

# Notice of Projects for Construction Work – Know The Laws Of Your Province



**OHS laws require written notice before undertaking potentially hazardous construction projects.**

Construction sites are among the most dangerous. Work injury rates higher for construction than in most other industries; and the incidents and injuries that do take place tend to be more severe. Accordingly, OHS laws governing construction are generally more stringent. Among other things, in most jurisdictions, owners, employers and prime contractors must provide written notice, sometimes referred to as a 'notice of project' to the government before starting a construction project that involves dangerous kinds of work like asbestos removal, compressed air work or excavation. Here's a summary of the notice of project requirements in each part of Canada.

## Notice of Project Rules Across Canada

### FEDERAL

No OHS notice of project requirements

### ALBERTA

Employer responsible for removing or abating asbestos or demolishing or renovating a building or equipment containing asbestos must notify a Director at least 72 hours before beginning activities that may release asbestos fibres (*OHS Code*, Sec. 36(1))

### BRITISH COLUMBIA

**Notice of project:** 1. Owner or prime contractor must ensure Board gets written notice of project at least 24 hours before work on construction project begins if: (a) the estimated total cost of labour and materials for the work exceeds \$100 000; (b) all or part of the project is designed by a professional engineer (except for pre-engineered or pre-manufactured building and structural components); (c) the construction project is a new erection, major alteration,

structural repair or demolition of a/an (i) building over 2 storeys or 6 m (20 ft) high, (ii) bridge, (iii) earth or water retaining structure over 3 m (10 ft) high, or (iv) silo, chimney or other similar structure more than 6 m (20 ft) high; (d) workers will be working in a cofferdam or compressed air environment (other than an underground working); (e) a worker may be required to enter a trench over 30 m (100 ft) long, or excavation, other than a trench, over 1.2 m (4 ft) deep; 2. Notice of project must list the: (a) name and contact information of the owner and prime contractor, if any; (b) address of the construction project or its location in relation to the nearest highway; (c) scope of the construction project; (d) starting date and estimated duration of the construction project; (e) estimated total cost of labour and materials; (f) if the construction project involves construction of a cofferdam, confirmation by the owner or prime contractor that drawings for all temporary or permanent ground support will be available at the worksite for the duration of the construction project, if ground support is used; 3. Owner or prime contractor must ensure that a copy of the notice of project is posted at the worksite before work on the construction project begins and is kept posted for the duration of the construction project; 4. Work on a construction project may begin immediately if it's necessary to prevent the risk of injury or damage to property, and owner or prime contractor ensures that: (a) the Board receives a written notice of project listing the information required by subsection (2) as soon as possible, and (b) a copy of the notice of project is posted at the worksite as soon as possible and is kept posted for the duration of the construction project; and 5. If any of the information required by subsection (2) changes significantly, the owner or prime contractor must ensure that (a) the Board receives, in writing, the new information as soon as possible, and (b) a copy of the new information is posted at the worksite as soon as possible and is kept posted for the duration of the construction project (*OHS Regs.*, Sec. 20.2)

**Notice of project – hazardous substances:** 1. All employers responsible for work activity and either the owner or prime contractor on the construction project must ensure the Board receives a written notice of project at least 48 hours before the work activity begins at the worksite of (a) a work activity that involves working with or in proximity to asbestos-containing material that's a moderate risk or high risk work activity; (b) the alteration, repair, dismantling or demolition of all or part of a building or structure in which asbestos-containing material has been processed, manufactured or stored; (c) a work activity that significantly disturbs lead-containing material in buildings or structures; (d) a work activity that's similar to those described in paragraphs (a) to (c) and that may expose workers to a significant risk of occupational disease from a biological or chemical agent or ionizing radiation; 2. Notice of project must list: (a) the name and contact information of all employers responsible for the work activity, the owner and the prime contractor, if any; (b) the address of the construction project or its location in relation to the nearest highway; (c) the scope of the construction project and of the work activity; (d) the starting date and the estimated duration of the construction project and work activity; (e) the safe work procedures specific to the work activity, and hazardous substance involved in the work activity, that will be used to minimize risk of occupational disease; 3. All employers responsible for the work activity and either the owner or prime contractor must ensure that a copy of the notice of project is posted at the worksite before the work activity begins and is kept posted for the duration of the construction project; 4. A work activity referred to in subsection (1) may begin at the

