



2007-10-22

## OCCUPATIONAL HEALTH AND SAFETY - CONSTRUCTION

### 1. BACKGROUND

Public Works and Government Services Canada (PWGSC) recognizes that any person to whom it grants access to federal government construction sites should be protected from danger or hazards which could cause injury or death.

PWGSC also recognizes that provincial and territorial health and safety legislation also applies to contractors engaged by PWGSC to perform construction work on federal Crown land and property.

PWGSC, in furtherance of its objective to provide a safe construction environment, seeks to cooperate with these jurisdictions for the benefit of PWGSC employees and third-party construction workers.

### 2. PURPOSE

To formalize PWGSC's commitment to the protection of all persons granted access to the construction sites of projects managed by the department. Specifically, this departmental policy (DP) seeks to:

1. ensure occupational health and safety is an integral component of construction project delivery;
2. ensure construction projects are structured and managed such that the department's role is that of owner;
3. reduce risks to the Crown and limit legal liability for PWGSC employees;
4. provide clear direction with regards to roles and responsibilities.

### 3. POLICY

PWGSC has developed, and will implement and maintain a construction occupational health and safety program that will allow *Part II of the Canada Labour Code* and the *Canada Occupational Safety and Health (COSH) Regulations* to be enforced when federal public servants, as part of their assigned duties, are required to enter or work in close proximity to a construction site.

PWGSC shall also voluntarily comply with the provincial and territorial legislation and regulations pertaining to construction health and safety. PWGSC, while voluntarily complying, shall not be subject to the jurisdiction of the provinces and territories and shall not be subject to their fines or penalties for breach of the legislation or regulations.

In exercising its role as owner on federal construction projects, PWGSC has established a Code of Practice which is attached as Annex B and which forms part of this policy.

#### 4. **SCOPE**

This DP and related Code of Practice apply to all employees of PWGSC whose duties relate to the management and administration of federal government construction projects.

#### 5. **DEFINITIONS**

The definitions applicable to this policy are contained in Annex A and form part of this policy.

#### 6. **ROLES AND RESPONSIBILITIES**

1. **Branch/Agency Heads** are accountable for the implementation of this DP within their areas of responsibility. This accountability is further referenced in the Accountability Framework, Annex A, DP 007 - Health and Safety Policy.
2. The **Assistant Deputy Minister, Acquisitions Branch** is responsible for developing and implementing the appropriate clauses to be included in contracts for construction projects in order to address health and safety issues as required, and that, where applicable, the contractor takes responsibility as the prime contractor or constructor; and through the duties undertaken by the **Contracting Officer, Acquisitions Branch**, is responsible for:
  1. seeing to it that the wording of the contract meets the requirements of this DP;
  2. obtaining from the prime contractor/principal contractor/constructor (PC/C) a copy of its Certificate of Recognition (COR) or Construction Safety Program/General Safety Plan and the applicable Workers' Compensation Board (WCB) Letter of Good Standing/Clearance Certificate, and Safety Record prior to contract award;
  3. seeking advice from the Department of Justice from time to time so that the health and safety provisions included in all construction tender, contract and Request for Proposal (RFP) documents are sufficient to enable PWGSC to carry out its duty of due diligence;
  4. seeing to it that PWGSC's Contractor Performance Evaluation Report Form (CPERF) PWGSC-TPSGC-2913 is completed by the Departmental Representative (DR) and placed in the contract file. The Contracting Officer shall also provide support to the DR if any action against the PC/C is to be initiated by PWGSC as a result of a poor CPERF evaluation.
3. The **Assistant Deputy Minister, Corporate Services, Policy and Communications**

**Branch**, through the **Director, Corporate Environment, Health and Safety**, is responsible for:

1. establishing and implementing the necessary agreements between provincial/territorial authorities and the Department with respect to the inspection of federal government construction sites;
  2. monitoring the effectiveness of this DP and its Code of Practice so that the requirements for construction health and safety are met, and that safe work practices and procedures are established and implemented on PWGSC work sites;
  3. conducting an annual review of the Departmental Construction Health and Safety Program to determine its effectiveness and to identify issues of concern, the necessity for revised procedures and requirements for revised training sessions/modules;
  4. liaising on behalf of the Department with regulatory bodies and central agencies, and with provincial/territorial authorities on Occupational Safety and Health (OSH) related matters.
4. **The Assistant Deputy Minister, Real Property Branch** in support of the **Assistant Deputy Minister, Corporate Services, Policy and Communications Branch** is responsible for:
1. providing input, as required, in the development of a national construction health and safety evaluation standard to be implemented in the bidding process for construction contracts;
  2. co-ordinating the development and maintenance of a National/Regional Construction Project Safety Management Guide within the provision of this DP and its Code of Practice in consultation with branch/sector heads having a responsibility for the management and administration of federal government construction projects, and with employee representatives;
  3. determining employee training requirements and approving training sessions and training modules prior to implementation.
5. **Regional Managers** responsible for **environment, health and safety**, through the duties undertaken by the **Construction Safety Coordinator**, are responsible for the following:
1. providing guidance and assistance to the Departmental Representative (DR) with respect to the occupational health and safety aspects of construction projects, and specifically:
    - in the development and review of the contract specifications,
    - in the identification of requirements to be implemented in the management of health and safety related contract issues, including a review of the adequacy of the contractor's site specific safety plan to address the hazards and risks of the construction project and
    - on how to conduct construction site safety reviews;

