

## **Purpose/Background**

The purpose of this Administrative Procedure is to assist departments and schools in determining the relationship between a worker and the Division, in accordance with the Canada Revenue Agency guidelines, the Employment Insurance Act, Income Tax Act and the Canada Pension Plan.

The Division has a legal obligation to determine the status of workers and to ensure that appropriate contractual or employment terms and actions are consequently applied when hiring contractors or employees because the rights and obligations of workers depend on the nature of the working relationship between the worker and the school division.

## **Definitions**

Employee means an employee of the Board of Trustees of Rocky View Schools hired to perform service for the Division.

Independent Contractor means a person (individual or other entity) retained by the Board, either directly or through a corporation to perform services for the Division.

Accountable Individual means the person responsible for hiring or retaining a worker and establishing a contract or determining the worker's relationship to the Division.

Worker means either an employee or Independent Contractor.

Four-fold Test determines who in the relationship has Control, Ownership of Tools, Chance of Profit, and Risk of Loss.

## **Procedures**

1. Revenue Canada has issued the document RC4110 – Employee or Self-Employed which provides guidance in determining a worker's employment status.
2. An individual is considered an employee by the level of:
  - 2.1 Control: the nature and degree of control exercised by the Division on how, when, and/or where the work is done. The "control test" determines whether the organization is in a position to order not only what is to be done, but also how it is to be done. Where such control exists, the courts have generally regarded the relationship as that of an employer and employee. The more control the organization has, the more likely the worker is an employee. Four factors are used in the control test:
    - 2.1.1 Selection – who has the power to select the worker?
    - 2.1.2 Dismissal – who has the right to suspend or dismiss the worker?
    - 2.1.3 Method of work – who controls the method in which the job is carried out?
    - 2.1.4 Remuneration – who sets the payment scale for wages or other remuneration to the

worker?

- 2.2 Ownership of Tools: the tools necessary to perform work are typically provided to an employee. An independent contractor will usually supply his/her own tools. Tools may include cell phones, computers, and trade specific tools such as those for carpenters or electricians.
- 2.3 Opportunity for Profit: if the opportunity for profit does not change in relationship to the work performed by the worker, it indicates an employee relationship,
- 2.4 Risk of Loss: if the worker bears no risk of loss and will be paid regardless of the work they complete in a certain period of time, this is likely an employee relationship. If the individual assumes a high degree of financial risk and will not receive payment unless certain work is completed, the more likely the worker is an independent contractor.

### 3. Consequences

- 3.1 Workers who are employees have Canada Pension Plan contributions, Employment Insurance (EI) premiums, and income tax deducted from the worker's pay. The Division is required to remit these deductions, together with the employer's share of CPP contributions and EI premiums to Canada Revenue Agency. These deductions and remittances are not made for Independent Contractors.
- 3.2 If a worker is incorrectly identified as an independent contractor, then the Division would be responsible for paying both the employee's share and employer's share of CPP contributions, EI premiums, plus interest and penalties under the Income Tax Act and/or the entitlement the worker would have otherwise received under respective terms and conditions as an employee.
- 3.3 Where a worker is to be hired or retained, the supervisor shall, in consultation with the Associate Superintendent of Human Resources, determine whether the worker is an employee or an independent contractor. Once the relationship is determined, employees will be hired in accordance with Human Resources processes and procedures, independent contractors will be contracted in accordance with purchasing and contract services.

#### Reference:

- School Act Sections 60, 61, 113, and 116
- Canada Pension Plan
- Employment Insurance Act
- Income Tax Act
- Revenue Canada RC4110

**Appendix A – SAFETY MANUAL – CONTRACTOR SAFETY**

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1. Purpose

This document describes the Rocky View Schools Health and Safety Contractor Program. Rocky View Schools requires that health and safety standards be met by every contractor performing work at Rocky View Schools. The Contractor Health and Safety Program is provided to ensure that contractors are aware of Rocky View Schools health and safety standards and to assist the contractor in maintaining these standards.

