



Supervision and Safety – Live Virtual

Legislation REQUIRED for course today**Start time: 8:30 am**

Please access the following items and minimize them into your toolbar for use in today's session:

**Saskatchewan
Employment Act &
Occupational Health &
Safety Regulations 2020
QR Code Access**

**Table of Contents**

- Module one: Legislation
- Module two: Legal duties of a supervisor
- Module three: Hazard identification, risk assessment, and controls
- Module four: Orientation and training
- Module five: Inspections
- Module six: Investigations
- Module seven: Worker concerns and refusals

**Introduction****By the end of this course, supervisors will understand:**

- ✓ How to review, navigate and cite the Saskatchewan Employment Act and the Occupational Health and Safety Regulations, 2020.
- ✓ The legal duties of a supervisor include demonstrating due diligence and understanding a notice of contravention, a compliance undertaking, and summary offence ticketing.
- ✓ How to identify hazards, assess risks and implement controls.
- ✓ The elements of an occupational health and safety program and understand a supervisor's duty to ensure workers are orientated and trained.
- ✓ How to conduct workplace inspections and create inspection records.
- ✓ The different levels of incidents and the supervisor's role in incident investigations.
- ✓ How to resolve a worker's concern and the supervisor's role during a work refusal.



Module one

Legislation



Introduction

Module one
Legislation

Module one: Legislation

This module will:

- ✓ Demonstrate how to navigate occupational health and safety (OHS) legislation.
- ✓ Differentiate between the Act and the Regulations.
- ✓ Demonstrate how to locate and apply information in the legislation.
- ✓ Review key legislation for supervisors.
- ✓ Demonstrate how to cite legislation.



Legislation in the workplace

Module one
Legislation

The legislation helps those in the workplace **establish and maintain healthy and safe working conditions** by:

- Providing a way to protect the workers.
- Providing guidelines to employers, supervisors, and workers.
- Supporting the Workplace Responsibility System.




Legislation in the workplace

Module one
Legislation

The Saskatchewan health and safety legislation consists of **the Act and the Regulations**.

- Applicable to **provincially** regulated workplaces.
- Some workplaces are federally regulated and follow the *Canada Labour Code*.
- Some workplaces may have additional legislation applicable to them, such as mines, which are governed by the *Mines Regulations, 2018*.

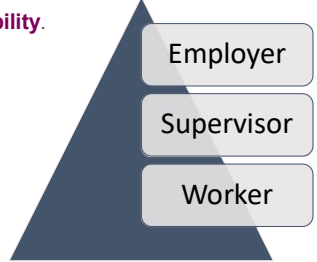



Legislation in the workplace

Module one
Legislation

Legislation refers to three **levels of responsibility**.

- Employer level
- Supervisor level
- Worker level




Citing legislation

Module one
Legislation

Citing legislation provides a standardized method to **direct** another person to **a specific section in legislation**.

Legislation is cited in (but not limited to):

- recommendations
- safe work practices
- inspection checklists
- notice of contraventions
- policies




Citing legislation

Module one
Legislation

When citing legislation, you must include **three pieces of information**.

1. The **section number**
2. The **book**
3. The **section title**

*The
Saskatchewan
Employment
Act*

General duties of employer

3-8 Every employer shall:

(a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;

Section 3-8 of the Act, General duties of employer



The Act

Module one
Legislation

The Saskatchewan Employment Act:

- Consolidates 12 acts.
- Part III of the Act:
 - Sets out general duties.
 - Establishes a framework for OHS duties and responsibilities.
 - States enforcement and penalties for non-compliance.
- Part IV – Appeals.
- Part V – Radiation Health & Safety.

*The
Saskatchewan
Employment
Act*



The Regulations

Module one
Legislation

The Occupational Health and Safety Regulations, 2020:

- State minimum standards that must be met.
- Provide additional instruction on how to meet your duties and responsibilities set out in the Act.
- Include additional sections of legislation that apply to specific industries.

*The
Occupational Health
and Safety
Regulations, 2020*



Take a closer look Module one
Legislation



The Saskatchewan Employment Act *The Occupational Health and Safety Regulations, 2020*

msa **WorkSafe**
Saskatchewan
Work to Live

Key to navigating legislation Module one
Legislation

	The Saskatchewan Employment Act	The Occupational Health and Safety Regulations, 2020
Purpose	a framework with general duties and responsibilities	detailed supporting instruction
Navigation	Start at the Table of Contents (TOC) in both	
Organization	TOC, 14 Divisions	TOC, 34 Parts, Appendix
	Sections are organized numerically (3-8, 3-9...)	
Where to find definitions?	Preliminary Matters for Part	Preliminary Matters
What to focus on?	Part III (Some workplaces use Parts IV and V)	Entire book

Key definitions Module one
Legislation



(e) “**competent**” means possessing knowledge, experience and training to perform a specific duty;

Competent is defined in *Section 3-1(1)(e) of the Act, Interpretation of Part* as:

Possessing **knowledge, experience** and **training** to perform a specific duty.

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Saskatchewan
Work to Live

Key definitions Module one
Legislation



(ff) “**train**” means to give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;

Train is defined in *Section 3-1(1)(ff) of the Act, Interpretation of Part* as:

To give information and explanation to a worker **and require practical demonstration** that the worker has acquired knowledge or skill related to the subject matter.

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Work to Live

Key definitions

Module one
Legislation



(dd) “supervisor” means an individual who is authorized by an employer to oversee or direct the work of the employer’s worker;

Supervisor is defined in *Section 3-1(1)(dd) of the Act, Interpretation of Part as:*

An individual who is authorized by an employer to **oversee or direct** the work of the employer’s workers.



Key definitions

Module one
Legislation



(gg) “worker” means, subject to subsection (6):

- (i) an individual, including a supervisor, who is engaged in the service of an employer and includes a person who is enrolled in a secondary or post-secondary educational institution and who:
 - (A) is permitted by an employer, directly or indirectly, to perform work or services; or
 - (B) is being trained by an employer; or
- (ii) a member of a prescribed category of individuals;

but does not include an inmate, as defined in *The Correctional Services Act, 2012*, of a correctional facility as defined in that Act who is participating in a work project or rehabilitation program within the correctional facility;

Worker is defined in *Section 3-1(1)(gg) of the Act, Interpretation of Part as:*

An individual, including a supervisor, who is engaged in the service of an employer and includes a person who is enrolled in an educational institution, or is being or is permitted by an employer to perform work.



How the Act and the Regulations work together

Module one
Legislation

How do *The Saskatchewan Employment Act* and *The Occupational Health and Safety Regulations, 2020* work **together**?

The Saskatchewan Employment Act



The Occupational Health and Safety Regulations, 2020



How the Act and the Regulations work together

Module one
Legislation

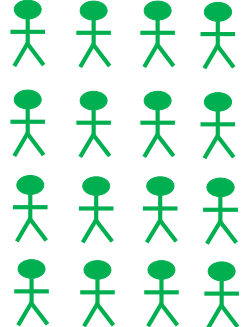
Meet Bob



Bob is the employer of an autobody shop



Bob has 16 employees



Does Bob need an occupational health and safety program for his business?

How the Act and the Regulations work together

Module one
Legislation

The Saskatchewan Employment Act

TABLE OF CONTENTS

PART III
Occupational Health and Safety

DIVISION 3
Duties

3-20 Duty to provide occupational health and safety programs

Duty to provide occupational health and safety programs

3-20(1) An employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.

Table of Contents

PART 3
General Duties

3-11 Occupational health and safety program

Occupational health and safety program

3-11(1) Subject to subsection (2), an occupational health and safety program required by section 3-20 of the Act must include:

↓

(2) The places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 3-20 of the Act.