worksite immediately, if it's necessary to do immediate work in order to prevent the risk of injury, occupational disease or damage to property, and if all employers responsible for the work activity and either the owner or prime contractor ensures that (a) the Board receives, in writing, a notice of project that listing the information required by subsection (2) as soon as possible, and (b) a copy of the notice of project is posted at the worksite as soon as possible and kept posted for the duration of the construction project; 5. If any of the information required by subsection (2) changes significantly, all employers responsible for the work activity and either the owner or prime contractor must ensure that (a) the Board receives, in writing, the new information as soon as possible, and (b) a copy of the new information is posted at the worksite as soon as possible and is kept posted for the duration of the construction project; and 6. All employers responsible for a work activity to which subsection (1) applies must retain a copy of the notice of project respecting the work activity for at least 10 years from the starting date of the construction project listed in the notice of project (*OHS Regs.*, Sec. 20.2.1)

**'Construction project'** defined as any erection, alteration, repair, dismantling, demolition, structural or routine maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, concreting, the installation of any machinery or any other work deemed to be construction by the Board (*OHS Regs.*, Sec. 20.1)

## MANITOBA

**Excavation:** Employer proposing to make an excavation over 1.5 m deep in which a worker is required or permitted to enter must notify branch no more than 48 hours before the day that excavation work is scheduled to begin and provide: (a) the name and address of the owner of the land where the excavation is to be made; (b) the employer's name and address; (c) the location of the excavation; (d) the starting and proposed completion date; (e) the proposed depth, length and width of the excavation; (f) a description of the proposed support structure; (g) verification that the owners of underground facilities have been notified and that the location of any pipes, conduits, or previous excavations in or adjacent to the proposed excavation site has been determined (*WSH Regs.*, Sec. 26.4(1))

**Compressed air work:** Before allowing or permitting a worker to enter a compressed air environment, (a) ensure branch is notified of the nature and location of the work in writing at least 30 days in advance; and (b) establish a comprehensive work plan for work in compressed air that (i) has been developed and approved by a professional engineer, and (ii) meet the requirements of CSA Z275.3-09 (R2014), Occupational safety code for work in compressed air environments (*WSH Regs.*, Sec. 27.3(1))

**Use of suspended work platform:** Employer must notify branch of work involving use of suspended work platform use 28.22(1) An employer who proposes to use a suspended work platform over 3 m above ground at least 8 hours before the platform is suspended listing: (a) the name and address of the employer; (b) the location of the workplace where the suspended work platform is to be used; (c) a description of the type of suspended work platform to be used, including particulars on lifelines, thrust-outs, counterweights and tiebacks; (d) the date when use of the suspended work platform will begin; and (e) the name of the worker who'll supervise the use of the suspended work platform (*WSH Regs.*, Sec.

28.22(1))

**Asbestos:** Employer or an owner must notify the director at least 5 days before beginning work to alter, renovate or demolish a building or structure that contains asbestos-containing material that may release asbestos-containing material into the atmosphere (*WSH Regs.*, Sec. 37.8(2))

## **NEW BRUNSWICK**

If quarrying activities are started or resumed after a cessation of 4 months or more, the quarry owner or the employer must notify the Chief Compliance Officer of intention to begin or resume operations in the quarry at least 2 weeks in advance (*OHS General Regs.*, Sec. 196)

## **NEWFOUNDLAND**

1. Before beginning new construction project intended to continue for 30 days or more, employer must send the minister a written notice listing the name of the plant or construction site, its location, the mailing address to which correspondence should be directed, the nature of the work, the numbers of workers to be employed and the name of the firm under which the business is to be carried on (*OHS Regs*, Sec. 8); and
2. 'Construction' defined as building, erection, excavation, alteration, repair, renovation, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and work in connection with it

## **NOVA SCOTIA**

No notification of project requirements under OHS law

## **ONTARIO**

1. Constructor must file notice of project (NP) if: (a) the total cost of labour and materials for the project is expected to exceed \$50,000, or, in the case of a project that is confined to a factory that manufactures or assembles automobiles, \$250,000; (b) the work is the erection or structural alteration of a building more than two storeys or 7.5 metres high; (c) the work is the demolition of a building at least 4 metres high with a floor area of at least 30 square metres; (d) the work is the erection, structural alteration or structural repair of a bridge, an earth-retaining structure or a water-retaining structure more than 3 metres high or a silo, chimney or a similar structure more than 7.5 metres high; (e) work in compressed air is to be done at the project; (f) a tunnel, caisson, cofferdam or well into which a person may enter is to be constructed at the project; (g) a trench into which a person may enter is to be excavated at the project and the trench is more than 300 metres long or more than 1.2 metres deep and over 30 metres long; (g.1) the work is the construction, over frozen water, slush or wetlands, of an ice road for vehicles, machinery or equipment; or (h) the Regulation requires that a part of the permanent or temporary work be designed by a professional engineer;

