



# BETWEEN THE LINES

Construction contracts are a key driver in creating a safety culture. BY JOSHUA ESTRIN



» Contracts and other communication are powerful precursors to safety behaviors.

The prime contract, agreements and subcontracts have long been recognized as “king” in the construction industry. They are more than simply legal documents, and can be used to offer a window into macro-level behavioral choices as these documents highlight who is to be charged with the responsibility of worker safety. Contracts demand review and more than just a surface-level understanding, as they drive safety policy and protocol, and, in turn, the creation of a safe construction jobsite.

Language, contractual or otherwise, is a powerful behavioral precursor in creating culture and in turn climate of safety. This

culture must begin at the top and be further codified and operationalized from a top-down and bottom-up commitment from executives and management.

Much like interpersonal interactions, macro-level/contractual relationships created by the prime contractor and executive level management are based on communication. This communication becomes the foundation upon which expectations are prioritized and as they are documented in writing, expectations, responsibilities and outcomes are highly structured and leave no room for interpretation.

Subsequently, macro-level policy is driven by codified documents such as contracts and as a result they represent the tangible, measurable expression of responsibilities. Subsequently, unlike values, which are subjective and reflect an inherent tendency for interpretation, contracts are quantitative and therefore, more reliable than the analysis of attitudes. Attitudes, while helpful in exploring the lived experience, lack scientific consistency in their ability to be quanti-



fied and, as such, create challenges regarding both internal and external scientific validity.

### **Attitudes vs. Data**

This exploration and application of attitudes versus quantifiable data is seen in the work of John Dewey, who, as the creator of the Dewey Decimal System, understood that a distinction must be made between attitudes and evidential data. He explained that:

“Logical theory is concerned with the relation existing between evidential data as grounds and inferences drawn as conclusions, and with the methods by which the latter may be grounded. With respect to logical theory, there is no existential proposition which does not operate either (1) as materials for locating and eliminating a problem; or (2) as serving to point to an inference that may be drawn with some degree of probability; or (3) as aiding to weigh the evidential value of some data; or (4) as supporting and testing some conclusion hypothetically made. At every point, exactly as in conducting any inquiry into contemporary physical conditions, there has to be a search for relevant data; criteria for selection and rejection have to be a search formed as conceptual principles for estimating the weight and force of the proposed data, and operations of ordering and reading of the data which depend upon systemized conceptions having to be employed.”

In simplest terms, “Company X” enters into an agreement which is a method by which they plan to carry out various responsibilities, including safety policy and protocol. These reflect Dewey’s First Criteria, as they are meant to proactively address and eliminate a problem; which include unsafe acts and unsafe conditions of the contractor (macro-level), subcontractors (mezzo-level), sub-subcontractors (mezzo-level) and employees (micro-level). Criteria Two is also realized, as the construction jobsite is a hazardous environment and as such, it engenders a high probability that accidents will occur if not properly addressed. Criteria Three

speaks to the necessity for those in charge, to not only be aware of data contained in a contract regarding safety but diligently revisiting its relevancy against the day-to-day changes that occur on the construction job site. Perhaps the most important is Criteria Four, which speaks to a systemic commitment to evaluating incoming data and ordering it in terms of its relevancy. In this instance, the relevancy regards safety and the measureable criteria contained in the contract charging those at the highest level of authority and those under them with the responsibility of creating and sustaining a safe workplace. This must not only be codified at a macro-level, but also operationalized at a mezzo- or micro-level, or it defeats its own goals and objects by making it impossible for the worker to work safely.

### **Part of the Experience**

A culture of safety is a macro-level construct, and as such, contracts allow for a better understanding regarding the creation of policy, procedure and expectations, as well as the way in which outcomes are determined. In such a hazardous industry as construction, macro-level entities must view contracts as tools by which to provide the necessary foundation upon which sound policy and procedures can be created, communicated, implemented and sustained as one moves from the macro-, through the mezzo-, and finally to the micro-level(s). The worker is always most at risk and, in turn, can proactively gain the greatest level of protection from properly constructed and implemented safety policies and procedure.

A safe workplace should always be part of the lived experience of the worker and as such, contracts act as the platform upon which management’s expectations must be clearly demarcated, executed and revisited to ensure that a true climate of safety can be executed, emphasized and flourish, collectively leading to an uninterrupted top-down and bottom-up exchange of information between owner, management and worker. ♦

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» Properly constructed contracts can go a long way to helping protect worker safety.