

Contractors serve an indispensable purpose, providing resources and expertise to perform tasks that are outside the capabilities of most companies. Examples are numerous, such as installation or modification of equipment, demolition or fabrication of buildings, and maintenance of premises. Despite this heavy reliance, many firms who hire contractors do not have a clear understanding of their responsibilities or a method to assure due diligence. This may cause exposures to jobsite hazards and liability.

The following roles are defined in the Occupational Health and Safety Act (OHSA):

**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

**Employer** means a person who employs 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 to perform work or supply services (simplified definition)

**Constructor** means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer



### Who is responsible for a contractor's safety?

This important question can become very complicated based on the situation. More questions need to be asked before an answer may be determined:

**? Is this a (construction) project or a plant maintenance/operations function?**

- Construction “projects” are governed by OHSA and Regulation 213
- Projects may assign separate responsibilities to “owner” and “constructor”
- Maintenance & operations are governed by OHSA and Regulation 851
- Owner/Employer of maintenance/operation are responsible for contractors

**? Is there a clear separation between personnel working at the project and the facility, or a mixture of personnel involved?**

- Projects with separation may have separate “owner” and “constructor”
- Mixed personnel on jobsite becomes responsibility of owner/employer

**? Have the roles of constructor, employer, and owner been determined?**

- Specified in contract wording
- MOL have the authority to decide roles for any project

Therefore, responsibility for **most** contractor work falls to the owner and employer.



**Do contractors have responsibility for jobsite safety?**

Contracting firms employing personnel are responsible for the safety of their employees, but liability can be assigned at many different levels. Ontario has convicted and fined constructors, employers, and owners for injuries and OHS violations. Generally, all parties share the responsibility for jobsite safety.



**Where do we begin? What is normally included?**

Having a documented contractor procedure helps all parties understand their responsibilities and roles. The procedure should include sufficient detail to identify steps necessary to minimize the risks and liabilities. See below for a partial list of steps that should be considered.

Contractor Safety Steps	Provided by:
Obtain WSIB clearance and liability insurance certificates	Each contractor
Notify contractors of designated substances	Host EHS manager
Select jobsite safety rep/committee	Jobsite workers
Communicate facility rules and workplace hazards to contractors	Area supervisors
Post regulatory information	Project manager
Define/identify construction zones	Project manager
Determine necessary worker qualifications	Project manager & Contractor
Provide worker qualification documents	Contractor management
Develop and post emergency procedures	Project manager
Communicate jobsite hazards to non-project personnel and/or public	Project manager
Identify job-specific hazards and preventions	Contractor supervisors
Supervise contracting personnel	Contractor supervisors
Report accidents to employer/WSIB	Contractor management
Supervise overall site activities	Project manager
Inspect site sanitary supplies	Area supervisor

Additional contractor compliance tools normally include site rules, emergency contact information, project site postings, forms for job analysis, inspections and training, and notification forms for contractors and Ministry of Labour.

A shared responsibility also means that this program is a team effort. When properly included, contractors and support personnel are normally very willing to provide support for many of the program steps.

Prevention and Regulatory Solutions has decades of experience in achieving contractor compliance without sacrificing project deliverables and schedules. Their methods and training programs are flexible to suit any organization wanting to improve due diligence.