



Title: <b>Contractor/Sub-Contractor Safety Program and Qualification Procedure</b>	Date of Issue: <b>September 1, 2010</b>
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<b>Approvals:</b>	<b>Signatures:</b>
Peggy Cramp, Chief Administrative Officer	
Shelley Archer, Management Safety Representative	
Brad Young, Worker Safety Representative	

## PURPOSE

To ensure Contractors follow the minimum guidelines in order to provide and maintain a safe work environment at the Village of Point Edward.

This policy outlines the health and safety considerations when tendering contracts, evaluating proposals, and managing contractors hired to provide work or services for the Village of Point Edward. It assists the Village of Point Edward in fulfilling its statutory obligations under the Occupational Health and Safety Act when contracting for work or services. It provides a system to assist the Village of Point Edward in establishing a due diligence defense.

All Contractors and subcontractors, employees, and visitors of Contractors are responsible for complying with the requirements of the Ontario *Occupational Health and Safety Act* and its Regulations.

## SCOPE

This classification is external to the Village of Point Edward and includes individuals or organizations working on a contract for the municipality.

## DEFINITIONS

### **Contract:**

Any agreement in writing or verbal between the Village of Point Edward and a contractor.

### **Service Provider:**

Refers to any party, external to the Village of Point Edward hired by the Village of Point Edward to perform work or provide services.

### **Constructor:**

Means a person who undertakes a construction project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer.

### **Contract Administrator:**

Means an individual acting on behalf of the Village of Point Edward to oversee the contract.

The Village of Point Edward will, in a majority of cases, be considered an owner under the Occupational Health and Safety Act and depending on the classification of work, the Village of Point Edward could also assume the role of an employer or constructor.



In the case of a construction project, the Village of Point Edward may be able to limit its liability to that of an owner under the OHS Act and, given certain criteria are satisfied, transfer the responsibilities of the constructor to the construction contractor (i.e. Constructor).

## **STANDARDS / PROCEDURES**

The health and safety responsibilities attached to Contractors and Sub-Contractors include the following:

- a) Demonstrate the establishment and maintenance of a health and safety program with objectives and standards and will provide qualified workers and meet all applicable legislation as well as the Village of Point Edward health and safety policy and procedures
- b) Are held accountable for their health and safety performance
- c) Provide a WSIB clearance certificate or equivalent insurance
- d) Ensure the workers in their employ are aware of the hazardous substances that may be in use at the workplace and wear the appropriate personal protective equipment required for the area.
- e) Adhere to the requirements of the Contractor/Sub-Contractor Safety Program.

### **Due Diligence**

When contracting for work, it can be said that the Village of Point Edward should have different employer obligations from those of the contractors or service providers. The legal standard of “ensuring all reasonable precautions” is the same for both the “direct” employer (municipality) and the “extended” employer (contractor or service provider).

For example, the Village of Point Edward directly provides health and safety training to its workers and implements policies and programs to comply with the “direct” employer role under the Act. When contracting for work/services, it could be reasonable for the Village of Point Edward to review what the contractor has in place – rather than directly implement the employer duties.

When hiring small contractors or sole proprietors or independent contractors, the Village of Point Edward may need to have more involvement in the delivery of the contractor’s health and safety program.

The Village of Point Edward shall adhere to the following with regards to contract administration:

- Specifications and tenders shall be available for larger contracts.
- Contract administrators shall receive orientation training such as:
  - Review of all known and potential hazards in the area
  - WHMIS training
  - Site specific emergency procedures
- Contractors shall be given a copy of this policy prior to commencement of the contract.
- A copy of this policy will be included as part of tender documents.
- Contractors must pre-qualify to be included in the bidding list for tendered work.
- A post-contract review for maintenance of qualification shall be conducted.



- The contract administrator shall review the work plans and advise of any hazards.
- Contractors shall attend a formal health and safety orientation session.
- The contractor shall allow access to the worksite on demand to representatives of the Corporation to inspect worksites to ensure compliance under the Act and Regulations and Corporate policies and procedures.
- The staff representative shall include health and safety as an agenda item at any meetings held to review progress on the contract work.

## **ROLES AND RESPONSIBILITIES**

Managers and Supervisors who employ a Contractor shall ensure that the Contractor complies with the Village's Health and Safety program and all its policies and procedures. This Manager or Supervisor shall be the Village contact. Their responsibilities shall include, but are not limited to, the following:

- Meet with the Contractor(s) prior to entering into a contractual arrangement;
- Provide the Contractor with a copy of *Form #10-10: Contractor Safety Questionnaire* and ask that it be returned with all of the required information;
- Review the completed *Contractor Safety Questionnaire* ensuring that the responses meet the minimum Village requirements;
- Maintain contractor files and provide to Chief Administrative Officer;
- Ensure the Contractor has received and read and understands this Contractor Safety Policy;
- Provide a copy of the Evacuation Plan for the building, if applicable;
- Provide a copy of the Village Health and Safety policy;
- Request from the Contractor a current, valid Workplace Safety and Insurance Clearance Certificate or equivalent before starting work.
- Request a copy of the Contractor's Liability Insurance Certificate (minimum of \$2 million). The policy must clearly show that The Corporation of the Village of Point Edward is listed as an additional insured party.
- Prepare a "project package" describing the scope of work to be performed.
- Ensure that *Form #11-10: Contractor Sign-off Sheet* has been completed by the Contractor before commencement of work;
- Forward a copy of the completed *Form #10-10 Contractor Safety Questionnaire*; WSIB clearance certificate or equivalent insurance; Certificate of Liability insurance and *Form #11-10 Contractor Sign-off Sheet* to the Chief Administrative Officer for addition to the Master Contractor list.
- Provide a Safety Orientation to all new Contractors and update all long term Contractors as arranged by the Village Contact.
- Ensure copies of all work permits necessary for the job, confined space, hot work, etc. are obtained from the Contractor.
- Ensure the contractor knows the location of the First Aid Station and that all injuries must be reported;



