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# **BCIB Health and Safety Policy and Program** **(Labour Supply)**

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# INTRODUCTION

The Community Benefits Agreement (“the CBA”) between BC Infrastructure Benefits Inc. (“BCIB”) and the Allied Infrastructure and Related Construction Council of BC (“the Council”), provides that BCIB has the mandate to hire, supply and regulate a skilled workforce to be utilized by all employers working on any project under the CBA (“the Project”). As such, BCIB has a unique role as a “labour supplier” employer, working together with the Council, and with other employers on projects (the “Prime Contractor” and “Contractors”) to ensure that the objectives of the CBA are met.

The health and safety-related objectives under the CBA include: projects proceed safely, efficiently, and economically; fair working conditions and practices; fostering a workplace that is free of discrimination and harassment and respectful of the cultural differences of all participants; and, development and growth of the skilled labour workforce.

This Health and Safety Policy and Program (“the Program”) is the cornerstone of BCIB’s ongoing commitment to, and fulfillment of its responsibility as an employer to ensure the health and safety of workers defined under the CBA as “Employees.” It is part of an overall scheme for health and safety that in addition to the Program, includes the CBA, agreements between BCIB and Contractors and Subcontractors, (called “Prime Contractors” and “Contractors” respectively, in the agreements), standards and obligations imposed by the applicable Ministry (e.g. Ministry of Transportation and Infrastructure) on the Prime Contractor and other Contractors on a project, the applicable health and safety legislation, and the health and safety programs of the Prime Contractor and Contractors.

The Program provides the blueprint for all projects under the CBA. Each part of the Program sets out the key responsibilities of BCIB, the Prime Contractor and Contractors for health and safety management. The sections applying to Contractors also apply to Prime Contractors where they direct and supervise workers. Implementation of the Program will vary from project to project – reflected in the project specific hazard log and legal register, for example – but the elements of the Program will not vary.

Each of the Program’s 13 elements reflects a recognized “baseline” for best practices and standards in the construction industry for developing, operationalizing and continually improving on safety management systems (e.g. Certificate of Recognition) standards set out in the Program.

With the commitment and cooperation of all participants in fulfilling their health and safety obligations, workers under the CBA umbrella will be protected from injury and disease at the workplace.

## **PART 1 HAZARD IDENTIFICATION, ASSESSMENT AND CONTROL**

**1.0** This element of the Program requires identifying of all workplace hazards, conducting risk assessments, and implementing controls to address hazards on the Project in order to eliminate, minimize or prevent unsafe or harmful conditions and work practices.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

### **1.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB - Safety System Assessment (SSA)).

### **1.2 The Prime Contractor**

#### **1.2.1 Formal Program**

The Prime Contractor will determine from the owner of the Project the hazards the owner has identified pursuant to its obligations under section 119 of the *Workers Compensation Act* and will include them in the Hazard Log noted below.

The Prime Contractor is responsible to develop and design an inventory of hazards through a its own formal hazard identification, risk assessment and control program to ensure all work activities relating to occupational health and safety are coordinated and it has a system to ensure compliance on the Project. The program will be dynamic, inclusive and ongoing, and include assessment of any hazards and risks perceived by workers, and include the following elements:

#### *Identify Hazards*

Review current and expected future work tasks, machinery, equipment, conditions and work practices and procedures to determine the associated hazards. On an ongoing basis, identify and document new and previously unknown hazards.

#### *Assess Risks*

Assign a risk rating to each hazard identified, based on the following factors: the severity of the consequences, frequency of exposure and probability of occurrence.

#### *Control Risks*

Implement the most effective action plan to control for each hazard following the hierarchy of hazard controls: elimination; substitution; engineering; administrative; and, personal protective equipment and clothing (“PPE”).

#### *Evaluate for Continual Improvement*

Review the hazards and risks that have been identified and the courses of action taken to control them. Revise and address new or unknown hazards and risks and modify the control measures if they are inadequate or can be improved.

#### *Communicate with Workers*

Communicate the results of hazard assessments to all affected workers.

### 1.2.2 Inventory of Hazards

The Prime Contractor is responsible to maintain for the duration of the Project an inventory of hazards identified based on the above. (See: Appendix 2 as an example). The Prime Contractor will ensure that hazard information and its location are shared with workers and readily available at all times.

### 1.3 Contractors

Contractors are responsible for identifying hazards, conducting risk assessments and implementing controls pertaining to the activities they perform in accordance with the standards noted above. Contractors are also expected to cooperate in and assist the Prime Contractor in its role to identify, coordinate and control all activities that may arise.

## **PART 2 SAFE WORK PRACTICES AND SAFE JOB PROCEDURES**

**2.0** Safe Work Practices (“SWPs”) are instructions to workers on how to perform specific tasks that have been identified through the hazard assessment process as requiring direction for workers on minimizing or eliminating risks (e.g. using ladders,

safe lifting). SWPs are an integral part of worker training. Safe Job Procedures (“SJPs”) are specific step-by-step descriptions of how to complete a job or task safely and efficiently, from start to finish (e.g., lockout, confined space entry, hoisting).

SWPs should be developed as part of the planning of work activities, including through use of the hazard assessment process. Proper SJPs should clearly identify the hazards workers could be exposed to, the steps required to complete tasks safely, and the control measures or execution plans in place. Both SWPs and SJPs should be developed close in time as possible to when the work will be executed and should involve the affected workers.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

## **2.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

## **2.2 The Prime Contractor**

The Prime Contractor is responsible for having a system in place to ensure that all Contractors have SWPs and SJPs are developed and implemented SWPs and SJPs as needed and to ensure that Contractors have trained their workers on, and follow, the practices and procedures applicable to their work activities.

## **2.3 Contractors**

Contractors are responsible for having qualified persons develop SWPs and SJPs for their work activities identified being needed based on their hazard assessment process. Contractors are also responsible for training their workers on the SWPs and SJPs, and ensuring workers follow these practices and procedures.

# **PART 3 COMPLIANCE AND ENFORCEMENT**

**3.0** A system to ensure worker compliance with health and safety laws, and health and safety programs involves a progressive approach to disciplinary action of workers who are found to be in non-compliance. Identifying the underlying causes leading to non-compliance in situations where workers are not willful or reckless can help inform what changes needed to be made to system factors, practices, procedures and training to prevent similar incidents in the future.

BCIB, the Prime Contractor and Contractors share responsibility in this aspect of health and safety.

### **3.1 BCIB**

BCIB is responsible for investigating any discrimination or bullying and harassment complaints by its workers and will do so in accordance with its “Workplace Discrimination, Bullying and Harassment Policy and Procedures” (see Procedure 1 attached). BCIB is also responsible for follow-up on any issues relating to drug, alcohol use by a worker, and will do so in accordance with its “Drug and Alcohol Policy and Procedures” (see Procedure 2 attached).

In addition, BCIB is responsible for the all discipline of its workers, including relating to non-compliance with health and safety regulatory or program requirements on the Project. BCIB responds to reported incidences of non-compliance in order to investigate for causation, and to determine the most appropriate means to bring workers or the workplace into compliance, and any disciplinary action required.

### **Progressive Discipline Approach**

BCIB’s approach to discipline regarding safety incidents considers the following principles.

*Human Error* (unintentional acts or lapses due to lack of attention, concentration, or memory)

Immediate discipline is not likely warranted; consider progressive discipline in repeat situations. Review system factors that may have increased the likelihood of the human error.

*At Risk Behaviour* (mistakes, inadvertent violations, risk was believed to be minimal or justified, or a rule was unknown, unclear, or compliance was not feasible)

Re-train or implement job coaching and keep records on file. Consider progressive discipline. Look for possible causative factors and share that learning throughout the workforce.

*Reckless Behaviour* (intentional and deliberate disregard for a known rule or procedure, violation, repeat violations)

Apply progressive discipline. Consider termination in cases involving: harming or threatening any person at work or a company function; intentional misuse of or tampering with safety devices or equipment; failure to notify supervisors of impairments that could cause safety hazards; violations of the Workplace Drug and Alcohol Policy and Procedures or the Workplace Discrimination and Harassment Policy and Procedures; and, any criminal activity while at the workplace.

### **3.2 The Prime Contractor**

The Prime Contractor is responsible for having a system in place for inspecting and observing all operations on a regular basis to determine if workers are complying with regulatory requirements and health and safety program elements.

The Prime Contractor is to advise BCIB of any incidents of non-compliance by a worker that it believes may require disciplinary action, and any concerns relating to worker drug or alcohol use, for follow-up by BCIB. It is also to advise BCIB of any worker complaints of discrimination or bullying and harassment for follow-up by BCIB.

The Prime Contractor is to advise Contractors of any situation where they are aware that workers are in non-compliance with health and safety requirements and are to stop any work which poses an immediate or undue hazard.

### **3.3 Contractors**

Contractors are responsible for inspecting and observing their operations, immediately taking corrective action to address situations where workers are in non-compliance. The Contractor is to advise the Prime Contractor of any incidents of non-compliance by a worker where it believes an incident may require disciplinary action, or relates to worker drug or alcohol use, for follow-up by BCIB. It is also to advise the Prime Contractor of any worker complaints of discrimination or bullying and harassment for follow-up by BCIB.



## **PART 4 PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING**

**4.0** The use of PPE is important for the prevention of injuries, the reduction of the risk of exposures, and is based on an evaluation of workplace conditions through hazard assessments and the determination that PPE will serve as an effective control to protect workers. Applying the hierarchy of hazard controls (see Control Risks at 1.2 above), PPE is the last level of control to be considered in protecting workers from hazards.

All PPE needs to meet the prescribed regulatory standards for the specific equipment, and be used and maintained as required, and in accordance with industry best practices. PPE training is an integral part of worker training.

The PPE to be used is to be identified through the hazard identification and assessment process, and in accordance with the hierarchy of hazard controls; namely, PPE is to be used whenever a hazard cannot be otherwise controlled.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

### **4.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

### **4.2 The Prime Contractor**

The Prime Contractor is responsible for ensuring that PPE is made available to workers on the Project as required, and that workers receive training in the use, care, maintenance and storage of the PPE issued to them. Training includes both basic PPE training - this can be covered during orientations and toolbox talks, and more formal training - as may be needed for specialized PPE.

All PPE will be of good quality, will meet the applicable regulatory standards for type and use, and will comply with contractual requirements.

### **4.3 Contractors**

Contractors are responsible for providing appropriate PPE to their workers. Contractors are also responsible for providing workers with basic and specialized training on their PPE, and for ensuring that workers wear their PPE as required.

## **PART 5 PREVENTATIVE MAINTENANCE**

**5.0** All tools, equipment, machines and vehicles are to be properly maintained to reduce the risk of accidents and injuries during use. Preventative maintenance is the systematic care and protection of these assets in order to ensure they are safe for workers to use. Regulatory standards, manufacturers' instructions and best industry practices dictate the maintenance and service requirements of various vehicles, tools, machines and equipment, including specified inspection schedules.

Maintenance tasks themselves are potentially hazardous and need to be part of hazard assessment and control planning.

