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HEAT-STRESS TRAINING
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SAFETY

SAFETY IS SERIOUS BUSINESS

**SAFETY IS
SERIOUS BUSINESS**
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SAFETY

SAFETY IS SERIOUS BUSINESS

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FROM OUR PRESIDENT

Safety is Serious Business

YOU MAY HAVE HEARD ABOUT ALL THE RECORD-BREAKING HAPPENING WITHIN OUR ABC CHAPTER. We now represent more than 1,100 merit shop companies across Wisconsin. Our apprenticeship program is training more than 2,600 apprentices across the state and our safety contracts are growing. Our members know that safety needs to be the top priority on every jobsite, every day.

Safety is serious business at ABC of Wisconsin. We see our members providing regular toolbox talks, specific safety training opportunities for every member of their team, and creating a culture where safety is both valued and expected on all jobsites.

As more members request safety services, we've grown our safety team to meet the demand. Led by Don Moen, the team includes Evan Beine, Dan Parks, and Jared Weber. Earlier this year, we also added Eric Bauer. Nearly 700 members are utilizing the safety team in some way, and an additional 30 are using the safety team regularly to serve as a primary safety director, or a contracted partner for consistent training services.

The safety team provides resources to all ABC member companies who request them. They also collaborate with members to lead the safety committee, to provide monthly safety updates in

our newsletter and, this month, to provide a robust selection of articles with the information your crews need to ensure a safe work environment.

You'll notice articles discussing fall prevention, heat injuries, and best practices for safe air on each jobsite. Sentry shares their best practices for automobile safety and coverage, and our Safety Committee Chair, Ryan Ogrizovich, shares an important and personal message about how to get your teams to "buy in" to safety culture.

Our goal is to create workplaces where no one is injured and everyone returns home to their loved ones, every day.

We know that OSHA also monitors jobsites for safety. In the instances where OSHA citations do occur, the ABC safety team can provide help navigating OSHA citations, and assist with debriefing teams to ensure proper protocols are in place.

We are proud of our growth, our new records, and our members' continued commitment to providing the best jobsites in the state. Your STEP Safety Awards and your Projects of Distinction submissions both demonstrate the serious focus on safety- and we are proud to support your work!

If you'd like to learn more about ABC's safety resources, contact our office at 608-244-5883. 

— Kelly Tourdot, President



**OUR GOAL
IS TO CREATE
WORKPLACES
WHERE NO
ONE IS INJURED
AND EVERYONE
RETURNS
HOME TO
THEIR LOVED
ONES, EVERY DAY.**



By Ryan Ogrizovich –
Assistant Safety Director, Stevens Construction Corp.

AUTHENTICITY IN ***SAFETY*** A JOURNEY OF LEADERSHIP

Introduction

In 2011, I stumbled upon a truth that changed my career: authentic leadership can build trust, respect and, believe it or not, improve safety culture on a large commercial jobsite. At the time, I couldn't have told you what authentic leadership was, let alone how to practice it or apply it to my career. Turns out, there's actual science behind this (and no, it does not require a lab coat).

This article takes you through my journey. What I learned, what it taught me, and practical tips you can apply today.

A Quick Hello

Hello reader, my name is Ryan Ogrizovich. I am the Assistant Safety Director for Stevens Construction Corp. in Madison, WI. At the time of writing, I'm in my 17th year in the construction industry.

When I was asked to write an article for the ABC of Wisconsin, my first thought was: 'Wait...

how long does it have to be?' Then came the next: 'What could I possibly teach anyone?'

But then it clicked. Safety is not just about OSHA regulations, insurance claims, or workers' comp. It's about people. Teaching people. Motivating people. Understanding people.

And that's where my story begins.

My goal is to share my experiences and the lessons I've learned, hoping they provide insight into the concepts discussed in this article.

Let's Travel Back in Time

Picture this: iPhones were still single digits (4s), Harry Potter had just wrapped up his magical saga on the big screen, New Girl was making us laugh for the first time, Adele was dominating the charts with her soulful voice, and I fulfilled my dream of becoming a dad. Join me back in 2011.

My son was born with a rare genetic disorder that nearly claimed his life when he was just three days old. The children's hospital became our second home as we fought to keep him alive. For the next year, we were in and out of the hospital until he received a lifesaving liver transplant when he was 13 months old.

During this time, I was a couple of years into my safety career and responsible for six hundred tradespeople on one of Wisconsin's largest construction projects. On the day of my son's liver transplant, the company I worked for lifted a nine-million-pound steel structure seventy feet into the air. It was an operation we had been planning for months. To say that I was overwhelmed would be an understatement.

Accidental Authenticity

I was young, emotional, and trying my best to lead. I gave safety speeches, often sharing our family's fight for our son's survival as motivation to take safety seriously. Watching my son struggle for his life every day made me question why workers would not take the proper precautions to keep themselves safe.

Sometimes, I choked up, occasionally even cried, in front of hundreds of America's most rugged. Trust me, standing in front of a big crowd, choking back tears, and stumbling through a sentence was definitely not on my career bingo card.

Before starting this job after college, I kept hearing the same warning: "Watch out for the Ironworkers." People spoke about them like they were legendary figures from another realm. Rough, tough, and impossible to crack. Hard-nosed and fiercely independent. The phrase I heard most often, "You're going to have a hard time with them." If you have ever worked with Ironworkers, you know exactly what I mean.

But here's the twist: that vulnerability sharing about my son created a connection. The same Ironworkers that I was warned about became some of my favorite people to work with. Our mutual respect built trust that transcended age and hierarchy. Many of them are still my friends today.

I often compare construction workers to horses. They say a horse is a "mirror to your soul" because it responds to your mood, body language, and energy. You can't fake confidence or hide your true self. When you speak to a group of construction workers, you will get the same feeling.

I learned that showing up as myself, imperfect, emotional, human, was more powerful than trying to fit in or mask how I was feeling. Authenticity wasn't a weakness; it was a bridge.

The Science Behind Authentic Leadership

After the pandemic, mental health became a big focus in our industry, and honestly, it opened the door for more authentic leadership opportunities. Whenever I have the opportunity to speak on this topic, I share my personal mental wellness journey. I am an open book. Heck, at this point in my career, most of the field employees at Stevens have seen me get emotional during a speech. Not exactly something I plan. It just sort of... happens.

Authentic leadership is not just a buzzword; it's a well-researched concept. A study published in the Leadership and Organization Development Journal found that employees' perception of authenticity in their leaders is the strongest predictor of job satisfaction and organizational commitment. Gen Z even values authenticity more than financial success (Ernst & Young, 2021). They want leaders who are genuine, transparent, and human.

