

## **1.0 Policy Statement**

Contract work undertaken by contracted parties on Nova Scotia Transportation and Infrastructure Renewal (TIR) sites, or on projects owned by TIR, must be undertaken in a manner that evaluates the health, safety and environmental hazards present at the site or associated with the work to be performed.

TIR, as the “Owner” of these sites and projects, must provide a level of supervision on TIR contracted projects for which Contractors have been hired. The intent of this policy is to outline each parties’ roles and responsibilities as it relates to the HSE requirements for the projects and sites.

## **2.0 Purpose**

The purpose of this policy is to clearly establish and communicate the health, safety and environmental requirements for TIR contracted work conducted by Contractors, while ensuring the health, safety and environmental considerations (implemented as required) as they relate to the Contractor, TIR employees and the public.

## **3.0 Scope**

This policy applies to TIR and Contractors applying to be hired by TIR through the Government of Nova Scotia Procurement process, by Department Purchase Order (DPO) or by verbal contract to complete TIR contracted work. This policy does not apply to:

“Supply only” or “supply and deliver” contracts where work is not undertaken at a TIR site or project. For example, vendors who supply and deliver various products to TIR depots. Those entering TIR depots or property still must abide by TIR HSE policies and procedures.

**Or**

“Low hazard” work by contract consultants, such as lawyers, accountants, human resource consultants, draftspersons, clerical, and building management staff unless they enter the area where the TIR contracted work is being undertaken.

Consultants working at or on TIR depots or properties still must abide by TIR HSE policies and procedures.

#### **4.0 Definitions**

##### **4.1 The Act**

The Act refers to the Nova Scotia Occupational Health and Safety Act.

##### **4.2 Competent Person**

A person who is qualified because of their knowledge, training and experience to perform the assigned work in a manner that takes all precautions reasonable to protect and consider the health, safety and environmental aspects relevant for the person(s) and environment at or near the workplace based on the provisions of the Act, and applicable Regulations.

##### **4.3 Committee**

A Joint Occupational Health & Safety Committee as required by, and defined in the Act.

##### **4.4 Contractor**

A person or company that undertakes a contract to provide materials or labor to perform a service or specified work. This does not include a dependent Contractor or Constructor.

##### **4.5 Contractor Pre-Qualification Document**

The Contractor Pre-Qualification Document that is submitted to TIR by a potential Contractor who may bid on future work with TIR. TIR will review

and evaluate the Pre-Qualification Document based on the requirements of this Policy. The document provides general information regarding the Contractor's Health, Safety and Environmental programs. This information is intended to help ensure the Contractor's HSE program provides necessary details for HSE requirements to undertake while working on TIR projects.

All information relating to this policy and the prequalification process shall be available through the electronic procurement resource (Bid X). TIR strives to meet or exceed all aspects of the minimum requirements of the NS OHS Act and its associated Regulations.

**4.6 Constructor**

A person who contracts for work on a project, or who undertakes work on a project themselves, and who actively manages the work undertaken.

**4.7 Department of Labour and Advanced Education (DOLAE)**

The Department within the Nova Scotia Government that is responsible for the monitoring and enforcement of the Act, and its Regulations for the protection of the health and safety of Nova Scotian's

**4.8 Department of Environment (DOE)**

The Department within the Nova Scotia Government that is responsible for the monitoring and enforcement of the NS Environment Act, and its Regulations for the protection of the environment.

**4.9 Designated**

An employee, who is appointed to do work, have authority, competency, etc., in writing by the employer.

**4.10 Hazard**

Any source of potential damage, harm or adverse health effects on something or someone under certain conditions at work. Hazards can cause

harm or adverse effects (to individuals as health effects or to organizations as property or equipment losses).

**4.11 TIR Highway Construction Services Office**

Miller Lake Facility Construction Services Office, 107 Perrin Drive, Fall River, NS B2T 1J6.

**4.12 Health Safety and Environment Program (HSE Program)**

A program that effectively manages the health effects that a task or job function has on an employee, the safety risk an employee is exposed to, risks to other parties (including public) at or near the workplace or site, and the effects the work will have on the surrounding land, water and air.