A proper maintenance program is well organized and scheduled, controls hazards, defines operational procedures, and relies on qualified and competent personnel for maintenance, repairs and servicing. A system for removal and tagging of damaged or defective tools and equipment also needs to be in place.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

### **5.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

### **5.2 The Prime Contractor**

The Prime Contractor is responsible for ensuring that Contractors have a system to ensure the proper maintenance for all tools, equipment, machines and vehicles on the Project, including ensuring that Contractors maintain and have records available of all

scheduled and non-scheduled maintenance, repair and service.

### **5.3 Contractors**

Contractors are responsible for implementing a proper maintenance system for all their tools, equipment, machines and vehicles. Contractors are also responsible to maintain and have records available for all scheduled and non-scheduled maintenance, repair and service.

## **PART 6 TRAINING AND COMMUNICATION**

**6.0** Proper safety training of workers is multifaceted in terms of function, timing and content. First, foundational safety training involves understanding the basics of health and safety. Second, good safety training is dynamic, adapting to the work tasks, practices and procedures at the workplace and available on an ongoing basis. Finally, specialized safety training is needed to address particular hazards and work activities.

Accordingly, training covers basic safety training, young and new worker training and mentoring, health and safety orientation to the workplace, on-the-job training and specialized training for particular trades and activities.

Effective communication is a key aspect of successful training and plays a critical role in ensuring responsive and evolving approaches to safety at the workplace.

BCIB, the Prime Contractor and Contractors share responsibility in this aspect of health and safety.

### **6.1 Training - Basic Safety Training / Young and New Worker Training**

#### **6.1.1 BCIB**

BCIB is responsible for ensuring that its workers are qualified and trained to safely perform the jobs that will be required of them. BCIB will ensure formal training has been provided to its workers on basic safety training as prescribed by BCIB, and that its workers will be mentored and receive supervisor training, as applicable.

Specialized training and mandatory on-site orientations are the responsibility of the Prime Contractor and Contractors.

#### **Basic Safety Training (Orientation)**

BCIB will ensure all workers have received basic safety training. Basic safety training topics will include:

- Health and safety legislation;
- Workplace roles, rights, responsibilities, and policies, including, right to refuse unsafe work, Workplace Discrimination and Harassment Policy and Procedures, and the Workplace Drug and Alcohol Policy and Procedures;
- General hazard safety awareness;
- General road builder safety (highway and bridge);
- Identification of specialized work that will require further specialized training e.g. fall protection; mobile equipment; confined spaces;
- Traffic accommodation and mobile equipment;
- Work near overhead and underground utilities;
- Excavation and shoring; and,
- A workplace hazardous materials information system (“WHMIS”).

### **Young and New Worker – Training and Mentoring Program**

The training requirements set out in the OHS Regulation pertaining to young and new workers are fulfilled through the basic safety training, together with the site-specific aspects of the training, provided by the Prime Contractor and each Contractor for their workers. A mentoring program will also be in place for young and new workers and other workers who would benefit from mentoring. Under the mentoring program, each worker is assigned a mentor who will instruct and assist him or her with the goal of the worker being able to demonstrate the ability to recognize and respond to hazards at the workplace, and to work safely alone.

A “new” worker is someone who is:

- new to the workplace
- returning to a workplace where the hazards in that workplace have changed during the worker’s absence,
- affected by a change in the hazards of a workplace, or
- relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker’s previous workplace.

A ‘young’ worker is someone who is under 25 years of age.

The basic safety training and orientation provided to workers by BCIB covers many aspects of the training required for young and new workers. The Prime Contractor and Contractors orientation and training cover the remainder of the mandatory requirements for these workers.

In addition to these requirements, BCIB will ensure that all workers eligible for the mentoring program are partnered with an experienced person chosen to act as a mentor by the Contractor or the Prime Contractor. The mentor will be available to the worker at all times. If at any time the mentor is unavailable, BCIB will ensure another qualified person is assigned in their place or that the mentored worker is assigned job duties or tasks that are considered to be low risk/low hazard and within their current abilities.

Each mentored worker and mentor will complete documentation on a daily basis, initialed by both, and the records of the mentorship will be retained.

### **6.1.2 The Prime Contractor**

The Prime Contractor is responsible to notify BCIB if any worker fails to have the required basic safety training or the site-specific young and new worker training to be provided by each Contractor. The Prime Contractor is also responsible to advise BCIB of any concerns regarding the training of workers.

### **6.1.3 Contractors**

Contractors are responsible to notify BCIB if any worker fails to have the required basic safety training and to oversee workers to confirm the efficacy of their training in practice.

Contractors are also responsible for ensuring that site-specific aspects of the training requirements for young and new workers are fulfilled, including:

- providing the name and contact information of the supervisor to young or new workers
- workplace health and safety rules
- hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation
- working alone or in isolation
- the Contractor's health and safety program
- instruction and demonstration of the young or new worker's work task or work process
- location of first aid facilities and means of summoning first aid and reporting illnesses and injuries
- emergency procedures
- WHMIS information requirements, as applicable to the young or new worker's workplace
- contact information for the occupational health and safety committee.

Contractors are to participate in the mentoring program for young and new workers, and any other workers who may benefit from the mentoring program.

## **6.2 Training - Supervisor Safety**

### **6.2.1 BCIB**

Supervisor competency is an essential requirement for worker safety. BCIB will ensure that any worker who is expected to perform a supervisory role is provided training as prescribed by BCIB in basic supervision responsibilities. The topics for the training will include the following.

Ensuring that supervisory personnel are competent with respect to:

- their health and safety responsibilities;
- the Workplace Discrimination and Harassment Policy and Procedures and the Workplace Drug and Alcohol Policy and Procedures;
- recognizing, assessing, and controlling hazards;
- training, instructing and motivating workers to work safely, including through the use of toolbox safety talks and one-on-one discussions (coaching);
- supervising workers, monitoring worker safety performance, correcting unsafe behaviour and enforcing health and safety program requirements;
- participating in safety inspections; and,
- participating in incident investigations.

Ensuring supervisory personnel have demonstrated abilities in:

- effective communication;
- leadership;
- safe organization of work; and,
- problem solving.

### **6.2.2 The Prime Contractor**

The Prime Contractor is responsible for having a system to ensure that any worker acting as a supervisor has completed the BCIB-prescribed supervisor safety training. If it is found that a supervisor has not done so, or that a supervisor fails to adequately demonstrate proper supervisory skills on the Project, it will notify BCIB.

### **6.2.3 Contractors**

Contractors are responsible to notify BCIB if any worker appointed as their supervisor fails to have the BCIB-prescribed supervisor training or fails to adequately demonstrate proper supervisory skills on the Project.

### **6.3 Training - Specialized Health and Safety**

Basic safety training is a means to help workers gain an understanding of important safety-related information but is not a substitute for required specialized training or instruction. Specialized training requirements are identified based on worker role and through the Hazard Log or inventory. This training is to be conducted and completed prior to the worker commencing the relevant work.

Specialized safety training (such as Fall protection, Equipment Operation, PPE Use, etc.) needs to meet an accepted standard such as CSA Z1001-18 or equivalent.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

#### **6.3.1 BCIB**

BCIB will perform a safety system assessment function on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

#### **6.3.1 The Prime Contractor**

The Prime Contractor is responsible for ensuring that workers have received the BCIB basic safety training, have been given a site-specific safety orientation, and receive the ongoing, on-the-job and specialized training required for them to safely perform their work activities. They are also responsible for providing, or ensuring that a mentor is provided, pursuant to the mentorship program.

#### **6.3.2 Contractors**

Contractors are responsible for ensuring workers have received a site-specific safety orientation and have any specialized training that their work may require before they commence work. They are also responsible for participating in the mentorship

program, as required, and for providing ongoing and on-the-job training for their workers.

## **Communications**

### **6.3.3 BCIB**

As required in the BCIB-Contractor and BCIB-Subcontractor Agreements, a means of communication between BCIB and the Prime Contractor and Contractors relating to health and safety will be implemented and followed by the each of the parties to the Agreements.

BCIB reserves the right to attend and participate in any meeting where health and safety is a topic to be discussed. BCIB will perform a safety system assessment function on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

### **6.3.4 The Prime Contractor**

The Prime Contractor is responsible to ensure that safety meetings are held as required by legislation, this Program and their health and safety program, i.e. those noted in Contractors' requirements below.

They are also to ensure that:

- health and safety committees (JHSCs) are established in accordance with regulatory requirements,
- safety is included as a consideration under each topic discussed in Project production meetings, and that the minutes of the meetings reflect those discussions; and,
- any safety issues identified are forwarded to the appropriate party for resolution.

### **6.3.5 Contractors**

Contractors are responsible to ensure that they hold safety meetings as required by legislation, this Program and their health and safety program. These include the following:

#### *Toolbox Talks*

The site supervisor or designate of each operational worksite is to ensure a toolbox talk is conducted, at minimum, on a weekly basis and whenever significant



changes to worksite conditions or work processes occur, and that they are properly documented.

#### *Joint Health and Safety Committee Meetings*

JHSCs are to be established and maintained, including holding monthly meetings, at a minimum, in accordance with legislation.

#### *Management Safety Meetings*

Contractor management is to meet monthly, at a minimum, to discuss health and safety topics including, incident trends, injury management results, inspection and incident investigation reports, JHSC minutes and recommendations, and corrective actions.

#### *Supervisor Safety Meetings*

Contractor supervisors are to meet monthly, at a minimum, to discuss the health and safety topics including, a safety system assessment results and the corrective action plans, health and safety statistics, summaries, and performance reviews, new or revised policies, safe work practices, programs or procedures, new PPE or safety equipment, investigation and incident reports, applicable amendments to legislation, orders issued to the Subcontractor, and the corrective actions.

## **PART 7 INSPECTIONS AND SAFETY SYSTEM ASSESSMENT**

**7.0** Regular inspections of premises, equipment, work methods and practices are part of an effective health and safety program. Specific written instructions should state the intent of inspections, who is to inspect, what is to be inspected, and how often. Systems need to be in place to ensure that unsafe or harmful conditions and work procedures are identified, reported, corrected, and followed up without delay. Personnel responsible for inspections should be qualified and adequately trained for the task.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety. BCIB undertakes inspections and safety system assessment in an oversight role only.

### **7.1 BCIB**

BCIB inspections and safety system assessment functions are not intended to duplicate the operational inspections to be performed by the Prime Contractor and Contractors under their own health and safety programs.

As set out in this Program, BCIB will conduct an assessment the Prime Contractor' and Contractors' health and safety programs and activities, including through inspections at the workplace. Of paramount consideration to worker safety are the hazards and controls listed in the Hazard Log or inventory, and the efficacy of the training that workers have received.

BCIB will also perform a safety system assessment function on the Prime Contractor and to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA))

## **7.2 The Prime Contractor**

The Prime Contractor is responsible to have a written system for inspections appropriate to their role as a prime contractor on the Project. The system should use qualified persons to conduct the inspections, specify the frequency and outcomes from the inspections, cover all areas of the workplace, ensure that deficiencies are corrected in a timely way, and include a review of the inspection results at the next production safety meeting.

