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# Health and safety guide for contracting out work

If you are a business owner, employer, or constructor, you may sometimes hire other companies or independent operators to do work for you. This practice of contracting out work to a third party is not usually seen as an employer-employee relationship. However, your company has the legal responsibility to ensure the health and safety of all workers on a site, including subcontracted employees. So before you award the contract, you need to make sure that any company you hire is as conscientious about the health and safety of their employees as you are.

## Things to consider

You need a contractor who can not only do the job, but also do the job safely. An important part of preventing future injuries or workplace incidents is to look at the history or current practices of the contractor or independent operator.

### Past history

Safety performance is usually a reflection of the overall competence of the organization. Past incidents can indicate that a company is unable to manage risk effectively.

### References

References from past clients can be a reliable indicator of future performance. Ask for several references, and starting from the bottom of the list, get in touch with those customers to find out how satisfied they were.

### Workplace Safety and Insurance Board (WSIB) performance

The company's WSIB safety rating report can provide valuable information about the company's safety record. However, numbers on a report do not always present a true picture, so don't rely too heavily on this type of information.

### Documentation

You need to ensure that the contractor has written safety procedures in place and enforces them. If management is truly committed to a safe workplace, they will be able to show you documentation of that commitment, such as inspection reports and safety meeting minutes. Otherwise, their good safety record was achieved by chance.

### Pre-qualification

It can sometimes be difficult to choose a contractor under the restrictive time constraints of a bidding process. You can save valuable time and resources by putting together a list of pre-approved subcontractors and independent operators.

## Questions to ask

When you are asking for bids or creating job specifications, consider such factors as length, size, and complexity of the project when determining your safety needs. Ask yourself the following questions. They will help you make certain that the contractor you choose will comply with legal requirements and do the job safely.

## Does the subcontractor conduct workplace orientations?

An effective employee orientation program will keep workers informed about any hazards on a jobsite and any health and safety procedures that are put in place to avoid them. The orientation should also include such things as:

- the location of first-aid facilities and fire protection equipment
- what to do in an emergency
- procedures for reporting injuries or health and safety concerns
- an explanation of workers' rights and responsibilities.

Workers have three basic rights:

### 1 The right to know

Workers have the right to know what hazards exist in the workplace and what control measures are in place to keep the workers safe.

### 2 The right to participate

Workers must have the opportunity to participate actively in identifying these hazards and controls.

### 3 The right to refuse unsafe work

If a worker feels a job is unsafe and the employer does not remedy the situation, the worker has the right to refuse to do the work without fear of reprisals.



## Identify workplace risks and control strategies

When hiring a contractor or independent operator, it is important to make them aware of any risks they may encounter on the job so that they can establish ways of minimizing or eliminating them. Risks can include injury to workers or damage to property, equipment, or the environment.

Conduct a proper risk assessment on your jobsite by following these steps:

1. Identify any potential or actual workplace hazards.
2. Identify the risks associated with the hazard.
3. Establish options to control risks at the source, along the path, or at the worker.
4. Decide what action is required to implement the control options.
5. Establish which workplace parties will be responsible for carrying out the actions.

### SAMPLE RISK ASSESSMENT

<b>Hazard</b>	Worker installing permanent guardrails at the edge of a building.
<b>Risk</b>	Fall hazard to worker installing guardrails.
<b>Control options</b>	Use a travel-restraint system. Erect signs and barriers to restrict access.
<b>Action required</b>	Establish a fall-arrest system and provide training to ensure correct set-up. Buy signs and warning barriers.
<b>By whom</b>	Project Manager or Site Supervisor

The risk assessment can be included in the job specifications during the bidding process, be part of the workplace orientation, or be used as a safety talk.

## Does the subcontractor supervise the workers properly?

Supervisors have very specific responsibilities regarding health and safety on a jobsite. Make sure any supervisors on your project are competent and effective. Under the construction regulations, a supervisor must

1. be qualified to do the work because of knowledge, training, and experience
2. be familiar with any applicable laws and regulations
3. have knowledge of the potential and actual dangers in the workplace.

## Does the subcontractor hold safety meetings?

Conducting regular safety meetings with the workers is an effective and measurable way to support a health and safety program. A safety meeting may be formal, such as with a health and safety rep or committee. Or it may be informal, such as a safety talk or a tailgate meeting. The main goal is to open up the lines of communication and remind workers about workplace safety.

## Does the subcontractor conduct workplace inspections?

An effective way to identify any dangers on a jobsite and make sure that they are eliminated or reduced is to conduct inspections—both planned and unplanned—and take action to resolve any problems. Inspections should be done by a supervisor, health and safety rep, or committee members. Workers also need to take part by providing info, identifying problems, and remedying them.

## Does the subcontractor do incident investigations?

The construction regulations outline certain legal requirements for investigating serious or critical incidents. But sometimes the difference between a serious and a minor incident can be a matter of inches or seconds. A safety-conscious company will have a policy for investigating less serious incidents. That way, they can take steps to prevent such incidents in the future.

## Are work permits needed?

For any facility that presents increased risk or danger, consider using work permits. This will ensure that activities are not performed until the right precautions have been taken.



## Ensure essential documents are available on site

**Engineer reports and drawings**—Before work begins, determine if any engineer reports and drawings are needed. Under the construction regulations, this type of work must be done under the direction of a competent person, and certain steps must be taken to ensure proper installation and maintenance.

**Manufacturer's instructions**—For machinery such as forklifts, hoisting equipment, and elevated work platforms or for devices such as tools and personal protective equipment, the manufacturer's instructions must be available for reference at the workplace.

**Proof of training**—As an employer, you are required to train your workers to do their jobs safely. Legal authorities such as MTO, MTCU, MOL, and TSSA require proof of training for a variety of workplace activities. Workers must also demonstrate that they are competent and follow all necessary safety procedures.

**Health and safety procedures**—Document any health and safety procedures you have put in place. Procedures can include items discussed during a workplace orientation, a jobsite planning meeting, or a pre-trip inspection. If there is no documentation, a procedure may not be followed properly.

**Contracts**—Having a proper contract can help you make certain that subcontractors and independent operators perform to an acceptable standard. Contractors should agree to

- Comply with all applicable municipal, provincial, and federal legislation.
- Implement a comprehensive safety program that includes training, orientation, monitoring, and enforcement.
- Keep records of meetings, inspections, orientations, and investigations.
- Maintain oversight of workers by designated safety personnel and competent supervisors.

## Define your legal obligations

With an employer-subcontractor relationship, it is not always clear who is in charge of which duties. To avoid confusion, you should define the areas of

responsibility of each workplace party before work begins. Legal obligations are dictated by provincial and federal authorities, in particular the MOL, the WSIB, and Human Resources and Skills Development Canada.

Seek legal advice for any situations that are not easily defined and could result in increased risk of liability. Trying to assign blame after an incident has occurred is complicated. And pleading ignorance after the fact is not a reliable defence.

## Set the standard for performance

The safety standards that are acceptable to you as a business owner, employer, or constructor will dictate the overall performance of the subcontractors or independent operators on your jobsite. If you leave things to chance or take a hands-off approach, it can be disastrous for you, your company, and your workforce. You can manage risks more effectively by establishing performance expectations, ensuring that proper measures are taken to control hazards, and making sure that there are emergency and rescue procedures in place if things go wrong.

