

## Challenges of Implementing a U.S. Safety and Health Program In the International Construction Market

### Introduction

Sustaining high levels of safety and health performance on construction sites in the United States is challenging. These challenges become more complicated when attempting to execute construction work in unfamiliar countries while trying to utilize U.S. centric programs. Cultural differences, regulatory inconsistencies, and language barriers are three common issues that need to be addressed when undertaking such a task. One may ask if trying to develop a program based on a typical U.S. model should even be considered. Arguments can be made in either direction, but based on recent experiences in various locations throughout the world, modified U.S. models can work.

This paper explores the challenges and rewards of implementing U.S.-style safety and health programs on several construction sites located in various parts of the world. The reference to "U.S.-style" does not imply that U.S.-based safety programs are superior or any more effective than programs developed in other locations, but demonstrates how a U.S.-based company has adjusted their model to fit the needs of diverse workforces and clients in a global construction market. Programs that are documented, compliant, descriptive, and more importantly effective, have no boundary or claim to a single body of land.

Opening one's mind to the unique perspectives of multinational cultures and learning new techniques, theories, systems, and approaches can only improve results. When working in unfamiliar territory, there is a natural tendency to operate in a fashion that is familiar and comfortable. This practice can result in unnecessary conflict and may impose barriers. Transferring information, best practices, and implementation skills goes both ways. This paper will focus on various subjects related to setting up construction projects in foreign countries.

### Understand Your Client and Your Scope

U.S.-based companies that enter into foreign markets do so to achieve a greater market share with an end result of increasing revenue and profit. Opportunities and capabilities dictate where a company will venture. Assuming that these two precursors are accounted for, the next step is to start to define your scope of work. Clients seeking engineering and construction services, regardless of continent or country, have different expectations. Understanding these expectations becomes one of the most critical tasks when developing a scope of work and ultimately, a contract.

For example, a business opportunity was presented in a foreign country where the client wanted to build a power plant. This opportunity fit into the company's profile and they did have capability to design and build the plant in the specific region. Engineering could be performed in one country, procurement could be executed out of another, and construction contractors were capable and available regionally.

As the negotiation continued, the details were being worked out with few problems. Currency differences were hashed out, payment terms were agreed, legal matters were handled, insurance could be obtained, etc. Safety execution, during construction, was placed on an

agenda and the discussion commenced. The client stated clearly that safety on the construction site was the sole responsibility of the contractors.

The contract was being negotiated in a fashion where the client would have contractual relationships with the contractors and the engineering/construction company would act as the construction manager, on behalf of the client. In the U.S., typical construction management contracts are often times negotiated where the construction manager leads the construction safety and health program. The written safety program is developed by the construction manager, placed into the contracts with the contractors, and is managed in the field by the construction manager.

This mode of execution, related to safety, perplexed the client. They could not understand why the construction manager would want to be involved in managing safety. As the discussion continued, the construction manager explained how work was typically performed and that safety issues touch all that are associated with construction work. It was explained that to avoid such problems and all the associated impacts on projects, a well-developed safety program needed to be developed, communicated, and executed. The client still did not understand.

Taking a different approach, the client was asked what liabilities (legal, regulatory, or otherwise) could be expected if the site experienced a catastrophe or fatal accident. Without hesitation, the client made it clear that there was no liability. Governmental safety regulations were weak, vague, and un-enforced. Lawsuits were not an issue due to the anti-litigious nature of the country. The only concern was the loss of productivity due to the accident, but yet again, the contractor bore that burden.

After more questioning about safety and health execution, it was clear that the client did not share the same views as the construction manager about safety performance on this job. All they wanted was their plant to be built as cost effective and as soon as possible. Several contract provisions could be used to spur schedule along in the event of an accident. In their view, there was no need to develop a safety program, staff with safety professionals, or report on safety performance. With this knowledge, the company had to re-think how they wanted to execute the project or decide whether or not they wanted any involvement at all. Ultimately, the correct decision was made which was in line with the company's values.

When learning about a client, understanding their culture and their values is extremely important. Not all companies value life with the same exuberance. This may be internally driven or culturally driven based on geographic location. Asking, what may be considered basic questions about safety, could lead to surprising answers. Ask the questions. If you determine that your values match, it's time to go to the next step.

### **Transferring Skills and Knowledge**

A key consideration when developing a relationship with a client is your ability to properly communicate your intentions as well as abilities. In most instances, your client is looking for you to provide not only technical expertise, but also transfer skills and knowledge into their organization. This is a value proposition that may be the differentiator on whether or not you are successful at winning the work. Often, the skills and knowledge transfer is overlooked in the incipient stages of discussion with a client. This can be a significant opportunity missed.

