

Integration of the Multilingual Training in the Construction Industry in New York City

(Integración del Entrenamiento Multilingüe para la Industria de la Construcción en la ciudad de Nueva York)

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It is estimated that there are 100,000 union and non-union construction workers in New York City.¹ Small companies with less than 10 people typically hire undocumented immigrants, most of whom do not speak English and are non-union workers. Data from OSHA indicates that 68% of construction-related deaths in fiscal year 2006 involved workers from such small companies. Illegal immigration status and poor English language skills are probable causes for work accident deaths, with the Occupational Safety and Health Administration (OSHA), citing these reasons as factors in 75% of such deaths in New York City in 2006.²

The New York City construction industry has become a nationwide leader in safety training requirements. Recent changes to NYC regulations have put in place new requirements affecting both large and small companies, union and non-union workers alike, English and non-English-speaking workers. The focus of my paper will be to discuss how companies and workers can adapt to the changing climate of the construction industry following an integrated multilingual model. I will provide an overview of laws recently passed, such Local Law 52 of Supported Scaffolds and Local Law 41 of 2008. Local Law 52 requires every person who works on a scaffold to have completed a four-hour training. Under Local Law 41, nearly everyone who works in construction, demolition or restoration is required to take the 10-hour OSHA course. Both of these trainings are offered in different languages with English and Spanish the most commonly asked for.

¹ Source: Unregulated Work in the Global City, Brennan Center for Justice 2007.

² Source: 2006 New York City Construction Safety Report Card, November 21, 2006, OSHA.

Introduction

The construction industry in New York City has undergone major changes in the field of construction safety, the axis that has driven these changes has been the Department of Buildings (DOB), generating new laws, rules and regulations affecting all construction workers, regardless of origin, language or religion. Noncompliance with the laws results in violations and stop work orders.

The first sign of these changes was Local Law 52 of 2005, which requires building owners, contractors or subcontractors to hire workers trained in the use of supported scaffolding over 40 feet. This regulation changed in 2008 and now requires scaffolding training for any scaffold, regardless of height.

This training is divided into two sectors: supported scaffolds and suspended scaffolds:

1. Scaffold user (mason, bricklayer, welder, etc.) must complete a four-hour training that has to be renewed every four years.
2. The erector and dismantler must obtain a training of 32 hrs and pass a written and hands-on exam. This training expires after four years, and can be renewed with an eight-hour refresher course.³

This training is divided into two areas:

1. Scaffold user must obtain 16-hours' training and pass a written and hands on-exam. This training expires after four years and can be renewed with an eight-hour refresher course.
2. A rigging foreman must participate in 32-hotr training, which is only offered in English. This training has an expiration date of four years and a renewal course of eight hours.

Local Law 41 2008 is a law that requires that all workers involved in construction, restoration or demolition of a major building (125 feet tall or 100,000 square feet) obtain a OSHA 10-hour license, which must be renewed every five years.

All of these regulations affect the entire New York City construction industry and represents a challenge and an opportunity for construction companies, the Department of Buildings, training centers and non-English speaking construction workers.

³ Source: Section BC3314, Chapter 33, Building Code 2009.

The Problem of Training and Consulting

Total Safety Consulting (TSC) and the Total Safety Training Academy (TSCTA) have responded to companies' and workers' growing need for multilingual construction safety training by hiring safety professionals who are native speakers of the language in which the training is taught and have them work with in-house instructors to become qualified trainers. TSC has invested time and resources in translating construction safety research and developing curriculum, which are complete and easily understood by students. TSC also helps companies integrate into the construction safety industry by providing technical assistance regarding permit applications, and licenses for contractors, superintendents, foreman, and workers.

Bilingual professional profile would include:

- The best way to offer first-class service is recruiting quality staff.
- Instructors should have university degrees in the field of safety and experience in educating adults.
- The language in which the training is held should be the native language of the instructor, including reading, writing and speaking.
- Instructors should stay informed in the industry through research and the completion of additional certification courses, which will increase their field knowledge.
- Instructors should be in contact with private and government groups that work with immigrants.
- Work with current staff to better understand the needs of the industry.

Bilingual safety training requires a significant investment in time and resources in the development and translation of educational programs that are practical, simple and appropriate for the students.