## **7.3 Contractors**

Contractors are responsible to have a written system for inspections appropriate to their duties as an employer. The system should use qualified persons to conduct the inspections, specify the frequency and outcomes from the inspections, cover the appropriate workplace area, and ensure that deficiencies are corrected in a timely way. Contractors are also responsible for ensuring that workers under their control continually monitor their work areas to identify any suspected or emerging hazards.

# **PART 8 INVESTIGATION AND REPORTING**

Every workplace party has the duty to immediately address unsafe or hazardous acts, conditions, tools and equipment, and work procedures. Various incidents must be reported and investigated under legislation, including that relating to health and safety, and mines.

Under the *Workers Compensation Act* (section 172), any incident that resulted in serious injury to or the death of a worker, involved a major structural failure or collapse, involved the major release of a hazardous substance, or a fire or explosion that had a potential for causing serious injury to a worker, must be immediately reported to WorkSafeBC and investigated. In addition, incidents involving injury requiring medical attention, property damage, the potential for serious injury, environmental impact or hazardous release (near misses) are to be immediately investigated as required under the *Workers Compensation Act* (section 173).

Each incident requiring investigation is to be thoroughly reviewed and analyzed to determine the causes and contributing factors. All parties have a role in reporting and investigating hazardous conditions and incidents, and in contributing to the analysis and recommendations for corrective actions aimed at preventing similar occurrences in the future.

BCIB, the Prime Contractor and Contractors have a shared responsibility in this aspect of health and safety.

## **8.0 BCIB**

Upon receiving notification from the Prime Contractor or Contractors of any incident that requires that an investigation be conducted under the *Workers Compensation Act*, BCIB will conduct an investigation of the incident. The extent of the investigation will depend on the circumstances in each case.

BCIB will also investigate all incidents relating to alleged violations of the Workplace Discrimination and Harassment Policy and Procedures, the Workplace Drug and Alcohol Policy and Procedures, discriminatory actions complaints, and refusals of unsafe work.

BCIB will also perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

### **8.1 The Prime Contractor**

The Prime Contractor is responsible for having a system for reporting and investigating incidents in accordance with all legal requirements. The Prime Contractor is also responsible for having a process in place for notifying the appropriate parties on

the Project about hazardous conditions, and incidents requiring an investigation. The Prime Contractor will include BCIB in this notice process of hazardous conditions and incidents.

In addition to any other reporting protocols in place, the Prime Contractor will immediately report to BCIB:

- all incidents requiring an investigation under the *Workers Compensation Act*,
- all alleged violations of the Workplace Discrimination and Harassment Policy and Procedures and the Workplace Drug and Alcohol Policy and Procedures,
- complaints of discriminatory action, and
- any refusals of unsafe work.

The Prime Contractor will cooperate in any investigations conducted into these incidents.

The Prime Contractor's investigations are to include analysis of the incident in relation to its responsibilities to coordinate activities on the Project. The Prime Contractor is also to have a system in place to ensure immediate compliance at the workplace of all health and safety program and regulatory requirements following an incident.

## **8.2 Contractors**

Contractors are responsible for having and implementing a system for reporting and investigating incidents in accordance with all legal requirements. Contractors are also responsible to immediately report to the Prime Contractor any hazardous condition, and any incident that requires reporting and investigation as per regulatory requirements, in accordance with the protocols set out in the Contractor's process for notification.

Contractors' investigations are to analyze the incident in relation to their responsibilities as an employer, including review of operational work planning, safe work practices and procedures, worker supervision, and training. Contractors are to have a system in place to ensure immediate compliance by its workers with all health and safety program and regulatory requirements following an incident.

# **PART 9 EMERGENCY PREPAREDNESS AND FIRST AID**

**9.0** Prompt and effective emergency preparedness and first aid services are required to adequately respond to injuries and emergencies. Through these services immediate action is taken to address incidents, provide assistance, and mitigate as much as possible the adverse effects of injury and illness to workers. Regulatory requirements set out the minimum standards for first aid services, equipment and supplies, and emergency response protocols. Training on emergency procedures, conducting drills, and injury reporting are an important component of worker orientation and training.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

### **9.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety Systems Assessment (SSA)).

### **9.2 The Prime Contractor**

The Prime Contractor is responsible for ensuring compliance with regulatory requirements for:

- emergency plans and equipment for emergencies (e.g. earthquakes, overexposures) and testing of the emergency plan is done annually, or more often as appropriate;
- an emergency communication system;
- fire response plans and fire extinguishers selection inspection and maintenance;
- adequate first aid supplies, facilities, transport and attendants; and,
- training for all workers on emergency plans and injury reporting protocols.

The Prime Contractor will work with BCIB to develop, for inclusion in its emergency plans, an integrated communication and response plan describing each of the Prime Contractor's and BCIB's roles and responsibilities with respect to critical incident responses.

### **9.3 Contractors**

Contractors are responsible for ensuring that workers under their control are trained on, and follow, the emergency plans and injury reporting protocols. Contractors are

responsible for providing assistance to their subcontractors in identifying and addressing the subcontractors' specific requirements.

## PART 10 RECORDS AND STATISTICS

**10.0** Records and statistics are an important aspect of ongoing monitoring and evaluation of the performance of a health and safety program. Some records are required by law to be created and maintained, while others, together with performance statistics, are part of a best practice that promotes continuous improvement to a health and safety program.

BCIB, the Prime Contractor and Contractors have a shared responsibility in this aspect of health and safety.

### 10.1 BCIB

BCIB will receive, review and keep records of the information from the Prime Contractor and Contractors related to data tracking noted below.

BCIB will retain all health and safety records as part of its records management program for a minimum of 5 years, unless otherwise specified in its program, or as required by record retention policy or the law.

### 10.2 The Prime Contractor

The Prime Contractor is responsible to maintain health and safety records as required by law. They are also responsible to monthly collect and record data relating to health and safety performance on the site. It will ensure that records and data are reviewed at JHSC meetings and communicated to the workforce in a reasonable format (e.g. production meetings, toolbox talks, etc.).

Examples of data that could be collected include:

*Leading Indicators:* Person-hours worked, orientations, training, hazard assessments, inspections, assessments, emergency drills.

*Lagging Indicators:* First aid records, claims-related statistics (medical aid, claims made, time lost, days lost), investigation results (all types).

*Injury Frequency Rates (Lagging)*

Lagging Frequency Rate

Lagging (injury) Frequency Rate =  $\frac{\text{Total Number of each injury type in Period} \times 200,000}{\text{Number of Hours Worked During Period}}$

Leading Frequency rate

$$\text{Leading Frequency Rate} = \frac{\text{Number of times the execution of a specific task resulted in injury in Period}}{\text{Number of times that specific task was performed in period}}$$

Severity Rate

$$\text{Injury Severity Rate} = \frac{\text{Total number of days lost due to work-related injury} \times 200,000}{\text{Number of hours worked during period}}$$

### 10.3 Contractors

Contractors are responsible for collecting, recording and reviewing data in accordance with the above, and providing the records to the Prime Contractor.

## PART 11 LEGISLATION

**11.0** Workplace parties must be aware of all applicable health and safety laws and ensure they are considered during the planning and execution of their work. A wide range of legal requirements pertaining to health and safety applies to major construction projects.

A legal register is a tool that serves to bring into one place all the health and safety-related legislation, and published policies, standards, guidelines and codes that apply to a project. A well-maintained and organized legal register helps to ensure that all applicable legal requirements are taken into account in establishing, implementing and maintaining occupational health and safety programs, and in meeting the legal requirements. A register can also be a valuable tool for preparing for a compliance audit, organizing training courses and setting out an emergency plan.

Access to copies of the *Workers Compensation Act* (“WCA”) and the Occupational Health and Safety Regulation (“OHS Regulation”) is required to be provided to all workers.

BCIB, the Prime Contractor and Contractors have a shared responsibility in this aspect of health and safety.

### 11.1 BCIB

BCIB maintains a legal register incorporating the applicable health and safety-related legislation and published policies, standards, guidelines and codes pertaining to its operations in supplying workers to the Project.

BCIB will perform a safety system assessment on the Prime Contractor and Contractors



to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

## **11.2 The Prime Contractor**

The Prime Contractor is responsible to create and maintain a legal register incorporating the applicable health and safety-related legislation and published policies standards, guidelines and codes. The legal register should be developed and maintained by a qualified person, and updated as needed, at least on an annual basis. (See: Appendix 3).

The Prime Contractor needs to have paper copies of the WCA and the OHS Regulation available for workers to review, as practicable. They also should provide access to workers of these documents through online, or where available, smart phone applications (mobile apps).

## **11.3 Contractors**

Contractors have the responsibility to know health and safety legislation, policies and published standards, guidelines and codes that apply to their operations, and to assist the Prime Contractor in creating and maintaining the legal register as it pertains to their operations.

# **PART 12 JOINT HEALTH AND SAFETY COMMITTEES**

**12.0** Joint Health and Safety Committees (“JHSCs”) are an integral part of workplace health and safety and must meet the requirements set out in the *Workers Compensation Act*. The JHSC is a formal means for workers and management to communicate and exchange information on health and safety matters to assist in creating and maintaining a safe workplace. JHSC meetings are distinct from other meetings relating to safety such as, project coordination meetings, production safety meetings or toolbox talks.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

## **12.1 BCIB**

BCIB will establish and maintain its own internal JHSC for its direct employees, separate and distinct from any JHSCs established by the Prime Contractor or Contractors to which workers are assigned.

BCIB may attend any JHSC meeting and will perform a safety system assessment on the Prime Contractor and Contractors to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

## **12.2 The Prime Contractor**

In addition to any other committees the Prime Contractor may establish relating to health and safety, the Prime Contractor is responsible to establish and maintain JHSCs as required under the *Workers Compensation Act* and to ensure that Contractors also establish and maintain JHSCs as required. The Prime Contractor will provide BCIB with all minutes of their JHSC meetings.

## **12.3 Contractors**

Contractors are responsible to establish and maintain JHSC as required under the *Workers Compensation Act*. Contractors will provide BCIB with all minutes of their JHSC meetings.

# **PART 13 CONTRACTOR MANAGEMENT**

**13.0** Contract management involves the Prime Contractor and Contractors being duly diligent in ensuring that those from whom they engage services are qualified and competent to perform work safely and do so in practice. This includes ensuring that subcontractors meet the regulatory requirements applicable to their work, have and comply with a comprehensive health and safety program, and comply with this Program, and any health and safety requirements imposed by the Prime Contractor and Contractors.

The Prime Contractor and Contractors have the primary responsibility for this aspect of health and safety.

## **13.1 BCIB**

BCIB will perform a safety system assessment on the Prime Contractor and Contractors

to assess if this Program element is being met. (See: Appendix 1 - BCIB Safety System Assessment (SSA)).

### **13.2 The Prime Contractor**

The Prime Contractor is expected to meet or exceed the requirements in the 'Contractor Management Checklist.' (See Appendix 4).

