

Contractors in OSHA VPP and What You Need to Know

It is important to understand the Occupational Safety and Health Administration (OSHA) Voluntary Protection Programs (VPP) requirements for on-site contractors if you are an OSHA VPP applicant or participant. All contractors, whether regularly involved in routine site operations or in temporary projects (e.g., construction, repair), must follow your organization's safety and health (S&H) rules. The following provides general information on the types of contractors and the contractor requirements associated with VPP.

TYPES OF CONTRACTORS	
Resident Contractor	A company providing ongoing, on-site services to your organization; you may classify these as applicable or nested contractors at your organization.
General Contractor	A construction site owner or site manager who controls construction operations and is responsible for assuring safe and healthful working conditions at the worksite; these may also be applicable contractors at your organization.
Contract Employee	Individuals employed by a company providing services, under contract, to your organization, usually at your worksite.
Applicable Contractor	A contractor whose employees work for your organization at least 1,000 hours in any calendar quarter within the last 12 months and are not directly supervised by your organization.
Nested Contractor	Contractors or temporary employees supervised by your organization's management , and therefore, governed by your safety management system (SMS).

NOTE: Resident contractors can apply for VPP on their own, even if your organization is not a VPP Star site. General contractors can also apply for VPP on their own, but only if your organization is a VPP Star site.

According to OSHA, contractor supervision exists when you supervise the products or services the contractor produces, as well as the methods and processes the contractor uses to accomplish their work. Apply this definition to your resident and general contractors to determine if you can classify them as applicable or nested contractors. Once you define the contractors you have at your worksite, you can determine how to meet VPP criteria. Nested contractors should be treated the same way you treat your own employees.

INJURY AND ILLNESS DATA REQUIREMENTS

- Add recordable nested contractor injuries and illnesses to **your** OSHA Form 300
- Include nested contractors in your organization's calculated Total Case Incident Rate (TCIR) and Days Away, Restrictions, and Transfers (DART) rates
- Maintain copies of TCIR and DART rate data for all applicable contractors
- Document applicable contractor TCIR and DART rates in your annual VPP self-evaluation



APPLICABLE CONTRACTOR REQUIREMENTS

Applicable contractors play an integral role in your SMS. Establish a relationship with them to promote your SMS and encourage a safe and healthful work environment.

- Create a documented contractor oversight program, including provisions for:
 - Identification, tracking, and timely correction of uncontrolled hazards in contractor work areas
 - Removing a contractor or contract employees from the worksite for S&H violations
- Consider past S&H performance during the contractor selection process¹
- Correct identified hazards, including those created by subcontractors
- Ensure contractors are aware of your VPP status or pursuit
- Ensure contract employees receive S&H protection equal in quality to what you provide your employees
- Encourage contractors to develop and operate their own, effective SMS

During an OSHA VPP on-site evaluation, the OSHA team reviews your OSHA Forms 300 and 300A for the past three calendar years (includes nested contractor information).

OSHA also considers the safety performance of applicable contractors during the VPP evaluation process – this should already be included in your annual self-evaluation.

Ensure you have this information available to support the on-site visit.

SAFETY AND HEALTH TRAINING

There are expectations for contractor knowledge at a VPP applicant or participant site. During interviews, OSHA expects all contractors to know about: their rights, roles, and responsibilities under the [OSH Act](#); workplace hazards; how to recognize hazardous conditions; signs and symptoms of workplace-related illnesses; safe work procedures; how to report hazards and mishaps; and emergency procedures.

Contractors should also be familiar with any hazard controls or personal protective equipment needed to perform their jobs safely. In addition, nested contractors should know your S&H policies, goals and objectives, and OSHA VPP fundamentals.



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Reference [CSP 03-01-003](#) for additional information on VPP criteria pertaining to contractors.

For additional information on the SMCX's services, please visit the SMCX-hosted website at <https://smcscx.org/>.

¹ Federal worksites may be limited in the pre-screening process for contractors; think about alternative strategies to assure employee S&H protection in such instances.