OSHA's Multi-Employer Citation Policy

What Every Construction Employer Must Know

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When OSHA arrives at a construction jobsite, most employers assume that only the company whose employee was injured — or whose crew created the hazard — will be cited. This assumption is wrong, and it is costly.

Under OSHA's Multi-Employer Citation Policy (CPL 02-00-124), more than one employer on a shared worksite can be cited for the same hazardous condition. A general contractor can be cited for a subcontractor's violation. A subcontractor can be cited for a hazard it did not create. Even an employer whose own employees were never exposed to the hazard can receive a citation.

Understanding this policy is not optional — it is essential for every construction employer operating on shared jobsites. This whitepaper breaks down how OSHA's multi-employer citation framework functions, what each employer's obligations are, and what steps you can take to protect your company from unexpected citations.

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Introduction

OSHA's multi-employer citation policy applies to all industry sectors, but is most frequently enforced in construction. Citations can be issued to multiple employers simultaneously for the same hazardous condition.

About Multi-Employer Worksites

A multi-employer worksite is any location where two or more separate employers are performing work that contributes to a common project. This is the everyday reality of construction: a general contractor oversees a project while multiple subcontractors — electrical, plumbing, structural, roofing — perform their respective scopes of work simultaneously.

OSHA does not rely on a rigid definition of what constitutes a multi-employer worksite. Instead, its compliance officers evaluate the job tasks performed by each employer and apply a two-step analysis to determine which employers may be cited for any given hazardous condition.

The Two-Step Citation Analysis

Before issuing a citation on a multi-employer worksite, OSHA compliance officers must follow a structured two-step process:

1 What is the employer's role?

Is this employer a Creating, Exposing, Correcting, or Controlling employer?

An employer may hold more than one role simultaneously.

2 Did they met their obligations?

Did the employer take sufficient actions to fulfill the safety responsibilities that come with its role? If not, a citation may be issued. The extent of the obligations vary depending on the employer's role. Importantly, this policy does not create new duties — it clarifies how existing duties under the OSH Act apply across multiple employers sharing a worksite.

4 Employer Roles

At the heart of OSHA's multi-employer citation policy are four distinct employer roles. Each role carries specific obligations and a different level of citation risk.

1 Creating Employer

The employer that caused the hazardous condition that violates an OSHA standard.

Citation Risk
Citable even if only other employers' employees are exposed to the hazard it created.

2 Exposing Employer

An employer whose own employees are directly exposed to the hazardous condition.

Citation Risk
Citable if it knew (or should have known) of the hazard and failed to protect its workers.

3 Correcting Employer

An employer on-site responsible for correcting a hazard, such as installing or maintaining safety equipment.

Citation Risk
Citable if it fails to exercise reasonable care in discovering and correcting violations it was responsible for.

4 Controlling Employer

An employer with general supervisory authority over the worksite and the power to correct violations or require others to do so.

Citation Risk
Citable for failing to exercise reasonable care to prevent violations — including subcontractor violations.

The Creating Employer

The creating employer is the employer whose actions or inactions produced the hazardous condition. They can be cited regardless of whether any of its own employees were exposed — if the hazard affects other onsite workers, liability still applies.

EXAMPLE

A factory operator fails to cover chemical drums despite a servicing contractor's repeated requests. Airborne levels of the chemical exceed the Permissible Exposure Limit. The factory operator is the creating employer and is citable, even though none of its own workers were exposed.

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The Exposing Employer

The exposing employer is any employer whose own employees face the hazard. If the exposing employer also created the violation, it is citable as a creating employer. If another employer created the hazard, the exposing employer is still citable if it:

- Knew (or failed to exercise reasonable diligence to discover) the hazardous condition, AND
- Failed to take steps consistent with its authority to protect its employees.

If the exposing employer lacks authority to correct the hazard, it must still ask the creating or controlling employer to fix it, warn its employees, and take all reasonable protective measures available. In imminent danger situations, the exposing employer may even be required to remove its workers from the site entirely.

EXAMPLE

A subcontractor's crew works near an unguarded floor opening they have no authority to guard. The sub repeatedly asks the plant operator to install guardrails, but the request is refused. The sub provides no personal fall protection for its workers. **Result:** the subcontractor is citable as an exposing employer for failing to provide alternative fall protection, even though it didn't create the hazard.

The Correcting Employer

The correcting employer is an employer that has been assigned responsibility for correcting a specific hazard on the shared worksite — typically an employer contracted to install or maintain safety equipment such as guardrails, fall arrest systems, or ventilation controls. A correcting employer must exercise reasonable care in both preventing and discovering violations within its area of responsibility. Whether a correcting employer is citable hinges on whether it took appropriate actions given the nature and frequency of the hazard.

EXAMPLE

A carpentry contractor is hired to install and maintain guardrails across a 15-story project. It inspects all floors twice daily and responds immediately to damage reports. A guardrail is accidentally damaged after the afternoon inspection and before the next morning's check. OSHA arrives before the morning inspection. The correcting employer is not citable — it exercised reasonable care given the scope of the project.

