



# CONTRACTOR SAFETY MANAGEMENT PROGRAM

## Revision History

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## 1.0 PURPOSE AND SCOPE

### 1.1 Purpose

The College is committed to maintaining a safe work and study environment for faculty, staff, students, visitors and contractors. This program will establish the requirements when contracting for services and projects to allow the College to take all necessary steps to prevent accidents, injuries and illnesses to employees of contractors, its own employees and others. This includes establishing appropriate moderating and monitoring procedures for contractors. The program will allow the College to meet the requirements of the Ontario Occupational Health and Safety Act (OHSA) for owners, employers, and constructors as appropriate, and to meet due diligence standards with respect to selection and management of the safety of contractors.

### 1.2 Scope

The Contractor Safety Management Program covers three distinct categories of contracting:

- 1) *Contracting Where Work is Under the Control of the College as “Employer” (Service Contract Work).*
- 2) *Contracting Where Work is Under the Control of the College as “Constructor” for the Construction Project.*
- 3) *Contracting Where Work is Under the Control of Outside General Contractor Hired as “Constructor” for the Construction Project*

Contractors hired by Fleming College to perform work on College property must be moderated and managed in accordance with this Program.

### 1.3 Program Elements

The major elements of the Contractor Safety Management Program are:

- 1) documentation and communication of roles and responsibilities;
- 2) designation of type of work to be performed (construction vs service contract work)
- 3) provision of practices for distinct categories of contract work
- 4) protocol for dealing with unsafe work/non-compliance
- 5) provision of appropriate training to College staff who contract third parties to perform services.
- 6) program audit and review

## 2.0 REGULATORY REQUIREMENTS

The Contractor Safety Management Program is written in accordance with the requirements of the Occupational Health and Safety Act of Ontario. The following sections of the Act are of relevance:

- Section 1 (Definitions)
- Section 1 (3): 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 23 (Duties of Constructors)
- Section 25 and 26 (Duties of Employers)
- Section 27 (Duties of Supervisors)
- Section 29 (Duties of Owners)
- Section 30 (Duties of Project Owners)

Note: a number of Regulations may be applicable to the service work or the construction project. These can include the *Regulation for Industrial Establishments*, *Regulation for Construction Projects*, *Designated Substance Regulation*, including *Asbestos on Construction Projects and in Buildings and Repair Operations Regulation*. The Contract Authority is responsible for ensuring familiarity with regulatory provisions applicable to the work or the project for purposes of moderating and monitoring contractors as appropriate.

## 3.0 BACKGROUND AND GLOSSARY

### 3.1 Background

The College has different obligations as the “employer” of service contractors or as the “constructor”, or, as the “owner” of a “construction project that is under the control of a general contractor hired as a constructor.

#### 3.1.1 Contracting Where Work is Under Control of the College as “Employer” or as “Constructor”

Where the College contracts for non-construction work as “employer” (contracting for services) or is in control of a construction project as “constructor”, it must confirm that all employees and all contractors hired to undertake work fully comply with the legal requirements of the *Occupational Health and Safety Act of Ontario*. Employees of any contractors shall be regarded, from a health and safety legislative perspective, as being practically in the same position as direct employees of the College. When the College acts as “constructor” it will have responsibility as “constructor” respecting all construction activities of its employees and employees from each contractor on the project. In these situations, the College must oversee, supervise, and have “hands-on” monitoring and oversight of compliance by contractors in accordance with occupational health and safety due diligence requirements. It should be noted that the College may also have “owner” obligations for this type of contracting as well.

#### 3.1.2 Contracting Where Work Is Under Control of Outside General Contractor Hired as “Constructor”

Where the work is entirely controlled by a general contractor acting as “constructor”, the College will not have “constructor” responsibility for the health and safety of the contractor’s employees respecting their activities at this workplace. Generally, this situation will relate to a construction project where a general contractor hires and controls all subcontractors at all times, and the project is separated from work being undertaken or controlled by the College. The safety of employees of contractors, within the area controlled by the general contractor, will be treated as being the responsibility of the general contractor as “constructor”. The College will remain responsible for fulfilling the obligations as “owner”. In keeping with this policy, the College must select a safety conscious general contractor and maintain a “hands-off” approach with respect to the constructor’s control and oversight of the health and safety



issues at projects. If the College controls the project more than is necessary to carry out the owner role in a prudent manner, it may be treated as the “constructor” when this is not desired, and for this reason the “hands-off” approach is appropriate.

### 3.2 Glossary

*(OHSA: Occupational Health and Safety Act)*

<b>Term</b>	<b>Definition</b>
College Community	Any person who studies, teaches, conducts research at or works at or under the auspices of the College and includes without limitation: employees or contractors; appointees (including volunteer board members); students; visitors; and any other person while they are acting on behalf of, or at the request of the College.
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 (OHSA* Section 1).
Construction Project	See definition of “construction” above and “project” below. When a project meets both definitions it is a “construction project”. (See Section 5.0 and Appendix A for more information).
Constructor	means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by themselves or by more than one employer. (OHSA Section 1).
Contract Authority	on behalf of the College, those who have authority for contracting work and/or the performance of such work
Contractor (as defined by this program)	any individual or firm engaged by the College on a contract to perform work. This term applies to all contractors, all contractor employees and any sub-contractors hired by the contractor.

