



TOWN OF SIDNEY

PRIME CONTRACTOR DOCUMENTATION

APPENDIX A

GENERAL INFORMATION

This document does not replace the Workers Compensation Act or OH&S Regulations

Section 118 of the Workers Compensation Act:

“multiple employer workplace” means a workplace where workers of 2 or more employers are working at the same time.

Note:

- Workers of one employer do not necessarily have to come in contact with workers of the other
- They do not have to be in the same place at the same time
- Workers’ activities could affect the health and safety of another employer’s workers. This is true even if the workers at the workplace are workers of the owner or contractor.

“prime contractor” means, in relation to a multiple-employer workplace,

- (a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or
- (b) if there is no agreement referred to in paragraph (a), the owner of the workplace.

The prime contractor of a multiple employer workplace must,

- Ensure that the activities of all employers, workers (including the owners), and other persons at the workplace relating to occupational health and safety are coordinated and
- Do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the WC Act and the Regulation in respect of the workplace.

Each employer of workers at a multiple employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer’s workers at that workplace.

For the sake of clarity, the following apply in determining whether there is a “multiple-employer” workplace:

- Two or more adjacent workplaces do not constitute a “multiple-employer workplace”, even though the activities at one place might affect the health and safety of workers at an adjacent workplace.
- In contrast, the workplace will generally be a “multiple-employer” workplace in the following situations:
 - Workers of different employers are present at the same time working on the different projects; or
 - Workers of different employers are present at the same time working on the same project.

In either case, the workplace would be considered a “multiple-employer” worksite.



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- In determining whether “workers of 2 or more employers are working at the same time”, the phrase “at the same time” will be given such fair, large and liberal construction as may best attain the objectives of section 118. “At the same time” does not mean that, at any precise point in time, there are workers of 2 or more employers present in the workplace. Rather, it means that, over an appropriate interval, there are workers of 2 or more employers present in the workplace, whether or not the 2 or more groups of workers are actually present together in the workplace at any precise point in time at all. The duration of the interval of time to be considered will depend upon the circumstances of the individual workplace.
- Whether the workers of the one employer come into actual contact with the workers of the other employer does not generally affect the determination of whether the workplace is a “multiple-employer workplace”. An employer, the employer’s workers and their activities could well affect the health and safety of another employer’s workers who come into the workplace later in the day or on another day, even though there may be no actual contact between the two groups of workers.

However, the degree to which the activities of the first employer and its workers affect the health and safety of the second employer’s workers will generally affect the determination of the responsibilities of the prime contractor and of the two employers under Part 3 and the regulations.

- Virtually all workplaces will be visited by workers of other employers. For example, workers may deliver or pick up mail, goods or materials or enter to inspect the premises. Short term visits of this type, even if regular, do not make the workplace a “multiple-employer workplace” for purposes of section 118(1).

The written agreement referred to in section 118(1) of the Act must be made available within a reasonable time if requested by a Board officer.

There can be only one “prime contractor” at a workplace at any point in time. If an owner enters into more than one agreement purporting to create a “prime contractor” for the same period of time, the owner is considered to be the prime contractor.



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Section 119 of the Workers Compensation Act:

Every owner of a workplace must:

- (a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,
- (b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and
- (c) comply with this Part, the regulations and any applicable orders.

Prime Contractor Qualified Coordinator OJ&S Regulations 20.3:

- (2) If a work location has overlapping or adjoining work activities of 2 or more employers that create a hazard to workers, and the combined workforce at the workplace is more than 5,
 - (a) the owner, or if the owner engages another person to be the prime contractor, then that person must:
 - (i) appoint a qualified coordinator for the purpose of ensuring the coordination of health and safety activities for the location, and
 - (ii) provide up-to-date information as specified in subsection (4), readily available on site, and
 - (b) each employer must give the coordinator appointed under paragraph (a)(i) the name of a qualified person designated to be responsible for that employer's site health and safety activities.
- (3) The duties of the qualified coordinator appointed under paragraph (2)(a)(i) include:
 - (a) informing employers and workers of the hazards created, and
 - (b) ensuring that the hazards are addressed throughout the duration of the work activities.
- (4) The information required by subsection (2)(a)(ii) includes:
 - (a) the name of the qualified coordinator appointed under subsection (2)(a)(i),
 - (b) a site drawing, which must be posted, showing project layout, first aid location, emergency transportation provisions, and the evacuation marshalling station, and
 - (c) a set of construction procedures designed to protect the health and safety of workers at the workplace, developed in accordance with the requirements of this Regulation.



