

SCHEDULE 16

SAFETY REQUIREMENTS

1. GENERAL

1.1 Capitalized Terms

Capitalized terms used in this Schedule have the definitions as set out in the Agreement to Design, Build, Finance and Operate Northeast Stoney Trail, Calgary (the “DBFO Agreement”) between Her Majesty the Queen in right of Alberta and the Contractor, as defined therein, unless expressed otherwise.

1.2 DBFO Agreement Reference

This Schedule is referenced in Sections 1.3 and 14.5 of the DBFO Agreement.

2. SAFETY PLAN

The Contractor shall ensure all safety policies and plans are adhered to, including but not limited to its:

- (a) Certification of Recognition (“COR”);
- (b) subcontractor and consultant training program policies; and
- (c) the work site control plan,

specifically set out in the Safety Plan as attached in Schedule 4 (Contractor’s Management Systems and Plans). In the event of any inconsistency among the Project Requirements, the O&M Requirements, the Contractor’s Safety Plan, and this Schedule, the higher standard or specification shall apply; but in no event shall anything in the Contractor’s Safety Plan detract from the Contractor’s absolute obligation to design and build the New Infrastructure and perform the O&M for the New Infrastructure and the Existing Infrastructure in accordance with the DBFO Agreement with due regard for worker and public safety.

3. ACCIDENTS

Subject to the main body of the Agreement, the Contractor is responsible for all claims related to any accident that occurs within the New Infrastructure. This includes accidents involving the public during both the Construction Period and the Operating Period.

4. SAFETY QUALIFICATIONS

4.1 Certificate of Recognition (“COR”)

Safety qualification shall be in the form of a Certificate of Recognition (“COR”) or its successor, which is relevant to the applicable industry and which is recognized by the Workplace Health and Safety branch of Alberta Human Resources and Employment, or its successor branch or department of the provincial government of Alberta (“Workplace Health and Safety”). The Contractor shall obtain before the commencement of the Project and shall maintain throughout the duration of the Project and the O&M, a COR. The Contractor shall ensure the subcontractors listed in Schedule 17 to the DBFO Agreement maintain a COR at any time such subcontractor is providing services for the Project or the O&M.

4.2 “Small employers’ Certificate of Recognition” Unacceptable

A “small employers’ certificate of recognition” (for employers with less than ten employees) is not acceptable.

4.3 Temporary Letter of Certification

Prior to the commencement of the Project, if the Contractor has not obtained a COR, a valid Temporary Letter of Certification (“TLC”) issued by the Alberta Construction Safety Association (“ACSA”) will be considered acceptable.

The Contractor must ensure that its registration in the ACSA program is properly documented with the ACSA, and the Province will assume no liability for errors or omissions by the ACSA in this regard.

5. HEALTH AND SAFETY SUMMARY REPORTS

5.1 Monthly Health and Safety Summary Reports

During the progress of the Project and the O&M until the end of the Term, the Contractor shall complete *Monthly Health and Safety Summary Reports*, in the form as included in Appendix 1, as attached and forming part of this Schedule 16, and submit these reports to the Province within two Business Days of the end of each month covering the month then completed.

5.2 Project Completion Health and Safety Summary Reports

For each fiscal year ending March 31 during and until the end of the Term, the Contractor and the Province shall jointly complete the *Project Completion Health and Safety Review* or successor report, in the form as included in Appendix 2, as attached and forming part of this Schedule 16.

5.3 Year End Health and Safety Summary Report

For each year during the Term, the Contractor shall complete and submit to the Province the *Year End Health and Safety Summary Report* by January 31 of the following year, in the form as attached as Appendix 3 and forming part of this Schedule 16.

6. OCCUPATIONAL HEALTH AND SAFETY ACT AND PRIME CONTRACTOR OBLIGATIONS

The Contractor, its employees, agents and subcontractors, shall at all times comply with the provisions of the *Occupational Health and Safety Act* and its subordinate regulations. The Contractor shall assume all of the responsibilities and duties of the “prime contractor” as defined by the *Occupational Health and Safety Act*.