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. (OHS Act Section 1).
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. (OHS Act Section 1).
<b>Term</b>	<b>Definition</b>
Program (Health and Safety)	means a program developed and maintained to implement a company’s occupational health and safety policy
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, pipeline, 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. (OHS Act Section 1).
Services (as defined by this program)	general term to denote contracted work which does not come within the <i>OHS Act</i> definition of “construction project”.

## 4.0 RESPONSIBILITIES

The roles and responsibilities described in this section refer to those associated with the implementation and maintenance of the Contractor Safety Management Program.

### 4.1 Contract Authority

For any work that is contracted to a third party, a Contract Authority must be appointed. The responsibilities are:

- 4.1.1 To determine the type of work to be performed and approach required based on the type of work (Construction Project vs. Service contract work) (Section 5.0)
- 4.1.2 If the work is a “construction project”, to determine whether the College will be contracting the project to a third-party general contractor who will act as “constructor”, or whether the College will act as the “constructor” itself (Section 5.0).

- 4.1.3 To confirm that contractors/Constructors are appropriately pre-qualified (Sections 6.1.1/6.2.1/6.3.1).
- 4.1.4 To confirm that the appropriate contracts and all required safety policies and work procedures are received prior to work commencing (Section 6.0)
- 4.1.5 To notify contractor(s)/constructor(s) of any “Designated Substances” involved in the scope of work (Section 6.0)
- 4.1.6 To conduct and record the pre-job meetings. (Section 6.0 and **Appendices B1 and B2**).
- 4.1.7 To confirm that the necessary level of supervisory monitoring is implemented (Section 6.0).
- 4.1.8 To take appropriate steps when any health and safety violations by contractor employees are observed (Section 7.0).
- 4.1.9 To confirm that the College complies with all OHS requirements as owner, constructor, employer as appropriate to approach taken to the work.
- 4.1.10 To confirm signoff on contractor safety rules before work and if ongoing work by contractor, confirm review and signoff on contractor safety rules and acknowledgement annually (Section 6.0 and **Appendix C**).
- 4.1.11 To confirm contractor acknowledgement of compliance (**Appendix D**).

## 4.2 Manager, Health and Safety

The Manager, Health and Safety has the primary responsibility for on-going administration of this Program within the College. The responsibilities are:

- 4.2.1 To facilitate the implementation of an effective Contractor Safety Management Program.
- 4.2.2 To provide assistance in the interpretation of the program contents.
- 4.2.3 To assist in obtaining legal advice, if required, to support the contract management process.
- 4.2.4 To coordinate appropriate training specific to the Contractor Safety Management Program (Section 8.0).

## 4.3 Employees/Students/Visitors

Employees/Students/Visitors have the following responsibilities:

- 4.3.1 To notify the Contract Authority of concerns regarding the work activities, behaviour or compliance of any contractor. If the Contract Authority is not available and as appropriate, contact your department supervisor/faculty member and request that they follow up with your concern.

## 4.4 Service Contractors

Service contractors have the following responsibilities:

- 4.4.1 To comply with the requirements of the College’s Contractor Safety Management Program, all relevant College policies and procedures, and the Occupational Health and Safety Act and regulations (Section 6.1.8)



- 4.4.2 To protect the safety of their own workers, College employees, visitors, students while performing the work.
- 4.4.3 To provide written evidence that their employees have received adequate training in the recognition of hazards and safe work practices associated with the type of work that will be performed and will use all required Personal Protective Equipment and clothing required for the job that will be performed (Section 6.1.3).

## 4.5 General Contractors (Constructors)

General Contractors have the following responsibilities:

- 4.5.1 To confirm that all contractors and subcontractors comply with the requirements of site-specific health and safety programs/plans/procedures, and the Occupational Health and Safety Act and regulations (Sections 6.2.11/6.3.3).
- 4.5.2 To protect the safety of all employees and sub-contractors, College employees, visitors, students while performing the work.
- 4.5.3 To notify all contractors and subcontractors of any designated substances present on the site (Sections 6.2.5/6.3.2).
- 4.5.4 To file a “Notice of Project (NOP)” with the Ontario Ministry of Labour, Immigration, Training and Skills Development prior to the commencement of work, as required, and confirm that a copy of same is provided to the Contract Authority and is posted at the project (Section 6.2.7/6.3.9).
- 4.5.5 To confirm that all workers are supervised in accordance with the safety plan developed for the project (Section 6.2.14/6.3.3).
- 4.5.6 To fully control and coordinate safety at the project, for all contractors, subcontractors, workers, equipment suppliers, and others working upon the project (Section 6.2.2/6.3.6).
- 4.5.7 To confirm that all “Regulated (Controlled)” products used at the workplace comply with Workplace Hazardous Materials Information Systems (WHMIS) requirements and that Safety Data Sheets are available at the worksite (Section 6.2.15/6.3.3).

