

**NOTE:** The numbering of the *Workers Compensation Act* has changed, effective April 6, 2020. See [worksafebc.com/wca2019](https://worksafebc.com/wca2019).



# Prime contractor responsibilities

*By Heather Prime*

Many prime contractors don't understand the extent of their health and safety responsibilities. Do you?

**A**t most multiple employer work-sites, the prime contractor is responsible for health and safety. Generally possessing knowledge of a job's work activities, hazards, and the means to control these hazards, the prime contractor is usually the best qualified to oversee and coordinate an effective health and safety program for all workers onsite. But, all too often, owners, subcontractors, and

even prime contractors misunderstand this important role. The following information highlights the responsibilities of the prime contractor, but it is in no way exhaustive. For more information, see "Resources for prime contractors" at the end of this article.

#### ■ **Get it in writing**

Misunderstandings start when there's no written, signed agreement about safety

roles and responsibilities between the owner and prime contractor. Verbal understandings or assumptions made by either the owner or prime contractor can, at best, cause confusion. The prime contractor may assume responsibility for the site's health and safety program when, in fact, the owner has retained this responsibility. In the worst-case scenario, safety is compromised and workers' lives are put at risk when prime contractors don't under-

stand the extent of their health and safety responsibilities. All of this can be avoided by adding an appendix or schedule clause to the contract of work that specifies health and safety duties appointed by the owner to the prime contractor. Without this written agreement, the owner retains responsibility.

### □ Identify, address, and correct hazards

Overall, the prime contractor is responsible for identifying and addressing hazards and establishing a comprehensive system of corrective action – from young worker orientation to fall protection programs. The prime contractor is also responsible for having systems in place to ensure two-way communication with subcontractors.

Where hazards are specific to the work

of a particular subcontractor, however, that contractor is responsible for eliminating or, if that's not possible, minimizing the risk to workers. Subcontractors should also notify the prime contractor in advance of any work that is likely to create a hazard for a worker or another subcontractor. In the end, it is still the prime contractor's responsibility to ensure all corrective action is taken and that regular inspections are made to prevent the development of unsafe practices or conditions.

### □ Communicate and coordinate with subcontractors

Subcontractors have a health and safety role to play in a multiple employer workplace, but the prime contractor must communicate and coordinate with subcontractors in the following ways:

- Receiving from each subcontractor on site the names of the qualified persons designated to 1) supervise their workers and 2) be responsible for the subcontractor's site health and safety activities
- Ensuring subcontractors notify the prime contractor in advance of any undertaking likely to create a hazard for a worker of another subcontractor
- Communicating any known hazards to all affected subcontractors and workers
- Attending site meetings with subcontractors to coordinate safety and ensure compliance with the *Workers Compensation Act* and the Occupational Health and Safety Regulation

### □ Assign a qualified coordinator

When responsible for health and safety in

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a multiple employer workplace, coordination is essential.

While the prime contractor is still responsible for many specific outcomes in a multiple employer workplace, the coordination begins by assigning a qualified health and safety lead who, among other things, is responsible for:

- Identifying and setting expectations for each subcontractor's safety contact
- Coordinating all safety-related activities, from site orientations to safety committee meetings and tool box talks, to inspections and incident reviews
- Informing employers and workers of the hazards created in the workplace
- Ensuring that the hazards are ad-

dressed throughout the duration of the work activities

### □ Establish an emergency response plan

The prime contractor is responsible for the site's emergency response plan and for communicating it to all workers. This plan should take into account the number of people onsite, the people who work outside regular hours, and the types of emergencies that may arise. The plan should also describe subcontractor and individual worker responsibilities (e.g., responding to a fire) and provide for any necessary training and equipment, including first aid supplies. As work processes change over the course of the project, the emergency response plan needs to be updated.

### □ Maintain accurate records

Fulfilling your responsibility is one thing. Proving it is another. That's why keeping accurate records and notes is a must.

Documentation demonstrating the coordination of safety-related activities and a system to ensure compliance with the Act and Regulation may include:

- Notes from the initial site safety meetings
- Safety committee meeting minutes
- Reviews of contractors' safety systems
- Inspection and incident investigation reports
- First aid records
- Documentation of orientation and training (especially for young and new workers, see Regulation 3.23–25)

## Resources for prime contractors

When prime contractors understand their obligations for health and safety at multi-employer worksites, everyone benefits.

*Workers Compensation Act*, Part 3, Division 3, Section 118: General Duties of Employers, Workers and Others – Coordination at multiple employer workplaces

[www.qp.gov.bc.ca/statreg/stat/W/96492\\_03.htm#section118](http://www.qp.gov.bc.ca/statreg/stat/W/96492_03.htm#section118)

### Occupational Health and Safety Regulation

Part 3, Section 20: Occupational First Aid – Multiple employer workplaces

[www2.worksafebc.com/Publications/OHSRegulation/Part3.asp#SectionNumber:3.20](http://www2.worksafebc.com/Publications/OHSRegulation/Part3.asp#SectionNumber:3.20)

Part 20, Section 3: Construction, Excavation and Demolition – Coordination of multiple employer workplaces

[www2.worksafebc.com/Publications/OHSRegulation/Part20.asp#SectionNumber:20.3](http://www2.worksafebc.com/Publications/OHSRegulation/Part20.asp#SectionNumber:20.3)

### Prime Contractor Questions: How Do You Measure Up?

A list of questions to determine whether you're fulfilling your responsibilities as a prime contractor in a multiple employer workplace.

[www2.worksafebc.com/PDFs/construction/FAQs/Prime\\_Contractor\\_Questions.pdf](http://www2.worksafebc.com/PDFs/construction/FAQs/Prime_Contractor_Questions.pdf)

(See also Subcontractor Questions at [www2.worksafebc.com/PDFs/construction/FAQs/Subcontractor\\_questions.pdf](http://www2.worksafebc.com/PDFs/construction/FAQs/Subcontractor_questions.pdf))

### Construction Toolbox Meeting Guides

These guides provide a simple, clear format for conducting effective toolbox talks on specific construction safety topics.

([www2.worksafebc.com/Portals/Construction/ToolboxMeetingGuides-Index.asp](http://www2.worksafebc.com/Portals/Construction/ToolboxMeetingGuides-Index.asp))

### Forestry Compliance Field Officer Guides

These guides, which outline the protocols and processes WorkSafeBC officers use when conducting forestry site inspections, specify prime contractors' occupational health and safety roles and responsibilities.

[www2.worksafebc.com/Portals/Forestry/General.asp?ReportID=34416](http://www2.worksafebc.com/Portals/Forestry/General.asp?ReportID=34416)

