CONTRACTOR SAFETY MANAGEMENT PROGRAM

Contents

UNIVERSITY OF WATERLOO

1.0 Purpose

The purpose of this program is to manage the risks of contracted work at the University of Waterloo (the University), and reduce the occurrence of accidents, injuries and illnesses to contractors by establishing processes that ensure contractors and their employees perform their work in a manner that protects the health and safety of themselves and the broader University community. The program establishes means to ensure compliance with laws and regulations pertaining to the contracting and execution of work by contractors to the University.

2.0 Scope

This program applies to all contractors that conduct work and/or provide services and are doing so on premises occupied or owned by the University of Waterloo. All University of Waterloo employees who manage work performed by contractors are also bound by this program.

This program excludes delivery services such as supply, courier and mail services.

This program covers two distinct categories of work:

1. **Low-risk work** is where work is under the control of the University.

   In this situation, the University retains a service provider for services and is the employer. The University must ensure that the service provider has WSIB insurance, third party liability insurance, procedures, training and supervision to carry out the work safely and in compliance with all the provisions of the Occupational Health and Safety Act (OHSA) and all applicable regulations.
2. **High-risk work** where work is under the control of a contractor hired as the constructor.

   In this situation, a contractor is hired under a contract agreement to undertake a project and the contractor assumes the role of the constructor. The University retains the role of owner. The constructor will completely undertake and control all work at the project. The University Owner Designated Representative (ODR) will ensure the University does not award separate contracts for the same project. University staff will not perform work on a project with its own forces apart from requested service isolations which could affect the University (e.g., life-safety systems).

Appendix A: Who is the Constructor/What Regulation Applies Flowchart provides the reader a graphical understanding of who has primary occupational health and safety responsibilities for contracted work.

3.0 Definitions

Constructor
Section 1 of the OHSA defines “constructor” as "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”. A person undertakes a project if they assume responsibility for it. The definition of “employer” in section 1 of the Act includes contractors and subcontractors. “Project” is also defined in Section 1 of the Act.

Health and safety at a project are a shared responsibility. Though each employer at the project has significant responsibilities for the health and safety of their workers, 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. The constructor must ensure that that all the employers and workers on the project comply with the Act and its regulations.

The intent of the Occupational Health and Safety Act is to have **one** person with overall authority for health and safety matters on a project. This person represents the **constructor** on the project.

University of Waterloo in no case shall assume the role of “constructor” on a project.

Construction
Includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earthmoving, grading, excavating, trenching, digging, boring, drilling, blasting, concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project. The definitions of “construction” and “project” set out in the OHSA indicate that a wide variety of work can potentially qualify as construction or a construction project. For example, if work such as altering, repair, or dismantling is performed on a building, bridge or structure, this is construction and falls under the Construction Regulation. If the same activities are carried out on machinery or equipment, it will fall under the Industrial Establishment Regulation.

The installation of any machine is by definition construction work. The alteration, repair, etc. of that same machinery is industrial work. Routine plant maintenance work is normally considered to be industrial as opposed to construction activity. Structural maintenance within an industrial establishment is by definition a constructor activity.

Contract
The legally binding agreement between the University and the contractor, which gives both parties certain rights and obligations, and under which the contractor provides services.

Contractor
A person, partnership or group of people (independent from and retained by the University under contract) that directs the activities of one or more employees (of the contracting company, or the University, or both) or self-employed people involved in providing the University with services.

Demolition
The science and engineering of safely and efficiently tearing down buildings and other artificial structures.

Designated Substance
A biological, chemical or physical agent or a combination thereof prescribed under the Designated Substances Regulation (O. Reg. 490/09) to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.

Employer
A person who employs one or more workers or contracts for the services of one or more workers. Contractors and sub-contractors are also employers.

Hazard
Any source of potential damage, harm or adverse health effects on something or someone.

Industrial establishment
An office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto.

Owner Designated Representative (ODR)
Refers to the person assigned the duties of project management for the University. The ODR is assigned at, or prior to the project start-up meeting.

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 his/her agent or delegate.

Project
A construction project, whether public or private, including:

- 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
- the moving of a building or structure, and
- any work or undertaking, or any lands or appurtenances used in connection with construction.

Risk
The chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard. It may also apply to situations with property or equipment loss, or harmful effects on the environment.