## 5.0 ASSESSMENT AND DESIGNATION OF CONTRACT WORK

Contract work has to be assessed to determine whether the anticipated work is “non-construction” work or “project” work. Where the College contracts for services (non-construction work), it assumes the responsibility as “employer”; employees of any contractors are regarded under the OHSA as employees of the College.

If the assessment identifies the work as a “construction project” then the College has to decide whether or not to proceed with the work acting as a “constructor” (to oversee and control construction safety at the project) or if it would be beneficial to contract to a third party to act as “constructor”. In the latter instance, the College assumes responsibility as “owner” and will not have “constructor” responsibility for the health and safety of the contractor’s employees respecting their activities at a workplace where a general contractor hires and controls all subcontractors at all times, and the project is separated from work being undertaken or controlled by the College.

There are three distinct categories of Contracting:

- 1) Contracting Where Work is Under the Control of the College as Employer (Service Contract Work)
- 2) Contracting Where Work is Under the Control of the College as Constructor for the Construction Project
- 3) Contracting Where Work of a Construction Project is Under the Control of a General Contractor Hired as a Constructor

This section will assist in the pre-job planning and assessment process. It is necessary to carefully plan and assess whether a particular contract will involve a construction project, and then, if so, whether the work of the construction project is under the control of the College as “constructor”, or under the control of a general contractor hired as “constructor”. For some contract work, this will be a simple determination. For other contracts this will become complex, and it may be necessary to confer with the Supervisor, Health and Safety, apply for a “Designation of Project” or confer with the Ministry of Labour Immigration Training and Skills Development. Assessment and designation should thus be performed as early as possible in the pre-job planning process.

Contract Authorities should also take care at the pre-job planning stage to assess whether the College will be required to control or direct some of the work at a particular project. This may affect some of the analysis below. They should also be prepared to assess the scope and extent of the project. As will be seen in the analysis below, the size and scope of the job and whether its complexity requires coordination and control such as the coordination of a constructor, to oversee and confirm that all safety requirements are being adhered to, is a factor in determining if work is a “construction project”.

## 5.1 Assessment and Designation of Contract Work

### 5.1.1 The First Assessment: Is it a “Construction Project”?

An examination of the definitions “construction” and “project” indicates that there is a wide variety of work which may potentially qualify as construction or a project under the Occupational Health and Safety Act. The Ministry of Labour Immigration Training and Skills Development indicates that the determination as to whether activities are considered to be “maintenance”/“service” versus “construction” will always be subject to the specific workplace conditions. They suggest that a workplace party must look at whether the activity is mentioned in the definition of “construction” and whether it is being performed on an object mentioned in the definition of “project”. If so, generally, the activity will be construction, but if not performed on an object mentioned in “project”, the activity is not a construction project.

The above is a general rule of thumb, but the Ministry of Labour Immigration Training and Skills Development has the discretion to look at the size and scope of the activity taking place (if it is a large undertaking, using construction equipment, and if it is particularly complex with multiple hazardous activities taking place with multiple contractors) and may err on the side of ruling that the protection provided ought to be that of the Construction Projects Regulation, and that there ought to be a constructor, and therefore the matter is a construction project. This can be complex, and at the pre-planning stage the Supervisor, Health and Safety may be consulted at any time for assistance.

Following are a few examples of activities that will help in determining whether activities are considered to be “non-construction” (maintenance/service) or “construction project” work:

- 1) **The College is installing a large industrial fan on a large concrete base in the mechanical room in the basement of Sutherland Main Campus (C-Wing). The**

**base needs to be demolished and re-poured before the installation. This work will involve less than \$50,000 in labour and materials. Is this a construction project?**

- The demolition and re-pouring of the large concrete base is a “construction” activity that is performed on an object (building/structure) mentioned in the definition of “project”. This is a construction project.
  - The installation of any machine is by definition “construction” work. This is a construction project.
  - This project therefore requires a constructor and the application of the Construction Projects Regulation.
  - Note: Since work will involve less than \$50,000 in labour and materials, no “Notice of Project” (NOP) under the Construction Projects Regulation (Section 5) is required; however, it can require a constructor and the application of the Construction Regulations. The NOP is not determinative.]
- 2) **Repair of anti-corrosion protection on a pipe in a yard or building on the main College campus is occurring. This simply involves painting the pipe by maintenance workers. Is it a construction project?**
- This repair may be classified as routine maintenance work and would normally be an industrial as opposed to “construction” activity. This is not a construction project but maintenance/service work.
  - *What if the work requires excavation of the pipe?*
    - Excavating down to a few feet in the ground is a “construction” activity that is performed on an object (excavation/trench) mentioned in the definition of “project”. This is a construction project.
    - This requires a constructor and the application of the Construction Projects Regulation.
- 3) **The College engages in a maintenance shutdown. Pipes and ducts are being dismantled, replaced and repaired. Cables and connections are being replaced. Some pipes and ducts are being cleaned. Is it a construction project?**
- The dismantling and replacement of pipes and ducts is a “construction” activity (dismantling) that is performed on an object (duct, service connection) mentioned in the definition of “project”. Additionally, the scope and extent of the “project” determines that this work is most appropriately treated as a construction project. It will require a constructor and the application of Construction Project Regulation.
- 4) **The College contracts with a single small roofing contractor to repair loose shingles on the roofs of a few buildings on the main campus during the summer. Are these jobs on multiple roofs all construction projects?**
- This is work that is usually treated as alteration or repair to a structure. The repair/replacement of loose shingles on the roof of a building is generally treated as a construction project. This will require a constructor and the application of the Construction Project Regulation.

