Employer Duties

Employers know they have health and safety duties and responsibilities; however, they may not know that they can be held accountable, up to and including jail time, for failure to carry out these obligations. There are some things you can and should do to boost interest and compliance.

Practical solutions could include:

• Subscribing to an online health and safety newsletter service that publicizes recent employer convictions for offences under the Ontario Occupational Health and Safety Act.

• Convening a training session for all senior management on due diligence and Bill C-45.

• Providing health and safety orientation training upon hiring/promotion.

• Ensuring that senior management is aware of the company’s Workplace Safety and Insurance Board (WSIB) financial status with regard to rebates and surcharges.

• Inviting the WSIB account manager to visit the company site and to describe opportunities to reduce employer costs.

• Inviting senior manager(s) to join the company’s Joint Health and Safety Committee (JHSC) or go on a workplace inspection tour.

• Inviting senior manager(s) to the next local meeting of the applicable WSIB Safe Workplace Association.

• Ensuring that senior management is included on distribution lists for workplace inspections, JHSC meeting minutes, accident reports, Ministry of Labour orders/reports, health and safety audits, etc.

• Scheduling all senior managers for at least one advanced health and safety training session annually to upgrade their health and safety knowledge.

• Inviting senior management to attend a mock trial on a prosecution under the Act, as scheduled by the company’s Safe Workplace Association.

• Including health and safety duties and responsibilities in senior management job descriptions.

OVERVIEW

It is easy to recognize the value of continuing to improve our businesses from a productivity standpoint, because productivity is measured in profits. Product demand, business expansion, and profits usually follow continuous improvement; however, there is often a reluctance to make continuous improvements in safety and health because the profits are not as obvious. If we measure the costs of accidents, injuries, prosecutions, lost productivity, and/or diminished corporate image, however, we have a clearer picture of real profits. Gaining control of downgrading events will increase productivity, and more importantly, prevent workers from being injured.

Employers, supervisors, and workers all have rights and responsibilities with respect to occupational health and safety, as do other workplace participants. As well, compliance with ever-increasing legislation to protect workers, up to and including the right to refuse unsafe work, requires a planned approach that includes knowing the legislation, how it is applied, and what is required to meet the exacting standards demanded by this legislation.

PRACTICAL APPLICATION

Employer, Supervisor and Worker Duties, Rights, and Responsibilities

Employers know they have health and safety duties and responsibilities; however, they may not know that they can be held accountable, up to and including jail time, for failure to carry out these obligations. There are some things you can and should do to boost interest and compliance.

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• Inviting senior management to attend a mock trial on a prosecution under the Act, as scheduled by the company’s Safe Workplace Association.

• Including health and safety duties and responsibilities in senior management job descriptions.

• Setting health and safety performance objectives annually for each senior manager and including these objectives in performance appraisals, as would be done for productivity or quality.

Legislation

Ontario’s Occupational Health and Safety Act (R.S.O. 1990) lists specific duties for each of the workplace parties. General employer duties described in the Act include the following:

• instruct, inform, and supervise workers to protect their health and safety (paragraph 25(2)(a));

• assist in a medical emergency by providing any information – including confidential business information – to a qualified medical practitioner who requests the information in order to diagnose or treat any person (paragraph 25(2)(b));

• appoint competent persons as supervisors (paragraph 25(2)(c)). “Competent person” has a very specific meaning under the Act. He or she must:
  - be qualified – through knowledge, training, and experience – to organize the work and its performance,
  - be familiar with the Act and the regulations that apply to the work performed in the workplace,
  - know about any actual or potential danger to health and safety in the workplace;

• inform a worker, or a person in authority over a worker, about any hazard in the work, and train that worker in the safe handling, storage, use, disposal, and transport of any equipment, substances, tools, material, etc. (paragraph 25(2)(d));

• help health and safety committees and representatives to carry out their duties (paragraph 25(2)(e));

• not employ workers who are under such age as may be prescribed or knowingly permit underage persons to be in or near the workplace (paragraphs 25(2)(f) and (g));

• take every precaution reasonable in the circumstances for the protection of a worker (paragraph 25(2)(h));

• post in the workplace a copy of the Ontario Occupational Health and Safety Act, as well as explanatory material prepared by the Ministry that outlines the rights,

*Minimum age requirements for different types of workplaces are prescribed in regulations under the Act that apply to those workplaces. A person must be at least 18 years old to work in an underground mine; 16 to work on a construction project or in a logging operation; 15 to work in a factory; and 14 to work in a store or office.
• prepare a written occupational health and safety policy, review that policy at least once a year, and set up a program to implement it (paragraph 25(2)(i));

• post a copy of the occupational health and safety policy in a location in the workplace where workers will be most likely to see it (paragraph 25(2)(k));

• provide the Joint Health and Safety Committee or the representative with the results of any occupational health and safety report that the employer has. If the report is in writing, the employer must also provide a copy of the relevant parts of the report (paragraph 25(2)(l));

• advise workers of the results of such a report. If the report is in writing, the employer must, on request, make available to workers copies of those portions that concern occupational health and safety (paragraph 25(2)(m)); and

• ensure that every part of the physical structure of the workplace can support all loads to which it may be subjected, in accordance with the Building Code Act and any standards prescribed by the Ministry (paragraph 25(1)(e)).

