



Virginia BEST:

Building Excellence in Safety, Health and Training

A Strategic Partnership Program of the
Associated General Contractors of Virginia (AGCVA)
and the Virginia Occupational Safety and Health (VOSH)
Program of the Virginia Department of Labor and Industry (DOLI)

I. BACKGROUND, PURPOSE and SCOPE

a. Background:

The Virginia BEST program is a strategic partnership of the VOSH Program and the AGCVA. It was established as a result of a series of meetings starting in 2012, where the AGCVA and the VOSH Program met to discuss a partnership that would mutually recognize the importance of providing a safe and healthful work environment in the construction industry. The parties agreed to pursue a cooperative relationship that encourages construction employers to develop exceptional safety and health management systems and recognize that achievement through the Virginia BEST program.

b. Purpose:

To improve best practices, compliance efforts and injury and illness prevention on construction worksites in Virginia through recognizing the outstanding efforts of exemplary employers. The program will work with construction contractors who have demonstrated continual improvement in the area of occupational safety and health and who are willing to share resources, best practices and advise the construction industry at large in developing and implementing successful safety and health management systems.

c. Scope:

The Virginia BEST program applies specifically to construction sites and does not apply to contractor yards, shops or administrative offices.

II. EXPECTATIONS AND GOALS

a. Expectations:

- i. This strategic partnership has been negotiated between AGCVA and the VOSH Program. Owners, association members and employer and employee representative organizations are encouraged to endorse and participate in Virginia BEST.
- ii. Implementation of this program is expected to result in decreased serious injuries, illnesses and fatalities for participating contractors; and the improvement of existing safety and health management systems throughout the Commonwealth of Virginia.
- iii. Virginia BEST provides for incentives to construction contractors that voluntarily participate in the program and demonstrate their achievement of effective and successful safety and health management systems.
- iv. This program will not in any way affect the employer's or the employees' ability to exercise their rights under VOSH laws, standards and regulations, or the Occupational Safety and Health Act of 1970 (OSH Act). The number of employers who may be approved as participants will depend on the availability of AGCVA and VOSH resources.

b. Goals:

- i. To reduce by three (3) percent annually the number of injuries, illnesses and fatalities affecting participant employers, with a focus on eliminating injuries and fatalities resulting from those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/or between, and electrocutions).
- ii. To increase the number of construction contractors that implement effective safety and health management systems and provide proactive safety and health training for management, supervisors and employees.
- iii. To recognize those contractors where managers and employees work together to develop safety and health management systems that meet and exceed basic compliance with all applicable VOSH laws, standards and regulations; and result in immediate and long-term prevention of job-related injuries and illnesses.
- iv. To promote open lines of communication between VOSH and the construction industry in pursuit of improving safety and health protections for Virginia's construction employees and employers:
 1. To increase the overall safety and health awareness of all contractors and employees on the participant's work sites.
 2. To reduce the number of safety and health hazards on the participant's work sites.
 3. To establish a list of "leading indicators" that can be monitored and evaluated in order to achieve items 1-2 above.

4. To create ways to share expertise and other resources among participating companies and the construction industry as a whole (e.g., attend the Virginia Annual Safety and Health Conference, host Construction Safety Days, etc.).
5. To recognize best practices that exceed VOSH/OSHA laws, standards and regulations at covered work sites.

III. STRUCTURE, ROLES AND RESPONSIBILITIES

a. Guidance Documents:

The Virginia BEST Program and this Strategic Partnership Agreement will be administered in accordance with the laws, regulations, policies and procedures applicable to DOLI and the following VOSH Directives:

- i. VOSH Directive 13-060, Building Excellence in Safety, Health and Training Program (Virginia BEST)
- ii. VOSH Directive 09-060, Virginia BEST Policies and Procedures Manual

Virginia BEST participants remain subject to VOSH inspections, such as complaint/referral investigations, incident investigations, local emphasis program inspections, etc., in accordance with the procedures in the VOSH Field Operations Manual and the criteria in the above Virginia BEST directives.

b. Structure:

The Virginia BEST program will be implemented in three levels:

Level One - The employer has developed and implemented an effective safety and health management system that meets current VOSH regulatory requirements.

Level Two - The employer has an established safety and health management system that exceeds current VOSH regulatory requirements.

Level Three - The employer has an exceptional safety and health management system that serves as a model for other construction employers in the Commonwealth.

c. Roles and Responsibilities:

- i. AGCVA will administer the initial application process, review the required program documents and approve or reject each Level One application. VOSH will serve in an advisory capacity on initial Level One applications.
- ii. AGCVA will conduct an initial review of Level Two applications and may either reject or give conditional approval to the application. Rejected Level Two applications may be considered for approval as a Level One participant. Conditionally approved Level Two applications will be forwarded to VOSH for review. AGCVA and VOSH will jointly decide on final approval or rejection of the application.
- iii. AGCVA will conduct an initial review of Level Three applications and may either reject or give conditional approval to the application. Rejected Level Three applications may be considered for approval as a Level Two participant. Conditionally approved Level Three applications will be forwarded to VOSH for review. AGCVA and VOSH will jointly decide on final approval or rejection of the application. As part of the final approval process,

Level Three participants must successfully complete up to three separate onsite reviews at major construction sites by a team consisting of AGCVA and VOSH personnel (Private Industry Volunteer personnel may also be used as part of the onsite review team).

