

Non-English Fluent Speaking Workers Implementation Guideline for Industrial Sites



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Mission Statement: Develop a guideline for allowance of non-English fluent workers to provide services safely at plant sites.

Introduction: These guidelines were originally developed by a joint group of plant representatives and contractors from the Greater New Orleans Business Roundtable (GNOBR) and the Greater Baton Rouge Industry Alliance, Inc. (GBRIA) and are meant to help assist plants who are considering the allowance of non-English fluent (NEF) workers by their contractors. The updated and most current practices have been evaluated by the GBRIA Safety Team. This effort has been likened to the learning curve that plants went through when the Process Safety Management (PSM) standard was first implemented for U.S. employees.

Scope and Assumptions: These guidelines are presented in the context of a plant/contractor that will be using multiple crews of contract workers. For small numbers of specialized contractors, it is assumed that plants use an escort policy. It is also assumed that contractors will screen NEF employees to ensure that they have the appropriate legal status to work in the U.S. and meet each plant's substance abuse testing, criminal background check and other legal requirements.

Overview: The issues that plants must consider before allowance by contractors to bring NEF workers on-site fell into five major categories. Each category is listed below with the items or questions that are considered a guideline to decide upon or consider before implementation. In addition, for each category in the left-hand column, current practices for implementation have been collected based on actual experience by plants and contractors already using NEF workers. This list is not exhaustive and is only meant to serve as a starting point for plants and contractors who are beginning to use NEF workers.

Who is using NEF Workers: Since the original implementation of the guidance document, the regional area has had an increase in the use of NEF workers. In the region, several industries and contractor companies are utilizing NEF workers to meet the needs for increasing labor demand in all crafts. It is important that the guidelines set forth are representative of the flexibility to manage NEF workers in the future.

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General Management & Communication Considerations

- a. Policy for NEF Worker Allowance - Check whether guidelines from corporate for allowance of NEF exist. If so, determine whether the local plant can work with them, needs to request a variance and/or develop a plant specific policy.
- b. Community Response - Consider the community response to using NEF workers and determine a communication strategy.
- c. Cultural Issues – How will the plant explain NEF cultural differences/similarities to help NEF workers be successful in the plant environment and foster the greatest cooperation between contractor and plant employees? Will arrangements be made for cultural needs? (i.e. unions, religious services, housing, food, etc.)
- d. Number of/Which Languages – Will the plant allow multiple foreign languages on site? If so, which ones?
- e. Bi-Lingual Representative(s) and Supervision – Will the plant employ in-house bi-lingual talent? Will only supervisory contract personnel be allowed to act as bi-lingual representatives or can non-supervisors fulfill this role?

General Management Considerations

- a. Policy for NEF Worker Allowance – Develop a policy that outlines the plant’s specific allowances and requirements that addresses the elements in these current practices. Develop a labor utilization plan to determine future labor needs in.
- b. Community Response –Draft an explanation of why NEF workers are being used and whether any are non-U.S. citizens. Consider all audiences including unions and the public.
- c. Cultural Issues – Develop communication pieces for plant employees including Community Response issues as well as an overview of cultural awareness issues for successful integration. For training NEF workers, a current practice is to take training to them and not to expect them to attend classes at a community college or unfamiliar place. A key awareness for Hispanics is their response to authority/supervision and understanding the differences between U.S. and Hispanic norms. Also, make sure to identify appropriate cultural needs such as housing, restrooms, transportation, etc.
- d. Number of/Which Languages – Presently, Spanish appears to be the major language. For other languages, plants have used an escort policy.
- e. Bi-Lingual Representative(s) and Supervision - For each language allowed, determine whether a bi-lingual plant employee should be hired. Some plants are relying on the contractor to provide bilingual representatives; however, if a second language will be spoken on-site for the foreseeable future a best practice would be to hire in-house talent. Consider whether you will allow nonsupervisory to explain work procedures. Discover whether existing employees speak other languages.

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General Management & Communication Considerations (cont.)

