



Winnipeg Regional
Health Authority Office régional de la
santé de Winnipeg

CONTRACTOR SAFETY PROGRAM FOR FACILITY MANAGEMENT & CONSTRUCTION SERVICES

AN OPERATIONAL PROCEDURE

OPERATIONAL PROCEDURE CONSTRUCTION SERVICES

Managing Contracted Employers and Self-Employed Persons Safety for Construction Projects

Introduction:

Section 7.4(5)(g) of Manitoba's Workplace Safety and Health Act W210 (The Act) requires employers to establish a statement of procedures to be followed to safeguard safety and health in the workplace when another employer or self-employed person is involved in work at the workplace. The procedures are to include:

- ❑ Criteria for evaluating and selecting employers and self-employed persons to be involved in work at the workplace, and
- ❑ Procedures for regularly monitoring employers and self-employed persons involved in work at the workplace.

The WRHA "Workplace Safety and Health" policy (20.10.080) outlines specifically the responsibilities for safety in relation to Contracting for services.

The purpose of this Operational Procedure is to outline the management system and procedures that Winnipeg Regional Health Authority (WRHA) will implement and adhere to for the selection and monitoring of contracted employers and self-employed persons involved in work defined as "Facility Management" and "Construction" services at WRHA workplaces.

This Operational Procedure provides guidance to WRHA employees that are responsible for tender preparation, contract or agreement administration and/or managing work that involves a contracted employer(s) and/or a self-employed person(s) at a WRHA workplace.

1. Definitions:

"(The Act)" The Workplace Safety & Health Act W210 Definition and corresponding duties.

"Contractor:" Means a person who, pursuant to one or more contracts with the WRHA and/or its various facilities, directs the activities of one or more employers or self-employed persons involved in work at a workplace.

"Construction Project" (The Act) means;

- (a) the construction, demolition, repair, alteration or removal of a structure, building, complex, street, road, highway, pipeline, sewage system or electrical telecommunication or transmission line,
- (b) the digging of, working in or filling a trench or excavation,

- (c) the installation, modification, repair or removal of any equipment or machinery, or
- (d) any work prescribed by regulation as a construction project;

"Construction Project Site" (The Act) means a workplace where work is performed on a construction project.

"Project Manager" is a WRHA employee responsible for tender preparation, contract or agreement administration and/or managing work that involves a contracted employer(s) and/or a self-employed person(s) at a WRHA workplace and includes a contracted consultant designated as having the responsibility to manage a contract or agreement on behalf of the WRHA.

"Imminent danger" refers to a hazard or situation that could result in an injury to a worker if it is not corrected without delay.

"Facility Management Services" means work not meeting the definition of a "construction project" under The Act but not covered under the Manitoba Construction Safety Association COR program (that is the firm is not defined as a Workers Compensation Board Code 400 company) , but the firm provides building/facility maintenance services such as janitorial and security services, maintenance activities such as non-trade services, mowing, snow plowing, equipment repair, etc.

"OS&HD" refers to the Occupational Safety and Health department of the particular WRHA Site.

"Owner", (The Act) in relation to any land or premises used or to be used as a workplace, includes

- (a) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of the land or premises, and
- (b) a person who acts as an agent or delegate of a person mentioned in clause (a), but does not include a person who occupies premises used as a private residence, unless that person carries on a business, profession or trade at that residence.

"An **owner** of a workplace shall ensure, so far as is reasonably practicable, that the land or premises used as a workplace that is under his or her control is provided and maintained in a manner that does not create a risk to the safety or health of any person." (WSH Act, Sec. 7.2)

Pre-Award Workplace Safety and Health Qualification Criteria Clause
Contract wording which may be used to require certain safety and health criteria to be met by a contractor before award of a contract when certain "high risk" work is to be undertaken.

"Prime Contractor" (The Act) means the prime contractor for a construction project referred to in Section 7 of The Act. There shall be a

prime contractor for a construction project if more than one employer or self-employed person is involved in work at the construction project site at the same time.