Prescribed Duties of Employers

In some sections of the Act, the word “prescribed” appears. It means that a regulation must exist in order to put into effect the requirements of that section. Where there is no regulation, the requirements of that section are not in force.

Regulations that May Apply to Workplaces

Employers and supervisors have an obligation to know which regulations apply to their workplaces. Following is a list of the Ontario regulations that may apply to your workplace:

• Construction Projects – Regulation 213/91, 631/94, 143/99, 145/00 and 527/00

• Control of Exposure to Biological or Chemical Agents – Regulation 833, 513/92, 597/94, 388/00

• Critical Injury – Defined – Regulation 834

• Designated Substance – Acrylonitrile – Regulation 835, 353/91 (French Version), 507/92

• Designated Substance – Arsenic – Regulation 836, 378/91 (French Version), 508/92

• Designated Substance – Asbestos – Regulation 837, 382/91 (French Version), 509/92, 598/94, 386/00

• Designated Substance – Asbestos on Construction Projects and in Buildings and Repair Operations – Regulation 838, 510/92

• Designated Substance – Benzene – Regulation 839, 511/92, 387/00

• Designated Substance – Coke Oven Emissions – Regulation 840, 381/91 (French Version), 512/92

• Designated Substance – Ethylene Oxide – Regulation 841, 379/91 (French Version), 515/92

• Designated Substance – Isocyanates – Regulation 842, 377/91 (French Version), 518/92

• Designated Substance – Lead – Regulation 843, 374/91 (French Version), 519/92, 389/00

• Designated Substance – Mercury – Regulation 844, 375/91 (French Version) 520/92, 390/00

• Designated Substance – Silica – Regulation 845, 521/92, 391/00

• Designated Substance – Vinyl Chloride – Regulation 846, 376/91 (French Version), 522/92, 392/00

• Designations Under Clause 16(1)(n) of the Act (Occupational Health Clinics and Accident Prevention Associations) – Regulation 847, 741/91, 901/93

• Diving Operations – Regulation 629/94

• Firefighters – Protective Equipment – Regulation 714/94, 449/97

• Health Care and Residential Facilities – Regulation 67/93, 142/99

• Industrial Establishments – Regulation 851, 516/92, 630/94, 230/95, 450/97, 144/99, 284/99, 528/00, 488/01

• Inventory of Agents or Combinations of Agents for the Purpose of Section 34 of the Act – Regulation 852, 208/91 (French Version), 517/92

• Joint Health and Safety Committees – Exemption from Requirements – Regulation 385/96, 131/98

• Oil and Gas – Offshore – Regulation 855

• Roll-Over Protective Structures – Regulation 856

• Teachers – Regulation 857

• Training Programs – Regulation 780/94

• Training Requirements for Certain Skill Sets and Trades – Regulation 572/99

• University Academics and Teaching Assistants – Regulation 858

• Workplace Hazardous Materials Information System (WHMIS) – Regulation 860, 36/93

• X-Ray Safety – Regulation 861

Application of a Regulation

Where a regulation applies to a business, an employer must:

• provide and maintain in good condition any prescribed equipment, materials, and protective devices (paragraphs 25(1)(a) and (b));

• ensure that the above are used in accordance with the regulations (paragraph 25(1)(d));

• carry out any measures and procedures that are prescribed for the workplace (paragraph 25(1)(c));

• keep and maintain accurate records, as prescribed, of the handling, storage, use, and disposal of biological, chemical, or physical agents (paragraph 26(1)(e));

• notify a director of the Ministry of Labour of the use of or introduction into a workplace of any prescribed biological, chemical, or physical agents (paragraph 26(1)(e));

• monitor, as prescribed, the levels of biological, chemical, or physical agents and keep and post accurate records of these levels (paragraph 26(1)(f));

• comply with a prescribed standard that limits the exposure of a worker to biological, chemical, or physical agents (paragraph 26(1)(g));

• keep, maintain, and make available to workers prescribed records of worker exposure to chemical, biological, or physical agents (paragraph 26(1)(d));

• establish and maintain an occupational health service for workers, as prescribed (paragraphs 26(1)(a) and (b));

• provide prescribed medical surveillance programs and safety-related medical examinations and tests, for the benefit of workers (paragraphs 26(1)(h) and (i));

• ensure, where prescribed, that only workers who have taken any prescribed medical examinations, tests, or X-rays, and who have been found physically fit to work, are allowed to work or be in a workplace (paragraph 26(1)(j));

• where so prescribed, provide a worker with written instructions on the measures and procedures to be taken for his or her protection (paragraph 26(1)(k)); and

• carry out any prescribed training programs for workers, supervisors, and committee members (paragraph 26(1)(l)).


