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R. v. GREATER SUDBURY (CITY): TOP 10 CONSIDERATIONS

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1. The overlapping nature of your obligations under the OH&S legislation;
2. If you occupy/perform a specific function under the OH&S legislation, then you are responsible for the *entirety* of the obligations that go along with it;
3. The moment you decide to bring a subcontractor onto a worksite, you have obligations in respect of them, regardless of whether you have “control” over the subcontractor or the work activities of the subcontractor, or whether you have assigned “prime contractor” or “owner” status to another entity;
4. The specific terms of your agreements and/or your day-to-day dealings with your subcontractors, may result in you taking on additional OH&S functions and obligations that you may not otherwise need to. This is particularly true if you’re providing your subcontractors with documentation or training to assist them in performing their own OH&S obligations (which depending on how it’s done, may unintentionally activate the “service provider” obligations);
5. The “prime contractor” requirements haven’t changed as a result of the Decision;
6. Assigning “prime contractor” status isn’t always straightforward;
7. It’s easy to invalidate an otherwise valid assignment of “prime contractor” status;
8. Contractor management systems are only as good as the underlying contracts that support them, and those contracts are quite often insufficient and in need of an update;

9. The need to consider the day-to-day activities actually being performed at your work sites, for the purposes of determining whether the “supplier”, “service provider”, “supervisor”, and “temporary staffing agency” functions may be engaged, and adjusting any contract or contractor management systems necessary to address same; and
10. Depending on the frequency with which it is assigned, providing your managers and procurement teams with a refresher on how to avoid the issues that commonly arise when assigning prime contractor status, and how to maintain oversight of the prime contractor without taking over “control” of the work site.

Questions about what this TOP 10 means for your work site(s)? Join our weekly [Friday Morning Muster](#), or give us a call at **1-780-720-1586** (Edmonton & Northern Alberta) or **1-403-456-5835** (Calgary & Southern Alberta), and let our experience benefit you.