So, do you need a life-altering event to become an authentic leader? Absolutely not. But authenticity does take time and practice.

Quick Tips for Authentic Leadership

Here are some science-backed strategies to help you lead authentically:

- **Cultivate Self-Awareness and Purpose**
- **Know your core values:** Speak and act in alignment with what you value most.
- **Be yourself:** Build genuine connection with your team and colleagues.
- **Practice vulnerability:** Admit mistakes and share challenges.
- **Communicate openly:** Clear and honest communication will build trust.

Understanding Psychological Safety

One unexpected benefit of embracing authentic leadership is the development of a psychologically safe work environment for employees. Harvard Business School defines psychological safety as a climate where employees feel comfortable sharing opinions, asking questions, and admitting mistakes without fear of negative consequences.

If you have worked in this industry for any length of time, think back: Have you ever been scolded for a mistake? Felt foolish about suggesting a new idea? Hesitated to raise a concern? And how did that make you feel?

At Stevens Construction Corp., we have seen the power of psychological safety firsthand. For the past six years, we've prioritized mental well-being, which has strengthened relationships between our safety team and field employees. Today, team members are more willing to share improvement ideas, voice



AUTHENTICITY IS NOT A TREND. IT'S A LEADERSHIP STYLE THAT WORKS.

concerns, and discuss challenges. We've listened and used their feedback to improve equipment and enhance how we perform work safely.

This is not just about safety; it's about trust, respect, and creating a culture where people feel valued. That's what drives continuous improvement.

What This is Not

Authentic leadership and psychologically safe work environments are not about superficial gestures or trendy rituals. Accountability still matters, whether it is for scheduling, safety violations, or other responsibilities.

As we discussed at the beginning of this article, we are in the business of people. And because none of us are perfect, mistakes will happen. That is the one guarantee in our world.

What psychological safety does allow is healthy, constructive conversations about those mistakes. It enables us to address issues while still treating employees with respect, which is a fundamental element of growth and improvement.

A Piece of Timeless Advice

One of the best pieces of advice I ever received came from Stan, my college internship mentor: "Always treat people with respect. You never know what they may be going through at home." Seventeen years later, those words still guide me.

Safety is not just about rules; it is about people. The way we lead matters. Sometimes, the difference between good and great is how authentically we show up.

I have often heard the saying: "Anyone can point out safety violations, but a great safety professional finds ways to prevent injuries." I've always taken that as a challenge—to go beyond simply enforcing regulations and instead thinking creatively, anticipating risks, and staying ahead of potential issues.

One way to achieve this is by taking a 'boots-on-the-ground' approach and getting to know your employees. Understanding what makes them tick. Learning the 'why' behind their commitment to staying safe at work.

That is a key focus during every new-hire orientation. We ask each person to share their personal reason for wanting to stay safe every

day. That reason becomes their motivation, their driving force behind making better decisions on the job.

Final Thoughts

Authenticity is not a trend. It's a leadership style that works. It builds trust, strengthens relationships, and could be the thing to improve your safety culture. You do not need a life-altering event to start leading authentically. You just need to show up as yourself, consistently and courageously.

These principles apply to any person or any company, regardless of size, location, or area of expertise.

So, I invite you to look at the way you lead. Find ways to connect, be real, and lead with genuine care. Because in safety and in life, the way we show up for each other matters.

About the Author

Ryan Ogrizovich is the Assistant Safety Director at Stevens Construction Corp. in Madison, WI. With over 17 years in the construction industry, Ryan is passionate about building strong safety cultures through authentic leadership and human connection. 

EVENT REMINDERS



• CONTRACTOR SHOWCASE

November 6, Glendale

• NETWORKING SOCIAL

November 19, Green Bay
December 10, Madison

• QUALIFIED RIGGER & CRANE SIGNAL PERSON

November 7, Madison
November 21, West Bend
November 26, Appleton

• CREW LEADERSHIP: THE GOOD, THE BAD, & THE UNCOMFORTABLE

November 11, Madison

• CONSTRUCTION ESTIMATING PRINCIPLES & APPLICATION

November 11, Live-Online

• COMMUNICATION SKILLS – FOR YOU AND YOUR CREW

November 12, Madison

• READING CONSTRUCTION DOCUMENTS

November 12, Live-Online

• TRANSITION TO TRAINER

November 14, Madison

• BLUEBEAM BASELINE BASICS

November 18, Live-Online

• BLUEBEAM BASICS MATERIALS TAKEOFFS & ESTIMATES

November 19, Live-Online

• BLUEBEAM ADVANCED MATERIALS TAKEOFFS & ESTIMATES

November 20, Live-Online

• BLUEBEAM FOR ADMINISTRATIVE PROFESSIONALS

November 25, Live-Online

• ENHANCING EMOTIONAL INTELLIGENCE IN CONSTRUCTION

December 2, Madison

• OSHA 30-HOUR

Begins December 4, Madison

• APPRENTICESHIP SKILL COMPETITION

December 5, West Bend

• OSHA 10-HOUR

December 11 & 12, Appleton
December 12 & 19, Milwaukee
December 17 & 18, Eau Claire

• FIRST AID & CPR TRAINING

December 12, La Crosse
December 15, Eau Claire

• FOREMAN FUNDAMENTALS

December 12, Madison

• MSHA PART 46 REFRESHER

December 29, Appleton

abcwi.org



5 STRATEGIES

TO REDUCE NEGLIGENT ENTRUSTMENT RISK WITH COMPANY-OWNED VEHICLES

By Randy Dombrowski –
Director of Safety Services - West Region, Sentry Insurance

Transportation incidents remain one of the most costly and deadly exposures in the construction industry. For construction companies that own and operate pickups, service trucks, specialized equipment carriers, and tractor-trailers, every key handed to a driver carries potential legal, financial, and human consequences.

Pressures are mounting. The 2025 C-Suite Stress Index shows that nearly three-quarters of executives (72%) say rising litigation and multimillion-dollar verdicts are a problem in their industry. And most (82%) believe such a verdict could put their company out of business.

Effectively managing transportation-related risk starts with understanding negligent entrustment—and putting clear, proactive driver and vehicle practices in place to address it.

Recognize the factors driving auto liability risk

When it comes to company-owned vehicles, construction leaders are navigating converging trends:

- **Legal system abuse and big jury awards.** Verdicts reaching into the tens of millions are more frequent and severe, with cascading effects on premiums, contracts, and reputational risk.
- **Repair inflation and complexity.** Advanced driver assistance systems (ADAS), sensors, and telematics may help address certain risk factors but can also drive up repair costs.
- **More miles, more distractions.** Travel has rebounded, and in-cab technology has exploded. Phones, navigation aids, and other devices raise cognitive load even when they are hands-free.

