



URBAN DEVELOPMENT INSTITUTE - CALGARY
INFORMATION BULLETIN # 33

OH&S Act & Code: Developer Due Diligence Guidelines

May 17, 2006

A proposed guideline for developing a “system of work”

In order to assist its members in meeting their responsibilities regarding due diligence, the UDI – Calgary Developer Safety Committee has developed an outline to establish a suggested system or process as required by Section 3 of the Alberta OH&S Act.

According to the Act, “reasonable care” is essentially an “OH&S best practice”. Employers who follow three simple elements of due diligence will be able to demonstrate and fulfill the requirements of taking “reasonable care” for health and safety. These elements are:

1. Foreseeability: recognizing the potential for harm or hazard.
2. Setting up a system: what steps are taken to address harm and hazards?
3. Ensuring that system works: simply put, doing what you said you would do.

By following the guidelines set out by the UDI - Calgary Developer Safety Committee, our members should be able to meet these three basic requirements.

The system that each member adopts will of course be influenced by the members industry, type of operation, internal business practices, and the degree of risks their employers are exposed to.

It is essential however, that members understand that simply having a system or process in place is in itself not due diligence. Members **must** ensure that the system is working.

...2

Information Bulletin #33

May 17, 2006

Page 2

The steps provided by this Committee are intended to be used as a guide for members in creating their systems. Each member's individual business process will need to be taken into account and may or may not influence the system. But these steps, if followed in some form, will help promote each members safety culture and to the health and safety of its employees, contractors, and business partners.

If you have any questions do not hesitate to call or email our office.

For your convenience all UDI – Calgary bulletins are posted on our website at www.udicalgary.com

Attachment

OH&S Act & Code: Developer Due Diligence Guidelines

In order to assist its members in meeting their responsibilities regarding due diligence, the UDI – Calgary Developer Safety Committee has developed an outline to establish a suggested system or process as required by Section 3 of the Alberta OH&S Act.

These steps can be completed by the developer, developer staff or properly qualified consultants. The choice of how to execute each of these steps would be made based on the capacity and expertise of the each developer's organization. If consultants are used then Step 1 would apply to the choice of the safety consultant.

1. Establish Pre-qualification's
 - a. Developers are encouraged to develop some sort of questionnaire or agreement that will be issued to the contractor, sub-contractor, consultant, etc. prior to the contract being awarded.
 - b. This step will outline the developer's expectations of the contractor or consultant with regards to their safety responsibilities and expectations.
 - c. This initial step allows the owner/developer to determine the contractor's or consultant's level of safety awareness and ensure that the contractor is "able to" and "likely will" meet Employer standards as set out in the Alberta OH&S Act and Code.

2. Request Contractor Certifications
 - a. Owners/Developers may check the Workplace Health and Safety Website for a listing of Employers that have obtained the COR (Certificate of Recognition).
In theory, companies that already have these certifications should have an established safety program and be more "able to" and "likely will" meet legislated safety requirements.

3. Conduct Site Inspections
 - a. Site inspections are key to determining if Employers are working safely and in compliance with the Act and Code.
 - b. A check list or inspection form can be used to look for compliance items such as tie-offs, proper PPE (Personal Protective Equipment) being worn, and workers possessing required certifications such as WHMIS or first aid, etc.
 - c. It is vital that these inspections be documented and kept on file to establish the owner's due diligence.

4. Report Non-Compliance Issues to Employer
 - a. Any non-compliance issues discovered during the on-site inspections need to be documented and reported to the employer responsible.

- b. Although it is common practice to report non-compliance issues to site supervisors or foremen, it is recommended that a documented report be given to the general or construction manager, or suitable representative with the employer.

5. Orientation Meetings

- a. These meetings can be held on-site, during pre-job planning, at contract signing, etc.
- b. These meetings are used to make contractors aware of known, unknown or inherent dangers such as gas or power line locations, issues with members of the public, environmental requirements etc.
- c. All attendees need to be listed on the orientation as well as signing their attendance.

6. Conduct Investigations

- a. Owner/Developers need to be aware of (must receive reports) and investigate all accidents, incidents, close calls, and any occurrences that either result in or may have resulted in injury, property damage, or loss of life.
- b. These occurrences could be a result of a break down in either the owner/developer's, or contractor's safety program. In either case, it is crucial that the cause be determined and the necessary corrections be made to reduce the chance of reoccurrence.

7. Documentation

- a. The most important responsibility of the owner/developer is to maintain proper documentation. Maintaining proper documentation is vital and is key to establishing due diligence. Items such as inspections, accident and incident reports, as well as memos, and emails should be kept on file to provide the necessary documentation.