- f. NEF Identification - Should translators and/or NEF workers be visually identified? After establishment of a crew, will new NEF employees be identified?
- g. NEF/Bi-Lingual Ratio – What is the appropriate translator/NEF worker ratio? By job? By skill? By crew size? For TWIC or other security issues? By unit or by emergency situation?
- h. Extent/Scope of NEF Workers – Are there any areas on site or skill types so critical that NEF workers would pose too great a risk for allowance? Determine whether NEF workers can be delivery personnel.
- i. Permits– Must English fluent persons sign and receive permits? What are your Permit Policies Procedures and Practices, and how will they change, if any, for NEF workers?
- j. Signage Policy – Will plant safety signs remain in English only or will all or some be translated to other languages? If so, which languages?
- k. Economic Impact – What will the economic impact be for additional training, translations, signs, manuals, etc.?
- l. Communicate Plant Requirements – How will the plant communicate its requirements to contract companies wanting to use NEF workers?

General Management & Communication Considerations (cont.)

- f. NEF Identification – Some plants identify all, some only the translator. Consider whether identification may lead to singling out NEF workers leading to discrimination. Some plants use a new employee probation/observation period. See recommended identification format at the end of this document.
- g. NEF/Bi-Lingual Ratio – Several standards are in practice, most by crew size typically ranging from 1/1 – 1/12, and/or ability to be within hearing/communication range to effectively communicate. Some plants indicated that a best practice is to rely on the contractor’s expertise to set these standards. Communication is key.
- h. Extent/Scope of NEF Workers – Some plants indicate that they have more supervisors working on critical jobs. Some plants indicate that they have used NEF workers for soft crafts and instrument & electrical work and more.
- i. Permits – Some plants indicate that an English fluent person must sign and receive permits, or that they have translated permit documents to the applicable language. More than one language may be posted as well.
- j. Signage Policy – Some plants indicate that signs are only posted in English or use universal symbols and rely on translators to explain signs. Use symbols, pictures, or universal English/Spanish signs wherever possible.
- k. Economic Impact –If benefits of on-time project completion outweigh additional implementation costs, proceed.
- l. Communicate Plant Requirements – Develop a communication policy/letter and send to all contractors. Develop a NEF Worker Request process for contractors to submit to plant for approval.

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Contract Company Pre-Qualification and Process Safety

Management (PSM) Compliance

- a. PSM Compliance Verification/Qualification – Consider whether any current contract pre-qualification procedures or verifications need to change considering using NEF workers.
- b. General Management & Communication Policies - How will the plant verify that the contractor meets plant policies for allowance of NEF?
- c. Basic Safety Orientation – Can the Association of Reciprocal Safety Council's (ARSC) Basic Orientation Plus (BOP) delivered through Safety Councils be used? Is there one available in the applicable language(s)?
- d. Craft/Skills Verification – How will skill levels of NEF workers be verified?
- e. Consistency/Reliability – If NEF workers are also foreign, will any Visa time expirations affect staffing reliability or turnover?

Contractor Pre-Qualification and Process Safety Management

(PSM) Compliance

- a. PSM Compliance Verification/Qualification - Modify existing prequalification questionnaires and audits to ask whether the contractor uses NEF workers and what processes the contractor uses to ensure PSM compliance for NEF workers.
- b. General Management & Communication Policies – Modify existing pre-qualification questionnaires and audits to include NEF worker policies.
- c. Basic Safety Orientation – Several Safety Councils offer BOP in Spanish and other languages. Recipient's cards are a different color. Some Safety Councils offer training in other languages, please inquire with each for capability. In addition, limiting the number of times a person can take the BOP English version is practiced by some plants because, although a person may learn the BOP body of knowledge, a NEF person may not be able to learn site-specific or other information without extensive repetition. Present ARSC rules do not prohibit the number of times a person may take the BOP course and exam.
- d. Craft/Skills Verification - Modify existing pre-qualification questionnaires and audits to include NEF workers. Ensure a bilingual person grades tests and conducts verbal tests. The Alliance Safety Council can initiate facility specific training in Spanish. Each facility should determine indoctrination needs and if it is feasible to initiate specific training in Spanish or an alternate language.
- e. Consistency/Reliability - Modify existing pre-qualification questionnaires and audits to include NEF worker processes in to gain an understanding of how/if contractors are using foreign workers, the quantity and timing of Visa expirations, etc. order to gain an understanding of how/if contractors are using foreign workers, the quantity and timing of Visa expirations, etc.

