

Prime contractor role and duties

OHS information for prime contractors, employers and workers

This resource gives an overview of a prime contractor's role and some key duties. See Section 10 of the *Occupational Health and Safety (OHS) Act* for more information.

KEY INFORMATION

- A prime contractor's main role is coordinating health and safety on a work site with two or more employers.
- Construction or oil and gas work sites with two or more employers must have a prime contractor.
 - This is the case even if the employers don't work at the same time.
- Other work sites may also voluntarily designate a prime contractor.
- The person in control of a work site must designate the prime contractor in writing.

Prime contractor designation

The person in control of a work site designates a prime contractor. The designation must be in writing.

The prime contractor's name must be posted in a conspicuous place at the work site.

Some work sites must have a prime contractor. If the person in control of such a site doesn't designate a prime contractor, then by default they are the prime. (This does not apply to the person in control of a site when the work site is their home.)

Sites that must have a prime contractor are:

- Construction work sites with two or more employers.
- Oil and gas work sites with two or more employers.
- Any work site or class of work sites designated by an OHS Director if there are two or more employers involved in the work.

Construction, and oil and gas work sites are defined in section 1 of the OHS Act. (See [Definitions](#), page 3.)

"Two or more employers" applies even if the employers aren't on the site at the same time.

If you don't know if your site is required have a prime contractor, contact Alberta OHS. (See [last page](#)).

Work sites with two or more employers that aren't required to have a prime contractor can choose to have a designated prime contractor.

- In this case, the person in control of the site must have a written agreement with their designated prime contractor.

Note that in some cases the person in control of the site may be the property owner but the two concepts are not the same. Learn more in [Legal terms 101: "owner"](#).

Prime contractor obligations

Prime contractors play an important role in coordinating health and safety on multiple-employer work sites. Their main duties are:

- Setting up a system or processes to coordinate the safety programs of the employers on site.
 - These must ensure, as much as reasonably practicable, compliance with occupational health and safety legislation at the work site, including requirements to ensure employer and worker cooperation.
- Ensuring information flows across the work site.
 - This includes ensuring all work site parties know about existing or potential site hazards.

"Every prime contractor shall ensure that the owner and any employer, supplier or service provider on a work site is informed of any existing or potential work site hazards that may affect workers or other persons at the work site."

~ OHS Act, s. 10(10)

Systems and processes

A few examples of requirements that prime contractors must ensure are met via the systems and processes they establish include:

- Cooperation between the employer and workers in respect to health and safety, per Section 10(7)(a) of the OHS Act.
- Hazard assessment and control in Part 2 of the code.
 - This must include controls to ensure the activities of one employer don't impact others in the vicinity. For example, Employer A's workers using flammable substance near Employer B's workers, doing hot work.

- Competency and training requirements in both the act and OHS Code.
- Work site incident reporting (including potentially serious incidents) in Section 33 of the act.
- Emergency response planning in Part 7 of the code.
- At oil and gas wells, site orientation rules that meet the requirements of Section 751.1 of the code.
 - Other types of work sites can adjust oil and gas well orientation requirements according to their work, site size and complexity.

The systems and processes required will vary depending on the unique nature of the work and work site. Best practices may include:

- Setting up a pre-qualification process for employers and rules about sub-contracting.
- Posting site safety rules and carrying out appropriate training to ensure everyone understand the safety rules, and the consequences for not following them.
- Running toolbox, safety or committee meetings.
- Establishing site-specific inspection processes.

Although not explicitly required under occupational health and safety laws, pre-project planning is essential to ensure that systems and processes that address legislated requirements are in place before work starts on a multi-employer work site.

System to ensure cooperation between workers and employers

Work sites with a prime contractor aren't required to have their own health and safety committee or representative.

However, a prime contractor may voluntarily put one or more committees or representatives in place to meet their obligation under Section 10(7)(a) of the OHS Act (see [above](#)).

Health and safety committees put in place voluntarily by a prime contractor are not bound by the health and safety committee requirements in the OHS Code. The prime contractor has flexibility to set rules and processes that best suit the work site.

No matter the system or process the prime contractor establishes, it must include meaningful participation by workers. At the very least, this means:

- The participating workers cannot be associated with management: that is, they can't be managers, supervisors, or contracted service providers.
- The workers must be involved in carrying out the duties set out in Section 13(6) of the OHS Act (see [below](#)).

