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Legal Standards & References

The Occupational Health and Safety Act, and all applicable Regulations

- defines and describes construction, constructor, employer, owner, project, supervisor and limitation
- prescribes duties for the workplace parties

Definitions

“Act” means the Occupational Health and Safety Act and regulations made under the Act


“competent person” means a person who;

- a) is qualified because of knowledge, training and experience to organize work and its performance
- b) is familiar with the Act and the regulations that apply to the work, and
- c) has knowledge of any potential or actual danger to health or safety in the workplace

“construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project but does not include any work or undertaking underground in a mine

“constructor” means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer

“contractor” means a person who performs work or supplies services to the Corporation under contract and can be classified as follows;

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Routine Maintenance and Service Work

- Work and services provided on an ad hoc basis for short term assignments, such as electricians, plumbers, HVAC specialists, mechanical repair persons who may or may not be employers

Construction

- Work and services that are “construction” as defined above and includes a construction project, typically performed by general contractors and subcontractors who are also employers

“designated substance” means a biological, chemical, or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled


“employer” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services

“limitation” means an owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control of a project.

“owner” includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, and a person who acts for or on behalf of an owner as an agent or delegate

“prescribed” means prescribed by a regulation made under the Act.

“project” means a construction project, whether public or private, including;

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- a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,
- b) the moving of a building or structure, and
- c) any work or undertaking, or any lands or appurtenances used in connection with construction.

Policy Statement

The Corporation assumes significant obligations under the Act when it contracts for work and services therefore it shall take all reasonable precautions to protect the health and safety of employees and persons who undertake work for the Corporation. It is the expectation of the Corporation that contractors are familiar with and shall enforce compliance with all applicable Provincial health and safety requirements as well as the health and safety requirements of the Corporation.

Purpose and Scope


The purpose of this procedure is to document a Contractor Safety Program to ensure contractors engaged by the Corporation take the necessary steps to protect people and property during the course of the contract. All work procedures and equipment will comply with the Act, regulations, standards and Corporation practices. This Standard and the Program apply to all work and services contracted by the Corporation. .

Standards/Procedures

There are four (4) stages in the Contractor Safety Program:

Stage 1 – Bidder’s Safety Checklist

All applicable bids and pre-qualified contractor documents must include the Bidder’s Safety Checklist. The contractor completes and returns the checklist

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prior to being awarded the contract or being approved as a pre-qualified contractor. The Bidder's checklist helps the Corporation determine if a contractor is likely to perform the work in accordance with occupational health and safety requirements. Elements of this checklist include;

- Workplace Safety and Insurance Board (WSIB) clearance
- Incident/accident reporting process
- Health and safety program
- Health and safety training
- Personal protective equipment
- Certification/Licensing
- Sub-contract work

In addition to the Checklist, the Corporation may enquire into the health and safety practices and performance of the contractor.

Stage 2 – Pre-commencement Meeting/Orientation


Orientation

All contract employees receive the Corporation's Health and Safety Orientation Package. In some cases, the package may be presented in whole or in part by the contractor's representative. Health and safety orientation ensure that contractors and contract employees are familiar with;

- the Corporation's expectations for health and safety
- the Corporation's expectations to ensure compliance with legislated and Corporation safety standards (corrective discipline policy)
- the roles the workplace parties have in the health and safety program, and
- the hazards present in or at a particular worksite

Pre-Commencement Meeting

After a contract has been awarded, but prior to the job commencing, a Corporation employee and the successful contractor meet to review the Corporation's health and safety expectations and complete the Contractor Safety

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- Pre-start Checklist. A Employment Services/Safety representative shall assist in this regard. Elements of this checklist include but are not limited to;

- Review work to be performed
- The Corporation's corporate health and safety policy and Policy & Procedures applicable to the work
- Non-use/operation of the Corporation's equipment, machines, tools, vehicles, etc.
- Inspection of work
- Incident/accident reporting
- Housekeeping
- Performance Monitoring (Safety Infractions)

Stage 3 – Performance Monitoring


Under the Act, liability can attach to the Corporation for contractor safety infractions, especially in the case of critical injuries and fatalities. It is therefore expected that the contractor shall ensure compliance with the Act and regulations as well as Corporation policies, Policy & Procedures and guidelines. The contractor shall administer and enforce a corrective discipline policy to help ensure compliance with the Corporation and legislated safety standards.

Stage 4 - Post Contract Performance Evaluation

The Corporation's Project Manager completes a Contractor Safety Evaluation - Post-Performance Form and submits it to the Manager's supervisor with copies to the Manager, Purchasing and Finance Services, Employment Services/Safety and the contractor. Documented poor safety performance may disqualify a contractor from future work for the Corporation.

Roles and Responsibilities

Department Director or Designate

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- Ensure that the requirements of this policy and program are carried out with respect to contracted work performed under their authority or control

Contractor

- Cooperate with Corporation staff in the implementation of the Contractor Safety Program
- Adhere to the requirements of the Contractor Safety Program
- Ensure adherence to the contractor's corrective discipline policy for safety
- Take every precaution reasonable for the protection of workers
- Provide information, instruction and supervision to protect the health and safety of workers
- Appoint competent supervisors
- Ensure that equipment, tools, materials and protective devices are provided, maintained and used as prescribed

Project Manager or Designate


- Ensure that any contracted work performed under their authority or control conforms with the requirements of this policy and program
- Inform the contractor of known hazards at the worksite
- Ensure the pre-commencement meeting and Contractor Safety - Pre-Commencement Checklist is completed prior to commencing work
- Monitor and evaluate contractor performance and use the forms provided in the Contractor Safety Program

Manager, Purchasing and Finance Services or Designate

- Provide a copy of the Bidder's Safety checklist in all bid and pre-qualification contractor documents
- Keep copies of completed forms pertaining to the contractor on file for future reference

Employment Services/Safety

- Provide support to all departments in the implementation of the Contractor Safety Program

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Communication

- Every new and amended standard is shared with the Joint Health and Safety Committee for review and comment prior to approval
- Notice of approval is communicated via email and Health and Safety bulletin boards
- Copies of all standards are consolidated in binders available in every workplace
- This Standard is communicated to contractors as part of the bid and pre-qualification process

Training

- Every employee receives health and safety learning at orientation and regularly thereafter.
- The Corporation's Manager, Engineering Division, Manager, Purchasing and Finance Services, Project Managers and employees who inspect the work of contractors receive annual training in this Standard

Forms

- Bidder's Safety Checklist
- Contractor Safety - Pre-Commencement Checklist
- Contractor Safety Evaluation - Post-Performance Form


Evaluation

The Corporation's Health reviews and updates the policies & procedures, annually in consultation with the JHSC.

Acknowledge Success/Make Improvements

Employment Services and/or the JHSC may make recommendations regarding the provision and maintenance of a corporate health and safety policy.

Improvements are incorporated as part of the annual review. Successes are acknowledged at the annual Safety and Attendance Banquet.

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This Standard takes effect immediately and remains in effect until replaced by a new Standard of superseded by legislation/regulation.

Original Signed

Original Signed

Chief Administrative Officer

Worker Co-Chair, JHSC

Reviewed (Date):	By (Name and Initial):

**This document can be made available in an accessible format upon request.*