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Contractor Coordination Program

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[Organization]

Contractor Coordination Program

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# PURPOSE

To ensure that [Organization] workers and other employers working at [Organization] workplaces are not placed at risk because of a lack of knowledge of workplace hazards, or a lack of coordination of workplace safety.

# POLICY

[Organization]will ensure that:

* [Organization]workersand contractors hired by [Organization] and working at[Organization]workplaces are aware of any pre-existing or foreseeable workplace hazards known to the [Organization].
* Occupational health and safety activities are coordinated on civic workplaces that are designated as multiple employer workplaces. Coordination will be done by the[Organization] or by the Prime Contractor designated by the [Organization].
* Managers and workers understand the requirements of the *Workers’ Compensation Act* and the WorkSafeBC Regulation with regards to contracting out, and follow the requirements provided in the [Organization] policies and procedures.
* [Organization] workplaces are maintained in a manner that ensures the health and safety of persons at or near the workplace.

# SCOPE

This program applies to every situation where workers other than [Organization] workers are performing their job duties at a [Organization] workplace.

### Exception for Short Term Workplace Visits

Workers who are delivering or picking up mail, goods, materials or enter to inspect premises – even if done on a regular basis, do not make the workplace a “multiple employer workplace” for the purposes of this Program.

# DEFINITIONS

|  |  |
| --- | --- |
| **Construction Project** | Any erection, alteration, repair, dismantling, demolition, structural or routine maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, concreting, the installation of any machinery or any other work deemed to be construction by the Board. (WorkSafeBC OHS Regulation Section 20.1) |
| **Contractor** | Includes a contractor, subcontractor, utility company, government agency or a service company providing/assigning workers and/or services/equipment within the workplace. |
| **Contractor Safety Program** | A contractor's Occupational Health and Safety program as required by the WorkSafeBC OHS Regulation. |
| **Multiple Employer Workplace** | A workplace where workers of two or more employers are working at the same time.In this type of workplace workers of one employer do not actually have to come into contact with the workers of the other employer. They do not even have to be in the same place at the same time. What is important is whether or not the workers' activities could affect the health and safety of another employer's workers.NOTE: Short term visits by couriers, inspectors, suppliers, etc. are not regarded as workers at the workplace. |
| **Multiple Owner Situation** | More than one person may simultaneously meet the definition of the term "owner" in respect to a particular workplace. For example, both the municipality that holds legal title to land and an entity with a permit to use may qualify as owners under the *Act*. In such circumstances, referred to as multiple owner situations, all the owners of a particular workplace are responsible for fulfilling the duties set out in *WCAct*, the OHS Regulation, and any applicable orders. |
| **Notice of Project** | The Notice of Construction Project given by the Prime Contractor, or Owner, to WorkSafeBC as defined in and required by Section 20.2 of the Regulation. |
| **Prime Contractor** | In relation to a multiple-employer workplace, the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the Prime Contractor, or, if there is no agreement, the owner of the workplace. (*WCAct* 2019 Part 2 Section 24) |
| **Qualified** | Means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof. |
| **Qualified Coordinator** | At a multiple employer construction workplace, means the person appointed by the owner or the Prime Contractor to coordinate occupational health and safety activities at the worksite. (Part 20.3(2)(a) of the Regulation).The qualified coordinator needs to possess experience in and an understanding of the work, including specific work processes and equipment used. The qualified coordinator should also have the ability to provide direction to others and to be able to effectively communicate with the employers and workers present at the workplace.Ideally the qualified coordinator will possess some formal training or a trade certification that would suggest the person is capable of identifying and addressing hazards. However, a trade certification is not a specific requirement, provided that the qualified coordinator is knowledgeable of and experienced in the work being undertaken at the workplace.Reference: WorkSafeBC Regulation / Guideline G20.3-2 Qualified Coordinators |
| **Qualified Person** | Applies to every contractor hired whether it is a single employer workplace or a multiple employer workplace.On a construction workplace, means a person designated by a contractor (other than the Prime Contractor) to be responsible for that employer's health and safety activities and responsibilities. |
| **Single Employer Workplace** | A defined area in which there are workers of only one employer. |
| **Workplace Safety Coordinator** | Applies where a Prime Contractor has not been designated.The person designated by [Organization] to coordinate workplace safety on multiple employer workplaces if there is no Prime Contractor, and to receive/review a contractor's safety program, records, documentation and safety performance. |

# OVERVIEW OF REGULATION

## Responsibility of Owner

Reference: Part 2 Sections 24 and 25 of the *Workers’ Compensation Act* 2019 and Part 20 of the WorkSafeBC Regulation.

The *Workers’ Compensation Act* requires the owner of the workplace to:

* Maintain the workplace in a safe manner;
* Give any other employers on the workplace all information about workplace hazards;
* Give other employers on the workplace the information they need to eliminate or control those hazards.