### **13.3 Contractors**

Contractors that contract the services of subcontractors need to ensure:

- the subcontractor is qualified and competent to manage the health and safety of their workers;
- the Prime Contractor is advised of this arrangement;
- they engage the subcontractor in a start-up/mobilization process to ensure operational safety; and,
- they provide ongoing monitoring of the subcontractor to ensure compliance with all regulatory and program-related health and safety requirements, including the health and safety programs of the BCIB, the Prime Contractor, and the Contractor.

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# APPENDICES

# APPENDIX 1

## BCIB HEALTH AND SAFETY SYSTEM ASSESSMENT (SSA)

BCIB Health and Safety Program Part	BCIB SSA Points
Part 1: Hazard Assessment, Identification and Control	<ul style="list-style-type: none"> <li>• Written assessments conducted and listed in Risk Registry</li> <li>• Appropriate personnel are involved</li> <li>• Hazards are identified and prioritized</li> <li>• Critical tasks are listed</li> <li>• Controls have been developed</li> <li>• Controls have been implemented in a timely manner</li> <li>• Appropriate personnel are involved in control development</li> <li>• Workers are advised of hazards and controls</li> </ul>
Part 2: Safe Work Practices and Safe Job Procedures	<ul style="list-style-type: none"> <li>• Practices reflect Contractor/Subcontractor activities</li> <li>• Are in writing</li> <li>• Have been communicated to workers</li> <li>• Are readily available to workers</li> <li>• Are routinely followed by workers</li> <li>• Management and worker participated in development</li> </ul>
Part 3: Compliance and Enforcement	<ul style="list-style-type: none"> <li>• BCIB is advised of issues of alleged non-compliance</li> <li>• BCIB is given access and information required for follow-up on alleged violations</li> </ul>
Part 4: Personal Protective Equipment	<ul style="list-style-type: none"> <li>• All workers are aware of PPE requirements</li> <li>• All workers have access to PPE</li> <li>• Specialized equipment is available as needed</li> <li>• Correct PPE is used when required</li> <li>• Written procedures exist for care, use, storage, etc.</li> <li>• Instruction and training are provided</li> <li>• Selection criteria is established</li> <li>• PPE is inspected and maintained</li> </ul>
Part 5: Preventative Maintenance	<ul style="list-style-type: none"> <li>• Preventative Maintenance system is being followed</li> </ul>

Part 6: Training and Communication	<ul style="list-style-type: none"> <li>• Every worker has received the required orientation</li> <li>• Specialized training requirements are verified</li> <li>• Training records are maintained</li> <li>• Job-specific training is provided and documented</li> <li>• Training is provided by competent people</li> <li>• Supervisors are trained</li> <li>• Formal training includes a means to measure knowledge and competency</li> <li>• Scheduled health and safety meetings are conducted</li> <li>• Two-way communication in safety meetings</li> </ul>
Part 7: Inspection and Safety system assessment	<ul style="list-style-type: none"> <li>• Frequency of inspections is specified and met</li> <li>• Workers are involved</li> <li>• All work areas are inspected</li> <li>• Deficiencies are corrected in a timely manner</li> <li>• Reports are posted or effectively communicated</li> </ul>
Part 8: Investigation and Reporting	<ul style="list-style-type: none"> <li>• Established policy is followed</li> <li>• Workers are aware of reporting requirements</li> <li>• Supervisors have been trained</li> <li>• Appropriate employees are involved</li> <li>• Near misses are reported</li> <li>• Recommendations are implemented</li> </ul>
Part 9: Emergency Preparedness	<ul style="list-style-type: none"> <li>• Emergency plans are prepared</li> <li>• Annual testing of emergency plan done</li> <li>• Emergency communication system is available</li> <li>• Adequate provision of first aid supplies, facilities, attendants</li> <li>• Means to transport to medical aid exists</li> </ul>
Part 10: Records and Statistics	<ul style="list-style-type: none"> <li>• Summary documents developed and maintained</li> <li>• Statistical reports created, ongoing, and available</li> </ul>
Part 11: Legislation	<ul style="list-style-type: none"> <li>• Copies of relevant legislation posted at workplace</li> <li>• Workers aware of rights and responsibilities and how to exercise them</li> <li>• Copies of Legal Register are posted at the workplace</li> </ul>
Part 12: Joint Health and Safety Committees	<ul style="list-style-type: none"> <li>• Communications occur between workers and worker rep</li> <li>• Committee functions in accordance with WCA</li> </ul>
Part 13: Contractor Management	<ul style="list-style-type: none"> <li>• Compliance with Contractor Management Checklist</li> </ul>
BCIB Health and Safety Policy	<ul style="list-style-type: none"> <li>• Posted prominently, made available to workers, and known by all</li> </ul>
BCIB Drug and Alcohol Policy and Procedures	<ul style="list-style-type: none"> <li>• Posted prominently, made available to workers, and known by all</li> </ul>
BCIB Discrimination, Bullying and Harassment Policy and Procedures	<ul style="list-style-type: none"> <li>• Posted prominently, made available to workers, and known by all</li> </ul>

# APPENDIX 2

## HAZARD INVENTORY

### EXAMPLE ONLY

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#### Definitions

*Hazard:* A source of potential harm or injury.

*Severity of an occurrence:* The degree of harm or negative impact from the identified hazard.

*Frequency of exposure:* How often workers (or operations) are proximal to or encounter the hazard.

*Probability of occurrence:* The likelihood that the hazard will result in actual harm, based on frequency of exposure and mitigation efforts.

*Total Risk Score:* The priority of attending to and maintaining control of the hazard.

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**Example: 'Ground Disturbance:'** Example Project Log Hazard Log below.

The site item is 'ground disturbance' resulting in the **hazard** of a 'utility strike', coming in contact with an underground utility service

The **severity of an occurrence** should be rated 4 -serious (delays likely / lost time accident) or 5 - catastrophic (delays / permanent disability / fatality) depending on the type of buried utilities in the vicinity of your project.

As civil work is being performed on site for the entire duration of July to prepare for blacktop in August, the **frequency of exposure** to the hazard of buried utilities is 4 - frequent (daily to weekly)

The **probability of an occurrence** due to the frequency of exposure, mitigation factors such as locating and staking the location of the underground utilities on an ongoing basis, issuing ground disturbance permits daily, educating operators of excavation equipment and spotters, as well as conducting regular follow-up inspections would likely be rated 2 - conceivable (very small chance of occurrence) as the controls in place substantially reduce the risk of an incident occurring. However; because an incident could still occur due to potential operator or or abandoned utilities being present, probability is likely greater than 1 - Almost Impossible (unknown to occur) as we know that utility strikes do occur even with proper control measures in place.

The **total risk score** for the above example of ground disturbance is 11 - Warning (proceed with SWP/SJP's, worker training, control measures & direct supervision).

## Project Hazard Log

Severity of an Occurrence	Frequency of Exposure	Probability of an Occurrence	Total				
<b>1 - No Impact</b> <i>no recordable incident or injury</i>	<b>1 - Very Rare</b> <i>quarterly to annually</i>	<b>1 - Almost Impossible</b> <i>unknown to occur</i>	<b>3 - Safe</b> <i>proceed with normal control measures, JHA's, basic instruction</i>				
<b>2 - Noticeable Impact</b> <i>minor delay possible / first aid</i>	<b>2 - Rare</b> <i>monthly to quarterly</i>	<b>2 - Conceivable</b> <i>very small chance</i>	<b>3 - 6 Conceivable</b> <i>proceed with normal control measures, JHA's</i>				
<b>3 - Important</b> <i>delays possible / medical aid</i>	<b>3 - Occasional</b> <i>weekly to monthly</i>	<b>3 - Remotely Possible</b> <i>expected outcome monthly</i>	<b>6 - 9 Caution</b> <i>proceed with safe job procedures (SJPs) and worker training</i>				
<b>4 - Serious</b> <i>delays likely / lost time accident</i>	<b>4 - Frequent</b> <i>daily to weekly</i>	<b>4 - Quite Possible</b> <i>expected outcome weekly</i>	<b>9 - 12 Warning</b> <i>proceed with SJPs, worker training, control measures &amp; direct supervision</i>				
<b>5 - Catastrophic</b> <i>delays / permanent disability / fatality</i>	<b>5 - Continuous</b> <i>all day</i>	<b>5 - Inevitable</b> <i>expected</i>	<b>12 - 15 - Danger</b> <i>stop, don't proceed with work, contact HSE Manager</i>				
<b>#</b>	<b>Site Items</b>	<b>Severity</b>	<b>Frequency</b>	<b>Probability</b>	<b>Risk Total</b>	<b>Hazards</b>	<b>Control Measures to Reduce Risk</b>
		1 - 5	1 - 5	1 - 5	3 - 15		<i>elimination → substitution                      → engineering →                      administrative → PPE</i>



<b>Ex.</b>	<b>Ground Disturbance</b> *Ratings based on normal jobsite conditions - Striking the buried 45Kva power line or gas line would result in delays and potentially permanent disability or death, ground disturbance is conducted approximately 1 - 2 times/week and the probability based on the control measures put into place is conceivable	5	4	2	<b>11</b>	Utility Strike	All workers and operators complete the 'Ground Disturbance Program Education, operators are deemed competent by their employer and appear competent. 'Utility off-sets marked, site ground disturbance map up to date as of most recent utility installation (2016-11-05), utilities marked out prior to each ground disturbance activity, GD flags in place at all times for buried gas and electrical, GD permit issued for each GD activity. Overhead utilities flagged and marked, 30M33 valid through to 2017-11-01.
<b>####</b>	<b>Dangerous Tree</b> <i>Any tree that is hazardous to people or facilities because of location or lean, physical damage, overhead hazards, deterioration of limbs, stem or root system. Must be identified, safe perimeter established, managed as per 'Tree Falling'</i>				<b>0</b>		
<b>####</b>	<b>Tree Falling</b> <i>procedures in place, procedures adhered to, fallers certified, control zones in place, root removal effect on foundations and underground utilities considered, special considerations for</i>				<b>0</b>		

####	<b>Weather Conditions</b> <i>potable water accessible to workers, snow shovels &amp; ice melt/sand accessible when necessary, materials adequately secured from wind, adequate pumps for rain, excavation stability ensured, illumination levels adequate for daylight changes</i>				0		
####	<b>Risk of Avalanche</b> <i>Assessment of snow pack, weather, and terrain conditions. Consideration of avalanche history in work area.</i>				0		
####	<b>Traffic Management</b> <i>plans developed, implemented and adhered to, plans working appropriately, TCP's certified, safety of workers &amp; public maintained, pedestrian traffic managed appropriately, signage appropriate for site conditions</i>				0		

####	<b>Work Adjacent to Rail Operations</b> <i>CPR ROW and CPR TCP requirements, ROW clearly marked, communication established,</i>				0		
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**APPENDIX 3**  
**LEGAL REGISTER**  
**EXAMPLE**

<b>Company Name</b>	
<b>Title: Example of OHS Legal Register</b>	<b>Authorized By:</b>
<b>Issue Date:</b>	
<b>Review Date:</b>	<b>Page Number</b>
<b>Title</b>	<b>Type</b>
<u>Criminal Code (R.S.C., 1985, c. C-46) ss.217.1</u>	Federal Criminal Code
<u>B.C. Workers Compensation Act</u>	Provincial Act
<u>B.C. Mines Act</u>	Provincial Act
<u>B.C. Motor Vehicles Act</u>	Provincial Act
<u>Transportation of Dangerous Goods Act</u>	Federal Act
<u>Hazardous Products Act</u>	Federal Act
<u>WorkSafeBC Occupational Health and Safety Regulation</u>	Provincial Regulation
<u>Transportation of Dangerous Goods Regulation</u>	Federal Regulation
<u>Hazardous Waste Regulation</u>	Provincial Regulation
<u>Traffic Control Manual for Work on Roadways</u>	Provincial Compliance Code
<u>ACGIH Documentation of Threshold Limit Values and Biological Exposure Indices</u>	ACGIH Standard
CSA Z1001-18 Safety Training Standard	CSA Standard
CSA Z432-94 Safeguarding of Machinery	CSA Standard
CSA Standard Z62.1-95 Chain Saws	CSA Standard
<u>WCB Standard: G608 Mobile Equipment Roof Structures — Heavy Duty</u>	WorkSafeBC Standard
<u>WCB Standard: PPE 2 High Visibility Garments</u>	WorkSafeBC Standard
	Other

# APPENDIX 4

## CONTRACTOR MANAGEMENT

### CHECKLIST

The following checklist provides the responsibilities required of the Prime Contractor regarding contractor management. Contractors who manage Subcontractors are required to follow items highlighted in grey below in fulfilling their contractor management responsibilities.