2. providing assistance to the DR during the planning stage of each project to determine how best to maintain the role of owner throughout the duration of the project;
  3. liaising with federal and provincial labour authorities to obtain written, accurate interpretations of any federal and provincial legislation dealing with construction site safety. The interpretations shall be provided to those parties whom the DR considers to be affected;
  4. periodically monitoring and reviewing the Regional Construction Safety Program. An annual review of selected construction project files shall be conducted to determine if due diligence standards are being met. A report shall be prepared and sent to the Director, Corporate Environment, Health and Safety. The information contained in this report shall form part of the Departmental Construction Health and Safety Program.
6. When the Department assumes the role of the owner, the **Departmental Representative (DR)** shall monitor compliance with applicable legislation and regulations by:
1. ensuring that all federal and provincial/territorial legislation relating to construction occupational health and safety is adhered to throughout all phases of a construction project. The DR will seek the assistance of the Regional Manager, Environment, Health and Safety, through the Construction Safety Co-ordinator in order to meet this responsibility;
  2. ensuring appropriate clauses are referenced in the tender documents in order to provide specific information with respect to the occupational health and safety requirements of the project;
  3. having the PC/C complete and send the Notice of Project to the provincial/territorial authority having jurisdiction for health and safety at the work site immediately following execution of the contract and prior to the time and date set for the pre-construction meeting. The DR must obtain a copy of the Notice of Project from the PC/C with additional copies to be sent to the Construction Safety Coordinator and the Contracting Officer involved as soon as possible;
  4. seeing to it that the PC/C has properly assessed the risks and has prepared a Site Specific Safety Plan. It is the PC/C's responsibility to ensure the plan is compliant with the applicable legislation and that a copy is sent to the DR prior to arranging the pre-construction meeting;
  5. seeing to it that all necessary permits and documents are received by PWGSC prior to and during the performance of the work. This should include, but is not limited to, a copy of the building permit, a copy of the PC/C's Certificate of Recognition or Construction Safety Program, WCB/WSIB Letter of Good Standing/Clearance Certificate, and Safety Record.

## 7. COMPLIANCE

Compliance with this DP is mandatory. The refusal of an employee at any level to comply with this DP or with the provisions of the prescribed codes, standards, acts and regulations will be considered as misconduct.

## 8. REQUIREMENTS

The implementation of a departmental construction occupational health and safety program shall require that:

1. the Department maintain a comprehensive construction safety training program;
2. employees be provided with instruction that clearly defines their roles and responsibilities with respect to construction occupational health and safety legislation and good industry practice;
3. a pre-project hazard identification be instituted as an integral part of the construction occupational health and safety management process at the consultation, design and specification development, and contract document phases of a project. All identified hazards and risks are subsequently to be addressed in the PC/C's Site Specific Safety Plan with safe work practices and procedures which are to be implemented and maintained on site throughout the duration of construction;
4. all directions, notices or orders issued by provincial/territorial authorities or their authorized agents be posted at the site and are complied with by all on-site personnel;
5. the Department initiate discussions with all provincial/territorial governments, in consultation with the construction industry, to develop construction occupational health and safety evaluation standards to be included in all tender/contract documents for construction projects. The evaluation standards should include, but not be limited to, the development of a numerical objective assessment of the PC/C's
  - occupational health and safety performance,
  - employee training and certification programs,
  - ability to do a comprehensive project risk assessment and
  - ability to develop a site specific safety plan;
6. advance notification be provided to provincial/territorial authorities in accordance with their requirements, when work is to be done by private contractors;
7. all permits, compliance certificates and other applications be obtained for projects as specified by provincial/territorial/municipal authorities having jurisdiction. Exemption from this requirement must have the written approval of the Assistant Deputy Minister, Real Property Branch;
8. there be compliance with the general terms and conditions of contracts for federal government construction projects relating to OSH Regulations;
9. all hazardous occurrences on PWGSC construction sites be investigated by a qualified person, and reported and recorded in accordance with DP 018 - Hazardous Occurrence Investigation, Reporting and Recording and/or DP 009 - Critical Incident Reporting Policy;
10. the occupational health and safety performance of contractors be included as a

component of the Contractor Performance Evaluation System and that the CPERF (PWGSC-TPSGC 2913) includes an evaluation score of the safety performance;

11. a corporate, associate membership with each provincial/territorial construction health and safety association be maintained, where the association permits, or participation be sought with respect to their activities promoting occupational health and safety in construction.

## 9. EDUCATION AND TRAINING

Participation in approved occupational health and safety training is mandatory for all employees whose duties require them to manage construction projects, manage construction contracts, prepare project plans and specifications, or attend construction project sites. The Department is to utilize provincial/territorial construction safety association training programs whenever possible.

## 10. PROCEDURES

Annex B - Code of Practice - Occupational Health and Safety - Construction.

## 11. REFERENCES

### Acts and Regulations:

- All Workers' Compensation Board (WCB/WSIB/CSST) and Occupational Safety and Health requirements;
- *Canada Labour Code, Part II*;
- *Canada Occupational Health and Safety Regulations*;
- *National Building Code of Canada*;
- *National Fire Code of Canada*;
- Provincial and Territorial Occupational Health and Safety Legislation.

### Treasury Board Publications:

- Procedures for Liaison with Private Contractors;
- Use and Occupancy of Buildings Directive.

### PWGSC Publications:

- DP 007 - *Health and Safety Policy*;
- DP 009 - *Critical Incident Reporting Policy*;
- DP 016 - *First-Aid - PWGSC*;
- DP 017 - *Personal Protective Equipment for Employees*;
- DP 018 - *Hazardous Occurrence Investigation, Reporting and Recording*;
- DP 022 - *Employees Working Alone*;
- DP 023 - *Health and Safety Committees and Representatives*;
- DP 024 - *Health and Safety Training*;
- DP 036 - *Entry Into Confined Spaces*;

- DP 037 - *Workplace Hazardous Materials Information System (WHMIS) Policy*;
- DP 039 - *Use of National Master Specifications*;
- DP 057 - *Asbestos Management*;
- DP 058 - *Electrical Safety*;
- DP 074 - *Environmental Policy*.