In addition, on multiple employer workplaces, [Organization] has a responsibility to:

* Coordinate activities of the employers, workers, and other persons at the workplace;
* Establish and maintain a system or process to ensure that everyone at the workplace complies with the WorkSafeBC OHS Regulation.

# WORKPLACE COORDINATION OVERVIEW

The [Organization] can decide to coordinate safety activities at a multiple employer workplace or to designate this responsibility, in writing, to a Prime Contractor.

## Construction Workplaces

### If a Prime Contractor Is Not Designated

If there is no Prime Contractor, and there are more than 5 workers in total at the workplace, the [Organization] must designate a Workplace Safety Coordinator to coordinate workplace safety.

**NOTE:** It does not matter who employs the workers.

The Workplace Safety Coordinator is responsible for submitting the Notice of Project to WorkSafeBC where a Notice of Project is required. (See WorkSafeBC OHS Regulation 20.2 for the general requirements of a Notice of Project)

In addition, on a multiple employer workplace, the Workplace Safety Coordinator must:

* + Ensure that all of the workers at the workplace are aware of any pre-existing or foreseeable hazards at the workplace;
	+ Identify any hazards at the workplace that are created by the work;
	+ Have a workplace drawing that shows where all employers are working, where first aid is located, explains the emergency transportation system for injured workers (where required), and evacuation marshalling points;
	+ Have written safe work procedures outlining procedures to be followed by all workers at the workplace.

### If a Prime Contractor Is Designated

If a Prime Contractor Is Designated (in writing) the [Organization] has a responsibility to:

* + Inform the Prime Contractor of pre-existing or foreseeable hazards;
	+ Give the Prime Contractor any available information that is necessary to identify, eliminate or control hazards at the workplace.

The Prime Contractor must designate a Qualified Coordinator. The Prime Contractor’s Qualified Coordinator must:

* + Ensure that all workers at the workplace are informed of pre-existing or foreseeable workplace hazards, and of any hazards at the workplace that are created by the work;
	+ Ensure there are written procedures for safe work practices to be followed at the workplace;
	+ Ensure that the hazards are addressed throughout the duration of the work activity;
	+ Have a workplace drawing showing where all employers at the workplace are working, where first aid is located, explain the emergency transportation system for injured workers (where required), and evacuation marshalling points.

## Non-Construction Workplaces

### If a Prime Contractor Is Not Designated:

If there is no Prime Contractor designated the [Organization] acts as the Prime Contractor and must:

* + Ensure that all workers at the workplace are informed of pre-existing or foreseeable workplace hazards, and of any hazards at the workplace that are created by the work;
	+ Ensure that occupational health and safety activities are coordinated if it is a multiple employer workplace;
	+ Establish and maintain a system to ensure compliance with the *Act* and the WorkSafeBC OHS Regulation;
	+ Ensure that the names of the persons who will supervise workers at the workplace have been forwarded to the [Organization].

### If a Prime Contractor Is Designated:

If a Prime Contractor is designated on a non-construction site, the [Organization] has a responsibility to:

* + Ensure that the Prime Contractor is informed of pre-existing workplace hazards, and of any hazards at the workplace that are created by the work;
	+ Give the Prime Contractor at the workplace any available information that is necessary to identify, eliminate or control hazards at the workplace.

# RESPONSIBILITIES

[Organization] is responsible to determine:

1. whether a workplace includes the workers of other employers;
2. whether this is a multiple employer workplace, a multiple owner workplace or a single employer workplace;
3. if the workplace is a construction workplace as outlined in the definitions.

The remaining responsibilities are separated into the following categories:

1. Single Employer Workplace
2. Multiple Employer Workplace
	1. with a Prime Contractor
	2. without a Prime Contractor
3. Multiple Owner Workplace

## Single Employer Workplace

### [Organization]

[Organization] is responsible to:

* + Ensure that the contractor at the workplace is aware of all pre-existing or foreseeable workplace hazards and has the information on how to eliminate or control the hazards;
	+ If on a construction workplace where the work requires a Notice of Project, submit the Notice of Project to WorkSafeBC.

### Workplace Safety Coordinator

The [Organization] Workplace Safety Coordinator is responsible to:

* + Determine the boundaries of the workplace and ensure that only workers of one employer perform duties within those boundaries;
	+ Ensure all relevant information on workplace hazards is provided to the employer;
	+ Decide whether the contractor should be designated, in writing, as a Prime Contractor and if so, designate the Prime Contractor.

### Contractor

Applies to a contractor to the [Organization] and to service providers such as BC Hydro or gas distribution companies:

* + Obtain information on workplace hazards from the [Organization] and inform its workers at the workplace of those hazards;
	+ Ensure compliance with the *Workers Compensation Act* and the WorkSafeBC OHS Regulation.

