



PURPOSE

The Purpose of this Policy is to ensure the interests of the Municipality of the District of East Hants are protected when engaging Contractors to perform work on the Municipality's behalf, by requiring the Contractor to have workplace injury insurance of a type acceptable to East Hants.

SCOPE

This Policy applies to every employee of East Hants when they engage any Contractor (or Consultant) to complete any work on behalf of East Hants, regardless of the type of work, the value of the work, the expected duration of the work, or how it will be performed. In requesting services, obtaining a quotation, or in developing a formal competition, East Hants Staff must include a statement letting the potential Contractors know that we require WCBNS workplace insurance coverage as a condition of award and a statement that no payment will be made unless the Contractor is in good standing with WCBNS.

This Policy will also apply to the purchase of goods where the provider will also set up or install the goods on our behalf.

This Policy applies to any Contractor regardless of their normal status under the *Workers' Compensation Act, Nova Scotia (Act)*, including providers who may not appear on the list of Mandatory Industries, as well as proprietors, partners or individuals who may offer to do work for East Hants.

Exemptions:

Only the Chief Administrative Officer (CAO) may approve exemptions under this Policy. The circumstances where the CAO may consider an exemption are:

- In a situation where the number of Contractors available to do a type of work is limited and the requirement to register for WCB coverage would cause all available Contractors severe financial hardship. In this circumstance a contractual obligation to hold East Hants harmless with respect to workplace injury claims will be required; or
- The Contractor is in an Exempt industry and the Contractor will agree to the contractual obligation to hold East Hants harmless with respect to workplace injury claims; and
- Where the level of risk assumed by East Hants will be minimal (low cost or low complexity).

East Hants may not award to a Contractor in a competitive situation and then provide an exemption to this Policy; any exemption must be made available to all potential Contractor's during the competition. If there is likelihood



that an exemption may become necessary because there are a limited number of contractor’s available to do the work or where the industry is typically exempt, the option to accept an indemnification statement instead of WCB coverage must be included in the competition document or in an addendum while the competition is active.

Examples of industries where the CAO has approved an exemption include photographers, writers or artists, and instructors (when not associated with a Mandatory Industry). Exemptions will be recorded in a list maintained by the Procurement Officer.

Other Jurisdictions:

Where reciprocal agreements exist between WCBNS and other jurisdictions, the CAO may, at their sole discretion, accept workplace insurance coverage from another jurisdiction. It will be the responsibility of the Contractor to provide proof acceptable to East Hants that:

- The workplace insurance coverage in the originating jurisdiction is in place, that the originating jurisdiction is aware that work is taking place outside of their jurisdiction and agree to cover this work, and that the Contractor remains in good standing with respect to their obligations in the originating jurisdiction during the course of the work; and
- That WCBNS agrees that the extension of coverage or that the reciprocal agreement applies to the Contractor and that the workplace insurance being provided meets or exceeds their requirements for WCB.

Private insurance which purports to provide workplace insurance coverage will not be accepted as replacement for WCBNS coverage.

DEFINITIONS

Term	Definition
Contractor	From the WCB Act: a person or company hired by an employer to do a specific job for a specific price. Contractor and subcontractor may be used interchangeably
Consultant	Many consultants are considered exempt under the WCB Act. However, East Hants does not exempt consultants from the requirements of the Policy and therefore the term Contractor will also be read to mean Consultant.
Clearance Letter	A letter provided by the Workers’ Compensation Board of Nova Scotia confirming that the Contractor is in good standing, until a set date, with WCBNS.



Term	Definition
Subcontractor List	An electronic list through the WCB website where typical subcontractors for East Hants may be listed and the current WCB status may be confirmed.
Exempt Industry	An industry which normally is not required to have WCB coverage due to the nature of the work they undertake as specified in the WCB Act.
Mandatory Industry	An industry where WCB coverage is required under the WCB Act.
Special Protection coverage	Coverage under WCB provided to proprietors and partners who normally are not required to have workplace injury insurance. If a company obtains such coverage, they must also provide coverage to each employee they hire.
Annual Subcontractor Report	A report submitted to the WCBNS
WCB Act	<i>Workers' Compensation Act, Nova Scotia</i>

POLICY

It is the policy of the Municipality of East Hants to require that any Contractor hired by East Hants, regardless of normal status with respect to the *WCB Act*, have or obtain coverage through WCBNS prior to starting the job for which they were hired. The Contractor must remain in Good Standing for the greater of the duration of the work for which they were hired or the term specified in their contract with East Hants. East Hants will make no payment to any Contractor if proof of such coverage cannot be provided in a form acceptable to East Hants, submitted at the time of invoicing.

In the event East Hants contemplates an Exemption and the CAO agrees, the Contractor will be required to accept a contractual obligation to hold East Hants harmless from any financial consequences should one of their employees be injured while performing work for East Hants. The language of such a clause is subject to legal review and may form part of an engagement letter with the Contractor.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Directors & Supervisors	Ensure the policy is communicated and enforced. Do not authorize any use of Contractors unless proof of WCB coverage has been obtained and emphasize such coverage must be maintained for the duration of the work, as well as any additional time identified in contract documents.



Title/Role	Responsibilities
Employees	Require or make a requirement of any request for quotation or other form competition (tender or RFP) that the Contractor must provide a valid Clearance Letter prior to commencing any work. The requirement must state that such coverage must be maintained for the duration of the work, as well as any additional time identified in contract documents. The Contractor must be told that no payment will be made unless they are in good standing with WCBNS. Employees must send any Clearance Letters or notification of the use of a Contractor to the Procurement Officer before work commences.
Policy Owner	The policy owner (see Version Log) is responsible for reviewing the policy on a yearly basis for relevancy and potential updates.
Procurement Officer	Maintain the Subcontractor List on the WCBNS website. Print and summary list quarterly for audit purposes.
Accounts Payable Clerk	Provide to WCBNS the Annual Subcontractor Report containing information about all of the subcontractors hired throughout the year.
CAO	Approve or Reject Exemptions. Approve or Reject proposed changes to the Policy.

RELATED DOCUMENTATION

Document Name	Document ID	Document Type
<i>Workers' Compensation Act, Nova Scotia</i>	N/A	Legislation
<i>June 22, 2004 Memo from Connie Nolan to Ian Glasgow and Directors</i>	N/A	Background

VERSION LOG

Version Number	Amendment Description	Amendment/Policy Editor	Amendment/Policy Owner	Approver	Approval Date
1.0	Council Policy summarized for approval as Municipal Policy		Kim Ramsay	Ian Glasgow	February 14, 2003
1.1	Amending Council Policy to allow for exemptions		CAO	Connie Nolan	March 30, 2004
2.0	Formalize WCB Policy in current template and update for jurisdictions	Procurement Officer	Deputy CAO	Council	November 28, 2018



EAST HANTS

WORKERS' COMPENSATION BOARD CONTRACTOR COVERAGE POLICY

Council Administrative

CERTIFICATION

I, Connie Nolan, Municipal Clerk of the Municipality of East Hants, hereby certify that this policy was duly approved.

Connie Nolan
Municipal Clerk