**4.13 Owner**

A trustee, receiver, mortgagee in possession, tenant, lessee or occupier of lands or premises used as a workplace and a person who acts for, or on behalf of, an owner as an agent or delegate.

**4.14 Project**

Any work initiatives or work undertakings considered to be TIR contracted work, inclusive of the construction, maintenance, erection, excavation, renovation, repair, maintenance, alteration, or demolition of any land, structure, building, tunnel or work and the preparatory work of land clearing or earth moving, and work of any nature or kind designated by the Director of DOLAE as a project.

**4.15 Regulations**

The guidelines that dictate how the provisions of The Act are applied. The Regulations referred to in this document may include, but not be limited to,

- Workplace Hazardous Materials Information System (WHMIS)
- First Aid Regulations
- Blasting Regulations

- Occupational Safety General Regulations (OSGR)
- Workplace Health & Safety Regulations (WHSR)
- Dangerous Goods Transport
- Nova Scotia Traffic Control Manual

#### **4.16 Safe Work Practice (SWP)**

Outlines the hazards of a task, and how to perform the task with minimum risk to people, equipment, materials, environment, and processes. It is written in a general nature.

#### **4.17 Safe Work/Job Procedure (SJP)**

A series of specific steps that guide a worker through a task from start to finish in a chronological order, designed to reduce the risk by minimizing potential exposure to hazards or activities which have the potential to cause harm.

#### **4.18 Site-Specific Project Plan (SSPP)**

A document that is specific to the tendered work that the Contractor successfully bid on and will be performing for TIR. The document provides details specific to the health, safety and environmental considerations for that project.

#### **4.19 Sub-Contractor**

A business or person that carries out work for a company as part of a larger project. A sub-contractor is hired by a General Contractor to perform a specific task as part of the overall project. The sub-contractor reports to the Contractor during the project and is responsible for following their own, as well as the Contractor's, HSE program while working on the project.

#### **5.0 Accountability**

**5.1 Designated TIR Project Engineer/Manager/Representative**

Responsible to ensure the completion of the contracted work. Responsible for reviewing individual Contractor submission documents as they pertain to the project requirements and to HSE requirements and standards of TIR.

**5.2 TIR HSE Division**

Able to provide advice and assistance to Contractors and TIR throughout the duration of the project as they relate to review and monitoring of TIR contracted projects from the perspective of HSE. The TIR HSE Division acts in an advisory and resource role, not in a Supervisory or approval role.

**5.3 Deputy Minister**

Responsible for the administration of this policy.

**6.0 Monitoring**

**6.1** The TIR HSE Division is responsible for monitoring the effectiveness of this policy by conducting regular reviews in consultation with internal and external stakeholders and providing feedback/recommendations based upon their findings.

**7.0 Directives**

**7.1 Tendered Work by Written Contract**

This section applies to all TIR contracted work that is contracted through the Nova Scotia Government Procurement process.

**7.2 Identification and Disclosure of Known Hazards**

TIR, as the Owner, will disclose any known hazards relative to the project in the tender document under the heading of **Known Hazards** such as, but not limited to, asbestos, lead, working at heights, confined space, dangerous goods, electrical, etc.

The intent behind the disclosure of known hazards by TIR is to help ensure the Contractor can take all reasonable precautions in the circumstances to protect the health and safety of persons at or near the workplace (project). The control measures the Contractor chooses to undertake for the hazard reduction strategy are required to be included in the Site-Specific Project Plan and Site-Specific Hazard Assessment.

Contractors are required to disclose any known hazards to Sub-Contractors, with the same intent to make persons conducting work on their behalf aware of hazards so that efforts can be taken by the working parties to conduct work safely and with health and environmental considerations as well.

The Contractor is required to complete and submit a Site-Specific Hazard Assessment (as part of the Site-Specific Project Plan) for the actual project prior to commencing work.

### **7.3 Contractor Pre-Qualification Document – Appendix A**

#### **Pre-Qualifying**

The purpose of pre-qualifying the Contractor's HSE program is to establish and confirm the foundation for a healthy, safe and environmentally sound working conditions for the Contractor's employees performing the job tasks, TIR employees, the public and the environment.

For a Contractor to be eligible to be awarded TIR contracts, the Contractor must submit the Contractor Pre- Qualification Document to TIR for pre-qualification evaluation purposes (Appendix A).