## 12. GUIDELINES

Guidelines or best practice statements shall be developed in regions and by those directorates in the National Capital Area directly involved in construction activities. These shall include but not be limited to:

A best practice statement or guideline outlining in some detail:

- what should be included in the Contractor's Safety Program/General Safety Plan;
- what activities and conditions should be looked at and what other matters should be attended to by the DR when conducting a construction site safety observations review;
- a directory of names, addresses and telephone numbers of contact persons in the provincial/territorial governments responsible for construction safety.

## 13. CANCELLATION

This departmental policy cancels DP 073 dated 1999-10-22.

## 14. INQUIRIES

Headquarters:  
Director, Corporate Environment, Health and Safety  
Corporate Services, Policy and Communications Branch  
Telephone: 819-956-6961

Regions:  
Regional Managers responsible for environment, health and safety

Original Signed by  
François Guimont

François Guimont  
Deputy Minister and  
Deputy Receiver General for Canada



## DEFINITIONS

**Authority having jurisdiction** (*autorité compétente*) means the governmental body responsible for the enforcement of any part of a code, regulation, or standard, or the official or agency designated by that body to exercise such a function.

**Competent person** (*personne compétente*) means a person who:

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

**Construction** (*construction*) means any work or undertaking in connection with a project, including, but not restricted to: 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 ship repair/maintenance when in dry dock.

**Construction safety coordinator** (*coordonnateur de la sécurité dans la construction*) means the person who, because of knowledge, training and experience, is qualified to perform safely and properly, the duties specified under this DP for construction occupational health and safety.

**Contractor** (*entrepreneur*) means a person or firm who performs work for, and/or supplies services to the owner for monetary compensation, either by undertaking the work alone, by employing one or more workers, or by contracting the services of one or more workers.

**Department** (*ministère*) means Public Works and Government Services Canada (PWGSC).

**Departmental representative** (*représentant ministériel*) means the PWGSC employee assigned the responsibility to administer, monitor and/or review quality of work and the progress of the contractor.

**Employee** (*employé*) means a person employed by the Department.

**Employer** (*employeur*) means:

- a supervisor employed by the Department, who is responsible for the work of one or more employees of the Department;  
OR
- a contractor or subcontractor who performs work or supplies services to the owner;  
OR
- a contractor or subcontractor who performs work and/or supplies services to the owner and who employs one or more workers, or contracts for the services of one or more workers;  
OR
- a contractor who undertakes to perform work and/or supply services with the owner, constructor, contractor or subcontractor.

**Hazardous occurrence** (*situation dangereuse*) means an event occurring at a PWGSC



managed building or work site, or through the course of an employee's work that results in, or has the potential to result in, a fatality, injury, property damage or an escape of a hazardous material. For the purpose of investigating, recording and reporting hazardous occurrences, the following are included under this term: critical incidents, disabling injuries, non-disabling injuries, minor injuries, minor occurrences and near-misses.

**Notice of Project** (*avis de projet*) means a written notification to the authority having jurisdiction for health and safety at the work site describing the project, its location, contract amount, start date, project duration, names and addresses of the DR, the PC/C and the PC/C's superintendent and the time and location of the first pre-construction meeting.

**Owner** (*propriétaire*) means the Crown in right of Canada, as represented by the Minister of Public Works and Government Services Canada.

**Permit** (*permis*) means authorization in writing, by the authority having jurisdiction, to perform work regulated by legislated requirements and, in the case of an occupancy permit, to occupy any building or part thereof.

**Person** (*personne*) means an individual and also includes a partnership, proprietorship, firm, joint venture, consortium or corporation.

**Prime contractor/principal contractor/constructor** (*constructeur/entrepreneur principal/maître d'œuvre*) means the contractor or firm, when the contractor or firm manages, plans and organizes the entire project for the owner, or the owner when the owner undertakes all or part of the project, or when the owner undertakes the project with more than one contractor.

**Project** (*projet*) means, but is not limited to:

- the construction or renovation of a building, bridge, structure, dock, wharf, shaft, tunnel, caisson, trench, excavation, highway, street, runway, parking lot, cofferdam, conduit, sewer, water-main, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof;
- the moving and/or the demolition of a building or structure;
- any work or undertaking, on any lands or appurtenances used in connection with construction.

**Qualified person** (*personne qualifiée*) means, with respect to a specified duty, an individual who, because of knowledge, training and experience, is qualified to safely and properly perform the duty.

**Regulations** (*règlement*) means the regulations made under federal, provincial and territorial health and safety legislation.

**Safety inspector** (*inspecteur de la sécurité*) means a person employed by the federal, provincial or territorial governments, or by the local Workers' Compensation Board (WCB), Workplace Safety and Insurance Board (WSIB), Commission de la Santé et de la Sécurité du Travail (CSST) to review compliance with applicable health and safety legislation, and who is empowered to identify infractions and violations, and to require their correction.

**Site supervisor** (*superviseur de chantier*) means a competent person, appointed by the constructor, responsible for all construction activities with authority over all contractors, subcontractors, and all workers on site. The site supervisor also sees to it that the contractors build in accordance with the plans and specifications, as well as the safety and proper conduct of

the work and of the employees/workers.