If designated as the Prime Contractor, the contractor is responsible to:

* + Ensure that all workers at the workplace, as well as its own workers, are aware of the pre-existing or foreseeable workplace hazards;
	+ Ensure that all work is performed without unnecessary risk and in compliance with the *Workers Compensation Act* and the WorkSafeBC OHS Regulation.

### [Organization] Supervisors

* + Ensure that all workers know that a single employer workplace has been designated;
	+ Ensure they do not assign duties which take [Organization] workers into the single employer workplace;
	+ Contact their supervisor to determine if the work should go ahead if any worker reports that they must enter the single employer workplace to do their job.

### [Organization] Workers

* + Ensure that their duties do not take them into the single employer workplace;
	+ Inform their supervisor if they must enter the workplace.

## Multiple Employer Workplace

### Multiple Employer Workplace Without a Prime Contractor

#### [Organization]

The [Organization] is responsible to:

* + Designate the Manager responsible for the project to be responsible for coordinating workplace safety;
	+ Ensure that all health and safety activities are coordinated;
	+ Ensure that all employers comply with the *Workers Compensation Act* and WorkSafeBC OHS Regulation.

#### Workplace Safety Coordinator

Ensure that:

* + All employers on the workplace are aware of pre-existing or foreseeable workplace hazards;
	+ Workplace safety meetings are held and documented;
	+ All occupational health and safety activities are coordinated;
	+ If the site is a construction workplace where the work requires a Notice of Project, that the Notice of Project is submitted to WorkSafeBC.

####

#### Construction workplaces

The Manager responsible for the project is responsible to:

* + Ensure that written procedures to protect the health and safety of all workers are available on the worksite;
	+ Maintain a workplace map that shows where all employers are working, where occupational first aid is located, explains the emergency transportation system (where required), and the location of evacuation marshaling points.

#### Contractors

* + Comply with their contracted safety requirements and the directives of the [Organization] Manager responsible for the project regarding coordination of activities;
	+ Inform the [Organization] Manager responsible for the project of the name of the individual who supervises their workers;
	+ Give the [Organization] Manager responsible for the project the name of a Qualified Person who is responsible for their health and safety activities.

#### Supervisors

* + Ensure that the duties that they are assigning do not cause hazards for the workers of other employers on the workplace.

#### Workers

* + Follow safe work procedures, and
	+ Alert their supervisor if the duties that they are performing may create a hazard to other workers.

### Multiple Employer Workplaces With A Prime Contractor

#### [Organization]

* + Identify existing and foreseeable workplace hazards for the Prime Contractor and give the Prime Contractor information on how to eliminate or control hazards in the workplace.

#### Workplace Safety Coordinator

* + Designate a Prime Contractor based on the complexity and risk of the work being performed;
	+ When a Prime Contractor is designated, inform all other employers of the designation.

#### Prime Contractor

Ensure that:

* + All occupational health and safety activities are coordinated;
	+ All employers on the workplace comply with the *Workers Compensation Act*, and the WorkSafeBC OHS Regulation; and
	+ If the workplace is a construction workplace with a combined workforce of more than 5 workers, identify a qualified coordinator who must coordinate health and safety activities on the workplace.

#### Prime Contractor's Qualified Coordinator on Construction Workplaces

The qualified coordinator must:

* + Ensure that all employers on the workplace are aware of pre-existing or foreseeable workplace hazards;
	+ Ensure that workplace safety meetings are held and documented;
	+ Coordinate all health and safety activities;
	+ Complete a Notice of Project and submit it to WorkSafeBC;
	+ Maintain a workplace map that shows where various employers are working, where first aid is located, the emergency transportation system for injured workers, and the evacuation marshalling points;
	+ Have the written procedures to protect the health and safety of the workers on the workplace, ensuring that the hazards are addressed throughout the duration of the work activity.

#### Other Contractors

Other contractors are responsible to:

* + Deliver to the Prime Contractor’s Qualified Coordinator the name of the person who supervises their workers.

On a construction workplace, the contractors must:

* + Designate a Qualified Person to be responsible for that contractor's health and safety activities;
	+ Provide the name of the Qualified Person to the Prime Contractor.

#### [Organization] Supervisors

Supervisors are responsible to:

* Be knowledgeable of the Prime Contractor’s safety program and the measures in place to eliminate or control workplace hazards;
* Ensure that all [Organization] workers comply with this safety program;
* Remove workers under their control from any danger and notify [insert name or job position here].

#### [Organization] Workers

Workers must comply with the workplace safety program of the designated Prime Contractor.

## Multiple Owner Workplace

#### [Organization]

The [Organization] is responsible to:

* + Ensure that the workplace is safe and that all workers, including the other Owner, Employer, Contractors and their employees, are aware of the existing or foreseeable workplace hazards which the [Organization] has knowledge of as owners.
* If there are no interactions, or overlap between workplaces that would create hazards for the workers of the other Employer or for the workers of the [Organization], no further action is required.