As an example, a client was in need of engineering, procurement, and construction management services for a large solar field in a remote location. The client was aware of the

company's ability to provide these services, but was unaware of their ability to work with the client team on skills and knowledge transfer. The proposal team, being diligent client activists, explained to the client the benefits of knowledge transfer and how they would benefit by having expertise in house. The client was a bit confused by this discussion due to the appearance that the company was possibly hindering future work opportunities. In a short sided view, the potential to miss future opportunities is a concern, but through a longer term vision, demonstrating the ability to provide skills and knowledge transfer opens the potential for more opportunities. Skills and knowledge transfer is not easy. It takes time, patience, and commitment, from both sides, to work.

### **Developing the Safety Program**

In this paper, the term "safety program" is used with frequency. The term "safety management system" is becoming more prevalent in describing the encompassing approach to managing safety. It is understood that a safety management system has a broader scope that incorporates more variables than just written programs. For the sake of being simplistic, safety program will continue to be used.

First, it must be determined if the client wants to include any of their safety program elements into the construction safety program. If so, one must review the relevance of the input and determine if it adds value and where it fits. Again, understanding the expectations of the client is the key. If they want to take a back seat and let the construction company develop the material, do not hesitate. If they want inclusion, then be inclusive and welcome their input. Regardless of the approach, the client must be given an opportunity to participate and provide input.

Ask for the materials and perform a thorough analysis. If there are similar items note them. If there are new items that appear to have value, do the same. After the review is complete, hold a meeting with the client and discuss the similarities and differences. Explain how you can incorporate a certain element or requirement into the construction safety manual and make it work for the project. Start with the positives to build trust and acceptance then tackle the controversial topics. If there are items of little value, explain to the client your rationale or how other program elements meet the perceived need.

Typically, clients that wish to build facilities do not have the expertise, experience, or desire to manage the work themselves. In most instances, their expertise is related to operating the facility, not building it. Safety programs for operating facilities vary greatly from safety programs focused on construction. Sharing some of the basic differences with your client may be beneficial throughout the program development process. Trying to make a construction safety program fit into an operating plant model does not work.

Be careful during this process. There may be legal or regulatory reasons why certain elements should be part of the overall program. A thorough review of applicable governmental regulations is in order. If this is your first experience in the country, seeking local legal/regulatory assistance is a good investment. First, it provides expert advice from an entity that specializes in and understands the laws and regulations. Second, it shows the client that you have done your homework. Developing trust is a building process. Little efforts do not go unnoticed and build strong relationships. You will need trust as the process continues.

During program development also consider including regulatory agency assistance. Depending on the location, reaching out and including regulatory agencies is often a good practice. Building trust and a team approach with regulators upfront can have positive impacts throughout the

project. Having contacts and knowing the faces and names of regulators often results in more productive, less confrontational interaction later. When considering this approach, rely on the advice of your local legal counsel or a consultant. For a wide variety of reasons there may be occasion where this is not the best approach.

## **Contractor**

In most cases, regional/local contractors will have to be used. Again, assuming that regional/local contractors have been identified and vetted, their inclusion into the overall scheme as early as possible is vital to success. Programmatic development should be completed or near completion at this stage in the process, so their review and comment on the material, is the next step.

When planning execution strategies, contractor input is sought for a wide variety of reasons. Schedule and cost typically are at the top of the list of priorities, as should safety and health. The insertion of safety on agendas when meeting with potential contractors is often overlooked early in the negotiation stage. This opportunity cannot be missed to insure that contractors align with your, and the client's expectations and philosophies.

Typical pre-qualification information can be collected from contractors that can dictate "go or no go" candidates. Such criteria include; their safety and health program, safety and health statistical performance, regulatory history, training protocols, qualification of safety staff, etc. As there are many variables in the evaluation process, learning what criteria have value, in the region, is part of the process. Again, relying on past experiences or local expertise (legal or otherwise) is a good starting point. Once you have figured out which metrics have value, then you can build your model from there.

When contractors are properly evaluated and it has been determined that you are all on the same page, work sequencing and associated planning becomes much easier.

## **Labor Considerations**

Relying on your regional/local contractors for labor insight is the first step in learning of any potential labor impacts. Work rules, hours of work, holiday schedules, jurisdictional issues, etc. are just a few considerations that need to be accounted for prior to scheduling and planning the work in detail. Taking the time to understand the nuisances of the region is valuable and could save heartache later. Some countries have very specific and detailed labor laws that are descriptive and well documented, where other are not as clear. Your diligence in researching the unknowns and relying on the relationships with the client and contractors to enlighten you is well worth the effort.