**Subcontractor** (*sous-traitant*) means a person or firm to whom the contractor has subcontracted any part of the work.

**Voluntary compliance** (*conformité volontaire*) means that PWGSC will comply with the spirit, intent and strict application of the provincial/territorial construction health and safety acts and regulations as they relate to the roles and responsibilities of owner, constructor, contractor, engineer/architect and supervisor, but will not be fully subject to the fines and penalties described therein.

**WCB** (*Commission des accidents du travail - CAT*) for the purposes of the attached Code of Practice, means the organization responsible for the worker's compensation legislation applicable to the place of the work.

**Worker** (*travailleur*) means a person who is employed by a contractor or subcontractor, or who is contracted to perform work or supply services for monetary compensation from the contractor or subcontractor.

**Work site** (*chantier*) means any federal land, premises or location, or any land, premises or location occupied by a federal department or agency, upon which a construction project is undertaken.

## CODE OF PRACTICE - OCCUPATIONAL HEALTH AND SAFETY - CONSTRUCTION

Some best practices and procedures have been developed in the construction industry to manage the due diligence requirements that stem from the occupational health and safety (OHS) acts and their regulations. A four step process is the recommended means of managing the OSH related requirements in contracted work. These four steps describe and cover off the important aspects that need to be addressed in ensuring due diligence and consequently providing a proper defense against this strict liability. These steps are:

1. **The Selection Process:** the pre-qualifying and screening requirements;
2. **The Contracting Process:** the tendering and contracting elements;
3. **The Orientation Process:** the sharing of important safety information; and
4. **The Monitoring Process:** the verification that the contractor is performing those activities outlined in the Site Specific Safety Plan, and is meeting the requirements of the OHS acts and their regulations.

### Step 1: The Selection Process

This is referred to as the pre-qualifying stage where a screening process is established to ensure that only reputable contractors with qualified workers are selected for projects. Some provincial jurisdictions do this by requiring all contractors that bid on provincial government contracts to have a provincially recognized safety program.

To meet this criteria construction companies must obtain a COR (Certificate of Recognition) which establishes that they have a safety program that meets the requirements of provincial legislation and that the safety program is audited on a regular basis. The COR is usually provided by the provincial construction safety associations, and in some jurisdictions, by the provincial authorities themselves.

The COR is available from most jurisdictions across Canada. However, some jurisdictions may have similar programs available that are referred to by another name. The Regional Manager responsible for environment, health and safety, shall identify the correct name of the document that is used in the province/territory where the work is located. For those provinces/territories that do not have a COR or equivalent, the PC/C must submit its Construction Safety Program/General Safety Plan to PWGSC.

It is in PWGSC's best interest to establish, as early as possible, the contractor's capabilities to perform the work in a safe manner. In order to ensure a safe working environment, the contractor must

- have an acceptable construction safety program,
- maintain WCB/WSIB coverage for its employees and
- have established a good safety record.

The COR, or equivalent, is a useful tool and, where it is available to all contractors wishing to do business with PWGSC, it should be a requirement of the tender documents that it be submitted as a condition of contract award. However, since this Code of Practice will be applied nationally

and since a COR is not currently available in all jurisdictions, the contractor's Construction Safety Program/General Safety Plan would be an acceptable alternative. In addition, the contractor shall provide

- a Letter of Good Standing or a Clearance Certificate and
- a copy of the Contractor's Safety Record from WCB/WSIB.

## **Step 2: The Contracting Process**

During this phase of the project, the appropriate tender and contract clauses must be included in the bid packages to ensure that the contractor

- is contractually bound to meet the selection requirements,
- provides the requested documentation,
- agrees to act as an employer, and where applicable as the PC/C
- and provides a Site Specific Safety Plan if they are the PC/C.

N.B. A Site Specific Safety Plan is an extension of the Contractor's Safety Program/General Safety Plan that will include elements specific to the hazards of a particular project. Smaller projects not subject to unique hazardous operations may not require any significant change to the Contractor's Safety Program/General Safety Plan.

If the project is expected to have more than one employer (contractor) at the place of the work at the same time then it must be determined which set of tender and contract documents will contain the appropriate clauses assigning the role of the PC/C to the successful bidder.

### **Step 2a: Requirements Prior to Contract Award**

The following requirements must be fully described in the tender and contract documents in order to ensure that the contractor is obliged by the contracting process to provide evidence of its ability to complete a project in a safe manner.

The tender documents must include the following:

1. COR or similar document from a construction safety association or the authority having jurisdiction. For those jurisdictions where a COR is not available, the contractor shall submit a copy of its Construction Safety Program/General Safety Plan;
2. Letter of Good Standing and Clearance. The letter of Good Standing is a written confirmation from the WCB/WSIB that the contractor is registered with and permitted to work within the jurisdiction where the project is located. The Clearance Letter is a document that indicates a company's current standing with the WCB. This is the due diligence required to ensure that the contractor's premiums are up-to-date. Clearance Letters must be obtained prior to award, prior to each progress payment, and after the final progress payment is made.
3. The Contractor's Safety Record. This is a document that must be requested from the WCB by the contractor and is an indicator of the past safety record of a particular firm. It also compares the safety record of the particular firm with those in similar industries. This information must be kept confidential and the contract documents should so indicate.

It should be noted here that Architects, Engineers, and Consultants that PWGSC hires or contracts with are required to provide proof of WCB coverage before they are

permitted access to PWGSC's work sites.

