

**Question**

What constitutes “proof of coverage”? Should I expect to see a document of some kind?

Answer

Your contractor should have, or can easily get, a document from WorkSafeNB that states that they have compensation coverage. Your contractor can contact WorkSafeNB at 1 800 999-9775 or fax a request to 506 632-2819.

NOTE: Only those contractors who regularly employ three or more workers are required to have workers’ compensation coverage. Smaller companies may apply for coverage, but it’s not mandatory.

Question

If I ensure they are covered by workers’ compensation, is that the limit of my responsibility as a homeowner?

Answer

No. If you hire a contractor who employs workers on your site, the *Occupational Health and Safety (OHS) Act* applies to your home as a project site. Within your abilities, you should ensure the contractor and the contractor’s employees work safely.

Question

When I hire someone with three or more employees, who is responsible for making sure the employees work safely, the contractor or me? If it’s me, how do I do that when I work full-time and it takes 3-6 months to build a house?

Answer

Remember, when the project is underway, your home may be considered a workplace under the *OHS Act*. This means that as the owner, if you have hired a contractor who employs one or more employees and if an injury occurs due to unsafe practices, it is possible that you could be charged and fined under this legislation.

WorkSafeNB, however, considers that the primary responsibility for the employee’s health and safety lies with their own employer, the contractor. Your responsibility is to ask the contractor if they have workers’ compensation coverage and if they have a safety plan and safety training in place.

Question

What can I do to protect myself from charges?

Answer

The *OHS Act* recognizes that, as the homeowner, you don't have the same kind of expertise in workplace safety as the contractor you hire. As a homeowner, the best thing you can do is to take reasonable steps to ensure the contractor you hire knows what is required to do the job safely and has the required equipment. Ask specific questions related to your project.

For example, if you hire a roofing contractor, ask them if they know the safety rules for roofing work and make it known that you want the rules followed. Ask if the employees have the appropriate training. These simple steps will go a long way to protecting you.

You **MUST** notify employees or their supervisor about any specific hazards you know of. To continue with the roofing example, if your roof looks solid but you know there is a weak spot on it that won't support a person until it is repaired, you must make that known.

One of the most frequent violations of health and safety legislation occurs when people don't wear fall protection equipment when working above a certain height. Any worker who works above three metres on a sloped roof **MUST** wear fall protection equipment.

Question

What do I do if I see they're not following safe practices do I call and report them?

Answer

You should bring this to the attention of the contractor. If they fail to correct the situation, you may contact WorkSafeNB and an officer will visit your site.

Question

What do I do if they're working unsafely and then they get pulled off the job how do I get my roof done? Do you have a listing of "safe" contractors, or do you know where I can get one?

Answer

Your best solution is to ask the contractor if they have a safety plan and if they follow the rules laid out in the *OHS Act* before you begin your project.

In most cases, if you bring a safety concern forward, the contractor will correct the situation immediately. If that's not the case, and a health and safety officer visits your site and finds your contractor in violation of safety rules, the officer may issue a Stop Work Order. You should know that if such an order is issued, your contractor would have to stop working on your site until they comply with the

rules. Once they have complied with the officer's satisfaction, they can resume working.

As a final resort, if you have a contractor who refuses to follow the rules, you may want to start the contracting process over.

Question

If my contractor has three or more employees, they are supposed to be covered under WorkSafeNB, which makes the contractor immune to lawsuit (no-fault insurance). Why doesn't it also make me immune to lawsuit?

Answer

The *Workers' Compensation Act* applies to workers and employers in recognized industries in the province. Being a homeowner is not a recognized industry under the Act so you are not eligible for coverage. The Act considers that as a homeowner, you likely have private insurance in place to protect you.

Question

If my contractor has one or two employees, does it mean that we are both exposed to lawsuit?

Answer

It can mean that. If the contractor doesn't have workers' compensation coverage, both parties may be sued and the damages would be assessed against each party in terms of how much they were at fault. Hiring safety-conscious contractors and workers will not only help protect you from liability, it will also lessen the chance of incurring costly delays associated with any injuries.

Question

Is all construction at my house subject to the *OHS Act* laws?

Answer

No. If you employ a single worker to do a job, your house is not considered a workplace. It only counts as a workplace if you employ a contractor who hires another worker.

Question

What's considered doing my "due diligence"?

Answer

Being duly diligent is a legal term that simply means that you've done something conscientiously and with reasonable care. Homeowners are not expected to have specialized knowledge, but you must act as a reasonable homeowner and make enquiries of the contractor so you are reasonably sure they know the rules and will follow them.

Question

If the contractor won't obtain these permits for me, how do I go about doing it?

Answer

When hiring a contractor, ask to see all required permits before starting any work.

To know your responsibilities and the applicable rules, always contact your local municipality or district planning commission well in advance of any construction on any property. These offices are listed in your local phone book.

Question

What do I do if the contractor does not appear to have safety measures in place? Where do I find out what safety measures they should have in place?

Answer

You are not expected to know all the safety laws. However, if you would like more information, please visit www.worksafenb.ca/laws to find links to the various Acts and Regulations.

Question

Whom do I call to report an injury to WorkSafeNB?

Answer

Your contractor should inform WorkSafeNB of any serious injuries.

Question

Am I responsible for providing first aid, or a first aid kit, or is my contractor responsible for that?

Answer

As the employer, the contractor is responsible for complying with the first aid requirements. You should ask the contractor if they are in compliance.