

1.0 INTRODUCTION

Alberta Employment & Immigration - Workplace Health and Safety & Employment Standards compliance Branch 2008/2009 Operational Plan has identified *Commercial/Industrial Construction* as one of the key industry sectors requiring additional focus from Workplace Health and Safety Compliance (WHSC).

This plan outlines the compliance strategy that OHS Officers will apply at commercial/industrial construction sites and will assist industry in understanding the approach WHSC will take to monitor compliance. This plan applies to prime contractors/contractors/employers and workers (i.e. electricians, welders, and emergency response workers) contracted to conduct work on construction projects.

2.0 INDUSTRY DESCRIPTION

2.1 Commercial construction

Includes all major construction projects outside the residential program and not including industrial construction. Examples of typical commercial construction projects include, but are not limited to, apartment buildings, libraries, schools, retail outlets, multi-bay complexes, etc.

2.2 Industrial construction

Construction and construction maintenance projects that are affiliated with the building, renovation, and refurbishment of plants from any industrial sector (petrochemical, wood manufacturing, chemical manufacturing, etc.). Industrial construction may include the construction of additions to existing plants, maintenance of plant equipment, road and pipeline construction.

3.0 HIGHLIGHTS OF PLANNED ACTIONS

- Identify commercial/industrial construction projects in the North and South Regions.
- Conduct a pre-project meeting for each assigned construction project using the [“Pre-Project Meeting Guideline”](#).
- Conduct inspections to determine compliance with the Occupational Health & Safety (OHS) Act, Regulation and Code. After each inspection provide the client with appropriate documentation.
- Observation of health and safety contraventions may result in orders being issued to all parties who have a vested interest, responsibility or ownership of the construction worksite. Officers may issue orders to an employer/contractor/prime contractor or worker at the same construction worksite.

4.0 IDENTIFICATION OF COMMERCIAL/INDUSTRIAL PROJECTS

Commercial and Industrial construction sites may be identified by selecting projects:

- Above \$5,000,000 from an inventory of [“Major Alberta Construction Projects”](#).
- Less than \$5,000,000 in which the [WHSC Contact Center](#) has received notification from the developer/owner/prime contractor.
- Observed by OHS officers when performing routine work activities (i.e. Targets of Opportunities).
- When the [WHSC Contact Centre](#) receives a complaint regarding a work site.
- When repeated non-compliance issues or serious contraventions are observed by OHS Officers.

Regional teams are to identify a cross-sectional sample of construction projects. Commercial/Industrial construction projects are to be assigned to OHS Officers by their respective managers.

5.0 INSPECTION STRATEGY

Commercial and industrial construction has 20% of the person years in the construction and construction trade sector. [Workers](#) in this industry sector routinely deal with high hazard situations that may result in severe injuries. Typical high hazard situations include working at heights, working in unstable trenches and excavations, overload lifting with cranes and contact with live power lines. When OHS Officers observe these hazards, orders will be issued to the [prime contractor](#), contractor or [employer](#) in the form of Client Contact Reports (inspection reports).

5.1 Pre-Project Meeting

Prior to the commencement of a construction project, OHS Officers will arrange and attend a pre-project meeting with the prime contractor and representatives of the major construction trades associated with the project. OHS Officers will speak to health and safety issues typically associated with construction projects from a system point of view, starting with the earth-moving phase and progressing to the completion stage.

OHS Officers will refer to the [“Pre-Project Meeting Guideline” bulletin LI025](#) to highlight typical construction hazards and the sections of the OHS Regulation and Code that address those hazards. The [“Pre-Project Meeting Guideline”](#) is intended to be general in nature and is a suitable platform to identify health and safety issues.

Upon completion of the meeting, the OHS Officer will record that a formal meeting has occurred by issuing to the prime contractor a Client Contact Report - Compliance Report.

5.2 Inspection Activities

Officers will perform initial and follow-up inspections by conducting a walk-around of the construction project and observing site conditions. During initial and follow-up inspections, Officers will issue orders on any observed contraventions.

5.3 Client Contact Reports

Written notification of any observed health and safety contraventions will be recorded on Client Contact Reports in the computer based Worksite Inspection Tracking System (WITS) and provided to the prime contractor/contractor/employer on site. Photographs taken at the site may be placed on the company's WITS file.

OHS Officers use two types of reports to document compliance and non-compliance of legislated OHS standards observed at a work site.

- **Compliance:** Officers will issue Compliance Client Contact Reports for work sites where no contraventions of the legislated OHS standards are observed.
- **Non-compliance:** Contraventions of the Occupational Health and Safety Act, Regulation and Code are observed and the officer issues written orders on a Client Contact Report to the prime contractor/ contractor/ employer/workers on site.

5.4 Orders to Prime Contractors

A Prime Contractor exists if there are 2 or more employers involved in work at the site at the same time. A prime contractor may be the owner, general contractor, design or civil engineering firm, or project management group that oversees the scheduling of such projects.