### **Step 2b: Requirements of Post Contract Award**

When the contract is awarded and prior to commencing any work, the contractor that is designated to act as the PC/C shall:

- submit a Notice of Project (PWGSC-TPSGC 458) to the provincial authority having jurisdiction with a copy to the DR,
- schedule a health and safety pre-construction meeting with all interested parties and where applicable, invite the authority having jurisdiction, prior to commencing the work, and
- produce a Site Specific Safety Plan. General acceptance of this Site Specific Safety Plan should be noted in the minutes of the pre-construction meeting as most authorities will not provide written approval or formal acceptance.

At the health and safety pre-construction meeting the contractor must also submit copies of all permits and notices required because of the nature of the work. The PC/C's Site Specific Safety Plan must identify all hazardous conditions/site activities inherent in the particular project. It is important that the contract specifications identify to the PC/C all hazardous substances or conditions known to the owner at the time of tendering. Examples are the presence of asbestos or PCBs, contaminated waste areas, any wildlife activity near the work site or the possibility of avalanches, floods or forest fires.

If the work site is located in a facility that contains asbestos then the DR must have the PC/C and all subcontractors on the work site sign the Contractor Notification and Acknowledgement form (PWGSC - TPSGC 16) in accordance with DP 057 - Asbestos Management.

### **Safety Plans**

A copy of the Site Specific Safety Plan must be given to the DR who will ensure that all hazardous elements identified in the Notice of Project have been addressed and that copies have been forwarded to the Construction Safety Coordinator and Contracting Officers associated with the project. Safety plans will not be formally approved by the DRs, as this action would transfer liability to them.

If a COR is provided then this document confirms that the Contractor's Construction Safety Program/General Safety Plan has had a peer review and is audited from time to time to ensure it includes any recent changes to safety legislation and regulations. A copy of the PC/C's Construction Safety Program/General Safety Plan can be obtained from the Contracting Officer who received a copy prior to the contract award. If a COR was not provided at that time then a copy of this program/plan must be obtained from the PC/C.

### **Notice of Project (PWGSC-TPSGC 458)**

This notice form is completed and sent to the authority having jurisdiction by the PC/C. Only one form is required for each project. The form advises the authority

- that construction activity will begin shortly in their jurisdiction,
- of the project description and
- of any known unique hazards that may be present initially and as the work progresses and identifies all hazardous regulated activities occurring within the scope of the project.

Proof, satisfactory to the DR that the Notice of Project form was sent to the authority having jurisdiction, must be provided by the PC/C at the health and safety pre-construction meeting.

### **Building, Engineering and Inspection Permits**

It is a PWGSC requirement that all construction projects must have building permits. It is the responsibility of the PC/C or contractor to obtain and pay for the necessary building permits and to provide copies of same to the DR for the project file. The DR will forward additional copies to the Construction Safety Coordinator and Contracting Officer. The PC/C must also post copies of the building permits at the work site. The DR must ensure that the PC/C calls for and facilitates inspections associated with these building permits, which are normally conducted by the authorities responsible for their governance, or their agents.

If, for whatever reason, a building permit cannot be obtained then this must be clearly described in the tender and contract documents. Written approval for this course of action must be obtained from the ADM of Real Property ultimately responsible for the project.

### **Step 3: The Orientation Process**

#### **Health and Safety Pre-Construction Meeting**

This meeting is to be called by the PC/C in consultation with the DR. The invitation must include all major subcontractors, the DR, the Construction Safety Coordinator and Contracting Officers, and any other participants that the PC/C and the DR deem necessary. An invitation, where applicable, will also be extended to the labour authority having jurisdiction, but it is at their discretion whether or not to attend.

Agenda items for the Health and safety pre-construction meeting are outlined in form PWGSC-TPSGC 461.

If the project is to take place in an occupied space then the DR will ensure that the client OSH committee is invited to attend as well as the Property Manager or a representative from the property management firm. The attendance of the OSH committee is, however, at their discretion but should be encouraged since their presence will meet the "right to know" requirements of the Canada Labour Code and could assist in avoiding any potential work stoppages with the resultant negative impact on schedules, etc. The Property Manager or property management firm is familiar with the building areas and systems and should be able to assist with any hoarding requirements, service elevator use, parking and ventilation requirements, etc.

The DR must identify, in writing, the business name, address and telephone number of the PC/C and its superintendent to all those involved both directly and indirectly with the project. All subcontractors who did not attend the pre-construction meeting must also be advised in writing of this information prior to the PC/C commencing the work.

The PC/C shall provide copies of the Notice of Project to all those attending the pre-construction meeting and shall verify that all hazards identified in the notice have been addressed in its Site Specific Safety Plan.

The DR shall confirm the presence of any hazards inherent at the site (asbestos, lead, PCBs, contaminated soil etc.) which must also be described in the tender and contract documents.

**WHMIS and MSDSs** (see DP 037, Workplace Hazardous Materials Information System- WHMIS Policy)



If the work is to be performed in a space occupied by federal personnel then the PC/C must provide copies of all MSDS forms for any hazardous or controlled products that will be used. Copies of these forms are to be provided to the affected OSH committee and the Property Manager or property management firm. If the project involves the construction of a new facility then the MSDS forms for those hazardous or controlled products left on site after final completion of the work, must be given to the DR for distribution to the Property Manager or property management firm.

N.B. As this meeting is part of the due diligence process, it is essential that an accurate record of the proceedings be kept and distributed to all those involved. The requirement that the PC/C keep accurate minutes of this meeting may be included in the General Instruction to the Specifications. Otherwise the DR is responsible to ensure the minutes are taken and distributed.