- **High-risk work** is any activity that involves infrastructure renovations, demolition, installations of equipment or disturbance of designated substances. Other activities considered high-risk work is work that requires workers to hold a license, e.g., elevated work platform operation, forklift operation, pressure equipment operation and for the purposes of this program excavation, hot work, confined space entry and working from heights.
- **Low-risk work** is any activity that involves any other service provided not mentioned in high-risk work.

Risk assessment
The overall process used to:

1. Identify hazards and risk factors that have the potential to cause harm (hazard identification).
2. Analyze the risk associated with that hazard (risk analysis).
3. Determine appropriate ways to eliminate the hazard or control the risk when the hazard cannot be eliminated (risk control).

Renovations
The process of improving a broken, damaged, or outdated structure.

Service provider
A business who is contracted to perform low-risk work for the University.

Services
Services are any and all of the labour, duties, functions and activities required to be performed by the contractor or service provider under the contract.

Supervisor
A person who has charge of a workplace or authority over a worker.

Worker
A person who performs or supplies services for monetary compensation.

4.0 Regulatory Requirements

The Occupational Health and Safety Act, and its associated regulations, outline requirements for construction activities. Regulations under the OHSA include, but are not limited to:

- Construction Projects, Ontario Regulation 213/91, as amended
- Industrial Establishments, R.R.O. 1990, Regulation 851, as amended

- Designated Substances, Ontario Regulation 490/09, as amended
- Asbestos on Construction Projects and in Building and Repair Operations, Ontario Regulation 278/05, as amended
- Confined Spaces, Ontario Regulation 632/05, as amended
- Control of Exposure to Biological or Chemical Agents, R.R.O. 1990 Ontario Regulation 833, as amended
- Workplace Hazardous Materials Information System (W.H.M.I.S.), R.R.O. 1990 Ontario Regulation 860, as amended
- Window Cleaning, R.R.O. 1990 Ontario Regulation 859 as amended
- Noise (Reg. 381/15)
- Occupational Health and Safety Awareness and Training (Reg. 297/13)
- First Aid Requirements (Reg. 1101)
- Propane Storage and Handling (Reg. 211/01)
- Gaseous Fuels (Reg 212/01)
- Fuel Industry Certificates (Reg. 215/01)

5.0 Roles and Responsibilities

5.1 Department Head/Chair/Director

- Be familiar with the scope and requirements of Policy 22 - Regulations Governing the Installation of Equipment in University Buildings and follow its provisions, notifying Plant Operations prior to issuing a Purchase Requisition.
- Communicate with Procurement, prior to commencing low-risk work, ensuring the necessary insurance coverage is in place prior to low-risk work commencing.

5.2 Supervisors /Managers

- Responsible for determining if the work is low-risk or high-risk utilizing *Appendix B: Low/High Risk Service Provider/Contractor Flowchart* and managing any further steps to ensure program compliance.
- For the purposes of health and safety, provide reasonable supervision to contractors where the work is under the control of the University.
- Orient any low-risk contract workers to any hazards they may be exposed to in the workplace where they are conducting work.
- Manage reports of situations involving work being done by contractors which are viewed to be immediately dangerous to life or health or are not in compliance with regulatory or University requirements.

5.3 Safety Office

The Safety Office is involved in the administration of the Contractor Safety Program. The Safety Office will ensure that the following components or tasks of the program are performed:

- Ensure that a Contractor Safety Program is maintained, and a process for implementing the program is defined and current.
- Make available Contractor Safety Orientation through online and/or pre-startup meetings for contractors.
- Periodically audit the University's practices to ensure contractors are working in a safe manner.
- Provide consultation, guidance and direction to the University related to compliance with applicable OHSA legislation specific to the contract work being done.
- Jointly support and manage the University's contractor compliance software including continuous improvement activities designed to enhance safety and risk management.

5.4 Plant Operations Design and Construction Services

- Manage and issue tenders for all projects that require the services of an architect and/or design engineer and implement a written contract identifying the contractor as the constructor and the University as the owner.
- Ensure compliance with the University's building design standards.
- Ensure that contractors being hired are in good standing and verified through our Contractor Compliance Software
- Conduct pre-construction start-up meetings with all parties involved in the project as required.
- As required, hire an approved environmental consultant to perform pre-construction project-specific designated substance assessments and any other specifications work required for bid documents.
- Provide the contractor with reports of all designated substances including hazardous materials (Designated Substance and Hazardous Materials Assessment Report) and their location within the project site so that they can be advised from an environmental consultant (hired by UW) to manage the risk and if required hire an abatement contractor to remove the hazard(s).
- ODR receives prescribed injury reports from contractors and constructors and forwards the information to the Safety Office
- On initiation of a contract with a contractor, Plant Operations will assign an Owner Designated Representative (ODR) to the project. Prior to the contractor

starting any work on University property the ODR will initiate a pre-construction start-up meeting to discuss the safety requirements for the work.