The **prime contractor** for a construction project shall ensure, so far as is reasonably practicable, that every person involved in work on the project complies with The Act and the regulations and co-ordinate, organize and oversee the performance of all work at the construction project site.

“Safety” is intended to include all aspects of occupational safety and health as defined by The Manitoba Workplace Safety and Health Act W-210 and regulations and includes requirements outlined in the WRHA or the site safety policies.

“Safety Certification” is an independent certification organization which reviews and performs ongoing audits of a construction firms safety program. The Manitoba Construction Safety Association’s (MCSA) Safety Program, COR safety program is an example of this type of certification. Other certification programs may be acceptable, and would be reviewed by the Project Manager and OS&HD to determine equivalence.

“Workplace” for the purpose of this policy means any WRHA owned/managed building, construction project site, workshop, structure, or location whether indoors or outdoors in which one or more workers, contracted employers, or self-employed persons, are engaged in work.

“Workplace Safety & Health Obligations” Employers with 20 or more employees require a written Workplace Safety and Health Program that meets the requirements of Section 4 and Section 7.4 of the Act. Employers with fewer than 20 employees require a safety system that meets the requirements of Section 4 of the Act. (see WS&H Program Compliance Questionnaire Appendix 2).

2. Tender Preparation:

Note: For non-construction related initiatives please refer to the WRHA Purchasing Policy. If the Site (via Materiels Management or Department) will be obtaining quotes for projects under \$25K, the following will apply.

For all construction services the Project Manager must include a Workplace Safety and Health Clause that outlines WRHA’s expectations of the bidder.

If a specific construction service is considered high risk the Project Manager may include a “pre-award workplace safety and health qualification criteria clause” in the tender.

Where applicable, with extensive construction projects, the bid documents may require submission of further documentation (examples of past practice or projects for work done comparable, the names/resumes of the

individual responsible for the contractors administration and site supervision of the Workplace Safety and Health Program). See Appendix B, Responsible Contract Employer Questionnaire.

Contact OS&HD for advice if determining a pre-award workplace safety and health qualification criteria is appropriate for a specific construction project or service.

Utilize the Appendix D. language for appropriate tender language. For further support, contact the Facility Management or Capital Planning and Construction Departments for appropriate tender language.

3. Contractor Selection Process – Safety Aspects

For Construction Services:

The safety performance of Contractors shall be included in the selection criteria for awarding the contract. To assist in the evaluation of the respondents' submissions, WRHA tenders or requests for proposals shall require the contractor to provide the following, as applicable:

Proof of current Workers Compensation Board coverage or personal coverage for owners of the contracting firm. The assessment of the respondents may include verifying the safety record of the contractor through the Workers Compensation Board.

- Proof of current liability insurance coverage.
- Proof of Registration or Certification under the Manitoba Construction Safety Association's Certificate of Recognition (COR) or Small Business Safety Certification Programs, which is current and in good standing.
- Compliance with Appendix A and B. where the Project Manager determines, in conjunction with the Regional Director of FM, that due to the scope or type of the project COR requirements are not possible or practical.

(Note that effective December 1, 2007, Certification within these Projects will be required, and registration alone will not be accepted.)

For FM Services:

The contractor shall submit documented proof of their Workplace Safety and Health Program pertinent to the work being purchased by or on behalf of the WRHA. This proof will be reviewed and determined if acceptable by the Project Manager.

For evaluation of all contracted services use:

- Appendix A: Contractor Safety Submission and;

- Appendix B: Compliance Evaluation.

4. Awarding Contracts

If pre-award workplace safety and health qualification criteria is a condition of the tender, the Project Manager must review the documentation of the lowest bidder to ensure that the meets the required criteria.

The Project Manager must verify that the lowest compliant bidder have completed and returned the requested COR/safety documentation with their bid.

If the Project Manager has any uncertainties about the workplace safety and health documentation provided by a bidder, they should request additional information and/or contact OS&HD for assistance.