#### **Step 4: The Monitoring Process**

PWGSC's role as the owner is essentially to monitor the activities of the PC/C as they relate to contract compliance including work site safety. These activities should mirror those outlined in the Site Specific Safety Plan. Monitoring is best accomplished by having the PC/C provide copies to the DR of all safety inspections and follow-up activities, minutes of safety meetings, copies of hazard reports and copies of any orders issued by either the federal or provincial/territorial labour authorities (see PWGSC-TPSGC 460 for a comprehensive checklist).

The DR should also visit the work site shortly after the work commences and at regular intervals thereafter to review with the PC/C all those issues and hazards outlined in the Site Specific Safety Plan and the PC/C's own site safety inspection reports.

#### **Site Observations**

The intent of the site visits is to follow up on any observations or issues that were raised either at the pre-construction meeting or in subsequent safety inspections conducted by the PC/C and to verify that action has been taken to correct any safety infractions. Any outstanding matters shall be noted and the PC/C directed to have them corrected immediately.

The DR shall note any additional safety concerns in the DR's Site Visit Observation Report (PWGSC-TPSGC 460) and provide a copy to the PC/C for corrective action. The DR is to provide his/her observations only; the method of correction is to be determined by the PC/C. If the PC/C fails to correct the observed hazards in a reasonable length of time or refuses to consider any corrective measures when advised of the hazards then the matter should be referred to the provincial/territorial safety inspector for consideration.

#### **Hazard Intervention Process**

##### **Treasury Board Directive**

*"As the work of private contractors and their employees is subject to the laws of the province or territory in which the work is being conducted, the appropriate provincial or territorial authorities have legal jurisdiction over health and safety conditions relative to the work." (Chapter 4-5 - Procedures for Liaison with Private Contractors)*

#### **Hazard Reporting Process**

In PWGSC's role as the owner, the DR must monitor the activities at the work site from time to time and report to the PC/C any hazards or non-compliant safety and health issues that are observed during the progress of the work.

It is not PWGSC's responsibility to tell the PC/C how to correct any safety problems. However, if the PC/C fails to take corrective action following distribution of the Site Visit Observation Report (PWGSC-TPSGC 460) then the DR must take further action.

Normally the PC/C's Site Specific Safety Plan can be used to compare the safety measures described in it with those occurring at the work site.

N.B. It is imperative that the DR follow up on any observed safety infractions to ensure that the PC/C has taken the necessary action to correct the problems. If the PC/C fails to fulfil its obligations under the provincial labour legislation then it is the responsibility of the owner (DR) to take appropriate action and report any observed infractions or incidents to the authority having jurisdiction.

If an accident occurs at the work site resulting in serious injury, major property damage or a fatality then the DR must follow the Critical Incident Reporting Procedures as described in DP 009 - Critical Incident Reporting Policy. A copy of this report shall be provided immediately to the PWGSC Construction Safety Coordinator as described in this DP. Additional details of the accident can be provided to the Construction Safety Coordinator in a follow-up report.

N.B. With the exception of an action to preserve life or property, it is essential that the accident site remain undisturbed by all involved until such time as the appropriate provincial/territorial authority can conduct their investigation and officially release it.

The PC/C is bound by the accident reporting processes described in the applicable provincial/territorial legislation. The DR should be aware of these processes and follow up with the PC/C. If the PC/C fails to follow these processes then the DR shall notify the authority having jurisdiction immediately.

### **Construction Projects in Occupied Space**

Where it is not possible to relocate a client's personnel to suitable swing space away from the construction activity then the PC/C must be made aware in the tender and contract documents of this fact and that the work site will also be subject to the provisions of the Canada Labour Code. This will mean that the affected OSH committee must be made aware of the activity. In such cases it is mandatory that an invitation be sent to the OSH committee to attend the pre-construction meeting.

In this meeting the PC/C must clearly define its work site, identify the methods to be used to protect nearby client personnel and control access to those areas adjacent to the site by the PC/C's employees and subcontractors. The PC/C should also identify any client personnel that will have to be moved while work is being performed in their area.

Construction activity in an enclosed building usually results in increased dust and dirt in areas adjacent to the work site. It is recommended that the DR include additional funding in the project budget such that arrangements can be made with the property management firm to have extra cleaning performed in these affected areas that must remain occupied during construction.

When PWGSC initiates renovations to a lease space and the work is to be managed by some entity other than PWGSC, it is the landlord that must assume the role of the owner and assign the role of the PC/C to an entity of its choice. It is of prime importance under these circumstances that the DR and the Asset Facility Manager (AFM) not involve themselves in any of the activities that are normally identified in provincial labour legislation as being those of the owner or the PC/C. Any hazard or dangerous activity observed by the DR or AFM in monitoring

progress of the work should be reported to the landlord as an observation only. It is the landlord's responsibility to carry the matter further and report to the PC/C and/or the provincial/territorial labour authority.

If PWGSC, in its agreement with the landlord, manages the renovation work, then PWGSC will assume the role of the owner and the methods and procedures described in this Code will apply at the work site.

### **Hazard Identification - Corrective Measures**

The following is a number of issues that the DR should address during a work site visit. It is not a comprehensive list but gives the DR, as the owner's representative, some basic safety elements to consider. In the event of any observed hazard(s) or a deviation from the Site Specific Safety Plan it is incumbent upon the DR to notify the PC/C and have the PC/C

- correct the problem(s) or
- support the new methodology.

Any observations are to be written on the DR's Site Visit Observation Report (PWGSC-TPSGC 460) and passed to the PC/C for action.

If a problem is observed that is not included in the list below then the DR should note it and discuss the matter with the PWGSC Construction Safety Coordinator to determine the necessary course of action.

