

# PRIME CONTRACTORS

ARE YOU PREPARED?

AB BILL 30

SAFETY BULLETIN  
ISSUE# 12-2018

JUNE 1, 2018 - PRIME CONTRACTORS ARE TO BE COMPLIANT WITH THE NEW ALBERTA OHS ACT

## WHAT DOES THIS MEAN TO PRIME CONTRACTORS

The following changes to the new Alberta OHS Act apply to prime contractors:

- Prime Contractors are required on construction or oil and gas work sites (or a work site designated by a Director) with 2 or more employers or self-employed persons
- The person in control of the work site shall designate in writing a person as the prime contractor of the work site
- The name of the prime contractor must be posted in a conspicuous place at the work site.
  - If the person in control of the work site fails to designate a person as the prime contractor, the person in control of the work site is deemed to be the prime contractor
- Establish, as far as it is reasonably practicable to do so, a system or process that will ensure compliance with this Act, the regulations and the OHS code in respect of the work site, that no person is exposed to hazards arising out of, or in connection with, activities at the worksite
- Ensure their own activities do not create a hazard to the health and safety of others
- Consult and co-operate with the Joint Work Site Health and Safety Committees (JWSHSC) or health and safety representative
  - If there are 20 or more workers in total from 2 or more employers, or employers and self-employed persons, or one or more employers and one or more self-employed persons on the work site and the work is expected to last 90 days or more, the prime contractor will establish a JWSHSC for the worksite
- Co-ordinate the health and safety programs of employers and self-employed persons on the work site
- Inform all work site parties of any existing or potential work site hazards
- If a requirement in the Act, the regulations or the OHS code imposes a duty on an employer or a self-employed person with respect to equipment, work site infrastructure or an excavation and the equipment or infrastructure is designed, constructed, erected or installed, or the excavation is conducted by or on behalf of a prime contractor, the prime contractor shall comply with the requirement as if the requirement were directly imposed on the prime contractor

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- Note - This requirement:
  - means that prime contractors will fulfill the same duties imposed by the Act to employers and self-employed persons
  - does not relieve the employer, self-employed person or prime contractor from fulfilling other responsibilities under this Act, the regulations and the OHS code

## HOW THIS MAY IMPACT PRIME CONTRACTORS

- Does your company have a Certificate of Recognition (COR) that verifies your company's health and safety management system meets provincial standards? If so, this is a good start
- If not, it may prove helpful to have your health and safety programs assessed through a COR audit to determine what legislative compliance gaps exist and to better understand your risk exposure
- Pre-qualify sub-contractors to ensure compliance and competency meets legislation
- Ensure all sub-contractors under your authority have alignment with Bill 30 changes
- Have safety information readily available and posted
- Form Joint Work Site Health and Safety Committees (JWSHSC), where applicable under the Act.

### ACTIONS TO CONSIDER

- Reference available resources
- Conduct a gap analysis and create an action plan to correct identified deficiencies
- Key areas of the Act that have changed include:
  - The basic rights of workers - Purposes of this Act
  - Responsibilities of work site parties - Part 1
  - Availability of information - Part 2
  - Worksite health and safety committees and representatives - Part 3
  - Right to refuse dangerous work - Part 4
  - Health and safety program - Part 5
  - New role for OHS Council- Part 5
  - Reporting serious injuries, incidents and fatalities- Part 5
  - Medical assessments - Part 7
  - Compliance and enforcement - Part 8
  - Appeals process - Part 9
  - Offences and penalties - Part 10
  - Information collection and exchange - Part 11
  - Duties of the government - Part 12
- Apply a risk assessment to your action plan to determine the best use of your resources
- Evaluate your available resources and professional skillsets to determine whether additional professional support is needed to achieve compliance

### RESOURCES

- Energy Safety Canada:
  - White Paper on the transition of Bill 30
  - Safety bulletins specific to each work site party
  - Potentially Serious Incidents (PSI): A Guideline on Classifying & Reporting
- Templates:
  - Gap analysis and action plan template with new OHS changes
  - Risk assessment
- Alberta Occupational Health and Safety:
  - Occupational Health and Safety Act, Bill 30
    - Highlights of Changes to the Act

### NOTES

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