# PROGRAM DETAILS

## Single Contractor On [Organization] Worksite

Where a single contractor performs work for [Organization] on a [Organization] worksite, the [Organization] is responsible to:

* Ensure that the workplace is safe and that the contractor is aware of pre-existing or foreseeable hazards;
* Determine if this is a single employer workplace or a multiple employer workplace; and
* Decide whether or not there should be a Prime Contractor.

## Pre-contract Hazard Assessment

Contractors must be made aware of all of the pre-existing or foreseeable workplace hazards that may affect their workers.

Workplace hazard identification must be completed prior to putting a project out to tender. This will be done by [insert name or job position here].

Hazard identification should include, but not be limited to:

* workplace access difficulties
* confined spaces
* chemical exposures
* excavations
* work at heights
* lockout
* electrical hazards
* asbestos
* temperature extremes
* noise
* workplace hazardous materials
* traffic

Any other known or foreseeable workplace hazards must also be identified.

Providing methods to eliminate or control workplace hazards will include providing the contractor with any [Organization] procedures relating to the identified hazards. If the contractor is going to do work that is not covered by the [Organization] safety program, then once the hazards are identified, the contractor must provide written safe work procedures for the work.

## Day Labour

Periodically, a contractor will come onto a workplace to perform work in co-operation with [Organization] workers without subcontractors. [Organization] accepts a significant amount of liability if workers of the [Organization] supervise these contract workers, or where a supervisor is hired on contract to oversee the activities of these contract workers.

Consideration must be given to designating these contractors as Prime Contractors. If they are not designated as Prime Contractors, [Organization] may be liable for any violations of the WorkSafeBC Regulation by the contractors. Even if they are designated as Prime Contractors, supervision of the contract workers by a [Organization] supervisor can make the [Organization] liable for any violation of the WorkSafeBC Regulation.

All day-labour contracts must be reviewed by the [Organization] manager responsible for the project to determine how the contract workers will be supervised.

## Multiple Employer Workplaces

Multiple employer workplaces are created when the workers of two or more employers are working at the same location. They do not both have to be working all of the time. If they are both at the workplace and the activities of either employer can affect the health and safety of workers of the other employer, then the workplace becomes a multiple employer workplace.

When [Organization] has contractors on a multiple employer workplace, there is a requirement for coordination of activities.

[Organization] Manager responsible for the project can fulfill this coordination role, or it can be delegated to a contractor who is designated, in writing, as Prime Contractor.

Contractors must give the [Organization] Manager responsible for the project, or the Prime Contractor, the names of the individuals who will be supervising their workers.

On a construction workplace, contractors must also provide the name of the Qualified Person who will be responsible for their health and safety program.

## Prime Contractor Designation

[Organization] must carefully decide whether to designate a contractor in writing as the Prime Contractor. The decision on whether to designate a Prime Contractor rests with [insert name or job position here].

The responsibility for coordination of activities at the workplace, and for ensuring compliance with the *Workers Compensation Act* and the WorkSafeBC OHS Regulation will rest with the Prime Contractor. Typical contract language to designate a Prime Contractor is in Appendix A.

Prime Contractors must be made aware of all of the pre-existing workplace hazards that might put their workers at risk. They must also be given the information that they need on how to eliminate or control those hazards.

[Organization] may decide at any time to appoint a Prime Contractor on a multiple employer workplace. [Organization] can also appoint one contractor to be the Prime Contractor on a single employer workplace.

If the [Organization] appoints a Prime Contractor all other affected contractor(s) will be given written notice.

## Workplace Safety Requirements of the Prime Contractor

The Prime Contractor must:

* Ensure work is done in a safe manner that complies with all regulatory requirements;
* Direct and coordinate the work activities related to the health and safety of all contractors and any other workers on the workplace;
* Have a supervisor readily available at the workplace. This supervisor will have the necessary skills, qualifications and experience to coordinate the health and safety activities of the worker;
* Obtain from the organization written information on known or foreseeable hazards and conditions and the methods to address the hazards and conditions and will circulate this information;
* Ensure first aid facilities are provided and maintained on the workplace in accordance with Part 3 of the WorkSafeBC OHS Regulation;
* Take all reasonable steps to ensure that the occupational health and safety activities of all Contractors and their workers comply with the WorkSafeBC OHS Regulation;
* Immediately give [insert job title or name of person responsible for coordination] the name of any contractor who does not co-operate, assist or do what the qualified coordinator requires regarding coordination of health and safety activities within the workplace.

## Workplace Safety Requirements of All Contractors

Prior to starting any work at the workplace, the Contractor must:

* Have its own Safety Program (Review of Contractor Safety Program form is in Appendix B) ;
* Ensure the safety program meets the requirements of Part 3 of the *Workers’ Compensation Act* and Part 3 of the WorkSafeBC OHS Regulation.

