comprehensive safety and health program. The written safety and health program should address recognized hazards and should be based on OSHA's "Recommended Practices for Safety and Health Programs in Construction" dated October 2016. OSHA's "Recommended Practices" contain seven core elements: management leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, program evaluation and improvement, and communication and coordination for employers on multiemployer worksites. This may be found at:

[https://www.osha.gov/sites/default/files/publications/8524\\_OSHA\\_Construction\\_Guidelines\\_R4.pdf](https://www.osha.gov/sites/default/files/publications/8524_OSHA_Construction_Guidelines_R4.pdf).

##### **A. Management Commitment and Employee Participation:**

- 1. A written safety and health policy statement signed by a company principal, or officer with authority, and distributed to all employees.
- 2. The top management of each contractor shall designate an individual to

implement and monitor the employer's/contractor's safety and health program. This designee will conduct at least two job site visits for quality control:

- a. The individual selected shall have completed, as a minimum, the OSHA 10-Hour Construction Safety and Health Training Course or equivalent training within three (3) years immediately prior to appointment.
  - b. The individual appointed shall have at least five (5) years of construction experience, or a combination of five (5) years of experience and formal education as deemed appropriate for the size and job hazards encountered by the contractor.
  - c. The individual appointed shall have line authority from contractor top management to order or otherwise direct field supervisory personnel/field employees to take prompt corrective measures to eliminate recognized safety and health hazards.
  - d. The individual selected shall periodically conduct safety and health audits, depending on the hazards involved that address at a minimum fall, caught-between, struck-by, electrical, and trenching/excavation hazards.
3. It is the responsibility of each contractor on a project to enforce its own safety and health program.
    - a. Each contractor shall establish disciplinary rules that include discharge for willful or repeated safety violations and may include lesser forms of discipline for less serious types of violations.
    - b. A contractor who is party to a collective bargaining agreement containing an established grievance procedure may utilize such procedure for enforcement of its disciplinary rules.
  4. The contractor must have developed and implemented a procedure for the safe reporting of all work-related injuries and illnesses and prohibits discrimination against an employee for reporting these events, as directed in 29 CFR 1904.35 and 1904.36.
  5. It is the responsibility of the contractor/employer to establish a written substance abuse program according to mutually agreed guidelines. The substance abuse program must not discriminate against an employee for reporting an injury or illness, as described in bullet 4 above.
  6. Employee participation in company safety and health programs. Worker involvement is an essential component of an effective safety and health program. Arrange for and encourage employee involvement in the structure and operation of the safety and health program and in decisions that affect their safety and health so that they will commit their insight and energy to achieve the safety and health program's goals and objectives. Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs, weekly site safety meetings, site safety audits, task hazard analyses, incident investigations (as appropriate), and OSHA safety and health campaigns.

7. Ensure the company's safety and health program is reviewed annually.

**B. Job Site Analysis (Hazard Identification and Assessment):**

1. The employer shall have a job site system to recognize and abate safety and health hazards before work commences, with particular attention to the four key construction industry hazards (falls, electrocutions, caught-in/between injuries, and struck-by injuries), and trenching/excavation hazards.
2. Job site safety and health inspections will be conducted by line supervisors.
3. Line supervisors will ensure job site accountability for safety and health program enforcement.

**C. Hazard Prevention and Control:**

1. Conduct and document investigations of accidents and serious "near miss" events to determine their causes.
2. Develop measures to control hazards through engineering controls, administrative and work practice controls, or the use of PPE as required.

**D. Training:**

1. Job site supervisors and foreman shall have attended the OSHA 10-Hour Construction Safety and Health Training Course, or equivalent training, within the past three (3) years. Equivalent training would include instructions pertaining to accident prevention and investigation that have been tailored to the scope of the supervisor or foreman's duties.
2. Employee safety training programs at all levels of the company.
3. Any other training programs to make workers aware of potential health exposures, as appropriate.

**E. Program Evaluation and Improvement:**

1. Control measures are periodically evaluated for effectiveness.
2. Processes are established to monitor program performance, certify program implementation, and identify program shortcomings and opportunities for improvement.
3. Necessary actions are taken to improve the program and overall safety and health performance.

**F. Communication and Coordination for Employers on Multiemployer Worksites:**

1. General contractors, contractors, and staffing agencies commit to providing the same level of safety and health protection to all employees.
2. General contractors, contractors, subcontractors, and staffing agencies communicate the hazards present at the worksite and the hazards that the work of contract workers may create on site.
3. General contractors establish specifications and qualifications for contractors and staffing agencies.
4. Prior to beginning work, general contractors, contractors, and staffing



agencies coordinate work planning and scheduling to identify and resolve any conflicts that could impact safety and health.

## **VII. Annual Evaluation**

The Partnership will be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003. This data will be provided to the OSHA Area Office. The data used to conduct the annual evaluation will be collected on a calendar year basis.

