

# HSW of Landscape Laborers: Ethics, Laws, and Logistics

(SUN-A06)

Sunday, November 21, 2021

9:00-10:00 AM



## Overview

Landscape architects are obligated to protect the health, safety, and welfare (HSW) of the public. But how is that obligation impacted when “the public” is involved in installing and maintaining our designs? This session covers the important ethical, legal, and logistical considerations for the HSW of landscape laborers.

## Learning Outcomes

1. Understand the potential occupational safety risks landscape laborers face, and the vast difference between landscape architects and laborers when it comes to occupational safety.
2. Explore philosophical frameworks and considerations that inform the ethical obligations of landscape architects to landscape laborers, as well as a universal method for ethical business practice decision making.
3. Understand the legal aspects of landscape architects' liability for landscape laborer HSW, including case law, licensure board powers, laborer safety risk mitigation, and minimizing landscape architects' liability exposure.
4. Learn practices for engaging with landscape contractors to promote landscape laborer HSW, including the tools that landscape architects can use to minimize the HSW risks to laborers on their projects.



## Session Outline

### 1) Introduction

- a) Occupational safety profiles of landscape architects vs. landscape laborers
- b) Current considerations of landscape architecture's relationship to landscape labor

### 2) Ethics

- a) Common systems of ethics (e.g., deontology, utilitarianism/consequentialism)
- b) Professional ethics
  - i) Crafted by professional organizations and licensure boards
  - ii) Scope and limits
- c) Ethical considerations for workers in dangerous jobs
  - i) Power imbalances
  - ii) Duress
  - iii) Informed consent and occupational safety
- d) Reflective Equilibrium- a practice for grappling with ethical challenges individually or in group no matter the participants' backgrounds

### 3) Laws

- a) Statutory and rule-based obligations
- b) Contractual obligations
- c) Tort risks
- d) Practical ethics
- e) Managing and addressing risks and obligations in statute, rule, contract, and tort

### 4) Logistics

- a) Landscape architect Involvement during the project buyout phase
- b) Safety-challenging installation logistics (e.g., major crane operations)
- c) Vetting bidders
  - i) Worker's compensation insurance
    - (1) Insurance company
    - (2) Coverage
    - (3) Experience modification rate (EMR)
    - (4) Surety bonding
  - ii) Managing subcontractor safety practices
  - iii) Safety Program
    - (1) Company safety manual
    - (2) OSHA 10 and/or 30 trainees
    - (3) Local safety training requirements (e.g., NYC SST (Site Safety Training) Card)
    - (4) Safety protocol(s) in place?
- d) Practical application in the field.
- e) Landscape architect's benefits for safety-minded project management during pre-construction, construction, and beyond.

### 5) Question & Answer

## Speakers



**Leslie Wren** is an assistant professor in the Department of Landscape Architecture and Regional & Community Planning at Kansas State University in Manhattan, Kansas. A landscape architect, Wren practiced for over ten years in North Carolina and Texas before transitioning to academia. Her professional experience includes public, institutional, commercial, greenway, and residential design/build/maintain, in which she gained an intimate understanding and appreciation of landscape field operations. Wren's research focuses on developing best practices for involving installation and maintenance managers in the landscape architecture design process in order to improve safety, efficiency, performance, and sustainability.



**Josh Sundloff** is an attorney and landscape architect. He practices law with the firm of Babcock Scott & Babcock in Salt Lake City, Utah, in the construction and real estate industry. Mr. Sundloff has served as the Vice President for Advocacy on the executive committee of the Utah Chapter of ASLA. He is also the author of *Landscape Architecture Licensure Handbook: Ensuring Safe, Healthy, and Resilient Natural and Built Environments*, which he produced for ASLA in 2017, and was an extensive update to the original booklet produced by Alex P. Schatz.



**Dylan Peck** is the President of Alpine Construction & Landscaping Corporation in New York City and has 15 years of experience in large scale urban site work projects. Recently completed projects include The Ford Foundation Atrium Rehabilitation, The High Line Rail Track Walk and The Irish Hunger Memorial. Previously completed projects include The High Line sections 1 and 2, The World Trade Center Memorial, and various sections of Brooklyn Bridge Park.

## Sources

- Hughes, R.C. (2019). Paying people to risk life or limb. *Business Ethics Quarterly*, 29, 295-316
- American Society of Landscape Architects. (n.d.) Leadership & Governance: ASLA Code of Professional Ethics. Retrieved from <https://www.asla.org/ContentDetail.aspx?id=4276>
- Stanford Encyclopedia of Philosophy. (2016) Reflective Equilibrium. Retrieved from [https://plato.stanford.edu/entries/reflective-equilibrium/Sundloff, J & Schatz, A. \(2017\)](https://plato.stanford.edu/entries/reflective-equilibrium/Sundloff, J & Schatz, A. (2017))
- Landscape Architecture Licensure Handbook: Ensuring Safe, Healthy, and Resilient Natural and Built Environments. American Society of Landscape Architects. Retrieved from [https://www.asla.org/uploadedFiles/CMS/Government\\_Affairs/LA\\_Licensure\\_Handbook.pdf](https://www.asla.org/uploadedFiles/CMS/Government_Affairs/LA_Licensure_Handbook.pdf)

Notes

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