A major challenge for professionals is that much of the educational material partially or completely loses its original meaning once translated. Because the subject matter is of a technical nature, it is crucial translations are handled properly so that the message does not lose its context.

The Spanish language has a large variation between people who speak it, depending on the country that they come from. Here is another important issue for the security professional. It takes a lot of dedication, time, study, and interaction with people from different countries in order to deliver a quality product in Spanish that everyone can understand.

Another important function of the bilingual professional is in helping companies integrate within the regulatory system by providing safety-related technical support, work permit applications, and licenses for contractors, supervisors, foremen, and workers.

The ability to work closely with federal agencies such as OSHA, city agencies such as the Department of Buildings (DOB), and advocacy groups such as the Jornaleros Unidos de New Jersey (United Day Laborers of New Jersey) and Make Road New York (Latin American Integration Center), is necessary, especially in the ever-changing environment of the construction industry in New York City. Without these partnerships, the bilingual safety professional would not be able to best service their clients, both companies and workers. A multilingual, integrated system with a strong partnership base will not only meet the needs of New York City construction safety training requirements but will also ensure that work can be performed in a much safer environment.

Serious Construction Accidents Decline Due to Increased Oversight and Enforcement

The Buildings Department has initiated a series of measures that have strengthened the principle of, "There is no reason for not developing the building safely."

According to the Department of Buildings, there are many important steps that have revolutionized work environment, specifically in critical areas such as cranes, concrete, scaffolding, revision of the Building Code, and the launch of a multilingual campaign regarding fall protection. The website has described these steps:

- **Cranes:** A major emphasis was put on the designs, plans, permits and inspections.
- **Concrete:** A unit was created that will focus on inspections and the requirement of a Concrete Safety manager in operations beyond the 2000 cubic yards of concrete.
- **Staging:** A new requirement of training certificates, permits, incident reports and the integration of the unit Scaffolding (Scaffold Safety Team) was implemented.
- **Building Code revision:** The first revision of the Building Codes in 40 years, which took effect in July 2009, brought more security measures related to fire and expanded security requirements in the construction process.
- **The multilingual campaign:** The launch of this campaign for workers' safety distributed thousands of flyers, leaflets and posters for construction throughout the city in order to encourage workers to use safety harnesses.

All these measures are crucial in shaping the future of construction safety in New York City.

One of the focuses of this paper will illustrate the importance the Department of Buildings (DOB) has given training and multilingual advertising. Another focus point will be how companies can implement bilingual safety training.

Buildings Commissioner Robert LiMandri announced an 84% decrease in fatal construction-related accidents in New York City in 2009 when compared to the previous year. While initial permits issued for major construction decreased 33% in 2009, fatal construction-related accidents decreased by a far greater margin: 3 fatalities in 2009, compared to 19 in 2008, 12 in 2007, and 18 in 2006.⁴

Buildings Commissioner Robert LiMandri joined Immigrant Affairs Commissioner Guillermo Linares, representatives from the city's leading construction firms, industry unions and worker advocacy groups to announce the launch of a citywide worker safety campaign to encourage construction workers to properly wear their safety harnesses at all times while working at a construction site. Thousands of posters, banners and brochures were distributed in English, Spanish, Russian, Chinese, Korean, Hindi and Urdu.⁵

⁴ Department of Buildings website, January 7, 2010.

⁵ Department of Buildings website, February 3, 2009.

While the tough economic times have slowed down construction, more contractors, developers and licensed professionals are integrating safety into their practices, and this City is a safer place for it. Construction is critical to our economic future, but there is no reason why it cannot be done safely. (The Department of Buildings website).

The impact of this campaign on workers was important because it lets them know which one is right for them and obligates employers to provide harnesses, safety lines and all necessary equipment to carry out their work. The campaign also speaks of the importance of a worker's life not only them but also for their families.



Exhibit 1. Four of the seven different languages represented in the DOB safety campaign.



Use your safety harness appropriately and protect yourself from a fall. Don't be afraid to ask your employer for a safety harness. It's their duty to provide you with all safety measures. Besides, it's the law. Stay connected so you can stay protected on the job.

HOOK UP TO SAFETY.

NYC Buildings

A message from the Department of Buildings, City of New York

Exhibit 2. Safety campaign, “If you fall they fall, too” slogan.

