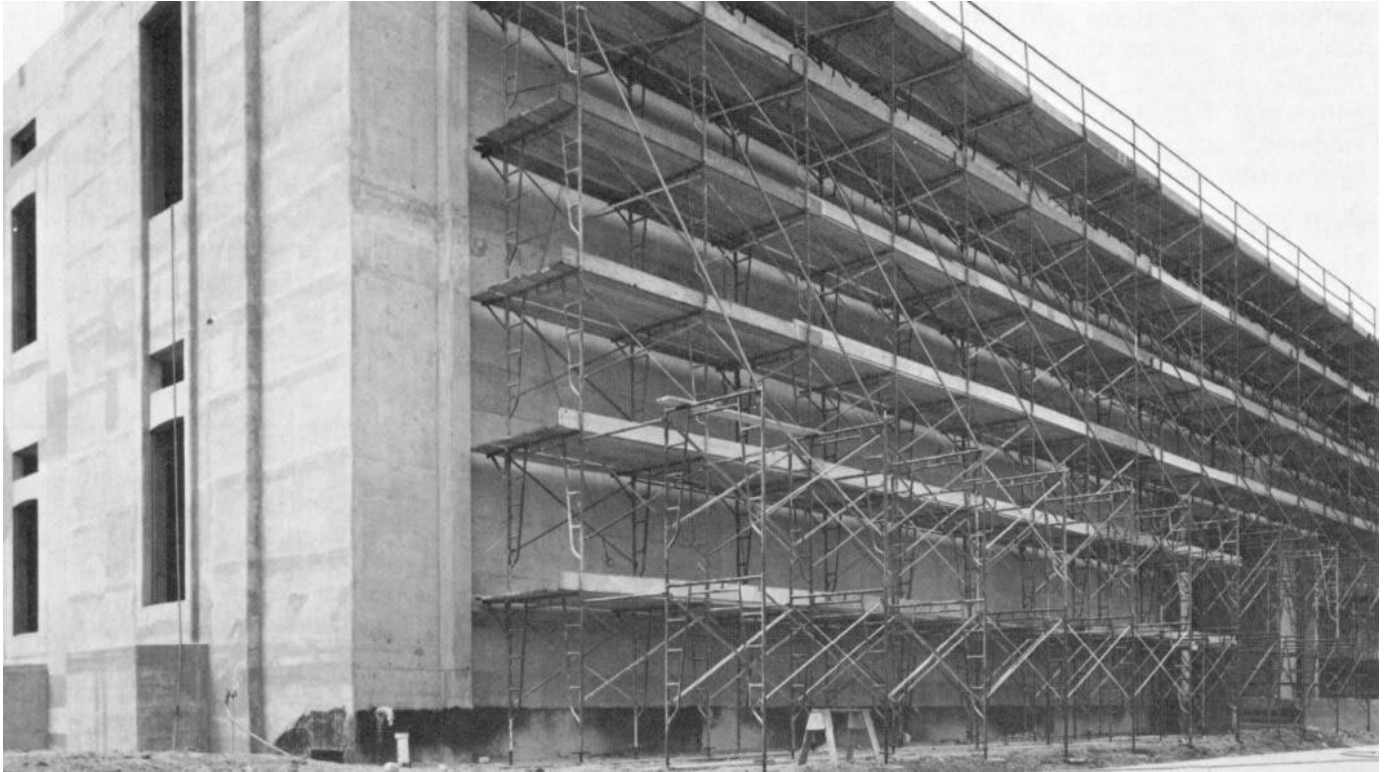


Through the Scaffold Maze

Accurate Planning of Your Scaffolding Requirements, Obligations Is Becoming Increasingly Important



The Forest Lawn Mausoleum in West Covina, California, presents a vivid example of the type of scaffolding expertise required to meet its particular "Free standing" job requirements, thus it was installed in an "Out-rigger fashion" by Southland Scaffold & Equipment,

Inc. To allow workmen to move freely across the entire length and height of the structure, solid planking and access ways were installed with uprights placed 7 feet on centers and toeboards included to meet the "heavy trades" category.

by **D. Victor Saleeby**

What is the "Scaffold Maze"?

The Federal Construction Standards defines a "scaffold" as "any elevated platform and its supporting structure used for supporting workmen or materials, or both." A "maze" may be defined as "a confusing, intricate network of winding pathways" or "a state of confusion or bewilderment."

The importance of scaffolding to the interior and exterior finishing systems contractor should not be minimized.

Whether it be a wall or a ceiling—whether it be interior or exterior—how much work can be accomplished without scaffolds? In the past, many contractors thought of scaffolding as a nuisance or just

a necessary evil—and by that attitude became contributory to the death or disability of an employee.

Although a few states have enacted strict safety laws in the past, it was not until passage of the William-Steiger Act (OSHA) that employers began to feel the importance of safety. The "importance" factor was achieved by the "teeth" in the new law—the mandatory fines imposed on employers who received citations.

Since employers have neglected to view scaffolds with the attention and importance due them in the past, they are now facing the problems of scaffolds in much the same way a mouse faces a maze in

some psychiatrist's lab. The "scaffold maze" is really a challenge, and contractors are faced with the problem of choices — decisions as to which direction to turn and which action to take.

A. Which Scaffold to Use — The first problem encountered is a decision as to which particular scaffold will do the best job in providing access for men and material to the various levels of work. "Sky hooks" are not available, but the scaffold industry has equipment which will serve the same purpose. There are stationery scaffolds, towers, rolling scaffolds, mobile work platforms which hydraulically raise and lower in a tele-

scoping manner or in scissor fashion. In addition, there are also many types of suspended scaffolds—some of which, when used in multiple tiers, will solve difficult access problems.

