



Occupational Health and Safety Guide





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Introduction

The purpose of this guide is to provide supervisors with an overview of your responsibilities in the area of occupational health and safety. It also aims to familiarize you with the resources available to assist you in fulfilling your safety responsibilities and meet the requirements of the Safety Accountability System (SAS).

Having a due diligence defense is your only sure way to avoid Health and Safety fines.

All members of an organization are responsible for health and safety in the workplace. However, supervisors also have legal obligations under the law with respect to workplace safety and it is to the fulfilling of these legal obligations, that this guide is directed.

All supervisors may be subject to penalties for violations of the Health and Safety Law. Penalties range from fines to possible jail time. Specific responsibilities of individual supervisors will depend to a large extent on the type of work being performed and on the size and nature of the work unit. A guide of this type therefore cannot provide an exhaustive outline of the specific duties and responsibilities of every supervisory position. Not all of the material in this guide will be applicable to all supervisors.

Health and Safety Legislation

All jurisdictions have some legislation governing workplace health and safety.

The purpose of the legislation is to protect workers against health and safety hazards in the workplace. The legislation applies to all facets of the operation and usually outlines the responsibilities of the employer, supervisor and worker.



The Act sets out the rights and duties of all parties in the workplace. It establishes procedures for dealing with workplace hazards, and it provides for the enforcement of the law where compliance has not been achieved voluntarily through the internal responsibility system.

These laws are based on the principle of the internal responsibility system where the workplace parties - workers and employers - work together to identify and develop solutions to workplace health and safety problems. Ideally this system involves everyone from the Board, Senior Management, and Supervisor to the individual worker.

A number of provisions of Health and Safety legislation are directed at fostering this internal responsibility system. Among these are:

- The requirement for employers to have a health and safety policy
- A program to implement the policy placing responsibility on officers and directors of a corporation to ensure that the corporation complies with the Act and regulations
- The requirement for joint health and safety committees in the workplace
- The specification of rights of workers with respect to workplace health and safety
- The imposition of general and specific responsibilities on employers, supervisors and workers

It is therefore important that supervisors possess knowledge of those regulations that apply to the workplaces or operations under their

Most Health and Safety legislation also

gives the government broad powers to make regulations setting out in detail how some of the duties of the various parties are to be carried out.



Supervisors and Workers

Safety Legislation in your jurisdiction provides definitions of the various categories of persons in the workplace and assigns specific duties and responsibilities to them.

Who is a Supervisor?

A supervisor is anyone who is either in charge of a workplace or has authority over a worker. Most legislation gives a broad definition of anyone acting in a supervisory capacity.

Who is a Worker?

A worker is a person who is paid to perform work or supply services.

Who is the Employer?

The duties as an employer are delegated to various levels of the supervisory staff. Senior management and supervisors exercise many of the duties of the employer.



Duties of Supervisors and Workers

Supervisors

Supervisors have a general legal duty to take **every precaution reasonable in the circumstances** to protect the worker's health and safety.

Supervisors have the following specific duties outlined in safety legislation

- Must be familiar with all provisions of the safety legislation as they apply to the workplace under their control
- Must be knowledgeable about potential or actual health and safety hazards in the workplace and communicate these hazards to workers
- Must ensure that equipment, materials and personal protective equipment are provided to workers and maintained in good condition
- Must ensure that workers follow workplace safety policies and procedures
- Must provide information, instruction and supervision to a worker to protect the health or safety of the worker
- Must ensure that subordinate supervisors have or acquire knowledge of the health and safety policies and procedures pertaining to their workplace
- Must ensure that all hazardous materials present in the workplace are identified, labeled, and have data sheets as outlined by current laws
- Must ensure that workers exposed to a hazardous material or hazardous physical agent receive and participate in instruction and training
- Must ensure that all injuries are investigated, reported and given prompt medical attention

Remember – under the law, the word “ensure” means just short of a guarantee



Workers

Workers have the following specific duties outlined in safety legislation

- Must work in compliance with the provisions of the local Health and Safety legislation
- Must use or wear personal protective equipment and clothing that the employer requires to be worn
- Must report to their supervisor hazards that they are aware of and that may endanger themselves or another worker.
- Must not remove or make ineffective any protective device required by the regulations or by the employer
- Must report to their supervisor any contravention of the Health and Safety legislation of which they are aware
- Must not use or operate any equipment, machine, device in a manner that may endanger themselves or any other worker.
- Must not engage in any prank, or rough and boisterous conduct.

Remember – workers are part of the internal responsibility system



Summary of Health and Safety Policies and Practices

Health and Safety Policy

A Health and Safety policy states the Employer is committed to maintaining a safe and healthy environment in which to work. It should be reviewed on an annual basis.

Remember – the Health and Safety Policy is the guiding document that drives your Health and Safety Program. All organizations have to customize, develop and implement their own safety program elements depending on their risks in the workplace.