How the Act and the Regulations work together

Module one
Legislation

The Saskatchewan Employment Act

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Duty to provide occupational health and safety programs

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The Occupational Health and Safety Regulations, 2020

Table of Contents

PART 3
General Duties

3-11 Occupational health and safety program

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How the Act and the Regulations work together

Module one
Legislation

Bob is the employer of an **autobody shop**



TABLE 7
[Subsections 3-11(2) and 4-8(1)]
Prescribed Places of Employment

- Types of places of employment:
 - hospitals, nursing homes and home care;
 - metal foundries and mills; and
 - mines.
- Places of employment at which the following types of work are performed:
 - aerial crop spraying, operation of helicopters, water bombing;
 - autobody** and automotive paint repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fibreglassing boats and autos;
 - building construction;
 - camp catering;
 - farming and ranching;
 - forestry work other than pulp and paper production;
 - forwarding and warehousing as a business;
 - metal manufacturing and machining, marble works, concrete block and ready mix manufacturing;
 - oilwell servicing;
 - oil and gas drilling, well servicing with a rig, water well drilling;
 - processing meat, poultry and fish;
 - road construction and earthwork, urban sewer and water construction, tunnelling;
 - trucking;
 - wholesale baking, dairy products, soft drinks and food preparation and packaging.



How the Act and the Regulations work together

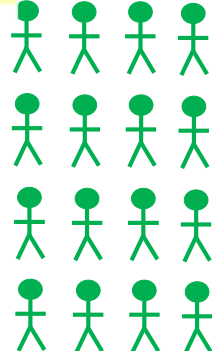
Module one
Legislation

(2) The places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 3-20 of the Act.

Yes!

Bob's autobody shop requires an occupational health and safety program.

Bob has 16 employees



Occupational health and safety program

3-11(1) Subject to subsection (2), an occupational health and safety program required by section 3-20 of the Act must include:

- (a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;
- (b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;
- (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;
- (d) a statement of the responsibilities of the employer, the supervisors and the workers;
- (e) a schedule for the regular inspection of the place of employment and of work processes and procedures;
- (f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, if appropriate, the monitoring of the work environment;

- (g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;
- (h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act at the place of employment;
- (i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act; and
- (j) a procedure to review and, if necessary, revise the occupational health and safety program at specified intervals that are not greater than 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

An occupational health and safety program must include these 10 items (at minimum).

Module one Legislation

Summary

Module one Legislation

Division 3 – Duties

Section 3-8 of the Act, *General duties of employer*

Section 3-9 of the Act, *General duties of supervisors*

Section 3-10 of the Act, *General duties of workers*

Other relevant legislation:

Section 3-20 of the Act, *Duty to provide occupational health and safety programs*

Section 3-38 of the Act, *Compliance undertakings and notices of contravention*

Section 3-60 of the Act, *Confidentiality*

Section 3-78 of the Act, *Offences*

Section 3-79 of the Act, *Penalties*



Summary

Module one Legislation

There are certain sections of the Regulations that pertain specifically to work as a supervisor.

Section 1-4 of the Regulations, *Generality of duties not limited*

Section 2-4 of the Regulations, *Medical information*

Section 3-10 of the Regulations, *Biological monitoring*

Section 3-11 of the Regulations, *Occupational health and safety program*

Section 3-21 of the Regulations, *Injuries requiring medical treatment*

Section 5-12 of the Regulations, *Transportation of injured workers*



Summary

Module one Legislation

There is additional legislation for supervisors in specific industries and certain worksites.

Section 20-5 of the Regulations, *Diving supervisor*

Section 29-3 of the Regulations, *Supervisors (Oil and Gas)*

Section 31-3 of the Regulations, *Additional requirements re supervisors in health care facilities*



Knowledge check

Module one
Legislation

Read the following scenario and answer the questions:

Gerry has been hired by ABC Warehousing. One of Gerry's job duties will be to operate the skid steer.

Is Gerry's employer required to provide training?

If so, where would they find the legislated training requirements?

Reference *The Saskatchewan Employment Act*, *The Occupational Health and Safety Regulations, 2020* and the Appendix in the Regulations.

Knowledge check

Module one
Legislation

Is Gerry's employer required to provide training to operate the skid steer?

*The
Saskatchewan
Employment
Act*

*The
Occupational Health
and Safety
Regulations, 2020*

General duty 11-2(1) In this section:
3-8 Every employer shall:

(f) en: "trained operator" means a worker who:

- (i) (a) has successfully completed a training program that includes all of the elements set out in Table 11 of the Appendix for the type of powered mobile equipment that the worker will be required or permitted to operate; or
- (b) is completing the practical training required by Table 11 of the Appendix under the direct supervision of a competent operator within the meaning of clause (a).

Knowledge check

Module one
Legislation

Where would Gerry's employer find the legislated training requirements?

TABLE 11
[Section 11-2]

Minimum Training Requirements for Trained Operator of Powered Mobile Equipment

In this Table, "PME" means Power Mobile Equipment

I Course Content:

A. *Occupational Health and Safety Regulations, 2020* Related to Power Mobile Equipment (PME):

1. Duties of employers and operators
2. Protection of workers, risk assessment and visual inspection
3. Operation of PME

B. Types of PME:

1. Terminology
2. Types of PME
3. Specific design of PME to be operated

II Course Duration:

A minimum of 16 hours, classroom and practical training combined.

An employer or contractor shall conduct an examination of practical skills for each operator required or permitted to operate a specific type of powered mobile equipment.

** This is only an excerpt of
Appendix 11 in the Regulations*



Module two

Legal duties of a supervisor

Introduction

Module two
Legal duties of a supervisor

Module two: Legal duties of a supervisor

This module will:

- ✓ Review the role of a supervisor in the Workplace Responsibility System (WRS).
- ✓ List the legal duties of a supervisor.
- ✓ Review definitions of reasonably practicable, competent worker, instruct and qualified.
- ✓ Explain due diligence.
- ✓ Review offenses and penalties.



Workplace responsibility system (WRS)

Module two
Legal duties of a supervisor



- Workplace responsibility system (WRS).
- The WRS is an underlying philosophy rather than a legislated responsibility.

Every person in the workplace, to the degree that they have the authority and ability to do so, is responsible for maintaining a healthy and safe workplace.



Supervisor's role in the WRS

Module two
Legal duties of a supervisor

Saskatchewan was the first province to protect three rights for workers



Part of a supervisor's role is to ensure workers know and are allowed to exercise their three legislated rights.



Three rights of workers

Module two
Legal duties of a supervisor

The right to know about hazards in the workplace and how to control them



Workers should know:

- Any information that may affect the health and safety of any person
- Information to identify and control any existing or potential hazards
- The processes, procedures, biological substances and chemical substances that are at a place of employment

Section 3-16 of the Act, Duty to provide information

Section 3-4 of the Regulations, Duty of employer or contractor to provide information



Three rights of workers

Module two
Legal duties of a supervisor

The right to participate in occupational health and safety in the workplace



Participation examples:

- Participating in hazard identification and control
- Working in compliance with legislation
- Seeking the enforcement of legislation
- Assisting with OHC activities
- Serving as an OHC member
- Seeking to establish an OHC

Section 3-22 of the Act, *Establishment of committees*

Section 3-24 of the Act, *Designation of representatives*



Three rights of workers

Module two
Legal duties of a supervisor

Workers have the right to refuse unusually dangerous work.



- If a worker believes the work is unusually dangerous to their health and safety or to the health and safety of another person, they can exercise their right to refuse.

Section 3-31 of the Act, *Right to refuse dangerous work*

They can refuse until:

- They are satisfied the work is safe; or
- Until the OHC has investigated and advised otherwise.

*If the worker is not satisfied with the OHC's decision, they or the employer can enlist the aid of an occupational health officer.

Section 3-32 of the Act, *Investigation by occupational health officer*

Key definitions

Module two
Legal duties of a supervisor



(x) “**practicable**” means possible given current knowledge, technology and invention;

Practicable is defined in Section 3-1(1)(x) of the Act, *Interpretation of Part* as:

Possible given current knowledge, technology and invention.



Key definitions

Module two
Legal duties of a supervisor



(z) “**reasonably practicable**” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;

Reasonably practicable is defined in Section 3-1(1)(z) of the Act, *Interpretation of Part* as:

Practicable – or possible – unless the person can prove a gross disproportion between the cost of the duty and the benefit.



