

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

5.45 Employee Entry Into Worksites Suffering Structural Damage

(Updated) Date: June 15, 2011

I. Purpose

This directive establishes inspection procedures and enforcement policies related to employee entry into worksites suffering structural damage.

II. Scope and Application

This directive applies to all DOSH operations statewide. It replaces all previous instructions on this issue, whether formal or informal.

III. References

- WAC 296-800-11015, Prohibit employees from entering, or being in, any workplace that is not safe
- Chapter 296-155 WAC, Part S, Demolition

IV. Background

Heavy snowfall and rainfall can create structural damage to workplaces, leaving employers to address issues that are outside the normal scope of their work. Windstorms, earthquakes, floods and mudslides can create similar problems. When such events occur, employers subject to the Washington Industrial Safety and Health Act (WISH Act) frequently request guidance regarding activity by employees in buildings that have undergone significant structural damage, including roof collapse.

V. Enforcement Policies

- A. In accordance with WAC 296-800-11015, employers must prohibit employees from entering, or being in, any workplace that is not safe. Other standards provide more specific guidance regarding particular situations or activities. For example, Chapter 296-155 WAC, Part S, provides guidance regarding demolition activities. In any case, all employers have a duty of care under the WISH Act to prohibit employees from entering "any workplace that is not safe."

- B.** CSHOs are expected to advise employers, and others who inquire, that buildings suffering apparent structural damage must not be reentered by employees until:
- An engineering survey has been conducted by a competent person (structural engineer, local building inspector, etc.), **and**
 - All applicable local building authority requirements have been satisfied.

C. Citing Violations.

1. If CSHOs observe employees working in what appears to be a building or structure in which the structural integrity has been compromised or damaged in such a way that employees are in an unsafe workplace, a citation is to be issued only if the CSHO documents that either:
 - The damage was such that a person with the employer's level of knowledge could clearly be expected to recognize the hazard, **or**
 - That previous guidance has been provided to the employer regarding the hazard.
2. When CSHOs are unable to establish employer knowledge, then no citation is to be issued. However, CSHOs must advise the employer of the need to:
 - Immediately remove employees from the building, **and**
 - Suspend further work until the necessary engineering survey has been performed by a competent person, and all applicable local building authority requirements have been satisfied.
3. If an employer refuses to remove employees from a worksite suffering structural damage, an inspection should be conducted and appropriate violations issued.
4. CSHOs can issue an Order of Immediate Restraint whenever:
 - They can determine that employees are exposed to an imminent danger situation and the employer does not remove them from the building or structure.
 - The CSHO is not convinced that the employer will keep employees out of the building or structure until the necessary engineering survey has been performed by a competent person, and all applicable local building authority requirements have been met.

Approved: _____



Michael Silverstein, MD., Assistant Director
Division of Occupational Safety and Health
Department of Labor and Industries

For more information about this or other DOSH directives, contact the Division of Occupational Safety and Health at P.O. Box 44610, Olympia, WA 98504-4610, or call 360-902-5436. To review policy information on the DOSH website, go to: <http://www.lni.wa.gov/Safety-health/>.