

Province of Manitoba

Government Wide Contract Policy

Legislative and Safety Requirements

1.0 Purpose

- To encourage contractors to adopt and use the supervision ratios as set out in applicable trade regulations under *The Apprenticeship and Certification Act (Manitoba)* and *The Construction Industry Wages Act* to facilitate the transfer of knowledge and safe acquisition of on-site work experience in the trades.
- To promote the equitable compensation of skilled trades by requiring contractors to adhere to the minimum wage rates as set out in *The Construction Industry Wages Act* and regulations.
- To improve workplace safety and health by requiring contractors to obtain certification in safety and to provide a valid Certificate of Recognition (CORTM), or equivalent, as part of the procurement process.

2.0 Policy

All contractors engaging in Government of Manitoba contracts (subject to the scope of this policy) must declare:

- Compliance with *The Apprenticeship and Certification Act (Manitoba)*, including:
 - Compulsory trade certification requirements, and;
 - Trade supervision ratios.
- Compliance with *The Employment Standards Code (Manitoba)*.
- Compliance with *The Construction Industry Wages Act (Manitoba)*
- Applicable minimum wage rates to employees by posted notification.
- Compliance with *The Workplace Safety and Health Act (Manitoba)*.
- Certification in a Safework Manitoba sanctioned safety program (such as CORTM).
- An understanding that there may be consequences for making any untrue statements regarding the above.

3.0 Scope of Application

This policy applies to all Government of Manitoba contracts with activities that appear in any “sector” definition of *The Construction Industry Wages Act (CIWA)*. The “sector” definitions are intended solely for the purpose of applying this policy. Any exclusions identified in Section 3 of CIWA are disregarded only for this purpose of applying this policy.

The “sector” definitions are included with this policy as Attachment 1 but can also be viewed at:

<http://web2.gov.mb.ca/laws/statutes/ccsm/c190e.php>.

Any specific classes of contract, classes of work activity, or classes of contractor that are exempt from this policy (or portions of this policy) are identified under 5.0 Policy Exceptions.

This policy also applies to contracts administered by third parties on behalf of Manitoba where the work is performed on an asset owned by the Government of Manitoba.

This policy does not apply to the Government of Manitoba’s Crown Corporations or Special Operating Agencies of Manitoba.

4.0 Specific Policy Requirements

At the time of contract engagement and as evidence of the required declaration, a contractor must submit a completed and signed *Contractor’s Certification Form – Legislative and Safety Requirements* to Manitoba prior to contract award.

Proposed subcontractors must also submit a completed and signed *Contractor’s Certification Form – Legislative and Safety Requirements* to their general contractor prior to performing any contract work.

A sample copy of the *Contractor’s Certification Form – Legislative and Safety Requirements* is included with this policy as Attachment 2.

4.1 Specific Safety Program Requirements

For contracts tendered after March 31, 2016, where the contract award value is \$100,000 CAD or greater, both the general contractor and any subcontractors with a subcontract value \$100,000 CAD or greater must have Safety Certification sanctioned by SAFE Work Manitoba such as:

1. Certification of Recognition (COR™)
2. Small Employer Certificate of Recognition (SECOR™)
3. Evidence of COR™ equivalency issued in accordance with the Canadian Federation of Construction Safety Associations COR™ program and verified by either the Manitoba Heavy Construction Association Work Safely Program or the Construction Safety Association of Manitoba.
4. Risk. Professionally Managed (RPM)
5. Made Safe

4.2 Contractor's Certification Form – Legislative and Safety Requirements

Being a declaration of compliance, the *Contractor's Certification Form – Legislative and Safety Requirements* must be submitted by the general contractor and all applicable subcontractors regardless of project value or specific exceptions to the Safety Program Requirements noted in this policy.

5.0 Policy Exceptions

5.1 Subcontractor Policy Exceptions

Subcontractors that are not required to submit a *Contractor's Certification Form – Legislative and Safety Requirements* include:

- Service providers that are not directly involved in the activities of the contract.
- Suppliers that are not directly involved in activities of the contract.
- Sole Proprietors or Owner-operators that have no employees.

5.2 Specific Safety Program Exceptions

The following specific work activities or contract classes are exempt from the application of the Safety Program Requirements:

- Non-structural or non-architectural maintenance, renovation, decoration or other similar activity within the “housing building sector” or “industrial, commercial and institutional sector” of The Construction Industry Wages Act.
- Services and maintenance contracts related to the “housing building sector” or “industrial, commercial and institutional sector” of The Construction Industry Wages Act.

Contractors and subcontractors in the Safety Program exceptions list above are still required to submit a *Contractor's Certification Form – Legislative and Safety Requirements* to the contracting authority indicating the exception.

5.3 General Safety Program Exceptions

A contracting authority may also be exempted from the application of the Safety Program Requirements of this policy under certain circumstances. These may include, but are not limited to:

- Sole source contracts.
- Emergency contracts.
- Demonstrated inability to engage contractors with safety certification for a particular class of contract.

- Demonstrated inability to engage contractors with safety certification in a particular geographical area.

The contracting authority may request an exemption for one of the above (or other) circumstances from the Deputy Minister (or equivalent executive) of the contracting authority.

Upon approval of the Deputy Minister, the contracting authority may then issue a tender/contract which specifies that the Safety Program Requirements of the Government Wide Contract Policy do not apply and the contractor shall so indicate on the *Contractor's Certification Form – Legislative and Safety Requirements* to reflect the exception.

6.0 Policy Compliance Responsibilities and Monitoring

It is the responsibility of each contracting authority to:

1. Ensure that the requirements of this policy are embodied in all applicable contract documents.
2. Ensure that the *Contractor's Certification Form – Legislative and Safety Requirements* is attached to each contract.
3. Ensure that the *Contractor's Certification Form – Legislative and Safety Requirements* has been collected from the contractor prior to awarding a contract.

It is the responsibility of the contractor to:

1. Sign and submit the *Contractor's Certification Form – Legislative and Safety Requirements* at the time contract engagement.
2. Collect the *Contractor's Certification Form – Legislative and Safety Requirements* from all relevant subcontractors and turn them over to Manitoba upon request.
3. Oversee all work as well as safety and health practices on site and co-ordinate the safety programs of all employers working at a construction project site, where the contractor has been designated as the Prime Contractor.

It is the responsibility of the Employment Standards Branch to:

1. Periodically request *Contractor's Certification Forms* from contracting authorities for the purpose of conducting contractor compliance audits.

7.0 Policy Review

Review of this Policy will be undertaken in consultation with stakeholders, at a minimum, every 5 years. Policy review will be led by the Treasury Board Secretariat or a suitable delegate committee.