B. Technical Questions to Answer — What is the maximum weight the scaffold must support? Will it meet the load requirements for light trades, medium trades, or heavy trades? If it is a built up scaffold, consideration must be given to the maximum spacing of uprights, size and strength of planks, whether toeboards will be required, whether additional outriggers are necessary. The wind load must be taken into consideration—particularly where exterior scaffolds are enclosed or draped with materials to provide protection from over-spray as in plastering, sand-blasting, painting, etc.

C. Problems of Availability and Cost — Does the contractor own the particular scaffold best suited for the job? If not, which course offers the best advantage—purchase or lease? If he owns the equipment, he must consider how long the equipment will be tied up on the particular job. Will it short other jobs? Adequate scaffolds (particularly planking) can be a money



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maker, whereas, inadequate scaffolds will increase labor costs.

If he does not own sufficient equipment he must decide to purchase or lease. This is a major decision which should be weighed carefully. Leasing has many advantages. Use of a reputable company will assure the equipment being in proper condition and installed by experts. Large cash outlays will be eliminated; free capital for other business operations; reduce some liability exposures; avoid not only initial costs but the continuing costs of interest, depreciation, business inventory taxes, insurance, pilferage, storage, maintenance, and the

factor included in overhead for these additional items:

1. *Training programs for old and new employees, including special additional training for supervisory personnel.*
2. *Safety meetings with all employees.*
3. *OSHA record keeping and reporting.*
4. *“Down time” in the event a job or piece of equipment is “ted tagged.”*
5. *Lost production time during inspections.*
6. *Additional safety devices.*
7. *Cost of training personnel for sophisticated scaffold equipment.*

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labor and transportation costs for transporting the equipment to and from jobs.

On the other hand, he may choose the advantages of owning his own equipment. The chief advantage may or may not be cost—it may be the intangible such as pride of ownership.

It may mean the convenience of direct and instantaneous control over the scaffolds—with freedom to shift them from one location to another—or to make various combinations or changes on the job with a contractor’s own employees. In this case, however, it is crucial to maintain a staff of skilled workmen who can erect, dismantle, and maintain the scaffolds in accordance with OSHA rules.

D. Hidden or Overlooked Costs — For erecting or dismantling company owned scaffolds some states require permits. The responsibilities under OSHA laws are a cost factor in all operations as an employer, but they can be even more costly for scaffold functions. There should be a built-in cost

E. Legal Liability—the Greatest Potential Cost — The employer’s liability increases every year as state and federal legislators continue to write more stringent laws affecting safety and the rights and benefits of workers.

1. *Liability under Safety Laws—The mandatory fines imposed by OSHA for safety violations may not have caught up with many contractors yet, but from all indications they may sooner or later. Congress is embroiled over claims that the OSHA laws are not being properly enforced—on the claims by labor unions that the dollar amount of fines is so low it must indicate laxity in enforcement. Serious and willful violations of the safety laws may subject an employer to 6 months in jail or a \$10,000 fine or both.*
2. *Liability under Workers Compensation Laws—In some states, such as California, the employer is subject to additional liability in the event of a job injury to his employee which is found to be “serious and willful misconduct” on*

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the part of the employer. The employer is then required to pay an amount equal to 50% of the compensation awarded to the employee (up to a maximum of \$10,000) plus up to \$250 for expenses. This additional liability cannot by law be indemnified by any insurance carrier.

In a recent California case, a hearing officer raised the charge against an employer from "serious" to "serious and willful misconduct" based on the fact that on his permit for a shoring job the employer had

agreed to provide a safe place of employment for his employees, but failed to do so as evidenced by a job accident.

3. Liability for Civil Suits — The employer is exposed to even greater liability to civil suits due to the "serious and willful" provisions of safety and workers compensation laws. The claimant merely has to take into the court the results of a safety or compensation insurance hearing which found the employer in violation and his case is sure to win. Awards to workmen are being made in the million dollar and over figure in increasing numbers.

Additional exposure to suits by homeowners and the general public should be anticipated, not only from job related accidents but from product and equipment failure. Employers must consider the wisdom of spending a few more dollars to obtain adequate umbrella liability insurance.

This examination of some of the problems in "intricate network of winding pathways through the scaffold maze" would not be complete without a brief examination of the "maze" in its definition as "a state of confusion or bewilderment." The uncertainty factor is one which bears heavily on the scaffolding industry.

OSHA Interpretation and Enforcement — After four years of OSHA there is still lacking a clarification in many areas as to what a contractor is required to do in order to have a "legal" scaffold. The law contains ambiguities and contradictions. There are differences of interpretation and enforcement of the law—even by compliance officers working out of the same

office. The uncertainty is not only confusing and frustrating. It is inequitable.

When a contractor bids a job, the cost factor for scaffolding may mean the difference between getting or losing the job. What kind of scaffold installation will the competition figure in the job? If there is lack of uniformity in the interpretation or enforcement of OSHA laws in a particular area the bidding of work becomes a nightmare.

Uncertainty Due to Acts of Other Workmen — Alteration of scaffolds by other tradesmen on a job continues to be a major cost factor and one that requires constant vigilance due to the liability factor. There is also the problem of unauthorized persons using the scaffolds.

The Uncertainty of Workers' Attitudes — This is an uncertain cost factor. How to direct employee attitudes toward safety is becoming a major managerial concern. Even a conscientious workman will sometimes take chances in order to save time or simply because he feels the proper safety method or device is a nuisance.

Employers are more than ever finding it absolutely necessary to keep abreast of what is happening in the area of safety laws, court decisions, and accident prevention. Since a major part of all construction work is performed on scaffolds, employers must become more professional in their approach to their scaffold requirements.

If mice can be taught to solve the riddle of a maze, surely contractors can master the trip through the "scaffold maze" with a little experience!