- Manage reports of situations involving work being done by constructors which are viewed to be immediately dangerous to life or health or are not in compliance with regulatory or University requirements.
- Jointly support and manage the University's contractor compliance software including continuous improvement activities designed to enhance safety and risk management.

5.5 Procurement

- Verify that WSIB and third-party liability insurance for low-risk contractors are in place prior to the contractor performing any work.

5.6 Joint Health and Safety Committee

- Review this program periodically
- Receive reports of hazards or injuries relating to contract work and make recommendations.

5.7 Contractors

- As part of their contract, agree to comply with all applicable health and safety legislation including, but not limited to the OHSA and any associate regulations applicable to the work being performed.
- Comply with all relevant University programs and procedures as defined by the Contractor Safety Program and all relevant University building and design standards.
- Where required, prepare and submit a written plan (Construction Project Safety Management Plan) that describes compliance strategies for all applicable health and safety legislation, foreseeable job site hazards and precautionary measures, employee safety training, safe work procedures, safe operating procedures (SOPs), first aid preparedness, stop work procedures, emergency response plans, incident reporting procedures, and the names and contact numbers of the job-site safety supervisor. Plan to be reviewed by the Safety Office
- Ensure all employees who will be working on a project have taken online contractor safety orientation training through the University's contractor compliance software.
- Ensure that if the contract falls within O. Reg. 213/91 a "Notice of Project" has been submitted to the Ministry of Labour
- Maintain full control of the project and hold complete responsibility for the health and safety of all workers.

- Ensure that adequate site separation is erected and maintained to prevent University staff and students from encroaching on the work/project.
- Report OHSA and Construction Regulations prescribed injuries to the ODR.

When contemplating work, departments must determine if the nature of the work being contracted out is low-risk or high-risk. *Appendix B: Low/High Risk Service Provider/Contractor Flowchart* provides assistance in making this determination.

5.8 Low-risk Work

If the contract work is considered low-risk, and the value of the work is greater than $5,000, departments must engage with Procurement. Procurement will ensure any service provider engaging in the work has sufficient liability insurance and maintains good standing with the WSIB through verification of a Clearance Certificate. Refer to Policy 17 for more information.

5.9 High-risk Work

On determining that the work is high-risk, a Work Request is to be submitted to Plant Operations, who will assess the scope of work.

Contractors doing high-risk work are enrolled with an acceptable grade under the University's contractor compliance software process.

6.0 Record Keeping

Contractor safety and qualification records (e.g., written programs, safety statistics, contractor evaluation, notifications to contractors, training, insurance and WSIB certificates) are retained in the University's contractor compliance software.

Plant Operations will retain records of internal permits, contract records, inspections/evaluations, and communications with contractors related to safety or compliance ODR inspection reports, hot work or confined space entry permits.

