

ARE YOU MANAGING YOUR CONTRACTED SERVICES EFFECTIVELY?

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Property Services

Many housing providers

complement their in-house services by contracting out various projects and tasks as may be required to meet operational needs and comply with regulatory licensing requirements. Up until recently, it was commonly thought that by contracting out services, the workplace health and safety compliance and associated risks would be transferred to the contracted party. However, a few recent Ministry of Labour rulings make it implicitly clear that the property manager is responsible for workplace occupational health and safety, even when the work is being contracted out.

A recent case illustrates this point: a contracting service received a \$120,000 fine and the property management company received a \$300,000 fine following the death of a painter who was subcontracted to perform work on behalf of a contracting service that was hired by a property management firm. Both were charged an additional 25-per-cent victim fine surcharge. The trial found that the contracting service was guilty, as an employer, of failing to take every precaution reasonable in the

circumstances for the protection of a worker, including:

- failing to seek, obtain and provide information on the existence of any and all potential hazards in the workplace, and/or,
- failing to train its supervisors to seek, obtain, and provide information on the existence of any and all potential hazards in the workplace.

You can read the Ministry of Labour's press release and further information at [Http://ogov.newswire.ca/ontario/GPOE/2007/02/14/c8437.html?lmatch=&lang=e.html](http://ogov.newswire.ca/ontario/GPOE/2007/02/14/c8437.html?lmatch=&lang=e.html)

The issue for ONPHA members is that for the most part providers are the owner/operators and our property and facility managers are responsible for managing the workplace health and safety compliance. As senior managers and board members, providers must ensure that operations fully comply with all legislative requirements and take every precaution to prevent this type of tragic and preventable loss from occurring.

The key to keep the work place safe and accident free is to have a functional health and safety program and to actively conduct Workplace hazard Assessments, working towards the limination and control of workplace hazards. Introducing Hazard Assessments into the work place is the most important part of your health and safety program. It will create worker awareness, and reduce injuries and illness in your workplace.

When the Workplace Hazard Assessment is complete, the necessary steps must be taken to control or eliminate the identified risks by providing adequate education and training to staff and contractors on the potential risks. Some risks can be managed by proper use of personal protective gear, engineering controls, and other precautions.

When hiring a contractor or other outside services, the necessary checks and balances must be in place to demonstrate that due diligence has been done. All contracted services must work in compliance with the Occupational Health and Safety Act (OHSA). When undertaking major renovations and extensive rehabilitation work or larger projects, the Regulations for Construction Projects apply. Protect your workers and organization by having your health and safety program independently assessed, collect all appropriate licenses and insurance from trades, and ask for lists of sub trades that will be working on your project and properties.

Here is a sample checklist of some of the key items that you need to be aware of. This is not an exhaustive list but provides a good starting point:

- Are you hiring competent staff as required by the OHSA “competent supervisor” definition to manage your operations and projects?
- Have your staff completed legislated worker training?
- Have you conducted all your workplace orientations?

- Have you prepared and reviewed your Safety program and Policy yearly?
- Have you had your Health and Safety program independently assessed?
- Do you have a written contractor health and safety agreement?
- Have you collected your contractor’s insurance information?
- Have you collected your contractor’s WSIB clearance certificates every 60 days?
- Are you collecting contractor’s First Aid and WHMIS certifications?
- Have you conducted a Workplace Risk Assessment?

Original Article can be found at:
<http://www.onpha.on.ca/AM/AMTemplate.cfm?Section=Home&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=8643>