

SECTION HEALTH & SAFETY	NAME OF POLICY CONTRACTOR SAFETY PROGRAM
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**CONTRACTOR SAFETY PROGRAM**

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**DEFINITIONS**

1. “**contractor - programs and projects**” includes work or service provided by a contractor who has responded to a tender, RFP or RFPQ and has been selected as the successful bidder.
2. “**service contractor – ad hoc hired services**” includes work or services generally provided by a contractor on an ad hoc and periodic basis, for short term assignments.
3. “**departmental representative**” means the person who has authority and control over the contracted work.
4. “**consultant**” is someone whose expertise is provided on a temporary basis, typically for a fee.
5. “**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.
6. “**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.
7. “**employer**” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor, subcontractor or consultant who performs work or supplies services and a contractor, subcontractor or consultant who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.
8. “**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, water main, 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.

**SCOPE**

The Contractor Safety Program applies to all contractors hired by the Niagara Region as described under **Types of Contractors**.

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**PURPOSE**

To ensure *contractors for programs and projects* who have responded to a tender, RFP or RFPQ and who have been selected as the successful bidder, and *service contractors* who generally provide their work or service on an ad hoc basis, take all necessary steps to protect their workers, the general public, and property from any harm. All work procedures and equipment will be in accordance with the Occupational Health and Safety Act (*the Act*) and Niagara Region standards.

**LEGISLATIVE REFERENCE**

1. Occupational Health and Safety Act (*the Act*) and Regulations
2. *the Act*, R.S.O. 1990: Sections 23, 25, 26
3. Industrial Establishment Regulations, Reg. 851, R.R.O. 1990
4. Construction Projects Regulations, Reg. 213/91

**RESPONSIBILITIES**

The Corporation

- a) Where Niagara Region hires a *contractor for programs and projects* or a *service contractor* for ad hoc work or services, and the contractor is not deemed the constructor, Niagara Region assumes all of the duties of the “employer” under *the Act*.
- b) The Contractor Safety Policy and Program will be reviewed annually in consultation with the Joint Health and Safety Committees (JHSC) as required by *the Act*.

Departmental Commissioner (or Delegate)

- a) Is responsible to ensure that the requirements of this program are carried out with respect to contracted work performed under their authority or control. This may include work completed under their direction for site/location outside their department.

Departmental Representative

- a) Will ensure that any contracted work performed under their authority or control conforms to the requirements of the Contractor Safety Program.

Corporate Services Department

- a) The Purchasing Office and Corporate Health, Safety and Wellness will be a resource to management regarding the requirements of this program.

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- b) The Purchasing Office will oversee the administration and maintenance of the Niagara Region’s *Service Contractor Database* required for the prequalification of service contractors who provide ad hoc hired work or services.

**TYPES OF CONTRACTORS**

1. Contractor - Programs and Projects

A contractor who provides work or service in response to a tender, RFP or RFPQ, and who has been selected as the successful bidder.

2. Service Contractor – Ad Hoc Hired Services

A contractor who generally provides their work or service on an ad hoc basis and is typically hired periodically for short term assignments.

Examples: ad hoc maintenance, service or repair involving electrical, custodial, security, heating and air conditioning, painting, patch work, inspection, plumbing, appliance, water main, and general handy–persons.

Service Contractor also includes a consultant hired to oversee work on behalf of the Niagara Region. Volunteers, students and respite workers are not considered contractors for the purpose of this program.

**CONTRACTOR SAFETY PROGRAM REQUIREMENTS**

The Contractor Safety Program is comprised of four (4) components:

- 1. **Safety Prequalification** before work begins
- 2. **Pre-commencement Meeting** before work begins
- 3. **Safety Performance Monitoring** while work is underway
- 4. **Post Safety Performance Evaluation** after work is completed

1. **Safety Pre-qualification**

Safety prequalification is intended to help determine if a contractor is likely to perform the work in accordance with occupational health and safety requirements.

Contractor - Programs and Projects

Contractors for programs and projects who have responded to a tender, RFP or RFPQ and who have been selected as the successful bidder are required to provide a completed “**Contractor Safety Checklist**” with their bid submission package.

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Service Contractor – Ad Hoc Hired Services

Service Contractors who generally provide their services on an ad hoc basis and who are typically hired periodically for short term assignments are required to register their company and keep their company information up to date in Niagara Region's Service Contractor Database – link (to *Service Contractor Database*)

**2. Pre-commencement Meeting**

A pre-commencement meeting is intended to ensure introductions and the exchange of information about key initial matters occurs between the parties before work commences.

Contractor - Programs and Projects

Contractors for programs and projects who have responded to a tender, RFP or RFPQ and who have been selected as the successful bidder will be required to participate in a pre-commencement meeting with the Department Representative to review the *Pre-commencement Checklist* ([Appendix A](#)) before commencing work.

Service Contractor – Ad Hoc Hired Services

When it is not practical to conduct a pre-commencement meeting with a service contractor, the exchange of information about key initial matters will occur by other reasonable means (e.g. telephone conversation, discussion at the work location) before work commences.

**3. Safety Performance Monitoring**

Under Health and Safety legislation, liability can be directed to the employer for contractor safety infractions, especially in the case of critical injuries and fatalities. As such, Departmental representatives responsible for overseeing contractor performance will ensure that identified safety infractions are addressed and documented.

Note: Niagara Region retains the right to stop the contractor's work without penalty to Niagara Region if the contractor does not comply with the Occupational Health and Safety Act, the Regulations, all applicable Regional policies and Industry standards and guidelines, or creates an unacceptable health and safety hazard.

Contractor - Programs and Projects

The Departmental representative responsible for overseeing contract performance will monitor the contractor's performance on a regular basis, documenting issues and concerns on the *Notice of Safety Infraction* form ([Appendix B](#)) consistent with the *Contractor Safety Infractions – Follow-up Guidelines* ([Appendix C](#)).

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Service Contractor – Ad Hoc Hired Services

For service contractors who generally provide their services on an ad hoc basis, the Departmental representative responsible for overseeing their work performance will ensure any safety performance infractions are addressed and recorded in the Niagara Region’s *Service Contractor Database* (link to *Service Contractor Database*)

**4. Post Contract Safety Performance Evaluation**

Documented poor safety performance may cause a contractor to become disqualified from performing future work for the Niagara Region.

Contractor - Programs and Projects

For contractors who have been hired for programs and projects in response to a tender, RFP or RFPQ, upon completion of the contract a **Post Contract Safety Performance Evaluation** form ([Appendix D](#)) is to be completed and kept in the contract file.

Service Contractor – Ad Hoc Hired Services

For service contractors who generally provide their services on an ad hoc basis, the Departmental representative responsible for overseeing their work performance will ensure any safety performance infractions are recorded in the Niagara Region’s *Service Contractor Database* (link to *Service Contractor Database*)

**APPENDICES**

[APPENDIX A](#) - Contractor Pre-commencement Safety Checklist

[APPENDIX B](#) - Niagara Region Notice of Safety Infraction form

[APPENDIX C](#) - Contract Safety Infractions – Follow-up Guidelines

[APPENDIX D](#) - Post Safety Performance Evaluation

\*Appendices may be amended from time to time without policy change.