2. Constructor must complete an approved notification form and file it at the MOL office located nearest to the project or electronically on a website of the government of Ontario;
3. If constructor believes work at the project won't take more than 14 days, the it may provide the information to an inspector at the MOL office located nearest to the project by faxing the completed form to the inspector, or providing the information that would be required to complete the form to the inspector by telephone;
4. Constructor may begin work at a project before complying with above requirements if: (a) It's necessary to do the work immediately to prevent injury to people or damage to property; and (b) the constructor gives an inspector notice of the information required in the form by telephone or fax before starting the work;
5. Constructor must keep the completed notification form posted in a conspicuous place at the project or available at the project for review by an inspector (OHS Regs, *Const Projects*, Sec. 6)

## PRINCE EDWARD ISLAND

Asbestos contractor must provide written notification to Director at least 3 business days before starting asbestos work listing: (a) a description of the asbestos work and procedures to be performed; (b) the names of and confirmation that the workers who will perform the asbestos work have successfully completed a course in asbestos abatement acceptable to the Director; and (c) confirmation of the name of the competent person supervising the asbestos work and proof that the person is competent to supervise the asbestos work (*OHS Regs.*, Sec. 49.10)

## QUÉBEC

Principal contractor of a construction site must notify CNESST in writing at least 10 days before activities at the site begin listing: (a) the identification number assigned to the principal contractor by CNESST; (b) the name and address of the principal contractor; (c) the name and address of the owner if different from the principal contractor, and those of the architects, consulting engineers, superintendents and employers at the site; (d) the municipal address of the site, its cadastral lot number and its location in relation to the nearest public road; (e) the type of construction site; (f) whether the planned construction site is a high risk construction site; (g) the opening date of the construction site; (h) the expected duration of the construction site; (i) the anticipated number of workers; (j) whether the expected duration of the construction site is 1 month or less, the expected closing date or the date when the work is expected to be completed; (k) in the case of asbestos removal work or demolition work involving asbestos, the methods and procedures used as well as an attestation to the existence of a compliant training and information program; 2. For emergency repairs to waterworks, a sewer, an electrical transmission or distribution line or gas pipeline, CNESST must be informed in writing, by telex, telegram or messenger, of the particulars prescribed in subsection 1.1 as soon as possible, where such work involves 10 or more workers; and 3. For demolition work ordered by the public fire prevention service in the interests of public safety, CNESST must be informed in writing, by telex, telegram or messenger at least 6 hours before work begins (*Safety Code for Const. Industry*, Sec. 2.4.1)

## **SASKATCHEWAN**

1. Employer, contractor or owner must give notice to the ministry as soon as reasonably possible of intention to: (a) begin work at a construction site, manufacturing plant or processing plant where 10 or more workers are to be employed for 6 months or more; (b) dig an excavation, trench or excavated shaft: (i) that is more than 5 metres deep; and (ii) that a worker will be required or permitted to enter; or (c) dig a tunnel that a worker will be required or permitted to enter; and
2. Employer, contractor or owner must give notice to the ministry no later than 14 days of beginning a high risk asbestos process; and
3. Notices required by either section must list: (a) the employer, contractor or owner's legal and business name and mailing address; (b) the location of the site, plant, process or place of employment; (c) the nature of the work or process to be undertaken; (d) the number of workers to be employed; (e) the telephone number and fax number of the employer, contractor or owner; and (f) the estimated starting date and expected duration of the work or process (*OHS Regs.*, Sec. 2-1)

## **NORTHWEST TERRITORIES & NUNAVUT**

1. Employer must give notice as soon as is reasonably possible to Chief Safety Officer of an intention to: (a) begin a new operation at a construction site or a manufacturing or processing plant where 20 or more workers are to work for 6 months or more; (b) dig an excavation, a trench or an excavated shaft more than 5 m deep that a worker will be required or permitted to enter; or (c) dig a tunnel that a worker will be required or permitted to enter; and
2. Notice must list: (a) the name of the employer; (b) the mailing address of the employer; (c) the telephone number and facsimile number of the employer; (d) the location of the intended work site; (e) the nature of the activity to be undertaken at the intended work site; (f) the number of workers that are going to work at the intended work site; and (g) the estimated starting date and expected duration of the activity (*OHS Regs.*, Sec. 7)

## **YUKON**

No OHS notice of project requirements