Summary of BCTS Staff Responsibilities when Assigning Prime Contractor

Any worksite with workers of two or more employers who’s work overlaps affecting the safety of co-workers of the other employer creates a multi-employer workplace (MEWP). It is not necessary for the employers to be working at the same time only that the work itself has the ability to impact the safety of another employer. A MEWP generates distinct owner obligations to ensure the workplace is coordinated and a system of compliance is applied to the workplace. Although these are the owner obligations, they are commonly referred to as Prime Contractor obligations as they can be delegated to a prime contractor.

If there is only one employer working at a site then the prime contractor responsibilities do not apply as these matters would be addressed by the employer discharging their obligation to do everything reasonable and practical to protect all workers at the workplace. There can only be one prime contractor appointed for a MEWP. If there is more than one prime contractor appointed, then the responsibilities assigned to the prime contractor will revert to the owner of the workplace.

For contracts that are being administered by BCTS, the responsibilities of the prime contractor are those of BCTS if a prime contractor is not assigned or if more than one prime contractor is appointed. It is often prudent for BCTS to designate a prime contractor to ensure site safety. It is important to understand this designated prime is discharging our owner obligations and we must be satisfied they are able and continue to do so throughout the project or relieved by another party and designation.

Before assigning Prime Contractor, the BCTS Contract Manager must assess if the contractor meets the following criteria:

- knowledge- (expertise in all activities happening on the site, aware of hazards and the means to control same);
- capacity (time and resources);
- control (authority over other companies onsite) to successfully coordinate the safety activities at the worksite.

The responsibilities of the prime contractor are clearly listed in the standard contract templates and may contractually extend beyond duties expected under the WCA. During pre-work meetings it is the responsibility of the BCTS Contract Manager to ensure the prime contractor fully understands and is able to address their responsibilities as described in the prime contractor agreement. Should any deficiency exist the contractor is obliged under the contract to rectify that circumstance.

The BCTS Contract Manager is responsible to monitor the prime contractor to ensure their safety system is in place, working and effective. If there are unsafe conditions observed at the workplace, the Contract Manager must address any safety system deficiencies with the prime contractor. If the prime contractor fails to correct any system deficiencies, then it’s the Contract Managers responsibility to take action under the contract and should this be unavailable, to contact WorkSafe BC and report the safety concern. The Contract Manager is responsible for conducting and documenting inspections to ensure the work proceeds appropriately including safety considerations at a frequency determined by a risk rating form.

WorkSafe BC role is to ensure compliance with the regulation and to ensure that the responsibilities of the prime contractor and owner are documented, practiced and recorded to ensure safe outcomes for all workers on a worksite with multiple employers.

For more information on Prime Contractor resources please see the following websites:

- FLNRORD-SMS Client Interaction Guide
- BC Forest Safety Council
- CSNR Prime Contractor and MEWP
- Workers Compensation Act and Policy