Common Elements of a Safety Program

- First Aid Program
- Due Diligence Training
- Hazard Reporting Program
- Safety Inspection Program
- Emergency Response Procedures
- General Health and Safety Rules
- Written Workplace Procedures
- Joint Health and Safety Committee
- Personal Protective Equipment
- General Safety Orientation



Safety Committees

Most jurisdictions make the employer responsible for establishing and maintaining a joint health and safety committee. This committee is an advisory body composed of representatives of workers and management. They have as their primary functions the identification of workplace health and safety hazards and the making of recommendations to management with respect to workplace health and safety. In order to carry out these duties they perform regular inspections of the workplace.

Supervisors and employers have the following responsibilities with respect to the joint health & safety committee:

- Identify who are the worker and management committee members.
- Ensure committee members are paid for the time working as a committee representative as they would normally be paid
- Must assist the health and safety committee inspecting the workplace with such information and assistance as the member requires for the purpose of carrying out the inspection
- Take action on remedying health and safety deficiencies in the workplace identified through committee work or develop a response action plan or reasons why actions will not be taken

Accident Incident Reporting

It is an expectation that all employees will report any accident/incident to their supervisor. It is the duty of the supervisors to investigate the accident/incident. The purpose of the investigation is to determine the basic, underlying, and root causes of the accident/injury to prevent future reoccurrence.



Most full-time, part-time, casual, employees are covered under some form of Workers' Compensation System for injuries and illnesses resulting from their employment. Under Workplace compensation systems, the employer is obliged to report to the Board within a certain time limit of its happening.

All Workers' Compensation Systems levies a fine for late reporting of a lost time or health care claim. It is therefore extremely important that all work related accidents, injuries, or occupational diseases be reported promptly.

All organizations should hold Supervisors accountable to report all accidents, incidents and near misses on a formal "Accident/incident Investigation Report". This form **must** be fully completed by the supervisor.

Reporting of Injuries

A critical injury is one of a serious nature which either places life in jeopardy.

Critical

For critical injuries, all organizations are responsible for:

- ✓ procuring immediate medical attention
- ✓ notifying the appropriate emergency services in their area
- ✓ notifying the most senior individual on site at the time of the critical injury
- ✓ ensuring that the site of the accident remains undisturbed and isolated, until all investigations are complete
- ✓ ensuring the critical injury is reported to the local health and safety authority immediately
- ✓ preparing a written accident report of the circumstances of the accident Also most jurisdictions make it mandatory that a Joint Health and Safety Committee member participates and files an accident report



Reinstatement of Injured Workers

In the majority of cases, a worker with a job related injury or illness would return to work within a short period of time and is able to perform all of the normal duties of the job.

However, in some cases the injury may result in either a temporary or permanent disability that prevents the worker from performing some of the duties of the job. In this case, the re-employment provisions of the Workers' Compensation system take effect.

Temporary Disability

In some cases, a worker may be temporarily disabled from performing all of the duties of his/her job and a temporary period of modified work may be required to re-integrate the worker back into the workforce. Supervisors should understand the modified work program to accommodate the injured worker.

Permanent Disability

Where the Workers' Compensation board determines that the worker's disability will be permanent, the employer is, within certain limits, under a legal obligation to accommodate and re-employ the worker. In fulfilling this obligation the employer must reasonably accommodate both the workplace and the job to the needs of the worker.

Where the Workers' Compensation board determines that the worker can perform the essential duties of the pre-injury job, the employing Department must either re-instate the worker in that job or offer the worker a similar job at comparable wages.

Where the Workers' Compensation board determines that the worker cannot perform the essential duties of the pre-injury job but can perform some type of work, the employer may offer that employee the first suitable job which becomes available.

In all cases of accommodation, job modification and reinstatement under Workers' Compensation should be formally managed by a specific individual or department.



Resolution of Health and Safety Concerns and Work Refusals

Right to Refuse Unsafe Work

Most Health and Safety legislation gives a worker the right to refuse work that he or she believes is unsafe. This right to refuse may be exercised if the worker has reason to believe that the work or task they are performing is hazardous.

Remember – it's the employers' responsibility to train employees on their Health and Safety rights in the workplace.

There are limits on this right of refusal for certain classes of workers such as municipal and provincial police, fire fighters, and some health care workers.

The Health and Safety legislation in your jurisdiction will have specific procedures that are to be followed in a work refusal and it is important that supervisors and workers understand this procedure.

Conclusion

Health and Safety is becoming an increasing concern for all employers. The laws are becoming stronger with larger fines and many jurisdictions have incorporated jail sentences as well.

Accident and health care costs are increasing and society has less tolerance for employers that have poor safety programs. These concerns can be summed up as significant, legal, economic and moral reasons for having a health and safety program that not only meets the minimum legal requirement but *drastically transforms your safety culture.*



This health and safety guide is only a starting point. Your organization has to develop its own program and ensure it has a system in place to measure its performance and evaluate it on an annual basis.

Most organizations have a basic or traditional Health and Safety Program that are not delivering satisfactory results. That is because most are using a reactive system to measure and maintain their safety compliance. This does not work in motivating individuals to create a positive safety culture.

If Health and Safety concerns are keeping you up at night, your only answer is to implement a formal Safety Accountability System. Contact us now if you wish to alleviate your Safety woes.

Safety is Attitude – Attitude is Everything!!!!

www.safetyaccountabilitysystem.com