


CORPORATE SERVICES: Human Resources Division

	Subject:	Contractor Safety Policy	Policy/Guideline 25 (a)
Occupational Health & Safety	Issue Date:	May 2009	Revision Date: October 2013

1. POLICY STATEMENT

The Corporation of the City of Niagara Falls will endeavour to work with all contractors and self-employed contractors to ensure the health and safety of City staff, contractor staff as well as members of the public. A Contractor Safety Program will be established to carry out these requirements.

2. PURPOSE

To ensure contractors contracted by the City of Niagara Falls are responsible for taking all necessary steps to protect persons, including workers, visitors, the general public, and property from any harm during the course of the contract. In addition, all work procedures and equipment will be in accordance with the City of Niagara Falls standards, and legislated standards / guidelines.

It is the policy of the Corporation of the City of Niagara Falls to require that the provisions of the *Occupational Health & Safety Act (Act)* and applicable Regulations are complied with:

- a) where the Corporation of the City of Niagara Falls contracts the performance of work or services (non-construction); and
- b) where the Corporation contracts a “constructor” (as defined in Section 1 of the Act) to undertake a project (construction).

The purpose of these requirements is to ensure that all reasonable precautions are taken:

- a) for the protection of workers; and
- b) so that the Corporation of the City of Niagara Falls is duly diligent in their duties and responsibilities under the Act.

3. APPLICATION


This policy and program applies to all work and services contracted by the City of Niagara Falls, as defined in *Section 4* of this policy.

4. CONTRACTOR SAFETY PROGRAM

This program is divided into the following sections

- 4.1 Definitions
- 4.2 Legislative References
- 4.3 Duties of the Employer
- 4.4 Responsibilities
- 4.5 Types of Contractors
- 4.6 Contractor Safety Program Requirements
 - Stage 1 - Contractor Checklist
 - Stage 2 - Pre-commencement Meeting
 - Stage 3 - Performance Monitoring
 - Stage 4 - Post Contract Performance Evaluation

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ADDITIONAL FORMS:

Part 1 - Contractor Checklist

Part 2 - Pre-commencement Checklist

Part 3 - Post Contract Performance Evaluation

4.1 DEFINITIONS

Definitions - in the Occupational Health and Safety Act and Regulations

"**competent person**" means a person who,

- a) is qualified because of knowledge, training and experience to organize the work and its performance,
- b) is familiar with this Act and the regulations that apply to the work, and
- c) has knowledge of any potential or actual danger to health or safety in the workplace;

"**construction**" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project but does not include any work or undertaking underground in a mine.

"**constructor**" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer.

"**designated substance**" means a biological, chemical, or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.

"**employer**" means a person who employs one or more workers or 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 an owner, constructor, contractor or subcontractor to perform work or supply services.


"**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

"**prescribed**" means prescribed by regulation made under the Act

"**project**" means a construction project, whether public or private, including,

- a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,

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- b) the moving of a building or structure, and
- c) any work or undertaking, or any lands or appurtenances used in connection with construction.

4.2 LEGISLATIVE REFERENCE

- Occupational Health and Safety Act (OHSA) & various Regulations, RSO 1990
- Industrial Establishment Regulations, Reg. 851, R.R.O. 1990
- Construction Projects Regulations, Reg. 213/91
- Asbestos on Construction Projects & in Buildings & Repair Operations, Reg. 278/05

4.3 DUTIES OF THE EMPLOYER

Where the City of Niagara Falls contracts the services of one or more workers, including a contractor or sub-contractor who performs work or supplies services where the contractor is not deemed the constructor, the City of Niagara Falls is considered the employer under the Act and assumes all of the duties outlined under Sections 25 and 26 of the Act.

The employer will review and evaluate the Contractor Safety Program annually in consultation with the Joint Health and Safety Committee (JHSC) and Corporate Health Services.

4.4 RESPONSIBILITIES


Divisional Director (or Delegate)

- a) Is responsible to ensure that the requirements of this policy and program are carried out with respect to contracted work performed under their authority or control (this may include work completed under their direction for site/location outside their department).

