

Hiring a Contractor to work in or on your house???

Do you have any doubt about how important safety may be to a homeowner who is hiring a contractor to do work, perhaps you should consider the following:

Ministry of Labour

Richmond Hill homeowner fined \$20,000 for health and safety violation

NEWMARKET, ON, June 26 /CNW/ - A homeowner, who was overseeing construction of a new family residence in Richmond Hill, Ont., was fined \$20,000 on June 20, 2003 for a violation of the Occupational Health and Safety Act that resulted in the death of a worker.

On April 1, 2002, a trim carpenter, who was hired to install door and window trim at a new two-storey home, fell about 3.2 metres (10.5 feet) through a stairwell opening on the first floor to the basement below. The worker was taken to Sunnybrook Health Science Centre, where the worker died the next day. A Ministry of Labour investigation found there were no guardrails at the sides of the stairwell opening. The incident occurred at a home being constructed on Tennison Road in Richmond Hill.

The homeowner pleaded guilty, as a constructor, to failing to ensure a guardrail system was used where a worker had access to the perimeter or open side of a floor and was exposed to a fall of 2.4 metres (eight feet) or more. This was contrary to Section 23(1)(a) of the act.

The fine was imposed by Justice of the Peace Connie Hartt of the Ontario Court of Justice in Newmarket. In addition, the court imposed a 25-per-cent victim fine surcharge, as required by the Provincial Offences Act.

A wonderful new kitchen; or a dream suite of a master bedroom: what will you choose to update? Whatever you choose, we at the Sault Ste. Marie Safe Communities Partnership would like you to take a moment to consider the safety aspect of reaching that goal.

First, we'd like to point out to you the definition of the word 'employer' in Ontario law as it pertains to safety.

"Employer" means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services."

When you contract for someone to come into your home and update your cupboards or put a new roof on your house, in essence you become their employer. As an employer, you are morally and legally responsible for the health and safety of the employees of the company you hire to do work for you.

Are you fully aware of your responsibility? Would you understand your rights and obligations as they are described in the Occupational Health and Safety Act? Employers have been given increasingly expanded responsibility for not only their own employees but for contract workers and the employees of companies they hire. There has been a dramatic increase in fines the past several years to the owners of companies who have had contractors injured on their worksites. These fines are set to encourage other employers to improve their own workplace health and safety and to decrease accidents on the job.

It isn't really as scary as it sounds. A competent contractor based in your city would be pleased to answer you any questions about how they deal with safety. No one ever plans an accident. By definition, an accident is an unplanned event that causes harm to people or damage to property. No one climbs into their car to drive to work thinking, "I will have an accident today so I'd better buckle up." No one ever climbs a ladder thinking they will fall. That's why it's so important to hire a company with a commitment to safety; a commitment to do the right things to prevent an accident-- or reduce the damage done in case an accident does occur.

You may want to ask the company you are about to hire have the following questions. Consider asking for proof in the form of photocopies.

1. Do you have a health and safety policy and safety rules that pertain to the work to be performed?
2. Do you have insurance to cover potential problems?
3. Are you and your workers insured under the Workers Safety and Insurance Board (WSIB)? Ask for a copy of their clearance certificate. This will tell you that their payments are up to date.
4. Are your supervisors and workers trained in relevant health and safety legislation required for the work? There are many training programs both mandated by regulation and suggested by normal work practices. Some of these may include but are not limited to:
 - a. Fall protection (if the work is on a roof or if the work will be done at heights of above 3 meters);
 - b. First Aid / CPR (especially if working with electricity);
 - c. Specific training with tools they are to use;
 - d. Training on the elevated work platforms they may use (man lift, scissor lift);
 - e. WHMIS training;
 - f. Safe ladder use: Will they ensure that workers always have 3-point contact as they go up and down a ladder? Will all ladders be safely secured?; and
 - g. Hearing protection?
5. Do you provide instruction, training and orientation programs for employees before they start work in matters relating to your work? Can you show me proof of the training?

To some the challenge is finishing the job as quickly as possible. While we agree that a smooth finish is important to anyone having major work done on their home, we can never forget that the road to a good ending includes safety. You want to hire a company that understands that principle.

A company with a good safety program will help you reach your goals. They won't be there to make the work harder, or go slower. Hire a company with proper safety and accident prevention programs and they will work to protect you. Every time they approach a project; every time they pick up a tool; every time they start a piece of equipment or machinery; you need the company you have hired to think SAFETY FIRST!

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