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Human Resources Policies Managing Health and Safety Aspects of Contracts for Services

Category: **Health and Safety**
Sub-Category: **General**

Policy Statement

It is the policy of the City to establish and maintain health and safety practices with respect to contracts for service which:

- i. protect the health and safety of City and service providers' employees, and
- ii. minimize corporate and individual liability.

Purpose and Application

The City of Toronto assumes significant obligations under the Occupational Health & Safety Act when it contracts for the services of third parties, including contractors, to perform work at a City workplace. The purpose of this policy is to define expectations of City staff and contractors/service providers. It is the expectation of the City that service providers comply with applicable health and safety legislation and City policies. This policy applies to all contracts for services undertaken for the City on City of Toronto property, or authorized by City of Toronto personnel, but does not apply to those services that will be undertaken on the property of the vendor.

Definitions

Construction includes 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 any work or undertaking in connection with a project, but does not include any work or undertaking underground in a mine.

Project means a construction project, whether public or private, including: (a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer, water main, service connection, telegraph, telephone or electrical cable, pipeline, duct or well, or any combination thereof; (b) the moving of a building or structure; and (c) any work or undertaking, or any lands or appurtenances used in connection with construction.

Constructor means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer.

Employer means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

Conditions

The assignment of responsibility for health and safety at the work site depends on both the nature of the work being performed and the roles of the various parties involved in the contract work. Depending on the circumstances of the contract, the City of Toronto may be classified as "owner", "constructor", or "employer", or more than one of these.

Of particular importance is the differentiation between construction work and non-construction work.

For construction work the City may, under certain defined conditions, assign most health and safety responsibility to a designated, appropriately qualified, constructor. In contrast, the City's responsibility for health and safety may not be contracted away when non-construction services are performed by a contractor. All contracts for services undertaken by the City of Toronto will be classified as construction, or non-construction, for purposes of determining health and safety responsibilities. Procedures developed for specific City divisions will contain protocols for both construction and non-construction situations.

Responsibilities

Divisions engaging services providers will:

i. For contract work with significant health and safety risks

- with the assistance of occupational health and safety staff, develop specific safe work procedures which address the type of contract work undertaken by the division and which outline protocols for both construction and non-construction work
- classify the contract for services as construction or non-construction and follow the appropriate protocol
- ensure owner obligations are met
- specify health and safety requirements and the consequences of non-compliance in contract documentation
- obtain the agreement of the service provider to follow these requirements, prior to awarding the contract
- actively monitor and enforce compliance with contract health and safety provisions
- review and record service provider health and safety performance at completion of contract work and forward completed evaluations to Purchasing and Materials Management Division
- establish specific procedures as appropriate to the range of contracts undertaken by the division
- ensure staff receive appropriate direction and training to fulfil their assigned responsibilities
- provide information to other division potentially affected by the contract work, to allow them to undertake appropriate actions
- fulfil the first four responsibilities assigned to Purchasing & Materials Management Division, where Purchasing & Materials Management Division is not involved in the contract process

ii. For contracts for services with minimal health and safety risks:

- ensure owner obligations are met, including disclosure of the presence of designated substances
- identify and advise the service provider of any potential health and safety hazards associated with the location where the work is to be carried out

Divisions impacted by contract work will:

- advise employees whose work operations may be affected by the contract work, and the co-chairs of the appropriate Joint Health and Safety Committees, of anticipated impacts and actions necessary to address such impacts.
- where health and safety concerns arise as a result of the contract work, ensure that appropriate action to protect employee health and safety is initiated. Such action may include requesting that the contract work cease until the City's

contract supervisor/manager and/or health and safety staff are consulted.

Purchasing & Materials Management Division will:

- incorporate a general duty clause, requiring compliance with general health and safety obligations by service providers, into all contracts for services
- require divisions to provide all documentation and health and safety specifications before any requisitions for contract work are processed (special rules may be developed to handle emergency situations)
- on all work identified by the divisions as having significant health and safety risks, attach all pertinent documentation and specifications to contract documents. Confirm with the division engaging the service provider that the work has been thoroughly reviewed and that the documents are complete and signed by service provider
- ensure that a statutory declaration is received from all contractors hired to undertake construction work, and on those non-construction contracts where the division requests a statutory declaration
- provide a corporate screening mechanism for contract activities
- administer pre-qualification process, where applicable, for contract bidders list
- maintain a central database of service provider performance, records and evaluations, based on information provided by divisions
- ensure that service providers are currently registered with the Workplace Safety & Insurance Board

Occupational health and safety staff will:

- provide assistance to divisions in identifying the health and safety risks associated with specific contracts
- provide assistance to divisions and Purchasing & Materials Management Division in developing appropriate specifications and contract documentation
- provide leadership and support to divisions in the development of procedures to ensure that health and safety considerations and obligations are addressed throughout the contracting process
- assist divisions to identify the presence of designated substances, as necessary to meet owner obligations to the contractor
- develop and deliver training and instruction for personnel required to prepare, review or enforce contracts
- provide assistance in determining appropriate corrective actions when contract health and safety violations occur

Legal staff will:

- provide assistance with contractual language for contract documents
- provide legal assistance on a case by case basis where issues arise concerning contracts for service

Authority	The Occupational Health and Safety Act (R.S.O.1990,c.0.1) and Regulations
Endorsed by	Occupational Health and Safety Coordinating Committee (OHSCC), September 26, 2000
Approved by	City of Toronto Senior Management Team (SMT)
Date Approved	October 20, 2000
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