

The Co-Employment Trap—Safety Procedures

- Failure to communicate critical safety information to contractors
- Legal concepts of contractors undermines safety
- Failure to integrate facility Human Resource policies with safety

BACKGROUND

The legal concept of co-employment was developed to prevent long-term contractors who act essentially as employees from being denied the same benefits available to employees. While a complex concept, co-employment occurs when contractors are treated the same as employees, except in the benefits available to them.

WHAT HAPPENED

To steer wide of co-employment concerns in a facility, contractors, including even resident contractors, were excluded from all employee activities. Contractors could not attend daily production meetings, toolbox meetings, training or safety meetings.

The facility used many resident contractors to supplement facility personnel. These contractors worked at the facility every day, in the same group as employees, and doing similar jobs. The only difference was their paychecks and benefits came from their own employer, not the host facility's company.

Because of this strict policy, the resident contractors in the instrument shop did not attend the daily toolbox meeting and did not receive some key process safety related information.

Consequently, a resident contractor instrument technician made an error performing a proof test, and a minor incident resulted. The root cause analysis revealed facility instrument technicians received the specific knowledge that was given at the toolbox meeting, but contract instrument technicians did not. The company expected this information would be relayed through the contractors' employer, but it was not.

How can leaders work with the Human Resources function to assure contractors receive needed process safety information?

SAFETY CULTURE FOCUS

- ✓ Safety is everyone's responsibility including contractors supporting the operations.
- ✓ Human Resources policies should include processes to facilitate effective, timely communication of needed process safety information to contractors.
- ✓ Removing policy barriers with contractors can facilitate mutual trust among workers.

****Only 26% of those surveyed indicated communication was a strength in their organization.****

IMPROVING HYDROGEN SAFETY CULTURE

LEARNING OPPORTUNITIES FROM OTHER'S EXPERIENCES

***“Safety culture is how the organization behaves...
...when no one is watching.”***

Safety Culture Framework

- ▶ Safety is everyone's responsibility
- ▶ Strong leadership support
- ▶ Integrated into all activities
- ▶ Open, timely, effective communications
- ▶ Questioning/learning environment
- ▶ Mutual trust
- ▶ Continuous improvement

What are the benefits?

- ✓ Eliminates common weaknesses identified as contributing factors to catastrophic events.
- ✓ Promotes trust in the hydrogen energy industry's ability to deliver safe, reliable, quality products and services.
- ✓ Supports a sustainable legacy for companies and the hydrogen industry.
- ✓ Fosters efficiency and productivity in the workplace.

Resources

- ✓ For further information and resources on safety culture, see: <https://www.aiche.org/ccps/safety-culture-what-stake>
- ✓ For further case studies on safety culture, see: <https://h2tools.org>