REQUIREMENT	CONFIRMING DOCUMENTATION and IMPLEMENTATION
<b>PRELIMINARY</b>	
<b>The Prime Contractor has:</b>	
1. Appointed a coordinator who is qualified to ensure the coordination of health and safety activities for the worksite given the nature and extent of the worksite and its activities	
2. a) Assigned duties to its qualified coordinator to ensure contractors and workers are informed of hazards created	
b) Assigned duties to its qualified coordinator to ensure the hazards are addressed throughout the duration of the work activities	
3. Taken reasonable steps to determine that each contractor is qualified to safely perform its work	
4. Ensured that each contractor has a health and safety program, if required	
5. Received from each contractor, the name of the person designated to supervise the contractor's workers	
6. Received from each contractor, the name of the qualified person designated to be responsible for the contractor's site health & safety	

<b>SYSTEM[S] FOR THE WORKSITE</b>		
<b>The Prime Contractor has a system:</b>		
1. To coordinate health and safety and to ensure compliance of all contractors with the WCA/OHS Regulation		
2. To ensure suitable access for the safe delivery of equipment and material to the areas on the worksite where they will be used		
3. To identify foreseeable or reasonably known hazards		
4. To ensure that contractors notify it in advance of any undertaking likely to create a hazard for a worker of another contractor		
5. To ensure that contractors have in place for particular hazards any plans/procedures prescribed under the Regulation e.g. fall protection, confined spaces, engineered procedures/drawings, ECPs		
6. To communicate hazards known to it to all affected contractors and workers		
7. To ensure corrective action of any hazards known to it		
8. To ensure regular inspections are carried out to prevent the development of unsafe acts, practices or conditions		
9. To provide at the worksite up-to-date information that includes a set of construction procedures designed to protect the health and safety of workers at the workplace, developed in accordance with the requirements of the Regulation		
10. To ensure that all workers and other persons on at the worksite are given an appropriate site health and safety orientation		
11. To ensure contractors hold regular site safety meetings and/or toolbox talks		
12. To ensure an emergency response plan (ER plan) is maintained for the worksite and includes a system to address work outside of regular hours		
13. To ensure the ER plan is communicated to all workers on site		
14. To provide up-to-date information including a site drawing (posted) that shows project layout, first aid location, emergency transportation provisions, and the evacuation marshaling station		
15. To provide appropriate first aid services for the worksite		
16. To ensure contractors report incidents promptly to it and that the FA attendant completes and files an initial injury report		
17. To ensure any incidents are reviewed and any corrective actions taken		
18. To ensure it is apprised of any WorkSafeBC or other regulatory orders written on a contractor		
19. To ensure any orders written on it are posted and complied with.		
20. To ensure that contractors complete and file as needed preliminary and final incident investigations in accordance with WCA		

**BCIB HEALTH AND SAFETY  
POLICIES AND PROCEDURES**

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# BC INFRASTRUCTURE BENEFITS

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## Health & Safety Policy



## I. Our Commitment

Our employees are our most valuable assets and we undertake to safeguard them from injury and disease at the workplace both as an employer, and by working with stakeholders to ensure workplaces are safe and free of risk to the health of our employees.

## II. Objectives

The objectives of our policy are the following:

- To demonstrate our ongoing and determined commitment to ensuring and improving the health and safety of our employees;
- To meet all applicable health and safety legislation as a minimum standard, rather than as a maximum one; and,
- To lead in health and safety through pursuing continuous improvement, and by implementing and encouraging innovative and progressive approaches to workplace safety.

## III. Principles and Goals

BCIB's health and safety standard is based on the following principles and goals:

### 1. AWARENESS

**All our employees and stakeholders are aware of our commitment to health and safety and understand their roles in health and safety.**

#### *1.1 Board of Directors*

The Board of Directors will ensure that the goals and objectives of this policy and the requirements of our Health and Safety Program ("the Program") are appropriately delegated to Senior Management for implementation, compliance and performance evaluation.

#### *1.2 Senior Management*

Senior management will ensure that:

- adequate resources are provided to ensure our people, contractors, sub-contractors and other stakeholders are aware of this policy and committed to its effective implementation;
- job assignments for health and safety roles are defined, assigned and overseen; and,
- there is active open communication and consultation about health and safety between all our people, contractors, sub-contractors and other and stakeholders.

### 1.3 Employees

Employees will ensure that they:

- are trained about, and understand their health and safety rights and responsibilities as workers, and as supervisors when applicable;
- take reasonable care for their own health and safety and the health and safety of others;
- comply with the Program, and any reasonable procedures, practices and instructions given by managers and supervisors; and,
- be engaged in matters that affect their health and safety.

### 1.4 Contractors and Subcontractors

Contractors and subcontractors will ensure that they:

- meet all the health and safety obligations required by them as employers under health and safety legislation; and,
- fulfill the health and safety principles and goals set out in this policy, in the Program, and in all other ways that may be required.

## 2. COMPETENCE:

**All our employees have the competence to perform their work with minimum risks to health and safety.**

### 2.1 Behaviour and Culture

Senior management will demonstrate leadership in health and safety. Effective reporting systems will be in place for our employees, and they will be empowered to notify management of their health and safety concerns.

### 2.2 Health and Safety Training

Our employees will be adequately instructed and trained, including in the following:

- general health and safety awareness;
- new and young worker requirements;
- health and safety rights and duties of workers, and supervisors when applicable, including the duty to report unsafe conditions and the right to refuse unsafe work;
- the Workplace Discrimination and Harassment Policy and Procedures;
- the Workplace Drug and Alcohol Policy and Procedures;

- on-the-job and specialized task-specific skills needed to competently perform their work; and,
- health and safety relating to specific worksites, and job activities.

### *2.3 Apprenticeships and Trades Targets*

In assessing and establishing journey person to apprentice ratios for workplaces, and in setting other trades targets, the health and safety of our employees will be a paramount consideration.

### *2.4 Contractors and Subcontractors*

We will have provisions in place for reviewing the health and safety competence of contractors and subcontractors, including that they:

- have appropriate health and safety management systems in place that include provisions for identifying health and safety hazards, assessing the risks associated with those hazards, and informing our employees about the hazards and risks that may affect their work;
- ensure supervisors are trained, knowledgeable and experienced, and provide appropriate supervision of our employees;
- take action to prevent, reduce or control risks, and minimize the potential for incidents and accidents;
- report to us, and investigate as appropriate, workplace incidents affecting our employees; and,
- have in place effective joint health and safety committees, as required.

### *2.5 Fitness Testing*

Our employees will not be subject to pre-access physical fitness for work testing.

## 3. COMPLIANCE:

**We achieve compliance as an employer and empower our employees to take action to ensure their health and safety.**

### *3.1 Health and Safety Management Program*

The Program will implement an effective management system to ensure that, as an employer, we comply with health and safety legislation and continually improve our health and safety performance.

### *3.2 Measuring Performance and Improvement*

We will actively review and report on our health and safety performance against objectives and targets we set, and we will develop improvement plans to support the delivery of the objectives and targets.

### 3.3 *Contractor and Subcontractor Health and Safety Programs*

Contractor and Subcontractors will have health and safety programs that implement effective management systems which:

- comply with health and safety legislation;
- meet or exceed the objectives and standards set out in our Health and Safety Program; and,
- continually improve on their health and safety performance.

### 3.4 *Contractor and Subcontractor Review and Improvement*

We will engage and collaborate with Contractors and Sub-contractors to ensure that their ongoing health and safety capabilities and competences fulfil our goals and objectives under this policy.

We will establish monitoring systems to review contractor and subcontractor health and safety performance, and to identify opportunities for innovation and continuous improvement.

## 4. EXCELLENCE:

**Our objective is to achieve excellence in the way we manage health and safety.**

### 4.1 *Developing Innovative Practices*

We will encourage, develop, review and share “health and safety good practice” both internally and externally.

### 4.2 *Influencing Stakeholders*

We will only work with contractors, subcontractors and other stakeholders who support the attainment of the goals and objectives set out in this policy. We will engage and influence Contractors and Subcontractors to drive improvements in health and safety.

## IV. *Delivering the Policy*

Our policy will be successfully delivered by our generating a culture that does not tolerate any threat to the health and safety of our employees, and through the real engagement of our Board of Directors, senior management and employees, and Contractors, Subcontractors and other stakeholders, in fulfilling this policy.

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# BC INFRASTRUCTURE BENEFITS

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## Workplace Discrimination and Harassment Policy and Procedures

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## REVISION HISTORY

Date of revision	Reason (refer to blackline version to see revisions)
20190221	Initial Board Approval
20200507	Minor edits
20210715	Rename to: Workplace Discrimination and Harassment Policy and Procedures, minor edits.

Board approval is indicated in the Board of Directors meeting minutes. Any minor or major changes to the policy must be blacklined and processed through the Records Manager.

## PROCESS

Contact Records Manager to ensure you have the latest Word version for editing.  
Submit blacklined Board approved policy in Word to the Records Manager to file and post.

## REVIEW

This policy is to be reviewed on an annual basis by the Policy Owner. All major amendments are to be formally Board approved prior to implementation.

## 1. PURPOSE

BC Infrastructure Benefits Inc. (“BCIB”) is responsible for promoting and maintaining a workplace free from discrimination, bullying and harassment.

The purpose of this policy is to outline roles and responsibilities, and procedures for reporting an incident of discrimination or bullying and harassment in the workplace.