#### **Safety Issues:**

- entry point(s) to the work site must be clearly marked and access controlled;
- all personnel entering the work site must have the required personal protective equipment (PPE) e.g. hard hats, safety boots and, if applicable, safety glasses;
- areas of general access must remain clear of all hazards that may cause injury. Materials should be kept in designated or fenced-in area(s) or lockable room(s) where access can be controlled;
- all holes or excavations must be covered and/or barricaded;
- postings required by law or the contract must be met (e.g. building permits, work permits, Notice of Project, MSDSs, etc).

### **Compliance Monitoring (Guidelines to Construction Safety Coordinators when Evaluating Construction Project Safety Performance)**

#### **Step 1: Planning Stage**

##### **Purpose**

To assess whether PWGSC has met all the pre-planning safety requirements of the project as outlined in this DP, and any best practices that specifically relate to construction site safety.

##### **Scope of Review**

Environmental Assessments;  
Project Brief;  
Project Terms of Reference;  
Project Risk Assessment and Analysis;  
Any additional regional documentation addressing construction site safety:

1. OSH Strategic Plan for Project;
2. Departmental Best Practices;
3. Consultant's Terms of Reference.

### **Benchmarks and Standards**

DP 024 - *Health and Safety Training*;

DP 039 - *Use of National Master Specification*;

DP 073 - *Occupational Health and Safety - Construction*;

DP 074 - *Environmental Policy*;

*Canada Occupational Safety and Health Regulations*;

*Canadian Environmental Protection Act*;

PWGSC guidelines, standards and best practice statements dealing with construction health and safety.

### **Review Documents and Performance Indicators**

A review of the project files should determine whether the following documents have been considered and, if applicable, properly executed.

### **Pre-project Hazard Assessment**

1. Has the assessment been properly developed and is a copy in the project file?
2. Were the following construction site safety concerns properly addressed:
  - trenching, excavating and tunneling,
  - working from heights,
  - scaffolding,
  - WHMIS,
  - working in confined spaces,
  - traffic, noise, dust and fumes control,
  - heavy equipment,
  - temporary structures,
  - use of boilers and pressure vessels,
  - protection against drowning,
  - elevating devices,
  - working with or around high voltage electricity?
3. Have safety functions requiring engineering or regulatory approvals been identified?
4. Were all known safety hazards identified and considered?
5. Does the OSH Strategic Plan include the following items:
  - details of the site safety meetings,
  - frequency of site visits by the DR,
  - communication methodology,
  - actions to be taken for non-compliance by the PC/C,
  - provincial Ministry of Labour contacts,
  - actions to be taken to mitigate effects of construction activity on client's employees?

### **Consultant Agreement**

1. Does the Agreement contain provisions for the following:

- WCB Letter of Good Standing /Clearance Certificate,
- consideration of safety issues during the design process,
- requirement to liaise with the municipal authority to facilitate the building permit process,
- compliance with Treasury Board policy dealing with occupational health and safety?

### **Departmental Representative's Safety Training Record**

1. Was the training record of the DR assessed against the pre-project hazard assessment?
2. Were any weak areas in the DR's Training Record identified and corrective action taken?
3. Has the DR received construction project safety management training?
4. Has the DR received any specialized safety training in areas such as trenching, confined spaces, scaffolding and fall protection?

### **Step 2: Selection Process**

#### **Purpose**

To verify that PWGSC has met the standard of the due diligence test for the selection process in that there are established criteria that a successful tenderer must fulfil prior to award of contract and commencement of the work.

#### **Scope of Review**

All RFPs, RFSOs, Tender and Contract documents.

#### **Benchmarks and Standards**

DP 039 - *Use of National Master Specification*;  
DP 073 - *Occupational Health and Safety - Construction*;  
Code of Practice - Health and Safety on Federal Construction Sites;  
NPMS - For Real Property Projects;  
PWGSC guidelines, standards and best practice statements dealing with construction health and safety.

#### **Review Documents and Performance Indicators**

1. Were the necessary clauses pertaining to construction safety included in the associated RFP, RFSO or tender and contract documents?
2. Were the instruction to the PC/C for provision of WCB documentation and the PC/C's Construction Safety Program/General Safety Plan or COR prior to contract award included in the tender documents?
3. Were the requirements to complete and submit a Notice of Project to the authority having jurisdiction and a Site Specific Safety Plan to the DR prior to commencing the work included in the contract documents?

#### **Scope of Review**

Contract/Work Order/Standing Offer/Agreement Document;  
Contractor's Construction Safety Program/General Safety Plan or COR;  
WCB/WISB documentation.

## **Review Documents and Performance Indicators**

Review project and contract file to ensure the following were received:

1. WCB Letter of Good Standing/Clearance Certificate;
2. Contractor's WCB Safety Record;
3. Contractor's Construction Safety Program/General Safety Plan or COR;
4. A properly signed contract with provisions identifying the contractor as the PC/C;
5. Were the necessary clauses included in contract?
6. Were the requirements for the PC/C to submit a Notice of Project to the authorities having jurisdiction included in the contract?
7. Were provisions made to ensure that the PC/C minimizes disruption to client personnel when the work takes place in an occupied space?
8. Does the contract identify a communication strategy when construction safety issues must be dealt with?

### **Step 3: Project Start-up**

#### **Purpose**

The purpose of this step is to verify that PWGSC has clearly outlined its expectations with respect to construction site safety and the responsibilities of the various parties involved in the work.

#### **Scope of Review**

Construction project, safety and contract files;  
Notice of Project ([PWGSC-TPSGC 458](#));  
Pre-project Hazard Assessment;  
Site Specific Safety Plan;  
Agenda Items and Minutes of Pre-construction meeting ([PWGSC-TPSGC 461](#));  
Departmental best practices dealing with construction site safety.