At non-construction workplaces, the Contractor will:

* Ensure there is a supervisor at the workplace who has the necessary skills and experience to run the Contractor's Safety Program;
* At the start of work, the Contractor will provide [insert job title or name of person responsible for coordination] in writing, the names of all supervisors;
* [insert job title or name of person responsible for coordination] or Prime Contractor, must be immediately informed of any changes.

At construction workplaces, the Contractor will:

* Ensure there is a Qualified Person present who has the necessary skills and experience to run the Contractor's Safety Program;
* At the start of work, the Contractor will provide [insert job title or name of person responsible for coordination] or the Prime Contractor, in writing the name of the Qualified Person;
* [insert job title or name of person responsible for coordination] or Prime Contractor, must be immediately informed of any changes.

The Contractor must:

* Ensure that a Joint Occupational Health and Safety (JOHS) Committee is formed for the workplace if required by the *Workers Compensation Act*, and that the activities of the JOHS Committee meet the requirements of the *Act*;
* Advise [insert job title or name of person responsible for coordination] or the Prime Contractor, of any incidents at the workplace that must be reported to WorkSafeBC;
* Inform all persons working on the workplace of the health and safety requirements at the workplace.

At all times the contractorwill ensurethat its workers and subcontractors and all other workers coming onto the workplace will:

* Comply with the *Workers Compensation Act* and the WorkSafeBC OHS Regulation;
* Comply with the contractor's safety program;
* Comply with [job title or name of person responsible for coordination]'s (or Prime Contractor's) safety requirements for the work activities within the workplace;
* Provide occupational health and safety records and documentation to [insert job title or name of person responsible for coordination] or Prime Contractor;
* Follow the directions of [insert job title or name of person responsible for coordination] or the Prime Contractor on all matters relating to occupational health and safety;
* Inform [insert job title or name of person responsible for coordination] or the Prime Contractor of any information that they require to coordinate each employer's work activities within the workplace.

## Additional Requirements for Construction Workplaces

Reference:

* WorkSafeBC OHS Regulation Part 20.

At construction workplaces the Prime Contractor will:

* Notify WorkSafeBC by a Notice of Project that it is the Prime Contractor;
* Have a qualified coordinator readily available at the workplace. The qualified coordinator will have the necessary skills, qualifications and experience to coordinate the occupational health and safety activities of all employers on the worksite.

Before the work begins, the Prime Contractor will provide [insert job title or name of person responsible for coordination] with the following information:

* A copy of the Notice of Project (for construction projects);
* Written confirmation that the Prime Contractor's safety program is in place;
* The name of the qualified coordinator;
* Any changes of appointment.

For construction projects, the Prime Contractor will post a copy of the Notice of Project in prominent locations within the workplace to ensure that all employers know that, as Prime Contractor, it has responsibility for coordinating the work activities related to occupational health and safety matters of all contractors.

## Prime Contractor's Health and Safety Records

The Prime Contractor must:

* Maintain all occupational health and safety documentation at one location at or near the workplace and make the documentation available to [insert job title or name of person responsible for coordination]. (See Appendix C for a list of the required documentation);
* Ensure that its Qualified Coordinator collects records of all JOHS Committee proceedings at the workplace and distributes them to other qualified persons working within the workplace and to WorkSafeBC;
* In the event of an incident that requires notification of WorkSafeBC at the same time, notify [insert job title or name of person responsible for coordination] about the incident;
* If requested, provide information on the progress of the investigation and coordinate all responses to requests for information with [Organization].

## Workplace Safety Coordinator

If a Prime Contractor is appointed, [insert job title or name of person responsible for coordination] will be the [Organization] workplace representative and have duties and responsibilities that include but are not limited to the following:

* Ensure all contractors are informed of appointment of the Prime Contractor;
* Inform the Prime Contractor that they must be copied in all communications;
* Monitor the Prime Contractor's compliance with the safety requirements of the contract;
* Ensure that [Organization] workers do not direct or supervise any contractor's workers on the workplace;
* Receive and/or distribute all necessary documentation;
* Ensure that all pre-existinghazards of the workplace and procedures for addressing the hazards are conveyed to the Prime Contractor.

If there is no designated Prime Contractor on a multiple employer workplace, [insert job title or name of person responsible for coordination] is responsible to:

* Coordinate the activities of all employers at the workplace;
* Watch for and control situations where the work of one contractor or a worker of [Organization] could cause a hazard to the workers of another contractor;
* At construction workplaces, maintain the location of first aid and evacuation marshaling points, and maintain the written procedures that will be used to ensure the safety of workers in the workplace;
* Ensure that employers coming onto the worksite have written safe work procedures.

