

T__ - ____
Project Name

PRIME CONTRACTOR AGREEMENT

The Contractor shall, for the purposes of the Workers Compensation Act, and for the duration of the Work of this Contract:

- a) be the "prime contractor" for the "Work site", and
- b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the Act and its regulations, as required to ensure the health and safety of all persons at the "Work site".

The Contractor shall direct all Subcontractors, Sub-subcontractors, other Contractors, employers, Workers and any other persons at the "Work site" on safety related matters, to the extent required to fulfill its "prime contractor" responsibilities pursuant to the Act, regardless of:

- a) whether or not any contractual relationship exists between the Contractor and any of these entities, and
- b) whether or not such entities have been specifically identified in this Contract.

As per the requirements of the Workers Compensation Act Part 3, Division 3, Section 118(1-3) which states:

Coordination of multiple-employer Workplaces

Section 118 In this section:

- 1) **"multiple-employer Workplace"** means a Workplace where Workers of 2 or more employers are Working at the same time;

"prime contractor" means, in relation to a multiple-employer Workplace,

- a) the directing contractor, employer or other person who enters into a written agreement with the owner of that Workplace to be the prime contractor for the purposes of this Part, or
- b) if there is no agreement referred to in paragraph (a), the owner of the Workplace.

- 2) The prime contractor of a multiple-employer Workplace must

- a) ensure that the activities of employers, Workers and other persons at the Workplace relating to occupational health and safety are coordinated, and
- b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulation in respect to the Workplace.

- 3) Each employer of Workers at a multiple-employer Workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's Workers at that Workplace.

The Contractor covenants and agrees that when performing any work for the Owner, whether directly as a contractor or indirectly as a sub-contractor, it will adhere to all of the requirements of the B.C. Employment Standards Act (RSBC 1996), as may be amended from time to time, that are applicable to the work being performed, including but not limited to:

- a) Section 36 (2); an employer must ensure that each employee has at least 8 consecutive hours free from work between each shift worked.
- b) Section 39; despite any provision of this Part, an employer must not require or directly or indirectly allow an employee to work excessive hours or hours detrimental to the employee's health or safety.

I fully understand and accept the responsibilities of the prime contractor designation in accordance with the Workers Compensation Act and the B.C. Employment Standards Act while contracted by the City of Kelowna on

(project location: _____) and will abide by all Workers Compensation Board Regulation requirements.

Project: _____

Company: _____

Signed: _____
(Please print name of Contractor)

(Contractor's Signature)

Witness: _____
(Please print name of Witness)

(Witness' Signature)

Date: _____