- Obtain from the Contractor a copy of all MSDS sheets of chemicals that will be brought into the workplace and provide to the Village Contact control programs for any designated substances to be brought into the workplace;
- Ensure the Contractor removes all designated substances/chemicals from the job site either at the end of the day or when the job is completed.
- Be responsible for the Contractor while at the workplace;
- Complete *Form #12-10 Contractor Infraction Form* if any offences or warnings are given to the Contractor and forward a copy to the Chief Administrative Officer;
- Originate *Form #13-10 Contractor Health & Safety Evaluation* upon completion of the job to evaluate and document safety performance while on the workplace. Provide a copy of this evaluation to the Chief Administrative Officer.
- In the event of emergency situations, it may not be possible to complete all of the requirements as set out above.
- If a Manager or Supervisor is unable to complete the above requirements for a particular Contractor, the approval of the Mayor and Chief Administrative Officer or designates and/or Village of Point Edward Council is required.

Contractors and Sub-Contractors shall comply with the Village's Health and Safety program and all of its Policies and Procedures, and specifically *Form #10-10 Contractor Health and Safety Guidelines*. Their responsibilities shall include, but are not limited to:

- Complete *Form #10-10 Contractor Health and Safety Guidelines* and return it to the Village Contact with:
  - A current WSIB Clearance Certificate or equivalent insurance for the Contractor and all Sub-Contractors; and
  - Liability Insurance Certificate in the amount required clearly indicating that The Corporation of the Village of Point Edward is an additional insured party to the policy.
- Organize and attend a pre-start meeting, to discuss and answer any questions and any non-obvious risks around the task to be performed. All affected Managers and Supervisors are to be invited to attend;
- Provide MSDS for any chemicals or materials brought into the workplace to the Village Contact who requests the services, as well as a control program for any designated substances; and
- Not sub-contract any part of the services without written approval of the Village.

The Chief Administrative Officer shall maintain a list of pre-qualified contractors. This list shall be reviewed annually.



## PROCEDURES

Contractors shall carefully note the following:

### **Stop Work Orders:**

If, in the judgement of the Joint Health & Safety Committee, or the Village Contact, the Contractor fails to adhere to workplace requirements, the Contractor's entire work force may be asked to stop work and can be removed from the workplace under the direction of the Manager or Supervisor pending investigation of the circumstances. Follow-up actions may include the cancellation of the job or of the contract.

### **Compliance Costs:**

All costs and expenses necessary for complying with health and safety requirements to complete the scope of work in a safe manner are to be included in the proposal or bid submitted by the Contractor. Any specialized personal protective equipment (PPE) required to do the job must be supplied by the Contractor.

### **Past Safety Performance and Evaluation:**

In the final evaluation of bids submitted for contracted work and before the contract is awarded, consideration shall be given to the evaluation of the past safety performance of the Contractor. Contractors shall be evaluated by the Village Contact using *Form #13-10 Contractor Health & Safety Evaluation*. In the cases of open-ended service contracts, this evaluation will be completed by the Manager or Supervisor prior to the contact being renewed, or at least annually, in order to evaluate the safety performance of the Contractor.

## COMMUNICATION

This procedure will be communicated to any Village of Point Edward representative(s) who are authorized to hire a contractor.

## TRAINING

The authorized Village of Point Edward representative(s) will receive training in this procedure.

## EVALUATION

Evaluation of this procedure will be done on an annual basis by Management OR if corrective action is identified due to an injury / illness or incident as a result of a Contractor issue.

Any health and safety issues will be addressed immediately by The Village of Point Edward representative.



## **FORMS / RECORDS**

Contractor Qualification Package  
Form #10-10 Contractor Safety Questionnaire  
Form #11-10 Contractor Sign-off Sheet  
Form #12-10 Contractor Infraction Form  
Form #13-10 Contractor Health & Safety Evaluation

## **REFERENCE MATERIALS**

Ontario *Occupational Health and Safety Act* and Regulations



**CONTRACTOR HEALTH & SAFETY EVALUATION**

Contractor: \_\_\_\_\_

Job Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Started: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Was the contractor given a Safety Orientation package prior to beginning work: Yes \_\_\_ No \_\_\_

Did the Contractor understand and comply with all the Safety Rules and Regulations as per Policy & Procedure Contractor Guidelines, Responsibility & Procedures? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Did the Contractor violate any Safety Rules and Regulations during the project? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Was the Contractor's activity well-planned and organized, clean and free from hazards? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Did the Contractor provide copies of all required certificates and permits? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_