Duties of Employers Concerning Toxic Substances

In workplaces where there are toxic or hazardous substances, the employer has many specific duties. The topic on hazardous substances deals with these in detail

Supervisor Duties

Supervisors know or should know that they are responsible for the health and safety performance of the employees reporting to them, but sometimes they have not been given the opportunity to upgrade their skills, or have passed off their responsibilities to the shift’s Joint Health and Safety Committee (JHSC) representative. Practical solutions could include:

- Providing training in due diligence and Bill C-45.
- Providing health and safety orientation training upon hiring/promotion.
- As a minimum, training supervisors in conducting effective workplace inspections, accident investigations, and first aid interventions.
- Following up initial training with advanced safety training in safety management, key point safety tips, effective safety talks, job task analysis, hazard analysis, or other workplace-specific health and safety training.
- Encouraging supervisors to take reasonable disciplinary action when employees reporting to them do not follow safe working procedures, or fail to wear personal protective equipment.
- When scheduling workers for safety training, including their supervisor, so that the supervisor is privy to the same information being provided to the people reporting to him or her.
- Including supervisors in the selection of management members for the JHSC.
- Scheduling supervisors to join the JHSC when they are conducting a workplace inspection in their respective areas.
- Scheduling a mock work refusal session, where each supervisor has to detail his or her responses on how he or she would proceed to either resolve the problem himself or herself, or invite a representative of the Ministry of Labour to render a decision.
- Asking for supervisory volunteers to lead a team to resolve a workplace-specific safety or health issue.
- Offering to pay for any health- and safety-related courses that supervisors request to attend and successfully pass.
- Including health and safety duties and responsibilities in supervisor job descriptions.
- Setting health and safety performance objectives annually for each supervisor, and including them in performance appraisals as would be done for productivity or quality.
- Including lead-hands in any supervisory training, as they are held accountable under Bill C-45.

Legislation

The following are prescribed duties of supervisors under Ontario’s Occupational Health and Safety Act:

- ensure that a worker complies with the Act and regulations (paragraph 27(1)(a));
- ensure that any equipment, protective device, or clothing required by the employer is used or worn by the worker (paragraph 27(1)(b));
- advise a worker of any potential or actual health or safety dangers known by the supervisor (paragraph 27(2)(a));
- if prescribed, provide a worker with written instructions about the measures and procedures to be taken for the worker’s protection (paragraph 27(2)(b)); and
- take every precaution reasonable in the circumstances for the protection of workers (paragraph 27(2)(c)).

Worker Duties

Most workers realize that they have health and safety responsibilities, but unless employers provide training, refresh previous training, reward good behaviour, discipline substandard behaviour, and include employees in meetings where health and safety performance results are shared, systems will erode and accidents will increase. Practical solutions could include:

- Providing health and safety orientation training upon hiring, and for all current employees.
- Training workers on the health and safety policy, the health and safety program, and employee rules, and reviewing each on an annual basis.
- Training workers on how to report hazardous conditions and instructing them on their obligation to do so.
- Describing disciplinary policy for failing to follow health and safety rules and procedures or for engaging in horseplay or other dangerous behaviour.
- Encouraging workers to volunteer service (or stand for election) to the JHSC/safety representative.
- Sharing information on the costs of WSIB coverage with workers so that they realize that they can assist in controlling expenditures.
- Sharing information with employees on accident experience and trends, and asking for ideas on how to reduce injuries.
- Implementing a Safety Awards Program that recognizes participation in achieving hazards reduction, providing helpful safety suggestions, ensuring housekeeping compliance, and adhering to safe work procedures or other measurables having to do with improving the workplace or health and safety systems. (Do not reward accident-free days or introduce other injury-based safety incentives, as they tend to cause injuries and accidents to go unreported and ignore hazard exposures.)

Legislation

The following are prescribed duties of workers under the Ontario Occupational Health and Safety Act:

- work in compliance with the Act and regulations (paragraph 28(1)(a));
- use or wear any equipment, protective devices, or clothing required by the employer (paragraph 28(1)(b));
- report to the employer or supervisor any known missing or defective equipment or protective device that could lead to dangerous conditions (paragraph 28(1)(c));
- report any known workplace hazard to the employer or supervisor (paragraph 28(1)(d));
- report any known contravention of the Act or regulations to the employer or supervisor (paragraph 28(1)(d));
- do not remove or make ineffective any protective device required by the employer or by the regulations (paragraph 28(2)(a));
• do not use or operate any equipment or work in a way that may endanger any worker (paragraph 28(2)(b)); and
• do not engage in any prank, contest, feat of strength, unnecessary running, or rough and boisterous conduct (paragraph 28(2)(c)).

Duties of Other Workplace Participants

The following are duties of other workplace participants, as prescribed by the Ontario Occupational Health and Safety Act.

