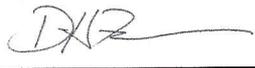


Complete Program Title: Contracting Work Safety-Due Diligence Program	Risk Management Manual (RMM) Number: 111
Approved by:  Vice-President, Administration  President and Vice-Chancellor	Date of Most Recent Approval: May 2020
Date of Original Approval: August 2004	Supersedes/Amends Program dated: January 2009
Responsible Executive: Vice-President, Administration	Enquiries: Environmental and Occupational Health Support Services (EOHSS) ehss@mcmaster.ca
DISCLAIMER: <i>If there is a discrepancy between this electronic program and the written copy held by the program owner, the written copy prevails.</i>	

1 PURPOSE

- 1.1 To outline the responsibilities of the University when hiring contractors and subcontractors to perform work, and to define the safety and best practice requirements for those contracted.
- 1.2 To ensure compliance with the Occupational Health and Safety Act and the Environmental Protection Act of Ontario R.S.O. 1990

2 SCOPE

- 2.1 All University Departments, and individuals, having authority to let contracts or issue requisitions for work, including purchase orders that involves the hiring of contractors or subcontractors.
- 2.2 All contractors and subcontractors who wish to provide services to the University.

3 Related Documents

- 3.1 Occupational Health and Safety Act R.S.O. 1990 and applicable regulations (see Appendix A).
- 3.2 Environmental Protection Act of Ontario R.S.O. 1990,
- 3.3 McMaster University Workplace & Environmental Health & Safety Policy, RMM#100.

- 3.4 McMaster University Risk Management Manuals.
- 3.5 McMaster University Contractors Health and Safety Questionnaire.
- 3.6 McMaster Independent Contractor Questionnaire (ICQ)

4 DEFINITIONS

- 4.1 **Constructor** – a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself / herself or by more than one employer; also called the general or prime contractor. The constructor has complete control of the work on behalf of the construction project owner, and has responsibility for regulatory compliance and safe work procedures on the job site.
- 4.2 **Construction Project Safety Management/Safety Management Plan** – a plan that shall describe compliance strategies for all applicable health and safety legislation, foreseeable job site hazards and precautionary measures, prerequisite employee safety training, safe work procedures, standard operating procedures (SOP's), first aid preparedness, stop work procedures, emergency response plans, incident reporting procedures, and the names and contact numbers of the job-site safety supervisor (s).
- 4.3 **Employer** - a person who employs one or more workers or who 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 the owner, constructor, contractor or subcontractor to perform work or supply services.
- 4.4 **Ensure** – take every reasonable precaution to achieve the stated objective.
- 4.5 **Excavation** – for the purpose of this program means any penetration of the soil below ground floor level in University buildings or below grade level on University property.
- 4.6 **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.
- 4.7 **Contracted Work** – includes a construction project, whether public or private including,
 - a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, trench excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer water main, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,
 - b) the moving of a building or structure,
 - c) any work or undertaking, or any lands or appurtenances or right of way used in connection with construction, and
 - d) service or maintenance work provided to the University by contractors and subcontractors.

Acronyms:

JHSC – Joint Health and Safety Committee

CJHSC – Central Joint Health and Safety Committee

EOHSS – Environmental and Occupational Health Support Services

FHSSO – Faculty of Health Sciences Safety Office

MLTSD – Ministry of Labour, Training and Skills Development

OHSA - Occupational Health and Safety Act

RMSG – Risk Management Support Group (EOHSS, FHSSO, Employee Health Services, Senior Health Physicist, Parking and Security Services and Facility Services.

WHMIS – Workplace Hazardous Materials Information System

WSIB – Workplace Safety and Insurance Board

5 RESPONSIBILITIES

5.1 Role of Senior Management (President / Vice Presidents / Deans/ Directors):

Senior Management shall:

- provide the resources required to ensure contracted work is performed according to applicable programs, legislation and best practices.
- AVP Facility Services approves all projects involving construction and renovation of University owned property.

