

**Prime Contractor Agreement for
Occupational Health & Safety under the
Workers Compensation Act (WCA)**



Instructions

- This is a fillable form. However, you must first save the form before entering information or the data will be lost.
- The Saanich Project Manager pre-fills fields marked “PM1 to PM3”
- Purchasing pre-fills the Project Number
- The Contractor reviews the agreement and completes the fields marked “C1 to C5” and the signature section at the end of the agreement

Contract description: _____ (PM1) Competition # : _____ (Purchasing)

Between: The Corporation of the District of Saanich (the District), and _____ (C1) (the Contractor)

Definitions

- 1. Owner (The District):** According to the *Workers Compensation Act* (Part 3 Section 106).
- 2. Prime Contractor:** A person or firm that enters into a written agreement with the District to coordinate the occupational health and safety activities of the Prime Contractor’s employees and other employers, workers and persons on a multiple-employer District worksite (pursuant to the *WCA* Part 3 Section 118).
- 3. Workplace:** All work activities and persons relating to the Contract Description above.
- 4. Pre-Existing Hazards:** “Pre-Existing Hazards” are hazards related to District facilities or premises that are peculiar to this contracted work and are hazards that the Contractor would not otherwise be able to anticipate or be aware of. This does not include the hazards that are typically associated with, and anticipated for the contracted work.

Designation:

By signing this agreement, the Prime Contractor agrees that it is qualified to be, and will be the Prime Contractor of the Workplace for purposes of the *WCA* Section 118, and the Occupational Health and Safety Regulation (the OHS Regulation), section 20.1A, and in comply with the terms and conditions set out in this agreement.

If this Contractor has signed both the Prime Contractor Agreement AND the Single Contractor Agreement, they will act as the Prime Contractor, only in the following circumstances:

To be completed by the District Project Manager:

- Prime Contractor Agreement for Occupational Health & Safety under the *Workers Compensation Act (WCA)*

Designation Continued

In general, the Prime Contractor is responsible for coordinating the occupational health and safety activities of all employers, workers and other persons at the workplace, and establishing and maintaining a system to ensure compliance with health and safety requirements at the workplace.

If the Prime Contractor wishes to designate another person or firm to fulfill its duties as Prime Contractor under this agreement, it must obtain prior written approval from the District. Such designation does not relieve the Prime Contractor from its fulfillment of the terms and conditions of this agreement.

Prime Contractor Terms and Conditions:

Required Documentation relating to Prime Contractor

The Prime Contractor will provide to the District before the commencement of work under this agreement, the following information:

- Proof that they are registered with WorkSafeBC and a commitment to notify the District of any change of status during the course of the project
- Proof that they are up-to-date on WorkSafeBC assessment payments
- If applicable, proof that they have taken optional coverage for self and family members working on the contract

Documentation Required by the District

The Prime Contractor will prior to commencement of work:

- Review, complete and sign the “Prime Contractor Designation”
- Review Pre-Existing Hazard Assessment and plan the work accordingly
- Submit the Notice of Project to WorkSafeBC, where required on a construction workplace. See *OHS Regulation* for the general requirements of a Notice of Project.

Prime Contractor responsibilities under the *Workers Compensation Act*

The Prime Contractor will:

- Coordinate the activities of all employers, workers and persons at the workplace relating to occupational health and safety.
- Establish and maintain a system or process that will ensure all employers, workers and other persons at the workplace comply with the *WCA* and the *OH&S Regulation*.
- Identify and designate a person to be the qualified coordinator, who must co-ordinate health and safety activities in the workplace, if the workplace is a construction workplace of more than one employer with a combined workforce of more than five (5) workers. If a QC is not required, identify a Workplace Safety Coordinator (WSC) to perform a similar coordination role.
- Arrange and chair a pre-project meeting with the District and other employer representatives to identify individuals or positions who will act as the qualified coordinator, or Workplace Safety Coordinator and qualified persons; discuss site orientation(s), first aid resources, access/egress, inspections investigations, emergency and other procedures requiring coordination; and any non-routine pre-existing hazards that the Owner is aware of. (See Appendix A for an example Pre-Project meeting form).

- Inform all other employers for the project of the designation of Prime Contractor
- In the event that more than one person or firm declares or purports to act as the prime contractor at an Owner's worksite, immediately notify the Owner's site supervisor or project coordinator if no supervisor is on site.
- Be directly responsible for the health and safety of the Prime Contractor's workers.
- Immediately report to the Owner any critical health or safety hazard that is identified at the workplace and implement the measures to necessary to ensure the health and safety of workers at the workplace, address the hazards, including by stopping work, and by not permitting resumption of work until it is determined safe to do so.
- Immediately report to the Owner any incident that requires a WorkSafeBC notification and/or an investigation.
- Conduct investigations of incidents as required under the *WCA* and the OHS Regulation, as may be directed, and as may be required, by the owner.
- Meet all other responsibilities required of the Prime Contractor under the *WCA* and the OHS Regulation.