Owners

A person who owns a workplace that is not a construction project also has both general and prescribed duties. An owner must ensure that

• workplace facilities are provided and maintained as prescribed (subparagraphs 29(1)(a)(i) and (ii));
• the workplace complies with the regulations (subparagraph 29(1)(a)(iii));
• no workplace is constructed, developed, reconstructed, or altered except in compliance with the Act and regulations (subparagraph 29(1)(a)(iv)); and
• workplace drawings, plans, or specifications are given to a director of the Ministry of Labour as prescribed (paragraph 29(1)(b)).

Corporate Officers and Directors

Every officer and director of a corporation must take all reasonable care to ensure that the corporation complies with the Act and regulations as well as with any orders and requirements of Ministry of Labour inspectors, directors, and the Minister (section 32).

Liability of Architects and Engineers

Architects and engineers are considered to be in contravention of the Act if they negligently or incompetently give advice or grant certification required under the Act and, as a result, a worker is endangered (subsection 31(2)).

Refusals to Work

Work refusals should be rare; if they are not, it is usually a sign of other labour relation problems that need to be addressed. Practical solutions to avoid a work refusal from occurring include

• Providing information to supervisors and managers on the high cost of a work refusal in lost production, litigation, and damaged relationships.
• Training supervisors on how to recognize the difference between a health and safety complaint, employee reports of a health and safety hazard, and a work refusal, and how to respond properly to each scenario.
• Introducing a program that allows workers to implement an internal procedure when they consider their health or safety to have been compromised, and that provides immediate relief and investigation of the problem.

Due Diligence

“Due diligence” is an obligation requiring effort and care. Achieving health and safety due diligence involves organizing, documenting, and continuously improving procedures to meet the advancing standards of the legislation. To achieve due diligence, it is necessary to focus on all of the activities of the business. If you wish to achieve due diligence every day, you must build health and safety precautions into whatever it is that you are producing.

Safety and health considerations cannot be separate items, only to be addressed when meeting with health and safety representatives, following an accident investigation, or at the conclusion of a workplace inspection. Safety is a method of production that includes taking every precaution reasonable in the circumstances for the protection of the worker.

Legislation

In the Occupational Health and Safety Act, there is a specific section applied to employers and supervisors where they must take “every precaution reasonable in the circumstances for the protection of their workers” (paragraphs 25(2)(b) and 27(2)(c)). This section is also known as the due diligence clause. The term due diligence is a legal doctrine that is used as a defense in a proceeding brought forth by provincial prosecutors.

The Right to Refuse Unsafe Work

Some of the least understood health and safety legislation is the section in the Ontario Occupational Health and Safety Act having to do with a worker’s right to refuse unsafe work. The chart below illustrates the procedure to be followed in the case of a work refusal.

WORK REFUSAL PROCEDURE

![WORK REFUSAL PROCEDURE Diagram]

Refused to Work

Example 1

A firefighter cannot refuse to perform work assigned in responding to an emergency; however, he or she can refuse to drive a fire truck with defective brakes.

Example 2

An experienced medical lab technologist cannot refuse to handle a blood sample from a patient with an infectious disease due to the inherent danger if exposed; however, he or she can refuse if he or she doesn’t have the protective equipment required to properly handle the sample.

Limited Rights of Some Workers

The right to refuse work applies to all workers; however, for some workers, such as firefighters, police officers, health care workers, and correctional officers, the right to refuse is limited. Following are examples of when these workers may exercise their right to refuse:

Example 1

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Example 2

An experienced medical lab technologist cannot refuse to handle a blood sample from a patient with an infectious disease due to the inherent danger if exposed; however, he or she can refuse if he or she doesn’t have the protective equipment required to properly handle the sample.
The Right to Stop Work
The Occupational Health and Safety Act allows two certified members to direct an employer to stop dangerous work. One certified member must represent workers and the other must represent the employer.

Dangerous Circumstances
Work can be stopped only in “dangerous circumstances” (subsection 44(1)). This means a situation in which all of the following apply:
• the Act or the regulations are being contravened;
• the contravention poses a danger or hazard to a worker; and
• any delay in controlling the danger or hazard may seriously endanger a worker.

Limitations on the Right to Stop Work
The right to stop dangerous work does not apply to police, firefighters, or those employed in correctional institutions (paragraph 44(2)(a)).

The right to stop work also does not apply to the following types of workplaces if a work stoppage directly endangers the life, health, or safety of another person (paragraph 44(2)(b)):
• hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, or similar institutions;
• residential group homes for persons with physical, mental, or behavioural handicaps;
• ambulance services or first-aid clinics or stations;
• medical testing laboratories;
• any laundry, food service, power plant, or technical service or facility used by one of the above.

See paragraph 43(2)(d) of the Act for a complete list of workplaces.