#### **Pre-Qualification Document Guide (Appendix A)**

The Pre-Qualification Document Guide (Appendix A) provides the Contractor with a comprehensive outline of the HSE components that must be included in the document submission.

There may also be additional requirements necessary for specialized, or high hazard work that falls outside the scope of this policy. TIR will include all such information and submission requirements within the Tender documents associated with that project. The Contractor must be able to demonstrate their HSE competence and compliance to TIR for such work tasks and address such specific or high hazard work within the Site-Specific Project Plan, and at subsequent Project meetings with TIR.

Contractors will be responsible to ensure that documents within the Pre-Qualification Document are kept up to date, and any documents with expiry dates are updated to the TIR Highway Construction Services Office (107 Perrin Drive, Fall River). Documents requiring updates may include, but are not limited to;

- WCB Clearance Certificate
- Internal Contractor policies with required review dates (i.e. HSE Commitment)
- Certificate of Recognition (COR) Letter of Good Standing; **OR**
- Current WCB Safety Certified Certification

**NOTE:**

**Certificate of Recognition (COR)** is a safety certification that applies to health and safety certification through the Nova Scotia Construction Safety Association (NSCSA). Achieving COR certification will also qualify the organization as being WCB Safety Certified, as the NSCSA is an approved provider through the WCB's Safety Certified Program.

**WCB Safety Certified Certification** is issued to companies who have passed an audit of their health and safety management system conducted by one of the eight (8) approved WCB audit provider(s).

**A Certificate of Recognition (COR), or WCB Safety Certified** audit measures a company's overall health and safety program against the standards identified in the health and safety providers audit tool.

The Pre-Qualification Document will reside within the Highway Construction Services Office located at 107 Perrin Drive, Fall River. These documents will be available for review by TIR personnel associated with the project such as: Project Engineers, Construction Managers, District Directors, Area Managers, Operation Supervisors, HSE Division and any other designated TIR entities as deemed relevant.

A list of qualified Contractors will be kept up-to-date at the Highway Construction Services Office and be distributed regularly to TIR Regional offices.

### **Approved Pre-Qualification Document**

If approved, the Contractor will be qualified to be awarded future TIR contracts for a period of up to twelve (12) months, from the approval date of the Pre- Qualification Document within that fiscal year (March 31st to April 1st).

However, if the Contractor has been suspended due to non-conformance of this policy, or for engaging in unsafe work practices that have been observed or otherwise been brought to the attention of TIR, they may no longer be approved and therefore, may be temporarily suspended from award of future TIR contracts.

TIR may request additional documentation from the Contractor for the Pre-Qualification Document if it is deemed necessary.

Once TIR approves the Contractor Pre-Qualification Document as meeting its requirements, the Contractor will be added to a list of "Pre-Qualified Contractors".

The Contractor will be notified in writing as to the results of their Pre-Qualification Document Submission.

## **8.0 Site-Specific Project Plan (SSPP) – Appendix B**

The Site-Specific Project Plan (SSPP) is to be submitted to TIR by the successful Contractor at least seven (7) calendar days prior to commencement of the project to allow TIR to effectively review the Contractor's submission. This also allows the Contractor time to submit additional information or make amendments to the document if required by TIR prior to the pre-job meeting.

The Contractor is not permitted to commence work on the project until the SSPP has been approved by the TIR representative for the project, and the Contractor has been notified by TIR of the approval.

The SSPP will specify how the Contractor will ensure the HSE considerations of its employees, TIR employees on site, and any public at or near the project site. Review of the SSPP may include consultation with the TIR HSE Division who can act as an advisory party. The HSE Division is not the approver of the SSPP, this responsibility resides with the TIR Project Engineer/Manager/Designate for the project.

Formatting requirements for the SSPP are found in Appendix B.

## **9.0 Pre-Project/Job Meeting**

The TIR Project Engineer/Manager/Designate shall ensure invitation for this meeting is extended to the TIR HSE Division so they may attend in an advisory capacity in relation to project specific HSE matters.

The HSE Division will have been made aware of the project details in advance of the meeting by the TIR Project Engineer/Manager/Designate to enable the Division to be able to provide qualified responses to any questions. This would include receiving a copy of the SSPP for review. This meeting will also be attended by other representatives of TIR who have responsibility over the project.

