

Monitoring Contractors On-Site Compliance Game Plan



Keeping the workplace safe, healthy and compliant is hard enough when it's just your own people that you need to look out for. Bringing in outside contractors to work at the facility makes the challenge that much greater. After all, a site swarming with workers that you haven't trained and don't directly oversee may be a recipe for incidents, injuries and [OHS liability](#). To manage these risks, you must be able to monitor the whereabouts of the contractors at your site and whether they're working in accordance with your OHS policies.

While digital monitoring may be possible, they may be costly and privacy-intrusive. The good news is that there are simpler, low-tech alternatives. One is to follow the formula that a major Ontario pulp and paper mill has used with great effectiveness of creating a basic form to track contractors' whereabouts. Here's a look at the Contractor Entry Notification form strategy and how to deploy it at your own workplace.

Company Blamed for Subcontractor's Injury

This true story shows what can happen when you don't keep track of the contractors who come to your site. It involves a

manufacturer that hired a maintenance contractor to do a service shut down at one of its plants. The contractor planned to house its workers in a 30-foot work trailer and hired a subcontractor to deliver the trailer to the site. The 18-year-old student with no experience or training that the subcontractor sent to do the job parked the trailer near a leaky storage tank, stepped out and walked into a puddle of caustic soda mixed with melted snow. The resulting second and third degree burns on his feet disabled him from working for over a year.

The plant had an active OHS program that provided for safety orientation and training of its contractors. But the service contractor in this case never bothered to tell the plant's safety manager about the trailer arrangement with the subcontractor. As a result, the OHS manager didn't know that the trailer was coming or who would deliver it. When the worker got hurt, nobody at the plant (other than the contractor) had any idea who he was or what he was doing there.

Although there wasn't much it could've done to protect him, the plant ended up having to pay the worker's workers comp claim costs. It also faced the risk of prosecution for OHS charges.

3 Reasons to Monitor Contractors

There are 3 good reasons to keep track of the outside contractors who come to your site:

1. Contractors' Workers Are at Risk

Contractor personnel is unfamiliar with your facility, machinery and work processes. You also don't get to train them to deal with the hazards to which they're exposed the way you do with your own workers. They don't know their way around your site. 'The challenge for OHS managers is finding an

effective way to extend the protections of their own safety programs to the workers of contractors who come to their workplace,' according to the superintendent of health and safety at the Ontario paper mill.

2. Contractors Put Your Own Workers at Risk

Having a contractor's workers on site can compromise your OHS program and put your own workers at risk. For example, contract workers who aren't familiar with your safety systems may inadvertently shut off or disable key controls, or start up processes or equipment. Workers unfamiliar with your workplace or process may accidentally cause a leak or spill or even start a fire or explosion. Since you don't hire them, you don't know if they're properly trained and safety conscious. And, as the plant in the story related above learned the hard way, the situation is even worse when contractors bring their own subcontractors into your workplace without your knowledge,

3. Contractors' Workers May Be Your Responsibility Under OHS Laws

Even though you don't pay contractors' workers, you may still be legally responsible for their health and safety while they're at your site. **Explanation:** OHS laws require 'employers' to take certain steps to protect the health and safety of their workers. Many [jurisdictions define 'worker' or 'employee'](#) entitled to protection under OHS laws as going beyond a traditional employment relationship where a company hires an individual to perform work in exchange for a wage or salary. Definitions vary by jurisdiction. The basic approaches:

- In BC, Manitoba, Quebec and Yukon, 'worker' status seems to require the existence of a contract between the employer and individual performing work;

- By contrast, Alberta, Newfoundland, Nova Scotia, Northwest Territories and Nunavut, simply being 'engaged in' an employer's work is enough to be considered an 'employee' or 'worker,' which would include those employed by contractors hired by the employer to do the employer's work;
- New Brunswick and Prince Edward Island have even broader definitions of, respectively, 'employee' and 'worker' as including any person at an employer's workplace in connection with work performed for the employer; and
- Saskatchewan defines 'worker' as including anybody an employer 'permits' to perform work or services on its behalf.

A company that hires a contractor isn't necessarily responsible for any and all incidents involving the contractor's workers; liability depends on a number of factors, including control over the work and whether or not a ['prime contractor' or 'constructor'](#) has been designated to be responsible for ensuring that the work is carried out safely and in accordance with whatever OHS requirements apply.

How to Manage Risk of Injury to On-Site Contractor Workers

There are many [measures you can take to address the safety problems of having a contractor's workers on site](#), including orientation, contractor safety audits and monitoring. The Outside Contractor Notification Form, which can be either paper or digital, is a great tool for the latter purpose. 'We've been using some variation of this form for more than 10 years and perfecting it as we go,' notes the OHS coordinator of the paper mill that devised it. 'So, our most recent version is the product of a lot of experience,' he adds.

The Ontario coordinator recommends designating one person, like your safety manager, to make sure all contractors meet

the company's OHS requirements before beginning work at the site. Then the supervisor responsible for a particular contractor should fill out the form before work begins verifying that all requirements have been met. That supervisor should send a copy of the completed form to senior managers, purchasing and the departments where work is to be done. Keep the form in a central location where key personnel at your site can get access to it.

The actual form is just a one-page checklist of key information about each contractor who's working at your site, including:

- The contractor's name;
- The name of your own designated supervisor who's responsible for the contractor while on site (and also for filling out the form);
- The supervisor from the contractor's staff in charge of the contractor's workers on site (and who also serves as your contact person at the site);
- Whether the contractor has met the requirements of your OHS program;
- How many workers are on site;
- Whether those workers have been oriented to your safety program;
- The names of any subcontractors to be used;
- A brief description of the work to be done; and
- The start and finish date of the work.