### 5.1.2 The Second Assessment: Who is the Constructor?

In addition to the first question (*Is this a construction project?*), the contract authority must also determine who the constructor is in relation to a complex project or multiple projects at the same location.

- 1) **The College engages a contractor to refurbish the parapet on the roof of a building. In another part of the building, the College is upgrading approximately ten fluorescent light fixtures using its own maintenance workers. Elsewhere in the building, a flooring company is refinishing floors. Which parts are construction projects? Is the entire building now a construction project?**
  - The College engages a contractor to refurbish the parapet on the roof of a building (Part 1)
    - This is “construction” work that is performed on a building. This is a construction project. This work requires a constructor and the application of Construction Projects Regulation.
  - In another part of the building, the College is upgrading approximately ten fluorescent light fixtures using its own maintenance workers (Part 2)
    - Generally, this is not “construction” or “project” work; it is non-construction/service work.
  - Elsewhere in the building, a flooring company is refinishing floors (Part 3)
    - This is a construction-like activity but is not a repair or alteration to a structure, and therefore it is unlikely that this undertaking is a “project”; it is non-construction/service work.
  - The “Construction Project” (Part 1 above) must be separated from the operating facility (including the non-construction/service work in Parts 2 and 3 above) in time and/or space by barricades or large distances between projects, or by weeks in time in order to maintain the College’s status as “owner”, and in order to prevent the possibility that the *entire* area interconnected with the project could be treated as a “construction project”.
- 2) **The College contracts with several roofing contractors to re-shingle roofs on buildings during the summer. The College has had each contractor file a Notice of Project as “Constructor”. Are these separate construction projects? Who is the “Constructor”?**
  - This is construction work on buildings that is “project” work; these are construction projects. All of these construction projects are under the control of separate General Contractor(s) hired as “Constructor(s)”,
  - During the first two weeks of re-shingling, blatant safety violations are observed; (i.e. workers are observed wearing no fall arrest, workers are throwing scrap onto unprotected pedestrian walkways). How does the College deal with these safety violations during the course of the project without becoming the “Constructor”?
  - With respect to blatant violations, while a direction to stop work may be given to a “constructor”, no direction of what specifically was wrong or how to resolve the situation is to be given to any of the constructor’s employees by College representatives. No representative of the College shall instruct the

constructor on how to resolve the problem. Immediately, contact the Contract Authority who will address specific safety concern(s) with the constructor's site supervisor. The Contract Authority shall put the detailed facts in writing and forward them to the constructor's site supervisor who shall be directed to correct the situation immediately and before work recommences.

- 3) **The College retains a general contractor as "Constructor" to erect a new building on site. The new building is in close proximity to a second building, and a second general contractor is retained as "Constructor" to build a raised walkway between both buildings. Can the "Owner" (College) keep the two separate general contractors as separate "Constructors"? What application process is required and what steps would be necessary to keep the projects separate?**
- It is clear that work activities are "construction projects" and under the control of separate General Contractors hired as "Constructors", however, this is a complex situation and clearly the two projects being undertaken by two constructors are joined. It will be necessary to separate the two projects until they are completed. It will also be necessary to determine at the pre-planning stage whether and how it is possible to separate these projects and keep them separate, without workers intermingling throughout the duration of the project.
  - To maintain status as "Owner", the College must separate both "projects" in time and/or space (i.e. barricades, fences, caution tape, separation of workforces, separate supervision, separate delivery and storage of materials, or separation in time). Also, an application for "Designation of Projects" must be submitted to the Ministry of Labour Immigration Training and Skills Development and approved before work commences (see sample letter in **Appendix F**).
- 4) **A mechanical room is located in the basement of a building in which major renovations are taking place. The entire basement is part of the construction project which is being overseen by a general contractor as "Constructor". College personnel now need to enter the mechanical room of this building. What responsibilities does the College have – "Owner", "Employer", "Constructor"? What steps should be assessed or taken for protection of the College workers?**
- The construction project is taking place in an area that must be accessed by College personnel or other contractors to perform activities in the mechanical room that are unrelated to the project. The College, as "owner" (respecting the construction project) and "employer" (respecting work related to operations and maintenance in the mechanical room, and not work of the construction project) must allow for permissible access to the project and proper protection by the College and the constructor for those entering the project before work proceeds. This protection may include, use of barricades or fences, separation of workforces, use of appropriate protective equipment, separation in time, appropriate supervision, etc. within the "Constructor's" construction project. Additionally, advice may be obtained from the Supervisor, Health and Safety or a Ministry of Labour Immigration Training and Skills Development Regional Program Coordinator for Construction. If the appropriate steps are not taken, there is risk that the College may become the "constructor".
- 5) **The College is required to shut down water pipes in order for a general contractor appointed as "Constructor" to perform work. The College**