Divisional Manager/Supervisor

- a) Shall ensure that any contracted work performed under their authority or control conforms with the requirements of this policy and program
- b) Shall ensure that contract personnel (non-construction) are aware of the requirements of the policy/program. And, that a pre-commencement meeting and checklist is completed prior to commencing work, as outlined in Stage 2 of the Contractor Safety Program.
- c) Shall report any performance issues and concerns as outlined in Stage 3 of this policy to their Director and Corporate Health Services.
- d) Shall monitor contractor performance and use the forms provided in the Contractor Safety Program to keep a record, as outlined in Stage 3 and 4 of the program.

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Contractors

- a) Shall enforce and comply with the requirements of this policy/program; and
- b) Ensure that their workers are aware of this policy/program, and comply with the various requirements.

Supply & Services

- a) Provide a copy of the Contractor Checklist (PART 1) in all bid and pre-qualification contractor documents, as outlined in Stage 1 of the Contractor Safety Program.
- b) Keep copies of completed forms pertaining to the Contractor Safety Program in the contractor's file for future reference.

Human Resources

- a) The Health & Safety Administrative Staff shall be a resource to each Division as well as to Managers & Supervisors with regards to all elements of the Contractor Safety Program.

4.5 VARIOUS TYPES OF CONTRACTORS

The types of contractors employed by the City of Niagara Falls can be classified into two groups:


i) Maintenance & Service Work

- a) Includes services provided under contract such as snow removal services, electricians, custodial services, security, heating, ventilation and air conditioning specialists, elevated tanks, signal repairs, patch-work, landscaping, land surveying, environmental assessments requiring drilling/excavation etc., inspections, hired equipment list and others, as determined by each Division and Supply & Services, and are usually employed for set periods of time, as determined by terms and conditions of the agreement; and
- b) Services provided on an "ad hoc" basis, such as plumbers, appliance repair persons, water main breaks, or general handy - persons, who are employed periodically for short term assignments.

ii) Construction Project(s)

- a) Includes Project General Contractors, such as construction companies, were they are employed to carry out a project, and where the final completion of the project is determined by the Divisional Representative. Examples include construction of a building, installation of elevator or replacement of boilers and other major mechanical equipment.

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4.6 CONTRACTOR SAFETY PROGRAM REQUIREMENTS:

The City of Niagara Falls Contractor Safety Program is comprised of four (4) stages which include the following:

Stage 1 - Contractor Checklist

A Contractor Checklist, (PART 1) will be included with all applicable bids or pre-qualified contractor documents. The checklist is to be completed by the successful contractor prior to being awarded the contract or approved as a pre-qualified contractor. The contractor checklist will help determine if a contractor is likely to perform the work in accordance with Occupational Health & Safety requirements.

NOTE: The City of Niagara Falls may conduct an investigation into the Occupational Health & Safety performance and practices of a contractor in order to confirm that the contractor has complied with the program requirements. Non-compliance can result in immediate termination of the contract.

Stage 2 - Pre-commencement Meeting

After a contract has been awarded, but prior to the job commencing, the Pre-commencement Checklist (PART 2) will be reviewed and completed by the applicable Division Representative with the successful contractor. In addition, it is recommended that Corporate Health and Safety staff assist in this process.


Stage 3 - Performance Monitoring & Post Contract Performance Evaluation

Under the Occupational Health & Safety Act, liability can be directed to the employer for contractor safety infractions, especially in the case of critical injuries and fatalities.

During the contract, the Divisional Representative responsible for overseeing contract performance will monitor the contractor's performance on a regular basis, documenting any issues or concerns. If any issues or concerns arise, the contractor will be notified both verbally and written.

The City of Niagara Falls retains the right to stop the contractor's work without penalty to the Corporation of the City of Niagara Falls if the contractor does not comply with the Occupational Health and Safety Act, the Regulations, all applicable Corporate Policies and Industry standards/guidelines, or creates an unacceptable health and safety hazard. And the retention of this right shall be reflected in all construction, maintenance and servicing contracts.

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The Post Contract Performance Evaluation form (PART 3) is to be filled out, signed and retained in the bid file in Supply & Services and a copy sent to the Health Services Specialist. As a result of documented “poor performance”, the contractor may be disqualified from bidding on future work for the Corporation of the City of Niagara Falls.

NOTE:

The Corporation of the City of Niagara Falls reserves the right to the following:

- a) disqualify a contractor based on past performance; and
- b) obtain documentation to demonstrate that the contractor complies with the program requirements.
- c) and the retention of this right shall be reflected in all construction, maintenance and servicing contracts.

