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Parent Policy: Assignment of Accountability 7.0 Contractor Management

Contractor Management Procedure

Office of Administrative Responsibility:	Health, Safety and Environment
Approver:	Director, Health, Safety and Environment
Scope:	Compliance with this University policy extends to all academic staff, administrators, colleagues and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories) . Undergraduate, graduate, and Faculty of Extension students; postdoctoral fellows; emeriti member of the Board of Governors; visitors to campus, including visiting speakers and scholars; third party contractors; and volunteers

Overview

The University of Alberta uses **contractors** to undertake a wide variety of tasks that range from contracted support services to **maintenance** to major **construction** projects. As the **owner**, the university is committed to protecting the environment and **health and safety** of all **workers**, students, visitors, and volunteers and has the legislated obligation to manage all contractors involved in work at a work site (university premises), unless it assigns in writing a **prime contractor** for construction related activities and when there are two or more employers and one or more self-employed persons involved in work at the work site.

Purpose

This procedure will provide guidance on the management of contractors including **self-employed persons** and risks related to the conduct of contractors and work affecting university work sites and facilities, and whether contractors are suitably qualified, managed, and controlled through effective selection, management, and evaluation.

This includes:

- ensuring that health and safety management is a key criterion in the selection of contractors
 - ensuring that contractors have the necessary insurance coverages
 - ensuring that workers/**supervisors** understand their responsibilities with respect to contracted services
 - identifying hazards and mitigating risk that could affect all work site parties at the design/planning stage and throughout the contract
 - communicating with other stakeholders (multiple employers) who have an occupational health and safety duty in relation to the same work site
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Senior administrators must implement this procedure in their respective **unit(s)**. Facilities and Operations; Health, Safety and Environment; and Supply Management Services are valuable resources depending on the nature of the contract work.

PROCEDURE

Responsibilities

- Senior Administrators/Supervisors
 - Determine the need for assigning a prime contractor
 - Designate the prime contractor in writing and post this at the work site
 - Provide the names of University of Alberta supervisors at the work site to the prime contractor
 - Be aware of health and safety responsibilities for contracted work and comply with this procedure when hiring contractors
 - Maintain responsibility for the health and safety of University of Alberta workers at the work site
 - Ensure unsafe conditions are corrected and **serious incidents** are reported to Health, Safety and Environment (HSE)
 - Ensure language in contracts addresses contractor environment, health, and safety responsibilities
- Prime Contractor (*The owner is the Prime Contractor, unless otherwise assigned in writing.*)
 - Create a health and safety system that ensures compliance with Alberta's OHS Act, Regulations and Code and other applicable legislation.
 - Coordinate, organize, and oversee the health and safety activities of multiple employers
 - Maintain work activities to ensure that no person is exposed to uncontrolled hazards at the work site
 - Inform owners, employers, **suppliers, service providers**, and self-employed persons of any existing or potential hazards at the work site
 - Establish a Joint Work Site Health and Safety Committee where required
 - Meet with health and safety representatives on a regular basis
 - Coordinate health and safety programs of multiple employer or self-employed persons at the work site
 - Cooperate with any person exercising a duty imposed by the OHS Act, Regulations, Code or university policy
 - Provide the required first aid services
 - Report serious injuries and incidents in accordance with Alberta OHS legislation and notify their university representative.
 - Investigate serious injuries and incidents and provide a report to their university representative
 - Inform the university representative of an on-site visit by an OHS Officer
- Contractor
 - Comply with the OHS Act, Regulations, and Code
 - Ensure that every work site under the control of the contractor does not create a risk to the health and safety of any person
 - Advise the prime contractor, if there is one, of the name of every employer or self-employed person under the direction of the contractor
 - Report immediately to the prime contractor (where there is one) or the university an **incident** occurring on the work site