5.2 Role of Facility Services:

- ensure all contractors retained have been prequalified from McMaster University's third party consultants i.e. QCsolver or Merx;
- shall manage and issue tenders for all projects that require the services of an architect and/or design engineer;

In the event that the project will utilize the services of a general contractor, Facility Services shall:

- appoint a Project Manager to ensure compliance with **McMaster University Design and Construction Standards** and the Safety Management Plan;
- ensure by contract that the constructor or contractor agree to comply with all applicable health and safety legislation, environmental protection legislation, Municipal Bylaws, industry standards, etc.;
- ensure that the constructor or, contractor has access to the **McMaster University Risk Management Manual** (hr.mcmaster.ca/rmm or hard copy if required) and **McMaster University Design and Construction Standards**;
- review and approve the constructors or contractors Construction Project **Safety Management Plan**;

- ensure that, if the contract falls within that prescribed in O. Reg. 213/91, the constructor has submitted a **“Notice of Project” to the Ministry of Labour, Training and Skills Development office located nearest to the project**, with a copy submitted to the University;
- ensure that the Construction Project Safety Management Plan, WSIB Clearance Certificates and proof of insurance documents are available at all times for both internal and external audits;
- provide the constructor or contractor details of all hazardous materials and/or designated substances and their location within the project site;
- ensure that the Project Manager meets with the constructor, contractor and subcontractors prior to the start of the project for the purpose of reviewing the Construction Project Safety Management Plan, WHMIS and any designated substances to be used or that are present on site;
- retain third party consultant to perform invasive Hazardous Materials Survey/Inventory of all materials impacted within the work area prior to the commencement of any work when asbestos containing materials are known to be present;
- assess the effect of the project on health and safety of all staff and visitors within the project area, if there is a renovation where the building will be occupied during such renovation.
- ensure the Project Manager reviews with the constructor, contractor and subcontractors prior to the start of the project any areas that may be deemed restricted access and make necessary arrangements for the safe entry to such areas if required, which may include site specific training on hazards in area as well as additional supervision by the area manager, i.e. areas with high powered magnets;
- ensure the description of the project as well as timelines and any anticipated disruptions are communicated to the building occupants through Facility Services Building Notification email prior to the commencement of the work;
- ensure that such plans address environmental concerns as defined under the Environmental Protection Act and Municipal Bylaws;
- inform EOHSS immediately of the occurrence of all critical injuries, work refusals and/or stop work orders issued by the MLTSD;
- ensure safety inspections are being completed by the contractor during the course of the project; and
- inform EOHSS office immediately on receipt of notice of completion of a construction project to arrange for owners property insurance coverage for the new facility.
- Facility Services is designated as the sole agency for the authorization of work that involves an excavation on University-owned property or in University-owned buildings and shall be responsible for the issuing of work permits for all such work.

Other Departments approved to issue contracts for contracted work:

- departments other than Facility Services authorized by senior management to issue approval to undertake construction and /or renovation projects shall prior to initiating the project, consult with the Assistant Vice President of Facility Services on the advisability of using a constructor (general contractor) as opposed to undertaking the project as owner or employer of all contractors and subcontractors (See Section 6.0 Policy Guidelines);
- departments other than Facility Services authorized by senior management to undertake construction and / or renovation projects shall prior to initiating the project, consult with the Assistant Vice President of Facility Services on the basis of the risks;
- ensure all contractors retained have been prequalified from McMaster University's third party consultants or prequalified through Facility Services prequalification process as applicable; and
- retain Facility Services Project Manager for management of contracted work when more than one contractor performing work on project site or larger project work being conducted.

5.3 Role of Constructor / Contractor:

Constructor and Contractors shall:

- as part of their contract agree to comply with all applicable health and safety legislation, environmental protection legislation, Municipal Bylaws, industry standards;
- comply with all relevant McMaster University programs and procedures as defined in the McMaster University Risk Management Manual and all relevant McMaster University Design and Construction Standards;
- as part of the tendering process submit a **Construction Project Safety Management Plan** that is designed to address all of the risks associated with the project submit a **"Notice of Project"** to the Ministry of Labour, Training and Skills Development with a copy to the University for all projects that are regulated under O. Reg. 213 / 91;
- provide documented proof of third party liability insurance, or working owners insurance;
- utilize, and comply with, the McMaster University permit process for the performance of high risk work e.g. Excavations, Hot Work, Confined Space Entry and work on or in close proximity to asbestos material;
- review with the McMaster University Project Manager all WHMIS and Designated Substances regulations that apply to substances in the workplace that interfaces with the project site and/or work;
- ensure areas identified as restricted access are entered safely, following appropriate procedures; which may include site specific training on hazards in area as well as additional supervision by the area manager, i.e. areas with high powered magnets;
- ensure all workers are identified clearly as a contractor, i.e. uniform, contractor badge;
- take every precaution reasonable at the project site to ensure safety for University employees, students and the general public;
- provide and maintain perimeter safety and security barriers restricting access to, and as required by, the project;

