

# Are you Liable During the Construction of Your Home?

**W**hen you decide to build a new home there are a couple of options available to you. You can hire a knowledgeable person or company to oversee the construction or you can make the decision to do it yourself. If you decide to head up the project yourself you then become the 'general contractor' or 'prime contractor'.

There are many responsibilities that go along with being the 'prime'. Ultimately you are responsible for the safety of the workers on your site. In this article I will concentrate on the safety aspects of the job. Most of the information in this article comes from the Workplace Safety and Health (WSH) Act and Regulations.

Requirement for prime contractor

7(1) there shall be a prime contractor for a construction project if more than one employer or self-employed person is involved in work at the construction project site at the same time.

Prime contractor for construction project

7(2) The prime contractor for a construction project is

- (a) the person who enters into a contract to serve as a prime contractor with the owner of the construction project or
- (b) if there is no contract referred to in clause (a), or if that contract is not in effect, the owner of the construction project site.

7(3) Duties of prime contractor:

The prime contractor for a construction project shall

- (a) ensure, so far as is reasonably practicable, that every person involved in work on the project complies with this Act and the regulations;



(b) coordinate, organize and oversee the performance of all work at the construction project site and conduct his or her own activities in such a way to ensure, so far as reasonably practicable, that no person is exposed to risks to his or her safety or health arising out of, or in connection with activities at the construction project site.

(c) cooperate with any other person exercising a duty imposed by this Act or the regulations (WSH or building inspectors) :and (d) comply with the Act and regulations

The first step should be to pick up a copy of the Manitoba Workplace Safety and Health Legislation, Act and Regulations. This is be available from the local WSH office or from the Construction Safety Association of Manitoba(CSAM). The act can also be found online, Google WSH Act and Regulations.

This should contain all the information you will need and the regulations outline specific rules and procedures to help ensure the safety of workers performing on the project. All construction procedures must be followed as outlined in the Regulations.

There are far too many regulations to mention in this article but they cover everything from individual and

company responsibilities to how to perform tasks in a safe manner and the safety equipment and procedures needed to do so.

Before a project or task begins the prime should meet with the workers or the company rep responsible for safety and outline the company's or person's responsibility for safety on the site. A form should be drawn up that outlines the responsibilities and there should be a sign off by the worker or contractor to show that they were told of their responsibilities and they understand them. They should be told of any hazards or dangers they may encounter. That is part of the due diligence of being a prime contractor. You must ensure that the workers on the site know their responsibilities when it comes to health and safety.

Post emergency numbers and contacts on the site in case an incident should occur.

Be sure the contractor or self-employed worker is covered by workers compensation. Record their registration number. It is best to hire sub-contractors who can prove they have a health and safety program in place. If a company

can show that it is COR (certificate of recognition) rated then you can be fairly certain they have safety policies and procedures in place. These companies are safety audited on a yearly basis and keep their COR rating based on a passing grade.

All workers and visitors on a site must be wearing protective equipment such as protective footwear and hard hats. There may also be a need for hearing, eye, respiratory and fall protection. Fluorescent vests should be worn and are mandatory if there is motorized equipment such as scissor lifts or boom lifts on the site.

Ensure that all equipment is properly guarded and in proper working condition.

This could be one of the most exciting periods in your life, so be safe.

*Happy Hammering.*

***Bill White has been associated with work place safety committees for 25 years in the government and the private sectors***

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