7.0 Training and Orientation

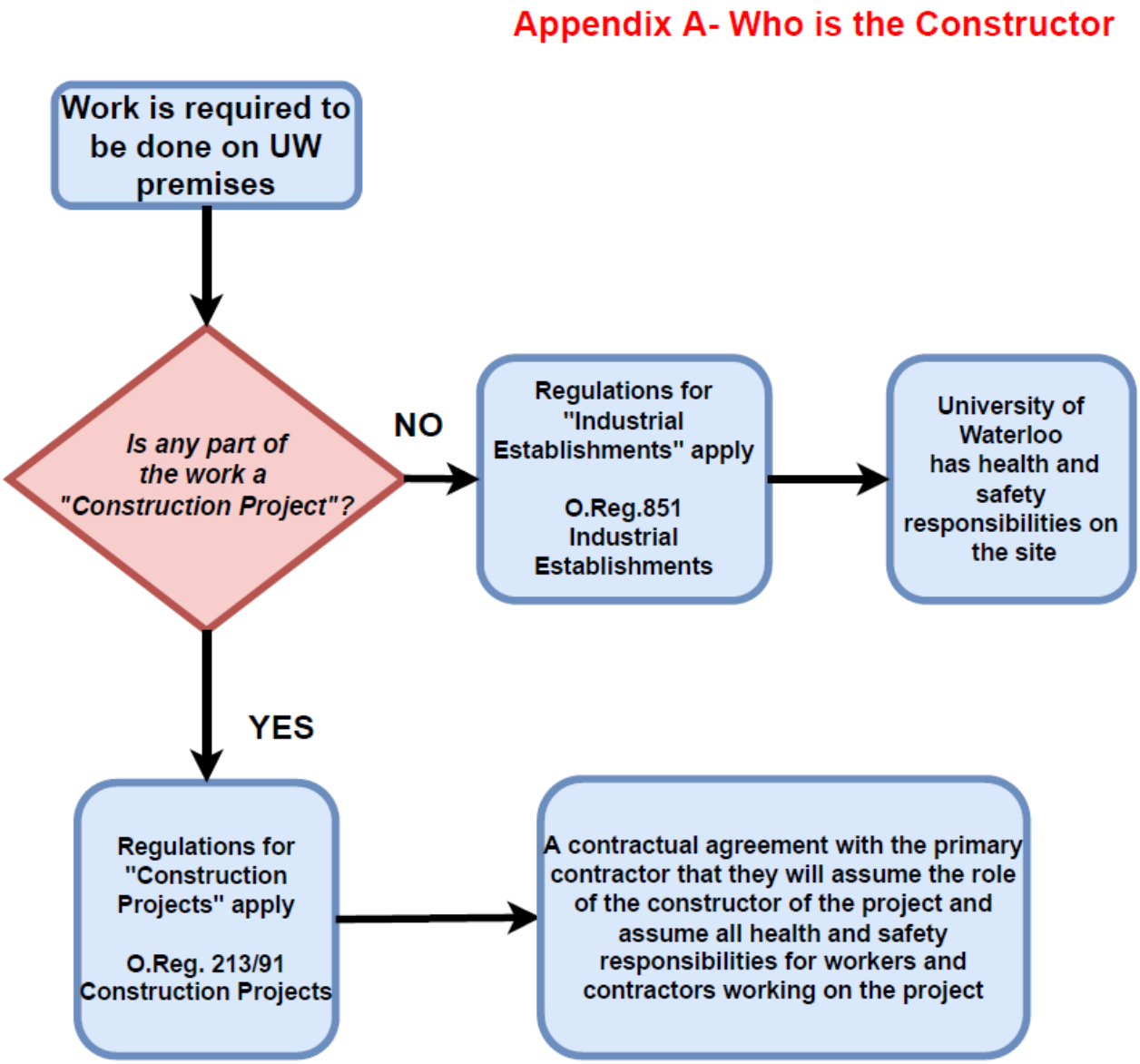
Contractor Safety Orientation available through our Contractor Vendor software to be taken by contractors engaged in high-risk work.

Pre-Construction Due Diligence Online Training (SO1200) available for Plant Operations Design and Construction, Plant Operations Maintenance Supervisors, IST Supervisors

8.0 Record of Revisions

Date of Review	Author/Editor	Change	Version
September 2023	Robert Mullins	▪ 3.0 Definitions: Edited to reflect that the person with overall authority for health and safety matters on a project, *represents* the constructor on the project vs. having individual responsibility as a constructor. ▪ 5.6 Joint Health and Safety Committee: Changed review period from annually to periodically. ▪ 7.0 Training and Orientation: Pre-Construction Due Diligence Online Training (SO1200) implemented for Plant Operations Design and Construction, Plant Operations and IST Supervisors.	Contractor Safety Management Program_v.2.1_SEP2023
September 2022	Robert Mullins	▪ 2.0 Scope updated "Who is the Constructor" flowchart to ensure UW is never the constructor ▪ 3.0 Definitions had "Constructor" rewritten by Plant Operations (Design & Construction) to ensure UW is never the constructor ▪ 5.2 Responsibilities: Supervisor - updated flowchart "Low/High Risk Service Provider/Contractor Flowchart to include consultants/architects/engineers as high-risk work and to contact Plant Operations ▪ Section 5.7 Responsibilities: Constructor - Added: Report OHSA and Construction Regulations prescribed injuries to the ODR ▪ 5.8 Responsibilities: Low-risk Work - Added link to Policy 17 ▪ 7.0 Training and Orientation - Removed pre-construction due diligence training. Training is being reviewed by Plant Operations Design and Construction	Contractor Safety Management Program_v.2.0 _SEP2022
June 2021	Robert Mullins	▪ Program release	Contractor Safety Management Program _v.1.0_JUN2021

9.0 Appendix A: Who is the Constructor/What Regulation Applies Flowchart



10.0 Appendix B: Low/High Risk Service Provider/Contractor Flowchart