

Rural Municipality of McKillop No. 220

Policy # ADM-002

Policy Title: **PROOF OF WORKERS' COMPENSATION BOARD
COVERAGE BY OUTSIDE MAINTENANCE AND
CONSTRUCTION CONTRACTORS**

Policy Objective	To ensure that all outside maintenance contractors and construction contractors carry individual insurance coverage so as to reduce financial burden to R. M. ratepayers in the event of injury
Authority	Resolution #
Supporting Bylaw	N/A
Related Policy(s)	#ADM-001

Legislative Authority:

The Workers' Compensation General Regulations, 1985

Non-employed proprietorship, partnership

- 14(1)** Every proprietor or partner of a business who employs no workers, and every executive officer of a corporation who is not on the company's pay-roll:
- (a) when not under a contract of service to a principal; or
 - (b) who has no other means of availing himself or herself of the benefits of the Act; may make application to the board for elective personal coverage.

The Workers' Compensation Act, 2013

How Act applies to contractors

- 8(1)** In this section:
- (a) **"equipment"** includes trucks, bulldozers, draglines, power shovels and any other machine, implement or apparatus that the board may declare to be equipment;
 - (b) **"principal"** means, if an owner of equipment enters into a contract providing for the use of any of the owner's equipment, the person who uses the equipment or on whose behalf the equipment is used.
- (2) Subsection (3) applies if an owner:
- (a) enters into a contract mentioned in clause (1)(b);
 - (b) operates the owner's equipment or hires another person to operate it;

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- (c) receives payment with respect to the use of the equipment and the services of the person operating it; and
 - (d) has not been assessed pursuant to this Act with respect to the work being performed.
- (3) In the circumstances mentioned in subsection (2):
- (a) the person operating the equipment is deemed to be a worker employed by the principal;
 - (b) the board may levy, on the principal, an assessment based on the earnings of that worker with respect to the worker's services as determined by the board; and
 - (c) the principal is liable for payment to the board of the amount levied pursuant to clause (b).
- (4) If a principal is liable for payment of an assessment pursuant to subsection (3), the principal is entitled:
- (a) to withhold out of any moneys payable by the principal to the owner an amount equal to the amount levied pursuant to subsection (3); or
 - (b) to recover from the owner an amount equal to the amount levied pursuant to subsection (3) in any manner allowed by law.

Policy:

Provision of Proof of Coverage by Contractor

1. All outside maintenance contractors and construction contractors must provide proof of Saskatchewan Workers' Compensation Board coverage by way of submission of a current Saskatchewan Workers' Compensation Board clearance to the R. M. administration office prior to the commencement of any work.
2. In the event that a current clearance cannot be or is not provided, that contractor will be given reduced priority relating to eligibility to work for the R. M. of McKillop No. 220.

Premiums

3. In the event an outside maintenance contractor and/or construction contractor cannot or does not provide a current clearance prior to the commencement of any work for the R. M. of McKillop No. 220, the R. M. of McKillop No. 220 shall withhold an amount from the contractor's invoice equal to the amount of the premium charged for Saskatchewan Workers' Compensation Board coverage.

Tenders

4. All tender call documents distributed by the R. M. of McKillop No. 220 shall clearly state that a current Saskatchewan Workers' Compensation Board clearance must accompany the tender submission.
5. Any tender received that is not accompanied by the required Saskatchewan Workers' Compensation Board clearance shall be considered at a reduced eligibility by the Council of the R. M. of McKillop No. 220.

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Emergency and/or Urgent Situations

6. Emergency and/or urgent situations are defined for purposes of this policy to be situations where:
 - a) There is substantial risk of injury to an individual; or
 - b) There is potential for substantial economic loss to the Municipality or to a resident of the Municipality;and the situation requires immediate action and resolution.

7. Notwithstanding Section 1, in the case of an emergency and/or urgent situation:
 - a) The R. M. of McKillop No. 220 administration staff shall forward an inquiry to Saskatchewan Workers' Compensation Board regarding the contractor(s) that is available to complete the emergency work.
 - b) Providing the inquiry receives a favorable response from Saskatchewan Workers' Compensation Board, the contractor available to complete the emergency work shall be given authorization to proceed prior to provision of the current Saskatchewan Workers' Compensation Board clearance.
 - c) The required Saskatchewan Workers' Compensation Board clearance shall be provided by the contractor available to complete the emergency work no later than ten (10) business days following commencement of the emergency work.