CONTRACTOR SAFETY
A SHARED RESPONSIBILITY

PROCEDURES TO PROTECT SAFETY AND HEALTH IN THE WORKPLACE DURING CONTRACT WORK.

The following provides general information only. Should there be any inconsistency between the applicable contract and the contractor safety program information, the contract shall prevail.

Prepared by:
Corporate Support Services Department
Human Resource Planning and Services Division
Organizational Safety and Occupational Hygiene Branch
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INTRODUCTION

Procedures to protect safety and health in the workplace during contracted work are required by the *Manitoba Workplace Safety and Health Act*. These procedures must include criteria for evaluating and selecting contractors as well as monitoring contract work.

This document outlines the process used to evaluate, select and monitor contractors working for the City of Winnipeg and applies to:

- Construction contract with an estimated cost exceeding $100,000.00
- Any contract work deemed as high safety risk by the City

The contract remains the governing document outlining the agreement between the parties and is not superseded or replaced by these procedures.

The City of Winnipeg’s contractor safety program consists of three main elements:

1. **Evaluation and selection** of the contractor based on criteria established by the City.
2. Development of **Safe Work Plans** by the contractor which are reviewed by the City; and
3. **Monitoring** to ensure that contract work proceeds safely and according to agreed requirements.

GENERAL DUTIES

The term “contractor” used in this information refers to the person (includes a partnership or an unincorporated association) who has been contracted by the City to direct the activities of one or more employers or self-employed persons involved in work.

In cases where a prime contractor has been identified for a construction project, contractor requirements as outlined in this information apply to the prime contractor, who in turn is responsible to ensure every person involved in work on a project (including subcontractors) complies with the *Workplace Safety and Health Act & Regulations*.

For more information on the legal duties of employers, prime contractor and contractors see the *Manitoba Workplace Safety and Health Act*. 
**ROLES & RESPONSIBILITIES**

**Materials Management/ Legal Services**
- Initiates the solicitation of competitive offers and manages the procurement of contracted services.
- Ensures appropriate safety and health program evidence is provided and evaluated prior to contractor selection.
- Manages the contractor selection process.
- Participates in regular contractor safety committee meetings to provide feedback, identify areas of concern and share information about contractor safety.

**Contract Administrator**
- Acts as the primary contact with the contractor on matters of safety and health in consultation with the departmental safety resource.
- Submits evidence of acceptable safety and health programs on behalf of the contractor to the Organizational Safety and Occupational Hygiene Branch for their records.
- Provides contractors with safety and health information (e.g. safety orientation, site tours) and ensures effective ongoing communication.
- Receives and reviews Safe Work Plans submitted by contractors.
- Monitors contractors in reference to Safe Work Plans.
- Takes appropriate corrective action to address unsafe work practices as necessary.
- Recommends termination, suspension or debarment of contractors in cases of breach of contract leading to unsafe work conditions.
- Provides information regarding contractor activity to required on-site City stakeholders (e.g. supervisor of area where contract work is to be performed).
- Facilitates the sharing of information related to contractor safety.

**Organizational Safety & Occupational Hygiene Branch**
- Provides support to the City’s administration on contractor safety issues.
- Receives and reviews evidence of acceptable safety and health programs.
- Maintains listings of prequalified contractors and acceptable consultants.
- Recommends changes in direction, systems and/or processes related to the contractor safety program.
- Facilitates regular contractor safety committee meetings with departmental resource staff to provide feedback, identify areas of concern and share information about contractor safety.

**Departmental Safety Personnel**
- Provides safety advice and support to contract administrators, supervisors, workers and safety committee members.
- Supports the contractor safety program and related systems, processes and activities.
- Identifies and responds to emerging trends and internal/external risks specific to contractor safety and recommends processes and systems to respond to the issue.
- Participates in regular contractor safety committee meetings to provide feedback, identify areas of concern and share information about contractor safety.