**implements the shut down by turning valves due to the old and delicate nature of the infrastructure.** *Does the involvement of College trades in implementing the shutdown affect the status of “Constructor”?* *What if the shutdown takes place outside of the “Constructor’s” construction project?* *What if the shutdown takes place inside the “Constructor’s” construction project?*

- The shutdown takes place **inside** of the “Constructor’s” construction project
  - It is clear that work activity is a “construction project” and under the control of a general contractor hired as a “Constructor”.
  - As “owner”, the College must have a written protocol to very clearly set out safe work practices that the general contractor and the College will follow to confirm that the system that is isolated is clearly marked or tagged and locked off, and that there are very clear and strict physical measures or procedural steps in place such that the system that is disconnected does not inadvertently become reconnected.
  - As “employer”, the College has an obligation to protect all College employees and all College contractors who could be affected by the shutdown/start-up, and particularly those attending at the shutdown by providing them with appropriate information, appropriate personal protective equipment for the shutdown and start-up.
  - If appropriate procedures are not followed, there is risk that the College may become the “constructor”.
- The shutdown takes place **outside** of the “Constructor’s” construction project
  - The fact that the shutdown takes place outside of the envelope of the construction project does not change the responsibilities of the College as “owner” and “employer”. In fact, this increases the need for control and coordination of the shutdown and start-up by the general contractor as “constructor”.

6) **The College engages a contractor/general contractor appointed as “constructor” for a construction project to perform repair work on a natural gas pipeline on its property. It is College practice to perform or double check underground service locates prior to commencement of construction projects on its property.** *Does the College in locating a service or checking a service locate become the “Constructor”?* *How can the College limit its involvement to avoid “Constructor” status?*

- As “owner” the College, simply provides a drawing or identifies the location of service (e.g., paint a line) and the contractor or general contractor as “constructor” for the construction project proceeds with all other work associated with the project. As long as the involvement is limited as set out above to identifying the location of the service and does not proceed into overseeing the excavation or the work and how it is performed by the “constructor”, there is little risk that the College may become the “constructor”.
- Also, as “owner”, the College must have appropriate protocols and procedures for locating are performed.

A “**Contract Work Decision Tree**” is provided in **Appendix A**.

If there are questions respecting whether the work is “non-construction” or “project” work, if the scope of non-construction work could cause it to be treated as a construction project, or if the construction project can or should be separated, consult the Supervisor, Health and Safety.

## 6.0 PRACTICES WHEN CONTRACTING WORK

This Program covers three distinct categories of contracting:

### 6.1 Contracting Where Work is Under the Control of the College as Employer (Service Contract Work)

Where the College contracts for services (work that is not a construction project – non-construction work) it must confirm that all contractors comply with the Occupational Health and Safety Act of Ontario and pertinent regulations, as well as applicable standards, codes, policies and procedures. Contractors shall demonstrate compliance with the requirements of this Contractor Safety Management Program.

The Contract Authority shall:

- 6.1.1 Advise the contractor(s) that notification of the use of any subcontractor(s) is required through written submission and that all subcontractor(s) must be approved by the College prior to them conducting any work.
- 6.1.2 Carefully review the contractor’s health and safety program to confirm the training of its employees and health and safety policies and procedures are relevant to the type of work that will be performed.
- 6.1.3 Provide contractor(s) and sub-contractor(s) with a written declaration regarding any and all “Designated Substances” involved in the scope of the work.
- 6.1.4 Confirm that proof of appropriate “general liability” insurance, and clearance certificates from the Workplace Safety and Insurance Board have been received for all contractors and subcontractors prior to the start of work.
- 6.1.5 Confirm that contractor(s)/subcontractor(s) meet all College training, supervision, and monitoring requirements.
- 6.1.6 Conduct pre-job meeting(s) in accordance with procedures in **Appendix B1**.
  - provide the contractor(s)/subcontractor(s) with all relevant policies and procedures required by the College that are relevant for the worksite. Advise in writing, what policies and procedures they are to follow. Also, contractor(s)/subcontractor(s) must confirm in writing which policies and procedures of their own they intend to follow and provide a copy of the policies to the Contract Authority. If necessary and as appropriate, contractors may be trained in College policies and procedures, and this should be discussed and confirmed at the pre-job meeting.
  - confirm that a task specific system for communication and co-ordination of work with the contractor(s) and subcontractor(s) (where necessary) is developed.
  - as appropriate, provide contractor(s) and subcontractor(s) with the Contractor Safety Rules (**Appendix C**), prior to the pre-job meeting.

