



THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
OCCUPATIONAL HEALTH AND SAFETY POLICY

CONTRACTOR ACKNOWLEDGEMENT FORM

It is the policy of The Corporation of the Town of The Blue Mountains to maintain safe working conditions at all of our locations, comply with Health and Safety legislation, maintain our equipment and premises in a safe condition, and take all reasonable steps to ensure that all of our employees comply with safety procedures.

The undersigned Firm, Company or Corporation agrees,

1. To take all reasonable steps to prevent personal injury and to provide and maintain a safe and healthy working environment. To achieve this, safety and health is integrated into all of our organizational activities.
2. To ensure its staff and sub-contractors will comply with The Corporation of the Town of The Blue Mountains' Occupational Health & Safety Policy and the OH & S Act & Regulations.
3. To establish the responsibilities of all levels of supervision in management and employees in implementing the policy and hold them accountable. Supervisors will work to ensure the health and safety of workers under their supervision, and attention to health and safety will be an important part of the Supervisor's and Manager's performance appraisals.
4. To take disciplinary action, up to and including discharge, against those persons not adhering to the policy and safety procedures in the workplace.
5. To take all reasonable steps including training around Health and Safety issues to obtain the cooperation of employees in carrying out this policy. These steps will include the creation of procedures to set out general and specific responsibilities for health and safety, the establishment of Health and Safety Committees with the appointed Health and Safety representatives, and established procedures for monitoring this Health and Safety Policy to determine its effectiveness.
6. That it is in the best interest of all parties to consider Health and Safety as an integral component in every activity in the workplace.

I have received, read and understand The Corporation of the Town of The Blue Mountains Occupational Health & Safety Policy and it is agreed on behalf of the undersigned to comply with the safety procedures as detailed therein.

Representative: _____

Company: _____

Signature: _____

Date: _____

Job/Contractor #: _____

TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Health and Safety Program for Contractors

Corporate Policy (Approved by Council)

Policy Ref. No.: POL.HS.10.10

Administrative Policy (Approved by CAO)

Department Policy: (Approved by Mgr.)

Name of Dept.: Health and Safety

Date Approved: May 21, 2010

Revision Date:

Policy Statement

The Corporation of The Town of The Blue Mountains ("the Town") will endeavour to work with all contractors and sub-contractors to ensure the health and safety of Town employees, contractors and contractor employees as well as members of the public. A Contractor Health and Safety Program has been established to carry out these requirements.

Purpose

The purpose of this policy is to establish guidelines for contractors in order to provide and maintain a safe work environment for all employees.

Application

This policy pertains to Town employees involved in Contractor management. It is the expectation of the Town that contractors comply with all applicable health and safety legislation and Town policies.

This policy applies to all contracts for services undertaken for the Town on town-owned property, or authorized by Town employees, but does not apply to those services that will be undertaken on the property of the vendor.

Definitions

Competent Person

- (a) is qualified because of knowledge, training and experience to organize the work and its performance,
- (b) is familiar with the Occupational Health and Safety 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

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. The constructor is the party with the greatest degree of control over health and safety at the entire project and is ultimately responsible for the health and safety of all workers.

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;

Maintenance

Work usually involving repair, replacement in-kind, a minor change or maintenance work (window cleaning, repair to HVAC units, and small scale electrical activity) provided to the Town by contractors, subcontractors or Town employees.

(Note: Large scale maintenance using construction methods or equipment can be a "construction project")

OHSA

Occupational Health and Safety Act

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;

Project

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.

Project Manager

Any Town Employee who is arranging, approving or supervising work performed on Town property.

WSIB Clearance Certificate

Provides proof that a contractor is registered with the WSIB and their account is in good standing. Clearance certificates are valid for sixty (60) days and must be ordered one week in advance of the expiry. Contractors must provide a WSIB clearance certificate.

Policy Authority

1. When the **Town is acting as a Constructor** for a construction project:
 - The Town shall ensure that all contractors are properly trained, that they are monitored, that requirements for safety are observed by the contractor, and that procedures for safe conduct of the work are in place and known to contractor employees. The Town has all obligations under section 23 of OHSA (Duties of Constructor).
2. When the Town retains a **Contractor to act as Constructor** for construction project:
 - The Town does not have responsibilities for this type of construction project, as long as the constructor completely controls all work and Town Employees are not intermingling in the project and the Town is not controlling the project in any way. The Town has obligations under sections 29 and 30 of OHSA (Duties of Owners).
3. When the **Town is acting as the Employer** for non-construction work:
 - The Town shall ensure that the contractor has the specific policies, procedures, training, and supervision to carry out the job safely. The Town has obligations under sections 25 and 26 of OHSA (Duties of Employers).

