



**TESTIMONY ON SUB. H.B. 166:
OPPOSITION TO CONSTRUCTION MENTORSHIP PROGRAM
Senate Finance Committee – June 14, 2019**

Chair Dolan, Vice Chair Burke, Ranking Minority Member Sykes, and senators on the Senate Finance Committee:

Our groups collectively urge the Senate to amend Sub. H.B. 166 and revert back to the House-passed version of the Manufacturing Mentorship Program (sections 4109.5, 4109.22, 4109.99). We worked with the Ohio Manufacturers Association (OMA) to make changes in the House that removed construction from the program and addressed concerns from OMA.

A construction jobsite is vastly different than a manufacturing facility. The mentorship language contained in Sub. H.B. 166 does not account for the construction industry’s unique considerations related to the safety of the mentee (minor) and others on the jobsite, insurance coverage for other contractors on the jobsite, and potential liability for the project owner and other contractors.

In all, our construction employer and labor organizations represent over 1,000 commercial contractors and hundreds of thousands of tradespeople that build and renovate Ohio’s roads, bridges, schools, manufacturing facilities, water and sewer lines, office buildings, underground utilities, apartments and dormitories, parking structures, and utility and waste water treatment plants... to name a few. We spend millions of dollars annually on apprenticeship training, safety training, workforce development, and public outreach to encourage students and adults to enter the construction trades.

Note that current law does not prohibit contractors from mentoring 16 to 17-year-old minors to give them hands-on construction experience; the industry does so already in more controlled environments such as contractors’ shops, yards, or training facilities. The following highlights some of the issues with including construction in the mentorship program.

SAFETY:

Unlike manufacturing facilities, most commercial, industrial, heavy and highway construction jobsites have multiple businesses and numerous different trades working on the same jobsite at the same time. **Employing minors with no construction experience and very limited training on the tools/equipment that they will use, as well as little training on other jobsite hazards, presents a significant safety risk not only to the minor, but also to the others working on the jobsite, many of whom may not be employed by the same company as the minor nor aware that he or she is even on site.**

A construction jobsite has a much less controlled environment than a manufacturing facility. The physical nature of the jobsite—as well as the workers, employers, machinery and equipment—can change daily depending on how construction progresses. Jobsites can be located in cramped, confined

spaces; underground; alongside a busy freeway or street; between high rises in tight urban settings; etc. This further increases the safety risks of the minor (mentee) and others working around him/her.

INSURANCE:

Many insurers refuse to provide coverage for construction jobsites that have minors on them. **This means that in addition to negatively impacting the insurance coverage of the contractor employing the minor (mentee) on a jobsite, the coverage of other contractors on that site could be impacted or even voided should an incident occur.**

LIABILITY/RISK:

A manufacturing facility generally has one owner/employer (the manufacturer) who employs everyone in the facility. Construction is very different. A jobsite includes multiple business entities: the project owner who is paying for construction services, a controlling contractor or multiple controlling contractors, subcontractors and material suppliers. Contracts are tiered, and it is not uncommon for an owner or controlling contractor to be unaware of a lower-tier subcontractor or supplier's workers (i.e. those employed by a subcontractor's subcontractor or supplier).

Should an accident or injury occur to a minor (mentee) on a jobsite, not only would the employer of the mentee be impacted, but also the controlling contractor(s) and project owner (workers' comp, insurance, OSHA citations, lawsuits, etc.). And those parties may not have known that a minor was working on the jobsite.

In conclusion, our groups invest heavily in recruiting students into the trades and providing meaningful exposure to the construction industry. We spend a significant amount of time and money to do so. However, any hands-on experience for minors needs to be done in a more controlled setting than an active, multi-employer jobsite.

As such, we urge Sub. H.B. 166 be amended to revert back to the House's version of the Manufacturing Mentorship Program. We would be happy to work with the Administration and Legislature to come up with a separate, more feasible program for the construction industry.