For contracts involving sub contractors, ensure that the Prime Contractor understands that it is their responsibility to engage sub contractors either carrying COR safety qualifications or demonstrating an equivalent where COR is not possible.

If a bidder does not meet these requirements within a reasonable amount of time they will not be awarded the contract.

5. Contract and Agreement Language

The contractor agreement must include a Workplace Safety and Health Obligations Clause. Specific workplace safety and health clauses applicable to the work being performed may need to be added.

Contractors agree within the contract terms that it is the Prime Contractor as designated under The Act and agrees to make itself knowledgeable, abide by and assume all relevant obligations attached to this designation

Contact OS&HD for assistance on determining if specific clauses applicable to the work being performed are required.

Contact the Regional FM or CPC office or Logistics for standard contract or agreement language for service specific contract/agreement language.

Utilize the Appendix E. language for appropriate purchase order or contract language.

6. Pre-Work Meeting with the Contractor

Prior to commencement of work, the Project Manager shall meet with the Contractor to discuss the scope of the work, worker and/or operator competency and other related safety issues.

Contractors shall be provided with pertinent safety information concerning the buildings, equipment, grounds, services, and operations involved with the contract before the contracted work commences.

The Project Manager shall confirm that the Contractor is aware of and acknowledge their safety responsibilities and review the process for communicating unsafe work practices and conditions that may be observed by the Project Manager. The Contractor shall provide the Project Manager with safety concerns related to the project, which are raised at the contractor's own site safety meetings.

The Project Manager shall prepare minutes of the meeting including notating any information that was provided to the contracted employer(s) and self-employed person(s) and place the information in the project file.

In conjunction with the issuing of a contract for the work to be done, the Project Manager is responsible for reviewing with the Contractor the appropriate contractor safety briefing for the facility. *See Appendix C, Example of Checklist for Facilities & Contractors.*

For CPC contracts, the project /construction minutes shall always have Safety as a standing agenda item, and shall include significant proceedings and decisions and identify the "Action By" parties. If no safety issues exist, then this must be reflected within the minutes to document that safety was discussed.

7. Work In Progress

The Project Manager, or a designated on-site supervisor is responsible to address deficient work practices.

Communicating Unsafe Work Practices and Conditions

The following is a guide for resolving observed unsafe acts or conditions on the project.

"Non-imminent danger situations",

The Project Manager will discuss the concern(s) with the designated safety representative requesting that the concern(s) be remedied immediately. If the concerns cannot be remedied immediately, the designated Contractor's site safety representative must provide the department's Project Manager with a written plan for remedying the concern(s). If the concern(s) is not resolved within a reasonable length of time, the Project Manager will contact his/her immediate supervisor and Safety Coordinator for assistance. The issue(s) and Prime Contractor's project site safety representative's action/response will be documented and discussed with the Contractor.

If the Contractor's site safety representative or on-site supervisor does not comply, the Project Manager or other WRHA representative will immediately contact OS&HD or Site Material Manager for assistance.

Imminent Danger Situations:

The following are examples of “**imminent danger**” situations and when observed require immediate corrective action.

- Workers working in an un-shored or improperly shored excavation.
- Traffic control or worksite conditions placing workers and/or others at imminent risk.
- Workers working without proper fall arrest/restraint equipment or systems.
- Workers working in a “confined space” without proper safety procedures or equipment.
- Workers failure to use proper lockout/tagout procedures.
- Uncontrolled chemical or controlled product exposure to self or site (e.g. fumes, dust, asbestos etc.)

When an “imminent danger” hazard is observed, the Project Manager/or any other WRHA representative will immediately request that the work activity in question be stopped until the situation is resolved and it is safe for the work to resume. If the Contractor's site safety representative or Contractor's representative does not comply, the Project Manager or other WRHA representative will immediately contact Manitoba Labour, Workplace Safety & Health Branch for assistance.