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Site Specific Contractor Employee Orientation, Permits and

Work Instructions

- a. Number of/Which Languages – Will the plant develop translated orientations for site wide and unit orientations or rely on translators to convey the English orientation? If using translators, will they be plant employees or will the contractor be allowed to provide translators?
- b. Comprehension Verification – How will comprehension of site orientation be verified?
- c. Site Specific Orientation Elements – Does/should the orientation include Right to Know information, MSDS and Hazard Communication information?
- d. Continuing Education Requirements – How will NEF workers be kept up-to-date when things change?
- e. Permits – Are there special needs in the case of NEF workers for Lock Out/Tag Out, Line Breaks, Confined Space or others?
- f. Work Instructions – To what extent can translators be expected to convey Job Safety Analyses and Work Instructions to NEF workers? Should the plant translate any specific processes, procedures, permits or work instructions? If so, to which language(s)?

Site Specific Contractor Orientation, Permits and Work

Instructions

- a. Number of/Which Languages – Both translated and translator led orientations are in practice today. Additionally, there are several computer-based modules in Spanish and alternate languages today.
- b. Comprehension Verification – If the orientation is given in another language and a written test can be administered, this is best practice. Where literacy is an issue, like English fluent persons, the translator or person administering the training is relied upon to check for comprehension. Also, ensure proper understanding of drug testing and criminal background screening plant policies. A best practice is to get NEF workers to visually show how they understand training.
- c. Site Specific Orientation Elements – Site orientations should include Right to Know, MSDS, JSA's and Hazard Communication. This can be translated to an NEF through the translator.
- d. Continuing Education Requirements – Include as part of regular communications and include in other language when appropriate.
- e. Permits – Some plants have translated all pertinent documents. Expectations for translators and oversight by fluent English personnel can be considered.
- f. Work Instructions – Current practice is to provide translated owner work procedures (vs. relying on contractor developed procedures for site specific items). Conduct safety meetings bilingually. Conduct daily and pre-job preparation meetings in foreign language or with translator. Additionally, expectations can be set for the foreman or leader to be English speaking and translate work instructions.

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Emergency & Incident Management/Communication

- a. Emergency Communication – How will instructions be communicated to NEF workers in an emergency?

- b. Incident Communication – How will instructions be communicated to NEF workers when an incident occurs? Will the translator escort injured employee? Will work be halted if translator is not present?
- c. Site Wide/Specific Unit - Are the above policies applicable site wide or will the policies differ by unit?

Emergency Management/Communication

- a. Emergency Communication – Translate policies for evacuations, first aid/medical response, rescues and require contractors to carry on their person at all times. Some plants indicate that plant broadcasts remain only in English and rely on translators, some plants announce in the major languages on site. A current practice suggestion included using language-specific hard hats with speakers embedded and RFID for location. In case of an emergency, the appropriate language would be broadcast to each hardhat/person. The ratio of NEF to translators should be determined prior to implementation.
- b. Incident Communication – Some plants indicate that they stop work if the translator (usually the supervisor) must leave to escort an injured employee provided there is no other translator present.
- c. Site Wide/Specific Unit –A unit may need additional information.

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Audit of NEF Worker Processes

- a. Contractor/Plant – Will the contractor be expected to self-audit compliance to plant requirements? Will plant personnel conduct audits or will third parties be hired to audit? Will they be any different than normal compliance audits? Should auditors have foreign language skills?

- b. Work in Progress and Safety Observations - Will plant personnel conduct audits and observations? Should auditors/observers have foreign language skills? What cultural issues need to be addressed for observation processes?

Audit of NEF Worker Processes

- a. Contractor/Plant – Some plants indicate a current practice is to have bi-lingual auditors perform audits (can be third party). Audits should be conducted more frequently initially and have more owner involvement because this is a new process. Owner bilingual capability is a current practice.

- b. Work in Progress and Safety Observations - Some plants indicate a current practice is to have bi-lingual auditors and observers. Owner bi-lingual capability is a current practice.

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Recommended identification for plants wishing to identify NEF workers/ interpreters in the form of a hard hat sticker --Others prefer using a brightly colored hat with a stripe and the word translator across the top instead for easy identification (some plants tried arm bands and they found that they did not work well):