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- Report immediately to the appropriate external agency any reportable incident
- Report immediately to the prime contractor or university representative a visit by an OHS Officer
- Cooperate with any person exercising a duty imposed by the OHS Act, Regulations, and Code or by university policy
- Workers
 - Take reasonable care to protect the health and safety of the workers and of other persons at or in the vicinity of the work site while the worker is working
 - Report unsafe conditions to a supervisor, the contractor, or the prime contractor
 - Cooperate with any person exercising a duty imposed by the OHS Act, Regulations and Code, or by university policy
- Central Units (Portfolios) and Faculties
 - Establish criteria for the pre-qualification and hiring of contractors and designating a prime contractor relationship as required by OHS legislation
 - Assign responsibility for monitoring the health and safety performance of contractors and prime contractors
 - Designate in writing a prime contractor for the work site if required
 - Provide orientation to contractors and prime contractors prior to project start date
 - Monitor and evaluate the health and safety performance of contractors and prime contractors and report to stakeholders as necessary
 - Stop work if a significant environment, health, and safety risk is present and uncontrolled
 - Maintain a contractor change management process as needed
 - Cooperate with any person exercising a duty imposed by the OHS Act, Regulations, and Code, or by university policy
 - Upon notice of an OHS Officer on a prime contractor site the university representative will inform HSE
- Supply Management Services (SMS)
 - Include language in contracts to address both contractor and prime contractor environment, health, and safety responsibilities
 - Work with Insurance and Risk Assessment to ensure that contractors have appropriate insurance coverages
- Health, Safety and Environment (HSE)
 - Support implementation, review and revision of the Contractor Management Procedure
 - Advise central units (portfolios) and faculties regarding contractor health and safety issues
 - Has the authority (if required) to stop work if a significant environment, health, and safety risk is present in any university affairs

A number of other parties have specific OHS roles and responsibilities and are expected to comply with the OHS Act, Regulations, and Code; other applicable legislation; and University of Alberta policy on university worksites:

- Suppliers
- Service providers
- Self-employed persons
- **Temporary staffing agencies**

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Multiple Obligations

- If a person has two or more functions at a U of A worksite, that person shall meet the obligations of each of the functions unless another person (employer) is complying with the obligation.

Managing Multiple Employers

- When there is more than one employer on the work site, the owner, employer, contractor or prime contractor must develop procedures to protect the health and safety of all workers on the work site through:
 - development of a communication plan to ensure all hazards are managed
 - development of criteria for evaluating and selecting contractors
 - development of evaluation criteria for the worksite/project

The procedure for supervisors to follow when hiring and managing contractors involves the following:

- Determine the need for contracted services
- Determine whether a prime contractor will be assigned using the following criteria:
 - Prime contractor is assigned to a contractor/employer for work that meets the definition of construction, and
 - There are multiple employers engaged in work at the work site
- Prequalify the contractor as needed
- Prepare a contract through one of the following:
 - Supply Management Services (SMS)
 - Follow the guidelines as prescribed in the following procedure: Purchasing Methods and Dollar Limits Procedure <https://www.ualberta.ca/vice-president-finance/supply-management-services/procurementcontractmanagement/purchasingmethodsollarlimits.html>
 - Faculty/Portfolio
 - Follow the faculty, department or Human Resources procedure and or guidelines for hiring contractors
- Administer and manage contracted services through the following:
 - Review scope of work and safe work plan
 - Review initial worksite hazard assessments
 - Provide contractor with an appropriate worksite orientation
 - Conduct ongoing reviews of contractor performance
 - Track safety metrics on a regular basis
 - Conduct regular inspections of the work site
 - Review incidents
 - Review performance
 - Post work inspections and site clean up
- Finalize the contract for services
 - Review and report on safety metrics
 - Review health and safety performance assessments with contracted employers
 - Retain health and safety performance assessments for future use

Contractors who hire subcontractors are responsible for ensuring subcontractors understand and are able to perform their work safely.

Contract Management for Non Construction or Maintenance Work

The University of Alberta has agreements with other organizations, both public and private to provide services or to share our space including:

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- Alberta Health Services
- Shared research space
- U of A 2nd party joint ventures
- Non-employee contract instructors
- Casual employees
- Translational research companies
- Lease agreements
- Others

The university as:

- The owner of the work site is responsible for ensuring that the land, infrastructure, and any buildings or premises on the land are provided and maintained in a manner that does not endanger the health and safety of workers or any person.
- The employer will coordinate the health and safety expectations for all parties and will be clear about expectations and workplace standards.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. ▲Top	
Contractor	A person, partnership or group of persons who, through a contract, an agreement or ownership, directs the activities of one or more employees involved in work at a work site. Contractors are not U of A employees and can include suppliers, service providers, prime contractors, self-employed persons, temporary staffing agencies, and other workers not included under the U of A recruitment policy and/or collective agreements.
Maintenance	The upkeep of property, machinery, systems, and facilities including buildings, utility infrastructure, roads, and grounds. Maintenance consists of those activities to keep facilities and systems operational and in good working order. It also consists of preservation, but not improvement, of buildings and grounds, and of other real property improvements or their components. Maintenance may include replacement of components or equipment of building systems (roofing, flooring, HVAC, etc) if replacement is performed.
Construction	The installation, or assembly of a new asset, or the alteration, expansion or extension of an existing asset to accommodate a change of function or unmet programmatic need, or to incorporate new technology. This may include major renovation of an entire existing asset in order to properly restore and/or extend the life of the asset without a change or enhancement of its function. Construction includes engineering and/or contracted A&E (Architectural and Engineering) services that support planning, design, and execution phases and may include construction related maintenance projects. “Construction” work sites to include the following:

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	<p>a) building, demolition, repair, alteration, extension or major renovations of a structure,</p> <p>b) site development, building and repair of:</p> <ul style="list-style-type: none"> - roads or highways, - pipelines, - sewage or drainage systems, or - electrical or telecommunication transmission lines and systems, <p>c) digging of, working in or filling a trench or excavation, or</p> <p>d) land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, abrasive blasting and concreting and/or using powered equipment done in connection with (a) to (c).</p> <p>Demolition is the tearing down and removal of buildings and other man-made structures.</p> <p>Major renovation is a project where the value of labour and materials is \$100,000 or more.</p>
Owner	<p>Person who is registered under the Land Titles Act as the owner of the land on which work is being carried out or may be carried out, or the person who enters into an agreement with the owner to be responsible for meeting the owner's obligations under this Act, the regulations and the OHS code, but does not include a person who occupies land or premises used as a private residence unless a business trade or profession is carried on in that premise.</p>
Health and Safety	<p>Physical, psychological, and social well-being.</p>
Workers	<p>A person engaged in an occupation, including a person who performs or supplies services for no monetary compensation for an organization or employer and for greater certainty includes a self-employed person, but does not include a student who is not being paid.</p>
Prime Contractor	<p>Means the prime contractor for a work site referred to in Section 10 of the OHS Act.</p> <p>Section 10 of Alberta's OHS Act states:</p> <p>Every construction and oil and gas work site or a work site or class of work sites designated by a Director must have a prime contractor if there are 2 or more employers or self-employed persons, or one or more employers and one or more self-employed persons involved in work at the work site.</p> <p>Note: The owner is the prime contractor, unless otherwise assigned in writing.</p>

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Self Employed Person	Person who is engaged in an occupation but is not in the service of an employer for that occupation.
Supervisor	A person who has charge of a work site or authority over a worker.
Senior Administrator	The Provost, Vice-Provost, President, Vice-Presidents, Associate Vice Presidents, Deans, Chairs, Executive Directors, and Directors
Unit	A designation used to denote academic and non-academic departments, faculties, schools, institutes, and centres at the University of Alberta.
Serious Incident	<p>An injury or incident that results in the death of a worker.</p> <p>An injury or incident that results in a worker being admitted to a hospital (admitted to a hospital means when a physician writes admitting orders to cause a worker to be an inpatient of a hospital, but excludes a worker being assessed in an emergency room or urgent care centre).</p> <p>An unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that had the potential of causing a serious injury.</p> <p>The collapse or upset of a crane, derrick or hoist.</p> <p>The collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.</p> <p>Any injury or incident or a class of injuries or incidents specified in the OHS regulations.</p>
Supplier	Person who sells, rents, leases, erects, installs or provides any equipment or who sells or otherwise provides any harmful substance, or explosive to be used by a worker in respect of any occupation, project or work site.
Service Provider	A person who provides training, consulting, testing, program development, or other services in respect of any occupation, project or work site.
Incident	An undesired, unplanned, or unexpected event that could or did result in an injury, illness, or damage to property or the environment (includes near misses).
Temporary Staffing Agency	Person who retains workers and deploys or facilitates the placement of those workers with other employers.

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Supply of Goods and Services Policy

<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Supply-of-Goods-and-Services-Policy.pdf>

Procurement Project Management

<https://www.ualberta.ca/vice-president-finance/supply-management-services/procurementcontractmanagement/index.html>