# See Appendix D for a Confirmation of Responsibilities form. Appendix E shows a Summary of Responsibilities.TRAINING REQUIREMENTS

## Goal

To ensure that no workers will be put at risk and to minimize the liability to [Organization] as a result of workers of another employer performing duties on a workplace owned by the organization.

## Objectives

This training will ensure workers will:

* Understand the [Organization]’s policy on contractor coordination;
* Understand the difference between a single employer workplace and a multiple employer workplace;
* Know what their responsibilities are and understand the responsibilities of other workers;
* Understand the components of the pre-job hazard assessment;
* Understand the requirements for coordination and supervision on day labor jobs.

## Summary of Training

* Why workplace safety coordination is necessary
* The responsibilities for workplace safety coordination
* How to determine if workplace coordination is required
* The effects of Part 2 of the *Workers’ Compensation Act* *2019* on contractor coordination
* The definitions used in the contractor coordination program
* When to designate a Prime Contractor
* The differences between construction workplaces and other workplaces for contractor coordination
* Typical hazards that must be addressed
* How to perform pre-job hazard assessment
* Definitions and concerns on day labour jobs
* How to complete forms and documentation
* Correct responses to typical situations

# PROGRAM MAINTENANCE

This program will be reviewed annually by the employer. The review will focus on the number of situations when other employers were on the [Organization]’s workplace, and whether any liability accrued to the organization as a result.

# DOCUMENTATION

The documentation for this program includes:

* Contract template that includes language concerning Prime Contractor
* Safety program with names or positions of those responsible for coordination
* Pre-job hazard assessments
* Completed reviews of contractor safety programs
* Documentation of discussions with contractors regarding supervision

# APPENDICES

## Appendix A - Contract Language

The following checklist should be used when designing contract language that outlines the responsibilities of Prime Contractors and other contractors on the organization’s workplaces:

1. The contractor should be required to perform the services to a standard acceptable to [Organization].
2. If a notice of project is required, the contractor should be required to send it to WorkSafeBC.
3. The contractor should be required to ensure compliance with the WorkSafeBC OHS Regulation and *Workers’ Compensation Act*.
4. The contract should note that any failure to meet the safety requirements of the contract would result in cancellation of the contract.
5. The contractor must be required to have in place a written safety program and written safe work procedures specific to the work being performed.
6. There should be a requirement that the safety program and all written safe work procedures are available at the workplace prior to the commencement of the work.
7. The contractor must be a registered firm with WorkSafeBC.
8. The contract should require that the contractor provide occupational first aid services.
9. If a contractor is designated Prime Contractor, the workplace safety requirements for the Prime Contractor from this program should be part of the contract.
10. If a contractor is designated Prime Contractor, the requirements for the designated qualified safety coordinator from this program should be part of the contract.
11. There should be a requirement that the contractor have toolbox safety meetings daily and formal safety meetings monthly with minutes forwarded to [Organization].

*Following is an example only of contract language that can be used when hiring a contractor. It is advisable to contact your legal counsel prior to using this language.*

**Occupational Health and Safety**

1. The Contractor agrees that it is the “Prime Contractor” for the Work as defined in the *Workers’ Compensation Act* *2019* as amended and will ensure compliance with the *Workers’ Compensation Act* and Occupational Health and Safety Regulation in respect of the workplace. Without limiting its responsibilities under the *Act,* the Contractor will coordinate the activities of employers, workers and other persons at the workplace relating to occupational health and safety. The Contractor shall have a safety program acceptable to WorkSafeBC, shall provide first aid services, and shall ensure that all WorkSafeBC safety rules and regulations are observed during performance of this Agreement, not only by the Contractor, but by all sub-contractors, workers, material personnel and others engaged by the Contractor in the performance of this Agreement. The Prime Contractor shall appoint a qualified coordinator for the purpose of ensuring the coordination of health and safety activities for the workplace.
2. The Contractor shall ensure compliance with and conform to all health and safety laws, by-laws or regulations of the Province of British Columbia, including any regulations requiring installation or adoption of safety devices or appliances. The [Organization] may, on twenty-four (24) hour written notice to the Contractor, install such devices or rectify any conditions creating an immediate hazard existing that would be likely to result in injury to any person. However, in no case shall [Organization] be responsible for ascertaining or discovering, through inspections or review of the operations of the Contractor or otherwise, such deficiency or immediate hazard;
3. Without limiting the generality of any other indemnities granted by the Contractor herein, the Contractor shall indemnify and save harmless [Organization], its elected and appointed officials, employees and agents from and against any loss or expense or penalty suffered or incurred by [Organization] by reason of failure of the Contractor, its agents or employees, or any sub-contractors of the Contractor, its agents or employees to comply;
4. The Contractor shall fulfill all its duties, obligations and responsibilities in such a manner that it ensures the safety of the public and in accordance with the safety regulations of WorkSafeBC and shall install signs and barriers as required to ensure the safety of the public and of its employees in the use of the [Organization] Facilities; and
5. The Contractor understands and undertakes to comply with all the WorkSafeBC Occupational Health and Safety Regulation for hazardous materials and substances, and in particular with the "Workplace Hazardous Materials Information Systems (WHMIS)" Regulations.

