

Corporate Policy and Procedure



POLICY	Safety Management When Outside Contractors are Retained (Contractor Safety Management Program) (the "Policy")
CATEGORY	Health and Safety
AUTHORITY	All Employees
RELATED POLICIES	Reporting and Investigation of Serious Incidents or Accidents Insurance and Risk Management Policies and Procedures
APPROVED BY	Senior Management
EFFECTIVE DATE	July 1, 2017
REVISION DATE	November 25, 2022

Policy Statement

When the City of Guelph ("**COG**") retains third parties to carry out Work or Services on behalf of the COG, everyone involved including all COG staff and outside third parties must comply with:

- This Policy;
- All other applicable COG policies and procedures; and
- All applicable provisions of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1 ("**OHS**A") and the Regulations under that Act.

Purpose

In accordance with the COG corporate value of Wellness, the purpose of this Policy is to ensure that when outside parties are retained to carry out construction or other work on behalf of the COG, all reasonable precautions are taken:

- To protect the health and safety of workers and other persons
- To ensure all workers work in accordance with the OHS Act, Regulations and COG Policies and Procedures; and
- To ensure that the COG is duly diligent in its duties and responsibilities under the OHS Act and its Regulations.

Scope

This Policy applies to: (i) all COG staff where and as applicable and; (ii) third parties contracted to perform work for the COG.

However, this policy does not apply to work contracted in an emergency as defined in s.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c.E.9, as amended. In an

emergency, the COG Emergency Response Plan for the procurement of emergency services applies.

Definitions

In this Policy, the following definitions apply:

Contracted Service – means any Construction, engineering or maintenance (replacement like for like) work for which the COG has signed an agreement or issued a purchase order with a Contractor.

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 associated therewith.

Constructor – 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 contractor.

Contractor – a third party retained by the COG to provide Contracted Services

Contractor Personnel – any person or company retained or employed by a Contractor to perform the Contracted Services.

Designated Substance – a biological, chemical or physical agent or combination thereof prescribed as a designated substance under OHSA or any regulations therein, to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.

Emergency – A situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

Employer – 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. For greater clarity, the Employer is not the Constructor.

Facility Manager - a person or department with overall responsibility for the day-to-day upkeep of a specific building. It should be noted that in some facilities this role may be the responsibility of Corporate Building Maintenance, but where it is not, it will be required that the General Manager with the largest portfolio take on this responsibility.

Hazardous Material – a biological or chemical agent named or described in the OHSA and any regulations therein as a Hazardous Material.

Owner – means a person or entity defined under a contract between a Contractor and the COG and may include, a trustee, 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.

Project – a construction project, whether public or private, including,

- (a) the construction of a building, bridge, structure, industrial establishment, shaft, tunnel, caisson, trench, excavation, highway, railway, street, parking lot, cofferdam, conduit, sewer, watermain, service connection, fibre optic, 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

for which the execution of the same is undertaken by a Contractor through Contracted Services.

Project Manager – a COG staff member responsible for a Project and any associated Contracted Services.

Subcontractor – means a person or entity having a direct contract with the Contractor to perform a part or parts of any Contracted Services.

Supervisor – a person who has charge of a Workplace or authority over a Worker.

Worker - means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
4. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

Workplace – any land, premises, location or thing at, upon, in or near which Contracted Services are being performed.

WSIB Clearance Certificate – a certificate issued under the Workplace Safety and Insurance Act, 1997 that provides proof that a Contractor is registered with the WSIB and its account is in good standing.

Responsibilities

Project Manager

- All Project Manager responsibilities may be delegated to a project coordinator. However, responsibility and accountability regarding compliance of this Policy shall rest with the Project Manager.
- Ensure that bid solicitation documents for Contractor work contain all necessary safety documents identified in this Policy.
- Ensure that all necessary documentation is obtained from the Contractor prior to the commencement of work (i.e. Certificate of Insurance, WSIB Clearance), and ensure that it is valid for the duration of the work to be performed.

- When engaging contractors from out of province, ensure that all necessary documentation from the province or region they are coming from is received prior to scheduling a start date, including any provincial requirements such as WSIB related exemptions.
- Documentation must be updated in accordance with the schedule in **Appendix 4**.
- Conduct a pre-start meeting with all Contractors prior to the commencement of the work to ensure that all safety information and scope of work has been communicated, and to ensure that an orientation is completed.
- Ensure that Contractor Personnel are aware of and comply with this Policy, all other relevant COG policies, the OHS Act and applicable Regulations and Standards.
- For Contracted Services where the COG is the Employer(e.g. Maintenance Contracts) ensure that the following documents are completed and verified for compliance with this Policy:
 - Pre-Start Hazard Assessment (**Appendix 6**);
 - Hazardous Materials Acknowledgement (**Appendix 7, Form 1**), as applicable
 - Contractor Health and Safety Clearance Assessment (**Appendix 7, Form 2**);
 - Contractor Agreement and Understanding (**Appendix 7, Form 3**); and
 - Contractor Coordination Document (**Appendix 8**), in situations where multiple projects are taking place in the same workplace.
- Monitor work activity at regular intervals for compliance.
- Where the COG is the Employer, coordinate activities among Contractors when more than one Contractor is working in close proximity.
- Maintain all site records, as outlined in **Appendix 7, Form 2**, and have the same available upon request.
- If the COG is the Employer, manage any safety infractions related to the work being performed in accordance with the Contract Documents.
- Contact the relevant Corporate or Department Health and Safety Specialist if notified of a critical injury or other serious injury.
- Contact the Environmental Protection Officer in the event of an environmental incident.
- Through the procurement process, ensure that the procurement department has the necessary information regarding Designated Substances.
- Prior to start of work, ensure the preferred proponent or bidder is made aware of any Designated Substances to which it may be exposed.
- For Projects where the COG is assuming the role of Constructor, ensure that the following documents are completed:
 - Notice of Project Form, if required;
 - Pre-Start Hazard Assessment (**Appendix 6**);
 - Contractor Safety Information (**Appendix 7**); and
 - Contractor Coordination Document (**Appendix 8**), in situations where multiple projects are taking place in the same workplace.
- For Projects where the COG is not the Constructor, ensure that the following documents are completed:
 - Notice of Project Form;
 - Construction Project Form (**Appendix 5**); and

- Contractor Safety Information (**Appendix 7, Forms 2, 3 and 4**).
- Ensure that all safety and environmental conditions pertaining to the Project or Contracted Service are provided to the purchasing department and included in the procurement documents. When the scope of a project changes, any new or potential hazards must be appropriately assessed and documentation obtained to support these changes.
- Provide feedback to the Purchasing Department where there is a concern with the work carried out using the following link:

Purchasing Staff

- Ensure that procurement documents include all appropriate clauses regarding the OHSA, environmental requirements (as needed), Workplace Safety and Insurance Act requirements, other applicable legislation and standards as well as any COG safety requirements.
- Ensure that procurement staff have solicited and received the above required documents within ten days after notifying the successful bidder or proponent.
- Ensure that the procurement documents include a statement that the Contractor has in place a safety program that addresses the hazards related to the Project, as described on the Pre-Start Hazard Assessment (**Appendix 6**), and that it complies with the requirements of the OHSA, environmental requirements, Workplace Safety and Insurance Act, and any other applicable legislation and standards as well as COG specific safety requirements.

COG Corporate Health and Safety

- Assist the Project Manager in enforcing the requirements for the Project Hazard Assessment.
- Assist with reviewing the Project Hazard Assessments, Contractor Health and Safety Checklists provided by Contractors, as required.
- Where the COG is the Constructor, develop a Contractor orientation program for COG staff members and administer or assist, as may be required by the project, with training for required COG staff members, as required.
- Ensure that all of the Contractor documentation required under this Policy or under any contract has been received prior to the start of the work (excluding emergency work).

Risk Management Staff/Procurement

- When consulted by a Project Manager, advise whether additional or special insurance is required for a particular Project due to identified hazards.

Facility Manager

- Work with the Project Managers and take the lead for completion of the Contractor Coordination Document (**Appendix 8**) in situations where multiple projects are taking place in the same workplace.

Procedure

1. Determination of Construction Project and/or Contracted Services

Determine the COG's role and responsibilities as identified in the OHS Act by using the Constructor/Employer Flow Chart in **Appendix 1**.

- The responsibilities will be distinctly different depending on whether it is established that the COG is acting as the Employer overseeing Contracted Services or strictly as the Owner, in which case a third party Constructor will be responsible for the Construction Project. If it is determined that the work will be defined as a Construction Project, document that determination as well as the roles and responsibilities of each party on the Construction Project Form (**Appendix 5**). Also refer to **Appendix 4** (Contractor Situation Identification Chart) as a reference for examples of COG responsibilities dependent on the type of work.

2. Contracted Services – City of Guelph with Shared or Sole Employer Responsibilities (COG NOT the Constructor)

A. Planning Contracted Services

When it has been established that Contracted Services will be provided by a Contractor, and planning for such work is taking place, the Project Manager responsible for the undertaking shall carry out the following prior to the commencement of work:

- i. In the event that there are shared responsibilities as an Employer between the COG and the Contractor, the Project Manager shall assign to the Contractor its responsibilities as an Employer for the particular project.
- ii. Request and collect all necessary insurance documentation, including Certificate of Insurance and WSIB Clearance Certificate.
- iii. Ensure that access to all documents pertaining to the project is available to the Corporate or Department Health and Safety Specialist, as necessary.
- iv. Obtain copies of any training certifications or verification of competency relevant to the work to be performed (e.g. Confined Space Certificate, Fall Arrest Training).
- v. Coordinate a pre-job meeting with the Contractor/representative to review the work plan and communicate site safety policies related to the work to be performed for the protection of the Contractor and affected staff (e.g. Safety Orientation).
- vi. File and maintain submitted documentation as well as verification of completed safety orientation.
- vii. Ensure that provisions are made for supervision of the work and, if other than the Project Manager, that a COG point of contact is established and communicated to the Contractor and that emergency contact numbers have been exchanged with the Contractor.
- viii. Communicate any known areas where designated substances exist, or may exist, and ensure that the Contractor is aware that such substances cannot be disturbed without prior discussion, planning and control measures in place.

B. Commencement of Contracted Services – Shared Responsibilities

- i. The Contractor shall report and sign in at site administration or with the Project Manager each day of before beginning work activities.
- ii. Adequate supervision of the work activities must be provided in collaboration with the COG Project Manager.

- iii. The Contractor will follow all safe work practices in accordance with OHS Act (and any other applicable legislation) and the COG policies and procedures.
- iv. The Contractor will only enter areas of the site authorized by the Project Manager.
- v. The Contractor shall not use COG tools, materials or equipment.
- vi. The Project Manager shall ensure that adequate oversight is provided to ensure the safety of contractors, workers and visitors as well as ensure that the services provided meets safety standards and quality expectations in accordance with the purchase agreement.
- vii. Exchange emergency contact information with the Contractor and determine who is the site Supervisor
- viii. The Contractor shall notify the Project Manager or alternate in the event of any safety concerns or incidents that occur while performing work on site.

C. Site Inspections and Infractions

COG staff members (including the Project Manager, Corporate or Department Health and Safety Specialists, Supervisors, Managers, Joint Health and Safety Committee Members designated inspectors or other authorized workers) may enter the Workplace or worksite to inspect the work that is being carried out, in order to ensure that the Contractor is complying with the contract clauses regarding the OHS Act, Workplace Safety and Insurance Act and any COG safety requirements.

If a COG staff member identifies any safety infraction or potential safety infractions related to the work, he/she shall:

- i. Report in writing a description of the infraction including the following to the Project Manager:
 - Name(s) of applicable parties,
 - Date/Time,
 - Location, and
 - Nature of the Safety Concern.
- ii. If a safety infraction is immediate or reasonably foreseeable and is dangerous to the life or health of any Contractor Personnel, COG staff member, student, or member of the public, or is damaging COG property, then the Project Manager shall have the authority to stop the work immediately.
- iii. The Project Manager shall then follow up with the Contractor in writing and request corrective action for the safety infraction. Work shall only commence again once the COG is satisfied that: (i) the safety infraction has been addressed and resolved at the reasonable satisfaction of the COG; and (ii) appropriate measures have been put in place to prevent recurrence.

3. Construction Projects – Third Party Constructor (COG is NOT the Constructor)

A. Planning Construction Projects – Pre-construction Meeting with General Contractor (Constructor)

Once a contract has been awarded, the COG Project Manager shall organize a pre-construction meeting and discuss the following with the General Contractor:

- i. Ensure that the role of the Constructor has been assigned to the General Contractor.
- ii. Ensure that the General Contractor has filed the appropriate Notice of Project with the Ministry of Labour (if required).
- iii. Ensure that the **Ministry of Labour Form 1000** is complete as required under Section 5 of Ontario Regulation 213/91.
- iv. Ensure that the Constructor has provided a copy of the **Ministry of Labour Form 1000** for every contractor and subcontractor where applicable.
- v. Ensure that the most recent copy of the General Contractor's Workplace Safety and Insurance Act clearance certificate has been received.
- vi. Review, sign and ensure that the Constructor has completed and signed the forms in **Appendix 5**.
- vii. Ensure that the COG has received all of the required documentation identified in the Contractor Safety Information (**Appendix 7**), and discuss it with the Constructor
- viii. Ensure that the Contractor has a Health and Safety program. Request and keep on file for the duration of the Project a copy of the Contractor's Health and Safety policy statement.
- ix. Communicate any known areas where Designated Substances exist or may exist and that the General Contractor is aware that such substances cannot be disturbed without prior discussion with the COG and planning and control measures are in place.
- x. Exchange emergency contact information with the Constructor and determine who the site Supervisor is for the Constructor.
- xi. Establish defined delineation of the Project and any restricted work-zones.
- xii. The Project Manager will confirm that purchasing has received all necessary documentation pertaining to Insurance and WSIB prior to the mobilization of the project.

B. Commencement of Construction Projects – Constructor Responsibilities

- i. The Constructor shall post the Notice of Project and notices pertaining to Designated Substances at the Workplace in a conspicuous location in accordance with the contract and the applicable legislation.
- ii. The Constructor shall immediately report any newly identified actual or suspected Designated Substances to the COG Project Manager and keep the Project Hazard Assessment updated.
- iii. In the event of a critical injury the Constructor shall notify the COG Project Manager without delay. The Project Manager shall in turn make the notifications as outlined in the COG policy entitled "Reporting and Investigation of Serious Incidents or Accidents". The Project Manager shall also notify the Corporate or Department Health and Safety Specialist. The Corporate/Department Health and Safety Specialist may participate in any incident investigation as needed.

C. Site Inspections and Infractions

- i. Any visit to the project performed by a representative of the COG shall only be undertaken for the purpose of ensuring compliance with the terms of the contract and only with prior written notification and authorization granted by the Constructor.
- ii. The COG reserves the right and obligation as the Owner to notify the Constructor of any situation that constitutes dangerous circumstances to any person involved with the Project that the COG becomes aware of, either directly or indirectly. However, the

responsibility for correcting such unsafe conditions remains the responsibility of the Constructor responsible for the Project.

- iii. At no time shall any COG representative instruct the Constructor on how to resolve the safety infraction.

4. Construction Projects – COG as Constructor

Often, the COG may be deemed the Constructor for a construction project. The COG shall appoint a Project Manager to oversee the project. The Project Manager shall be responsible for the following:

A. Planning and Legal Consultation

- i. Prior to the procurement process for a Project where the COG will act as the Constructor, seek the advice of the Corporate or Department Health and Safety Specialist to assist in determining the City's responsibilities as a Constructor under the OHSA.
- ii. Prepare a Notice of Project for any Project for which any of the following apply:
 - Labour and materials are valued at \$50,000 or more;
 - Erection or structural alteration of a building more than 2 storeys or 7.5 meters high will occur;
 - Demolition of a building at least 4 meters high with a floor space of more than 30 square meters will occur;
 - Erection, structural alteration or structural repair will be carried out in respect of any:
 - Bridge,
 - Earth-retaining structure,
 - Water-retaining structure more than 3 stories high, or
 - Silo, chimney or similar structure more than 7.5 meters high;
 - Work is to be done in compressed air;
 - A tunnel, caisson, cofferdam or well into which a person may enter will be constructed on the project;
 - A trench more than 300 meters long or more than 1.2 meters deep and over 30 meters long is to be excavated and entered; or
 - A part of the temporary or permanent work is required to be designed by a professional engineer.

B. Planning for Construction Project

The Project Manager shall:

- i. Review all pre-existing hazards associated with the Work and/or Project as identified in the Pre-Start Hazard Assessment (**Appendix 6**) and review the proposed action(s) of the Contractor to control those hazards (Job Hazard Analysis).
- ii. Review all Designated Substances and the Contractor's program to eliminate or control exposure.
- iii. Ensure the Form 1000 (**Appendix 7, Form 4**) is complete as required under Section 5 of the Construction Projects Regulations under OHSA. If the COG is the Constructor of the project then ensure that the **Ministry of Labour Form 1000** is completed and kept at the worksite.

- iv. Ensure that each Employer at the project (whether a Contractor or Subcontractor) provides a completed **Ministry of Labour Form 1000** and the form is kept at the Worksite.
- v. Ensure that the COG has received all of the required documentation identified in the Contractor Safety Information (**Appendix 7**) and discussed it with the Contractor.
- vi. Ensure that the Contractor's Health and Safety Clearance Assessment (**Appendix 7, Form 2**) has been completed and provided to the Project Manager. Ensure that the form is reviewed and signed by the Project Manager at the pre-start meeting.
- vii. Ensure that the Contractor Agreement and Understanding Form (**Appendix 7, Form 3**) has been completed and provided to the Project Manager. All contractor workers must sign off on this form prior to starting work.
- viii. Review or obtain a copy of the Contractor's WSIA clearance certificate initially and, thereafter, as indicated in the contract, throughout the duration of the project and prior to release of any holdbacks.
- ix. Obtain, review, and keep on file for the duration of the Project the Contractor's Health and Safety Program.

Training

All COG staff members who are Project Managers or may be designated to oversee a project must be trained on this Policy. The Corporate Health and Safety department shall develop and administer a training program on this Policy.

Reference Documents

Occupational Health and Safety Act, R.S.O. 1990, c. O.1

O. Reg. 213/91: Construction Projects

R.R.O. 1990, Reg. 851: Industrial Establishments

Appendices

Appendix 1 - Constructor/Employer Flow Chart

Appendix 2 - Contractor Process Flow Chart – Where the COG is deemed the Constructor

Appendix 3 – Constructor Process Flow Chart – Where the COG has hired the General Contractor to be the Constructor

Appendix 4 - Contractor Situation Identification Chart

Appendix 5 – Construction Project Form

Appendix 6 – Pre-Start Hazard Assessment

Appendix 7 – Contractor Safety Information

Form 1 – Hazardous Materials Acknowledgement

Form 2 – Contractor Health and Safety Clearance Assessment

Form 3 – Contractor Agreement and Understanding

Form 4 – Ministry of Labour Form 1000

Appendix 8 – Contractor Coordination Document

Revision History

Document Owner	Issue / Revised Date	Reason For Changes
Health and Safety	July 1, 2017	Initial draft
Health and Safety	April 1, 2018	Original Form 4 from Appendix 7 merged into Appendix 2: Construction Project Form Original Forms 2 and 3 in Appendix 7 merged into updated Form 3. Form 2 re-written.
Health and Safety	April 9, 2018	Re-aligned appendix document numbering.
Health and Safety	May 24, 2018	Changed Appendix 6 title to Pre-Start Hazard Assessment
Health and Safety	August 1, 2018	Added the following to Purpose: <i>To ensure all workers work in accordance with the OHS Act, Regulations and COG Policies and Procedures</i> Under Project Manager Responsibilities added the requirement for the use of Appendix 7 – Form 1 Changed all occurrences of Program Manager to Project Manager
Health and Safety	January 2, 2019	Updated definitions in Appendix 4 Updated font to Verdana for Appendix 5 and Appendix 6

Document Owner	Issue / Revised Date	Reason For Changes
Health and Safety	January 9, 2020	<p>In this document (Contractor Safety Management Program) a requirement was added to Project Manager responsibilities requiring the PM to ensure required documentation is updated as per the schedule laid out in Appendix 4</p> <p>Added documentation update schedule to Appendix 4</p> <p>Updated list of potential hazards in Appendix 6, and added table to show sign off for attendees at pre-start meeting</p> <p>Added question related to COR certification to Appendix 7 – Form 2.</p>
Health and Safety	January 28, 2021	<p>Added the additional wording for under Project Manager Responsibilities:</p> <ul style="list-style-type: none"> When engaging contractors from out of province, ensure that all necessary documentation from the province or region they are coming from is received prior to scheduling a start date, including any provincial requirements such as WSIB related exemptions.
Health, Safety and Wellness	September 30, 2022	<p>Added definition of Facility Manager</p> <p>Added responsibilities for completion of newly added Appendix 8 to those of the Project Manager and Facility Manager</p>

Document Owner	Issue / Revised Date	Reason For Changes
Health, Safety and Wellness	November 25, 2022	<p>Added new information related to Independent Operators into the Appendix 7 and Appendix 7-Form 2</p> <p>Added additional prominent disclaimer at top of Appendix 6 advising of the PM's need to collect and maintain all Appendix 6 for the period of one calendar year.</p>