Joint Right to Stop Work
If a certified member has reason to believe that dangerous circumstances exist, he or she may ask a supervisor to investigate. The supervisor must make a report promptly and in the presence of the certified member who made the request. This certified member may be one representing either the workers or the employer (subsection 45(1)).

If the certified member believes that dangerous circumstances still exist, he or she may ask another certified member to investigate (subsection 45(2)). The second certified member must do so promptly and in the presence of the first certified member (subsection 45(3)). The second certified member must represent the other workplace party.

If both certified members agree that dangerous circumstances exist, the certified members can direct the employer to stop the work, or to stop using any part of the workplace or any equipment, machinery, tools, etc. (subsection 45(4)).

The employer must stop the work immediately, in a way that does not endanger anyone (subsection 45(5)). After taking steps to remedy the dangerous circumstances, the employer can request that the certified members who issued the stop-work direction, or an inspector, cancel it (subsection 45(7)). Only the certified members who issued the direction can jointly cancel it, unless a Ministry inspector cancels it (subsection 45(8)).

If the certified members disagree, work cannot be stopped. However, either certified member may ask a ministry inspector to investigate. Following the investigation, the inspector will give a decision to both certified members (subsection 45(6)).

The Individual Right to Stop Work
The Act permits a certified member, in special cases, to stop work in dangerous circumstances. The individual right to stop work is granted by the Ontario Labour Relations Board upon application of a certified member or the Ministry inspector. Details are covered by section 47 of the Act.

The Canada Labour Code, Part II
 Federally regulated businesses are not covered by the Ontario Occupational Health and Safety Act. Excluded from the Act and accompanying regulations are:
• Public Service employees provided for under section 11 of the Financial Administration Act;
• People working in connection with the operation of any federal work;
• Corporations established to perform any function or duty on behalf of the Government of Canada;
• Canadian carriers, as defined in section 2 of the Telecommunications Act.

All of the above have rights, duties, and responsibilities that are described in the Canada Labour Code, Part II.

Bill C-45
This recently enacted federal legislation applies to all Canadian workplaces. In short, prior to Bill C-45, officers and directors could not be convicted of a crime for acts of the corporation solely because of their status as officers or directors. To convict, the prosecution was required to prove that the person charged had a “directing mind”.

Bill C-45 holds people accountable based on their function, not their title or mind. Persons or organizations who direct how another person works are required to take reasonable steps to prevent bodily harm to any person arising from that work.

Bill C-45 creates a duty to protect workers and the public, and enshrines it in the Criminal Code. It is legislation that also applies to any charges or convictions levied by the province for violations of the Ontario Occupational Health and Safety Act.

Other pertinent details of Bill C-45 include the following:
• It creates a mechanism to convict organizations criminally.
• Supervisors, managers, officers, and directors can now be prosecuted criminally.
• Lead-hands inside or outside the bargaining unit can be prosecuted criminally.
• The duty to protect extends to the public, inside and outside the workplace.

Bill C-45 penalties include:
• Fines up to $100,000 upon summary conviction.
• Limitless fine on indictment.
• A maximum of life imprisonment for a criminal negligence conviction.
• A maximum of 10 years’ imprisonment for causing bodily harm.
• A range of sentencing options from minimums to maximums.
• Probation orders that could include restitution, an order for the corporation to publicize its conviction, or a host of other remedial measures.
<table>
<thead>
<tr>
<th><strong>Due Diligence Checklist</strong></th>
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<tr>
<td><strong>Yes</strong></td>
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<tr>
<td>Do you know and understand your company-specific and legislated health and safety responsibilities?</td>
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<tr>
<td>Have you trained all employees in their health and safety duties and responsibilities, and ensured their comprehension?</td>
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<tr>
<td>Have employees been trained to work safely?</td>
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<td>Have employees been trained in how to use personal protective equipment, and do they wear it when required?</td>
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<td>Is employee training documented?</td>
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<td>Do you have written procedures in place to identify and control hazards?</td>
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<td>Is there a hazard reporting procedure in place that encourages employees to report all unsafe conditions and unsafe practices to their supervisor?</td>
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<tr>
<td>Have you established a Joint Health and Safety Committee/chosen a representative, as applicable?</td>
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<td>Does the JHSC/representative conduct workplace inspections monthly?</td>
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<tr>
<td>Do supervisors/managers/senior management conduct periodic (at least annual) workplace inspections and document findings?</td>
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<tr>
<td>Do you have written standards and procedures (as applicable) in use for:</td>
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<tr>
<td>• reporting, investigating and preventing injury/illness</td>
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<td>• operating instructions for equipment and processes</td>
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<td>• Joint Health and Safety Committee activities and/or worker representative activities</td>
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<td>• emergency plan</td>
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<td>• refusal to work</td>
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<td>• early and safe return to work</td>
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<td>• employee certification/competencies</td>
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<td>• lock-out/tagout</td>
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<td>• confined space entry</td>
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<td>• hot work</td>
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<td>• hygiene surveys</td>
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<td>• designated substances</td>
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<td>• contractor activities</td>
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<td>• subcontractor activities</td>
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<tr>
<td>• equipment purchase and/or replacement</td>
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<tr>
<td>• modified process and/or piece of equipment</td>
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<tr>
<td>Do you hold workers accountable for infractions and document them?</td>
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<td>Do you hold regular meetings at which health and safety is a significant part of the agenda?</td>
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<td>Have you committed adequate resources (personnel and financial) to safety and health?</td>
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<tr>
<td>Are managers, supervisors, workers and contractors held accountable for safety and health infractions, and are the details recorded?</td>
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<tr>
<td>Do you have a list of annual objectives for safety and health, and are they met?</td>
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<tr>
<td>Do you document your program activities and improvements?</td>
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<tr>
<td>Do you review and update your safety policy annually?</td>
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<tr>
<td>Do you review your occupational safety and health program at least once a year and make improvements as needed?</td>
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</tbody>
</table>
Health and Safety Policy Checklist