Prime Contractor Appointed Qualified Coordinator

Where a Qualified Coordinator is required by the OHS Regulation, the Prime Contractor will appoint a Qualified Coordinator, and will ensure that the Qualified Coordinator fulfills the responsibilities set out in section 20.3 of the OHS Regulation and will:

- Coordinate all health and safety activities for the project
- Know who all other contractor's qualified persons are, if it is a construction workplace
- Ensure that all workers at the workplace are informed of pre-existing workplace hazards, and of any hazards on the workplace that will be created by the work
- Ensure that all workers are adequately trained in the performance of their job tasks with particular reference to any job or task which may cause a risk to themselves, their co-workers or to any third party
- Ensure that hazards are addressed throughout the duration of the work activity
- Ensure there are written procedures for safe work practices to be followed at the workplace
- Have a workplace drawing showing where all employers at the workplace are working, where first aid is located, emergency transportation system for injured workers, and evacuation marshalling points. This document must be provided to the Owner prior to the commencement of work activity
- Ensure that if there is an incident, that requires a WorkSafeBC notification (e.g. where there is loss of life or where there was potential for an incident leading to loss of life), the Owner is advised forthwith of the details and any other information. This will be provided to the Owner for information purposes only.
- Ensure that workplace safety inspections, investigations and meetings occur and are documented
- Ensure that there is compliance with any other statute, regulation or by-law which is in place to provide worker safety

Pre Existing Hazard Assessment

Department/Section: _____ (PM2)

Date: _____ (PM3)

NOTE: To be completed by a District representative, to make the Contractor aware of any pre-existing hazards. Due caution is always required by the contractor. If additional pre-existing hazards are known at a future date they will be identified in writing to the contractor prior to commencement of work, at a pre-project meeting and/or at site meeting(s) or facility orientations.

Examples of Pre-existing Hazards:

(see the definition of pre-existing hazards on page 1)

- Working in an excavation
- Underground utilities
(e.g. gas, electricity, telecommunications, sewer, water)
- Electric power lines – above ground/overhead
- Asbestos or other toxic materials
- Contaminated atmosphere
- Danger trees
- Sloping or uneven ground
- Confined spaces
- Working at elevation
- Working on or above water
- Energized or pressurized systems requiring lock-out
- Vehicular traffic

Option A:

- No pre-existing hazards identified at this time. If pre-existing hazards are known at a future date they will be discussed with the contractor prior to commencement of work.

Option B:

- List and describe any pre-existing hazards, known at this time:(PM3)

Confirmation of Occupational Health & Safety Responsibilities (C2)

- | | | |
|---|------------------------------|-----------------------------|
| Confirmation of the Prime Contractor as an employer | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor understands that in any conflict of directions, the <i>WC Act</i> and/or the <i>OH&S Regulation</i> shall prevail | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Appendix “A” Pre-Existing Hazard Assessment form received and reviewed | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor will communicate hazards to its workers and ensure that appropriate measures are taken for worker protection | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor will immediately report to the District any critical health or safety hazard that is identified during work and will not undertake further work until it is safe to do so | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor accepts that written documentation (e.g. safety program, safe work practices, notes, records, inspections, meetings etc.) on health and safety issues relating to the contract must be available upon request to the District and/or to a WorkSafeBC officer | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor confirms that the contractor and its workers will be suitably trained and competent to perform the duties for which they are assigned | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor conducts safety orientation of all their new and young workers | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor will assess and comply with the first aid requirements and ensure first aid support is in place for all employers’ employees at workplaces under the scope of this contract. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor assumes responsibility for the health and safety of its workers and for ensuring compliance by its workers with the <i>WC Act</i> and the WorkSafeBC <i>OH&S Regulation</i> | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor understands any <i>OH&S</i> violation by the Contractor may be considered a breach of contract resulting in possible termination or suspension of the contract and/or any other actions deemed appropriate at the discretion of the District. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Contractor understands any penalties, sanctions or additional costs levied against the Contractor will be the sole responsibility of the Contractor | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

- Prime Contractor Agreement for Occupational Health & Safety under the *Workers Compensation Act (WCA)*

Records to be Maintained and Available

The documents required to be maintained and available by the Prime Contractor will include, but will not be limited to:

- Any written agreements between the prime contractor and sub-contractors regarding OH&S responsibilities
- All notices which the Prime Contractor is required to provide to WorkSafeBC by the *OH&S Regulation* (for example, a Notice of Project)
- Engineering certifications or plans required to be available at the worksite
- Any documentation of remedial actions taken to reduce occupational health and safety risk within the area of responsibility
- All directives and inspection reports issued by WorkSafeBC relating to work undertaken as a result of this project
- Reports on incidents occurring within the Prime Contractor's area of responsibility for which notification to the WorkSafeBC is required
- Records of all safety meetings held between contractors and their workers
- Records of workplace health and safety orientation
- Worker training records
- Written evidence of inspections within the workplace
- Occupational first aid assessment and records
- Traffic control plans

I agree to maintain and have available the records as listed.

Breaches and Sanctions:

In addition to any other breaches of the terms and conditions of this agreement, any occupational health and safety violation by the Prime Contractor or any employer, worker or other persons at the workplace will be considered a breach of this agreement which may result in termination or suspension of the agreement and/or any other actions deemed appropriate, at the discretion of the Owner.

Any penalties, sanctions or additional costs levied against the Prime Contractor or employers at the workplace will be the sole responsibility of the Prime Contractor and/or the employers.

I, the undersigned, acknowledge having read and understand the information above.

By signing this agreement, I agree as a representative of the firm noted below, to assume the responsibilities of the Prime Contractor under the terms and conditions of this agreement.

Firm Name (Contractor) (C3) _____

Contractor Rep (Printed Name and Signature) (C4) _____

Date (C5) _____

(Rev. 5 Oct. 1, 2017)