Key definitions

Module two

Legal duties of a supervisor



Reasonable or **reasonable person** is **NOT** defined in legislation.

A reasonable person can be defined as: an individual who approaches any situation with an appropriate amount of caution and then takes sensible action.



Key definitions

Module two

Legal duties of a supervisor

The employer and supervisor have a duty to be **reasonably practicable** to ensure the health, safety and welfare at work of workers.

General duties of employer

3-8 Every employer shall:

- (a) ensure, insofar as is **reasonably practicable**, the health, safety and welfare at work of all of the employer's workers;

Section 3-8 (a) of the Act, General duties of employer

General duties of supervisors

3-9 Every supervisor shall:

- (a) ensure, insofar as is **reasonably practicable**, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;

Section 3-9 of the Act, General duties of supervisors



Failure to be reasonably practicable

Module two

Legal duties of a supervisor

Serious Workplace Injury Results In \$56,000 For Electrical Company

An electrical company plead guilty in a Saskatoon Provincial Court to one violation of The Occupational Health and Safety Regulations, 1996.

The company was fined for contravening clause 12(a) of the Regulations (being an employer at a place of employment, fail to provide and maintain plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health, safety and welfare at work of the employer's workers, resulting in the serious injury of a worker). One other charge was withdrawn.

The charges stemmed from an incident that occurred when a worker suffered serious injuries when a scissor lift drove off the ramps being used to load it onto a trailer.

As a result, the Court imposed a fine of \$40,000 with a surcharge of \$16,000, for a total amount of \$56,000.



Failure to be reasonably practicable

Module two

Legal duties of a supervisor

Construction Company Fined \$30,000 for Serious Worker Injury

A construction company plead guilty in Saskatoon Provincial Court to one violation of The Occupational Health and Safety Regulations, 1996.

The company was fined for contravening clause 12(a) of the Regulations (being an employer, fail to comply with the duties of an employer at a place of employment including the provision and maintenance of a plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health, safety and welfare at work of the employer's workers, resulting in the serious injury of a worker).

The charges stemmed from an incident when a worker suffered serious injuries after they fell over four metres while assisting in the installation of a tarp over a scaffold.

As a result, the Court imposed a fine of \$21,428.57 with a \$8,571.43 surcharge, for a total amount of \$30,000.



Key definitions

Module two

Legal duties of a supervisor



“competent worker”, with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training;

Competent worker is defined in *Section 1-2(1) of the Regulations, Definitions and Interpretation* as:

A worker who is being trained to perform a particular task or duty must be under close and competent supervision while they are being trained.

A supervisor has a direct responsibility to determine if a worker is a “competent worker”.



Key definitions

Module two

Legal duties of a supervisor



“instruct” means to give information and direction to a worker with respect to particular subject-matter;

Instruct is defined in *Section 1-2(1) of the Regulations, Definitions and Interpretation* as:

To **give information and direction** to a worker with respect to a particular subject matter.



Key definitions

Module two

Legal duties of a supervisor



“qualified” means possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project;

Qualified is defined in *Section 1-2(1) of the Regulations, Definitions and Interpretation* as:

Having a recognized degree, certificate or professional standing and demonstrating by knowledge, training and experience, the ability to deal with problems



Legislated duties

Module two

Legal duties of a supervisor

The employer has **the highest level of authority** in the workplace and therefore they have **the highest level of responsibility**.

General duties of employer
3-8 Every employer shall:

- (a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;
- (b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;
- (c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);
- (d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

***The
Saskatchewan
Employment
Act***

Section 3-8 (a-i) of the Act, General duties of employer



Legislated duties

Module two
Legal duties of a supervisor

An employer is expected to:

1. Provide a healthy and safe workplace
2. Consult and co-operate with the OHC or representative
3. Consider and resolve health and safety concerns
4. Ensure workers are not exposed to harassment
5. Ensure workers are not exposed to violence
6. Co-operate with any other person exercising their legislated duties
7. Ensure workers are trained
8. Ensure workers are competently supervised
9. Retain records of meetings with OHS representatives
10. Know and comply with legislation



Legislated duties

Module two
Legal duties of a supervisor

Supervisors also have legislated duties.

General duties of supervisors

3-9 Every supervisor shall:

- (a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;
- (b) ensure that workers under the supervisor's direct supervision and direction comply with this Part and the regulations made pursuant to this Part;
- (c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;
- (c.1) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to violence at the place of employment;
- (d) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and
- (e) comply with this Part and the regulations made pursuant to this Part.

The Saskatchewan Employment Act

Section 3-9 of the Act, *General duties of supervisors*



Legislated duties

Module two
Legal duties of a supervisor

A supervisor is expected to:

1. Ensure workers under their direction:
 - Are working safely
 - Know and comply with legislation
 - Are not exposed to harassment
 - Are not exposed to violence
2. Co-operate with any other person exercising their legislated duties
3. Know and comply with legislation



Legislated duties

Module two
Legal duties of a supervisor

Workers have legislated duties.

General duties of workers

3-10 Every worker while at work shall:

- (a) take reasonable care to protect his or her health and safety and the health and safety of other workers who may be affected by his or her acts or omissions;
- (b) refrain from causing or participating in the harassment of another worker;
- (b.1) refrain from causing or participating in any violent act towards another worker;
- (c) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and
- (d) comply with this Part and the regulations made pursuant to this Part.

The Saskatchewan Employment Act

Section 3-10 of the Act, *General duties of workers*



Legislated duties

Module two
Legal duties of a supervisor

A worker is expected to:

1. Protect their own health and safety and ensure their own actions or omissions do not impact the health and safety of others.
2. Refrain from causing or participating in the harassment of another.
3. Refrain from causing or participating in any violent act towards another.
4. Co-operate with any other person exercising their legislated duties.
5. Know and comply with legislation.



Legislated duties

Module two
Legal duties of a supervisor

There may be additional terms and parties employed at the worksite who have legislated duties.

For example:

- Self-employed persons
Section 3-11 of the Act, *General duties of self-employed persons*
- Contractors
Section 3-12 of the Act, *General duties of contractors*
- Prime contractors
Section 3-13 of the Act, *General duties of prime contractors at certain multi-employer worksites*
- Owners
Section 3-14 of the Act, *General duties of owners*
- Suppliers
Section 3-15 of the Act, *General duties of suppliers*



Legislated duties

Module two
Legal duties of a supervisor

The Occupational Health and Safety Regulations, 2020 contain additional legislated duties for employers including:

- Provision and maintenance of plant, systems of work, and working environment that ensures the health safety and welfare of workers.
- Arrange for use, handling, storage and transport of articles and substances that protects the health and safety of workers
- Provision of any information, instruction, training and supervision necessary to protect the health and safety of workers.
- Provision and maintenance of a safe means of entrance to and exit from all worksites and work-related areas.

Section 3-1 of the Regulations, *General duties of employers*



Legislated duties

Module two
Legal duties of a supervisor

Section 3-6 of the Regulations, *Supervision of work* states that an employer (or contractor) shall ensure that:

*The
Occupational Health
and Safety
Regulations, 2020*

- All work is sufficiently and competently supervised.
- Supervisors comply with the Act and the Regulations.
- That a supervisor ensures workers under their direct supervision also comply with legislation.

AND....



Legislated duties

Module two
Legal duties of a supervisor

...an employer (or contractor) must ensure that **supervisors** have **sufficient knowledge** of:

- Legislation.
- The occupational health and safety program at the workplace.
- The safe handling, use, storage, production and disposal of chemical and biological substances.
- The need and safe use of personal protective equipment.
- Emergency response procedures.
- Any other matters to ensure workers' health and safety.