**Contractor**
- Ensures a safe and healthy work environment at work sites.
- Submits evidence of acceptable safety and health programs to the contract administrator, or if a contract administrator has not yet been assigned, to the Organizational Safety and Occupational Hygiene Branch.
- Prepares and submits Safe Work Plans specific to the site/workplace to the contract administrator.
Ensure effective ongoing communication with contract administrator concerning safety and health.
Complies with all contractual and regulatory requirements concerning safety and health.
Cooperates with all persons exercising a duty imposed by the contract and by the Workplace Safety and Health Act.
Monitors safety as work progresses and responds to any issues in a timely fashion.
Responds to safety concerns raised by contract administrators/City staff.
Ensures appropriate corrective action is taken to address unsafe acts and conditions.

Prime Contractor - Construction Project

In cases where a prime contractor has been employed for a construction project, the following apply in addition to those outlined for contractors:

- Ensures every person involved in work on a project complies with the Workplace Safety and Health Act & Regulations.
- Co-ordinates, organizes and oversees the performance of all work at the construction project site.

Superior (City of Winnipeg)

- Takes immediate corrective action to address unsafe situations where such actions do not endanger themselves or others.
- Informs contract administrator and/or safety resources of safety and health concerns related to contract work.
- Ensures safety hazards are addressed before allowing work to continue.
- Consults with departmental safety resources when required.

Employees (City of Winnipeg)

- Takes immediate corrective action to address imminently dangerous situations where such actions do not endanger themselves or others.
- Informs their supervisors of safety and health concerns related to the contract work.

Contractor Safety Committee (City of Winnipeg)

- Reviews emerging trends, and internal/external contractor safety risks within the organization and departments.
- Recommends priorities and action plans to deal with contractor safety issues.
CONTRACTOR EVALUATION & SELECTION

Contractor safety and health programs are evaluated independently to determine if they meet or exceed all elements required of a safety program under the Workplace Safety and Health Act.

Option 1: Safe Work Certified
A program is considered acceptable if it has been certified to Safe Work Manitoba’s Safe Work Certified standard (e.g. COR™/SECOR™)

Option 2: Independent Review
Contractors can meet the contractor safety requirements through evaluation of their safety and health program by an independent consultant using the Contractor Safety Program Evaluation Document. The template is based on the requirements of Manitoba’s Workplace Safety and Health Act.

Independent workplace safety and health consultants satisfactory to the City include persons who:

• Have been approved to conduct independent audits for safety and health certification programs meeting SAFE Work Manitoba’s SAFE Work Certified Standard (e.g. COR™/SECOR™)

• Hold professional designations such as Canadian Registered Safety Professional (CRSP) or equivalent.

Contractors who submit proof of an acceptable review are listed on the Pre-qualified Contractors List. These programs are considered acceptable to the City for a three year period from the date of written confirmation.

KEY MESSAGE:
The City of Winnipeg has established a process to evaluate contractors based on their ability to comply with Safety and Health Legislation.

SAFE WORK PLANNING

Prior to work beginning, safety and health information is exchanged between the contract administrator and the contractor including the evaluation of hazards and the steps required to minimize those hazards. This information is documented by the contractor and provided to the City of Winnipeg in the form of a Safe Work Plan at least 5 days prior to work beginning.

Safe Work Plans demonstrate that a contractor:

• Is aware of the hazards associated with the work; and

• Have appropriate control measures in place to deal with them.

Safe Work Plans are reviewed by the contract administrator with the assistance of the departmental safety resource as required.

KEY MESSAGE:
Safe Work Plans are provided to the City by the contractor to ensure procedures are in place to deal with hazards.
Contact Information
The contract administrator and the contractor must ensure effective ongoing exchange of safety information as well as notification in the event of an incident or emergency situation.

It is recommended that project contacts are posted at the job site for contract work taking place at City of Winnipeg facilities to ensure this information is available to supervisors and employees working in the area.

Site Orientation
Before contract work begins, site-specific safe work and emergency procedures are communicated to contractors by contract administrators in consultation with departmental safety resources as needed.