OHS Officers may issue orders to a prime contractor where the legislation specifically references "prime contractor". Orders to prime contractors may be issued under Section 3 (3), 18, 30, 32, 33 and 34 of the OHS Act and under Sections 2, 178 and 179 of the OHS Code (2006).

When an OHS Officer has evidence that the prime contractor on site did not ensure that the OHS Act, Regulation and Code are being complied with, an order under Section 3(3) of the OHS Act may be issued. Evidence of this violation may be that several of the site employers/contractors are not adequately controlling fall hazards, or that poor housekeeping is practiced throughout the site resulting in tripping and slipping hazards, or that workers are not properly trained to operate equipment.

The issued order should contain a list of the violations observed to substantiate the rationale for determining that the prime contractor has contravened Section 3 (3) of the OHS Act. The order must indicate that the prime contractor needs to provide evidence of how the prime contractor will ensure that the OHS Act and regulation are being complied with. Evidence may be provided in the form of documentation that states the prime contractor will hold tool box meetings to discuss health and safety issues, or will inspect the worksite on a daily basis

noting and correcting unsafe acts and conditions, or will perform job-specific hazard assessments, etc.

Examples of orders to prime contractors are shown in the Appendix and the attached *compliance process* flowchart.

5.5 Orders to Contractors

A **Contractor**, who directs the activities of an employer involved in work at the site and no prime contractor is designated, has responsibilities under the OHS Act. A contractor may be the site owner or general contractor who has engaged the services of an employer (subcontractor) to conduct work at the site. Officers may issue orders to contractors under Section 2 of the OHS Act where the legislation specifically references “contractor”.

When an Officer has evidence that the contractor did not ensure the health and safety of their workers and that these workers were not aware of their responsibilities; an order under Section 2(5) of the OHS Act may be issued to the site contractor. Evidence of this violation may be that several employers/sub-contractors are not properly securing ladders, or that fall protection systems are not being used or that workers are inadequately trained to operate equipment.

The issued CCR should contain a list of the violations observed to substantiate the rationale for determining that the contractor did not meet health and safety requirements. The order must state that the contractor provide evidence of how s/he will ensure health and safety of their workers and make their workers aware of their responsibilities.

Examples of orders to contractors are shown in the Appendix and the attached *Compliance Process* flowchart.

5.6 Orders to Employers

An Officer may issue an order to any employer in violation of a specific regulation of the OHS Code. Imminent danger concerns will result in stop work orders.

Note: Prime Contractors and Contractors may also be classified as Employers, if they have their own employees on site who report directly to them.

5.7 Orders to Workers

An OHS Officer may issue an order to a worker under specific sections of the OHS Act and code that reference workers.

Imminent danger concerns will result in the work being stopped until corrective actions can be taken. Orders to workers would be issued in circumstances where the prime contractor, contractor and employers are all compliant with the legislation and workers are

not co-operating with the employer to protect their own health and safety and the health and safety of other workers on the site.

The order must state that the worker or workers must demonstrate compliance with the employer's requirements under the OHS legislation.

6.0 NON-COMPLIANCE ALTERNATIVES

Department actions to ensure compliance to legislated requirements will be taken in accordance with the WHS Compliance Policy.

7.0 LEGISLATION

Officers will be applying the:

- Occupational Health & Safety Act Chapter 0-2,
- Occupational Health & Safety Regulation 62/2003, and
- Occupational Health & Safety Code (2006),



Copies of the legislation can be obtained from the website or the [Queen's Printer](#):

Edmonton

Main Floor, Park Plaza
10611 - 98 Avenue,
Edmonton, AB T5K 2P7
Phone: 780 427-4952
Fax: 780 452-0668

Calgary

602, 620 - 7th Avenue SW
John J. Bowlen Building
Calgary, AB T2P 0Y8
Phone: 403 297-6251
Fax: 403 297-8450

8.0 CONCLUSION

Focusing on the commercial construction industry will help to improve the level of compliance across the province. Through pre-project meetings and inspections, Officers will assist and educate employers in the OHS Act, Regulation and Code as it applies to the commercial construction industry. The goal of the initiative is to reduce Lost Time Claim (LTC) rates and to improve worker health and safety in the commercial/industrial construction industry.

9.0 RESOURCES

 <p>Click to visit WORK SAFE ALBERTA INFORMATION SHARING NETWORK</p>	 <p>Click to visit LATEST PUBLICATIONS</p>
<p>Resources for Small Business</p>	<p>Partnerships and COR</p>
<p>Due Diligence (LI015)</p>	

_____ Original signed _____
Eric Reitsma
Executive Director
Workplace Health & Safety &
Employment Standards Compliance

_____ May 21, 2008 _____
Date

OHS officer observes workers at a worksite.