Words used in this paragraph in lower case and in quotations have the meanings as set out in the *Occupational Health and Safety Act*. If the Province allows another “employer” (the “Other Employer”) onto the Contractor’s work site and if the Province, acting reasonably, determines that the Other Employer’s work site can be separated by time and space from the Contractor’s work site, the Province shall require the Other Employer to:

- (a) separate the Other Employer’s work site by time and space from the Contractor’s work site;
- (b) acknowledge that, for the purpose of the *Occupational Health and Safety Act*, the Other Employer is the “owner” for the Other Employer’s work site and is the “prime contractor”, if there are two or more “employers” involved in work at the Other Employer’s work site at the same time and “prime contractor” status has not been assigned by written agreement; and
- (c) cooperate with the Contractor (and any other contractors working in the area) and jointly develop and agree in a written occupational health and safety system or process.

The Contractor shall, to the extent required of a “prime contractor” by the *Occupational Health and Safety Act*, establish and maintain a health and safety system or process to ensure compliance by its subcontractors with the *Occupational Health and Safety Act* and its subordinate regulations.

7. SUBCONTRACTORS

The Contractor shall, acting as the prime contractor, ensure that any subcontractors engaged in the completion of the Project or the performance of the O&M are able to comply with all health and safety requirements before commencing their work.

8. WORKSITE HAZARDS

The Contractor shall identify worksite hazards and shall develop operational occupational safety policies, procedures and plans that are specific to those hazardous aspects of the Project or the O&M to ensure the safety of every person at a construction or maintenance site and the public travelling through the site. When requested by the Province, the Contractor shall provide copies of these safety policies, procedures and plans prior to the commencement of the work.

If Workplace Health and Safety conducts a worksite inspection that results in "orders" being issued to the Contractor or any of its subcontractors, the Contractor shall immediately supply copies of these orders to the Province.

Notwithstanding the above, the Province may order the suspension of work in cases of recognized imminent danger or when the Contractor fails to comply with Workplace Health and Safety orders issued or fails to rectify previously identified worksite hazards.

9. ACCIDENT INVESTIGATIONS

In the event of an injury or accident as defined by *Occupational Health and Safety Act* regulations, involving employees of the Contractor or its subcontractors during the Construction Period or the Operating Period, the Contractor shall conduct an accident investigation in accordance with Section 18 of the *Occupational Health and Safety Act*.

In addition, the Contractor shall supply a copy of this investigation report to the Province within 72 hours of the injury or accident. In the event of a death involving employees of the Contractor or its subcontractors during the Construction Period or the Operating Periods, the Contractor shall inform the Province within two hours of such a death.

10. THIRD PARTY ACCIDENT REPORTING

The Contractor shall immediately notify the Province of any:

- (a) accident occurring within the New Infrastructure involving its own or its subcontractors' vehicles or equipment;
- (b) accident occurring during the Construction Period which involves a fatality, serious personal injury, or third party property damage in excess of \$1,000 or as specified in the *Traffic Safety Act*, or successor act or regulation;
- (c) known accident occurring during the Operating Period that involves a fatality, serious personal injury, or third party property damage in excess of \$1,000 or as specified in the *Traffic Safety Act*, or successor act or regulation.

The Contractor shall investigate the accident (including those of its subcontractors) and complete a detailed accident report in a form satisfactory to the Province within 72 hours of when the Contractor first learned of the accident or ought to have learned of the accident.

Such a detailed accident report must include, but may not necessarily be limited to:

- photographs;
- details of site conditions;
- weather reports;
- records of signs; and
- witness contact information.

In the event of an accident involving a death, the Contractor shall inform the Province within two hours the time the Contractor first learned of the death or ought to have learned of the death, but in any event no later than 72 hours after the occurrence of the accident.