• Tighter labor markets. Newer, less experienced drivers and higher turnover rates challenge consistent standards on the road and on job sites.

Understand how negligent entrustment is proven in court

Under negligent entrustment liability, an injured party can recover damages when they're hurt because a business put a dangerous instrument (such as a vehicle) in the hands of someone not equipped to use it safely. In practice, claimants typically try to establish that:

- The vehicle owner entrusted the vehicle to the driver
- The driver was incompetent, reckless, or unlicensed for the task
- The owner knew or should have known of that incompetence
- The driver acted negligently in operating the vehicle
- That negligence caused damages

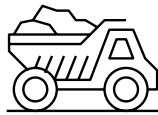
Take charge of the controllable risks in your construction fleet

It's impossible to control traffic patterns, distracted motorists, or weather. But it's possible to control who drives, what standards you set, and how reliably you act on the information you collect.

Results from the Stress Index indicate plenty of room for improvement. For example:

- 77% of leaders say their business relies on company vehicles, yet only 41% require safety training before use.
- Dashcams and telematics are valuable — 86% of companies using dashcams have relied on footage (39% used it to exonerate a driver and 68% to improve habits). But devices don't coach.
- Nearly all executives (95%) have acted to coach and enforce rules when employees didn't follow safe-driving practices, including additional training (58%), reassignment (45%), barring vehicle use (36%), or termination (24%). Keeping these actions consistent, timely, and documented will help keep construction driving risk at bay.

77%



OF LEADERS SAY THEIR BUSINESS RELIES ON COMPANY VEHICLES, YET ONLY

41%

REQUIRE SAFETY TRAINING BEFORE USE.

6 best practices to help prevent negligent entrustment

Protection requires setting high leadership standards. Assign ownership, implement policies, train to those policies, monitor performance, and document everything.

1 Hire and qualify safety-focused drivers

• Screen motor vehicle records (MVRs).

Review pre-hire and at least every three years afterward; consider more frequent reviews for higher-exposure roles.

• Verify license and qualification.

Ensure the driver can legally operate the vehicle class and combination (e.g., GVWR thresholds, CDLs ≥ 26,001 pounds, state endorsements). Keep current copies on file and monitor expiration dates.

• **Assess fitness for duty.** Where permitted by law, use post-offer medical evaluations to ensure your drivers are fit for safe operation. Involve counsel and your human resources department to ensure compliance with state and federal requirements.

• **Set experience baselines.** Avoid employing underage and inexperienced drivers for higher-exposure vehicles or routes; comply with child labor restrictions for any minor driving.

2 Establish clear, enforceable fleet policies

• **Define disqualification criteria.** Specify the number and type of violations or at-fault crashes that will render a driver ineligible and apply uniformly.

• **Control permissive use.** Limit driving to employees only; if you allow spouses/household members, vet and review their MVRs annually.

• Set device rules drivers can follow.

Prohibit handheld phone use and texting while driving. If operations require communications, specify lawful, practical procedures (e.g., pulling over, using a rider, or using designated check-in windows).

• **Require annual acknowledgments.** Distribute your fleet safety policy and handheld-device policy yearly, and obtain signed acknowledgments of understanding and compliance. Store records centrally.

3 Train with intent and escalate for risk

• **Mandate baseline training before vehicle use.** Release keys after drivers complete onboarding on defensive driving, company expectations, incident response, and vehicle-specific topics.

• Refresh annually; intensify after events.

Schedule yearly refreshers for all drivers; add targeted coaching after citations, near-misses, telematics alerts, or collisions.

• **Cover the whole driver.** Include technical and safety requirements, lifestyle and health issues (sleep, impairment), and



86%

OF COMPANIES USING DASHCAMS HAVE RELIED ON FOOTAGE

39%

USED IT TO EXONERATE A DRIVER

68%

USED IT TO IMPROVE HABITS



personal challenges that may affect focus and fatigue.

- **Validate skills on the road.** Conduct ride-alongs or observed road tests for higher-exposure roles and after significant violations.

④ **Deploy telematics and act on what you learn**

- **Monitor leading indicators.** Track harsh braking, rapid acceleration, speeding, cornering, following distance, idle time, seatbelt use, and mobile-device interaction as available.

- **Review exception reports weekly.** Assign a leader to review alerts, validate context (weather, cut-offs, work zones), and triage into coach/discipline/no-action buckets.

- **Coach promptly and specifically.** Use dashcam footage for real learning moments. Reinforce near-miss reporting and make coaching a conversation, not just a formality.

- **Tie performance to outcomes.** Recognize and reward sustained safe driving. Escalate consequences for repeated risk behaviors.

⑤ **Communicate early and often**

- **Run structured check-ins.** Implement 30-/60-/90-day driver discussions for new hires and periodic touchpoints thereafter. Ask:

What challenges are you facing?

What actions did you take?

What would you advise another driver?

- **Close the loop.** Share trend insights from telematics and claims. When you adjust training or routes based on driver feedback, tell them. Engagement rises when drivers see their input shape policy.

- **Use incentives wisely.** Consider safety awards with clear rules, progressive credits, and visible milestones. Pair incentives with controls that discourage under-reporting.

⑥ **Control post-crash risk with clear protocols**

Even skilled drivers can be shaken after a collision. Replace guesswork with a laminated, in-vehicle accident kit and mandatory training on what to do and what not to do.

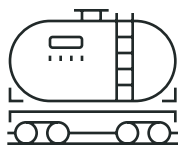
- **Prioritize safety.** Move out of traffic if possible; mark the scene.

- **Call 911.** Report the incident; provide first aid only if trained.

- **Notify the company.** Require live phone contact with the designated claims lead; define a backup.

- **Contact your insurer immediately.** Early notification helps control claim costs and preserves evidence.

- **Document thoroughly.** Photograph vehicles, damage, road conditions, signage, and cargo. Collect witness names and contact information.



RUN STRUCTURED CHECK-INS. IMPLEMENT

30-/60-/90 DAY

DRIVER DISCUSSIONS FOR NEW HIRES AND PERIODIC TOUCHPOINTS THEREAFTER. ASK:

What challenges are you facing?

What actions did you take?

What would you advise another driver?

- **Protect cargo and equipment.** If transporting leased or high-value items, document and secure them before towing when it's safe to do so.

