

Speaking English is Key to Safety

As an expert witness specializing in construction accidents, my observations include a very sensitive subject: the increased risk of accidents when a substantial number of workers on a site cannot speak the English language. Every general contractor knows the truth but few dare to openly express it: the more non-English speaking workers employed on site, the greater the risk of errors and accidents.

Even when a requirement for English-speaking foremen is included in the contract, this in itself is not enough to prevent accidents attributable to the hazards created by the barriers imposed by inadequate communication.



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As a project manager for a New York City general contractor, one of my projects involved renovation of 60,000 sq ft of high-rise building space. The first phase involved demolition of 15,000 sq ft of interior partitions. The interior sheer walls were spay painted with a large “X” on each side and the demolition foreman was directed to make sure that all workers understood that this “X” meant “do not remove.”

Thirty-six non-English speaking demolition workers showed up with sledge hammers. Within 60 seconds of starting work, dust from the demolition limited visibility to 10 ft. My superintendent and I rushed to the sheer walls and observed in horror as workers were swinging sledge hammers at the walls marked “X” with all their might. We shouted at them to stop, but because they could not understand English, nothing stopped. Only by standing directly in front of them and grabbing their sledge

hammers was a serious accident prevented.

In a recent case, I testified on behalf of an employee of a mechanical subcontractor who was injured when a piece of duct work knocked him off his ladder. The mechanical subcontractor was assigned to assist the demolition contractor in removing duct work during renovation of a school. When the employee of the mechanical subcontractor entered the work area, not one person could speak English. He asked for the foreman, but nobody understood him or knew what he was talking about.

Being a skilled mechanic, he examined the large duct to be removed, placed his ladder appropriately to one side, climbed up to top of the duct, inspected the straps holding the duct work to the ceiling joists and then proceeded to make his first cut. Because someone in the non-English speaking demolition crew had already cut and removed a few straps from the same piece of duct work, the duct shifted and knocked him off his ladder to the ground. He is now in a wheelchair with a permanent disability.

During the trial for damages, I was asked my opinion regarding the cause of the accident. My response was that nobody in the demolition crew could speak Eng-

lish. The judge jumped off her chair, pounded her gavel and screamed: “The jury will disregard that last statement from the witness! Sir, you are cautioned to refrain from any further discussion on this subject. This court will not entertain any further of your racial remarks.” Justice was not served then, and in my opinion is not served now.

That case demonstrates a clear-and-present danger on work sites across America that is supported in many courts. To challenge the conventional wisdom regarding the use of the English language as a requirement, not a preference, is to incur the wrath of an army of irate judges backed up by well-financed, politically motivated, self-serving support groups and lobbyists.

Effective communication is a key ingredient of every construction project and is particularly vital in regard to safety issues. Practically speaking, the current policy of promoting bilingual languages as a social-engineering enterprise across a broad spectrum of the nation has a negative impact on the frequency of accidents in the construction industry. The many recent deaths in Las Vegas construction is a grim demonstration of this fact.

OSHA’s general-duty clause states that every employer will furnish a safe place of employment to each employee “free of recognized hazards.” How many more construction accidents will it take to demonstrate that when a contractor’s personnel cannot speak English, a “recognized hazard” already exists?

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