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The Controlling Employer

The controlling employer role is the one most likely to surprise general contractors. A controlling employer is any employer with general supervisory authority over the worksite — including the power to correct violations itself or to require others to do so. This authority may be established by contract or simply by how control is exercised in practice.

General contractors almost always qualify as controlling employers. This means GCs can be cited for hazardous conditions created entirely by their subcontractors — even when no GC employees were near the hazard.
The controlling employer's duty is to exercise "reasonable care" to prevent and detect violations. Importantly, this standard is lower than what is required of an employer protecting its own employees. OSHA considers several factors when evaluating reasonable care:

- The scale and complexity of the project
- The nature and pace of the work, and how hazard types change over time
- The GC's knowledge of the subcontractor's safety history and compliance record
- Whether the GC has worked with the subcontractor before

A GC that has worked successfully with a subcontractor for years and sees consistent compliance may conduct less frequent inspections. A GC that has identified prior violations by a subcontractor must increase oversight and take active corrective steps.

EXAMPLE

In Secretary of Labor v. Fama Construction (2023), a GC was found liable for its subcontractor's violations. The GC had stopped conducting worksite safety inspections — likely to distance itself from responsibility. The court found this decision actually increased its exposure, because stopping inspections constituted a failure of the reasonable care duty.

OSHA Compliance

Keep Everyone Safe on the Job

Understanding the four employer roles is one step towards compliance. The more critical question is: **What can your company do to not only fulfill its obligations and avoid citations, but also ensure every employee returns home safely each day?** The answer varies by role, but there are proven practices that apply broadly to any employer operating on a shared jobsite.

1 For General Contractors

(Controlling Employers)

- Conduct regular, documented worksite inspections — frequency should be calibrated to the size of the project, the nature of the work, and the subcontractor's history
- Include explicit safety compliance requirements in all subcontracts
- Implement a graduated enforcement system: verbal warning, written warning, work stoppage, contract termination
- Hold regular safety meetings with all subcontractors and document attendance and topics covered
- Do not stop inspections to avoid liability — courts have found this increases exposure
- When violations are identified, follow up in writing and verify correction

2 For Subcontractors

(Exposing Employers)

- Report hazards created by others to the controlling employer in writing and keep copies
- Warn your own employees of known hazards and document those communications
- Provide all feasible alternative protective measures for your workers when you cannot directly correct a hazard
- Never assume that because you didn't create the hazard, you have no responsibility

3 For All Employers

- Maintain a strong safety record — your Experience Modification Rate (EMR) reflects your history and affects your premiums, bonding capacity, and ability to win bids
- Develop and implement a written safety program — documented programs demonstrate organizational commitment to safety
- Train all employees, including new hires, on site-specific hazards before work begins
- Keep records of all safety activities: inspections, trainings, corrective actions, and communications

BUSINESS CASE

A strong safety program does more than protect workers from injury — it protects your company from OSHA citations, lowers your workers' compensation premiums, reduces your EMR, and directly improves your ability to win contracts and secure bonding.

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OSHA sets the floor.
You set the ceiling.

Take safety beyond the standard by contacting us at 888-403-6026!

Lancaster Safety Consulting specializes in helping construction employers navigate the complexity of OSHA compliance — including the multi-employer citation landscape. Our team of experienced safety professionals works directly with general contractors, subcontractors, and construction managers to build the systems and documentation that protect your company before an OSHA inspector arrives.

Onsite Hazard Inspections

Lancaster Safety conducts thorough jobsite inspections that document unsafe acts, hazards, conditions, as well as best practices. Actionable corrective action steps are discussed before OSHA finds them first.

Written Safety & Health Program Development

Our consultants develop customized, OSHA-compliant written safety and health programs tailored to your scope of work, including multi-employer worksite protocols and subcontractor management procedures.

Safety Training

We provide OSHA training for workers and supervisors, including training on multi-employer responsibilities, new hire safety orientation, and hazard recognition.

OSHA Consulting

From subcontract language review to EMR reduction strategies, our consultants help you build the documentation and processes that demonstrate reasonable care under OSHA's multi-employer policy.

Key Takeaways:

OSHA's multi-employer citation policy means that every employer on a shared jobsite carries safety responsibilities that extend beyond their own crew. The general contractor who fails to document its oversight of subcontractors. The subcontractor who sees a hazard and says nothing. The correcting employer that doesn't follow up on repairs. Each of these employers is at risk.

The good news is that these risks are manageable. A proactive safety culture, documented inspection processes, strong subcontract language, and regular training are all within reach — and they are exactly the kind of evidence OSHA looks for when determining whether an employer exercised reasonable care.

Lancaster Safety Consulting is here to help you build that foundation.

Source: OSHA Directive CPL 02-00-124, Multi-Employer Citation Policy (December 10, 1999). Available at osha.gov/enforcement/directives/cpl-02-00-124. This whitepaper is published for educational purposes. It does not constitute legal advice.

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