- **Avoid statements of fault.** Train drivers to stick to repeating observable facts only.

Integrate insurance into every fleet decision

Insurance is a vital component of fleet risk management. Per the C-Suite Stress Index, 74% of leaders aren't fully confident in their current insurance, and 59% plan to increase their liability limits in the near future. Now is the time to align coverage with fleet footprint, routes, vehicle classes, and driver mix—and pair it with proactive prevention strategies.

Engage your insurance and safety team to:

- **Right-size limits and layers.** Coordinate primary auto liability and umbrella placements with your actual exposure profile.

- **Align coverage with operations.** Confirm that hired/non-owned auto, trailer interchange (if applicable), and mobile equipment are addressed appropriately.

- **Leverage safety services.** Tap available fleet safety resources such as policy templates, driver qualification checklists, sample handheld-device policies, training modules, and post-crash playbooks.

- **Stress-test scenarios.** Model verdict potential and cash-flow impacts from downtime to validate limits and deductibles. Determine when higher premiums versus higher deductibles make sense for your risk appetite and loss history.

If you're among the leaders (97%) planning to re-evaluate insurance this year, do it in tandem with concrete safety upgrades so underwriting sees a living, enforced program—not a binder on a shelf.

Own the keys: Set the leadership standard for fleet safety

Insurers can easily spot a risky fleet. Hiring shortcuts, vague policies, unenforced rules, and high turnover become apparent quickly and often show up later in depositions. Strong fleets are organized, enforce practical policies, coach with data, and part ways with drivers who won't meet the standard.

Negligent entrustment is preventable when executives own four disciplines:

- **Qualification:** Only qualified, licensed drivers operate your vehicles, and you can prove it.

- **Policy:** Rules are clear, lawful, realistic, and uniformly enforced.

- **Training and coaching:** Education starts before the first trip and continues throughout employment, escalating with risk.

- **Monitoring and documentation:** Telematics, dashcams, and MVRs inform action. Every action should leave a paper trail.

Ultimately, companies that endure in the current environment treat fleet safety as a strategic advantage and a board-level priority. Review your program against these standards, close the gaps, and work with your insurer to align coverage and safety investments.





THE
CONSTRUCTION
INDUSTRY ALONE
AVERAGES
13 HEAT RELATED
DEATHS AND
567 SEVERE
LOST DAY
CASES PER YEAR.

By Dan Trocke –
WisCon Onsite Safety and Health Consultation Program

WINTER HEAT

RIS

Why a heat related article in the fall you might ask? We have some precious time before next summer to plan and develop heat-stress training and procedures to keep our workers safe. Heat-stress doesn't just happen in the summer, either. Working conditions resulting in serious heat-related illnesses occur outdoors and indoors, in all major industry sectors, including general industry, construction, agriculture, and maritime. Typical indoor worksites where heat-related illnesses occur include foundries, smelters, brick & ceramic plants, glass production, rubber products factories, electrical utilities (particularly boiler rooms), bakeries, commercial kitchens, laundries, canneries, chemical plants, warehouses and other structures without adequate climate control. Outdoor work activities impacted by heat include agriculture, landscaping, construction, road work, roofing, refining, asbestos & lead removal, waste collection, delivery, and any other activities that

require moderate to high physical exertions or the wearing of heavy or bulky clothing or equipment on a hot day. The construction industry alone averages 13 heat related deaths and 567 severe lost day cases per year. I hope to touch on how we can do better for you in this article.

First, I want to mention the Heat Initiative Memo from OSHA that was signed September 1st, 2021 and expands on the heat campaign OSHA originally launched in 2011. The initiative is intended to prioritize inspections of complaints, referrals and reports of heat illness as well as the potential to expand the scope of other programmed or un-programmed OSHA inspections to include heat hazards. The Heat Initiative scope includes elements that are proactive instead of reactive in their approach. It applies to both indoor and outdoor worksites and establishes trigger "Heat Priority Days" when the heat index exceeds 80°Fahrenheit. It also provides citation guidance to OSHA

enforcement. I encourage you to read the full memo here: <https://www.osha.gov/laws-regs/standardinterpretations/2021-09-01>

Understanding Heat Index is crucial to understanding how dangerous heat can be during the workday. We've all heard the old saying, it's not the heat, it's the humidity. Actually, it's both. The heat index is a measure of how hot it really feels when the relative humidity is factored in with the actual air temperature. This has important considerations for the human body's comfort when working. The air temperature, humidity and exercise itself can increase your core body temperature. When the body gets too hot, it begins to perspire or sweat and sends more blood to circulate through your skin to cool itself off. High humidity sabotages this body defense, preventing the cooling effect of sweat evaporating from your skin. This has a profound effect on how we experience hot weather. For example, if the air temperature is 96°F and the



NOW IS THE TIME FOR HEAT-STRESS TRAINING TO KEEP WORKERS SAFE

relative humidity is 65%, the heat index (how hot it feels) is 121°F. How hard and how long are you willing to work in 121° weather? This can be extremely dangerous. But when does heat index start becoming a concern? When the heat index exceeds 80°F, we need to start using caution working in these conditions. This coincides with OSHA's Heat Priority Days heat index trigger of 80°F and above.

Analysis shows heat related fatalities begin to occur with a heat index of just 80°F. Approximately 10% of fatalities occur between 89 to 91°F and peaks with 45% of fatalities occurring between 91 to 103°F. Between 103 to 115°F caused an additional 40% of the fatalities. It could be surmised that recognizing the danger becomes easier at these more extreme heat index temperatures. Like every other hazard, it seems the less likely we are to recognize it, the more dangerous it becomes.

But wait, there's more. Another important

concept we have to acknowledge is Heat-Stress, which is the product of both environmental heat and metabolic heat. Human bodies generate metabolic heat even on cool days. The more strenuous the activity, the more metabolic heat is generated. Relying on just the heat index alone would be ignoring another primary risk factor. Even normal summer temperatures when coupled with high exertion, can result in heat-stress, illness and fatalities. A successful heat safety program needs to include recognizing heat-stress for different types of work. Work categories should be based on how much of the body is involved in the work, at what pace, and for how long. Intense arm, trunk and leg work such as carrying, shoveling, pushing and pulling heavy loads or walking at a fast pace would be examples of heavy heat-stress work.

The good news is we can do better as an industry if workers and management both recognize the hazard of dangerous heat condi-

tions. By adopting the latest tools available to us to tell us the heat index in real time and having a plan in place to do the work safely with trained people responsible to monitor the heat index and authorized to initiate procedures and changes in the workplace, we take a proactive approach and make changes before people start reporting ill.