- Obtain signoff on Fleming College Contractor Safety Rules before or at pre-job meeting.
  - complete the Pre-Job Meeting Checklist (**Appendix B2**).
  - hold regular safety reminder meetings or coordination meetings as required for the work.
- 6.1.7 Obtain written acknowledgement that all contractor(s) and subcontractor(s) will comply with the Occupational Health and Safety Act of Ontario and pertinent regulations, the College's Contractor Safety Management Program and that failure to comply may result in immediate termination of the work (see **Appendix D**).
- 6.1.8 Confirm that appropriate steps are taken and documented when any safety incident or violations of safe work practices, policies or procedures, or the Occupational Health and Safety Act of Ontario and pertinent regulations by contractor employees are observed (see "Contractor Safety Reporting" -- Appendix E).
- address specific safety concerns with the contractor and take whatever actions are necessary to meet compliance, including but not limited to: issuing warnings, disciplinary notices to contractors and their employees, immediately stopping unsafe work, and/or terminating the contract.
  - in situations where safety violations may have or may affect College faculty, staff and/or students, immediately report such violations to Health and Safety and the responsible College manager(s)/supervisor(s), who in turn, will address the possible health and safety issues with pertinent faculty, staff and/or students.
- 6.1.9 Confirm that all contractor(s) and subcontractor(s) comply with all reporting requirements of the Occupational Health and Safety Act of Ontario and pertinent regulations including notification to the Ministry of Labour Immigration Training and Skills Development of any accident, fatality, and occurrences when and as required by the Act (sections 51, 52, 53 and 53.1) and that they provide copies of all such notices to the Contract Authority.
- 6.1.10 Establish a program, throughout the course of the contract, to monitor/audit contract employees to confirm they are adhering to all legal requirements and inhouse procedures and record this monitoring on a frequency that is a function of the complexity and risk inherent in the work, as well as the level of on-site supervision by the contractor.
- 6.1.11 Confirm that the use/work with any controlled products or biological or chemical agents used on college work sites by the contractor(s) complies with Workplace Hazardous Materials Information Systems (WHMIS) requirements, including training of workers.

## **6.2 Contracting Where Work is Under the Control of the College as Constructor for the Construction Project**

Under normal circumstances, the College will contract for the services of a third party to act as "constructor" for most construction projects. In unusual circumstances, however, if the College undertakes a "construction project" as "constructor", it is obliged to oversee and protect the safety of all employees and contractors on the project and that they all comply with the Occupational Health and Safety Act of Ontario and pertinent regulations, as well as applicable



standards, codes, policies, and procedures. Contractors shall demonstrate compliance with the requirements of this Contractor Safety Management Program.

The Contract Authority shall:

- 6.2.1 Exercise full control over the selection and performance of subcontractors.
- 6.2.2 Advise the contractor(s) that notification of the use of any subcontractor(s) is required through written submission and that all subcontractor(s) must be approved prior to them conducting any work.
- 6.2.3 Carefully review the contractor's health and safety program to confirm the training of its employees and health and safety policies and procedures are relevant to the type of work that will be performed.
- 6.2.4 Provide contractor(s) and sub-contractor(s) with a written declaration regarding any and all "Designated Substances" involved in the scope of the work.
- 6.2.5 Confirm proof of appropriate "general liability" insurance, and clearance certificates from the Workplace Safety and Insurance Board have been received for all contractors and subcontractors prior to the start of work.
- 6.2.6 Confirm that a Notice of Project (NOP Form 0175) is filed by the College and that the College is registered with the Ministry of Labour Immigration Training and Skills Development as a construction employer (Form 1000).
- 6.2.7 Confirm that contractor(s)/subcontractor(s) meet all college training, supervision and monitoring requirements.
- 6.2.8 Establish a Joint Health and Safety Committee or Health and Safety Representative for the worksite and for the duration of the contract, when and as required.
- 6.2.9 Conduct pre-job meeting(s) in accordance with procedures in **Appendix B1**.
  - provide the contractor(s)/subcontractor(s) with all relevant policies and procedures required by the College that are relevant for the worksite. Advise in writing, what policies and procedures they are to follow. Also, contractor(s)/subcontractor(s) must confirm in writing which policies and procedures of their own they intend to follow and provide a copy of the policies to the College.
  - confirm that a task specific system for communication and co-ordination of work with the contractor(s) and subcontractor(s) (where necessary) is developed.
  - as appropriate, provide contractor(s) and subcontractor(s) with the Contractor Safety Rules (**Appendix C**), prior to the pre-job meeting.
  - complete the Pre-Job Meeting Checklist (**Appendix B2**).
  - hold regular safety reminder meetings or coordination meetings as required for the work
- 6.2.10 Obtain written acknowledgement that all contractor(s) and subcontractor(s) will comply with the Occupational Health and Safety Act of Ontario and pertinent regulations, the College's Contractor Safety Management Program and that failure to comply may result in immediate termination of the work (see **Appendix D**).
- 6.2.11 Confirm that appropriate steps are taken and documented when any violations of safe work practices, policies or procedures, or the Occupational Health and

Safety Act of Ontario and pertinent regulations by contractor employees are observed (see “Contractor Safety Reporting” -- Appendix E).

- address specific safety concerns with the contractor’s site supervisor and take whatever actions are necessary to meet compliance, including but not limited to: issuing warnings, disciplinary notices to contractors and their employees, immediately stopping unsafe work, and/or terminating the contract.
- in situations where safety violations may have or may affect College faculty, staff and/or students, immediately report such violations to Health and Safety and the responsible College manager(s)/supervisor(s), who in turn, will address the possible health and safety issues with pertinent faculty, staff and/or students.