Health and safety designates

Once the prime contractor establishes a system or process for ensuring cooperation between the employer and workers, the prime contractor must designate a person – in writing – to implement the system or process to address matters set out in Section 13(6) of the OHS Act and ensure cooperation between the employer and workers is achieved.

In doing so, the designated person must ensure that workers participate, at a minimum, in the four duties listed in Section 13(6) of the OHS Act:

- Receipt, consideration and disposition of worker health and safety concerns.
- Participation in employer hazard assessments.
- Making health and safety recommendations.
- Reviewing employer work site inspection records.

One of the ways a designate can achieve the goal of worker participation is by using a committee, health and safety representative or some combination of the two to review all related deliverables (such as hazard assessments and health and safety recommendations) and take part in related processes (such as concern receipt, consideration and disposition, and reviewing inspection records).

The health and safety designate shares the prime contractor's obligation to ensure that workers who participate as described above are not management or contracted service providers, and that their participation is meaningful.

Equipment, work site infrastructure and excavations

Prime contractors must fulfill any employer obligations related to equipment or infrastructure, if the equipment or infrastructure is designed, constructed, erected, or installed by or on behalf of the prime contractor. Prime contractors must also fulfill any employer obligations related to excavations, if the excavations are conducted by or on behalf of, the prime contractor.

These prime contractor obligations do not relieve other employers from any obligation they may have toward equipment, infrastructure and excavations, and do not absolve either the prime contractor or employers from their other legal responsibilities.

Some work site equipment, infrastructure or excavations put in place by or on behalf of the prime will be for shared use by site employers. The prime contractor may also be

responsible for maintenance and upkeep of these resources. Examples include:

- Toilet facilities.
- Scaffolds.
- Guardrails.
- Waste disposal bins.
- Propane tanks for site heating.
- Site entry and exit ramps.
- Fall protection anchorages.

Other OHS Code requirements

Prime contractors have other specific obligations under the OHS Code. These include:

- [First aid requirements](#) in Part 11.
- Oil and gas prime contractor responsibilities in Part 37.

Definitions

From the OHS Act:

Section 1(e) “construction work site” means a work site where any of the following activities are conducted:

- (i) the building, demolition, repair, alteration, extension or renovation of a structure;
- (ii) site development or building and repair of roads, highways, pipelines, sewage systems, drainage systems, electrical transmission lines or systems or telecommunication transmission lines or systems;
- (iii) digging, working in or filling a trench or excavation;
- (iv) land clearing, earth moving, grading, boring, drilling, abrasive blasting or concreting;”

Section 1 (gg) “oil and gas work site” means a work site where any of the following activities are conducted:

- (i) oil and gas development, production, refining and processing;
- (ii) the drilling and mining of, completion, recompletion or remedial treatment of an oil or gas well;
- (iii) the supplementary operation performed or service provided that is necessary to the drilling of an oil or gas well;
- (iv) work performed with a mobile workover or completion service rig;
- (v) geophysical operations in relation to oil and gas;
- (vi) construction and upgrading of oil and gas infrastructure;
- (vii) oil and gas pipeline construction and operation;
- (viii) oil and gas site abandonment, remediation and reclamation;
- (ix) bitumen and in situ heavy oil recovery;”

Section 1(II) “prime contractor means the prime contractor for a work site referred to in section 10;”

Contact us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hard of hearing (TTY)

- 1-800-232-7215 (Alberta)

- 780-427-9999 (Edmonton)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incident.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation and Code

Alberta King's Printer

alberta.ca/alberta-kings-printer.aspx

OHS

alberta.ca/ohs-act-regulation-code.aspx

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For more information

First aid in the workplace (FA020)

ohs-pubstore.labour.alberta.ca/fa020

Health and safety committees and representatives (LI060)

ohs-pubstore.labour.alberta.ca/li060

Legal terms 101: "owner" (LGT002)

ohs-pubstore.labour.alberta.ca/lgt002

Legal terms 101: "reasonably practicable" (LGT001)

ohs-pubstore.labour.alberta.ca/lgt001

Occupational health and safety and the internal responsibility system (LI051)

ohs-pubstore.labour.alberta.ca/li051

Participation for small business owners and workers (LI055)

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