## 2. APPLICATION

This policy applies to all employees at all BCIB workplaces, including the following:

- BCIB management, staff, contractors providing services to BCIB, and employees engaged on a Project; and
- permanent, temporary, casual, contracted employees, apprentices, trainees, student employees (e.g. co-op students).

The policy applies to all direct interpersonal and written communication, including electronic communication, including email, text messaging, and social media.

This Policy applies to all employees except where a specific provision is contained in the Community Benefits Agreement (CBA) in which case the provision(s) of the CBA shall also apply to employees covered by the CBA.

It is recommended that employees covered by the CBA seek the counsel of union representatives before proceeding with a complaint.

## 3. WORKPLACE CONDUCT

Discrimination, bullying and harassment are not acceptable or tolerated in any BCIB workplace. All employees will be treated in a fair and respectful manner.

## 4. DISCRIMINATION

Discrimination is the unequal treatment of a person, based on one of the prohibited grounds outlined in the BC Human Rights Code.

Discrimination is prohibited at BCIB, on any and all the following grounds: age; ancestry; colour; conviction for a criminal or summary conviction unrelated to employment or intended employment; family or marital status; physical or mental disability; place of origin; political belief; race; religion; sex (including pregnancy), or sexual orientation.



## 5. BULLYING & HARASSMENT

Bullying and harassment, including any form of personal harassment, sexual harassment, or discrimination-based harassment are prohibited at BCIB.

Not every unpleasant interaction, instance of disrespectful behavior, or workplace conflict is bullying and harassment.

Bullying and harassment includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated.

Bullying and harassment excludes any reasonable action taken by an employer or supervisor that relates to the management and direction of employees or the place of employment.

Examples of conduct that might constitute bullying and harassment include physical or verbal aggression, insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings or spreading malicious rumours.

## 6. RESPONSIBILITIES

### **BCIB**

BCIB is responsible for promoting and maintaining a workplace free from discrimination, bullying and harassment. BCIB will take reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment.

BCIB must ensure that all employees have received Discrimination, Bullying and Harassment training and are aware of the requirements to comply with this policy and supporting procedures.

### **Contractor and Sub-contractors**

Contractors with contractual direction and control responsibilities over BCIB employees are required to comply with this policy. Nothing in this policy will in any way fetter the authority and responsibilities of a designated prime contractor under the Workers' Compensation Act (British Columbia), for a Project identified in a Construction Contract.

### **Managers and Employees with supervisory roles (Supervisors)**

A Supervisor has a duty to take all reasonable steps to ensure the health and safety of employees under their supervision and as a result, a supervisor must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

A Supervisor's obligation to ensure the health and safety of employees includes:

- not engaging in discrimination, bullying and harassment of employees, other Supervisors, the employer or persons acting on behalf of the employer; and
- applying and complying with the BCIB's policies and procedures on discrimination, bullying and harassment;
- liaising with Human Resources to undertake and participate in investigations.

### **Employees**

An employee has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, an employee must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

An employee's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- not engage in discrimination, bullying and harassment of other employees
- report if discrimination, bullying and harassment are observed or experienced
- apply and comply with BCIB's policies and procedures on discrimination, bullying and harassment.

## **7. PROCEDURES**

Procedures and forms for the administration of this policy follow and will be further developed, as required.

## **8. RECORD-KEEPING REQUIREMENTS**

BCIB encourages workers to keep written accounts of incidents to submit with any complaints. BCIB will keep a written record of investigations, including the findings.

## **9. POLICY AMENDMENTS**

This Policy and procedures were initially approved in February 2019 and will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available through the BCIB HR office.

BCIB reserves the right to amend this policy at any time and will publish revisions as promptly as possible.

## BCIB DISCRIMINATION, BULLYING AND HARASSMENT REPORTING PROCEDURES

### 1. COMPLAINANT

An employee who believes he or she has been subjected to or has observed discrimination or bullying and harassment in the workplace.

### 2. RESPONDENT

A person in the workplace against whom a complaint of discrimination and/or bullying and harassment has been made. A respondent includes an individual, whether or not they are a workplace party. This means that a respondent could be a workplace party such as an employer, supervisor, co-employee, or a non-workplace party such as a member of the public, a student, or any person an employee comes into contact with at the workplace.

### 3. INFORMAL COMPLAINT PROCESS

Don't ignore harassment or bullying.

Complainants are encouraged but not required to immediately tell the person whose conduct is considered inappropriate and unwanted and ask that the inappropriate or unwanted conduct stop.

Before proceeding with a formal complaint, an employee who believes he or she has been subject to bullying and/or harassment may approach their supervisor, union representative or BCIB Human Resources to discuss the potential means of resolving the issue, and to request assistance in resolving the matter on a formal or an informal basis.

### 4. HOW TO REPORT

Employees at BCIB can report incidents or complaints of workplace discrimination, bullying and harassment verbally or in writing. When submitting a written complaint, if convenient, please use the BCIB Discrimination, Bullying and Harassment Complaint Form (Appendix II). However, your complaint will be considered submitted even without using the Form.

For a verbal complaint, the person to whom the complaint is reported (e.g. supervisor) will fill out the Bullying and Harassment Complaint Form along with the complainant.

### 5. WHEN TO REPORT

Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows incidents to be investigated and addressed promptly.

### 6. REPORTING CONTACT

Employees should report any incidents or complaints to their immediate supervisor. If this is not practicable (for example if the supervisor is absent or otherwise unavailable), any supervisor can receive the complaint.

## 7. ALTERNATE REPORTING CONTACT

If the employer, the complainant's supervisor, or the person to whom the employee would typically report (as outlined in steps 3 and 4 of these procedures) is the person engaging in discriminatory, bullying and harassing behaviour, employees can contact the member of the Executive Management Team responsible for their department, or if unavailable, BCIB's CEO. On a Project worksite, employees in this situation may report to the BCIB site representative or directly to the Manager of the BCIB HR department.

## 8. WHAT TO INCLUDE IN A REPORT

Provide as much information as possible in the report, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence (for example, vandalized personal belongings) can also be submitted.

## BCIB DISCRIMINATION, BULLYING AND HARASSMENT COMPLAINT FORM

BCIB offers this form to employees to facilitate the reporting of discrimination, bullying and harassment. The use of this form is not mandatory. A complaint can be submitted verbally or in writing without using this form. When receiving a verbal complaint, the reporting contact (e.g. supervisor), along with the complainant, will fill out the Form.

Name and contact information of complainant
Name of respondent

### **Personal statement**

Please describe in the box below, in as much detail as possible, the discrimination, bullying and harassment incident(s), including:

- the names of the parties involved
- any witnesses to the incident(s)
- the location, date, and time of the incident(s)
- details about the incident(s) (behaviour and/or words used)
- any additional details that would help with an investigation

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## BCIB DISCRIMINATION, BULLYING AND HARASSMENT INVESTIGATION PROCEDURES

### 1. How and when investigations will be conducted

Most investigations at BCIB will be conducted internally. In complex or sensitive situations, an external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the complainant and respondent equal treatment
- in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
- incorporate, where appropriate, any need or request from the complainant or respondent
- for assistance during the investigation process

### 2. What will be included

Investigations will include interviews with the complainant, the respondent, and any witnesses. If the alleged target and the alleged bully agree on what happened, then BCIB will not investigate any further, and will determine what corrective action to take, if necessary. The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

### 3. Roles and responsibilities

The BCIB CEO is responsible for ensuring workplace investigation procedures are followed.


Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

A designated manager will conduct investigations and provide a written report with conclusions to the CEO or their delegate.

If external investigators are hired, they will conduct investigations and provide a written report with conclusions to the CEO.

### 4. Follow-up

The alleged bully and the alleged target will be advised of the investigation findings by the CEO or their delegate.



Following an investigation, BCIB CEO will cause a review and, if warranted, a revision of workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

In appropriate circumstances, workers may be referred to the employee assistance program or be encouraged to seek medical advice.

WORKER TEMPLATE: DOCUMENTING INCIDENTS OF WORKPLACE  
DISCRIMINATION, BULLYING AND HARASSMENT

If you feel you are targeted by discrimination, bullying and harassment, BCIB suggests use of this form to facilitate documenting of the incidents, to support your complaint, processing and investigation.

Date, Time, Location	People Involved (include witnesses)	Describe the situation (words, tone, actions, etc.) and the impact (humiliated, intimidated, etc.)



**BCIB Drug and Alcohol Policy  
and Procedures  
2021**

**CONSTRUCTION INDUSTRY OF BRITISH COLUMBIA**  
**SUBSTANCE ABUSE TESTING**  
**AND**  
**TREATMENT PROGRAM POLICY**

**DEVELOPED BY:**

**CONSTRUCTION LABOUR RELATIONS**  
**ASSOCIATION OF BC**

**AND:**

**BARGAINING COUNCIL OF BRITISH COLUMBIA**  
**BUILDING TRADES UNIONS**

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# CONSTRUCTION INDUSTRY OF BRITISH COLUMBIA SUBSTANCE ABUSE TESTING & TREATMENT PROGRAM POLICY

## I. POLICY OBJECTIVE

**1.01** The objective of this Substance Abuse Testing & Treatment Program Policy (“the Policy”) is to implement a program which:

- (a) Furthers the mutual interests of clients, contractors, unions and workers in achieving a safe, healthy, substance-free work place;
- (b) Provides consistent, fair, and manageable procedures for detecting, eliminating and treating substance use which stands to impair employee work performance;
- (c) Enhances workplace productivity and service quality;
- (d) Enhances the competitiveness of participating contractors by enabling them to provide assurances to their clients with respect to the drug-free character of their work force, thereby increasing union market share;
- (e) Strikes a progressive balance between the various competing interests of clients, contractors, unions and workers, thereby applying a superior and more competitive strategy to the benefit of all participating parties;
- (f) Demonstrates sensitivity to employee privacy and the life-style choices and values of individual employees to the extent that those choices and values do not impair high quality employee work performance, productivity or job safety; and
- (g) Provides employees with substance abuse problems, with appropriate assistance.

## II. DEFINITIONS

**2.01** As used in this Policy, the terms listed hereafter are defined as follows:

- (a) **“Accident”** – An event resulting in significant injury to a person or significant property damage.
- (b) **“Adulterated Test Result”** – A bodily sample in relation to which the donor has tainted the specimen with a foreign agent, such as bleach, to prevent the detection by a laboratory of a substance.

- (c) **“Alcohol”** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (d) **“Breath Alcohol Technician”** – A person trained to proficiency and certified in the use of an Evidential Breath Testing device (EBT).
- (e) **“Communicator”** – A representative of the employer and/or union designated to preserve the confidentiality of an employee’s personal information in the context of the administration of a substance test.
- (f) **“Company Premises”** – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of an employer, and/or any job site to which an employer assigns an employee.
- (g) **“Diluted Test Result”** - A test result where the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl.
- (h) **“Employee”** – Any individual employed by a signatory employer under the terms and conditions of a collective agreement with a participating union.
- (i) **“Employer”** – A participating contractor employing individuals under the terms and conditions of a collective agreement with a participating union.
- (j) **“Medical Review Officer (MRO)”** - A licensed physician who has knowledge of substance abuse issues and has received the appropriate medical training to interpret and evaluate an individual’s substance test result as it relates to the individual’s medical history and any circumstances.
- (k) **“Medications”** – Ingested or inhaled prescription drugs, non-prescription drugs, or herbal remedies which may impair mental or motor functions so as to affect the performance of job duties;
- (l) **“Near miss”** – A failure in work performance or other occurrence that nearly results in an accident.
- (m) **“Negative Test Result”** - A test result that indicates that an alcohol level is below .04 BAC and/or fails to confirm that the employee was, at the time of testing, under the influence of a substance.