Prior to starting actual construction work, meeting with local labor officials is highly recommended. This provides an opportunity to get to know and develop relationships with labor officials. Defining the scope of work, advising on labor force needs, skills, qualifications, etc. are critical to starting with success. If there are labor shortages or deficiencies in certain craft areas, these can be identified and addressed. It is suggested that these meetings include labor, client, contractor, and construction manager representatives. Do not forget to include the lead safety professional in these meetings. Safety topics should be on the agenda and discussion encouraged amongst the group. Focusing on safety aspects of the work, in this forum, sends a clear message to all, the importance of safety on the project. As relationships develop and trust is earned, issues can be handled in a productive and reasonable manner.

## **Project Indoctrination/Orientation**

Regardless of location, performing jobsite indoctrinations/orientations is a must. It is suggested that the construction manager perform the initial indoctrinations for all craft in an attempt to welcome everyone to the project with the same message. Craft will be interested in knowing as much about the project as possible and will generally appreciate learning about the client and construction manager. Client participation in the indoctrination process is also encouraged. Providing the client's perspectives on the project and focusing time on safety and health sends a strong message to the workforce.

The rest of the time can be spent on providing as much information about work rules, processes, and procedures that are specific to the craft. Contractors will still be responsible for their craft training and orientation, but spending an hour or two with everyone as they arrive on site will benefit the project overall. The terms "Golden Rules" or Cardinal Rules" are often used in many parts of the world to describe the most critical rules that apply to an organization or project that are not tolerated. For example, violations of lockout-tagout procedures, or violating fall protection rules, are often components of "Golden or Cardinal Rules". Communicating the "Golden or Cardinal Rules" in this forum is a good starting point when attempting to set the appropriate level of safety expectations on a project. Various signs, banners, or other forms of visible communication relating to them are often very effective. As with any set of rules, how well they are enforced with consistency and fairness will dictate how well they are followed.

Craft should leave the indoctrination process with a copy of the site safety and health rules, a copy of the "Golden or Cardinal Rules" and a better understanding of why they are there. As they start the contractor orientation process, they should understand more about the client and construction manager and have a basic knowledge of the chain of command structure on the job. The construction manager must make it a frequent practice to audit and evaluate each contractor's orientation process. If deficiencies are found, they must be addressed immediately to insure that the craft understand the expectations that they will be held accountable.

Language barriers must be addressed and planned for prior to starting craft hiring. There is no value in someone sitting through an indoctrination program if they do not understand what is being said. It is suggested that trainers be multilingual (where applicable) and that safety staff have capabilities to either speak the language or be provided with an interpreter. Learning the local language is highly recommended and will not only bridge communication barriers, but assist in building trust and relationships.

## **Communication Barriers Beyond Language**

Language barriers need to be understood and addressed, but one must also keep in mind that there are different definitions associated with words, terminology, phrases, and lingo. This fact is often overlooked as a potential problem until errors occur. It is advisable, during discussions, to ask your audience if the question or point you are trying to make is understood. Do not hesitate to ask for clarification or have individuals reiterate back to you their understanding. Naturally, one may be hesitant to go through such a process for fear of offending their audience. If the process is explained and understood by all participants, this practice should become acceptable and standard. You may be surprised how far off the intent of your message is often perceived.

For example, on a project in a country that is fanatical about soccer, the term "red card" had two distinct meanings based on the audience. Employees from a U.S.-based company used the

term “red card” to describe the severity level of a safety violation. When a “red card” offense was encountered, the intent was to stop the work operation, investigate, and correct the situation. Based on the severity of the event, disciplinary action would result in accordance with prescribed methods outlined in the labor agreement and project safety manual. Local employees viewed a “red card” as an event that immediately resulted in personnel being removed from the project, no questions asked. Their perception was based on what happens in a soccer match when a referee “red cards” a soccer player, immediate removal from the match.

When the first “red card” infraction was encountered and the “red card” terminology was used, confusion and conflict was the immediate result. After lengthy discussions that included contractor management, local labor officials, the client, as well as the construction manager (U.S.-based company), it was finally understood that there was a misunderstanding about terminology. The issue was resolved, but could have been avoided through proper review and verification that everyone understood.

## **Conclusion**

The topics discussed in this paper touch a wide variety of issues, but focus heavily on the front end work associated with project development and planning. Without thorough pre-planning, success during the construction phase becomes more complicated. How a project is planned, along with the success/failures during initial mobilization, often dictate the overall success of a project. Since you can only correct failures that have already occurred, focusing time, resources and attention in the initial stages of the project to prevent them is time well spent.

Most elements of U.S.-based safety programs will work in a wide variety of settings as long as they are adapted for the area. Forcing what is comfortable to your organization into other cultures will not likely bring success. Having an open mind and willingness to learn about other regions, customs, and cultures is the key element in developing relationships with your clients, contractors, regulators, and labor officials regardless of location. Continually reminding yourself that you are a guest in a foreign land helps put this into perspective. As ambassadors for our companies, and often times our countries of origin, how we adapt dictates perceptions that will last long after the project is completed.

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