



APARTMENT SAFETY TIPS

The Importance of Fall Protection in Construction by State Compensation Insurance Fund

Did you know that falls are the leading cause of workplace death for construction workers? According to the Centers for Disease Control, four construction workers die on the job every day in this country. OSHA reports that falls from elevation account for one third of all construction deaths.

California's construction season is upon us, so this is an excellent time to help protect California construction workers by emphasizing safety and preventing worksite falls.

Fall protection is required when working on:

- structures where a worker could fall more than 7 ½ feet
- thrustouts, trusses, beams, purlins, or plates at heights over 15 feet
- sloped roof surfaces steeper than 7:12

To prevent accidental falls at worksites, guardrails and toe boards or other effective barriers should be used. However, there will be areas where guardrails or other barriers are not feasible. In these cases, workers must use approved personal fall protection systems or positioning devices.

Two basic types of personal fall protection systems that require tie off are **personal fall arrest** and **personal fall restraint**.

- Personal fall arrest systems stop an employee during a fall from hitting a lower level or structure. The systems consist of an anchorage, connectors, and a full body harness. It may include a lanyard, a lifeline, a deceleration device, or suitable combinations of these.
- A personal fall restraint system prevents falls by restraining a worker from getting too close to an unprotected edge. This system consists of anchorages, connectors, and a body belt or full body harness. It may include lanyards, rope grabs, and lifelines for that purpose.

When conventional or personal fall protection is not practical, safety nets must be used instead.

- Before using safety nets, check to see that the nets are hung with enough clearance to prevent a falling person from hitting the surface or structure below.
- Safety nets should be placed within 10 vertical feet and never more than 30 feet below the working surface.
- Nets must extend at least eight feet beyond the building or structure.
- If the vertical distance from the working level to the net is greater than 5 feet, then the net must extend 10 feet beyond the building.
- A net from 10 feet to 30 feet below the working surface must extend 13 feet.

If you use any type of fall protection equipment, including personal fall protection or safety nets, be sure to check that you are using the right equipment for the job, labeled as meeting the requirements of the American National Standards Institute (ANSI), and that the equipment is in good condition.

Remember--whenever possible, employers should always set up temporary floors, guardrails and toe boards, or other physical barriers, instead of having workers rely on tie offs and nets for fall protection. When not feasible, personal fall protection or safety nets must be used. No work should proceed unless the necessary fall protection is in place. Practical fall protection can prevent serious injury and save your life. Use your head—don't fall on it!

For more construction safety tips: www.statefundca.com/safety/NewsConstruction.asp.

Building Season: Constructing Your Crew

It's the start of another construction season in California, and that means planning projects and hiring workers. But what type of workers - independent contractors or employees? The difference between the two is sometimes difficult to distinguish when it comes to workers' compensation insurance.

Independent Contractor vs. Employee

California courts and state agencies typically use a number of tests to determine whether an individual is an employee or an independent contractor. A crucial factor in determining employment status is the employer's right to direct and control the work being performed. If you have the right to control the manner and means of the work performed, the courts have routinely decided that the "independent contractor" is actually your "employee".

There are many other considerations, but the answer to any one factor does not necessarily determine status. Among them, whether the person performing the service:

- Has the right to terminate the relationship at will.
- Is engaged in a distinct occupation or business.
- Has voluntarily chosen the burdens and benefits of self-employment.
- Has the skill required in the particular occupation.

- Supplies the instrumentalities, tools, the work location, and carries the license or certificate required to perform the work.
- Has the right to hire and terminate others.
- Is paid by the time worked, or by piece rate.
- Works under the direction of the employer or by a specialist without supervision.

Other factors include:

- Whether the services are a part of the regular business of the employer.
- Whether the parties believe that they are creating the relationship of employer/employee or employer/independent contractor.

If there are questions, the Labor Code assumes a worker is an employee for workers' compensation purposes. The burden of proof to support the independent contractor status of a worker falls on the employer. The Labor Code also requires that any subcontractor who does not have an active valid contractor's license be treated as an employee, not an independent contractor. However, even though a worker may have a valid license, the worker may still be an employee depending on the factors as discussed above.

A good rule of thumb: as an employer, always protect yourself.

- If certain jobs require a license, request a copy for your records.
- Obtain original Certificates of Workers' Compensation Insurance addressed to you from all contractors and subcontractors who have employees or who, in turn, subcontract any portion of their work.

If proper documentation is not maintained and presented to our auditors, we are obligated to charge premium for any liability that may exist under your workers' compensation insurance policy.

If you are unsure of your worker's status as either an independent contractor or your employee, please contact your local State Fund office and speak to a representative.

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