**WorkSafeBC Coverage**

1. The Contractor agrees that it shall, at its own expense, procure and carry or cause to be procured and carried and paid for, full WorkSafeBC coverage for itself and all workers, employees, servants and others engaged in or upon any work or service which is the subject of this Agreement. The Contractor agrees that [Organization] has the unfettered right to set off the amount of the unpaid premiums and assessments for such WorkSafeBC coverage against any monies owing by [Organization] to the Contractor. [Organization] shall have the right to withhold payment under this Agreement until WorkSafeBC premiums, assessments or penalties in respect of the work done or service performed in fulfilling this Agreement have been paid in full;
2. The Contractor shall provide [Organization] with the Contractor's WorkSafeBC registration number and a letter from the WorkSafeBC confirming that the Contractor is registered in good standing with the WorkSafeBC and that all assessments have been paid to the date thereof prior to [Organization] having any obligations to pay monies under this Agreement
3. The Contractor shall indemnify [Organization] and hold harmless [Organization] from all manner of claims, demands, costs, losses, sanctions and penalties and proceedings arising out of, or in any way related to, unpaid WorkSafeBC assessments owing from any person or corporation engaged in the performance of this Agreement or arising out of or in any way related to the failure to observe safety rules, regulations and practices of the WorkSafeBC, including penalties levied by the WorkSafeBC.

## Appendix B - Review of Contractor Safety Program

|  |  |  |  |
| --- | --- | --- | --- |
| Date: |  | Contractor: |  |
| Reviewed by: |  | Job Title: |  |

In order to comply with the WorkSafe BC OSH Regulation the following elements of a basic Contractor’s written safety program must be present and functioning:

* Policy statement
* Inspection of premises
* Supplementary instructions
* Management meetings
* Investigation of accidents
* Records and statistics
* Joint Health & Safety Committee
* Instruction and supervision of workers
* First Aid
* WHMIS

**Confirmation of Elements**

| **Element** | Yes | **No** | **Comments** |
| --- | --- | --- | --- |
| **1. Policy** The policy clearly states the employer's aims and the responsibilities of the employer, managers, supervisors and workers. | 🞎 | 🞎 |  |
| **2. Inspection of Premises**Provision for Regular inspection of the premises, equipment, work methods and work practices, including specific instruction that states the intent of inspections, who is to inspect, what is to be inspected and inspection frequency | 🞎 | 🞎 |  |
| **3. Written Instructions** Appropriate written instructions to supplement the WorkSafe BC Occupational Safety & Health Regulation. Copies of the instructions must be made available for reference by all employees. | 🞎 | 🞎 |  |
| **4. Management Meetings**Provision for holding periodic meetings for the purpose of reviewing health and safety activities and accident trends, and for determining necessary action. | 🞎 | 🞎 |  |
| **5. Investigation of Accidents** Provision for the prompt investigation of accidents including what to report to WorkSafe BC, which accidents to investigate, the intent of the investigation, and the content, distribution and follow-up of reports. | 🞎 | 🞎 |  |
| **6. Records and Statistics** Instruction is given to maintain records and statistics that include reports of inspections and accident investigations, and making this information available to the Joint Health and Safety Committee and workers. | 🞎 | 🞎 |  |
| **7. Joint Health & Safety Committee** Provisions is made for establishing and maintaining a committee including membership, function and detailed duties | 🞎 | 🞎 |  |
| **8. Instruction of Workers**Provision is made for instruction and supervision of workers in the safe performance of their work. | 🞎 | 🞎 |  |
| **9. Occupational First Aid Services and Equipment** Written instructions directing the services and equipment to be provided, the maintenance of a treatment record book, the procedure to follow to summon a first aid attendant and the reporting of injuries. | 🞎 | 🞎 |  |
| **10. Workplace Hazardous Materials Information System** Written instructions that assign responsibility for the program, provide direction on maintaining material safety data sheets and labels, and detail the education and training. | 🞎 | 🞎 |  |

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| --- | --- |
| **Notes/Follow-up:** |  |
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## Appendix C - Records to be Maintained and Available

The documents that are required to be maintained and made available by the Prime Contractor include, but are not necessarily limited to:

* The Prime Contractor's written safety program
* All notices which the Prime Contractor is required to provide to WorkSafeBC by the WorkSafeBC OHS Regulation
* Any written summary of remedial actions taken to reduce occupational health and safety hazards within the area of responsibility
* All directives and inspection reports issued by WorkSafeBC
* Reports on injuries and incidents occurring within the Prime Contractor's area of responsibility for which notification to WorkSafeBC is required
* Records of all tailgate talks and safety meetings held between contractors and their workers
* Records of employee health and safety orientation
* Written evidence of' inspections within the workplace
* Occupational first aid records
* Worker training records
* Written safe work procedures