Section 3-6 of the Regulations, *Supervision of work*



Due diligence

Module two
Legal duties of a supervisor

Due diligence: means that employers shall take all reasonable precautions, under particular circumstances, **to prevent harm to workers, property and the environment, and to comply with legislation.**

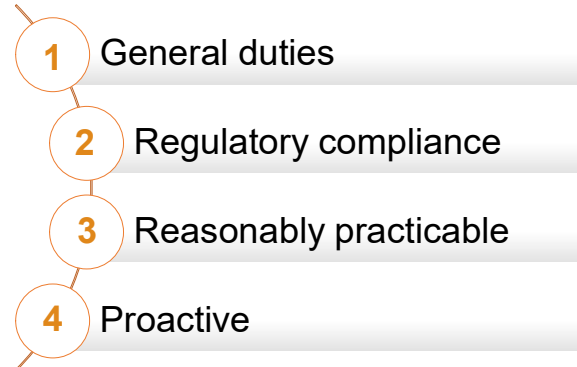


- The employer must monitor the workplace and ensure that workers are following the policies, practices and procedures.
- Activities to prove due diligence must be documented in writing.



Due diligence principles

Module two
Legal duties of a supervisor



Due diligence principles

Module two
Legal duties of a supervisor

1 General Duties

Section 1-4 (5) of the Regulations, *Generality of duties not limited* specifies that the duty is meant to be imposed primarily **on the person with the greatest degree of control** and to

A supervisor is often the individual with the greatest degree of control over the circumstances happening in a workplace. Under the legislation, a supervisor must have sufficient knowledge of all matters under the scope of their authority.

Section 1-4 of the Regulations, *Generality of duties not limited*



Due diligence principles

Module two
Legal duties of a supervisor

2 Regulatory Compliance

Show you have taken every reasonably practicable action to comply with legislation.

To demonstrate due diligence, an individual who is in the role of supervisor shall ensure they are familiar with and comply with all relevant legislation.

Ignorance of the law is **not** a defense for not complying with legislation.



Due diligence principles

Module two
Legal duties of a supervisor

3 Reasonably Practicable

Do what is possible unless the person can prove a gross disproportion between the cost of the duty and the benefit.

Documentation in writing or other retrievable forms, such as pictures or videos, is necessary to verify that all reasonably practicable actions occurred.

Section 3-1(1)(z) of the Act, *Interpretation of Part*



Due diligence principles

Module two
Legal duties of a supervisor

4 Proactive

As a supervisor, one action that demonstrates due diligence is following a documented system that identifies hazards, assesses their risks and implements controls to eliminate or reduce those risks to an allowable level.



Due diligence

Module two
Legal duties of a supervisor

Think about:

Foreseeable

Could a reasonable person have foreseen that something could go wrong?

Preventable

Was there an opportunity to prevent something from going wrong? If so, was an effort made?

Severity of the hazard

How serious could the consequences have been? How severe is the potential harm to workers?

Control

Who was in the best position to prevent what went wrong?



Enforcement

Module two
Legal duties of a supervisor

Compliance undertaking

The Act defines a compliance undertaking as a written agreement, not a warning, where a workplace party commits to take steps to comply with legislation by accomplishing **specified tasks** within a **defined time period**.

When a workplace party enters into a compliance undertaking, they must submit a progress report to show that they have completed the specified tasks.

Section 3-38 of the Act, *Compliance undertakings and notices of contravention*



Enforcement

Module two
Legal duties of a supervisor

Notice of contravention

A notice of contravention is a formal enforcement tool available to occupational health officers to identify non-compliance with Saskatchewan Occupational Health and Safety legislation.



A progress report must be submitted to the ministry within five days of the prescribed date for correction.



Enforcement

Module two
Legal duties of a supervisor

Stop work orders

When an officer has formed the opinion that there is a breach of the legislation that may pose serious risk to the health and safety of a worker(s), they will direct the cessation of work.

To prevent serious risk situations familiarize yourself with conditions that are considered a serious risk.



Enforcement

Module two
Legal duties of a supervisor

Summary offence tickets

A summary offence ticket (SOT) is a ticket issued by a designated occupational health officer. The Ministry of Workplace Safety and the Ministry of Justice have created summary offence tickets for certain occupational health and safety violations.

Fines range from \$250 to \$1,000 depending on the offence. Employers, contractors, owners, self-employed persons, suppliers, supervisors, and workers can be issued tickets.



Item	Offence	Section of the Act or Regs	Fine Amount	Liabe Parties
1	Failing to submit a written progress report	Section 3-43(b) (Act)	\$600	Employers, supervisors , self-employed persons, suppliers, contractors, owners
2	Failing to submit information requested by the Director	Section 3-64(1) (Act)	\$600	Employers, supervisors , self-employed persons, suppliers, contractors, owners
3	Failing to supply approved personal protective equipment	Section 7-2(1)(a) (Regulations)	\$1000	Employers, supervisors , contractors
4	Failing to ensure that workers use personal protective equipment	Section 7-2(1)(b) (Regulations)	\$1000	Employers, supervisors , contractors
5	Worker failing to use provided personal protective equipment	Section 7-2(4)(a) (Regulations)	\$250	Workers, supervisors
6	Failing to ensure that workers use a fall protection system where a worker may fall three meters or more	Section 9-2(2)(a) (Regulations)	\$1000	Employers, supervisors , contractors

Item	Offence	Section of the Act or Regs	Fine Amount	Liabe Parties
7	Failure to ensure that workers use a fall protection system where there is a possibility of injury if a worker falls less than three meters	Section 9-2(2)(b) (Regulations)	\$1000	Employers, supervisors , contractors
8	Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected	Section 9-13(1) (Regulations)	\$1000	Employers, supervisors , contractors, owners
9	Failing to provide an effective safeguard	Section 10-4(1) (Regulations)	\$1000	Employers, supervisors , contractors
10	Failing to ensure that workers are protected from cave-ins or sliding material in an excavation	Section 17-6(1) (Regulations)	\$1000	Employers, supervisors , contractors
11	Failing to ensure that workers are protected from cave-ins or siding material in a trench	Section 17-7(1) (Regulations)	\$1000	Employers, supervisors , contractors
12	Failing to implement a hazardous confined space entry plan	Section 18-7(3) (Regulations)	\$1000	Employers, supervisors , contractors

Offenses and penalties

Module two
Legal duties of a supervisor

As part of establishing **due diligence** a supervisor has a duty to read and understand the following two sections of legislation:

Section 3-78 of the Act, *Offenses*

- Details ways an offense against occupational health and safety legislation can occur.

Section 3-79 of the Act, *Penalties*

- Describes in detail various levels of penalties



Prosecution examples

Module two
Legal duties of a supervisor

Construction Company Fined \$70,000 For Serious Workplace Injury

A construction company pleaded guilty in Swift Current Provincial Court to one violation of The Occupational Health and Safety Regulations, 2020.

The company was fined for contravening clause 3-1(c) of the regulations (being an employer, fail to comply with the duties of an employer at a place of employment including the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work, resulting in the serious injury of a worker).

The charges stemmed from an incident when a worker suffered serious injuries in the cab of a scraper buggy.

As a result, the Court imposed a fine of \$50,000 with a surcharge of \$20,000, for a total amount of \$70,000.

Prosecution examples

Module two
Legal duties of a supervisor

Individual Fined \$2,800 for Workplace Injury (PME)

An individual pleaded guilty in Estevan Provincial Court to one violation of The Occupational Health and Safety Regulations, 2020.

The individual was fined for contravening subsection 11-13 (3) of the regulations (being an operator of a unit of powered mobile equipment move or cause to be moved any part of the equipment when a worker may be endangered by that movement, resulting in the serious injury of a worker).

The charges stemmed from an incident that occurred when a worker suffered serious injuries when pinched between a water truck and a payload.

As a result, the court imposed a fine of \$2,000 with a surcharge of \$800, for a total amount of \$2,800.



Knowledge check

Module two
Legal duties of a supervisor

What is due diligence?

- a. Providing a healthy and safe workplace.
- b. Having a functioning Workplace Responsibility System.
- c. Documenting supervisory activities.
- d. Complying with the legislation.
- e. All of the above.