Reviewed: September 2010



CONTRACTOR SAFETY PROGRAM CHECKLIST

PART 1

(PART 1 TO BE COMPLETED BY CONTRACTOR)

Contractor Name: _____

Contractor Representative: _____

Number of Staff (Full/Part time): _____

Section A: WSIB & INSURANCE LIABILITY CERTIFICATE	Yes	No	Number
i) Proof of WSIB Clearance Certificate			
ii) Proof of Liability Insurance Coverage (<i>min \$5,000,000.00</i>) Proof of Automobile Insurance Coverage (<i>min. \$5,000,000</i>)			
iii) If contract job lasts more than 2 months, you will be required to provide WSIB clearance every 2 months (90 days).			
Section B: INCIDENT STATISTICS / REPORTING	Yes	No	Number
i) Do you maintain files on incident reports?			
ii) How many incidents has your company had in last 2 years?			
iii) Has your company experienced critical incidents or fatalities in the last 5 years? If so, how many?			
Section C: HEALTH & SAFETY POLICY & PROGRAM	Yes	No	N/A
i) Does your company have a Health & Safety Policy?			
ii) Does your company have a program in place to implement this policy?			
iii) Do you have a Joint Health & Safety Committee? This is a legislated requirement if you have 20 or more staff.			
iv) Do you coordinate safety meetings? If so, how often?			

For Section C, please mark each training program conducted by your company, and written policy/procedure that is applicable to the work/services to be performed. For work over \$20,000.00, please enclose a copy.

Section C: <u>Training Policy/Programs</u> *Check if applicable to work/service to be performed*	Training				Written Procedure	
	Yes	No	N/A	Frequency	Yes	No
WHMIS – Generic (Legislation Overview)						
WHMIS – Specific Chemical Review						
Designated & Hazardous Substances (List): - -						
Respiratory Protection						
Workplace Inspections						
Accident Reporting						
Transportation of Dangerous Goods						
Confined Space Entry						
Traffic Control						
Fire Protection						
First Aid						
Emergency Procedures						
Trenching / Shoring / Excavation						
Lockout / Tag out						
Machine Guarding						
Forklift						
Chainsaw						
Electrical Safety						
Ladder Safety						
Crane / Rigging Safety						
Rescue / Retrieval						
Lifting Techniques (Manual/Mechanical)						
Welding or Cutting						
Demolition						
Fall Protection						
Elevated Work Platforms						
Scaffolding						

Section C: <u>Training Policy/Programs</u> cont'd. *Check if applicable to work/service to be performed*	Training				Written Procedure	
	Yes	No	N/A	Frequency	Yes	No
Roofing						
Personal Protective Equipment - Eye - Hearing - Footwear - Head Protection						
Other (please list):						

For Section D, please check the Personal Protective Equipment you will be providing for the work to be completed.

SECTION D: PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS	Yes	No	N/A
Hard Hats and or Other Head Protection			
Safety Glasses/Goggles/, Face Protection/Shield			
Hearing Protection			
Safety Boots			
Gloves			
Safety Harnesses / Fall Arrest Equipment (Full Body)			
Personal Floatation Devices / Life Jackets			
Traffic Vests			
Respiratory Protection (specify type):			
Protective Clothing (gowns, masks, TYVEK suits)			
Other (please list):			

For Section E, please ensure this part meets the basic WHMIS requirements.

SECTION E: HAZARDOUS SUBSTANCES	Yes	No	N/A
i) Please enclose a copy of all materials safety data sheets (MSDS's) for chemical products to be used on site.			
ii) Please enclose a list of all designated substances to be used on site (As defined by the Occupational Health & Safety Act, lead, mercury, asbestos, silica etc.)			
iii) Are all products appropriately labeled ?			
iv) Do you conduct annual reviews and training on WHMIS ?			
v) Are your chemicals stored in adequate containers for use on this site?			

SECTION F: ORIENTATION	Yes	No	N/A
Do you provide any health and safety orientations for new employees?			

SECTION G: EQUIPMENT	Yes	No	N/A
i) Please enclose a copy of all equipment to be used on site, excluding non-powered hand tools.			
ii) a) Do you conduct pre-start inspections of large motorized equipment?			
b) Do you maintain records of these inspections?			
iii) a) Do you conduct monthly inspections of large motorized equipment?			
b) Do you maintain records of these inspections?			