6.2.12 Confirm that all contractor(s) and subcontractor(s) comply with all reporting requirements of the Occupational Health and Safety Act of Ontario and pertinent regulations including notification to the Ministry of Labour Immigration Training and Skills Development of any accident, fatality, and occurrences when and as required by the Act (sections 51, 52, 53 and 53.1) and that they provide copies of all such notices to the Contract Authority.

6.2.13 Establish a program, throughout the course of the contract, to monitor/audit contract employees to confirm that they are adhering to all legal requirements and in-house procedures. Frequency of required auditing is a function of the complexity and risk inherent in the work, as well as the level of on-site supervision by the contractor.

6.2.14 Confirm that any controlled products or biological or chemical agents used on College work sites by the contractor(s) comply with Workplace Hazardous Materials Information Systems (WHMIS) requirements.

### **6.3 Contracting where Work of a Construction Project is Under the Control of a General Contractor Hired as a Constructor**

For “construction projects”, the Occupational Health and Safety Act requires that there be a “constructor” to ensure coordination and control of the project and the protection of all employees and contractors on the project. This section deals with situations where the College contracts for the services of a third party to act as “constructor” on a “construction project”. It is critical that the College does not inadvertently assume any role or liability as a constructor by becoming too involved in the activities of the construction project in this situation when a general contractor is appointed to act in the role of “constructor”

Generally, the “constructor” will be responsible for selecting and approving all sub-contractors. It must train, instruct, provide policies for, meet with, organize and schedule contractors and sub-contractors. The “constructor” must control, monitor and inspect the safety aspects of the construction project. Control of the project beyond matters related to quality control can potentially result in the Ministry of Labour Immigration Training and Skills Development treating the College as the “constructor”.

The Contract Authority, as contact person with the “constructor” at the College shall:

6.3.1 Confirm that constructors are prequalified in accordance with the process detailed in the Request for Supplier Qualification Contractor Vendor of Record (VOR) List for Various Projects” posted annually on the [Physical Resources website](#).

6.3.2 Confirm that the tender contains declarations for all “Designated Substances”



- 6.3.3 Request a site-specific safety program or plan from the proposed constructors for major projects. Confirm that the program and plan are appropriate for controlling the construction project on College property, taking into account any work of the project in proximity to operating or public areas, and meeting the obligations of the constructor under the Occupational Health and Safety Act.
- 6.3.4 Request a valid WSIB Clearance certificate from the proposed constructor and ask the constructor to provide WSIB Clearance certificates for all subcontractors.
- 6.3.5 After a constructor has been chosen to do the job, send the contract to the general contractor for signature, confirming that the general contractor will be undertaking the project as “constructor” under the Occupational Health and Safety Act.
- 6.3.6 After a contract has been signed or the project commences, whichever is earlier, the constructor and not College Personnel must be fully controlling the project and is responsible for construction safety for the project.
- 6.3.7 Liaise with the constructor for quality control purposes only throughout the project.
- 6.3.8 Confirm the constructor has filed a “Notice of Project” with the Ontario Ministry of Labour prior to the commencement of work, as required, and that a copy of same is provided to the Contract Authority and is posted at the project.
- 6.3.9 In circumstances where a project is taking place at an operating College facility, confirm that the project is separated from the operating facility in time and/or space in order to maintain the College’s status as “owner”, and in order to prevent the possibility that the entire area interconnected with the project could be treated as a “construction project”.
  - confirm that the construction project is separated from the operating facility by a physical barrier or alternatively that the construction work takes place during off-hours when there are no College employees or members of the public present.
- 6.3.10 If a construction project is taking place in an area that must be accessed by College employees or other contractors for activities that are unrelated to the project, obtain advice from a Ministry of Labour Immigration Training and Skills Development’s Regional Program Coordinator for Construction, or the Supervisor, Health and Safety, about permissible access to the project and proper protection by the College and the constructor for those entering the project before work proceeds. Note: if College employees or College contractors enter to perform activities that are part of the project, there is risk that the College may become the “constructor”. Do not have College employees or contractors enter to perform work that is part of the project (as opposed to non-construction work) without prior consultation with the Supervisor, Health and Safety.
- 6.3.11 If there is more than one construction project taking place at a single location on college property, which is under the control of two or more separate general contractors acting as “constructor”, the projects must be separated in time or space as above, and that an application for “Designation of Projects” is submitted to the Ministry of Labour Immigration Training and Skills Development and approved before work commences (see sample letter in Appendix F).
- 6.3.12 Confirm that for any violation of the safe work practices, policies or procedures by the “constructor” or any subcontractors, that the steps set out for dealing with

unsafe conditions where the College has contracted with a “constructor”, as outlined in Section 7.0, are followed

- in situations where safety violations may have or may affect College faculty, staff and/or students, immediately report such violations to Health and Safety and the responsible College manager(s)/supervisor(s), who in turn, will address the possible health and safety issues with pertinent faculty, staff and/or students.