Taking precautions - Online tools, charts and weather services exist that will help us understand heat index in real time for our area. One to be aware of is a heat safety mobile app developed by NIOSH and OSHA that uses temperature and humidity to measure heat index values. The app was recently updated and available for your android or iPhone and is intended to be a resource for outdoor workers exposed to heat on the job. The OSHA-NIOSH Heat Safety Tool is a useful resource for planning outdoor work activities based on how hot it feels throughout the day. The app helps evalu-

ate the immediate risk conditions to workers for their area and provide necessary precautions for current conditions. Featuring real-time heat index and hourly forecasts, specific to your location, as well as occupational safety and health recommendations from OSHA and NIOSH.

The OSHA-NIOSH Heat Safety Tool features:

- A visual indicator of the current heat index and associated risk levels specific to your current geographical location
- Precautionary recommendations specific to heat index-associated risk levels
- An interactive, hourly forecast of heat index values, risk level, and recommendations for planning outdoor work activities in advance
- Editable location, temperature, and humidity controls for calculation of variable conditions
- Signs and symptoms of heat-related illnesses including: heat stroke, heat exhaustion, rhabdomyolysis, heat cramps, and heat rash
- First aid information for heat-related illnesses

The OSHA-NIOSH Heat Safety Tool is available to download at your device's app store. See: https://play.google.com/store/apps/details?id=erg.com.nioshheatindex&hl=en_US

Heat Illness Prevention Plan - Employers with crews working during high heat index conditions should plan to protect workers by creating a Heat Illness Prevention Plan to address working during these conditions. If the conditions under which the employees are working pose heat-stress hazards, the employer needs to evaluate such hazards and determine what appropriate action needs to be taken while still protecting the employees from inherent hazards of the work or environment. Important elements to consider when creating the heat plan are:

- Who will provide oversight daily? Someone both trained and with authority.
- How will new workers gradually develop heat tolerance? New workers are at high risk of heat stroke with 70% of fatalities happening during their first week.
- Temporary workers may be more susceptible to heat and require closer supervision.
- Workers returning from extended leave (typically defined as more than two weeks) may also be at increased risk.
- How will the employer ensure that first aid is adequate and the protocol for summoning medical assistance in situations beyond first-aid is effective?
- What engineering controls and work practices will be used to reduce heat-stress?
- How will heat-stress be measured?
- How to respond when the National Weather Service issues a heat advisory or heat warning?
- How will we determine if the total heat-stress is hazardous?
- What training will be provided to workers and supervisors?

Supervisors and those monitoring and implementing the plan need proper training to:

- Identify and control heat hazards.
- Recognize early symptoms of heat-stress.
- Administer first aid for heat-related illnesses; and
- Activate emergency medical services quickly when needed.

Employers and workers should know the methods of abating heat-stress hazards in workplaces and the simple but critical steps to

take to prevent heat-related illness and death. A few of the elements that an employer's policy should include are:

1. Permitting workers to drink water or cold liquids (e.g., sports drinks) at liberty and scheduling frequent water breaks. Encourage employees to drink small amounts of cool water (approximately 4 to 6 ounces) every 15 to 20 minutes, but no more than 1 quart/hr. and 12 quarts/24 hours.
2. Implementing a work/rest regimen in accordance with the American Conference of Governmental Industrial Hygienists (ACGIH) heat exposure Threshold Limit Values so that exposure time to high temperatures and/or the work rate is decreased. Providing shade and ample time to rest. Rescheduling work during the cooler periods of the day (e.g., early morning and/or in the evening).
3. Developing a heat-stress program which incorporates the following:

- Provide a training program informing all employees about the health effects of heat-stress, how to recognize the symptoms of heat-stress and methods of preventing heat induced illnesses.
- A screening program to identify health conditions aggravated by elevated environmental temperatures;
- An acclimation program for new employees or employees returning to work from absences of three or more days by gradually increasing workloads and allowing more frequent breaks. Workers new to the heat can be the most vulnerable.
- Specific procedures to be followed for heat-related emergency situations; and
- Provisions that first aid are administered immediately to employees displaying symptoms of heat-related illness.

More information is available at OSHA's website at: <https://www.osha.gov/heat-exposure>. Other excellent resources on the website including OSHA's Technical Manual chapter on Heat-Stress available at: <https://www.osha.gov/otm/section-3-health-hazards/chapter-4>. These resources can help employer's develop their heat related illness program, understand the health hazards, identify tools available to prevent heat illness, assess heat hazards including adjusting for heat index, heat-stress from metabolic heat and clothing factors, etc. Don't wait for summer to start shaping your procedures and training to beat the heat.

Dan Trocke is a consultant working for the WisCon Onsite Safety and Health Consultation Program. Before this he worked for 18 years as a Safety Director in construction. WisCon is a free small business assistance program available on request to employers in the State of Wisconsin. 

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COMPANY HEAT-STRESS PROGRAM

POLICY & PROCEDURES

Department: Environmental, Health & Safety

Reviewed: 6/20/2022



Policy / Purpose: It is the objective of this program to establish employee training, procedures, and identify responsibilities to reduce the risk of heat related illness / incidents.

Elements of this Program:

- ◆ Provide employee training to this program to inform them about the health effects of heat-stress, how to recognize the symptoms of heat-stress and methods of preventing heat induced illnesses;
- ◆ A screening program to identify health conditions aggravated by elevated environmental temperatures;
- ◆ An acclimation program for new employees or employees returning to work from absences of three or more days.
- ◆ Specific procedures to be followed for heat-related emergency situations; and
- ◆ Provisions that first aid be administered immediately to employees displaying symptoms of heat-related illness.

Scope: This policy becomes active for all employees working in areas where the Heat Index is at 80 degrees F and higher and in response to National Weather Service heat advisory or warnings. Associates working in air-conditioned areas are not affected by this policy.

1 Heat Index.

1.1. Heat Index is a single value that reflects how hot the air feels and is a combination of the air temperature, humidity, radiant heat exchange with surrounding surfaces, and air movement.

1.2. Workers can become overheated from two primary sources:

1.2.1. Environmental conditions in which they work (whether hot weather outside or hot conditions inside). This can be measured using the heat index value.

1.2.2. Internal heat generated by physical labor. This should be assessed by competent persons such as a Supervisor familiar with the work.

1.2.3. Associates clothing during high heat indexes should be reflective, light-colored, lightweight, and breathable.

1.2.4. Both environmental heat conditions and physical exertion need to be considered when evaluating total heat-stress exposure to employees.

2 Heat-Stress Safe Practices and Engineering Controls

2.1. The General Manager, Plant Manager, Superintendent, Foreman, or Supervisor is responsible to check the heat index frequently during warm weather months to determine the correct action to take.

2.2. At each location, the Supervisor shall establish and maintain a designated cooling area that is equipped with appropriate first aid supplies and controls such as: air conditioning, fans, mist and fans, towels that can be wetted and draped over the neck and shoulders, shade and liquids appropriate in the case of emergency for an overheated employee to rest and cool down. Supervisors are responsible to ensure that first aid / medical attention is quickly available at their location. The designated cooling area for this location is: (fill in the blank).

2.3. Provide controls such as air-conditioned area where employees may take break or cool down in.

2.4. Increase air flow in hot environments to help increase evaporative cooling.

2.5. Evaluate and utilize other cooling technologies on the market (neck wraps, cooling vests, misting, etc.)

2.6. Provide Supplemental Energy Fluids:

2.6.1. Company will provide supplemental energy drinks (i.e., Squincher, Gator Aid,

Power Aid, etc.) during the heat advisory time. The beverage provided must promote hydration. The type and quantity will be determined by management.

2.7. Proper fluid intake:

2.7.1. Supervisors will permit workers to drink water or cold liquids (e.g., sports drinks) at liberty and schedule frequent water breaks. Encourage employees to drink small amounts of cool water (approximately 4 to 6 ounces) every 15 to 20 minutes, but no more than 1 quart/hr. and 12 quarts/24 hrs;

2.7.2. Avoid drinking liquids that contain caffeine, alcohol, or large amounts of sugar which cause you to lose more body fluid.

2.7.3. Avoid very cold drinks because they can cause stomach cramps.

2.7.4. Drink more fluids regardless of your activity level.

2.7.5. Do not wait until you are thirsty to drink.

2.7.6. Warning: If your doctor generally limits the amount of fluid you drink, or you are on water pills, ask your doctor how much you should drink in extreme conditions

2.8. Modify and expand this section with the engineering controls and work practices your company will make available and use to reduce heat-stress.

3 Heat Index Planning and Supervision

3.1. Using the heat index to protect employees. Depending on the heat index value, the risk for heat-related illness can range from lower to very high to extreme. As the heat index value goes up, more preventive measures are needed to protect Associates. Heat index values are divided into four bands associated with four risk levels. These bands differ from those appearing in the NOAA Heat Index chart, which was developed for the public. The NOAA bands have been modified for use at worksites:

Less than 91°F	Lower (Caution)	Basic heat safety and planning
Precautions • Drink plenty of water • Wear a hat or sunscreen if working outdoors • Take breaks in air conditioned or shaded areas • Acclimate if new or returning to work and performing strenuous work	Monitor heat index and encourage workers to follow steps below	
91°F to 103°F	Moderate	Implement precautions and heighten awareness
Precautions • Watch for signs of heat-stress (Refer to First Aid for Heat Illness Chart) • Encourage Associates to drink at least four (4) cups of water every hour • Report heat-related symptoms immediately to a supervisor and seek appropriate first aid • Call 911 if an Associate loses consciousness or appears confused or uncoordinated	Encourage Associates to take all precautions above and below	
103°F to 115°F	High	Additional precautions to protect workers
Precautions • Reschedule all non-essential outdoor work to days when the heat index will be lower • Supervisors to be on high alert and check Associates for heat-stress symptoms • Adjust work schedules • Facilities operating more than a normal	8-hour day should reduce their work schedule by one (1) hour. • Shift start and stop times may also be adjusted to avoid peak heat index as determined by local management. Rescheduling work during the cooler periods of the day (e.g., early	morning and/or in the evening) where practical. Adjust Break Periods • Facilities that normally relieve Associates for break periods may shut down operations for each break period and encourage extra breaks if needed.
Greater than 115°F	Very High to Extreme	Triggers even more aggressive protective measures
Precautions • Reschedule all non-essential activity for days with a reduced heat index or to a time when heat index is lower. • Move essential tasks to the coolest part of the work shift • Establish and enforce water drinking schedule (about four (4) cups per hour) • Stop work if essential control methods are inadequate or unavailable	Include all precautions above and the additional precautions below	

6 Acclimating to the Work Environment

5.1. Acclimatization is the beneficial physiological adaptations that occur during repeated exposure to a hot environment.

5.2. New workers or workers new to the heat can be most vulnerable and are at high risk of heat stroke. New workers are at high risk of heat stroke (with 70% of fatalities happening during their first week), and will need more time to acclimatize than workers who have already had some exposure. Consideration should also be given to workers or employees returning to work from absences of three or more days.

5.3. To acclimatize workers, Supervisors must tailor work assignments and schedules by gradually increasing workloads and allowing more frequent breaks. Increase employee exposure time in hot environmental conditions over a 7-to-14-day period so that new workers can gain heat tolerance gradually. Strenuous physical activity can be hazardous even if temperatures are not extreme. Expand on this section with how new workers, temp workers, and workers returning from extended leave will gradually develop heat tolerance under this program.

6 Emergency Response and First Aid

6.1. Supervisors provide oversight on a daily basis and should regularly observe, stop and speak with employees to ask how they are feeling and if they are experiencing any of the symptoms of heat-stress (i.e. flushed face, headaches, cramps, nausea, etc.). Workers susceptible to heat require closer supervision. Employees that report or display symptoms of heat related illness, heat exhaustion, or have difficulty answering questions should be brought to a designated cooling area immediately and the emergency plan should be initiated by calling 911 for medical services. Supervisors will refer to the Signs and Symptoms and First Aid for Heat Illness chart in Section 4 of this Program and posted at the job site, to assist them in determining when to activate emergency medical services and to do so quickly when needed.

6.2. Supervisors First Responders shall monitor at risk employees at the designated cooling area, provide liquids and ensure the employee is in air conditioning, cooled by fans, or fans and mist, apply wet towels to neck and shoulders, etc. to cool the employee while the need for emergency services is being assessed or have been called and are in route.

Other employees will be dispatched to meet and direct emergency services to the area.

6.3. Remote sites – Where employees work at remote job sites where emergency response ambulance service response time is more than 4 to 5 minutes the Company will designate a first responder at the site that is trained and able to render first aid. Training will include Red Cross First Aid or equivalent, CPR, and Bloodborne pathogens. Refer to the Company Bloodborne pathogens Exposure Control Plan.