11. SAFETY MEETINGS

For the duration of the Construction Period and the Operating Period, the Contractor shall conduct safety meetings prior to the commencement of any work on each major work phase of the Project and the O&M, or monthly, whichever occurs more frequently. The Contractor shall invite the Province to send a representative to attend such safety meetings and shall give reasonable advance notice of such meetings.

12. TRAFFIC MANAGEMENT

12.1 Public Use

The Contractor shall, subject to the Technical Requirements, keep the New Infrastructure and the Existing Infrastructure open for safe public use from Traffic Availability until the end of the Term.

All O&M shall be carried on so as not to interfere unnecessarily with:

- the convenience of members of the public and other infrastructure users; or
- the access to, use and occupation of public or private roads or footpaths, footways or bicycle paths whether under the control or in the possession of the Province, The City of Calgary or any other person.

At all times management of traffic on the New Infrastructure and Existing Infrastructure and any intersecting roadways within the Road Right of Way shall be the responsibility of the Contractor. Users shall be subject to the same laws as those using the remainder of

the public highway network, and the enforcement of those laws shall be the responsibility of the police.

The Contractor shall ensure appropriate safety measures for workers and users are undertaken and implemented from design to construction and that traffic control is undertaken during construction at all locations, including but not limited to, detour roadways and existing local roadways that cross the TUC.

The Contractor shall also be responsible for traffic management during the Construction Period and the O&M Period.

12.2 Traffic Accommodation Exceptions

Some maintenance work has a minimal impact on traffic flow and therefore may not require full signing and/or traffic accommodation under all circumstances. Examples that may fall into this category include but are not limited to:

- removal of isolated debris (tire treads and other small objects);
- removal of small animals from the roadway;
- spontaneous filling of sporadic potholes (involving at least two workers);
- normal snow plowing and ice control operations;
- washing delineators or signs; and
- other work that is entirely off the roadway surface.

The Contractor shall define a traffic management plan for these specific excepted situations. Upon review of the plan through the Review Procedure as set out in Schedule 5 (Design and Plan Certification and Review Procedure), this traffic management plan, subject to any agreed amendments, shall be the standard throughout the Term. Any traffic management plan submitted to the Province pursuant to this provision does not release the Contractor from the obligation to keep the New Infrastructure and the Existing Infrastructure safe for both workers and the traveling public.

13. THE PROVINCE'S MAINTENANCE

The Province will use reasonable efforts to co-ordinate maintenance work for the adjacent and connecting roads with the Contractor's Schedule of Lane Closures (as defined in the Schedule 18 (Technical Requirements)) in respect of the New Infrastructure and the Existing Infrastructure, to which there has been comment made by the Province pursuant to the Review Procedure as set out in Schedule 5 (Design and Plan Certification and Review Procedure), so as to minimize any disruption to the operation of the New Infrastructure and the Existing Infrastructure.

APPENDIX 1

(Section 5.1 - Monthly Health and Safety Summary Reports)



APPENDIX 1

MONTHLY HEALTH AND SAFETY SUMMARY REPORT

DBFO AGREEMENT # _____ For the Month of _____

Contractor: _____

1) Number of Safety Meetings Conducted: _____

2) Number of Worksite Inspections completed by Contractor: _____

3) No. of Serious Injuries and Accidents (Involving Contractor or subcontractors)

- (a) Fatalities: _____
- (b) Hospitalization longer than 2 days: _____
- (c) Unplanned explosion, fire or flood: _____
- (d) Collapse or upset of crane, derrick, or hoist: _____
- (e) Collapse or failure of any component of a bldg. or structure necessary for structural integrity: _____

Number of Serious Accidents: _____

4) Vehicle/Equipment Accidents (Involving Contractor or subcontractors)

Record an accident only once, even though it could fit into more than one category