## 7.0 PROTOCOL FOR DEALING WITH UNSAFE WORK/NONCOMPLIANCE

Following is the protocol to be used by College personnel for dealing with unsafe work/noncompliance observed by:

### 7.1 Contracting Where Work is Under the *Control of the College as Employer (Service Contract Work) or Where Work is Under the Control of the College as Constructor for the Construction Project*

7.1.1 If work is *immediately dangerous to the life or health* of anyone or is damaging to College property, *work is to be stopped immediately.*

- Immediately, contact the Contract Authority who will address specific safety concern(s) with the contractor(s) and take whatever actions are necessary to meet compliance before work recommences. This may include terminating the contract. All safety violations must be documented (see “Contractor Safety Violation Record” -- **Appendix E**).

7.1.2 If work is *not immediately dangerous to the life or health* of anyone.

- Contact the Contract Authority who will address specific safety concern(s) with the contractor(s) and take whatever actions are necessary to meet compliance, including but not limited to: holding meetings with the contractor, issuing warnings, disciplinary notices to contractors and their employees, immediately stopping unsafe work, requiring retraining of workers, and/or terminating the contract. All safety violations must be documented (see “Contractor Safety Violation Record” -- **Appendix E**).

### 7.2 Contracting where Work of a Construction Project is Under the Control of a General Contractor Hired as a Constructor

7.2.1 If work is *immediately dangerous to the life or health* of anyone or is damaging to College property, *work is to be stopped immediately by the contractor’s site supervisor or through the Contract Authority.*

- While a direction to stop work may be given, no direction of what specifically was wrong or how to resolve the situation is to be given to any of the constructor’s employees by College representatives. No representative of the College shall instruct the constructor on how to resolve the problem.
- Immediately, contact the Contract Authority who will address specific safety concern(s) with the constructor’s site supervisor.

- The Contract Authority shall put the detailed facts in writing and forward them to the constructor's site supervisor who shall be directed to correct the situation immediately and before work recommences.

7.2.2 If work is *not immediately dangerous to the life or health* of anyone.

- No direction of what specifically was wrong or how to resolve the situation is to be given to any of the constructor's employees by College representatives. No representative of the College shall instruct the constructor on how to resolve the problem.
- Contact the Contract Authority who will address specific safety concern(s) with the constructor's site supervisor. The Contract Authority will expect resolution by the site supervisor before work recommences. All safety violations and the manner resolved by the constructor must be recorded by the Contract Authority, in writing, and filed with the other project documentation, as well as copied to the site supervisor.

- Note: the "Contractor Safety Violation Record" may not be used for this documentation.

## **8.0 INFORMATION AND TRAINING**

### **8.1 College Employees**

8.1.1 Fleming College shall provide appropriate training to Contract Authorities on the requirements of the Contractor Safety Management Program.

8.1.2 Instruction shall include the following:

- Fleming College Contractor Safety Management Program
- Responsibilities under the Contractor Safety Management Program
- Duties and Responsibilities of the Employer, Owner and Constructor under the Occupational Health and Safety Act of Ontario, due diligence when acting as employer, owner, constructor
- Awareness of the Hazards applicable to the work that contract employees perform
- Protocol for dealing with unsafe work practices/non-compliance

8.1.3 Attendance records will be kept to record the training provider, the type of training and the dates training was given to Fleming College employees.

### **8.2 Service Contractors**

8.2.1 All service contractors who are contracted to perform work at Fleming College shall be familiar with the requirements of the College's Contractor Safety Management Program.

8.2.2 All service contractors who are contracted to perform work at Fleming College shall provide written evidence that their employees have received adequate training in the recognition of hazards and safe work practices associated with the type of work that will be performed.



## **9.0 PROGRAM AUDIT AND REVIEW**

### **Program Audit**

HS will audit the Contractor Safety Management Program on a regular basis.

### **Program Review**

HS will review the Contractor Safety Management Program as needed, following updates to applicable legislation, standards, or College processes.

## **APPENDICES**

### **Appendix A - Contract Work Decision Tree (Flow Chart)**

Refer to "[Appendix A – Contact Work Decision Tree \(Flow chart\)](#)"

### **Appendix B1 - Guidelines for Pre-Job Meetings (Procedure)**

Refer to "[Appendix B1 - Guidelines for Pre-Job Meetings \(Procedure\)](#)"



## **Appendix B2 - Pre-Job Meeting Checklist (Form)**

Refer to: "[Appendix B2 - Pre-Job Meeting Checklist \(Form\)](#)"



## **Appendix C - Contractor Safety Rules (List)**

Refer to: "[Appendix C - Contractor Safety Rules \(List\)](#)"





## **Appendix D - Contractor Acknowledgement (Form)**

Refer to: "[Appendix D - Contractor Acknowledgement \(Form\)](#)"



## **Appendix E - Contractor Safety Violation Record (Form)**

Refer to: "[Appendix E - Contractor Safety Violation Record \(Form\)](#)"



## **Appendix F - Application for “Designation of Project” (Letter)**

Refer to: [“Appendix F - Application for “Designation of Project” \(Letter\)”](#)



## **Appendix G - Proof of Competency (Form)**

Refer to "[Appendix G - Proof of Competency \(Form\)](#)"



## **Appendix H - Project Posting List (List)**

Refer to "[Appendix H – Project Posting List](#)":