- conduct regular work site safety meetings to facilitate safety communications and the required Internal Responsibility System as defined in Construction Project Safety Management Plan;
- facilitate external site safety inspections and safety audits. report all critical injuries to Ministry of Labour, Training and Skills Development and the McMaster University Project Manager.

5.4 **Role of Environmental & Occupational Health Support Services (EOHSS) and Faculty of Health Sciences Safety Office (FHSSO):**

EOHSS/FHSSO shall:

- assist project manager as required on the use or presence of designated substances or WHMIS controlled products on construction and or renovation projects on University owned property and/or areas that interface with the project site/work;
- where applicable review and investigate all reports of critical injuries and MLTSD stop work orders occurring on University-owned property; and
- ensure that an owner's property insurance coverage request is placed on receipt of notice of a project completion date.

5.5 **Role of the Joint Health and Safety Committees:**

The JHSC's shall:

- conduct regular review of the RMM #111; and
- report any hazards to Facility Services and EOHSS/FHSSO related to the contractor work practices or the associated construction project impacting the McMaster community.

5.6 **Role of the Central Joint Health and Safety Committee:**

The CJHSC shall:

- conduct regular review of the RMM #111; and
- review any hazards or concerns related to contractor work practices or associated construction projects.

6 **POLICY GUIDELINES**

- 6.1 Under the Occupational Health and Safety Act the Constructor has the greatest responsibility to exercise control and provide direction over a construction project and all persons working on it. The constructor must ensure compliance with all prescribed safety requirements (see Appendix A). Thus the owner of a premise must carefully consider whether to undertake the role of a constructor or whether to engage a general contractor to undertake the project. The constructor must, in addition to specific prescribed safety requirements, take every precaution reasonable on the project for the protection of each worker on the project i.e. implement a work-site **Construction Project Safety Management Plan**.
- 6.2 Any University department that hires an independent contractor has all of the duties of an *employer* toward the contractor and is strictly responsible for safety in the workplace (e.g. warning the contractor about specific work hazards and ensuring compliance with safety

standards and regulations. The contractor is deemed to be a *worker* for the purpose of the Occupational Health and Safety Act (OHSA). The employer's duties under the OHSA and the regulations **cannot be relinquished or disregarded** by contracting out the work to independent contractors i.e. work can be contracted out but the responsibility and liability for health and safety cannot. The employer must take all reasonable steps, including specific training and testing, to ensure that contractors understand their obligations under the OHSA. Likewise, the contractor and subcontractor must ensure that prescribed measures and procedures designed to protect worker's safety are carried out. Contractors and subcontractors are obliged to make necessary inquiries and investigations whenever there is a question about safety information provided by a third party (e.g. information from an owner about the location of utility services).

- 6.3 The decision to undertake construction or renovation projects should not be made lightly and never without consulting the Assistant Vice President of Facility Services or his/her designate and obtaining approval from senior management. A constructor or contractor **Construction Project Safety Management Plan** is prerequisite for construction projects on McMaster University-owned property.

Appendix A

Requirements of the Occupational Health and Safety Act, Sections 23, 29, 30:

23. (1) **Duties of Constructor:** A constructor shall ensure, on the project undertaken by the constructor that,
- (a) the measures and procedures prescribed by this Act and the regulations are carried out on the project;
 - (b) every employer and every worker performing work on the project complies with this Act and the regulations; and
 - (c) the health and safety of workers on the project is protected.
- (2) **Notice of project:** Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing such information as may be prescribed.
29. (1) **Duties of Owners:** The owner of a workplace that is not a project shall,
- (a) ensure that,
 - (iv) no workplace is constructed, developed, reconstructed, altered or added to except in compliance with this Act and the regulations; and
 - (b) where so prescribed, furnish to a Director any drawings, plans or specifications of any workplace as prescribed.
30. (1) **Duties of Project Owners:** Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.
- (2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).
 - (3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.