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PRE-CONSTRUCTION MEETING FORM

Date: _____ Meeting Location: _____

Firm Name _____ Contract #: _____

Prime Contractor: _____

Prime Contractor's Superintendent: _____

Town's Contract Representative: _____

AGREEMENT

The Prime Contractor:

- Acknowledges appointment as Prime Contractor defined by WorkSafe BC OH&S Regulations
- Sections 20.2 and 20.3, and in the Workers' Compensation Act, Sections 118 Clauses 1 and 2.
- Understands the Owners duties as defined in the Workers' Compensation Act, Section 119.
- Understands for any discrepancy establishing health and safety protocol, WorkSafe BC OH&S Regulation and/or the Workers' Compensation Act (Part 3) shall prevail.
- Acknowledges being informed of any known workplace hazards by the owner or owner's delegate, by signing attached "Existing Known Hazard Assessment" form.
- Shall communicate known hazards to any persons who may be affected and ensure appropriate measures are taken to effectively control or eliminate the hazards.
- Shall ensure all workers are suitably trained and qualified to perform the duties for which they have been assigned.
- Shall ensure or coordinate first aid equipment and services as required by WorkSafe BC OH&S Regulation.
- Shall coordinate the occupational health and safety activities for the project.
- Assumes responsibility for the health and safety of all workers and for ensuring compliance by all workers with the Workers' Compensation Act (Part 3) and WorkSafe BC OH&S Regulation.
- Understands any WorkSafe BC violation by the Prime Contractor may be considered a breach of contract resulting in possible termination or suspension of the contract and/or any other actions deemed appropriate at the discretion of the Municipality.
- Understands any penalties, sanctions or additional costs levied against the Prime Contractor will be the responsibility of the Prime Contractor.
- Accepts the following required documents shall be maintained and made available upon request from the Municipality and/or WorkSafe BC Prevention officer at the workplace.



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The documents required to be maintained and available by the Prime Contractor will include, but not be limited to:

- All notices which the Prime Contractor is required to provide to WorkSafe BC as per WorkSafe BC OH&S Regulation.
- Any written summaries of remedial action taken to reduce occupational health and safety hazards within the area of responsibility.
- All directives and inspection reports issued by WorkSafe BC.
- Records of any incidents and accidents occurring within the Prime Contractor's area of responsibility.
- Completed accident investigations for any incidents and accidents occurring within the Prime Contractor's area of responsibility.

On a construction workplace, these additional documents are required to be maintained and available by the Prime Contractor:

- Records of all orientation and regular safety meetings held between contractors and their workers, including topics discussed, worker names and companies in attendance.
- Written evidence of regular inspections within the workplace.
- Occupational first aid records.
- Worker training records.
- Current list of the name of a qualified person designated to be responsible for each subcontractor (employer's) site health and safety activities.
- Diagram of the emergency route to the hospital.

The following information must be provided to the Town's Contract Representative:

- WorkSafe BC Notice of Project
- WorkSafe BC Clearance Letter
- Prime Contractor's OH&S Safety Program
- Prime Contractor's OH&S Safety Program Document

First Aid Attendants: _____

Safety Supervisor: _____

Location of First Aid Station: _____

Signature of Prime Contractor: _____

Signature of Town's Contract Representative: _____



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EXISTING KNOWN HAZARD ASSESSMENT

Discussion between the Prime Contractor and the Town's Contract Representative

Date: _____ Meeting Location: _____

Prime Contractor: _____

Prime Contractor Representative: _____

- Town's Contract Representative to make the Prime Contractor aware of any known extraordinary pre-existing hazards peculiar to the contract.
- It is recognized the known pre-existing hazards identified may not be a comprehensive list and due caution is always required.
- Use additional pages if necessary.

Identified Extraordinary Hazards	Action required to eliminate or control hazards and ensure worker safety
Comment:	
Comment:	
Comment:	

Prime Contractor Representative (signature)

Town's Contract Representative (signature)

Prime Contractor Representative (printed)

Town's Contract Representative (printed)