## **10.0 TIR Site Inspections**

As the Owner of the property and/or the project, the TIR Project Engineer/Manager/Designate will conduct periodic site inspections to monitor ensure the Contractor's compliance with the contract requirements.

Any contract or HSE non-compliance issues that are observed shall be documented in writing by TIR and brought to the attention of the senior Contractor representative or their designate at the worksite.

The Contractor will be requested to take appropriate and timely action to remedy the concern and prevent recurrence. The Contractor will further communicate the steps taken to TIR Project Representative as soon as completed.

Periodic site visits may also be conducted by members of the TIR HSE Division, or TIR Project Engineer/Manager/Designate.

The HSE Division is a resource to TIR, and in this case, to the Contractors to help ensure regulatory compliance, conformance with TIR's HSE program and for the overall health, safety and environmental aspects of the site.

The TIR Project Engineer/Manager/Designate is to be made aware of any incidents or concerns relating to safety that arise throughout the project. These may include, but not limited to DOLAE or DOE activities, Contractor Incident Reports, Motor Vehicle Incidents or any such activities that may impact the health and safety of persons at, or near the workplace. TIR may at such time, suspend work activities that are of an HSE concern until these can be discussed with the Contractor, and measures taken to address.

## **11.0 Contractor Submissions During the Project**

The Contractor is to submit the following HSE related documents to the TIR Project Engineer/Manager/Designate within the first 10 days of project commencement, and subsequently on the 1st day of each month (or an otherwise agreed upon date based on project timelines) for the duration of the project (these are above any other submission requirements the Project

Engineer may require of the Contractor):

- a) Weekly toolbox/tailgate meeting minutes (where possible, TIR worksite employees – Construction/Site Inspector's, Checkers etc. shall be included in these meetings).
- b) Site Safety Committee/JOHSC meeting minutes, if applicable.
- c) Incident reports and an ongoing summary of the total number of incidents associated with the project. The incident reports should be provided to the TIR Project Engineer/Manager/Designate as soon as they are completed and notified of incidents when they occur.
- d) Inspection reports (including inspection reports regarding Sub-Contractors).
- e) Updated Hazard Assessments as the project progresses. This may include changes to process/equipment or personnel. If changes occur on site that could impact the safety of persons at, or near the workplace, these are to be communicated to the Contractor's and TIR employees on site through an adequate means such as toolbox meetings, JOHSC meetings etc.
- f) Copies of DOLAE or DOE compliance orders, inspection/investigation reports, etc. for the Contractor and Sub-Contractors for the TIR project. These are also to be provided to the TIR Project Engineer/Manager/Designate at the time they occur/are received as well as in the monthly summary submission.

Failure to submit the above information shall indicate non-compliance with the contract terms which may result in a project shutdown, or non-payment until contract obligations are fulfilled.

## **12.0 Post-Project Evaluation**

The Post-Project Evaluation Form, found in Appendix E, will be completed by the TIR Project Engineer/Manager/Representative once the contract has been fulfilled. This document is intended to identify and evaluate Contractor performance, including deficiencies and concerns that occurred during the execution of the contract which are to be communicated and reviewed with the Contractor.

Deficiencies will be summarized by the Project Engineer/Manager/Designate in a formal letter to the Contractor at the completion of the project. In response, the Contractor will be required to submit, in writing, the action to be taken to prevent such occurrences in future (potential) contracts.

If a pattern of contract and compliance deficiencies are noted in subsequent projects, TIR has the right to remove the Contractor from the “Pre-Qualified Contractor” list until the Contractor can satisfy to TIR that deficiencies have been resolved and appropriate measures have been taken to prevent recurrence.

### **13.0 Workers’ Compensation Board**

Every tender specification and contract document for contracted construction and maintenance work will identify that the Contractor must have an account, in good standing, with the Workers’ Compensation Board (WCB) of Nova Scotia.

An up to date Clearance Certificate from the WCB indicating the Contractor’s account is in good standing, must be available to TIR. If the Clearance Certificate is updated during the duration of the project, TIR is to be sent notification of the update through the **TIR Highway Construction Services Office (107 Perrin Drive, Fall River)**. The status of the Contractors Pre-Qualification status will be updated on the Pre- Qualification Status List and communicated within TIR.