#### **Benchmarks and Performance Indicators**

DP 057 - *Asbestos Management*;  
DP 073 - *Occupational Health and Safety - Construction*;  
Provincial/Territorial occupational safety and health regulations;  
PWGSC Project Management Standards;  
PWGSC guidelines, standards and best practice statements dealing with construction health and safety.

## **Review Documents and Performance Indicators**

Review project and contract files:

1. Did the PC/C complete the Notice of Project and provide proof that the Notice was sent to the provincial authority?
2. Did the PC/C identify all hazardous activities to be undertaken?
3. Was a copy of the Notice of Project sent to the DR?
4. Did the PC/C provide copies of the Site Specific Safety Plan and was the Plan reviewed by the DR?



5. Were all subcontractors, other contractors, consultants etc. informed in writing of the identity of the PC/C?

Review minutes of pre-construction meeting:

1. Did the meeting actually take place and were proper minutes taken?
2. Were attendees properly identified?
3. Were any major stakeholders missing from the attendees list?
4. Were the provincial authorities invited and did they attend?
5. Was the OSH committee and the Property Manager or property management firm invited and did representatives from each attend where the work took place in an occupied space?

Review Hazard Assessment Report:

1. Was the PC/C advised in writing of all known hazards inherent at the site?
2. Were adequate steps taken to ensure the health and safety of a client's employees when the work took place in occupied space?
3. Have all work processes requiring engineering or regulatory approvals been identified?

Review project files to ensure that all items on the Due Diligence Checklist ([PWGSC-TPSGC 459](#)) were considered and any safety concerns identified were addressed.

#### **Step 4: The Owner's Obligation to Monitor Construction Site Activities**

##### **Purpose**

To verify that PWGSC has met its obligations as the knowledgeable owner or owner's representative with respect to completing the administrative and monitoring functions relating to construction site safety.

##### **Scope of Review**

Project files;  
DR's Site Visit Observation Reports;  
Minutes of project meetings;  
Site Specific Safety Plan;  
Any Site Safety Inspection Reports prepared by the PC/C.

##### **Benchmarks and Standards**

DP 009 - *Critical Incident Reporting Policy*;  
DP 018 - *Hazardous Occurrence, Investigation, Reporting and Recording*;  
DP 073 - *Occupational Health and Safety - Construction*;  
Provincial/Territorial occupational safety and health acts and regulations;  
RFPs, RFSOs, tender and contract documents;  
PWGSC guidelines, standards and best practice statements dealing with construction health and safety.

##### **Review Instruments and Performance Indicators**

Review minutes of all construction meetings arranged by the PC/C and the DR:

1. Were meetings held on a regular basis?
2. Were the PC/C's safety inspection reports and the DR's Site Observation Reports on file?
3. Were solutions implemented for all identified safety issues?
4. Were necessary stakeholders present at these meetings?

Review all project files:

1. Were copies of building permits, work permits and inspection permits obtained and copies placed on file?
2. Did any accidents occur during the project?
3. Were there copies of the PC/C's accident reports on file?
4. Did the PC/C note any follow-up action that was taken to correct the cause of the accident(s)?
5. Were the labour authorities notified?
6. Did any critical incidents occur during the project?
7. Were there copies of the PC/C's incident report(s) on file?
8. Did the DR prepare a Critical Incident Report and was it forwarded to HQ?
9. Was a PWGSC Hazardous Occurrence Investigation Reporting and Recording completed?
10. Were the labour authorities notified?
11. Did the provincial/territorial labour authority conduct site visits?
12. Were inspection documents posted at the site?
13. Were there copies of any orders or directives issued by the authority on file?
14. Did the DR or the PC/C note any follow-up actions taken to address the issues described in the orders or directives?
15. Were copies of the orders or directives forwarded to the PWGSC Regional Safety Officer?
16. Were all necessary engineering/regulatory inspections for hazardous processes completed and signed off?
17. Did the DR visit the work site on a regular basis?
18. Did the DR use the Site Specific Safety Plan to ensure that appropriate safety procedures were followed at the work site?
19. Were copies of the DR's Site Observation Reports placed on file?
20. Did the DR ensure that the PC/C took appropriate action regarding the safety issues identified in the Reports?
21. Were WCB/WSIB clearances obtained as stipulated in the contract and placed on file?
22. Were copies of WHMIS data sheets (MSDSs) available on site for all controlled products?
23. If the work was performed in an occupied space were copies of the MSDSs provided to the OSH committee, the property management firm and the DR?
24. Did the project communication plan provide direction where safety issues were concerned?

## **Step 5: Project Completion**

### **Purpose**

To verify that PWGSC has completed the necessary documentation and follow-up action to record the overall performance of the PC/C including its safety performance.

### **Scope of Review**

Project files;  
DR's Site Observation Reports;  
CPERF;  
Minutes of construction meetings;  
PC/C's site safety inspections.

### **Benchmarks and Standards**

DP 073 - *Occupational Health and Safety - Construction*;  
PWGSC guidelines, standards and best practice statements dealing with construction health and safety.

### **Review Documents and Performance Indicators**

Review project files:

1. Were any performance issues identified during the life of the project?
2. Were appropriate measures taken in addressing these issues and were they noted on file?

Review CPERF:

1. Was the CPERF properly completed and copies
  - placed on the project file and
  - forwarded to the Regional Safety and Contracting Officers?
2. Was the PC/C's safety performance fairly and properly evaluated?
3. Was appropriate action taken when the PC/C's safety performance was not acceptable?