Serious Accident

Should there be any serious (as per the WS&H Act) accident/incident, environmental incident or other major occurrence involving the contractor, the contractor shall immediately stop work and the Prime Contractor shall notify the WS&H division of Manitoba Labour in accordance with WorkSafe Bulletin No. 119 and Regulation 108/88R. Immediately following, the Prime Contractor shall notify the Project Manager.

All issue(s) and action/response shall be documented by the Project Manager and placed in the project file. Further action and formal reports may be required depending on the situation and action taken by the Contractor to resolve the issue.

Contact the Contracts Branch and OS&HD for advice and assistance.

Post Project Evaluation

Upon completion of a construction project the Project Manager shall complete a Post Project Evaluation. Deficient safety practices shall be noted and copies of evaluations with deficiencies shall be forwarded to:

- Site OS&HD or Regional OS&HD
- Site or Regional Facility Manager
- Site or Regional Capital Planning and Construction Manager

Additional Resources

- WRHA Logistics Services
- Site Material Manager
- Occupational and Environmental Safety & Health
- Safety Coordinator
- Legal Services
- Workplace Safety and Health Division, Manitoba Labour
- Workplace Safety & Health Act W210 and Regulations

Authors/Reference

- WRHA Facility Management
- WRHA Logistics Services
- WRHA Occupational & Environmental Safety & Health

APPENDIX A

Bidder's Name: _____ Tender #: _____

Section 4 of The Workplace Safety and Health Act C.C.S.M. C. W210, requires employers to implement workplace safety and health management systems and programs that ensure the safety and health of his workers. Section 7.4 of The Workplace Safety and Health Act C.C.S.M. C. W210 requires employers to establish a written workplace safety and health program for each workplace where 20 or more workers are employed.

1. **Company Name:** _____

Mailing Address: _____

Nature of Business: (please describe): _____

2. **Does your company have an individual assigned to safety?** Yes No

If **yes**, what percentage of their time is devoted to safety activities? _____

Name: _____ Phone #: _____

3. **Workers' Compensation History:**

Number of Lost Time Injuries - Submit past two years. _____

4. **Manitoba Labour, Workplace Safety & Health Branch Inspections:**

Number of Improvement Orders, including Stop Work past two years: _____

Describe Orders: _____

5. **Are you Safety Certified** (Certificate Of Recognition COR or equivalent) Yes No

If **yes**, attach current Certificate and complete Sections 14 & 15 of this Questionnaire.

If **no**, complete the remainder of this Questionnaire.

6. **Is your company currently working towards a Certificate of Recognition (COR) or equivalent accreditation in safety management?** Yes No

If yes, what is your current status and estimated completion date? _____

7. **Number of employees regularly employed in your company:** _____

8. **Does your Company have a written Safety and Health Program?** Yes No
If **yes**, “check” the elements that the program includes?

- a policy statement respecting your commitment to the protection of the safety and health of workers at the workplace;
- a statement of the responsibilities of the employer, supervisors and workers at the workplace;
- a plan for training workers and supervisors in safe work practices and procedures;
- a schedule for the regular inspection of the workplace and of work processes and procedures at the workplace;
- a hazard identification and control program
- an emergency response program that includes the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency at the workplace;
- a procedure for investigating accidents, dangerous occurrences and refusals to work ;
- a procedure for worker participation in workplace safety and health activities, including inspections and the investigation of accidents, dangerous occurrences and refusals to work;
- a plan for the control of any biological or chemical substance used, produced, stored or disposed of at the workplace
- a statement of the procedures to be followed to protect safety and health in the workplace when another employer or self-employed person is involved in work at the workplace that includes
 - criteria for evaluating and selecting employers and self-employed persons to be involved in work at the workplace, and
 - procedures for regularly monitoring employers and self-employed persons involved in work at the workplace

9. **Please specify whether your Company's worker safety training program includes training in relation to the following elements by writing "yes", "no" or "N/A" for not applicable to your operational activities in the space provided beside the particular element?**