Knowledge check

Module two
Legal duties of a supervisor

Which of the following is NOT a due diligence principle?

- a. I will do my best to make sure my workers are working safely.
- b. I will show my new workers what to do and ensure they are competent prior to letting them work without my supervision.
- c. I will read and understand the Occupational Health and Safety legislation.
- d. I will make the necessary changes if an incident occurs.
- e. I will research best practices for my industry.



Module three

Hazard identification, risk assessment and controls



Introduction

Hazard identification, risk assessment and controls

Module three

Module three: Hazard identification, risk assessment and controls

This module will:

- ✓ Explain how to identify hazards, assess risks and recommend controls
- ✓ Review the energy wheel model of hazard identification
- ✓ Review the traditional model of hazard identification (health hazard or safety hazard)
- ✓ Explain the hierarchy of controls
- ✓ Describe how to implement controls



Introduction

Hazard identification, risk assessment and controls

Module three

Everyone in the workplace has a responsibility to help identify health and safety hazards.

One of the most important responsibilities that a **supervisor** has is to help the employer to **identify** hazards, **assess the risks** and **implement** controls.

Supervisors and workers often know more about the daily hazards they face than the employer.



Process

Hazard identification, risk assessment and controls

Module three



Identify

Identify obvious workplace hazards. Be on alert for any potential hazards.



Assess

Assess the risk of hazards and set priorities.



Control

Implement- controls to eliminate or mitigate the risk posed by hazards.



Identify

Hazard identification, risk assessment and controls

Module three

Hazards can cause **acute** or **chronic** medical conditions.

- An **acute** condition is severe and immediate.
- A **chronic** condition develops over time.

The onset of symptoms can be **immediate** or **latent**.

A **latency period** is the time between being exposed to something that can cause a medical condition and having symptoms.




Identify

Module three

Hazard identification, risk assessment and controls

There are two types of hazards in a workplace:

1. Health hazards
2. Safety hazards

A **health hazard** is any agent or situation that can cause an occupational **illness**.

Five types:

1. Biological hazards
2. Chemical hazards
3. Physical agents
4. Ergonomic hazards
5. Psychosocial hazards



Identify

Module three

Hazard identification, risk assessment and controls

Biological hazards are bacteria and viruses that are transmitted by insects, birds, animals, plants, fungi and humans.

Biological hazards can **result in infections and illness**.



Identify

Module three

Hazard identification, risk assessment and controls

Chemicals can be in various forms and become hazardous when they:

- Are inhaled
- Are ingested
- Are absorbed (through the skin, eyes, or mucous membranes)
- Exceed exposure limits
- Are incorrectly labeled
- Are spilled or released
- Are mixed with other chemicals
- Are not handled, decanted, disposed of or transported properly



Identify

Module three

Hazard identification, risk assessment and controls

Employers must:

- Develop and maintain a listing of all chemical and biological substances that may be hazardous in the workplace
- Have the corresponding safety data sheets readily available to all workers.



Section 21-2 of the Regulations, *List of chemical and biological substances*
Section 22-13 of the Regulations, *Availability of safety data sheets*



Identify

Module three

Hazard identification, risk assessment and controls

Appendix Table 16 in the Regulations lists the notifiable chemical and biological substances.

TABLE 16
[Sections 21-4 and 21-16]
Notifiable Chemical and Biological Substances

A. Any of the following chemical substances or any mixture containing more than 1% of any of them:

CAS NUMBER	CHEMICAL SUBSTANCE
92-67-1	4-Aminobiphenyl
495-50-5	Auramine
92-37-5	Benadine
545-88-1	Is(Chloromethyl) ether
119-90-4	o-Dianisidine
91-94-1	3,3'-Dichlorobenzidine
107-30-2	Methyl chloromethyl ether
50-60-2	Mustard gas
91-59-8	2-Naphthylamine
92-93-3	4-Nitrobiphenyl
75-01-4	Vinyl chloride

B. Any of the following biological substances:

Genetically modified¹ microorganisms²

¹"genetically modified" means genetic combinations not known to occur naturally;

²"microorganisms" means any organism or consortium of organisms of microscopic size, including bacteria, protozoa, fungi, algae and viruses.

Written notice of any intended or actual handling, use, storage, disposal etc. of these substances must be provided by the employer to the Ministry.

Section 21-4 of the Regulations, *Substances listed in Table 16*

Appendix Table 16 of the Regulations, *Notifiable Chemical and Biological Substances*



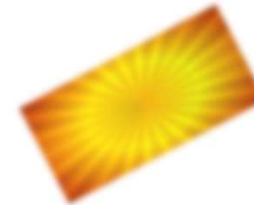
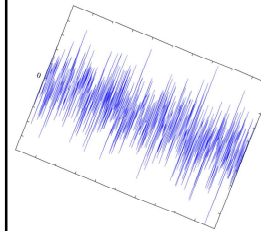
Identify

Module three

Hazard identification, risk assessment and controls

Physical agents can be detected with human senses (vision, hearing, touch, taste and smell).

They can be measured with monitoring equipment.

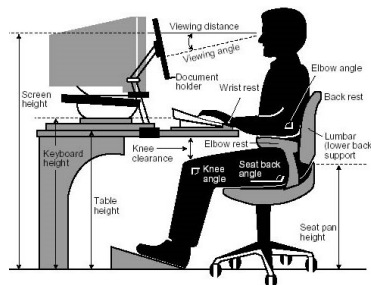


Identify

Module three

Hazard identification, risk assessment and controls

Ergonomics is the adapting of the work and work environment to be compatible with the person.



Proper ergonomics will **maximize** efficiency, quality and quantity of work while **minimizing** work-related musculoskeletal disorders, as well as fatigue and overexertion.



Identify

Module three

Hazard identification, risk assessment and controls

Psychosocial hazards impact a worker's mental and physical health.

Psychosocial hazards include (but are not limited to):

- Workplace stress
- Harassment
- Violence



Identify

Module three
Hazard identification, risk assessment and controls

A **safety hazard** is anything that could cause a physical **injury**.

Some common safety hazards are:

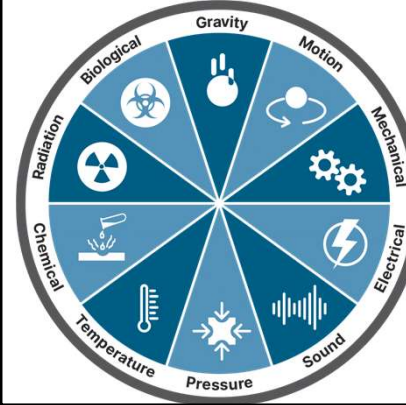
- Slips, trips and falls
- Sharp edges
- Pinch points
- Being caught or struck
- Working at heights



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Identify

Module three
Hazard identification, risk assessment and controls



The **energy wheel** provides a visual representation for 10 energy types.

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Gravity hazards

A force caused by gravity pulling a mass to the Earth.



Motion hazards

A change in the physical position or location of objects or substances.



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Hazard identification, risk assessment and controls



Mechanical hazards

The working parts of a machine or assembly, including rotation, vibration, tension or compression.



Electrical hazards

The presence of electrical charge or current.



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Hazard identification, risk assessment and controls



Sound hazards
The audible vibration caused by the contact of two or more objects.



Pressure hazards
Liquid or gas compressed or under vacuum.



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Hazard identification, risk assessment and controls



Temperature hazards
Extreme heat or cold in objects or the environment.



Chemical hazards
Toxic substances that pose health risks.



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Hazard identification, risk assessment and controls



Radiation hazards
Moving particles or waves of energy.

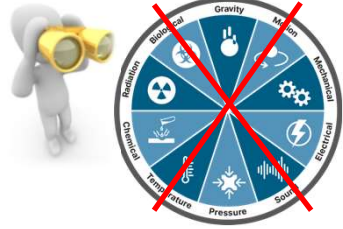


Biological hazards
Bacteria and viruses that are transmitted by insects, birds, animals, plants, fungi and humans.