If hiring Sub-Contractors, the Contractor hired by TIR for the project must ensure these Sub-Contractors have independent WCB insurance coverage or arrange to assume the Sub-Contractor under the Contractors WCB insurance coverage plan and be able to provide assurance of Sub- Contractor coverage, if requested by TIR Project Engineer/Manager/Designate.

#### **14.0 OHS Program, WCB Safety Certified or Certificate of Recognition (COR)**

Every tender specification and contract for construction and maintenance work at a TIR site or project shall have a clause specifying that the contracted party must either;

- a) Maintain a valid Certificate of Recognition (COR), or WCB Safety Certified Certificate issued by a WCB approved health and safety organization, or
- b) They are in the process of qualifying for the Certificate of Recognition (COR), or the WCB Safety Certified designation through a WCB approved health and safety organization.
- c) The contracted party must have the sponsoring occupational health and safety organization submit a Letter of Good Standing to TIR in the Pre-Qualification Document.

If the Letter of Good Standing is updated during the duration of the project this must be provided to the **TIR Highway Construction Services Office (107 Perrin Drive, Fall River)**. The status of the Contractors Pre-Qualification status will be updated on the Pre-Qualification Status List and communicated within TIR.

#### **15.0 Criteria for Acceptance of Letters of Good Standing**

The Letter of Good Standing must be from an approved occupational health and safety organization recognized by the WCB of Nova Scotia.

There must be reference to participation in an Occupational Health and Safety External Audit Program that leads to the issuance of a COR, or a WCB Safety Certified designation issued by the approved occupational health and safety organization.

The Letter of Good Standing must be dated and signed by an official of the approved occupational health and safety service provider and have a clear expiry date. If the Letter of Good Standing expires before the completion of the contract, a further letter will be required before the expiry and indicate

that the contracted party will continue to actively participate in the occupational health and safety service provider's program. If a further letter is not provided, TIR may consider the non-conformance as sufficient cause for voiding or otherwise terminating the contract for cause.

#### **16.0 Exemptions to Minimum**

If, based on unique circumstances, (i.e. organizations with less than three employees where a WCB letter, as per WCB legislation is not required) it is either not possible or not practical to provide the WCB Safety Certification or COR, TIR may consider contracting with a party that does not have a COR or a Letter of Good Standing, so long as a Site-Specific Hazard Assessment as detailed below is completed to the satisfaction of TIR.

#### **17.0 Site-Specific Hazard Assessment**

The Contractor shall provide the TIR Project Engineer/Manager/Designate with a Site-Specific Hazard Assessment for the project as per Appendix B requirements, Site-Specific Project Plan. The Contractor is to ensure the hazard assessment is updated as necessary and communicated to relevant TIR personnel.

#### **18.0 Communication**

TIR will make every attempt to communicate any successes, concerns, or observations pertaining to health and safety on a real-time basis to persons at the worksite. TIR will also make every attempt to formally communicate in writing any of the above to the worksite parties.

#### **19.0 References**

Nova Scotia Occupational Health and Safety Act Environment Act  
Workers Compensation Act Fire Protection Act Provincial Building Code Act  
Dangerous Goods Transportation and their respective regulations, as applicable.

**20.0 Enquiries**

TIR HSE Division

**21.0 Submission**

Pre-Qualification Documents are to be submitted to the address below and identified as follows:

Attn: Construction Program Engineer  
107 Perrin Drive  
Fall River, Nova Scotia, Canada,  
B2T 1J6

Re: Contractor Management Program Name of Contractor

The Contractor will be notified in writing of receipt of Pre-Qualification Document.

**22.0 Appendices**

- Appendix A - Program Pre-Qualification Document (Contractor Guide)
- Appendix B - Site-Specific Project Plan (Contractor Guide)
- Appendix C - Site-Specific Project Plan (TIR Evaluation Guide)
- Appendix D - TIR (PE) - Non-Conformance Report (NCR)
- Appendix E - HSE Program Pre-Qualification (Appendix A) Evaluation
- Appendix F - HSE Post Project Evaluation Form (TIR Internal)