- | | | |
|---------------|-----------------|-----------------------------|
| (a) Snowplow: | Roll-over _____ | Ran off Road _____ |
| | Rear-end _____ | Sideswipe _____ |
| | Head-on _____ | Backing _____ |
| | Other _____ | Infrastructure Damage _____ |

(b) Other Vehicle/Equipment Accidents with **Third Party**: _____
(As per the *Traffic Safety Act*, Chapter T-06, Section 71(1) or any act or regulation that replaces the *Traffic Safety Act* provisions)

(c) Other Infrastructure Damage (excluding snowplow related accidents): _____
(Guardrail, Railway Tracks, Bridges, Manhole Covers, Government Buildings)

Number of Serious Accidents: _____

Contractor Representative (print): _____ Date: _____

Signature: _____

Note: The Contractor is still required to report accidents as per the provisions of Schedule 16 of the DBFO Agreement.

The Contractor is to complete this summary and forward to:
Contractor's Head Office _____ Date _____
Operations Manager (AIT) _____ Date _____

For Alberta Infrastructure and Transportation ("AIT") Use Only:
The Operations Manager will forward a copy to the Regional Safety Officer ("RSO")
The RSO will forward a copy to the AIT H&S Manager (if so requested by the Manager).

APPENDIX 2

(Section 5.2- Project Completion Health and Safety Review)



APPENDIX 2

PROJECT COMPLETION HEALTH & SAFETY REVIEW

Project: _____ Contract # _____ Job No.: _____

From: _____ To: _____

Contractor: _____

Project Type: _____ Type of Work: _____

Duration: From: _____ To: _____

This report to be completed by Alberta Infrastructure and Transportation’s (“AIT”) Site Representative and the Contractor's Site Representative on or before each fiscal year end (March 31) following execution of the DBFO Agreement until the end of the Term.

Contractor's O.H.& S. Certificate of Recognition Number: _____

Head Office Address: _____

Contractor's Site Representative: _____

AIT's Site Representative: _____

Date of Pre-Construction Meeting: _____

Sub-contractors	O.H.& S. Cert. Recognition Number	Attended Pre-Construction Meetings
1.		YES or NO
2.		YES or NO
3.		YES or NO

FIELD PERSONNEL

(This section to be completed by the Contractor's Representative)

1. Did the Contractor employ competent workers? YES or NO

2. Were all flag persons employed on site certified? YES or NO

3. Did the Contractor meet the legislated first aid requirements? YES or NO

SITE CONDITIONS

1. During the duration of the Project or during the Term were AIT's traffic accommodation standards met? _____

-
2. Did the Contractor and its subcontractors identify hazards and take the appropriate action(s)? _____
 3. Was appropriate personal protective equipment used? _____
 4. Did the Contractor and its subcontractors conduct safety meetings? _____
 5. Did the Contractor and its subcontractors conduct and record safety inspections?

 6. Number of AIT Safety Officer inspections: _____
 7. Number of inspections by Alberta Workplace O. H. & S. officers: _____
 8. Number of Workplace O. H. & S. orders issued: _____

Note: A copy of the Alberta Workplace O. H. & S. inspection reports may be required.

9. Were there re-occurring health and safety issues? YES or NO
If yes, please explain: _____

NUMBER OF CONTRACTOR INCIDENTS

1. Number of personal injury incidents/
accidents: Medical Aid: _____
 Lost Time: _____
 Fatalities: _____
2. Total number of incidents/accidents (including 3rd party liability occurring in the work zone) involving vehicle/equipment/property damage: _____
3. Number of incidents involving utilities: _____
4. Number of investigations conducted by the Contractor and its subcontractors:

5. Were authorities involved? YES or NO
Which authorities? _____

CONTRACTOR'S OCCUPATIONAL HEALTH AND SAFETY PERFORMANCE

1. Overall was the general Contractor's/Subcontractors' health and safety performances satisfactory?

2. Please comment on the Contractor's/Subcontractors' O.H.& S. program:

CONTRACTOR'S REPRESENTATIVE:

Signature

Date

AIT'S REPRESENTATIVE:

Signature

Date

Alberta Infrastructure and Transportation Use Only:

- Send to:
1. Contractor's Head Office (by the Contractor's Site Representative)
 2. Project Sponsor (By AIT Site Representative)

Project Sponsor Forwards copies to:

(a) AIT Safety Officer _____

Revised: February 21/02

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APPENDIX 3
(Section 5.3 - Year End Health and Safety Summary Report)



APPENDIX 3

YEAR END HEALTH AND SAFETY SUMMARY REPORT

This report is to be submitted annually during the month of April. The Contractor’s Representative and Alberta Infrastructure and Transportation’s (“AIT”) Operations Manager assigned to administer the DBFO Agreement shall complete it jointly. The Year End Health and Safety Summary Report is intended to give an accurate summary of the Contractor’s safety program for the previous calendar year.

DBFO Contract Number _____

For the Period From: _____ To: _____

Contractor: _____

Contractor’s O.H.& S. Certificate of Recognition Number: _____

Head Office Address: _____

Contractor’s Representative: _____

Operations Manager: _____

<u>Sub-contractors *</u>	<u>O.H.& S. Cert. Recognition Number</u>	<u>Attended Safety Meetings</u>
1. _____	_____	YES or NO
2. _____	_____	YES or NO
3. _____	_____	YES or NO

* Typical Subcontractor operations could consist of but are not limited to painting, bridge, mowing, spraying, etc.

FIELD PERSONNEL

(This section to be completed by the Contractor’s Representative)

- | | | |
|----|--|-----------|
| 1. | Did the Contractor employ competent workers? | YES or NO |
| 2. | Were all flag persons employed on site certified? | YES or NO |
| 3. | Did the Contractor meet the legislated first aid requirements? | YES or NO |

SITE CONDITIONS

- | | | |
|----|--|-------|
| 1. | Were AIT’s traffic accommodation standards met? | _____ |
| 2. | Did the Contractor identify hazards and take appropriate action? | _____ |
| 3. | Was appropriate personal protective equipment used? | _____ |
| 4. | Did the Contractor conduct safety meetings? | _____ |
| 5. | Did the Contractor conduct and record safety inspections? | _____ |

6. Number of AIT Safety Officer inspections: _____
7. Number of inspections by Alberta Workplace O.H.& S. officers: _____
8. Number of Alberta Workplace O.H.& S. orders issued: _____
YES or NO

Note: A copy of the Alberta O.H.& S. Inspection reports may be required

Where there re-occurring health and safety issues? _____
YES or NO

If yes, please explain: _____

NUMBER OF CONTRACTOR INCIDENTS

1. For total number of Serious Injuries and Accidents (involving Contractor or Subcontractor) please refer to the Year End Health and Safety Summary.
2. For total number of vehicle/equipment accidents (involving Contractor and Subcontractor) and Infrastructure damage accidents refer to the Year End Health and Safety Summary.
3. Number of incidents involving utilities: _____
4. Number of investigations conducted by Contractor: _____
5. Were authorities(police, fire, EMS, O.H.&S, etc.) involved? _____
Which authorities? _____
YES or NO

CONTRACTOR'S OCCUPATIONAL HEALTH AND SAFETY PERFORMANCE

1. Overall was the general Contractor's/Subcontractors' health and safety performances satisfactory?
2. Please comment on the Contractor's/Subcontractors' O.H.& S. program:
3. Did the Contractor/subcontractor follow their O.H.& S. program? _____

The Contractor is to complete this Health and Safety Review annually during the month of April. Copies to be sent by May 15th.

CONTRACTOR'S REPRESENTATIVE: _____
Signature Date

AIT OPERATIONS MANAGER: _____
Signature Date

For Alberta Infrastructure and Transportation Use Only:

The Operations Manager will forward a copy to the Regional Safety Officer.
The Regional Safety Officer will forward a copy to the AIT Health and Safety Manager