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Hazard identification, risk assessment and controls



Two hazards relating to **people and their interactions** are not found on the energy wheel.

1. Ergonomic hazards
2. Psychosocial hazards

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Hazard identification, risk assessment and controls

Ergonomic hazards

Ergonomics:

- is the study of peoples' efficiencies in their working environment.
- aligns the job requirement and the work environment with the worker.

Common problems include:

- Repetitive strain injury
- Cumulative trauma disorder
- Musculoskeletal injury (MSI)
- Back injury
- Hand-arm vibration syndrome




Identify Module three
Hazard identification, risk assessment and controls

A **musculoskeletal** injury is an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by:

- Repetitive motions
- Forceful exertions
- Vibration
- Mechanical compression
- Sustained or awkward postures
- Limitations on motion or action
- Other ergonomic stressors

Musculoskeletal injuries
6-18(1) In this section, "musculoskeletal injury" means an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by any of the following:

Section 6-18 of the Regulations,
Musculoskeletal injuries



Identify Module three
Hazard identification, risk assessment and controls

Musculoskeletal disorders include three types of injuries:



1. Muscle injury
2. Tendon injury
3. Ligament Injury
4. Nerve injury
5. Joint injury
6. Bone injury and
7. Supporting vasculature injury



Identify Module three
Hazard identification, risk assessment and controls

Workplace design

The employer shall evaluate the workplace to provide optimal ergonomics.

Evaluate:

- Workstation design
- Workflow of materials
- Pace of work
- Tools
- Equipment



Tools and equipment

The employer must provide workers with suitable tools and equipment for the work being performed.

Section 6-15 of the Regulations, *Lifting and handling loads*
 Section 6-16 of the Regulations, *Standing*
 Section 6-17 of the Regulations, *Sitting*
 Section 6-20 of the Regulations, *Visually demanding tasks*

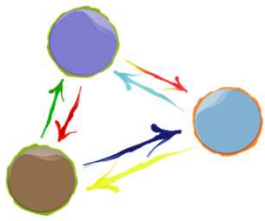


Identify Module three
Hazard identification, risk assessment and controls

Psychosocial hazards involve human **behavior** and human **interaction**.

Psychosocial hazards include:

- Workplace stress
- Harassment
- Violence
- Shift work



The CSA Z1003 standard identifies 13 factors of psychological health and safety in the workplace.

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Hazard identification, risk assessment and controls

Harassment

Workplace harassment is any inappropriate conduct, comment, display, action or gesture that could adversely affect the health and well-being of a worker.

Employers, supervisors, and workers have legislated duties to ensure harassment is not permitted in the workplace.



Section 3-1(1)(l) of the Act, *Interpretation of part*
Section 3-8(d) of the Act, *General duties of employer*
Section 3-9(c) of the Act, *General duties of supervisors*
Section 3-10(b) of the Act, *General duties of workers*

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Hazard identification, risk assessment and controls

What must employers do to prevent workplace harassment?

Employers must:

- Develop and implement a harassment prevention policy to protect workers
- Consult with the OHC to develop the harassment policy
- Investigate all workplace harassment incidents

Duty re policy on harassment and duty to investigate
3-21.1(1) An employer shall develop and implement a written policy to prevent harassment after consultation with:

(a) the occupational health committee;
(b) the occupational health and safety representative; or
(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement required pursuant to subsection (1) must include any prescribed provisions.

(3) An employer shall ensure that an investigation is conducted into any incident of workplace harassment.

Section 3-21.1 of the Act, *Duty re policy on harassment and duty to investigate*
Section 3-25(1)(a-j) of the Regulations, *Harassment*

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Hazard identification, risk assessment and controls

Violence

Violence is **attempted, threatened or actual conduct** by a person that causes or could cause harm to a worker.

Workplace violence and harassment are much larger issues than commonly thought and can be committed by persons **within the workplace** or persons from **outside of the workplace** (i.e., customers, the public).

Violence
3-26(1) In this section, "violence" means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

Section 3-26 of the Regulations, *Violence*

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Hazard identification, risk assessment and controls

Violence can include:

Threatening behavior • Shaking fists • Destroying property • Throwing objects Physical attack • Hitting • Shoving • Kicking • Intentionally restricting a travel way	Verbal or written threat • An expression of an intent to inflict harm Verbal abuse • Swearing • Insults • Condescending language
---	--



Identify Module three
Hazard identification, risk assessment and controls

Recent amendments to the Saskatchewan Employment Act

All workplaces are required to:

- Have a **violence policy** in place.
 - This violence policy will also apply to students, volunteers, and contract workers.
- Have a **violence prevention plan**
- **Investigate** all incidents of violence in the workplace.

For specific policy requirements, please see:

Section 3-21 of the Act, *Duty re policy statement on violence and prevention plan.*



Identify Module three
Hazard identification, risk assessment and controls

Legislation requires additional safety measures for **late night retail premises**.

Late night retail premise: a place of employment that is open to the public and making sales between the hours of 11:00 pm and 6:00 am

Examples of additional safety measures:

- Conducting a hazard assessment.
- Development of a safe cash handling procedure.
- Installing additional signage.
- Using video cameras to capture activity in key areas.

Section 3-27 of the Regulations, *Safety measures – retail premises*



Identify Module three
Hazard identification, risk assessment and controls

Shift work

Shift workers have **irregular patterns** of eating, sleeping, working and socializing that may lead to health and social problems.

Shift work can **reduce performance and attentiveness** increasing the risk of incidents and injuries.



Section 6-19 of the Regulations, *Shift work and constant effort and exertion.*



Identify

Module three
Hazard identification, risk assessment and controls



Consider

Module three
Hazard identification, risk assessment and controls

As a supervisor, who would you ask or where would you look for information about the hazards you identified?

- Workers and other supervisors
- Subject matter experts
- Manufacturer's information (SDSs, user guides, operator's manuals)
- Industry standards (CSA, ANSI, etc.)
- Industry best practices
- Legislation and the Ministry of labour relations and workplace safety
- Other workplaces
- Internet resources (CCOHS, NIOSH, etc.)



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Assess Risk

Module three
Hazard identification, risk assessment and controls

Assess risk

After identifying the hazards in our workplace, assess the **risk** that each hazard poses.

Use a **risk matrix** to calculate the level of risk for each hazard.

Risk is the chance that a hazard will cause harm.



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Assess Risk

Module three
Hazard identification, risk assessment and controls

Likelihood and Consequences

Likelihood: What are the chances an uncontrolled hazard will cause harm?

Consequences: If something goes wrong, how bad will it be?

Think about:

- Has this problem happened before?
- How many workers could be hurt?
- How often are workers exposed to the hazard?
- How quickly could a dangerous situation arise?
- How quickly could things change?

Prioritize hazards according to risk



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Module three

Hazard identification, risk assessment and controls

Assess Risk

RISK ASSESSMENT MATRIX

LIKELIHOOD

5. **Almost Certain** (Expected to occur regularly under normal circumstances)

4. **Likely** (Expected to occur at some time under normal circumstances)

3. **Possible** (May occur at some time under normal circumstances)

2. **Unlikely** (Not likely to occur under normal circumstances)

1. **Rare**

5	5	10	15	20	25	High Stop work until controls reduce the risk to an acceptable level. Medium Use temporary measures to reduce the risk until permanent controls can be implemented. Low Policies and procedures often resolve this level of risk. Continue work with caution.
4	4	8	12	16	20	
3	3	6	9	12	15	
2	2	4	6	8	10	
1	1	2	3	4	5	
	CONSEQUENCES					
	5. Fatality 4. Major Injury (Permanent Disability) 3. Serious Injury (Time Loss Incident) 2. Medical Aid Incident (Healthcare Facility Treatment) 1. Minor Injury (First Aid at Worksite)					

Module three

Hazard identification, risk assessment and controls

Control

Controls

A control removes the hazard or reduces its risk.

- All workplace hazards must be controlled.
- Saskatchewan occupational health and safety legislation states specific controls for some hazards.