	Head Protection		Lockout/Tagout Procedures
	Eye Protection		Emergency Response Procedures
	Hearing Protection		WHMIS
	Respiratory Protection		Trenching and Excavation
	Fall Protection Systems		Workzone Traffic Control & Flagging
	Scaffolding		Electrical Safety
	Fire Prevention/Protection		Rigging and Crane Safety
	Housekeeping		Confined Space Entry
	First Aid Training		Equipment Operation
	Other (Specify)		Other (Specify)

- 10. Please specify whether your Company's supervisor safety training program includes the following elements by writing "yes", "no" or "N/A" for not applicable to your operational activities in the space provided beside the element.**

	Hazard Identification and Control		Safety Supervision
	Tailgate/Toolbox Meetings		Emergency Response Procedures
	First Aid Procedures		Accident Investigations
	Workplace Inspections		Safe Work Practices
	Fire Protection and Prevention		New Worker Orientation
	WHMIS		Other (Specify)

- 11. Do you hold regular safety meetings with workers?** Yes No

If **yes**, how frequently? Daily Weekly Monthly

- 12. Do you conduct worksite safety inspections?** Yes No

If **yes**, who conducts the inspections (title): _____

How often are inspections conducted? Daily Weekly Monthly

- 13. You may be required to provide additional information respecting your Company's Safety and Health Program and/or a Project Safety Plan to the Project Manager prior to the Pre-Construction Meeting. Please provide the name and title of the individual who would be responsible for providing the information and/or the Plan.**

Name: _____ Phone #: _____

Title: _____

- 14. Proponents are instructed to provide the following information with their proposal as applicable:**

COR Registration Number _____

COR Registration Date _____

COR Certification Date _____

WCB Client Number. _____

- 15. The information provided in response to this Workplace Safety and Health Compliance Questionnaire is true and accurate.**

Name: _____ Phone #: _____

Title: _____

Signature: _____ Date: _____

This Schedule would be reflected as a "pass/fail" component under Proposal Evaluation. The WRHA maintains in its sole discretion in determining if a contractor meets the evaluation.

APPENDIX B

COMPLIANCE EVALUATION

Contractor Name: _____

Tender #: _____

Project or Work Description: _____

A) SAFETY AND HEALTH PERFORMANCE	Acceptable	Incomplete	Not Provided
1) WCB History	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) WPS&H Compliance History - Mb. Labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) WPS&H Compliance History – HSC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B) SAFETY AND HEALTH PROGRAM	Acceptable	Needs Improvement	None
1) Safety Association Accreditation (COR or Equivalent)	<input type="checkbox"/> Accredited	<input type="checkbox"/> Registered	<input type="checkbox"/>
2) Safety Policy Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Safety Training Program – Workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Safety Training Program –Supervisors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Hazard Identification and Control System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) Worksite Inspection System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) Investigation Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) Emergency Response Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) WHMIS Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) Worker Participation in Safety Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11) Ability to be Prime Contractor (if applicable to Project)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (n/a)

Contractor's provided documentation meets requirements of tender Yes No

Contractor's bid could be accepted after the following documents are provided

Incomplete documentation required to be provided for evaluation (refer to corresponding sections above. i.e. B3)

Reviewed by: _____

Date: _____

Accepted by: _____

Date: _____

Site Foreman./ Supervisor: _____

Date Orientated: _____

APPENDIX C

EXAMPLE SUMMARY CHECKLIST FOR FACILITIES AND CONTRACTORS

Name of Contractor: _____ Date: _____

Checklist Completed by: _____

Pre- Start Checklist:

- 1) Have reviewed Responsible Contractors Checklist Document Yes No
- 2) Submitted Project Information Form Yes No
- 3) Submitted WS & H Compliance Questionnaire c/w documentation Yes No
- 4) Submitted Responsible Contract Employer Questionnaire Yes No
- 5) Submitted Project Schedule Yes No
- 6) All Electrical and Mechanical devices are either CSA or MB Dept. of Labour
Approved Yes No
- 7) Arrangements made for unloading, movement and Storage of Materials
 Yes No
- 8) Obtained all relevant approvals, permits and / or licenses Yes No
- 9) Workers have completed Maintenance Orientation and Safety Training Yes No
- 10) Identified and remedied any work areas accessible by the public Yes No
- 11) Identified all fire, life safety and security systems that may be affected by work
 Yes No
- 12) Have reviewed and implemented infection control measures for all identified
infectious control areas Yes No
- 13) Have reviewed and implemented all applicable Policies and Procedures
 Yes No
- 14) Identified all possible fire hazards Yes No
- 15) Arranged for disposal of construction waste Yes No
- 16) Identified any potential shutdown requirements and P&P Yes No
- 17) Obtained ID/access badges for all staff working on WRHA property Yes No
- 18) Advised contractor about the use of cell phones and two way radios Yes No
- 19) Provided contact numbers for emergencies Yes No
- 20) Signed out keys Yes No

- 21) Identified potential damage, disruption to existing property, equipment, furnishings, and / or services Yes No
- 22) Discussed controlling construction and non-construction noise control Yes No
- 23) Assured that all equipment to be used is in good working order Yes No
- 24) Reviewed any recommendations and / or job specific procedures applying to the project. Yes No
- 25) Advised contractor of parking restrictions and public parking facilities Yes No
- 26) For CPC projects – discussed the requirement to discuss and minute “Safety” as an ongoing matter at all construction site meetings. Yes No

Note: This Checklist to be copied and submitted to the Project Manager.

APPENDIX D:

SAFETY TERMINOLOGY FOR CONSTRUCTION TENDER DOCUMENTS

Upon determination of the successful Proponent, the contract would include language as follows:

1. The Contractor represents and warrants that the Contractor holds and shall continue to hold throughout the term of the Agreement:
 - (a) a current Certificate of Recognition (COR) certification with the Manitoba Construction Safety Association (or equivalent); or
 - (b) a current COR registration number with the Manitoba Construction Safety Association (or equivalent) (See note 1 below); or
 - (c) if less than ten employees, a current Small Business Safety certification with the Manitoba Construction Safety Association (or equivalent); or
 - (d) if the Contractor is not presently COR registered or certified with the Manitoba Construction Safety Association, the Contractor hereby confirms their agreement to attain registered status upon award of the contract. (See note 1 below)

Note 1: COR registration alone will not be accepted effective *December 1, 2007*. At that time COR certification will be mandatory.

2. The Contractor, its officers, employees, agents or subcontractors agree to comply with all rules, laws or regulations regarding the safety of persons or property, including, but not limited to, the provisions of *The Workplace Safety and Health Act* (Manitoba), all regulations thereto, and all related WRHA and Site polices and procedures. In particular, and without limiting the foregoing, the Contractor agrees:
 - (a) to maintain a Contractor personnel list, naming all persons engaged in the project, that shall be provided to the WRHA, at the WRHA's request;
 - (b) to provide its Services in specified work areas only, and only enter controlled or restricted areas with the prior consent of the WRHA;
 - (c) provide adequate fire protection for all equipment and welding operations;
 - (d) to report any workplace accidents or incidents to the WRHA;
 - (e) to investigate any refusal of dangerous work, and follow the procedures set out in *The Workplace Safety and Health Act* (Manitoba) related thereto;
 - (f) to be responsible for all Workplace Safety and Health notification and permits, with copies provided to the WRHA;
 - (g) to be responsible for all equipment required to complete the Services, unless otherwise provided in writing, and be responsible for its safe operation;