IV. PARTICIPANT REQUIREMENTS

- a. All applicants must meet the following minimum requirements:
 - i. For the purpose of evaluating the implementation of safety and health management systems, the participant must be a member in good standing of the AGCVA; and must allow the AGCVA and VOSH designated representative(s) access to project sites throughout Virginia, when requested. Coordination for visits will be made initially with the contractor's participant contact and, thereafter, with the project superintendent and/or foreman.
 - ii. Assign at least one trained employee with responsibility for employee safety to administer the participant's safety and health management system. A trained employee is one who has completed a 30-hour construction training course or safety training equivalent to the 30-hour course within the previous 12 months before applying to join Virginia BEST. For small contractors, documented ongoing use of a safety consultant or VOSH Workplace Safety Consultation may satisfy this requirement.
 - iii. Provide for direct employee involvement in safety and health management systems. A safety committee, comprising company employees and management, or participation of employees in self-inspections, site inspections, job hazard analysis, safety and health program reviews, safety training and incident investigations would be acceptable.
 - iv. Maintain a total case injury/illness incidence rate (three-year average) that is below the most current Bureau of Labor Statistics rate for the applicant's North American Industrial Classification System (NAICS) code.
 - v. Have no fatalities, in-patient hospitalizations, amputations or loss of an eye that resulted in serious or willful citations related to the incident within the three years prior to application.
 - vi. Have no willful, repeat or failure to abate violations that became final within the three years prior to application.
 - vii. Develop, implement and maintain a prohibited substance policy and testing program that complies with applicable laws and regulations.
 - viii. The existence of any of the following precludes the company's filing of an application with Virginia BEST:
 1. Open enforcement investigations,
 2. Pending or open contested citations or notices under appeal at the time of application, Whistleblower violations during the 36 months prior to application,
 3. Unresolved, outstanding enforcement actions, such as long term abatement agreements or contests.

V. BENEFITS FOR PARTICIPANTS

- a. A DOLI website page will be dedicated to this partnership with recognition for Level Two and Level Three participants.

- b. Acceptance in the program can be publicized by the participant to enhance its marketplace recognition.
- c. Participants will be recognized as industry leaders in construction safety and health.
- d. Access to specific targeted training sessions conducted by VOSH Consultative Services.
- e. Priority access to VOSH Consultative Services for briefings on new standards, regulations and emphasis programs.
- f. Potentially reduced costs in insurance rates, lost time and less lost or damaged materials resulting in greater profit margin.
- g. Improved employee morale and productivity, and the ability to attract the best workers based on the participant's enhanced reputation in the industry.
- h. Use of official logo, icons, devices and/or official program flag, etc.
- i. Recognition and incentive provisions are outlined in VOSH Directive 13-060.

VI. OVERSIGHT AND REVIEW

a. Oversight:

- i. A committee consisting of VOSH personnel (2), AGCVA personnel (2), authorized representatives of employees (2), insurance carriers (1) and at least one representative from an independent third party such as ASSE, Virginia Occupational Health Nurses, National or Virginia Safety Council, etc., will be established to review the program and make recommendations to the Commissioner of DOLI and AGCVA. The committee will meet at least annually. It is anticipated that program changes may be needed early in the process to ensure the success and effectiveness of the program. After being briefed by the Committee, the Commissioner of DOLI will decide if changes to the program are needed and act accordingly.
- ii. AGCVA and VOSH will review this partnership at least every third December (three years).
- iii. Any party to the partnership may withdraw from Virginia BEST at any time after submitting its' written notification of intent to the other party.

b. Review:

- i. An annual review and evaluation of the program, its policies and procedures, the overall effectiveness of the program and recommendations for improvement will be conducted by the Oversight Committee.
- ii. It is the responsibility of each AGCVA designated representative to gather required participant data to evaluate the overall success of the program.
- iii. Virginia BEST will be evaluated annually to determine whether the annual goal of a three (3) percent reduction in the number of injuries, illnesses and fatalities has been met. AGCVA will be responsible for collating baseline and annual performance data upon which the program will be measured. This aggregated data will be reported to VOSH annually.
- iv. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether goals have been met at the chapter and/or national level.

- v. Participant incidence of injuries from the hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/or between and electrocutions) will be measured and compared against a baseline established in the first year of Virginia BEST.
- vi. AGCVA and VOSH may revise criteria annually based on recommendations for continual improvement, including any "leading indicators" approved by the Oversight Committee.

VII. EMPLOYEE/EMPLOYER RIGHTS AND RESPONSIBILITIES

This partnership does not preclude employees and/or employers from exercising any right provided under VOSH laws, rules and regulations nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Title 40.1 of the Code of Virginia.

VIII. TERMINATION

Any party to the partnership may withdraw from Virginia BEST at any time after submitting its' written notification of intent to the other party.

ENTERED INTO THIS 13TH DAY OF OCTOBER, 2016, BY:



Commissioner
Virginia Department of Labor and Industry



Chairman
Associated General Contractors of Virginia