6.4. All heat illness incidents must be reported immediately to the Company Safety Manager / Owner.

6.5. Update this section with your site specific emergency procedures, names of designated individuals / first responders, how to report an emergency injury or illness, how to contact emergency services, etc.

7 References

7.1. All management are encouraged to download the NIOSH/OSHA Heat App to access a simple heat calculator. OSHA NIOSH Heat Safety Tool

7.2. OSHA Heat Illness Prevention Campaign Link <https://www.osha.gov/heat/>

Signs and Symptoms and First Aid for Heat Illness – The following Chart shall be posted by the Supervisor at all work sites.

Signs and Symptoms | What to Do

Symptoms can occur in any order. For example, a person will not always experience heat cramps before they suffer from heat exhaustion.

HEAT RASH / PRICKLY HEAT

- Red cluster of pimples or small blisters, usually on neck, upper chest, groin, under breasts, and in elbow creases
- Extensive areas of skin that do not sweat on heat exposure, but present gooseflesh appearance that subsides with cool environments

- When possible, a cooler, less humid environment is the best treatment
- Keep rash area dry
- Powder can be applied to increase comfort
- Do not use ointments or creams, as they may impair cooling - warm, moist skin can make the rash worse

HEAT CRAMPS

- Muscle cramp, pain, or spasms in the abdomen, arms or legs

- Drink fluids every 15 to 20 minutes and eat a snack or sports drink
- Avoid salt tablets
- Get medical help if the worker has heart problems, is on a low sodium diet, or if cramps do not subside within 1 hour

HEAT SYNCOPE (FAINTING)

- Fainting, dizziness, or light-headedness after standing or suddenly rising from a sitting/lying position

- Sit or lie down in a cool place when beginning to feel faint or dizzy
- Slowly drink water or clear juice

HEAT EXHAUSTION

- Headache
- Nausea
- Dizziness, weakness
- Irritability
- Thirst, heavy sweating
- Elevated body temperature
- Decreased urine output

- Call for medical help or take a worker to a health facility for evaluation and treatment
- Stay with worker until help arrives
- Remove worker from hot area and give him liquids to drink
- Remove unnecessary clothing, including shoes and socks
- Cool worker with water, cold compresses, and ice bath, or fans
- Encourage frequent sips of cool water

HEAT STROKE

- Confusion, altered mental state, slurred speech, loss of consciousness
- Hot, dry skin or profuse sweating
- Seizures
- Very high body temperatures
- Fatal if treatment delayed

- This is an emergency! Call for emergency care immediately!
- Move worker to a cool area and remove outer clothing
- Cool worker with water, cold compresses, an ice bath, or fans
- Circulate air around worker to speed cooling
- Place cold, wet clothes or ice on head, neck, armpits and groin
- Stay with worker until emergency medical services arrive

8 Training

8.1. This policy and procedure shall be reviewed with and made available to all employees.

8.1.1. Section 3 of this policy shall be posted in a conspicuous area during the

summer season when heat indexes can be high.

8.2. Before the warm season approaches, discuss in safety focus meetings, then discuss this policy and procedure utilizing a shoptalk or toolbox talk with all employees.

8.3. Management shall immediately inform all employees of the precautions for their shift according to the Heat Index Planning chart in Section 3 during or before forecasted high heat indexes. [ABC Wisconsin](#)

Introduction

Falls continue to be the leading cause of fatalities in the construction industry. The Occupational Safety and Health Administration (OSHA) has consistently identified fall protection as a top enforcement priority, and recent cases demonstrate the consequences of noncompliance.

One such case involves Elo Restoration LLC, operating as Elo Roofing, based in Florida. This year OSHA proposed penalties exceeding \$750,000 following inspections at two separate worksites. The citations included multiple willful and repeat violations of OSHA's fall protection standards. While the facts of the Elo Roofing case are specific to that employer, the broader legal principles apply to builders and contractors nationwide.

This article examines the legal framework governing fall protection, the facts of the Elo Roofing case, and the practical steps employers can take to ensure compliance. It also considers how violations of OSHA's fall standards can have implications beyond fines, such as civil liability and in extreme cases, even criminal liability. Employers must be proactive in building a safety program that meets both legal and operational standards.

The Elo Roofing Case: An Overview

In March 2025, OSHA conducted an inspection of Elo Roofing's Jacksonville FL worksite. Two weeks later, OSHA also initiated an inspection of a worksite in St. Johns County, Florida, after a worker fell through a roof opening while removing skylight fixtures and sustained serious injuries.

Following these inspections, OSHA issued citations for ten violations: 4 Willful, 3 Repeat, 1 Serious, and 2 Other-than-serious violations.

The total proposed penalties amounted to \$752,846.

The citations involved the company's failure to provide fall protection for employees working at heights of six feet or more, in violation of 29 CFR § 1926.501(b)(13). This regulation requires employers engaged in residential construction to ensure that employees working six feet or more above lower levels are protected by guardrail systems, safety net systems, or personal fall arrest systems.

The classification of four violations as "willful" is particularly noteworthy. Under OSHA's enforcement framework, a willful violation is one committed with intentional disregard or plain indifference to the requirements of the law. This designation carries the highest penalties and

may have implications beyond administrative fines, including potential civil or criminal liability.

While the case remains pending, the reason for the willful citations is unclear. It may have been due to the company's previous 2024 citations, which included repeat citations for failing to provide fall protection. OSHA may also have determined that the company had advanced notice, as to constitute knowing or plain indifference regarding the fall at the St. Johns County site, because of OSHA's inspection of the Jacksonville site two weeks before. Repeat OSHA visits can lead to increased citations. It is always a good idea to react immediately with a safety stand down meeting to address findings that OSHA discovered at a job site. Unfortunately, in our experience, Murphy's Law (what can go wrong, often does go wrong) seems to come into play all too often after OSHA gets involved with a company.

OSHA's Fall Protection Standards

OSHA's fall protection requirements for the construction industry are codified at 29 CFR § 1926 Subpart M. These regulations specify when fall protection is required and the types of systems that are acceptable. Key provisions include:

EMPLOYERS MUST BE PROACTIVE IN BUILDING A SAFETY PROGRAM THAT MEET

By Charles B. Palmer and Juliet M. Jacques –
Michael Best & Friedrich, LLP

FALL PROTECTION

OSHA MAKES IT A TOP ENFORCEMENT PRIORITY

- § 1926.501(b)(1) – Employees on walking/working surfaces with an unprotected side or edge six feet or more above a lower level must be protected by guardrail systems, safety net systems, or personal fall arrest systems.