The DOB has stepped forward with a multilingual approach, offering an online option in which the DOB website can be translated into different languages, opening the door to many who could not understand the technical and legislative information listed on the website in English.

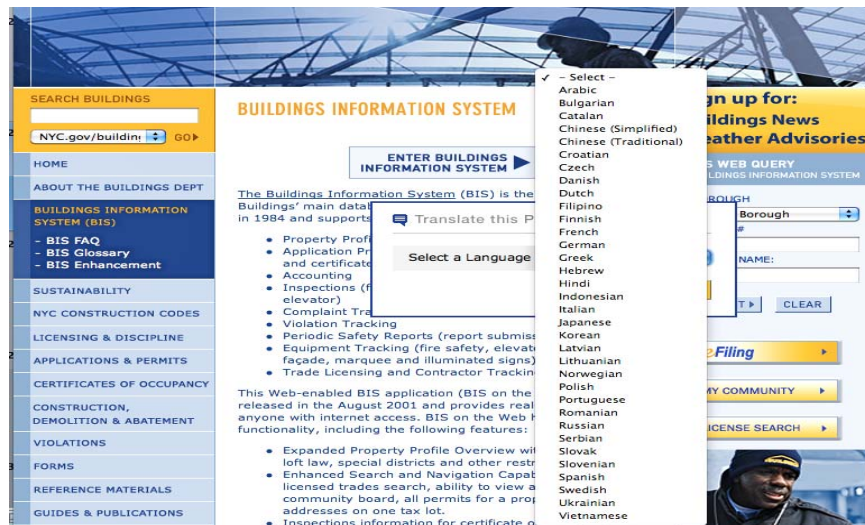


Exhibit 3 - The Department of Buildings website with the “Select a Language” window open.



Exhibit 4. The Department of Buildings website in Spanish.

NOVEMBER 2009 OSHA Safety Training

10-HR OSHA Construction Safety Outreach Program

Course Fee: ◆ ◆

Effective 7/09, under LL 41 of 2008, prior to performing any work, all workers at "major buildings" (as defined by 2008 Building Code) are required to have completed a 10-HR OSHA construction safety course within the previous 5 years. Impacted workers required to complete the training include all active trade workers as well as managers, foremen, and project superintendents working on the project site.

Effective 7/08, per NYS Dept. of Labor, Public Work (S1357A), required training for ALL workers on public works project. ALSO, required training to register with NYC DOB as **Construction Super**

Tues, Nov. 3 – Wed, Nov. 4		9:00 AM – 2:30 PM	<i>each session</i>
Saturday, Nov. 7		8:00 AM – 7:00 PM	
Mon, Nov. 9 – Tues, Nov. 10	SPANISH	4:30 PM – 10:00 PM	<i>each session</i>
Saturday, Nov. 14	SPANISH	8:00 AM – 7:00 PM	
Mon, Nov. 16 – Tues, Nov. 17	SPANISH	9:00 AM – 2:30 PM	<i>each session</i>
Mon, Nov. 16 – Tues, Nov. 17		4:30 PM – 10:00 PM	Limited Seating
Wed, Nov. 18 – Thurs, Nov. 19	POLISH	4:30 PM – 10:00 PM	<i>each session</i>
Saturday, Nov. 21	CHINESE	8:00 AM – 7:00 PM	
Mon, Nov. 23 – Tues, Nov. 24		9:00 AM – 2:30 PM	<i>each session</i>
Tues, Nov. 24 – Tues, Nov. 25	SPANISH	9:00 AM – 2:30 PM	Limited Seating
Tues, Dec. 1 – Wed, Dec. 2		9:00 AM – 2:30 PM	<i>each session</i>
Saturday, Dec. 5		8:00 AM – 7:00 PM	
Saturday, Dec. 5	POLISH	8:00 AM – 7:00 PM	

Exhibit 5. A calendar that shows the growth in multilingual training.

Conclusion

The constant regulatory change in New York City has created many opportunities for security professionals in different fields. One area that has grown steadily is the area of bilingual training. Companies and organizations that work in the construction industry have had to grow at a pace dictated by the DOB—noncompliance would leave a construction company out of business. The challenge is to integrate workers and companies into the system, using all the resources that are available, thus creating a more efficient and safer workplace.