The goal is to reduce the risk the hazard poses to as low as possible.



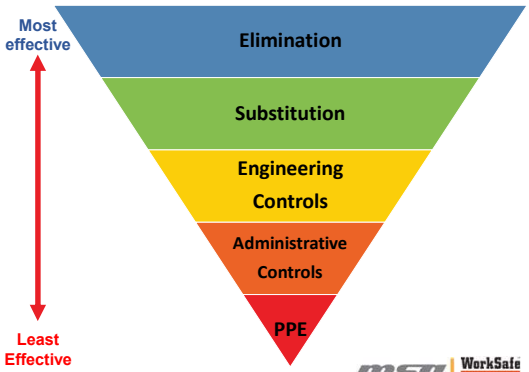

Module three

Hazard identification, risk assessment and controls

Control

Hierarchy of controls

A common tool used for selecting effective controls.



Most effective
↑
Least Effective



Module three

Hazard identification, risk assessment and controls

Control

Elimination

- Removes** the hazard from the workplace.
- Is the preferred way to control a hazard and should be used whenever possible.

Ask: "Is this item / substance / material / task necessary?"

If the answer is no – eliminate it!



Control Module three
Hazard identification, risk assessment and controls

Substitution

- **Replaces** something with another thing.

Ask: "Is there a better or safer item / substance / material / task that can be used?"

If the answer is yes – substitute it!



Control Module three
Hazard identification, risk assessment and controls

Engineering controls

- Engineering controls are **physical changes** to work areas, processes, structures, fixtures or equipment that effectively minimize the risk to workers.
- Engineering controls can reduce risk by preventing or limiting worker access or exposure to a hazard.

Ask: "Can we separate the worker from the hazard?"

If the answer is yes – engineer it!



Control Module three
Hazard identification, risk assessment and controls

Administrative controls

- Administrative controls are the rules, practices, policies, procedures and processes that **direct how work is done**.

Ask: "Is there a policy, procedure, training method or schedule that will reduce the risk?"

If the answer is yes – create the paperwork!



Control Module three
Hazard identification, risk assessment and controls

Personal protective equipment

Personal protective equipment (PPE) is the **final** control in the hierarchy and **should be used only when engineering and administrative controls don't adequately reduce the risk**.



Personal protective equipment should never be the only method used to reduce risk.

PPE refers to anything workers wear to help protect them from a hazard. PPE is only effective when it is selected, used, maintained and stored correctly.



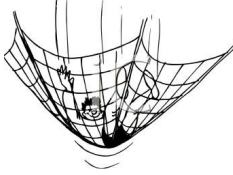
Control

Module three
Hazard identification, risk assessment and controls

Effective controls

An effective control must:

1. Prevent the hazard from causing harm
2. Not create a new hazard
3. Not create a hazard to the environment or the public



More than one control may be needed to effectively control a hazard.



Control

Module three
Hazard identification, risk assessment and controls

Implementing controls

- The employer is **ultimately responsible** to ensure hazards are controlled.
- The selection and implementation of controls is **commonly delegated** to the supervisor.
- The supervisor must **be aware** of relevant legislation and **demonstrate** that they have been reasonably practicable when they have been made aware of hazards and/or non-compliance.

Section 1-4 of the Regulations, Generality of duties not limited



Control

Module three
Hazard identification, risk assessment and controls

Implementing controls

The **employer, supervisor** and the **OHC** have a duty to monitor and follow up on the effectiveness of implemented controls.



Ask:

- Are the implemented control(s) effective?
- Has the risk been mitigated?
- Did the implemented control create a new hazard?



Knowledge check

Module three
Hazard identification, risk assessment and controls

Control	Elimination (E)	Substitution (S)	Engineering (Eng)	Administrative (A)	PPE (P)
Guard rail					
1. Worker scheduling					
2. High visibility vest					
3. Electric motor in place of diesel powered					
4. Table saw guard					
5. Ventilation system					
6. Outsourcing task					



Module four

Orientation and training



Introduction

Module four
Orientation and training

Module four: Orientation and training

This module will:

- ✓ Review the requirement for and contents of an occupational health and safety program.
- ✓ Describe the three types of orientation.
- ✓ Explain the difference between orientation and training.
- ✓ Describe a supervisor's duty to ensure workers are orientated and trained.
- ✓ Review WHMIS education and training requirements.
- ✓ Demonstrate how to create training records.
- ✓ Review examples of prosecutions related to non-compliances.



Occupational health and safety program

Module four
Orientation and training

An employer at a prescribed place of employment has a duty to establish and maintain a health and safety program.

Section 3-20 of the Act, Duty to provide occupational health and safety programs

Duty to provide occupational health and safety programs

3-20(1) An employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.

REMEMBER: Appendix 7 of the Regulations, *Prescribed Places of Employment* lists the types of workplaces that are considered a prescribed place of employment.



Occupational health and safety program

Module four
Orientation and training

Places of employment listed in Appendix Table 7 of the Regulations with 10 or more workers are prescribed for the purposes of Section 3-20 of the Act.

These workplaces must have an occupational health and safety program.



*Section 3-11 of the Regulations,
Occupational health and safety program*



Occupational health and safety program

Module four
Orientation and training

Section 3-11 of the Regulations, *Occupational health and safety program*

Statement of policy

Risk identification

Emergency response

Responsibilities

Inspection schedules

Chemical / biological plan

Training plan

Incident investigation

Worker participation

Program review



Occupational health and safety program

Module four
Orientation and training

Section 3-11 (a) of the Regulations, *Occupational health and safety program*

Statement of policy

(a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;

Section 3-11 (b) of the Regulations, *Occupational health and safety program*

Risk identification

(b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;



Occupational health and safety program

Module four
Orientation and training

Section 3-11 (c) of the Regulations, *Occupational health and safety program*

Emergency response

(c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;

Section 3-11 (d) of the Regulations, *Occupational health and safety program*

Responsibilities

(d) a statement of the responsibilities of the employer, the supervisors and the workers;



Occupational health and safety program

Module four
Orientation and training

Section 3-11 (e) of the Regulations, *Occupational health and safety program*

Inspection schedules

(e) a schedule for the regular inspection of the place of employment and of work processes and procedures;

Section 3-11 (f) of the Regulations, *Occupational health and safety program*

Chemical / biological plan

(f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, if appropriate, the monitoring of the work environment;



Occupational health and safety program

Module four
Orientation and training

Section 3-11 (g) of the Regulations, *Occupational health and safety program*

Training plan

(g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;

Section 3-11 (h) of the Regulations, *Occupational health and safety program*

Incident investigation

(h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act at the place of employment;



Occupational health and safety program

Module four
Orientation and training

Section 3-11 (i) of the Regulations, *Occupational health and safety program*

Worker participation

(i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act; and

Section 3-11 (j) of the Regulations, *Occupational health and safety program*

Program review

(j) a procedure to review and, if necessary, revise the occupational health and safety program at specified intervals that are not greater than 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.



Training of workers

Module four
Orientation and training

It is the **employer's duty to ensure workers are trained** in all matters to protect their health and safety when they:

- begin work
- move to a different worksite
- move to different work activity

Section 3-8 of the Regulations,
Training of workers

Workers should **not be permitted to perform work** unless they:

- have been trained
- have sufficient experience
- are under close and competent supervision

Time spent in training is considered **time at work**.



Training of workers

Module four
Orientation and training

Required training includes:

- Emergency procedures.
- Location of first aid facilities.
- Identification of prohibited areas.
- Precautions to protect from physical, chemical or biological hazards.
- All procedures, plans, policies and programs the employer must develop under occupational health and safety legislation.
- All other matters that will ensure the health and safety of the worker.

Section 3-8 of the Regulations,
Training of workers

As a supervisor:
Ensure each worker under your direction completes all items listed in this regulation.



Training of workers

Module four
Orientation and training

It is the employer's duty to **prove** that the training provided to a worker met the legislative requirements.