Does your health and safety policy cover the minimum standards? Does it include

- Management commitment to prevention of occupational illness and injury?
- Maintenance of safe and healthy occupational environment?
- Responsibility of workers to work safely and report all unsafe or unhealthy conditions?
- Responsibility of every supervisor to ensure that safe and healthy work conditions are maintained?
- All legislative requirements?
- Responsibility of subcontractors and their workers to meet or exceed employer’s health and safety program requirements?

Has the health and safety policy been

- Signed by senior management?
- Dated?
- Posted?
- Distributed to employees?
- Understood by employees?

Health and Safety Program General Elements Checklist

Does your health and safety program contain the following elements?

- Administration
- Responsibilities
- Planned inspections
- Joint Health and Safety Committee (JHSC) functions
- Accident/incident investigation
- Post-injury management
- Emergency preparedness
- Organizational rules
- Training
- Personal protective equipment
- Health control
- WHMIS (Workplace Hazardous Materials Information System)
- Designated substance(s) control
- Group meetings
- Hiring and placement
- Safe work procedures
- Policy and program update

Document Posting Checklist

Are the following documents conspicuously posted or available at the workplace (as applicable)?

- OHSA – Construction Regulations
- OHSA – Industrial Regulations
- OHSA – Mining Regulations
- OHSA – Designated Substances
- OHSA Extracts Poster
- Workplace Safety and Insurance Act (WS&IA)
- Form 82 – In Case of Injury at Work Poster
- First Aid Regulation 1101
- Emergency Service Locations and Numbers
- Notice of Project
- Site Engineering Documents
  - Excavations
  - False Work
  - Reshoring
  - Scaffolds
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- OHSA – Mining Regulations
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- First Aid Regulation 1101
- Emergency Service Locations and Numbers
- Notice of Project
- Site Engineering Documents
  - Excavations
  - False Work
  - Reshoring
  - Scaffolds

Training Checklist

Does your training program address employer, supervisor, and worker duties and responsibilities? Do you document and maintain training records for

- Promotion/transfer orientation?
- Initial job instruction?
- Planned health and safety inspections?
- Accident investigation?
- Safety committee/representative?
- Emergency preparedness?
- Personal protective equipment use and maintenance?
- Other workplace-specific training (welding safety, power press operation, transportation of dangerous goods, pesticide use, etc.)?
Employee Hazardous Conditions Report Form

EMPLOYEE HAZARDOUS CONDITION/PRACTICE REPORT

Date: ____________________ Time: ________________

CONDITION OR PRACTICE OBSERVED (Please be specific):
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________

LOCATION: ______________________________________________________________________________________________________

EMPLOYEE NAME: __________________________________________________________________________________________________

DATE GIVEN TO SUPERVISOR: ______________________________________________________________________________________

SUPERVISOR’S NAME: ______________________________________________________________________________________________

HAZARD CODE (A, B, C, D): __________________________________________________________________________________________

SUPERVISOR RESPONSE

PLAN FOR CORRECTION OF HAZARDOUS CONDITION OR PRACTICE:
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________

WORK ORDER # (if req’d): __________________________________________________________________________________________

(Supervisor must keep copy of this report and ensure that corrective action is completed within time frame, as per hazard code.)

SUPERVISOR TO SEND A COPY TO DEPT. HEAD & H.R. MGR.
## Refusal to Work Form

### REFUSAL TO WORK INVESTIGATION REPORT

<table>
<thead>
<tr>
<th>Name of person(s) refusing to work: _____________________________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job(s) of person at time of refusing to work: ________________________________</td>
</tr>
<tr>
<td>Date and Time of refusal: ________________________________________________</td>
</tr>
<tr>
<td>d / m / y</td>
</tr>
<tr>
<td>Details of grounds for refusing work (who, what, where, why): ___________________</td>
</tr>
<tr>
<td>Decision of Supervisor (include details of reasoning): __________________________</td>
</tr>
<tr>
<td>Time decision rendered to person refusing: ________________________________</td>
</tr>
<tr>
<td>d / m / y</td>
</tr>
<tr>
<td>Remedial action taken (if any): ____________________________________________</td>
</tr>
<tr>
<td>Investigated by: __________________________________________ Date: __________</td>
</tr>
<tr>
<td>d / m / y</td>
</tr>
<tr>
<td>JHSC Representative: __________________________________________ Date: __________</td>
</tr>
<tr>
<td>d / m / y</td>
</tr>
</tbody>
</table>