2. Definitions

2.1 Prime Contractors

Every work site must have a Prime Contractor if there are 2 or more employers involved in work at the work site(s) at the same time.

The Prime Contractor for a worksite is:

- a) the contractor, employer or other person who enters into an agreement with the owner of the worksite to be the Prime Contractor, or
- b) if no agreement has been made or if no agreement is in force, the owner of the worksite.

2.2 Contractor

A person, business or corporation, which provides goods or services to Rocky View Schools under terms specified in a contract. For the sake of this document, this applies to all non-Rocky View Schools personnel performing work at, or for Rocky View Schools.

3. Roles and Responsibilities

A Rocky View Schools Contractor Contact must be assigned and this procedure followed anytime a contractor, consultant, estimator, inspector, vender or other non-Rocky View Schools personnel is hired to perform work at Rocky View Schools. The roles and responsibilities for all stakeholders are described below.

3.1 Rocky View Schools Contractor Contact

Every Rocky View Schools employee who hires a contractor is responsible for:

- Ensuring that there is a Rocky View Schools Contractor Contact to provide the contractor with the safety information for contractors and to facilitate and oversee the project
- Ensuring that an initial Safety Orientation Meeting takes place and that all of the appropriate forms are completed and communication pathways followed for the work being performed as explained in section 4 of this document
- Ensuring that all applicable Rocky View Schools Job Hazard Assessments, Safe Work Procedures and Safe Work Practices are available on site to contractors

3.2 Contractor Responsibilities

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Contractors/Prime Contractors, while on any Rocky View Schools' property, are responsible for the following:

- Reading, understanding and adhering to the safety information for contractors
- Knowing and adhering to all applicable requirements of Alberta OH&S
- Ensuring all employees and subcontractors are informed of and adhere to, the Rocky View Schools Safety Program
- Attending the Safety Orientation Meeting and completing any required forms prior to commencement of work
- Inspecting work areas on a regular basis and correcting any identified hazards or non-compliant conditions, prior to beginning work
- Reporting and Investigating any accidents, injuries or near miss incidents and providing a copies of the reports and investigations to the Rocky View Schools Contractor Contact, who will forward these reports and investigations to the Rocky View Schools' Occupational Health and Safety department
- Ensuring that all employees are provided with and wearing any appropriate Personal Protective Equipment for specific jobs being performed
- Reporting all inspections by any regulatory agencies such as Alberta OH&S, etc., while working at Rocky View Schools to their contractor contact who will forward the information to the Rocky View Schools' OH&S department
- Ensuring that any employees under their supervision are trained and oriented to their work environment and tasks so that they are able to perform their work in a manner that protects their safety and the safety of others

### 3.3 Safety Orientation Meeting

Your Rocky View Schools' Contractor Contact will request and facilitate a Safety Orientation Meeting. The Rocky View Schools' Contractor Contact will discuss the Rocky View Schools' Contractor Safety Program and how it relates to the specific project that you will be working on. The Safety Orientation Meeting will include, but is not limited to, discussion of the following:

- Emergency Procedures and Evacuation Plan
- Accident/Incident Reporting
- Notification of hazardous products and/or work
- Health and safety hazards and/or procedures that are specific to the project
- Working alone
- Location of First Aid and Medical Services
- Inspections and permits

At this meeting you will also review the "Field Hazard Assessment" form and the "Contractor Sign-Off form. The Field Hazard Assessment form must be completed for each and every new job before the work commences and a copy kept on file at the worksite. Both of these forms must also be forwarded to the Rocky View Schools' contractor contact.

#### 4. Special Health and Safety Considerations

##### 4.1 Fall Protection

The contractor must ensure that Alberta OH&S Regulations concerning fall protection are adhered to by all of their employees and sub-contractors. Contractors are responsible for ensuring a risk assessment is conducted for any projects involving a potential for injury from falls. There must be a fall protection system in place when employees work from an elevation of greater than 3m (10ft.) or where a fall from a lesser height involves an unusual risk of injury. The contractor must ensure all workers are instructed in the fall protection system and the procedures before they are allowed into an area where a risk of falling exists.

