

Protecting Your Assets

Liability, Safety, and Compliance Creating a Safe Work Environment



An Educational Paper to Benefit Building Owners and Managers

*Provided by the
International Window Cleaning Association*

Shared Responsibility

Building maintenance presents unique and challenging concerns for both the property owner and the contractor. Within the window cleaning industry alone, there is an average of seven fatalities a year in the United States. Injuries and lawsuits are becoming all too common. The risks associated with exterior building maintenance can be significantly reduced by recognizing the shared responsibility of the building owner or their operating agents and that of the contractor.

Cause and Effect

A 1995 study, conducted by the IWCA revealed that the leading cause of accidents within the window cleaning industry occurred as a result of inadequate structural anchor points on buildings. All too often, workers are confronted with a building that lacks sufficient anchor points. Unfortunately, in lieu of acceptable anchor points, the contracted workers end up improvising by attaching their equipment and or lifelines to structures or fixtures on the building that are not designed to support such live loading. Even when transportable equipment is brought in by the contractor, independent anchor points must be used to support lifelines and

equipment tie backs. The lack of adequate anchorage on a building is the number one cause of accidents in the exterior building maintenance industry.

The Cost of an Unsafe Work Environment

A small sampling of recent court cases indicate the responsibility of the building owner and operating agents to provide a safe work environment. The cases also highlight irresponsible practices within the exterior building maintenance industry.

6.5 Million Awarded to Plaintiff

Window cleaner, Michael Lewis fell out of a window at the NRA building in Washington D.C.. Lewis sustained multiple injuries. Lewis, an employee of an independent contractor, maintained that the defendant (NRA) was negligent in failing to provide a safe work environment. He contended that the defendant permitted a hazardous condition by failing to provide safety devices on the building's windows. **1990**

4.4 Million Awarded to Plaintiffs

Window cleaner, Lester Baker fell to his death and his partner, Gilbert Landes sustained multiple inju-

ries while cleaning windows at a building in New York City, New York. Settlements of 2.8 million for Landes and 1.6 million for the estate of Baker were reached with several corporations, including Marine Midland and Helmsley Spear. **1987**

Undisclosed Amount Awarded to Plaintiff

A window cleaner fell and sustained multiple injuries on an 18 story building at the El Paso City Hall building in Texas. The building owner was sued for lack of permanently installed safety equipment. **1992**

Be Assured

OSHA requires building owners or their operating agents to provide outside contractors with "written assurance" that their building is a safe place to work. Every contractor should insist on obtaining "written assurance" prior to commencing work on the building. Failure to do so does not relieve the building owner or their operating agent of this important responsibility.

A window cleaning company can often assist a building owner with this requirement by arranging for pre-use inspections. Regular inspections by a competent person ensure the safety and structural integrity of building components used for exterior building maintenance. In addition, contractors should provide the building owner or operating agent with a written work plan which verifies equipment and anchor usage on the building. Any and all equipment and procedures should fall under the guidelines and regulations mandated by OSHA. Regulations may vary from state to state. It is highly recommended that building owners and managers ensure that contractors are familiar with and follow state regulations.

Compliance vs. Crisis

A building without permanently installed or identified structural anchor points may require retrofitting to comply with OSHA safety requirements. Many other alternatives are available and can be explored with the aid of a professional window cleaning company or professional engineer. Often times, structural portions of a building can be identified to provide a sufficient level of safety. Structural beams, penthouses, and supporting steel beams for air handling units may qualify as an anchorage. It is important that these anchorage points are identified by a qualified person and approved by the building owner so that the contractor may develop a written plan to utilize these safety features.

Simple steps like these can dramatically decrease the likelihood of both structural damage and accidents during maintenance service. The financial investment required will be minimal compared to the cost of accident related litigation.

The IWCA and You

Partners in Protecting Your Assets

The International Window Cleaning Association is dedicated to promoting safe practices and professionalism in the window cleaning industry through education and safety training.



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