



Level 3
Cooperative Compliance Partnership
agreement between



And

Legal Company Name
For the
Jobsite name/project/address

Minnesota Department of Labor and Industry
Occupational Safety and Health Administration
443 Lafayette Road N., St. Paul MN 55155
www.dli.mn.gov
osha.compliance@state.mn.us
(651) 284-5050

Terms and conditions

[Company name](#) and MNOSHA enter into this Cooperative Compliance Partnership, a construction safety and health partnership, with full understanding of all terms and conditions hereby set forth in this agreement.

Participation criteria

All participating contractors must meet the following criteria.

1. Employers can apply for participation in this partnership program for construction projects projected to last a minimum of six months, but fewer than 18 months. Project type is not restrictive (can include residential projects) and participation will be available for smaller contractor businesses.

Note: For those construction projects projected to last 18 months or more, the employer can request participation in MNOSHA Workplace Safety Consultation's Minnesota Safety and Health Achievement Recognition Program (MNSHARP).

2. The contractor must be an active participant in one of the following Minnesota OSHA Compliance construction partnerships for a minimum of one year:
 1. Associated General Contractors of Minnesota, Construction Health and Safety Excellence (CHASE) Minnesota program as at least a **Level 2** participant; or
 2. Minnesota Chapter of Associated Builders and Contractors (MN ABC) program as at least a **Level 2** participant.
3. The contractor will provide a list of all subcontracting employers to MNOSHA that will be working on this site.
 - a. Subcontracting employers may be placed under enforcement during this project if they are **not in good standing** with MNOSHA, which may include a history of MNOSHA violations involving repeat, willful or failure to abate citations within the past five years.
 - b. Subcontractors that have a fatality/catastrophe or serious injury inspection where MNOSHA issues one or more willful, repeat, or FTA citations based on a serious violation that caused or contributed to the death or serious injury of an employee or to the catastrophe (3 or more employees hospitalized) and all egregious cases may be placed under enforcement during the project.
 - c. Subcontracting employers will be reviewed by the Department of Labor & Industry Divisions including: Workers Compensation, Construction Codes and Licensing, MNOSHA and Labor Standards for failure to provide abatement, history of payment problems, failure to provide an address or other unresolved issues. If these items are not resolved the subcontractor will be placed under enforcement with MNOSHA during the project.
 - d. A system must be in place to identify each contractor on site, including second, third, etc., tier contractors to ensure MNOSHA and the General Contractor are aware of each actual contractor performing or responsible for work on site and to ensure all employees complete the initial safety orientation.

Note: Although individual subcontracting employers may fall under this criterion and may receive traditional enforcement inspections, their poor MNOSHA history will not independently function to eliminate a partnership-focused inspection for the other site employers. If the contractor or subcontracting employer meets the Severe Violators Enforcement Program criteria the Level 3 partnership will be terminated.

4. The contractor must immediately correct any serious hazard found during the course of any MNOSHA compliance assistance site visit; MNOSHA will disqualify any employer that fails to do so.

5. The general contractor will be expected to work with the Level 3 contractor (if the general and Level 3 contractors are different) in mentoring the tiered contractors working on the jobsite. Mentoring expectations will consist of making sure the mentored contractor takes the following actions:
- Sets the example for individual self-direction and personal ownership in safety and health, and ensuring their employees take it out to the field, holding all employees accountable and making safety everyone's responsibility.
 - Attends daily and/or weekly project meetings where safety is the first agenda item discussed. Discussion will include how the workforce is reminded daily of the importance of safety including near-misses, hazards, incidents and mitigation plans to address trends.
 - Sets the same measurable and meaningful project safety goals as the general site contractor and participating contractor are expected to maintain.
 - Participates in any applicable safety site surveys and or audits.
 - Provides feedback to the general contractor and/or participating contractor regarding what they have taken away from the project from one another and what they will take with them to their next project.

Complaint investigations

This partnership provides for immediate response to each allegation of a serious safety or health hazard brought to its attention by any person, regardless of the source of the allegation. Upon finding that an allegation is valid, the employer **that created the hazard** shall promptly abate or mitigate the hazard.

Nonformal complaints filed under the Minnesota OSH Act: A copy of each nonformal complaint related to work being performed at the site and filed with MNOSHA will be forwarded to [Company Name](#) site office. In accordance with applicable laws, the name of a complainant requesting confidentiality will not be revealed. [Company Name](#) agrees to investigate the nonformal complaint and provide MNOSHA with a written response as soon as possible but not in excess of the timetable that follows below:

- complaints alleging imminent danger shall be investigated immediately and a verbal response dispatched within one hour, followed by a written report within two hours;
- complaints alleging a serious hazard, four hours; and
- complaints alleging an other-than-serious hazard, three calendar days.