**COPIES TO BE SENT TO H.R. DEPT. AND JHSC REPRESENTATIVE**
Company ABC Health and Safety Vision Statement

Our commitment to your safe and healthy employment includes exceeding employees’ expectations to work each day healthy and unharmed by any possible hazards in the workplace.

We care about safety and health
• because we care about our fellow employees,
• because it demonstrates respect, and
• because it is consistent with our company values.

This management commitment is consistent with our health and safety program. It is essential that everyone is involved in this effort and meets their specific health and safety responsibilities.

✓ Management is responsible for preventing occupational illnesses and injuries.
✓ Supervisors are responsible for maintaining a healthy and safe occupational environment.
✓ Employees are responsible for following safe work procedures and reporting unsafe conditions.
✓ Contractors are responsible for meeting company safety program requirements and utilizing safe work practices.

As a member of the Company ABC Team you have a right:
• to expect to have your health and safety respected and protected via safe work practices and procedures in compliance with current legislation;
• to a safe environment, using safe tools, equipment, and materials; and
• to participate in making your workplace a safe and healthy place to work.

Together, by working safely, our business and personal goals will be achieved.

CEO/President Date

Sample General Health & Safety Rules:

COMPANY ABC GENERAL HEALTH AND SAFETY RULES

1. Follow instructions; don’t take chances. If you don’t know, ask.

2. All Employees will be familiar with and comply with all applicable legislation contained in the Occupational Health and Safety Act and Regulations.

3. Long hair shall be suitably confined to prevent entanglement. Industrial Regulation 83(1).

4. Jewelry, clothing that is loose or dangling, and rings shall not be worn. Industrial Regulation 83(2).

5. Report immediately to your Supervisor any hazardous conditions or practice or any defective equipment.

6. Keep your work area clean and orderly. Put everything in its proper place. Disorder causes injury and wastes time, energy, and material.

7. Whenever you or the equipment you operate is involved in an accident, regardless of how slight, report it immediately. Get first aid promptly.

8. Know the precise location of first aid equipment, fire fighting equipment, fire exits, and emergency procedures for all areas that you work in.

9. Use the proper tools for the job, and use them as directed by the manufacturer and any company-specific job procedures.

10. Use, adjust, alter, and repair equipment only when authorized.

11. Wear approved personal protective equipment (PPE) as directed. Ask your Supervisor for any personal protective equipment that you may require. Always return used or worn PPE to your Supervisor for replacement.

12. Do not engage in horseplay; avoid distracting others.

13. When lifting, bend your knees, grasp the load firmly, then raise the load keeping your back as straight as possible. If the load looks too heavy to lift by yourself, it probably is. Get help and co-ordinate the lift, or use a lifting device when authorized by your Supervisor.

14. Any person under the influence of or in possession of any alcoholic beverages or illegal drugs will not be permitted to work and may be subject to discipline, up to and including discharge.

15. Obey all rules, signs, and instructions. Get to know and apply all department-specific rules.
Sample Hazardous Conditions Reporting Procedure

COMPANY ABC HAZARDOUS CONDITIONS/PRACTICE REPORT PROCEDURE

Purpose:
To identify and address hazardous conditions and practices.

Responsibilities:
The responsibility to report a hazardous condition or practice is not only a moral duty but a legal one as well. The Ontario Occupational Health and Safety Act requires all employees to report hazardous conditions observed to their Supervisor.

Procedure:
At COMPANY ABC, we require that the following procedures be followed to ensure that appropriate attention is given to hazardous conditions or practices:

1. **Employees** are to use Employee Hazardous Condition/Practice Reports to notify your Supervisor in writing of any incidents. We encourage you to be as specific as possible about the location of the condition or practice and the specific concern that needs to be corrected. If you know what corrective measures need to be taken, please indicate them on the form. If you believe the condition or practice poses imminent danger to anyone, please notify your Supervisor immediately and provide him/her with the hazard report after your verbal report.

2. Upon receipt of any Employee Hazardous Condition/Practice Report, **Supervisors** must investigate, analyze the nature of the hazards, and complete the bottom portion of the report. A corrective action plan will be developed to resolve the concern, consistent with the seriousness of the hazard. Supervisors will ensure that the corrective action is completed, will review the effectiveness of the corrective action, and will report the completion to the Employee who initially issued the report and any other Employees who may be affected by the change.