SECTION H: CERTIFICATION/LICENSING Please indicate each category of certification or licensing required to perform the work. List others not included.	Yes	No	N/A
Trades Qualification (Trades Qualification Act of Ontario)			
Extermination License			
Hazardous Waste & Designated Substances (i.e. Asbestos)			
Professional license			
Welding			
Electrical			
Plumber			
Fork Lift & Other Lift Devices			
Chainsaw			
Air Brake "Z" Endorsement			
A specific Class of Drivers License (such as AZ, DZ, F, G, etc)			
Other (list):			

SECTION I: SUB-CONTRACT WORK Please indicate if any of the work will be sub-contracted for projects not undertaken as a constructor (defined by the Act).	Yes	No	N/A
i) Do you plan to sub-contract any work			
ii) It is required that sub-contractor(s) complete this Contractor Checklist. Is a copy of this checklist enclosed for sub contractor(s)?			
iii) List the work to be subcontracted:			

CONTRACTOR SAFETY PROGRAM CHECKLIST

The undersigned hereby acknowledges and represents the information set out in the above is accurate and valid:

FIRST NAME: _____

LAST NAME: _____

POSITION: _____

COMPANY: _____

SIGNATURE: _____

DATE: _____

PART 2

Pre-Commencement Checklist

(TO BE COMPLETED BY CITY REPRESENTATIVE)

	Yes	No	N/A
1) Contractor Checklist reviewed has been reviewed? Clarify any information or request further documentation.			
2) Orientation of hazards (physical, chemical, biological, etc) at the work site(s). Review City of Niagara Falls Corporate Safety Policies (applicable to work being performed). Copies may be provided.			
3) Reinforce Contractor staff are not allowed to use or operate City's equipment, devices, machines, vehicles, tools (powered or non powered), etc to carry out work, unless noted in the specific contractual agreement.			
4) Documentation and/or MSDSs pertaining to hazardous substances and WHMIS products have been enclosed and reviewed.			
5) Contractor advised of Emergency Procedures, if applicable.			
6) Review with contractors applicable security protocols for the work site.			
7) List of contractor staff who will be onsite to supervise the work has been provided?			
8) Review Guidelines of Post Performance Evaluation (Appendix C) with contractor. Contractor may be ordered off the City site and/or to stop work for safety infractions, or not following City Corporate Policies.			
9) Contractors will remove all chemicals & hazardous products from the work site location at the end of project/contract.			
10) Contractors may be required to sign in/out as a visitor at certain work locations. Advise if required.			
11) City work site Supervisory staff reserve the right to inspect the work location/job site and document their findings for future audit purposes.			
12) Serious incidents involving contractors must be investigated jointly by the contractor, site supervisory staff, and a representative from Corporate Health and Safety.			
13) Any equipment, device or activity that may generate a hazardous atmosphere (i.e. fire, toxic, nuisance dust or odors) or physical hazard (i.e. noise, heat, vibration, radiation) will not be carried out on, near or within the confine of any City building without the appropriate control measures and safeguards in place. Further, authorization will be required from appropriate City staff.			
14) The job site and work area will be kept clean and free of trip/slip and fall hazards. Warning and barricades must be in place when work will create a hazard for employees or the public.			
15) Sub-contractors performing work have also participated in the pre-commencement meeting and checklist?			

PART 3

Post Performance Evaluation

(TO BE COMPLETED BY CITY REPRESENTATIVE)

EVALUATION CRITERIA	EXCEPTIONAL	SATISFACTORY	UNACCEPTABLE
1a) Did the work get done on time? _____ b) If not, were reasons avoidable _____ unavoidable _____			
2) Adherence to the specifications of the tender document.			
3) Rate quality of work completed.			
4) Compliance with Health & Safety & Environmental standards.			
5) Overall customer service.			
6) Were specific issues addressed in a timely & acceptable manner?			
DESCRIPTION	NUMBER OF OCCURRENCES		
Total number of accidents:			
Total number of critical injuries reported to Ministry of Labour:			
Property damage incidents:			
Ministry of Labour orders, if applicable:			

CONTRACTOR SAFETY PROGRAM CHECKLIST

ADMINISTRATIVE:

Performance Record and Evaluation data on this form has been completed by:

Department Representative:

Name: _____ Title: _____

Signature _____ Date: _____

Additional Comments:
