



BC **Forest Safety**

Prime Contractor Guide

Roles and Responsibilities



BC Forest Safety Council - Prime Contractor Guide

Introduction

The goal of this guide is to provide clear and easy to understand information answering the following questions:

- What is a qualified prime contractor?
- What are the responsibilities of a prime contractor?
- What are the responsibilities when assigning prime contractor status?

The information and tools in this guide are here to help companies be efficient and meet the current legal requirements. **This guide is not intended to be “legislation plus” or add unnecessary workload.**

This guide seeks to provide factual information and create a common understanding of the requirements among all sizes of forest companies. In order to do this, the information has been divided up into the following sections:

- 1) Definitions – Creating a common language
- 2) Prime Contractor Responsibilities – What prime contractors need to do.
- 3) Responsibilities When Assigning Prime Contractor – What you need to do before you assign this responsibility to a contractor.
- 4) Best Practices – The most efficient way of putting this into practice.
- 5) Tools – Helpful resources and answers to frequently asked questions (FAQ).

1) Definitions:

To create a common language we need to start out with some definitions from the Workers Compensation Act and the Occupational Health and Safety Regulations.

We want everyone in the industry to be **qualified** to do their work safely. This includes anyone doing the work of being a prime contractor, here’s the definition of qualified:

“qualified” means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof

Source: Occupational Health and Safety Regulation – Part 1 Definitions

Prime contractors are responsible for coordinating the safety activities of all companies on a worksite. The definition of prime contractor from the Act is:

"prime contractor" means, in relation to a multiple-employer workplace,
 (a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or
 (b) if there is no agreement referred to in paragraph (a), the owner of the workplace.

Source: Workers Compensation Act – Section 118(1)

Prime contractor requirements are only in place when there is a **multi-employer workplace**, which is:

"multiple-employer workplace" means a workplace where workers of 2 or more employers are working at the same time;

Source: Workers Compensation Act – Section 118(1)

This is an often misunderstood part of the process, if you are the only contractor or company on site then the prime contractor requirements do not apply.

The **owner** of a workplace is an important part of the prime contractor process. It is the owner that assigns prime contractor status through a written agreement and if that agreement isn't in place, the owner is the prime contractor. For most forestry operations, the owner is a licensee that hires contractors to complete projects. Licensees can range from large forest companies to smaller companies that have successfully bid on Timber Sale Licences or individual Woodlot Licence holders.

2) Prime Contractor Responsibilities - Knowledge, Capacity and Control

In order for a contractor to take on this responsibility, they must have these three things:

Knowledge – Understand the sections of the Workers Compensation Act and the Occupational Health and Safety Regulation that apply to prime contractors. More generally, they must also understand all the safety legislation and regulations that apply to the worksite.

The tools section of this guide provides specific information on what parts of the Act and regulations deal with prime contractor.

A prime contractor also must be knowledgeable about the work and the skills and processes needed to safely do that work. This knowledge comes from experience and training. It includes things like identifying the best equipment and people for the job and understanding the forestry workplace - how weather, slopes, soils and timber types can all affect safety.

Capacity – The contractor must allocate enough time and resources to accomplish the prime contractor requirements. This is an important one to think about before the agreement or contract is signed. The contractor must be able to find a balance between meeting their prime contractor responsibilities and the other parts of their business like quality and production.

Control – The prime contractor must have:

- The cooperation and support of the other employers on site. This includes cooperation to resolve any safety infractions that occur.
- The authority to enforce safety rules and procedures.
- Support from the owner - it is the owner's responsibility to make sure all the companies on the worksite understand who the prime contractor is and their authority. The prime contractor must be able to engage the owner to solve problems, if necessary.



If one of those three key items is missing, the contractor will not be able to act as a prime contractor and must immediately inform the owner. The two groups should work together to find a solution on how the contractor can get the knowledge, capacity and control to successfully do the job.

If a solution is not found, the responsibility for coordinating the safety activities goes back to the owner.

The prime contractor ensures the activities of employers, workers and other persons relating to occupational health and safety are co-ordinated on the site. But what does that mean exactly? The following is a to-do list for prime contractors. It is in a format of a checklist that can be printed out and used as a tool later on:

Prime Contractor Worksite Checklist

Date: _____ Location: _____ Prime Contractor: _____

Prime Contractor Requirements	YES	NO Action Required
Has a Notice of Project (NOP) been completed and is a copy on site?		
Is there a signed, written agreement in place between the owner and the prime contractor?		
Has the owner provided information about any known hazards on the worksite?		
Has the prime contractor received the names of the designated supervisors for all the other companies or subcontractors working on that site?		
Are all companies on site registered with WorkSafeBC and in good standing?		
Has the prime contractor held safety meetings with the other companies on site in order to coordinate safety activities?		
Has the prime contractor checked the other companies' safety programs and procedures and are they adequate for the planned work?		
Does the prime contractor have a system in place to identify and control hazards?		
Does the prime contractor have a way to communicate the hazards and controls to all workers on the site?		
Does the prime contractor have a system in place to make sure regular inspections are completed on the site, equipment and workers?		
Does the prime contractor have a system in place to make sure all workers on site receive a safety pre-work before they start work?		
Is there an Emergency Response Plan and emergency equipment for the site and has it been tested?		
Has a First Aid Assessment been completed for the site and have all the first aid requirements for equipment and first aiders been met?		
Is there an incident reporting system in place so all the companies on site report their incidents to the prime contractor?		
Comments:		

3) Responsibilities When Assigning a Prime Contractor

An owner always has ongoing safety responsibilities even when a prime contractor has been assigned. It is a misconception that owners free themselves of safety responsibilities when a prime contractor is assigned. The Workers Compensation Act has the following requirements for owners:

General duties of owner

119 Every owner of a workplace must

- (a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,
- (b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and
- (c) comply with this Part, the regulations and any applicable orders.

What this means for forestry operations, is that the owner has to inform the prime contractor about all the relevant site information so the prime and sub-contractors can do their jobs well. This information can include existing or potential hazards, anticipated changes to the site and other operations that may be working nearby.

An owner has to make sure those working as prime contractors have the knowledge, capacity and control to do their jobs effectively. In fact, Section 26 of the Occupational Health and Safety Regulation says the following:



26.1.1 Prime contractor requirements for forestry operations

If the owner of a forestry operation enters into an agreement referred to in section 118 (1) of the Act designating a person to be the prime contractor for a workplace, the owner must ensure that

(a) the person designated

(i) is qualified to be the prime contractor in respect of that workplace, and

(ii) has the authority necessary to fulfill the responsibilities of prime contractor under the Act, including, without limitation, authority over any employer, worker or other person who may be carrying out the work of the owner at the workplace, and

(b) not more than one person holds the designation of prime contractor for that workplace at any given time.

This regulation aims to make sure the prime contractor is qualified (has the knowledge) and has the necessary control (the authority over all employers and workers on-site).

Prime contractors have a high level of control and authority but they should realize that other companies' safety systems or ideas can be as good as or better than their own. Keep an open mind and use the procedures that produce the best results.

Before a written agreement is signed, the owner should develop a system of checking the contractor's ability to meet the knowledge, capacity and control requirements. A documented assessment of a contractor is the best way to handle this. See the next page for an example.

If an owner has had a long term working relationship with the contractor, it is likely that they have all the information they need to assess if they can do the job or not. If it is a new working relationship, it is recommended that references are checked as part of this process.

Some of the forms in this guide have been adapted from the Woodlot Owners Safety Program which is an excellent resource for woodlot holders and provides many other tools in addition to prime contractor forms. Follow this link to see the entire package of information:

http://www.bcforestsafe.org/woodlot_safety.html

Prime Contractor Pre-Qualification Checklist

To be completed by the licensee to determine if a contractor is qualified to be made a prime contractor. Copy to be given to contractor if corrective actions are required.

Prime Contractor Name:		Date:	
1	WorkSafeBC Clearance attached	Date:	
2	SAFE Certification	Number#	Expiry date:

3	Prime Contractor Requirements	Present?
	Communication system with other employers.	
	System to identify and control hazards.	
	System to review other employers' safety programs.	
	System to coordinate activities to ensure safety	

4	Safety Program Content	Present?
	Statement of Contractor's safety policy and individual responsibilities.	
	Safety meeting requirements (including documenting them).	
	Incident Investigation process (including close calls).	
	Inspection and auditing procedures (including housekeeping).	
	Department of Transportation compliance procedures (i.e. copies of driver's licenses, truck log books).	
	Employee training process	
	Specific work rules and/or processes (i.e. SWP's, SOP's, etc.)	
	WHMIS training.	
	Emergency Procedures <ul style="list-style-type: none"> • Fire Prevention and Suppression Emergency Response Plan • First aid procedures • Spill procedures • Natural disaster procedures • Emergency medical evacuation • First aid assessments (prior to starting in new areas). • Fatalities procedure 	
	Lockout/Tagout procedures	
	PPE requirements.	
	Notification Procedures for Serious/Fatal injuries (i.e. Worker's, WSBC, RCMP).	
	Corrective Action Procedures (i.e. progressive discipline process).	
	Documented Risk Assessment Process	
	Subcontractor hiring criteria	
	Faller supervision (if hand falling is to take place)	

#	Improvements Required	Required Corrective Action	Person Responsible	By When	Date Done

Prime Contractor Representative Name: _____ Signature: _____

Licensee Name: _____ Signature: _____

Date: _____

Another responsibility of the owner is to hold a pre-work meeting with the prime contractor with the purpose of informing them of all the hazards for the site and discussing all the project details that will set the contractor up for success.

It is important to integrate safety into the whole planning process of the project. Ensuring the success of the project requires good business, environmental and safety planning.

Here's a list of some planning considerations:

- Right equipment and contractor for the site
- Steep slope logging plan in place
- Emergency Response Plans and evacuation plans
- Road location and steep grade plans

Have a look at the next page for an example of a form that can be used to document the pre-work meetings between prime contractor and owner.

Prime Contractor Pre-Work

Prime Contractor representative and Licensee complete this form prior to starting work.

Licensee: _____ Prime Contractor Name: _____ Date: _____

List hazards associated with the job to be done:

Hazard	Ways to Offset

The following information has been communicated with Contractor representative:

<input type="checkbox"/>	Safety deficiencies must be corrected in a timely manner and documented.
<input type="checkbox"/>	Serious Prime Contractor incident investigations shall be attended by Licensee.
<input type="checkbox"/>	Pre-work meetings between Contractor and Licensee will take place on every project.
<input type="checkbox"/>	Licensee Policies, Safe Work Procedures are available upon request.
<i>Prime Contractor will provide Licensee with the following information:</i>	
<input type="checkbox"/>	<ul style="list-style-type: none"> • All incidents/accidents investigations.
<input type="checkbox"/>	<ul style="list-style-type: none"> • Regulatory citations/inspections/audits.
<input type="checkbox"/>	Prime contractor is required to file a Notice of Project with WorkSafeBC with a copy to the Licensee.
<input type="checkbox"/>	Prime Contractor must ensure their employees, as well as any sub-contractors hired, are aware of their health and safety responsibilities, safe work procedures and any hazards associated with the job they are hired to do. Training records of Prime Contractor and sub-contractor employees must be made available upon request.
Prime Contractor Representative Name: _____ Signature: _____	
Licensee Name: _____ Signature: _____	

4) Best Practices

This section will discuss the following topics:

- a) Communication, documentation and follow up
- b) Working for a prime contractor
- c) Dispute resolution
- d) When does the prime contractor responsibility end?
- e) Workplaces

a) Communication, Documentation and Follow-up

What is the best way to accomplish the role of being a prime contractor? We have already established that the first step is having the knowledge, capacity and control necessary to do the work. The next steps are all about **communication, documentation and follow-up**.

Communication - The communication process starts early and involves the owner/licensee. They usually have the best information about the site. Make sure to get on site with a licensee rep prior to starting the job and if there are any changes to the plan, make them early before the work begins.

One of the requirements of a prime contractor is to identify who the designated supervisors are for each company working on site. This is done to help with the communication process. The prime doesn't have to talk with everyone on site, just with these supervisors with the understanding that they will take the message to all of their workers. Although the prime contractor is not communicating directly with the workers, they should have a way to confirm that the appropriate information is getting to the people that need it. This process also works in reverse, instead of every worker on site coming to the prime contractor with concerns, set up an efficient system where the supervisors bring forward information to the prime contractor as needed.



Establishing a Joint Occupational Health and Safety Committee (JOHSC) may be an effective way of establishing communications on larger worksites with multiple employers.

Documentation – Use the forms provided in this guide to help you stay organized. Feel free to modify them so they reflect your business. Share the documented information with those on the worksite, especially with the smaller subcontractors. Individual owner operators like truck drivers don't often see the safety information for the site.

All documentation doesn't have to be on forms or checklists. Make use of a daily journal to record notes of how you have been meeting your responsibilities.

Follow-up – Prime contractors are responsible for the ongoing identification and control of hazards but also for investigating any safety concerns brought to their attention. Once they have that information, action must be taken, documented and communicated to all the employers and workers.

For example, you are the prime contractor and you receive a report of a large windstorm that resulted in danger trees around the worksite. Now that you have that information, you inspect the site, create a plan and bring in equipment or fallers/blasters to remove the danger trees. These steps are documented in a daily journal.

b) Working for a Prime Contractor

What if you are not the prime contractor on site but are working under the direction of one, what are your responsibilities?

Section 26.1.2 of the Occupational Health and Safety Regulation has this to say:

26.1.2 Multiple-employer workplace

(1) This section applies to a multiple-employer workplace in a forestry operation.

(2) Before starting any activity that is likely to create a hazard for an independent operator or a worker of another employer, the person intending to carry out the activity must notify the prime contractor.

It boils down to good communication. If you or one of your workers is going to do something that may potentially create a hazard, communicate that to the prime contractor. Also, the prime contractor will have lots of site safety information that they will be communicating to you and if you are a supervisor you will need to pass that onto all of the people you are looking after.

c) Dispute Resolution

Prime contractors will have to deal with other contractors disagreeing with their decisions. It may be valuable to have a simple dispute resolution process in place and communicate that to all the companies involved before the work begins. The value of this type of process is that it lets everyone know that the lines of communication are open, even if there is disagreement. Also, it helps solve problems without always going back to the owner for guidance.

However, don't let a process like this confuse you about your responsibilities. As the prime contractor you have the authority and are required to make the necessary decisions regarding the coordination of activities that affect safety.

The prime contractor needs all of the information in order to make the best decisions. For difficult decisions it may be necessary to consult the other companies and workers on site to get all the information. Ultimately, the decision is up to the prime contractor but the best and most successful solutions usually involve relying on the knowledge and experience of others at the worksite.

A simple, practical dispute resolution process might be a commitment from the prime contractor to meet with the group that brought forward the issue to discuss and try to work out a solution. If a solution was not found, the issue would be taken to the owner if necessary.

d) When the Does the Prime Contractor Responsibility End?

When the written agreement is signed, it is very clear that the prime contractor role has begun. However, it is often unclear when the prime contractor job is finished or transferred.

A best practice would be to ask for a letter or email from the owner indicating that your prime contractor job has finished for a particular area. This could also be documented on a final inspection that is completed for the worksite. The main thing is that documentation is completed showing that you are not prime contractor anymore on that site.

Transferring prime contractor status from one company or person to another should involve the transfer of all necessary information. Just like an owner, the initial prime contractor should communicate all the necessary information about the site to the new prime contractor so they can be well prepared.

Forestry operations often require many phases to complete a project. An example is a harvesting operation that involves falling, skidding or yarding, processing, loading and trucking phases. After this there can be road deactivation, site preparation and planting operations. As a prime contractor, are you still responsible for that site when the trucking, road deactivation or other activities are occurring? You need to be certain and having something in writing will help.

e) Workplaces

So far this guide has been using terms like “workplace” or “worksite”. What do those words really mean for a forestry operation? This is important to understand because a prime contractor is responsible for coordinating safety activities for a workplace and needs to know where the workplace boundaries are.



In October of 2012, the industry received some direction from the provincial government about workplaces. The Occupational Health and Safety Regulation was updated to say that resource roads are not considered to be workplaces. But, any portion of the road that is under construction, undergoing maintenance or repair **is** a workplace. Also, if part of your operations use the road (like skidding or yarding to a road, loading trucks, refuelling equipment or saws, bagging up seedlings and many more examples) then that small portion of the road where you are doing those activities **is** a workplace.

The Workers Compensation Act and the Occupational Health and Safety Regulations still apply to industrial or commercial vehicles travelling on resource roads, but the road itself is not considered a workplace.

This means as an employer you are responsible for your workers and the commercial vehicles that they are operating on the roads but the roads themselves are not classified as workplaces. Prime contractors do not have to coordinate safety activities on roads, but don't forget the exceptions mentioned above.

A typical workplace example is the logging block. As a contractor you are given a map of the block and it shows the boundaries and block roads or trails that are within that block. As the prime contractor you are responsible for activities within the block boundary including where you have activities on or beside a road.

WorksafeBC has published a guideline to clarify the changes to the regulation. This guideline can be found here:

http://www2.worksafebc.com/Publications/OHSRegulation/GuidelinePart1.asp#SectionNumber:G1.1_1

Conclusion

Using the tools and information in this guide will lead to efficient coordination of all safety activities on a worksite. In addition to that, you will find this leads to better coordination of **all activities** on the site. A prime contractor makes sure everything is well planned and communicated to the workers; this creates a safer worksite and a more productive one as well.

5) Tools

This section contains the following:

a) Example of a Prime Contractor Agreement

One of the first steps is signing a prime contractor agreement. We've included an example of this type of agreement, the yellow highlighted areas indicate where to add additional information.

b) Frequently Asked Questions (FAQ) and Answers

c) Excerpts from the Workers Compensation Act and Occupational Health and Safety Regulation related to prime contractor.

d) A poster that summarizes the information in this resource package. It can also be used as a one page hand-out to raise awareness of prime contractor roles and responsibilities. Contact the BC Forest Safety Council for copies.

Form 23 Prime Contractor Agreement

THIS AGREEMENT is made effective the [redacted] day of [redacted], [redacted].

FOR: [redacted] (provide workplace description)

BETWEEN:

[redacted], a corporation governed by the *Canada Business Corporations Act* and extra-provincially registered in British Columbia, having an office located at

(the "Company")

AND:

[redacted], a British Columbia company, having a registered office at [redacted]

(the "Prime Contractor")

WHEREAS:

(A) The Company and the Prime Contractor entered into a [redacted] Contract (the "Contract") dated [redacted], 20[redacted] wherein the Prime Contractor agreed to perform certain Work on the Area of Operation as set out in the Contract;

(B) The Area of Operation is a multiple-employer workplace under the *Workers Compensation Act* (the "Act"); and

(C) The Prime Contractor has agreed with the Company to be designated as the prime contractor for the purposes of coordinating occupational health and safety matters under the Act and the written policies of the Company at the Workplaces designated herein on the terms and conditions set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the terms and conditions of this Agreement and for valuable consideration exchanged between the parties (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

Designation

The Company designates the Prime Contractor and the Prime Contractor accepts the designation from the Company as the prime contractor (as defined in the Act) for all those multi-employer workplaces at which the Prime Contractor has accepted such responsibility on the Company's Defined Area Safety Orientation Safety Release form(s) in use by the Company from time to time, and each such workplace shall be deemed a "Workplace" under this Prime Contractor Agreement.

1. Responsibilities of the Prime Contractor

The Prime Contractor will fully comply with all of the duties and responsibilities that are required of a prime contractor as established under the Act, the Occupational Health and Safety Regulation, and any other applicable legislation and, without limiting the generality of the foregoing, will do all of the following:

- (a) ensure that the activities of employers, workers and other persons at the Workplace relating to occupational health and safety are coordinated, consistent with the Act, the Occupational Health and Safety Regulation and its

applicable guidelines and any other applicable legislation and the Company's written policies relating to occupational health and safety (the "Rules");

- (b) do everything that is reasonably practicable to establish and maintain systems or processes that will ensure compliance with the Act, the Occupational Health and Safety Regulation and its applicable guidelines and any other applicable legislation and the Rules at the Workplace;
- (c) establish and maintain a safety program for operations at the Workplace (the "Safety Program") and site specific safety plans (the "Site Specific Safety Plans") for site specific Workplaces as and when required pursuant to the Safety Program;
- (d) conduct workplace assessments to ensure that equipment, supplies, facilities, first aid attendants and services are adequate and appropriate and ensure that a system or process is in place to establish and maintain the first aid equipment, supplies, facilities, first aid attendants and services as required under Section 3.20 of the Occupational Health and Safety Regulation;
- (e) establish, monitor and coordinate the activities of a joint health and safety committee within the Workplace where required by the Act or its regulations or guidelines or as otherwise necessary to coordinate occupational health and safety matters at the Workplace;
- (f) prepare and deliver the notice of operation (the "Notice of Project-Forestry") as and when required by Section 26.4 of the Occupational Health and Safety Regulation;
- (g) obtain from each employer within the Workplace the name of the person designated as supervisor of the employer's workers as required under Section 118(3) of the Act;
- (h) collect safety statistics regarding the operations of the Contractor and any subcontractors on forms provided by the Company and on a monthly basis, by the 3rd working day of each calendar month, provide a report to the Company in an acceptable form setting out matters relating to safety at the Workplace for the preceding month;
- (i) immediately notify the Company of (i) an inspection or investigation relating to safety by a government official or (ii) any possible contravention of occupational health or safety legislation arising at the Workplace;
- (j) notify the Company of all incidents at the Workplace requiring medical treatment and any other incidents that are required to be recorded pursuant to the Safety Program, within 24 hours of the occurrence of the incident;
- (k) promptly implement all safety recommendations of the Company, acting reasonably;
- (l) deliver to the Company
 - (i) a copy of the Notice of Project-Forestry, and
 - (ii) a copy of the Safety Program;
- (m) provide to all other employers within the Workplace the applicable Site Specific Safety Plans prepared pursuant to the Safety Program;
- (n) take steps to develop and maintain open communication relating to safety matters with the other employers and workers within the Workplace; and
- (o) provide additional training to the safety committee if required by the Company.

2. Responsibilities of the Company

The Company will

- (a) review the Safety Program prior to its implementation and may require that the Prime Contractor make changes to the Safety Program that the Company reasonably believes better reflect the intent of the Act, the Occupational Health and Safety Regulation, any other applicable legislation or the Rules and, if such a request is made, the Prime Contractor will promptly make all such reasonable changes to the Safety Program, and
- (b) from time to time attend at the Workplace to review all aspects of safety, including the Prime Contractor’s implementation of the Safety Program, and the Prime Contractor will respond to any concerns the Company may have with regard to safety within the Workplace.

3. Changes by the Company

The Company may at any time during the term of the Contract, and on written notice to the Prime Contractor, suspend, limit, or terminate any or all of the Prime Contractor’s obligations under this Prime Contractor Agreement, as solely determined by the Company.

4. Affected Parties

The following other parties are a party to the creation of a multiple employer workplace and are affected by this Agreement and the responsibilities of the Prime Contractor as laid out herein:

Firm Name	Address

5. IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

Company:
Name:
Title:
Signature:

Prime Contractor:
Name:
Title:
Signature:

FAQ (Frequently Asked Questions)

1) I'm a woodlot holder and I only hire contractors once every few years. Does this apply to me?

Yes, the information presented here is the basics of what is needed to meet the current legal requirements. Have a look at the Woodlot Safety Program for more resources on safety and prime contractor. Here's the website address: http://www.bcforestsafe.org/woodlot_safety.html

2) I'm a prime contractor on a very complex site and I coordinate many other companies, do you have any advice for me?

Don't spread yourself too thin. Complex worksites require a lot more work to properly plan and coordinate activities to make things go smoothly and safely. Delegate some of the tasks to others but understand that in the end the prime contractor (that's you) is responsible.

If you don't have the luxury of additional help, make sure that you take the time to properly plan the job before the work begins.

3) The only documentation I have is my contract that says I will be acting as the prime contractor. What else do I need?

First, have a look at the prime contractor agreement in this guide and see if your contract has that information. If not, you may want to have a separate agreement signed so you know exactly what you are responsible for. You should also have a documented pre-work meeting that covers all the information that you need for that worksite. Lastly, you should be documenting all the worker orientations, safety meetings and communications that you have on the worksite.

4) I'm a prime contractor but I don't have any expertise in the field of work that is currently going on at my workplace. What should I do?

You have a couple of options. First, if you don't have the expertise that means you don't have the necessary knowledge and you're missing one of the three keys to being a prime contractor (capacity and control are the other two). You cannot effectively act as a prime contractor in this situation so responsibility should go back to the owner or someone who is qualified. You should discuss this with the owner, let them know that you cannot fulfill that part of the contract and work co-operatively to find a solution.

A possible solution is to hire someone with the expertise to work with you and provide you with the necessary knowledge to do your job effectively as a prime contractor.

For example, a logging contractor may have the necessary knowledge to act as a prime contractor for the mechanized logging operations that are happening on the block. However, if specialized work is needed like blasting or helicopter yarding, bringing in outside experts may be necessary.

5) Can I contract out my prime contractor responsibility?

No, once you have signed that you are the prime contractor for that workplace, the responsibility lies with you. However, you can hire a contractor to complete all the necessary tasks of coordinating the worksite (communication, documentation, meetings, etc.) You just have to understand that ultimately the responsibility is yours.

Excerpts from the Workers Compensation Act:

Coordination at multiple-employer workplaces

118 (1) In this section:

"**multiple-employer workplace**" means a workplace where workers of 2 or more employers are working at the same time;

"**prime contractor**" means, in relation to a multiple-employer workplace,

(a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or

(b) if there is no agreement referred to in paragraph (a), the owner of the workplace.

(2) The prime contractor of a multiple-employer workplace must

(a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and

(b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations in respect of the workplace.

(3) Each employer of workers at a multiple-employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's workers at that workplace.

General duties of owner

119 Every owner of a workplace must

(a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,

(b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and

(c) comply with this Part, the regulations and any applicable orders.

Excerpts from the Occupational Health and Safety Regulation:

26.1.1 Prime contractor requirements for forestry operations

If the owner of a forestry operation enters into an agreement referred to in section 118 (1) of the Act designating a person to be the prime contractor for a workplace, the owner must ensure that

(a) the person designated

(i) is qualified to be the prime contractor in respect of that workplace, and

(ii) has the authority necessary to fulfill the responsibilities of prime contractor under the Act, including, without limitation, authority over any employer, worker or other person who may be carrying out the work of the owner at the workplace, and

(b) not more than one person holds the designation of prime contractor for that workplace at any given time.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.]

26.1.2 Multiple-employer workplace

- (1) This section applies to a multiple-employer workplace in a forestry operation.
- (2) Before starting any activity that is likely to create a hazard for an independent operator or a worker of another employer, the person intending to carry out the activity must notify the prime contractor.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.]

26.2 Planning and conducting a forestry operation

- (1) The owner of a forestry operation must ensure that all activities of the forestry operation are both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.
- (2) Every person who has knowledge and control of any particular activity in a forestry operation must ensure that the activity is both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.
- (3) The planning required under this section must
 - (a) include identification of any work activities or conditions at the workplace where there is a known or reasonably foreseeable risk to workers,
 - (b) be completed before work commences on the relevant activity, and
 - (c) be documented at the time of planning.
- (4) If, after any planning referred to in subsection (3), there is a change in the workplace circumstances, including the work activities and the conditions of the workplace, and the change poses or creates a known or reasonably foreseeable risk to workers that was not previously identified, then
 - (a) the plan must be amended to identify and address the risk and provide for the health and safety of the workers at the workplace, and
 - (b) the amendment must be documented as soon as is practicable.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.]

PRIME TIME

Any worksite with more than one employer present must have a prime contractor, who coordinates the safety activities on-site for all the companies. What steps need to be taken, and what added responsibilities are there for forest companies that serve as prime contractors?

Knowledge



Capacity



Authority



1 Before hiring a prime contractor, the owner must assess if the contractor has three things: the knowledge, capacity (time and resources) and control (authority over other companies on site) to successfully coordinate the safety activities at the worksite.



2 The contractor and owner meet and a written agreement is signed that outlines what is required of the prime contractor.



5 If there are changes in the worksite, the prime contractor communicates this information and any necessary actions to the designated supervisors.



4 Prime contractor gathers all the safety information and meets with the designated supervisors for each of the companies that are on the work site. The safety information is shared with these supervisors and is taken back to their workers.



3 The prime contractor and owner have a pre-work meeting where all the necessary safety information about the worksite is shared. A site visit is also conducted by the owner and the contractor.

6 The prime contractor coordinates the safety activities on site as the project is ongoing. This means making sure procedures are followed and inspections, incident reporting and emergency plans are completed.



7 Once the project is completed, the prime contractor should get something in writing that their obligations as prime contractor are finished on that worksite.



KEEP IN MIND

The owner is not free of all their responsibilities and must keep the prime contractor informed of all changes to the worksite that might affect their coordination of the safety activities.