##### 4.2 Personal Protective Equipment

The Contractor is responsible for ensuring all of their employees and sub-contractors wear personal protective equipment as required by Alberta OH&S Regulations. The personal protective equipment must not be tampered with or modified in any way and must be specific to the work being done.

##### 4.3 Hand and Power Tools and Equipment

The Contractor is responsible for ensuring that all hand and power tools and equipment are of the proper type for the job and in good working condition. Workers must be trained in the proper use of these tools and equipment. These tools and equipment must be used according to manufacturer specifications and must be removed from use, tagged and repaired when required.

##### 4.4 Asbestos

Your Rocky View Schools' Contractor Contact will ensure that you are aware of any asbestos hazards, if they exist, prior to work beginning. Contractors are responsible to review the construction site prior to commencement of work in order to ensure that they are familiar with the locations of identified "Asbestos Containing Materials" (ACM). If at any time, a contractor is suspicious that there is any unidentified ACM in the work area during a work project they must stop work immediately and ensure that work is not performed until a formal risk assessment has been performed and it is clear to do so.

##### 4.5 Confined Space Entry

The Contractor is responsible for ensuring that workers do not enter into a confined space without the proper training and/or certification as per Alberta OH&S regulations. Additional information regarding confined space entry can be found in the form of a Safe Work Practice in the Rocky View Schools OH&S Program.

#### 4.6 WHMIS and Chemical Safety

The Contractor is responsible for the training of all workers who will be handling or otherwise coming into contact with products controlled under WHMIS.

The Contractor will ensure that all controlled products transported to or from, the site are properly labeled. The contractor will also ensure that MSDS for all controlled products are available at the work site. The Contractor will supply copies of MSDS to the Rocky View Schools' Contractor Contact, as requested.

#### 4.7 Smoking Policy

Rocky View Schools is committed to providing a safe and healthy environment for students, employees and visitors. All buildings and vehicles owned and operated by Rocky View Schools and all its property shall be smoke-free (tobacco) environments.

In accordance with the "Tobacco Reduction Act" and the "Prevention of Youth Tobacco Use Act", the RVS Board prohibits tobacco use and the possession by anyone under the age of 18 years of age in schools, in vehicles owned and operated by the Board and on school grounds or at school-related activities. Employees of Rocky View Schools are expected to model the expectations of this policy.



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**Contractor Sign-Off**

Enclosed is the Rocky View Schools Contractor Health and Safety Program. This program addresses Occupational Health and Safety requirements for all contracted construction, maintenance and service projects. It applies to all employees of Contractors, sub-contractors and all others who may be involved in work on Rocky View Schools' properties.

During the performance of any contracted work, the Workers' Compensation Board Occupational Health and Safety Act, Regulations and the requirements of the Rocky View Schools Health and Safety Program must be observed and followed. Any contractor, sub-contractor or others involved in work on Rocky View Schools' properties not complying with this program will be ordered to cease work until compliance is achieved.

Prior to commencement of work, a representative of the prime contractor, contractor or sub-contractor must read the program and sign and return this page to the assigned Rocky View Schools Contractor Contact. The contractor is responsible for ensuring that the relevant contents of this program have been communicated to the contractor's employees and the all of the contractor's employees adhere to this program. Prime contractors are responsible for ensuring that a representative from all sub-contractors have been provided with a copy of the Rocky View Schools Contractor Health and Safety Program, the program has been read by the representatives and the relevant contents of the program have been communicated to the sub-contractor's employees.

I, _____ (please print) have read and understand the Rocky View Schools Contractor Safety Sign-Off Document. I will adhere to the Rocky View Schools' Health and Safety Program and the Alberta OH&S Regulations while working on Rocky View Schools' property. I will ensure that my employees, sub-contractors and suppliers will comply with the requirements set out in the above regulations and program.	
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Signature:	
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Job Title:	Company Name:
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Date:	Rocky View Schools Registration #
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