Failure to meet these time requirements will place the complaint outside the scope of this partnership.

Formal complaints filed under the Minnesota OSH Act: Formal complaints will be outside the scope of this partnership and MNOSHA will respond as required by regulation.

Accident investigations

Employers engaged in this partnership recognize MNOSHA will continue to fully investigate accidents involving death or serious physical harm. These investigations will be conducted outside this agreement, in accordance with normal enforcement practices. Violations related to the accident may result in the issuance of citations and penalties. Unrelated safety and health concerns that are corrected immediately will fall under this agreement. Further, employers engaged in this partnership must report all recordable injuries and illnesses to MNOSHA within eight hours.

Procedure

MNOSHA will conduct frequent safety and health site surveys (at least monthly) and maintain records of these visits. These visits shall be conducted in a cooperative manner with [Company Name](#) and all subcontractors. [Company Name](#) agrees to exercise control over any recognized site safety or health hazard to eliminate the potential for injury or illness in accordance with contractual and business practice limitations. No citations (including controlling-employer citations) or proposed penalties will be issued to [Company Name](#) for alleged violations of a MNOSHA standard, provided compliance with the terms of this partnership is achieved.

If [Company Name](#) subcontracting employers qualify by having met the participation criteria, then they will be included in this partnership. If any site employer does not meet the aforementioned criteria, then inspection of their work and safety performance shall proceed in accordance with the traditional approach using established guidelines for comprehensive inspections.

Partnership site surveys shall be conducted as focused inspections concentrating primarily on the four groups of hazards that account for the most fatalities and serious injuries in the construction industry: falls; electrical hazards; caught in/between hazards (such as trenching); and struck-by-hazards (caused by materials-handling equipment and construction vehicles). However, during the course of the focused inspection, violations may be proposed for any serious hazards that are not abated immediately. Nonserious hazards, which are abated immediately, as observed during the site visit, are noted in the case file and not cited.

MNOSHA agrees to conduct scheduled site visits in the presence of [Company Name](#)'s safety director or designated site representative. This is with the understanding that the safety director or site representative will make herself or himself available on short notice, within one day of the site visit. (MNOSHA agrees to make appointments for site visits with [Company Name](#) one day in advance of a visit.)

There will be an initial site walk through to familiarize MNOSHA with the project layout, schedule and potential for safety-sensitive tasks during the project life cycle. MNOSHA shall make the determination about when site visits are most appropriate. It is an expectation of this partnership that there is constant communication between the safety director for [Company Name](#) and MNOSHA that may include daily, weekly and/or monthly site activities; overall project schedule; and the safety director's schedule for efficient and meaningful site visits.

This agreement is for the sole benefit of the parties hereto and is not intended or meant to create any third-party beneficiary rights in any other person or entity. Either party may serve written notice to the other party to terminate this agreement at any time.

Quarterly partnership meetings

MNOSHA will facilitate quarterly partnership meetings for those employers participating in this program. These meetings will be in a roundtable format with participating employers sharing those safety and health best-practices they have learned from this partnership experience. All Level 3 participating contractors will participate in these meetings.

Memorandum of understanding between

Minnesota Occupational Safety and Health Administration
(MNOSHA)

And

Company Name

Jobsite name

Date

Whereas, the management of [Company Name](#) is committed to upholding the terms and conditions set forth in this agreement, thereby playing a leadership role in improving the health and safety for employees during the construction of the [Jobsite Name](#).

Whereas, the Minnesota Department of Labor and Industry believes a safer and healthier workplace can be fostered for employees by having joint cooperation as prescribed within the terms and conditions set forth in this agreement.

Therefore, [DLI/MNOSHA representative, title](#), and [Company representative, title for company name](#), are today creating a Cooperative Compliance Partnership for the [Jobsite Name](#) project.

By meeting the criteria set forth in the terms and conditions and by the signing of this agreement, [Company Name](#) and participating subcontractors have pledged a commitment to occupational safety and health that qualifies them for this program with Minnesota Occupational Safety and Health Administration (MNOSHA). As partners in the enterprise of protecting the safety and health of workers, and in accordance with this agreement, any MNOSHA cooperative compliance inspection will be conducted in accordance with this agreement. In entering into this agreement, the parties are expressing their commitment to the occupational safety and health of employees in the state of Minnesota.

Participating contractor

DLI Workplace Safety Manager

MNOSHA Partnership Director