

# Responsibility Differences between Transferring Prime and Retaining Prime

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Here is what it looks like from the perspective from the Municipality (Owner / Employer).

- Transfer – ask the questions how the process or activity is being/was handled.
- Retain – directing the activity in some cases and implementing corrective actions/preventative measures and ensuring the activity is done.

## **Owner / Employer Transfer Prime Responsibilities (third-party)**

### Incidents

- Prime holds the accountability and responsibility for reporting serious incidents and potential serious incidents to OHS Contact Centre. Depending upon the incident reporting responsibilities in the written agreement, the Owner or Prime Contractor will report to Alberta Environment on spills and releases, often it falls to the Prime Contractor.
- When injuries happen, the contracting employer will have internal responsibilities to reporting to their WCB claims and have a second responsibility (under the written agreement) to report the incident, root causal factors and corrective actions to the Prime. Generally, the Prime Contractor on-site will coordinate the investigation and any stop work orders.
- Under the signed agreement, often municipalities will retain reporting incidents to public or respond to public complaints, concerns.
- Prime will hold the overall accountability that incidents are reported and may assign responsibilities to contracting employers to participate in the investigation, (i.e., collecting photos, interviewing witnesses, locking out equipment, freezing the scene, completing the report), but has overall accountability the incidents are reported and investigated, and corrective actions are implemented.
- The assigned person to represent the Prime may conduct a follow-up inspection confirming investigation process was completed and identified corrective actions are implemented and lessons learned are discussed to help reduce recurrences.
- Once the Prime is transferred the Owner / Employer (municipality) can ask a series of questions to how the event was handled and how the gaps closed.
- The municipality as the owner / employer will ask the Prime Contractor how will the serious or PSI incidents be reported, the outcomes from the reporting.
- It is the responsibility of the Prime Contractor to report to government authorities, when a prime is designated. The owner can monitor to verify the reporting is done and follow up with non-compliance, non-conformance issues.

### Inspection summaries

- Prime has the overall accountability to assure the inspections are done or will conduct any follow up inspections from reported concerns, incidents or feedback or OHS orders and have a plan for closing the gaps and implementing the corrective/preventative measures.

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- The owner can ask how the Prime Contractor will conduct the inspections, and what is the plan for closing the gap and implementing the corrective/preventative measures.

## Project progress reports from contractors

- Prime coordinates with the contracting employers, sub-contractors, to assign responsibilities for follow-ups and then often the Prime role will check against project scope for progress is on target. Prime will be responsible for rechecking for follow ups are done and reports to Owner / Employer on progress status and solutions. Assigns authority to contractors to do the project tasks, holds overall accountability to assure project scope is on target and health and safety reporting is completed and corrective actions are implemented.

## Concerns brought forward and New feedback/issues/concerns

- Prime contractor is accountable concerns brought forward are dealt with and implemented. Prime may assign the authority to a worker or contracting employer, self-employed person to complete any corrective/preventative measures arising from a concern.
- Often the chain of command for workers to report their health and safety concern is to inform their own employer / supervisor.
- The Prime Contractor will hear of the concern prior to the meeting and then have the accountability and responsibility to assure any gaps arising from the concern are implemented and may include a re-inspection of the work site.
- The Prime Contractor may have their own chain of command for reporting concerns, issues and feedback.

## Training, policies and procedures

- Prime contractor assigned person to coordinate health and safety will be the person to coordinate collecting training certificates or identifies training requirements.
- Prime will often already have written policies and procedures for health and safety at the job site.
- Prime contractors will have the accountability and responsibility to assure policies and procedures that are missing are written, trained on and distributed for understanding.
- Prime contractor may have an additional sign off on policies and procedures for all workers assigned to the work site.

## Start, stop, resume notifications

- The Prime may not always issue a stop work order, the stop work order can come from and OHS Officer or other government regulator and may come from the workers/supervisors at the field site from an incident or under the requirements to freeze the scene for a serious or potential serious incident, (more details on contracting employer incident reporting in 5C. Monitoring Contracting Employer Incidents and Investigations section).

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- The Prime is accountable for any future start, stop and resume orders and assuring corrective actions and preventative measures are implemented and effective.
- Prime is responsible and generally initiates the start of the project, once the Pre-job Start Up meeting is completed with Contracting employers, and Owner /Employers.
- Prime will need to be involved in coordinating the startup processes, timing and reporting requirements, review reasons for the stop and will have the authority to resume notifications and depending upon the written agreement, may have a hierarchy of approval for resuming work notifications where the Prime alone resumes work, (i.e. once the work site is safe from an incident or serious incident), or the Prime and Owner / Employer both need to approve the resume notification, (i.e., resume work after a change order is approved).

## Change order requests

- The Prime may not always initiate the change orders, this generally comes from unforeseen issues/hazards or Owner/Employer requests to change that affect job scope, or contracting employers making the change requests.
- Similar to the chain of command when reporting issues/concerns the change order requests will have a similar request.
- The Prime accountability is to coordinate and negotiate with the Owner / Employer any changes that will affect the job scope, timing and costs.
- The Prime will coordinate and often will have a level of agreement/negotiated sign off approval that includes both the Prime and Owner/Employer.

## **Owner / Employer Retains Prime Responsibilities**

### Incidents

- Owner / employer will now be accountable and responsible for reporting serious and potential serious incidents to OHS, Environmental regulators and other governing bodies, as well as reporting to and responding to public inquiries and complaints.
- Owners / employers has the highest level of authority to direct who will be involved in the investigations and may conduct a follow up inspection to assure corrective actions are implemented.

### Inspection summaries

- The Owner / employer, (e.g., municipality), is now the prime contractor and will be performing inspections as the owner and has the authority to direct the contracting employers/contractors to do the workplace inspections specific to their work areas, e.g., site-specific hazard inspection and identification/assessment and tailgate meeting processes.

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## Project progress reports from contractors

- Owner is now responsible and accountable for directing contracting employers to report on specific health and safety issues, progress on projects and follow up/disciplinary actions on non-compliance of contracting employers, service providers, self-employed persons, or any other workers/volunteers/visitors to the work site.

## Concerns brought forward and Feedback, issues, concerns

- Owner is accountable for assuring corrective actions are implemented, recording the issues and may conduct a follow up inspection or assign the follow up inspection and have the assigned contracting employer or individual report back to them on the findings.

## Training, policies and procedures

- Owner / employer will collect the training certificates to prove contracting employer's workers are trained and show capabilities, write policies and set procedural and standards at the work site.
- Owner / employers will be responsible for determining the program and procedures to follow (Owner / employers or the Contracting Employer's program, generally which ever program has the highest standard level).

## Start, stop, resume notifications

- The Owner / employer may not always initiate a stop work order but are accountable and responsible for initiating the start of the project, (project kick off will coordinate and leads the pre-job start up meeting) and is accountable for assuring the corrective actions or preventative measures are implemented and effective before signing off on resuming the job.
- Depending upon the stop work order, the Owner / employer as Prime will be accountable to implementing any corrective actions from OHS Officers or other governing bodies/regulators.