## Appendix D - Confirmation of Responsibilities

Discussion with Contractor Supervisor or Coordinator

|  |  |  |  |
| --- | --- | --- | --- |
| Date: |  | Meeting Location: |  |
| Contractor: |  |
| Contractor Representative: |  | Job Title: |  |
| [Organization] Representative: |  | Job Title: |  |

|  |  |  |
| --- | --- | --- |
| **The Contractor:** | **YES** | **NO** |
| 1. Acknowledges the appointment as Prime Contractor.
 | ❑ | ❑ |
| 1. Understands that in any conflict of directions, the WorkSafeBC OHS Regulation and/or the *Workers' Compensation Act* shall prevail.
 | ❑ | ❑ |
| 1. Understands and will direct that all supervisors/coordinators must immediately report any apparent conflict as described above.
 | ❑ | ❑ |
| 1. Understands that the supervisor shall immediately notify the [Organization] of any reported conflict.
 | ❑ | ❑ |
| 1. Has requested and received information to eliminate or control hazards to the health and safety of persons at the workplace.
 | ❑ | ❑ |
| 1. Has conducted an inspection of the workplace to verify the presence of any hazards.
 | ❑ | ❑ |
| 1. Will communicate hazards to any persons who may be affected and ensure that appropriate measures are taken to effectively control or eliminate the hazards.
 | ❑ | ❑ |
| 1. Accepts that written documentation (e.g. notes, records, inspections, meetings etc.) on all health and safety issues must be available at the workplace and provided to the [Organization] and/or to a WorkSafeBC officer upon request.
 | ❑ | ❑ |
| 1. Will confirm that all workers are suitably trained and competent to perform the duties for which they have been assigned.
 | ❑ | ❑ |
| 1. Agrees that safety orientation of all new workers will be conducted.
 | ❑ | ❑ |
| 1. Has provided a copy of his/her company’s written Safety Program.
 | ❑ | ❑ |
| 1. Agrees that meetings to exchange any safety issues, concerns, hazards or safety directives will be conducted at least weekly (more often if required).
 | ❑ | ❑ |
| 1. Agrees that, before the commencement of work, crews will attend a daily crew safety meeting.
 | ❑ | ❑ |
| 1. Has assessed and will coordinate the first aid requirements.
 | ❑ | ❑ |
| 1. Has established a transport of injured worker procedure (where required).
 | ❑ | ❑ |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Contractor Rep:** |  |  |  |  |
|  |  |  |
| Name |  | Signature |
| [Organization] Rep: |  |  |  |
|  |  |  |
| Name |  | Signature |

## Appendix E - Summary of Responsibilities

[Organization] must ensure a safe workplace.

[Organization] must identify multiple employer workplaces.

If no Prime Contractor then [Organization] coordinates activities

[Organization] designates contractor as Prime Contractor.

Construction Workplace

* This is an overriding requirement of the *Workers Compensation Act 2019* (*WCAct*) Part 2 Section 25 General Duties – Owner.
* Multiple employer workplaces are created when workers of 2 or more employers are working at the same location. [Organization] would be considered one employer.
* Workers of one employer do not have to actually come in contact with the workers of the other employer or be in the same place at the same time. The workers activities could affect the health and safety of another employer’s workers.
* Short term visits by couriers, inspectors, suppliers, etc. are not regarded as workers at the workplace.
* [Organization] is responsible for the coordination of activities at the workplace and for ensuring compliance with the *WCAct* and the WorkSafeBC OHS Regulation.
* [Organization] must do everything that is reasonably practicable to establish and maintain a system to ensure compliance with the *WCAct* and the WorkSafeBC OHS Regulation.
* [Organization] must obtain from each contractor the names of the persons designated to supervise the workers.
* [Organization] may enter into a written agreement with a contractor if [Organization] wishes that contractor to be designated as Prime Contractor.
* There can be only one Prime Contractor at any one workplace at any one point in time.
* [Organization] must give the Prime Contractor all the information necessary to identify and eliminate or control the hazards to the health and safety of persons in the workplace.
* [Organization] must ensure that the Prime Contractor coordinates health and safety activities for the site.
* On multi-employer construction workplaces with a combined workforce of more than 5, the Prime Contractor or the [Organization] must appoint a Qualified Coordinator.
* [Organization] must ensure that each employer gives the qualified workplace coordinator the names of the supervisors and Qualified Persons designated to be responsible for that employer’s health and safety activities.
* The Qualified Coordinator must have a workplace drawing showing project layout, first aid facilities, emergency transportation provisions, and evacuation marshaling stations.
* The Qualified Coordinator must have a set of construction procedures designed to protect the health and safety of workers at the workplace.