Contractors are also briefed on roles and responsibilities as well as the consequences of not adhering to the Safe Work Plan or any site-specific safe work procedures. This would include the corrective action that will be taken to stop unsafe work and the subsequent remedial measures.

This is consistent with the duty to provide information that may affect the safety and health of a person at the workplace as per the Manitoba Workplace Safety and Health Act.

A sample contractor safety orientation checklist has been included as Appendix A.

Hazard Communication
Effective ongoing communication between the contract administrator, the contractor and any subcontractor groups is essential to identify situations that may arise during the course of work not originally discussed or identified. It is also important that changes to Safe Work Plans be made and communicated on an on-going basis as required.

Safety is an integral part of pre-work discussions and project meetings.

MONITORING CONTRACTOR SAFETY
Safety is reviewed along with other aspects of contract work during site visits by the contract administrator. This is done to ensure that contractors follow the safety requirements of the City of Winnipeg as well as the Safe Work Plans for the work being done.

Contract administrators should consult with their departmental safety resource if they have questions or need assistance with the monitoring process.

The frequency of monitoring is determined by:

- The nature of work and the risks involved.
- The contractor’s familiarity with the work being done and whether the work was done previously by the contractor for the City and without incident.
- The level of knowledge and the experience the contractor has with respect to the safe work and emergency procedures.
- Past safety performance of the contractor.

Safety monitoring can be random or announced, narrow in focus or more encompassing depending on the type of work being performed. If unsafe work is observed, corrective action is taken by the contract administrator or others.

Corrective action can range from work stoppage until appropriate control measures are implemented up to and including termination of the contract in extreme situations.

KEY MESSAGE:
The safety performance of contractors is monitored by the City using the contractor’s Safe Work Plan.
RESPONDING TO SAFETY CONCERNS & FOLLOW-UP

If a City employee becomes aware of a safety concern involving contract work the first step is always to notify their direct supervisor. It is the supervisor’s responsibility to evaluate and respond to the concern in a timely manner in consultation with safety resources and the contract administrator.

Contractors have the same obligations to their employees as any other employer in Manitoba. Where safety issues arise regarding contractor employees the concern will always be taken to the supervisor of the employees involved.

The City of Winnipeg has the right to require the contractor to resolve any safety issue raised to the City’s satisfaction before work continues. This decision belongs to the contract administrator responsible for the project with support from any safety resource needed.

In circumstances where contract work could result in serious and imminent harm to a person, all employees are encouraged to take immediate corrective action to address the situation in a way that does not endanger themselves or others. This may mean stopping the work in progress and contacting their supervisor to address the situation with all stakeholders.

KEY MESSAGE:
Circumstances that could result in serious harm must be immediately addressed.

CONTRACTOR SUSPENSION & DEBARMENT

The City of Winnipeg reserves the right to suspend and debar a contractor for unacceptable performance in accordance with the City of Winnipeg’s Materials Management Policy.

Contract administrators are responsible for recommending appropriate corrective action for unacceptable safety performance.

Additional information can be found at: http://citynet/matmgt/debar.stm

FURTHER INFORMATION

- Additional information on the contractor safety program at the City of Winnipeg can be found at: http://www.winnipeg.ca/matmgt/Safety/default.stm
- Visit the following site for more information regarding the Manitoba Workplace Safety and Health Act & Regulations: http://safemanitoba.com/default.aspx
## CONTRACTOR SAFETY ORIENTATION CHECKLIST

Contract Number: ________________________________

Contractor Name: ________________________________ Date: __________________

Contractor Representative: ________________________________ Phone: __________________

Contract Administrator: ________________________________ Phone: __________________

Worksite Address: __________________________________________

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<tr>
<th>Review of Safety Standards, Codes of Practice and Procedures (as applicable)</th>
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<td>First aid procedures &amp; contacts</td>
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<td>Reporting &amp; follow-up for hazards</td>
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Signature of Contractor | Signature of Contract Administrator

As per the [Manitoba Workplace Safety and Health Act](https://www.gov.mb.ca/ labour/safety/wha.html), all information must be disclosed that may affect the safety and health of a person at the workplace.