- (n) **“Parties”** – The Parties to this policy are the Bargaining Council of BC Building Trades Union (BCBCBTU) and Construction Labour Relations Association of BC (CLR).
- (o) **“Personal information”** – Personal information as defined in the British Columbia Personal Information Protection Act, including substance test results and medical information.
- (p) **“Positive Test Result”** - A test result which indicates that the alcohol level is .04 BAC or higher and/or a test result which confirms that the employee is under the influence of a substance.
- (q) **“Possession”** – The care, custody, control or ability to immediately access a substance.
- (r) **“Reasonable Suspicion”** – An understanding based on objective and articulated facts sufficient to lead a supervisor to form a reasonable suspicion that drugs or alcohol might be influencing an individual’s work performance.
- (s) **“Safety Sensitive”** - A characteristic of operations where error could result in serious harm to a person, property or the environment.
- (t) **“Substance”** – Alcohol or any substance listed on a schedule of the *Controlled Drugs and Substances Act* or any impairing agent or any medication used by an individual in a manner that is inconsistent with the instructions of the prescribing physician.
- (u) **“Substance Abuse Professional (SAP)” (or Substance Abuse Expert (SAE))** – A licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have an addiction or a substance use problem.
- (v) **“Substance Testing”** – The analysis of the biological presence of a substance by means of urine, breath, blood and/or saliva sampling and analysis.
- (w) **“Third Party Administrator” (TPA)** – An independent third party professional organization that will administer testing, collect and store personal information and otherwise implement this Policy.
- (x) **“Union”** – a participating trade union as defined under the Labour Relations Code of British Columbia that is signatory to a collective agreement with a participating employer or employer association.
- (y) **“Unsuitable Test Result”** - A test result that arises when a laboratory determines that the specimen may contain a foreign contaminant or that the individual may have ingested fluids to

mask a substance ,but is not at a level to confirm the specimen as an Adulterated Test Result.

- (z) **"Worker Eligibility Status"** – An indicator of the worker’s compliance with the terms of this Policy which is available from the approved Dispatch System or through a link to the TPA’s Website. The types of status are as follows:

**Dispatch System Status**

1. **Current:** a status designated to employees who have complied with the terms of this Policy and who are therefore eligible for dispatch without further conditions.
2. **Not Current:** a status designated to employees in relation to whom an unresolved issue has arisen with respect to their compliance with this Policy and who are therefore not eligible for dispatch without further conditions.
3. **Pending Status:** a status designated to employees in relation to whom a specimen has been provided and the testing results have not been finalized.

**TPA’s Website Status**

1. **Current:** a status designated to employees who have complied with the terms of this Policy and who are therefore eligible for dispatch without further conditions.
2. **Not Current:** a status designated to employees in relation to whom an unresolved issue has arisen with respect to their compliance with this Policy and who are therefore not eligible for dispatch without further conditions.
3. **Pending Status:** a status designated to employees in relation to whom a specimen has been provided and the testing results have not been finalized.
4. **Testing Status:** a status designated to employees who have been selected to perform a random test and have not yet been tested.
5. **Reinstate Status:** a status designated to employees who are in violation of this Policy and must complete reinstatement requirements.

**III. POLICY STATEMENT**

**3.01** Under this Policy, the following are prohibited:

- (a) Use of a substance at the work place or during working hours;
  - (b) Being under the influence of a substance during working hours;
  - (c) Reporting to work under the influence of a substance; and
  - (d) The unlawful manufacture, distribution, possession, transfer, storage, concealment, transportation, promotion or sale of a substance or substance related paraphernalia at the work place.
- 3.02** Employees who are taking medications of any kind, whether prescribed or self-administered, are responsible for taking steps to ascertain whether the medications are capable of causing any impairment to their ability to carry out their job duties safely and efficiently, and where this is the case, to report without delay to his/her designated Communicator the facts and associated use of the medications."
- 3.03** Upon being informed of an employee's use of medications in accordance with Article 3.02, the Communicator shall consult with the affected employee and his/her physician to determine if a non-disciplinary suspension of duties is appropriate.
- 3.04** Where the Communicator determines, in accordance with Article 3.03, that a non-disciplinary suspension of duties is appropriate, the employer shall attempt to accommodate the employee by making an appropriate reassignment where available. However, if the employer is not able to furnish a temporary reassignment without undue hardship, the employer may place the employee on temporary medical leave until designated as fit for duty by a treating physician.
- 3.05** Where an employee has reason to believe that he/she has a substance abuse problem, whether or not the substance abuse problem results in a violation under Article 3.01, the employee is obligated to report the fact and circumstances of the potential substance abuse problem to his/her designated Communicator.
- 3.06** Upon being informed of an employee's substance abuse problem in accordance with Article 3.05, the Communicator shall, without delay, refer the employee to the Employee Assistance Program under this Policy.
- 3.07** Upon being informed of an employee's substance abuse problem in accordance with Article 3.05, the Communicator shall consult with the affected employee and the Employee Assistance Program to determine if a non-disciplinary suspension of duties is appropriate.
- 3.08** Where the Communicator determines, in accordance with Article 3.07, that a non-disciplinary suspension of duties is appropriate, the employer shall attempt to accommodate the employee by making an appropriate reassignment where available. However, if the employer is not able to furnish a temporary reassignment without undue hardship, the employer may place the employee on temporary medical leave until designated as fit for duty by a treating Substance Abuse Professional.



#### **IV. POLICY ADMINISTRATIVE COMMITTEE**

**4.01** The development, implementation and administrative responsibility for this Policy shall rest with the Policy Administrative Committee (“the Committee”).

**4.02** The Committee shall consist of a minimum of three union-appointed trustees and three management-appointed trustees as appointed respectively by each Party. The Committee shall:

- (a) Determine operating procedures;
- (b) Interpret and apply the Policy;
- (c) Appoint a Third Party Administrator;
- (d) Carry out any business as necessary for the administration of the Policy, and
- (e) Recommend changes to the Policy in accordance with the discretion of the Committee.

#### **V. THIRD PARTY ADMINISTRATOR (TPA)**

**5.01** The responsibilities of the TPA shall be to:

- (a) Engage the services of a laboratory for the purpose of analyzing substance test samples under this Policy;
- (b) Select a Medical Review Officer who is licensed to practice medicine in British Columbia or any such other applicable jurisdiction as agreed to by the parties;
- (c) Provide chain-of-custody forms and test kits and to establish collection locations and procedures so as to satisfy both chain of custody protocols and respect employee privacy.
- (d) Keep the Committee informed about new technology related to substance testing.
- (e) Maintain efficient, secure and confidential systems, databases, records and administrative procedures so as to provide participating employers and unions with accurate and timely information with respect to the eligibility status of any given employee.
- (f) Administer various substance tests in accordance with the terms of this Policy.
- (g) Report test results to appropriately designated persons in accordance with the terms of this Policy.

- (h) Provide training to Communicators designated by employers and unions with respect to the Communicators' responsibilities under this Policy;
- (i) Provide training to supervisory and union designated personnel with respect to the identification of facts in relation to the formation of a Reasonable Suspicion.
- (j) Refer individuals who have tested positive for substances to an employee assistance program that the employer has access to.

## **VI. MEDICAL REVIEW OFFICER (MRO)**

**6.01** The responsibilities of the MRO shall be to:

- (a) Ensure that proper protocols have been maintained with respect to the chain of custody of test samples.
- (b) Notify employees of their test results.
- (c) Canvass with any employee the circumstances related to a positive substance test.
- (d) Invite employees who have tested positive to have their original sample retested by a certified laboratory of the employee's choice.

## **VII. RIGHTS OF EMPLOYEES**

**7.01** The following interests of employees are recognized under this Policy:

- (a) The right to voluntarily elect whether or not to participate in "voluntary testing" as defined by the terms of Article 9.03(b).
- (b) The right to be provided with a copy of this Policy in advance of submitting to any substance test.
- (c) The entitlement to an opportunity to discuss with the MRO any medical conditions or use of medications by the employee or any circumstances associated with a positive substance test result.
- (d) The entitlement to request, within two days of being notified of a positive test result, that the original sample be retested by a certified laboratory of the employee's choice. The cost of the retest is to be the responsibility of the employee, unless the retest result is negative, in which case the employee shall be reimbursed by the employer.
- (e) The right to privacy with respect to their personal information, which shall be collected, used and disclosed only in accordance with the

objectives of this Policy and only to the extent necessary for the reasonable administration of this Policy.

- (f) The right to be accommodated in accordance with prevailing law where an employee has a disability related to substance dependency.

## **VIII. VOLUNTARY DISCLOSURE**

- 8.01** The Policy recognizes that substance abuse and dependency are associated with serious problems for workers and their families. Albeit highly complex problems, they often can be successfully treated.
- 8.02** Each employee is responsible for seeking help in relation to any substance abuse or dependency problem.
- 8.03** Employees are encouraged to contact their Employee Assistance Program for assistance.
- 8.04** A decision by an employee to seek assistance by way of self-referral to a bona fide treatment or assistance program will not in itself be used by his/her employer as the basis for workplace discipline.

## **IX. SUBSTANCE TESTING PROTOCOLS**

The following protocols shall apply to all substance testing under this Policy.

### **9.01 Disclosure of information:**

- a) The personal information of employees shall be collected, used and disclosed only in accordance with the objective of this Policy and only to the extent necessary for the reasonable administration of this Policy.
- b) It is a term of this Policy that records of substance test results shall be kept confidential and are only to be disclosed upon the written consent of the employee to whom such records pertain, with the following exceptions:
- c) The person who is the designated Communicator with respect to an employee who tests positive shall be informed of the employee's status (current / non-current / pending).
- d) Personal information may be disclosed without consent in accordance with the provisions of Section 20 of the Personal Information Protection Act where such provisions are applicable.

## 9.02 Sample Collections:

Test samples, where collected, shall be collected by appropriately trained persons utilizing Substance Abuse & Mental Health Services Administration (SAMHSA) procedures so as to ensure both proper chain of custody protocols and employee privacy protocols are respected. All samples will be collected with concern for each employee's personal privacy, dignity, and confidentiality. The TPA may provide the following three options for substance test sample collections:

- (a) **Mobile On-Site Collections:** Certified collectors may be available to collect the substance test sample collections at the job site, the employer's office or union hall.
- (b) **Clinical Collections:** The TPA may make arrangements with clinical collection sites for the collection of substance test samples.
- (c) **TPA Office Collections:** The collection of substance test samples may be available at the TPA's office where convenient.

