

# OHS Legislative Responsibilities

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## Duty of Principal Contractor – *OHS Act*

10. A principal contractor engaged in a project shall ensure, where it is reasonably practicable for him or her to do so, that employers, workers and self-employed persons performing work in respect of that project comply with this Act and the regulations.

- A principal contractor must ensure work is performed safely and in compliance with the OHS legislative requirements

# Principal Contractor Responsibilities

A principal contractor is an employer who compensates, hires, tenders, pays and/or contracts a person, people and/or a firm, to do work on its behalf.

- Compensation can be in various forms!
- If the municipality compensates a person, people and/or a firm other than its employees to do work on its behalf it becomes a principal contractor
- The outside entity performing work on the municipality's behalf is by definition a contractor

# Employer Responsibilities Summarized

## The employer must:

- Provide workers with the tools, equipment and safety devices they need to work safely
- Provide adequate supervision to ensure worker safety and safe work
- Maintain tools, equipment, vehicles, work facilities etc. in safe condition, this means per the manufacturer's specifications
- Provide information, instruction, and training needed to ensure an adequate knowledge of hazards, required associated safety measures and how to work safely
- Take corrective action, which includes discipline, when needed
- Perform inspections and monitoring to ensure safe work and working conditions
- Cooperate with OHS Committees, Reps and/or Designates

# Employer Responsibilities Summarized

The employer must have policies and processes in place:

- To ensure the appropriate recognition, evaluation and control of hazards
- To ensure adequate information, instruction and training is provided to workers

Examples:

- Safe Work Procedures
- Toolbox talks
- Pre-job familiarization with work processes, tools and/or equipment operation
- Formal in-services
- External training providers
- Supplier/manufacturer support services
- Worker qualifications requirements
- Tender requirements

# Supervisor Responsibilities Summarized

## Supervisors must:

- Inform workers of hazards
- Provide written and verbal instructions needed to ensure safety
- Ensure workers work safely and wear needed PPE
- Monitor and inspect work to ensure safety
- Take action to address safety issues as they are identified or reported
- Keep records of what they do to ensure safety

Note: Enhanced supervisory requirements since 2009

## How does a principal contractor ensure safety?

- Check safety records before awarding work
- Check for relevant documents e.g. job hazard analysis, safe work procedures, risk assessments, training/certification records
- Determine what the requirements are and ensure they are met
- Monitor and inspect the work at frequencies appropriate to risk
- Ensure adequate supervision
- Ensure safety meetings take place and are recorded
- Ensure compliance with the owner's manual for tools, machinery etc.
- Take action to correct deficiencies
- Record what you do to ensure safety!!!

# How does a principal contractor ensure safety?

## Pre-job:

- Ensure job hazard analysis and risk assessments are performed
- Ensure plans are in place to address the hazards identified in order of priority which is to be based on assessed risk
- Ask for Safe Work Procedures for what is worst first
- Determine the safety requirements and ensure they are met
- Ensure plans and resources are in place to deal with emergencies
- Obtain Letter of Good Standing
- Obtain Compliance Profile

## Job Hazard Analysis

- First, get the assistance of one or two people trained and experienced in the job at hand
- Second, break the job down into steps, the more steps the better the result
- Third, for each step identify all the hazards that come to mind
- Fourth, for each hazard identify the safety measures needed to eliminate it and if that is not possible reduce the risk to a safe level
- Fifth, prioritize safety measures based on what is most hazardous first and what the legislation requires
- Sixth, use job hazard analysis results to draft Safe Work Procedures

# Risk Assessment

- This is a way to rank hazards
- Helps to deal with what is worst first
- Risk is determined by how likely something is to happen and how bad the outcome can be if it does happens
- Probability (how likely), simple example: 1 = not likely, 2 = 50/50 chance of happening, 3 = will likely happen sometime
- Severity (how bad), simple example: 1 = little harm/damage, 2 = moderate harm/damage, 3 = severe harm/damage
- Risk = Probability x Severity

## Risk Assessment Example

There is a break in the main water line located in the middle of the two lane main highway going through town. To repair the break one lane of traffic will have to be closed with motorists diverted around the work zone one lane at a time. What is the risk of not using proper traffic control measures based on the Traffic Control Manual?

- Risk = Probability x Severity
- Probability (of getting struck) = 2
- Severity (how badly a worker can get hurt if struck) = 3
- Risk is:  $2 \times 3 = 6$  this means it is an important issue to address
- In this example the highest possible score is 9 and the lowest is 1

# How does a principal contractor ensure safety?

## During the Job:

- Monitor Safety Performance
- Attend safety talks
- Inspect the work/site at a frequency appropriate to risk
- Take action to correct deficiencies!!!!!! Call OHS if necessary.
- Keep records of what you do

## How does a principal contractor ensure safety?

- After the job:
  - Determine what went right and wrong from a safety perspective
  - Determine what caused things to go wrong
  - Determine how best to prevent what went wrong
  - Put measures in place to prevent what went wrong from happening again
  - Make sure what went right happens again

# OHS Consultants

Can you hire someone to take care of all your OHS responsibilities?

- A municipality can contract out some or most of its OHS responsibilities, but not all.
- If an OHS consultant is hired the municipality must:
  - Check to ensure the consultant has the necessary knowledge, experience and training
  - Require the consultant provide you with a plan outlining what they are going to do to ensure safe work and OHS legislative compliance
  - Check to ensure the consultant does what they said they were going to do
  - Occasionally check on the work to ensure safety and compliance

Questions?

Thank you!