Procedures

I. General:

1. Any Town Employee involved in contracted services shall be considered the Project Manager under this policy and shall administer all contract parameters and conditions for contractors and service personnel.
2. The Project Manager shall establish practices so that the contractors perform their work in a safe and effective manner and meet all the requirements of OHSA and the construction regulations. The Project

Manager must be familiar with all applicable laws and regulations and capable of applying them.

3. When the Town retains a **Contractor who acts as Constructor**, the Town is not responsible for ensuring the requirements of applicable regulations are met for contractor activities on site. The Project Manager shall direct the contractor in the completion of all applicable documentation, as described in this policy. Once the constructor has been selected and the contract awarded, the Town shall ensure that the constructor maintains full responsibility for safety on the particular job.
4. When the **Contractor does NOT act as Constructor**, the Project Manager will direct the contractor in completion of applicable documentation and will be involved in overseeing the contract employees to ensure they meet all regulations, their own procedures, and applicable Town safety rules.
5. Prior to the award of contract, the Project Manager must ensure the contractor has, *as a minimum requirement but not necessarily limited to*, the following
 - a) Appropriate insurance and WSIB coverage;
 - b) An appropriate and compliant health and safety policy,
 - c) Competent supervisor(s);
 - d) Training and certification records (to verify all employees have received the necessary safety training required for the specific job).
 - e) Hazardous Materials List (of any hazardous materials that will be brought onto Town property)

II. On-Site Training

1. When the **Town is acting as the Constructor** for a construction project:
 - a) The Town will provide Contractor Orientation;
 - b) An On-Site Contractor Safety Review (Appendix A).

Note: For Contractors/Subcontractors who regularly perform services at the Town, the Town will perform a safety review on an annual basis or whenever there is a change in personnel or applicable safety conditions.

2. When the Town is retaining a **Contractor to act as Constructor**:
 - a) The Project Manager shall convene a meeting with the Constructor, before the commencement of the project, to review the hazards present on the Town property upon which they will be working.

3. When the **Town is acting as the Employer** for non-construction work:
 - a) The Project Manager or the Health and Safety Coordinator shall review the Town's applicable policies and procedures. It is preferred that all contractor/subcontractor personnel undergo this training, however, it is mandatory that at least the contractor's supervisor or site superintendent receive the training orientation and then pass the information on to all employees under their direct control.
 - b) The Project Manager must ensure that the contractor is aware that training is to be conducted.
 - c) The Town's On-Site Contractor Safety Review (Appendix A) must be completed with all contractors prior to commencement of work.

Note: For Contractors/Subcontractors who regularly perform services at the Town, the Town will perform a safety review on an annual basis or whenever there is a change in personnel or applicable safety conditions.

III. On-Site Safety Performance

1. When the **Town is acting as the Constructor** for a construction project:
 - a) Contractors/subcontractors shall be informed that violation of the Town's safety rules or any other element of this procedure will result in immediate suspension or termination of the employee involved with the work;
 - b) It is the responsibility of all Town personnel to report any unsafe conditions or activities by contractor personnel to their supervisor or the Project Manager;
 - c) The Project Manager shall regularly oversee and practice due diligence in evaluating contractor safety performance. This may include on-site coordination, appointment of supervision, monitoring procedures, pre-job meetings and ongoing safety meetings with contractors, and disciplinary practices.

2. When the Town is retaining a **Contractor to act as Constructor**:
 - a) The Project Manager shall ensure the constructor remains in control;
 - b) The Contractor must remain in control so that the Town is not deemed the "Constructor"
 - c) The Project Manager shall NOT:
 - be involved in administering the day to day operation of the project;
 - be involved in safety meetings;
 - issue work permits or controls;
 - give direction in relation to coordination of contractors;
 - conduct training.

Note: If the Project Manager is aware of a violation, the Contractor acting as Constructor shall be advised and asked to deal with the issue immediately.

3. When the **Town is acting as the Employer** for non-construction work:
 - a) The Project Manager shall monitor the contractor employee's performance for compliance with OHSA, regulatory requirements, their own rules or the Town's rules;
 - b) The project-specific monitoring initiatives shall be documented in the contract file. This may include a site coordination, appointment of supervision, monitoring procedures expected to ensure safety performance, pre-job meetings and disciplinary practices.
4. The Project Manager shall exercise stop-work authority as required to enforce prescribed requirements and shall authorize the resumption of work by the contractor.
5. In all cases, the Town shall provide appropriate information on hazardous materials that the contractor may come into contact with, and specifically any designated substances. (section 30 of OHSA)

IV. Limitation

“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 at a project.”
(section 1 (3) of OHSA)

Exclusions

Exclusions from this policy are non-contracted groups that perform daily activities such as delivery of services or goods to the Town such as stationary supplies and parcel delivery.

References and Related Policies

- The Occupational Health and Safety Act (R.S.O. 1990, c.0.1) and Regulations
- Ministry of Labour; Constructor Guideline
- Cheryl A. Edwards; Delegating Safety?
- Cheryl A. Edwards; You Call That Construction!" Knowing Your OH&S Definitions When Contracting for Construction;
- County of Grey; Contractor Health and Safety Project Inspection Checklist
- City of Niagara Falls; Contractor Safety Program, Policy 31
- The Corporation of the City of North Bay; Health and Safety Program Manual: Contractors
- The City of Toronto; Program for Health and Safety with Respect to Contracts for Service
- Town of Ajax; Health and Safety Orientation Package for Contractors – 2008 (DRAFT)
- County of Wellington; Contractor Safety
- City of Kitchener; Contractor Safety Program
- Municipal World (September 2008); The "Constructor" by Denis Chamber

Consequences of Non-Compliance

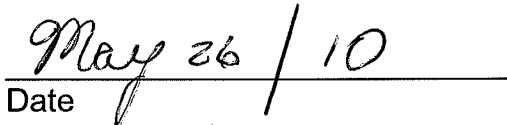
As the Town views the health and safety of all workers on a job site to be the utmost priority, it is at the Town's discretion to stop work immediately at no cost to the Town if there is any health and safety infraction. This will be at no cost to the Town. If further infractions occur, the Town retains the right to remove the Contractor from the project.

Review Cycle

This policy will be reviewed annually by the Joint Health and Safety Committee, the C.A.O., and the Senior Management Team.



Paul Graham, CAO



Date

On-Site Contractor Safety Review To be completed by the Town's Project Manager. To be signed and dated by both the Project Manager and the Contractor.			
Please check "YES" if the item has been address. Check "NO" if the item has not been addressed and "N/A" if the item is not applicable.	YES	NO	N/A
1. Orientation of hazards (physical, chemical, biological, etc.) at the work site(s). Review Town of The Blue Mountains Corporate Safety Policies (applicable to work being performed).			
2. Contractor staff are not allowed to use or operate the Town's equipment, devices, machines, vehicles, tools (powered or non powered), etc. to carry out work, unless noted in the specific contractual agreement.			
3. Documentation and/or MSDS's pertaining to hazardous substances and WHMIS products have been provided by contractor and are readily available.			
4. Contractor advised of Town's Emergency Procedures.			
5. Contractor advised of applicable security protocols for the work site.			
6. An up-to-date list of contractor staff who will be onsite has been provided.			
7. Contractors will remove all chemicals and hazardous products from the work site location at the end of the project/contract.			
8. Contractors may be required to sign in/out as a visitor at certain work locations, if required.			
9. Serious incidents involving contractors must be investigated jointly by the contractor, project manager, and a representative from the Town's Joint Health and Safety Committee.			
10. Any equipment, device or activity that may generate a hazardous atmosphere (i.e. fire, toxic, nuisance dust or doors) or physical hazard (i.e. noise, heat, vibration, radiation) will not be carried out on, near, or within the confines of any Town building without the appropriate control measures and safe guards in place. Further, authorization will be required from appropriate Town Staff.			
11. The job site and work area will be kept clean and free of trip/slip and fall hazards. Warning signs and barricades must be in place when work will create a hazard for employees or the public.			
Additional Comments/Notes:			
Contractor Signature: _____ Date: _____			
Town's Project Manager Signature: _____ Date: _____			