**Note:** Direct verbal communication with your supervisor of any hazardous condition or practice is all that is required by the Occupational Health and Safety Act and we encourage you to do so. This procedure and form is used to assist in tracking patterns and to maintain records of progress in dealing with hazardous conditions and practices.

**Hazard Codes:**

- **“A”** hazard is a condition or practice likely to cause permanent disability, loss of life or body part, and/or extensive loss of structure, equipment, or material. “A” rated hazards must be dealt with immediately and may require equipment to be locked out or the area ribboned off until resolved. Supervisors must report any “A” rated hazards identified to the Department Head upon receipt.

- **“B”** hazard is a condition or practice likely to cause serious injury or illness (resulting in temporary disability) or property damage that is disruptive, but less severe than Class “A”. “B” rated hazards must be dealt with by remedial action on the day they are identified.

- **“C”** hazard is a condition or practice likely to cause minor (non-disabling) injury or illness, or non-disruptive property damage. “C” rated hazards may require a Maintenance Work Order to be issued and a requested deadline to be provided and followed up on to ensure the item is corrected within a reasonable time frame.

- **“D”** hazard includes general housekeeping, sanitation issues, and other miscellaneous items. “D” rated hazards are to be completed in a reasonable time frame and may require a Maintenance Work Order.
Sample Refusal To Work Procedure

COMPANY ABC WORK REFUSAL PROCEDURE

Purpose: To ensure that all rights are maintained and the legislation followed in the event of a refusal to work due to health or safety concerns.

Procedure: Refusal to Work – Health and Safety

1. An Employee must first have reason to believe that the work or particular work to be performed is likely to endanger himself/herself or another Employee.
2. The Employee must report the circumstances to his/her Supervisor or employer.
3. The Supervisor must ensure that the refusing Employee remains in a safe place near his/her workstation.
4. The Supervisor will summon an hourly paid representative of the Joint Health and Safety Committee (JHSC), who shall attend without delay.
5. The Supervisor, the JHSC representative, and the refusing Employee will investigate the details of the work refusal.
6. Following the investigation or any steps taken to deal with the circumstances that caused the Employee to refuse to work, if the Employee has reasonable grounds to believe that the work or particular work continues to be likely to endanger himself/herself or another Employee, he/she may continue to refuse to work and the Supervisor must notify a Ministry of Labour inspector.
7. The Supervisor will notify the Department Head giving details of the work refusal and any steps taken for resolution.
8. Pending the investigation and decision of the inspector, no Employee shall be assigned to use or operate the equipment, machine, device, or thing, or to work in the workstation or in the part of the workplace being investigated, unless the Employee has been advised of the other Employee’s refusal and of his or her reasons for the refusal in the presence of the investigating JHSC representative.
9. Pending the investigation and decision of the inspector, the Supervisor will ensure the refusing Employee remains at a safe place near his/her workstation or will assign the Employee reasonable alternative work. (Alternative work must be non-punitive.)
10. An inspector will investigate the refusal to work in the presence of the employer representative, the Employee, and the JHSC representative. Following the investigation, the inspector will decide whether the machine, device, thing, or the workstation is likely to endanger the Employee or another person and give his/her decision, in writing, as soon as is practicable, to the employer, the Employee, and the JHSC representative.
11. The Supervisor will document all details of the work refusal on the companion form, Refusal to Work Investigation Report (following this procedure).

NOTE: This procedure does not include certain rights of a certified member(s) to invoke a joint work stoppage in the event of dangerous circumstances, as described in sections 44 and 45 of the Occupational Health and Safety Act.
The following are useful sources for further information.

1. Ontario Ministry of Labour
   - Address: 14th Floor, 400 University Avenue, Toronto, Ontario. M7A 1T7
   - Telephone: (416) 326-7770
   - Toll Free: 1-800-268-8013
   - Fax: (613) 996-9661
   - E-mail: webohs@mol.gov.on.ca
   - Web: http://www.gov.on.ca/LAB/hs

2. The Government of Canada
   - Address: Legislative Services Branch, 284 Wellington St. SAT-4, Ottawa, Ontario. K1A 0H8
   - Telephone: 1-800-622-6232
   - E-mail: webadmin@justice.gc.ca
   - Web: http://www.canada.justice.gc.ca

3. The Workplace Safety and Insurance Board of Ontario
   - Address: 200 Front Street West, Toronto, Ontario. M5V 3J1
   - Telephone: (416) 344-1016
   - Toll Free (outside Toronto Area): 1-800-663-6639
   - Fax: (416) 344-4204
   - From Fax (888) 313-7373
   - E-mail: prevention@wsib.on.ca
   - Web: http://www.wsib.on.ca

4. The Canadian Occupational Health and Safety Centre
   - 134 Hunter Street East, Hamilton, Ontario. L8N 1M5
   - Telephone: (905) 572-4400
   - Toll Free: 1-800-263-8466
   - Fax: (905) 572-4500
   - E-mail: clientservices@ccohs.ca
   - Web: http://www.ccohs.ca