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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 and includes a contractor for the purposes of this Standard

“contractor” means a person who performs work or supplies services to The Corporation under contract and, for the purposes of this Standard, refers to contractors performing construction excluding maintenance and service work

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“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 regulation under the Act

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

- 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.

“The Corporation” means The Corporation of the Town of Fort Erie

*The definitions are included for ease of reference. Where there is a difference of opinion, reference should be made to the prevailing legislation.

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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 and their subcontractors 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.

A contractor who performs work for The Corporation under this Standard is considered a constructor and assumes the responsibilities of a constructor as defined in the prevailing legislation.

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 construction projects contracted by The Corporation where the total acquisition cost as defined in The Corporation's Purchasing Policy exceeds \$50,000.

Standards/Procedures

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

Stage 1 – Pre-Qualification Process

From time to time, The Corporation will issue a Request for Pre-Qualification for contractors interested in undertaking a project for The Corporation. This Request requires contractors to submit the Bidder's Safety Checklist attached as Appendix A. The documentation is reviewed by Corporation staff using the Rating Form attached as Appendix B to determine if a contractor's occupational health and safety practices are satisfactory to The Corporation. If The Corporation deems the contractor to be pre-qualified, the contractor is eligible to bid on a project for The Corporation.

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Stage 2 – Pre-Start Meeting/Orientation

Orientation

Prior to commencing work the contractor will provide evidence that all employees assigned to work on the project have taken The Corporation's Health and Safety Orientation and is required to confirm same on the Pre-Start Checklist attached as Appendix C. Health and Safety Orientation ensures that contractors and 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-Start 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 Pre-start Checklist. The Corporation's Employment Services representative shall assist in this regard.

Stage 3 – Performance Monitoring

The Corporation expects that the contractor, as constructor, shall ensure compliance with the Act and regulations as well as Corporation policies, safe work standards and guidelines. The contractor shall administer and enforce a corrective discipline policy to help ensure compliance.

Stage 4 - Post Contract Performance Evaluation

The Corporation's Project Manager completes a Contractor Safety - Post-Performance Evaluation Form attached as Appendix D and submits it to The Corporation. Safety performance deemed unacceptable by The Corporation will disqualify a contractor from future work for The Corporation.

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Roles and Responsibilities

Department Director or Designate

- 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, Procurement or Designate

- Issue Requests for Pre-Qualification
- Keep copies of completed forms pertaining to the contractor on file for future reference

Employment Services

- 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, Procurement, Project Managers and employees who inspect the work of contractors receive annual training in this Standard

Evaluation

The safety performance of contractors is reviewed and updated 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.

Forms

- Appendix A – Bidder's Safety Checklist
- Appendix B – Rating Sheet
- Appendix C – Pre-Start Checklist
- Appendix D – Post-Performance Evaluation Form

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

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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.*