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Parent Policy: Health, Safety, and Environment 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, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories) ; undergraduate, graduate and Faculty of Extension students; emeriti; members of the Board of Governors; visitors to campus, including visiting speakers and scholars; third party contractors; and volunteers.

Overview

The University of Alberta uses **contracting employers** 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 contracting employers 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 involved in work at the work site.

Purpose

This procedure will provide guidance on the management of contracting employers and risks related to the conduct of contracting employers and work affecting university work sites and

facilities, and whether contracting employers 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 contracting employers
- 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

Senior administrators must implement this procedure in their respective **unit(s)**. Facilities and Operations; Health, Safety and Environment (HSE); and Procurement and Contracts Management (PCM) 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 U of A 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 contracting employers
 - Maintain responsibility for the health and safety of U of A workers at the work site or in the vicinity of the work site
 - Ensure unsafe conditions are corrected and **serious incidents** and other regulatory reportable incidents are reported to HSE
 - Ensure language in contracts addresses contractor health, safety and environment 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 Occupational Health and Safety (OHS) Act, Regulations and Code and other applicable legislation
 - Ensure cooperation between the employer and workers in respect to health and safety and designate a person in writing to do so
 - Ensure that the name of the prime contractor is posted in a conspicuous place at the work site

- Conduct the prime contractor's own activities in such a way as to ensure that no person is exposed to hazards arising out of, or in connection with, activities at the worksite
- Inform owners, employers, **suppliers** and **service providers** of any existing or potential hazards at the work site
- Establish a Joint Health and Safety Committee where required
- Ensure cooperation of health and safety programs of multiple employer 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 incidents and other regulatory reportable incidents in accordance with the Alberta OHS Act and other applicable legislation and notify their university representative
- Investigate serious incidents other regulatory reportable incidents and provide a report to their university representative
- Inform the university representative of an on-site visit by an OHS Officer or other regulatory official
- Contracting Employer
 - Comply with the OHS Act, Regulations, and Code
 - Ensure that every work site under the control of the contracting employer does not create a risk to the health and safety of any person
 - Ensure that the workers engaged in the work of the employer are aware of their rights and obligations
 - Ensure that none of the workers are subjected to or participate in harassment or violence at the worksite
 - Ensure that the supervisors are competent and are familiar with AB OHS Act, Regulation and Code as it pertains to the work being performed at the worksite.
 - Provide workers that are adequately trained
 - Provide competent workers to perform any work that may endanger that worker or provide a supervisor to oversee the work being done.
 - Keep readily available information related to work site hazards, controls, work practices and procedures.
 - Provide information to workers and the prime contractor (if one is required) regarding work site hazards, controls, work practices and procedures.
 - Report immediately to the prime contractor (where there is one) or the university an **incident** occurring on the work site
 - Report to the appropriate external agency any reportable incident, as prescribed by legislation
 - 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, other applicable legislation, 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
 - Cooperate with the supervisor or employer for the purposes of protecting health and safety
 - Use all devices and wear personal protective equipment designated and provided by the employer or as required by Alberta OHS legislation
 - Refrain from causing or participating in harassment or violence
 - Report unsafe conditions to a supervisor, the contracting employer, or the prime contractor
 - Participate in any training provided by the employer
 - Cooperate with any person exercising a duty imposed by the OHS Act, Regulations and Code, other applicable legislation, 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 contracting employers and prime contractors
 - Designate in writing a prime contractor for the work site if required
 - Provide orientation to contracting employers and prime contractors prior to project start date
 - Monitor and evaluate the health and safety performance of contracting employers and prime contractors and report to stakeholders as necessary
 - Stop work if a significant health, safety and environment risk is present and uncontrolled
 - Cooperate with any person exercising a duty imposed by the OHS Act, Regulations, and Code, other applicable legislation, or by university policy
 - Upon notice of an OHS Officer or other regulatory official on a prime contractor site the university representative will inform HSE
 - Immediately inform HSE of an incident that may be reportable to Alberta Occupational Health and Safety
- Procurement and contract management (PCM)
 - Include language in contracts to address both contracting employer and prime contractor health, safety and environment responsibilities
 - Work with Insurance and Risk Assessment to ensure that contracting employers 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 contracted employer 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 U of A policy on university worksites:

- Suppliers
- Service providers
- **Temporary staffing agencies**

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, contracting employer 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 contracting employers performing scopes of work that are related to construction, maintenance or a scope of work that has an **elevated safety risk** involves the following:

- Determine the need for a contracting employer
- Determine whether a prime contractor will be assigned using the following criteria:
 - Prime contractor is assigned to a contracting employer for work that meets the definition of construction, and
 - There are multiple employers engaged in work at the work site
- Prequalify the contracting employer as needed
- Prepare a contract through one of the following:
 - Procurement and contract management (PCM)
 - Follow the guidelines as prescribed in the following procedure:
Purchasing Methods and Dollar Limits Procedure
<https://www.ualberta.ca/vice-president-finance/supply-management-servi>

[ces/procurementcontractmanagement/purchasingmethodsdollarlimits.html](https://www.ualberta.ca/vice-president-finance/supply-management-services/procurementcontractmanagement/purchasingmethodsdollarlimits.html)

- Faculty/portfolio
 - Follow the faculty, department or human resources procedure and or guidelines for hiring contracting employers
- Administer and manage contracting employers through the following:
 - Review scope of work and safe work plan
 - Review initial worksite hazard assessments
 - Provide contracting employer 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

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

Contractor management for non construction, non maintenance work or scopes of work with lower safety risk

The procedure for supervisors to follow when hiring and managing service providers or suppliers involves the following:

- Determine the need for a service provider or supplier
- Prepare a contract through one of the following:
 - Procurement and Contract Management (PCM)
 - 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/purchasingmethodsdollarlimits.html>
 - Faculty/portfolio
 - Follow the faculty, department or human resources procedure and or guidelines for hiring service provider or suppliers
- Administer and manage service providers or suppliers through the following:
 - Review scope of work
 - Review worksite hazard assessments
 - Provide service provider or supplier with an appropriate worksite orientation

- Review incidents
- Finalize the contract for services
 - Review health and safety performance assessments with service providers or suppliers

Service providers or suppliers who hire subcontractors are responsible for ensuring subcontractors understand and are able to perform their work safely.

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

- 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
 - communicating all identified hazards to all workers, employers, contracting employers, prime contractors, suppliers, and service providers who may be conducting work on the worksite
- 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.

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Contracting employers	A person, partnership or group of persons who, through a contract, an agreement or ownership, directs the activities of one or more employers involved in work at a work site. Contracting Employers are not U of A employees and can include suppliers, service providers, prime contractors, temporary staffing agencies and other workers not included under the U of A recruitment policy and/or collective agreements.
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Maintenance	<p>Please refer to the University of Alberta Maintenance Policy and Procedure located in UAPPOL https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Maintenance-Policy.pdf https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Maintenance-Request-Procedure.pdf</p>
Construction	<p>Construction work site means a work site where any of the following activities are conducted:</p> <ul style="list-style-type: none"> ● The building, demolition, repair, alteration, extension or renovation of a structure. ● Site development or building and repair of roads, highways, pipelines, sewage systems, drainage systems, electrical transmission lines or systems or telecommunication transmission lines or systems. ● Digging, working in or filling a trench or excavation. ● Land clearing, earth moving, grading, boring, drilling, abrasive blasting or concreting.
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, but does not include a student who is not being paid.</p>
Prime contractor	<p>The prime contractor for a work site as referred to in section 10 of the OHS Act. Section 10 of Alberta's OHS Act states: Every construction work site 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 involved in work at the work site. Note: If the person in control (owner) of the work site fails to designate a person as the prime contractor, the person in control of the work site is deemed to be the prime contractor.</p>

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, illness or incident that results in the death of a worker. An injury, illness or incident in which there is reason to believe the worker has been or will be admitted to a hospital beyond treatment in an emergency room or urgent care facility.</p> <p>An unplanned or uncontrolled explosion, fire or flood that causes a serious injury or illness or that has 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 tools, appliances, personal protective equipment or equipment or who sells or otherwise provides any harmful substance, or explosive to be used by a worker in respect of any occupation, or work site.
Service provider	A person who provides training, consultation, testing, program development, or other services in respect of any occupation, 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.

Elevated safety risk	Examples of scopes of work that contain elevated safety risk include but are not limited to: Confined space entry, working from heights (above 3 m), working on or near a roadway, isolation of hazardous energy, ground disturbance, high voltage, hazardous material, etc.
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Related Links

- Training and Competency Procedure
<https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Training%20and%20Competency%20Procedure.pdf>
- Supply of Goods and Services Policy
<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Supply%20of%20Goods%20and%20Services%20Policy.pdf>
- Procurement Project Management
<https://www.ualberta.ca/vice-president-finance/supply-management-services/procurementcontractmanagement/index.html>
- Maintenance Policy
<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Maintenance-Policy.pdf>
- Maintenance Procedure
<https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Maintenance-Request-Procedure.pdf>

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