## 9.03 Types of Testing to be Conducted:

### (a) Pre-Access Testing:

As a condition of entering the job site, employees may be subject to the testing requirements of the client / project owner in relation to their employment duties ("pre-access testing"). Employees who volunteer to participate in voluntary testing, in accordance Article 9.03(b) below, will be excused from pre-access testing.

### (b) Voluntary Testing

1. As an alternative to pre-access testing, an employee may participate in voluntary testing. To be eligible for voluntary testing, an employee must, by agreement, participate in three types of tests as follows:
  - i. Implementation testing;
  - ii. Unannounced testing; and
  - iii. Periodic testing.
2. Participation in voluntary testing, where elected, shall occur in accordance with the following descriptions and protocols:
  - i. Implementation Testing:

A substance test by pre-appointment as soon as feasible after the implementation of this Policy.

**ii. Unannounced Testing**

- a) Employees to be tested will be randomly selected and such selections will be made by use of a computer generated numerical program designed to ensure that no employee can be singled out.
- b) Random selections will be made six times per calendar year.
- c) No more than 20% of an employer's work force shall be subject to unannounced testing in a given year.
- d) The Communicator shall be notified of the selection of an employee for unannounced testing. Within 10 calendar days of being notified of the selection of an employee for unannounced testing, the Communicator shall inform the selected employee of the requirement that he/she report for testing. Selected employees must report for unannounced testing within 24 hours after notification by the Communicator of the requirement to report for testing.

**iii. Periodic Testing:**

A substance test required of an employee on the basis of the fact that he or she has not been tested over the preceding 36 month period.

**3. The provisions in this Policy for voluntary testing are applicable:**

- i.** Where pre-access testing is required by a client or project owner; or
- ii.** Where a union and an employer otherwise agree that voluntary testing is applicable.

**(c) Post-Accident Testing:**

An employee shall be required to take a substance test after:

- 1.** Having been directly and immediately involved in, or after having caused, an accident or a near miss; and

2. The employer has come to a reasonable belief, on the basis of an investigation into all relevant circumstances, that the employee's mental state may be a contributing factor to the accident or near miss.

An employee can be found to have been directly and immediately involved in an accident or near miss only when it can be reasonably determined, on the basis of the employer's investigation into all relevant circumstances, that the actions or omissions of that employee materially contributed to the detrimental outcome of the accident or near miss.

An employee can be found to have caused an accident or near miss only when it could be reasonably determined, on the basis of the employer's investigation into all relevant circumstances that, but for the actions or omissions of that employee, the accident or near miss would not have occurred.

Where practical, observations will be made of the worker(s) in question, before any decision is made to test, and that those observations will form part of the investigation into all relevant circumstances

**(d) Reasonable Suspicion Testing:**

Employees will be subject to substance testing where circumstances give rise to a reasonable suspicion that the employee has violated a prohibition under Article 3.01 of this Policy. A decision to require a reasonable suspicion test shall be based on observations of specific physical, behavioral or performance indicators and such observations must be made and documented by a supervisor who has received training in the detection of possible indicia of impairment by or influence of alcohol and/or a substance.

During the process of establishing reasonable suspicion for testing, the employee has the right to request his/her union representative to be present.

**(e) Return To Work, Post Treatment, Rehabilitation Testing:**

If an employee tests positive or refuses a test mandated by this Policy, the employee will be assessed by a Substance Abuse Professional (SAP) and prior to a return to duty, the employee must complete whatever requirements are stipulated by the SAP, which may include further assessment, treatment and counseling. In any

event, prior to returning to duty, the employee must provide a negative test result.

**(f) Probationary Status/Follow-up Testing**

Having been the subject of a positive substance test, and having satisfied the reinstatement requirements of this Policy, an employee shall undergo a further test upon his/her return to the job site and shall, thereafter, be subject to random testing for a period of up to two years at an annual rate of 50% of the random pool of workers.

**(g) Transportation**

The employer will incur the expense of round trip transportation arrangements for any employee to be tested.

**9.04 Specimen Analysis: (SEE ADDENDUM #1)**

All samples collected under this Policy will be analyzed by a certified laboratory, and shall include an initial Enzyme Multiplied Immunoassay Screening Test (EMIT) and, when necessary, be confirmed by a Gas Chromatography/Mass Spectrometry (GC/MS) Confirmation Test. Testing shall screen, at a minimum, for the following substances and test results must be below the following levels to result in a negative:

<b>Drugs Tested</b>	<b>(EMIT) Initial Test Cut-off Level (ng/ml)</b>	<b>(GC/MS) Confirmation Test Cut-off Level (ng/ml)</b>
Amphetamines	1000	500
Barbiturates	300	200
Benzodiazepines	300	200
Cannabinoids (Marijuana – THC)	50	15
Cocaine Metabolite	300	150
Methadone	300	200
Opiates	2000	2000
Phencyclidine (PCP)	25	25
Propoxyphene	300	200
Breath/Blood Alcohol Content (BAC)	.04%	.04%

**9.05** The Committee shall have the right to change the drugs tested, the cut-off levels and the analysis procedures as new technology in substance abuse testing warrants.

**9.06** Employees who provide two subsequent diluted test results under this Policy will be encouraged to seek medical assistance to determine if there is a valid medical reason for the diluted results. If a medical reason cannot be determined or if the

employee refuses to seek medical assistance, the third or remaining tests (if necessary) will be at the individual's expense.

- 9.07** Any employee who provides an unsuitable test result will be required to have subsequent drug tests observed.
- 9.08** Saliva or breath screen tests are acceptable for alcohol testing. Saliva screening for alcohol will utilize the QED-A150, which gives a quantitative reading (a range of alcohol from 0 – 150 mg/dl). If the QED-A150 registers any level equal to or greater than 20 md/dl (.04%), then a Breath Alcohol Test will be performed. A confirmed screening level less than 20 md/dl (.04%) is considered negative.
- 9.09** It is acknowledged that urine tests in no way measure current marijuana impairment because they do not detect the psychoactive ingredient of marijuana, THC. The mere presence in the urine of non-active metabolites of marijuana shall not constitute a positive test result for the purposes of this policy, but shall oblige the employee to submit to the immediate collection of a saliva and/or blood sample so as to facilitate a test for current impairment. Blood and saliva screen tests are acceptable for testing current marijuana impairment.

**9.10 Record Keeping:**

Hard copy testing results shall be maintained by the TPA for the following specified periods:

Negative test results will be maintained for one (1) year  
Positive test results will be maintained for five (5) years  
Rehabilitation records will be maintained for five (5) years.

**X. POLICY VIOLATIONS**

**10.01** The following conduct by an employee may be considered a violation of this Policy and may be the basis for an employer to impose progressive discipline in accordance with the legal principle of just cause:

- (a) A violation by an employee of any prohibition under Article 3.01;
- (b) A violation by an employee of any reporting obligation under Articles 3.02 or 3.05;
- (c) Failure to contact the Medical Review Officer as directed;
- (d) Failure to report as directed for testing;
- (e) Switching, adulterating, or attempting to tamper with any sample submitted for drug or alcohol testing, or otherwise interfering or attempting to interfere with the testing process; and
- (f) Refusal to submit a specimen for testing.



## **10.02 Confirmed Positive Test Results:**

### **(a) Medical Review Officer Notification (MRO)**

Within two days of being notified of a positive substance test result, the test subject shall contact the MRO and discuss with the MRO forthwith regarding the test result.

## **10.03 Reinstatement Requirements:**

If a person is the subject of a positive substance test, his/her worker eligibility status immediately becomes “not current” and remains so until all of the following conditions are satisfied:

- (a)** The SAP notifies the TPA in writing that the person has met all conditions stipulated by the **SAP** that are required, in the professional opinion of the SAP, for the person to safely return to or commence his/her duties as an employee.
- (b)** The person completes return to work testing in accordance with the terms of this Policy to the satisfaction of the TPA.
- (c)** The person agrees in writing to continue any treatment, counseling or rehabilitation as prescribed by the SAP.
- (d)** The person agrees in writing to be subject to Probationary Status/Follow-up testing for two years at a 50% random selection rate.

## **XI. GRIEVANCE**

**11.01** All aspects of this Policy shall be subject to the grievance procedure of the applicable collective bargaining agreement.

## **XII. COST OF COLLECTION AND TESTING**

**12.01** The employer will pay the cost of all substance testing under this Policy, unless explicitly excluded in this Policy.

**12.02** An initial return-to-work test will be paid for by the Medical Fund or EAP if provided for by these entities. If not so provided, the cost shall be borne by the employee. The costs of the second and all subsequent return-to-work tests will be borne by the employee and must be paid for in advance by the employee to the fund.

**12.03** Any employee who loses time from working in order to provide a specimen(s) for drug and alcohol testing will be paid by the employer for such lost time.

**XIII. SAFETY**

**13.01** Nothing in this Policy overrides the employer’s superseding obligation, duty and discretion under Occupational Health and Safety Legislation (OH & S) to provide a safe work site.

**XIV. SAVING CLAUSE**

**14.01** It is assumed by the Parties that each provision of this Policy is in conformity with all applicable laws of the Province of British Columbia. Should it later be determined that it would be a violation of any legally effective Provincial Order or Statute to comply with any provision or provisions of this Policy, the Parties agree to renegotiate such provision or provisions of this Policy for the purpose of making them conform to such Provincial Order or Statute, and the other provisions of this Policy shall not be affected thereby.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SIGNED ON BEHALF OF:

CONSTRUCTION LABOUR RELATIONS  
ASSOCIATION OF BC

\_\_\_\_\_  
  
\_\_\_\_\_

SIGNED ON BEHALF OF:

BARGAINING COUNCIL OF  
BRITISH COLUMBIA BUILDING  
TRADE UNIONS

\_\_\_\_\_  
  
\_\_\_\_\_

**ADDENDUM #1**

**9.04 Specimen Analysis**

The Policy Administrative Committee (PAC) has agreed to use Oral Fluid (OF) testing as the primary drug testing methodology effective May 22, 2009, on a 9 panel basis as identified herein:

**Immunoanalysis Screening and Confirmation cut-offs**

All oral fluid samples collected under this Policy will be analyzed by a certified laboratory, and shall include an initial Enzyme-Linked-Immuno-Sorbent Assay (ELISHA) test and, when necessary, be confirmed by a Liquid Chromatography/Mass Spectrometry/Mass Spectrometry Confirmation Test (LC/MS/MS). Testing shall screen, at a minimum, for the following substances and test results must be below the following levels to result in a negative:

<b>Drugs Tested</b>	<b>(ELISA) Initial Test Cut-off Levels (ng/ml)</b>	<b>(LC/MS/MS) Confirmation Test Cut-off Level (ng/ml)</b>
Amphetamines	50	50
Barbiturates	50	50
Benzodiazepines	10	10
Cannabinoids (Marijuana – THC)	10	10
Cocaine	20	8
Methadone	50	20
Opiates	40	40
Phencyclidine (PCP)	10	10
Propoxyphene	20	10
Breath/Blood Alcohol Content (BAC)	.04%	.04%