## **VIII. OSHA Verification**

- A. OSHA will continue to investigate fatalities and catastrophes, including OSHA reportable injuries, under 29 CFR 1904.39, should they occur at the job site as well as alleged “imminent” danger situations in accordance with OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM) effective April 14, 2020, as well as emphasis programs (such as those involving falls and trenching). Note: In the event that the FOM is revised, the most current FOM will be utilized.
- B. OSHA will continue to investigate complaints and referrals received in accordance with OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM) effective April 14, 2020. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- C. OSHA will continue to perform all program-planned inspection activity in accordance with the respective Local and/or National Emphasis Programs (LEP/NEP) and OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM) effective April 14, 2020. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- D. OSHA may conduct one unannounced on-site enforcement verification inspection each year for the term of the Partnership. The enforcement verification inspection will be conducted with at least one of the Partnership members, which will satisfy the requirement for the Association as a whole. These inspections will use the “Focused Inspection” initiative policy {Memorandum from James W. Stanley, “Guidance to Compliance Officers for Focused Inspections in the Construction Industry”, dated August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein)} addressing hazards related to falls, struck by, caught-in/between and electrical hazards. Inspections conducted in response to complainants, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite in accordance with OSHA Standards Interpretation and Compliance Letter, August 22, 1994, Guidance to Compliance Officers for Focused Inspections in the Construction Industry. If a verification inspection is not conducted with one of the Partnership members during the first three quarters of each year of the Partnership as a result of OSHA programmed or un-programmed activity, OSHA will work with the Association's headquarters to determine all Partnership members’ current job sites and may randomly select a site for inspection during the fourth quarter.

- E. The OSHA annual on-site enforcement verification inspection with one of the Partnership members contained in this program will serve the sole and exclusive purpose of meeting the requirements in this Partnership agreement. The aforementioned inspection will not serve for verification of any agreements or partnerships outside this agreement (such as the site-specific partnerships in the OSHA St. Louis Area Office).
- F. Off-site non-enforcement verification visits (OSHA review of OSPP data, reports, etc. without actual entry into the partner's worksite(s)), performed by MCA-OSHA, will be conducted to ensure participating employers are meeting the requirements of the partnership agreement. The off-site verifications will be performed during the application/renewal process, and during quarterly meetings. Off-site verifications will include a review of the Annual Partnership Evaluation Report, OSHA 300 data, and quarterly progress reports based on data each member submits to the MCA Program Administrator.

## **IX. OSP Incentives**

- A. In the event that an OSHA verification inspection (see Section VI) does reveal willful, serious, or repeat violations, the inspection will not be considered successful. Under this circumstance, the OSHA Area Director may remove the contractor from the Partnership program. The contractor will be eligible for reinstatement to the Partnership program in twelve months.
- B. Partnering contractors may receive maximum reductions allowed by the OSHA CPL 02-00-164; Field Operations Manual (FOM) dated April 14, 2020, for good faith, size, and history for penalties assessed for OSHA violations. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- C. Partnering contractors may receive benefits from owners and respective insurance companies/contractors/unions and recognition from affiliates of the Partnership program.
- D. One of the core benefits of the Partnership Program will be to develop contractors who can serve as models for others to emulate. The program will include the development of criteria for a "model" company, and those companies that qualify will be asked to mentor smaller contractors, or contractors with less effective safety and health programs. The respective contractor association and union participating in the Partnership can also provide such mentoring services. This mentoring may take several forms as follows:
  - 1. Structured programs created within the scope of ongoing contractor association/apprenticeship/union safety and health education;
  - 2. Programs developed for presentation at the MCA monthly meeting; and
  - 3. Instruction offered in conjunction with apprentice/journeyman union training programs, and other training programs.

## **X. Employee and Employer Rights and Responsibilities**

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with the Act.

## **XI. Term of OSP**

- The date of this MCA/OSHA Partnership is June 13, 2023, with an effective date of January 1, 2023. The Partnership will remain in effect for three years from the effective date. Data for the Partnership will be collected on a calendar year basis.
- Should either of the principal participants (OSHA or Masonry Contractors Association) elect to withdraw from participation in the Partnership, prior notification in writing of the intent to terminate shall be given to the other Party. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues to avoid termination. Termination by either Party shall constitute a cancellation of the Partnership. OSHA and the Masonry Contractors Association are the only entities that can terminate this Partnership.

OSHA Strategic Partnerships (OSPs) are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires August 31, 2025), the public reporting burden for this partnership's collection of information is estimated at 11 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration  
Attention: Director, Office of Partnerships and Recognition  
Directorate of Cooperative and State Programs  
200 Constitution Avenue, NW - Room N3700  
Washington, DC 20210

## XII. Signatures

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms of the Mason Contractors Association / OSHA Partnering Agreement.

The date of this OSHA St. Louis Area Office / Mason Contractors Association of St. Louis Partnership Agreement is June 13, 2023.

### Principal Participants:

Signatory			Signatory	
<b>William D. McDonald, CSP</b> Area Director Occupational Safety and Health Administration St. Louis Area Office			<b>David Gillick</b> Executive Director Mason Contractors Association of St. Louis	
<b>Brian Smith</b> President Mason Contractors Association of St. Louis  <b>Supporting Groups:</b>				
<b>Brandon Flinn</b> Business Manager Kansas Missouri Laborers' District Council			<b>Brian Jennewein</b> Director Bricklayers & Allied Craftworkers Administrative District Council of Eastern Missouri	