- (h) to comply with the Workplace Hazardous Materials Information Systems (WHMIS) requirements.
3. The Contractor agrees that it is the Prime Contractor as designated under *The Workplace Safety and Health Act* (Manitoba).
 4. Prior to the start of Services, and during the full term of the Agreement, the Contractor shall provide, upon request, detailed procedures for safe handling, storage, and use of hazardous materials and controlled products, and shall list any special precautions, and safe clean up and disposal procedures.
 5. Prior to the start of Services, and during the full term of the Agreement, the Contractor shall provide the WRHA, upon request, with non-expired material safety data sheets (MSDS) and listings of all hazardous materials and controlled products intended for use on site by the Contractor.
 6. The Contractor shall ensure that its employees who handle, are exposed to, or are likely to handle or be exposed to hazardous materials or controlled products, are instructed and trained in accordance with the WHMIS requirements. In particular, and in no way limiting the above, removal and handling of asbestos-containing or contaminated materials is to be performed by persons trained in the methods, procedures and industry practices for asbestos abatement. The Contractor agrees to immediately stop work on the specific item or work area should any unidentified or unforeseen disturbance or asbestos-containing or contaminated materials be encountered during the course of the provision of the Services, and notify the WRHA immediately upon discovery of the material.
 7. The Contractor shall maintain coverage through the Workers Compensation Board, for its employees and shall maintain such coverage during the entire period of time Services are provided. At the WRHA's request, written evidence of Workers Compensation Board coverage, satisfactory to the WRHA, shall be provided by the Contractor to the WRHA prior to commencing and/or during the provision of the Services.
 8. Prior to the start of the Services, the Contractor shall make arrangements to meet with the designated Site Contact to review any site-specific safety requirements that may exceed Workplace Safety & Health regulations.

APPENDIX E

EXAMPLE CONTRACT LANGUAGE

COR Workplace Safety and Health Requirements Purchase Order Terms for Materiel Management Use

(FOR CONSTRUCTION RELATED PROJECTS OVER \$25K)

The following must form part of all competitive bid documents for “construction related services” as defined below:

“Construction Project” means;

- (a) the construction, demolition, repair, alteration or removal of a structure, building, complex, street, road, highway, pipeline, sewage system or electrical telecommunication or transmission line,
- (b) the digging of, working in or filling a trench or excavation,
- (c) the installation, modification, repair or removal of any equipment or machinery, or
- (d) any work prescribed by regulation as a construction project;

LS to check with Regional Director Facilities Management, if there is any question as to whether the Proponents who would be bidding would qualify under COR.

The following is to form part of the Instructions to Proponents section of the RFP:

1. A Proponent shall, at a minimum, hold:
 - (a) a current Certificate of Recognition (COR) certification with the Manitoba Construction Safety Association (or equivalent); or
 - (b) a current COR registration number with the Manitoba Construction Safety Association (or equivalent) (see note 1 below); or
 - (c) if less than ten employees, a current Small Business Safety certification with the Manitoba Construction Safety Association (or equivalent); or
 - (d) if a Proponent is not presently COR registered or certified with the Manitoba Construction Safety Association, the Proponent must confirm their agreement to attain registered status upon award of the contract (see note 1 below).

Note 1: COR registration alone will not be accepted effective *December 1, 2007*. At that time COR certification will be mandatory.

Note 2: If a Proponent usually resides outside of Manitoba, the Proponent shall hold the equivalent certification or registration from the association within its jurisdiction of residence. Equivalency of certification or registration shall be approved by the Manitoba Construction Safety Association.

Proponents are instructed to provide the following information with their bid submission as applicable: COR Registration Number, COR Registration Date, COR Certification Date and WCB Client Number.

- 2. Proponent shall provide evidence of the above certification or registration (or equivalent) upon request of the WRHA.
- 3. A Proponent, its officers, employees, agents or subcontractors shall comply with the rules, laws or regulations regarding the safety of persons or property, including but not limited to the provisions of *The Workplace Safety and Health Act* (Manitoba), all regulations thereto, and all related WRHA polices and procedures.
- 4. The successful Proponent shall maintain coverage through the Workers Compensation Board, for its employees and shall maintain such coverage during the entire period of time Services are provided. At the WRHA's request, written evidence of all required Workers Compensation Board coverage, satisfactory to the WRHA, shall be provided to the WRHA prior to commencing provision of services.

.....
 This Schedule would be reflected as a "pass/fail" component under Proposal Evaluation.

