



OSHA'S MULTI-EMPLOYER WORKSITE DOCTRINE: A FACT SHEET

What It Is: The [Multi-Employer Worksite Doctrine](#) is an Occupational Safety and Health Administration (“OSHA”) policy that allows for more than one employer at a worksite to be cited for a hazardous condition that violates an OSHA standard. It applies across industries to all multi-employer worksites, and means that employers can be cited for hazardous conditions even if they did not create the hazard and even when their own employees were not exposed to the hazard.

History: The doctrine originated in the 1970s, right after OSHA came into existence. OSHA used the doctrine at first to issue citations to general contractors who exercised control over worksites, as well as employers who created hazards for other employees. Shortly after OSHA started issuing citations to employers on multi-employer worksites, employers started challenging application of the doctrine in the courts. While certain legal decisions questioned application of the doctrine, at this point every circuit court has recognized OSHA’s authority to issue citations to multiple employers for the same hazardous condition.

Who It Applies To: The doctrine applies to all employers at a worksite where two or more entities are performing tasks that contribute to the completion of a common project – such as a residential home construction project. A home builder who self performs no work on a job (i.e., subcontracts all work on a project) is still potentially liable for hazardous conditions under the doctrine.

How It Works: When OSHA finds a hazardous condition on a multi-employer worksite, it follows a two-step process to determine who to cite if an OSHA standard has been violated:

FIRST, OSHA determines whether the employer is a creating, exposing, correcting, or controlling employer. An employer can fall into more than one of these categories.

A citable creating employer causes a hazardous condition that violates an OSHA standard, such as failing to cover drums of chemicals in its factory that expose either its own or other employees at the worksite to a hazard.

A citable exposing employer knows of or failed to exercise reasonable diligence to discover a hazardous condition, and failed to take steps to protect its employees from the condition. To avoid a citation, an exposing employer must either: (1) correct a hazard if it has the authority, or (2) if it does not have authority, ask the creating or controlling employer to correct the hazard, inform its employees of the hazard, and take reasonable alternative protective measures (which can include removing its employees from the job).

A citable correcting employer is engaged in a “common undertaking” on the same worksite as the exposing employer, and fails to exercise reasonable care to prevent or discover a hazard when it has a duty to do so. This usually occurs when the correcting employer is responsible for installing or maintaining safety/health equipment or devices, such as a carpenter erecting guardrails on another employer’s property.

A citable controlling employer fails to exercise reasonable care and has general supervisory authority over a worksite, including to correct safety/health violations itself or require others to correct them, such as a general contractor who hired and has full contract authority over an electrical subcontractor. Reasonable care generally requires periodic inspections of the worksite, and can be demonstrated by implementing a system for correcting hazards and enforcing a safety and health compliance program.

SECOND, OSHA determines if the employer met its obligations as a creating, exposing, correcting, and/or controlling employer. If the employer has not met those obligations, it can be cited.

What It Means For You: You can be cited for hazards you did not create at a worksite, or for hazards to which your employees were never exposed. In short, your duty to identify and remediate hazards at a worksite probably goes further than you think it does. Review this Toolkit for more information and best practices.