- § 1926.501(b)(13) – Employees engaged in residential construction activities must be protected when working six feet or more above lower levels by guardrail systems, safety net systems, or personal fall arrest systems.

- § 1926.502 – This section specifies criteria for fall protection systems, including anchor strength (5,000 pounds per employee attached) and performance standards for harnesses, lanyards, and connectors.

- § 1926.503 – Employers are required to provide a fall protection training program for each employee who might be exposed to fall hazards. Training must be conducted by a competent person and include instruction on recognizing fall hazards and the correct procedures for using fall protection systems.

Failure to comply with these standards can result in citations ranging from “serious” to “willful,” with penalties adjusted annually for inflation. As of 2025, the maximum penalty for a willful or repeat violation is \$165,514 per violation, while serious violations carry a maximum penalty of \$16,550.

Common Compliance Challenges

Fall protection is frequently underutilized or improperly implemented. Several factors contribute to this issue:

1. Cost and Time Constraints

Some employers may view safety equipment and training as burdensome or expensive. In competitive markets, particularly in residential construction, there may be pressure to reduce overhead or accelerate project timelines.

2. Risk Perception and Routine Work

Workers and supervisors may underestimate the risks associated with familiar tasks. This complacency can lead to a false sense of security and a disregard for safety protocols. OSHA’s standards apply regardless of how routine a task may appear.

3. Training Deficiencies

Even when fall protection systems are available, workers may not be properly trained to use them. OSHA’s regulation 29 CFR § 1926.503 requires that training be conducted by a competent person and tailored to the specific hazards present on the job site.

4. Improper Use of Equipment

Fall protection systems must be correctly deployed to be effective. Misuse—such as

improperly worn harnesses or incorrectly installed anchor points—can result in system failure during a fall. Anchor points may not allow free movement or slow progress, resulting in frequent work while disconnected from fall protection. Employers are responsible for ensuring that equipment is used correctly and inspected regularly.

5. Lack of Oversight

Without consistent supervision, safety protocols may be ignored. New employees will learn bad habits, and eventually, lack of compliance becomes the rule, rather than the exception. If a group of guys are riding motorcycles without a helmet, who wants to be the guy wearing a helmet? Employers are responsible under § 1926.20(b)(2) for ensuring compliance and designating a competent person to oversee safety measures, rather than letting employees choose the safety culture they want on the job.

Building a Legally Compliant Safety Program

Employers must develop a comprehensive safety program that aligns with OSHA’s legal requirements and industry best practices. The following strategies can help:

1. Conduct Site-Specific Hazard

Assessments

Under § 1926.20(b)(2), employers must initiate and maintain programs to ensure compliance. This includes evaluating each job site for fall hazards and documenting the findings.

2. Implement Appropriate Fall Protection Systems

Employers must select fall protection systems that meet the criteria in outlined in § 1926.502. For roofing work, personal fall arrest systems or guardrails are often appropriate. Ensure that anchorages meet the required strength and that all components are compatible and properly installed.

3. Provide Competent Person Training

Training must be conducted by a “competent person,” defined in § 1926.32(f) as someone capable of identifying hazards and authorized to take corrective measures. Training should be hands-on, scenario-based, and repeated regularly to reinforce safe practices.

4. Maintain Equipment Inspection Logs

Section 1926.502(d)(21) requires that personal fall arrest systems be inspected before each use. Employers should maintain inspection logs and retire equipment that shows signs of wear, damage, or deterioration.

5. Empower Workers to Report Hazards

Encourage employees to report unsafe conditions without fear of retaliation. OSHA’s Whistleblower Protection Program enforces Section 11(c) of the OSH Act, which prohibits retaliation against workers who report violations.

6. Document All Safety Activities

Maintain thorough records of training, inspections, hazard assessments, and corrective actions. Documenting non-compliance and

MEET BOTH LEGAL AND OPERATIONAL STANDARDS.



corrective action is valuable. But a weekly document showing all job sites were inspected and there was 100% compliance is even better evidence of a good program. In the event of an OSHA inspection or legal dispute, documentation is critical to demonstrating compliance and due diligence.

Legal and Financial Risks of Noncompliance

The penalties proposed against Elo Roofing illustrate the financial risks of failing to comply with OSHA regulations. However, the consequences extend beyond administrative fines:

- **Civil Liability:** Injured workers may pursue legal claims for damages, particularly if negligence is alleged by third party contractors against a party that is not their employer, since workers compensation laws do not bar claims against those who are not the employer.
- **Insurance Impacts:** Workers' compensation premiums may increase following serious injuries or fatalities involving company employees.
- **Reputational Harm:** Safety violations can damage a company's reputation and affect its ability to secure future contracts.
- **Criminal Exposure:** In cases involving willful violations resulting in death, criminal

prosecution may be pursued under the OSH Act or applicable state laws.

OSHA violations can lead to serious consequences in addition to the large fines seen in Elo Roofing.

Proactive Legal Risk Management

Legal risk management in the context of OSHA compliance involves more than avoiding citations. It requires a strategic approach to documentation, training, and internal accountability. Employers should consider the following additional steps:

- **Internal Audits:** Conduct regular internal audits of safety practices and documentation. These audits should be led by individuals with legal and safety expertise and should result in actionable recommendations.
- **Legal Review of Safety Policies:** Engage legal counsel to review safety policies and training materials to ensure they align with current regulations and enforcement trends. This review can help identify language or practices that may be vulnerable in litigation.
- **Incident Response Protocols:** Develop clear protocols for responding to safety incidents, including immediate hazard mitigation, employee support, and regulatory reporting. A well-documented response can demonstrate good faith and reduce liability.

• **Contractual Risk Allocation:** Review contractor and subcontractor agreements to ensure that safety responsibilities are clearly defined and that indemnification clauses appropriately allocate risk. Employers may be held liable for safety violations committed by contractors and subcontractors if oversight is inadequate.

Conclusion

The Elo Roofing case is not an isolated event — it reflects broader OSHA enforcement trends. For employers, this case should prompt a thorough review of current safety practices, training programs, and legal risk management strategies.

Fall protection is more than a regulatory requirement—it is a cornerstone of workplace safety and legal compliance. Employers who invest in robust safety programs not only protect their workforce but also position themselves to defend against enforcement actions and litigation. As OSHA continues to prioritize fall hazards, the message is clear: proactive compliance is essential, and the consequences of noncompliance are substantial. If workers are not wearing fall protection in construction at heights above 6 feet, and there are no rails or other systems to protect them from falling, chances are, the law is being broken. [ABC Wisconsin](#)

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Continued from Page 21

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