



## What you need to know before hiring a diving contractor

Diving is high-risk, dangerous work. The slightest mistake can have disastrous consequences. The risk of someone being injured is always there. If you hire workers to do a job, they must be protected from all hazards.

**Owners, constructors, employers, supervisors, and workers each share in the responsibility of ensuring that diving operations and work in support of diving operations comply with the *Occupational Health and Safety Act* (OHSA) and Diving Operations regulation (629/94).**

When hiring a commercial diving contractor, it is critical that you confirm the following:

- The contractor has provided a notice of the dive project to the Ontario Ministry of Labour (MOL).
- Divers on the project have completed the required DCBC (Diver Certification Board of Canada) official training certification. MOL inspectors will be looking for it during a workplace inspection.
- A dive operation plan and emergency operation plan have been completed.

**In addition to their legal responsibilities under the OHSA, employers, businesses, and property owners can be held criminally responsible for a diving operation where an unqualified contractor is used.**

## Be sure to hire a competent, qualified diving contractor.

By choosing a professional diving contractor, you will have peace of mind knowing that the job will be done safely and properly and that your investment will be protected.

The information in this brochure is important to know if you are a:

- Home or property owner
- Recreational facility operator (marina, golf course, conservation area, provincial or private park, resort, etc.)
- Vehicle recovery or towing operator

### Resources

- Guideline and checklist for compliance to CSA Z275.2-15 (Canadian Association of Diving Contractors) [cadc.ca](http://cadc.ca)
- Diving (Ministry of Labour) [labour.gov.on.ca/english/hs/topics/diving.php](http://labour.gov.on.ca/english/hs/topics/diving.php)

*Developed by the Commercial Diving Trade Labour-Management Health and Safety Committee in association with IHSA*

*Cover image supplied by Doug Elsey, Canadian Association of Diving Contractors*

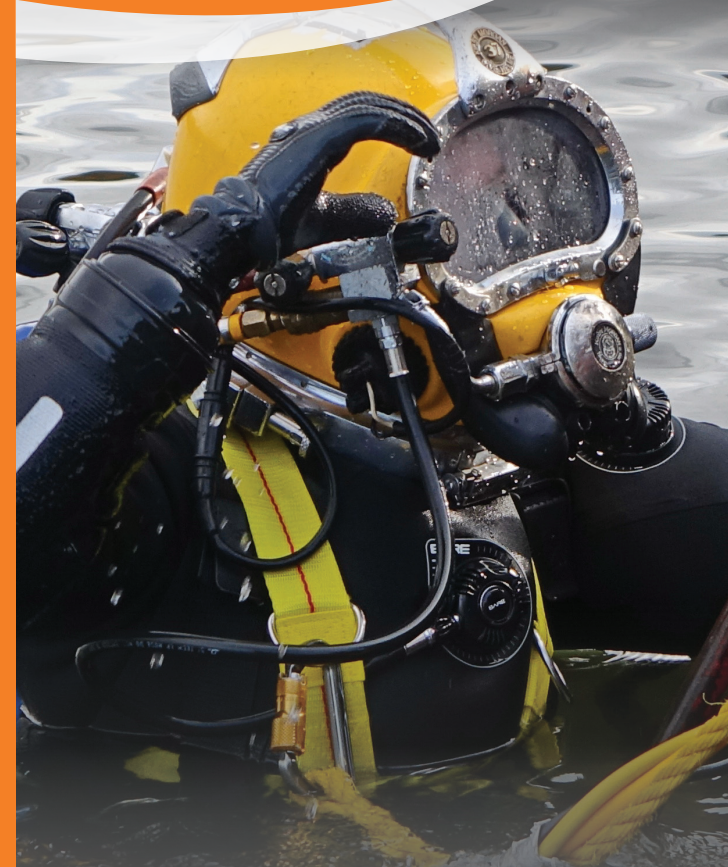
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## Hiring a Commercial Diving Contractor

Important Things You Need to Know

**ihsa.ca**

## Before hiring a commercial diving contractor, follow these steps

### STEP ONE Ask about their business

- How long have they been in business?
- Can they give you a list of references?
- Do they use a written contract that includes the scope of the work and terms of payment?
- Will they provide you with the following documentation?
  1. A copy of their WSIB Certificate. Make sure it is current. (WSIB Certificates are issued every 2 months.)
  2. A copy of their work-related insurance certificate to ensure that risks are covered. Insurance should include a pre-set amount of liability coverage.

### STEP TWO Ask about health and safety

- Do they have a health and safety policy and program? (This is legally required if the contractor employs five or more workers.)
- Will they give you assurances that the work will be performed by competent workers? Workers must have received training in the health and safety competency requirements associated with the job (e.g., proof of Diver Certification Board of Canada (DCBC) certification).
- Will they give you written assurance that they will comply with the legislation that governs the work? (e.g., A qualified (DCBC-certified) diving supervisor must be on the site.)
- Can they provide a contact name and the name of the supervisor that will be at the site? It's important for you to have someone in a position of authority that you can talk to if needed.

### STEP THREE Protect yourself

Any diving work for compensation makes it a commercial diving operation and requires that you hire a professional diving contractor who meets the requirements of the Diving Operations regulation (629/94).

If diving contractors do not provide you with the information you've asked for, they may not have WSIB coverage or insurance of any kind. You could be personally liable if an accident or an injury occurs. This can include being held liable for medical and other costs.

You could also be exposed to lawsuits. Do not rely on verbal promises. Protect yourself and your assets. Ensure that the contractor gives you a written contract that includes the specific work to be performed, terms of payment, and warranties or guarantees. If contractors do not provide this, you shouldn't hire them.

### Know your legal responsibilities

The employer must ensure that the commercial diving contractor works in compliance with the Diving Operations regulation (629/94) under the Ontario *Occupational Health and Safety Act* (OHSA).

Legal responsibilities include:

- The employer shall ensure that every person who participates in a diving operation meets the applicable competency requirements set out in CSA Standard Z275.4-12.
  - O. Reg. 629/94, s.4.1(2)
- The employer shall ensure that all divers, dive supervisors, and at least one diver's tender at the site have up-to-date certification in first aid, cardio-pulmonary resuscitation, and oxygen administration.
  - O. Reg. 629/94, s.33(1)



**The individual or business/property owner contracting the diving work also has a legal responsibility under Bill C-45.**

**Bill C-45** is federal legislation that amended the Canadian *Criminal Code*, established new legal duties for workplace health and safety, and imposed serious penalties for violations that result in injuries or death.

*Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.*

– *Criminal Code*, s.217.1

### Property Retrieval

Diving activities to retrieve property (golf balls, jewellery, tools, and other personal property) must be conducted in accordance with the Diving Operations regulation (629/94) under the OHSA.

### Penalties

Failure to comply with these laws may result in financial penalties or imprisonment. For example, penalties under the provincial OHSA are:

- Up to \$25,000.00 and/or up to 12 months imprisonment for individuals
- Up to \$500,000.00 per conviction for corporations.

Contraventions of the federal *Criminal Code* may result in fines of more than \$100,000 or imprisonment.