Upon determination of the successful Proponent, the contract would include language as follows:

- 1. The Contractor represents and warrants that the Contractor holds and shall continue to hold throughout the term of the Agreement:
 - (a) a current Certificate of Recognition (COR) certification with the Manitoba Construction Safety Association (or equivalent); or
 - (b) a current COR registration number with the Manitoba Construction Safety Association (or equivalent) (See note 1 below); or
 - (c) if less than ten employees, a current Small Business Safety certification with the Manitoba Construction Safety Association (or equivalent); or
 - (d) if the Contractor is not presently COR registered or certified with the Manitoba Construction Safety Association, the Contractor hereby

confirms their agreement to attain registered status upon award of the contract. (See note 1 below)

Note 1: COR registration alone will not be accepted effective *December 1, 2007*. At that time COR certification will be mandatory.

2. The Contractor, its officers, employees, agents or subcontractors agree to comply with all rules, laws or regulations regarding the safety of persons or property, including, but not limited to, the provisions of *The Workplace Safety and Health Act* (Manitoba), all regulations thereto, and all related WRHA and Site polices and procedures. In particular, and without limiting the foregoing, the Contractor agrees:
 - (a) to maintain a Contractor personnel list, naming all persons engaged in the project, that shall be provided to the WRHA, at the WRHA's request;
 - (b) to provide its Services in specified work areas only, and only enter controlled or restricted areas with the prior consent of the WRHA;
 - (c) provide adequate fire protection for all equipment and welding operations;
 - (d) to report any workplace accidents or incidents to the WRHA;
 - (e) to investigate any refusal of dangerous work, and follow the procedures set out in *The Workplace Safety and Health Act* (Manitoba) related thereto;
 - (f) to be responsible for all Workplace Safety and Health notification and permits, with copies provided to the WRHA;
 - (g) to be responsible for all equipment required to complete the Services, unless otherwise provided in writing, and be responsible for its safe operation;
 - (h) to comply with the Workplace Hazardous Materials Information Systems (WHMIS) requirements.
3. The Contractor agrees that it is the Prime Contractor as designated under *The Workplace Safety and Health Act* (Manitoba).
4. Prior to the start of Services, and during the full term of the Agreement, the Contractor shall provide, upon request, detailed procedures for safe handling, storage, and use of hazardous materials and controlled products, and shall list any special precautions, and safe clean up and disposal procedures.
5. Prior to the start of Services, and during the full term of the Agreement, the Contractor shall provide the WRHA, upon request, with non-expired material safety data sheets (MSDS) and listings of all hazardous materials and controlled products intended for use on site by the Contractor.

6. The Contractor shall ensure that its employees who handle, are exposed to, or are likely to handle or be exposed to hazardous materials or controlled products, are instructed and trained in accordance with the WHMIS requirements. In particular, and in no way limiting the above, removal and handling of asbestos-containing or contaminated materials is to be performed by persons trained in the methods, procedures and industry practices for asbestos abatement. The Contractor agrees to immediately stop work on the specific item or work area should any unidentified or unforeseen disturbance or asbestos-containing or contaminated materials be encountered during the course of the provision of the Services, and notify the WRHA immediately upon discovery of the material.
 7. The Contractor shall maintain coverage through the Workers Compensation Board, for its employees and shall maintain such coverage during the entire period of time Services are provided. At the WRHA's request, written evidence of Workers Compensation Board coverage, satisfactory to the WRHA, shall be provided by the Contractor to the WRHA prior to commencing and/or during the provision of the Services.
 8. Prior to the start of the Services, the Contractor shall make arrangements to meet with the designated Site Contact to review any site-specific safety requirements that may exceed Workplace Safety & Health regulations.
- **NOTE:** LS CONTRACTING STAFF WILL UNDERTAKE TO VERIFY THAT ALL COMPLIANT PROPONENTS ARE REGISTERED/CERTIFIED BY CHECKING THE WEBSITE

www.constructionsafety.ca/cor/RegisteredCompanies.htm

Should a company indicate that they are registered or certified but this information cannot be verified by this website, the vendor must prove otherwise to be eligible.