Onus on accused re training of workers

3-81 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part consisting of a failure to comply with a duty or requirement related to the training of workers, **the onus is on the accused to prove** that the training provided met the requirements of this Part and the regulations made pursuant to this Part.

Section 3-81 of the Act, *Onus on accused re training of workers*

As a supervisor:

Ensure that you have records that verify the orientation and training provided to the workers under your direction.



Orientation

Module four
Orientation and training

Orientation: the process of introducing new, inexperienced and transferred workers to the organization, their supervisors, co-workers and jobs, and especially to health and safety.

• Canadian Center for Occupational Health and Safety (CCOHS)

Orientation can:

- occur over several days, several weeks or several months.
- be delivered by personnel other than the supervisor

As a supervisor:

If you do not deliver orientation, you still have a duty to know what is included in the orientation and how to access those records.



Orientation

Module four
Orientation and training

In most workplaces a health and safety orientation is divided into three parts:

- A **general** health and safety orientation applicable to **all employees**.
- A **site-specific** health and safety orientation applicable to a **specific worksite** or department.
- A **job-specific** health and safety orientation applicable to a **specific job position**.



Orientation

Module four
Orientation and training

General health and safety orientation

All new employees should receive a general health and safety orientation before starting work.

A general health and safety orientation includes:

- Employer's health and safety policy.
- Workers' rights under Saskatchewan legislation.
- Employee health and safety responsibilities.
- How the employee is held accountable for health and safety duties.
- The employer's hazard reporting processes.
- The employer's incident reporting processes.
- Generic WHMIS education.



Orientation

Module four
Orientation and training

Site-specific health and safety orientation

All new and transferring employees should receive a site-specific health and safety orientation before starting work.

A site-specific health and safety orientation includes:

- Health and safety rules for the worksite.
- The employer's emergency response plans the worksite.
- Location of and reason for restricted areas
- WHMIS education and training for hazardous and biological substances on that worksite (Section 22-4 of the Regulations, *Worker education and training*).
- A tour of the worksite.



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Orientation

Module four
Orientation and training

Job-specific health and safety orientation

A job-specific health and safety orientation ensures employees are competent to perform their job tasks safely.

A job-specific health and safety orientation includes:

- Health and safety hazards associated with a particular job.
- Specific health and safety responsibilities assigned to the job position.
- A list and review of applicable safe work practices.
- A list and review of applicable safe job procedures.



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Training plan and records

Module four
Orientation and training

Section 3-11(g) of the Regulations, *Occupational health and safety program* specifically states that a health and safety program must have a plan to train workers and supervisors.

The employer must have written:

- Health and safety policies, practices and procedures
- Records to confirm that supervisors and workers have received training on them



After orientation, closely monitor employees until they are competent.

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Orientation and training records

Module four
Orientation and training

Records are proof that an individual completed the required education, instruction, and training.

Training records must include the following:

- The individual's name and signature
- The name of the course, meeting or subject matter
- A description of the subject matter presented
- The location of training event
- The time duration of the course
- The training provider's name
- The date, training was completed, including the year



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Orientation and training records

Module four
Orientation and training

Examples of types training records:

- Completed orientation checklists
- Toolbox talks
- Worker training log
- Emergency response drills
- Training events or meetings
- Forms or checklists that were completed when following a safe job procedure
- A certificate, diploma or degree from a post-secondary institution
- Completion certificates from safety training
- Supervisor coaching notes



Training record example

ABC Cleaning Company - Employee Training Tracker						
Employee name	Tyler Smith			Date of hire	March 1, 2024	
Position title	Cleaner			Name of manager	Martha Brown	
New employee mandatory orientation						
Training date Day/Month/Year Ex: 2/Feb/2024	Start/end times	Type of training	Name of person who provided training	Training location	Expiry date or N/A	Employee signature
1/Mar/2024	9:00 - 4:00	General Orientation	Jane White, owner	Board room	Annual	QA
2/Mar/2024	9:00 - noon	First Avenue Site	Martha Brown	Meeting room	N/A	QA
2/Mar/2024	12:30 - 4:00	Cleaning Equipment, PPE	Martha Brown	Warehouse	N/A	QA
Safety training						
Training date Day/Month/Year	Start/end times	Type of training	Name of person who provided	Training location	Expiry	Employee signature
3/Mar/2024	9:00 - 4:00	PME - floor cleaner, ride on mower	Sask Safety Council	First Avenue Site	March 2027	QA
4/Mar/2024	9:00 - noon	Generic WHMIS	Online Worksafe SK	First Avenue Site	Company Policy every 3 years	QA
4/Mar/2024	12:30 - 4:00	Site-specific for eight cleaning products	Frank White, Safety Coordinator for ABC	First Avenue Site	Renew with new WHMIS	QA
Legislation and compliance training						
Training date Day/Month/Year	Start/end times	Type of training	Name of person who provided	Training location	Expiry	Employee signature
5/Mar/2024	8:30 - 4:00	OHC-1	Worksafe SK	online	N/A	QA

Training record example

WHMIS

Module four
Orientation and training

The definition of “education” and “training” for WHMIS are relevant in every workplace.

In Part 22 of the Regulations:

“education” means the delivery of general information to workers.

“training” means the delivery of worksite and job-specific information to workers.



Section 22-1 of the Regulations, *Definitions for Part*



WHMIS

Module four
Orientation and training

It is the employer's responsibility to ensure a worker who works with or may be exposed to a hazardous product is informed about its safe:

- Use
- Storage
- Handling
- Disposal

Section 22-4 of the Regulations,
Worker education and training

As a supervisor:

You must be familiar with and comply with all six subsections of Section 22-4 of the Regulations .



WHMIS

Module four
Orientation and training

WHMIS is changing!

- Amendments to the *Hazardous Products Regulations* came into force December 15, 2022.
- There is a three (3) year transition period, ending **December 14, 2025**.
- Key changes resulting from the amendments include:
 - improved clarity and precision for certain provisions
 - new information elements required on safety data sheets
 - adoption of a new physical hazard class (Chemicals Under Pressure)
 - adoption of a new hazard category for non-flammable aerosols and new subcategories for flammable gases

NEW

As a supervisor:

You should know which version is current and explain how you check it to keep it up to date.



Prosecution examples

Module four
Orientation and training

Serious Worker Injury Results In \$150,000 Fine

An oil and gas company pleaded guilty in Carlyle Provincial Court to one violation of *The Occupational Health and Safety Regulations, 1996*.

The company was fined for contravening clause 12(c) of the regulations (being an employer, fail to comply with the duties of an employer at a place of employment including the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work, resulting in the serious injury of a worker). One additional charge was withdrawn.

The charges stemmed from an incident that occurred when a worker suffered serious injuries while attempting to diagnose a hydraulic line that was leaking hydraulic oil.

As a result, the court imposed a fine of \$107,142.90 with a \$42,857.10 surcharge, for a total amount of **\$150,000**.



Prosecution examples

Module four
Orientation and training

Employer Fined \$112,000 For Workplace Fatality

A company pleaded guilty to two violations of occupational health and safety regulations in Shaunavon Provincial Court.

The company was fined for contravening subsection 11-2(2) of *The Saskatchewan Occupational Health and Safety Regulations, 2020* (being an employer fail to ensure that only trained operators are required or permitted to operate powered mobile equipment, resulting in the death of a worker). In addition, they pleaded guilty for contravening clause 12-27(2)(b) (being an employer fail to ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform, resulting in the death of a worker).

The charges stem from an incident that occurred where a worker was fatally injured when the work platform they were standing on fell 25 feet from the forks of a telehandler.

The company was fined \$40,000 and a surcharge of \$16,000 for the first count and \$40,000 with a \$16,000 surcharge for the second. Total fines: **\$112,000**.



Knowledge check

Module four
Orientation and training

Which of the following is NOT a type of health and safety orientation?

- General health and safety orientation
- WHMIS training
- Site-specific health and safety orientation
- Job-specific health and safety orientation



Knowledge check

Module four Orientation and training

True or False?	TRUE (T)	FALSE (F)
1. Only prescribed places of employment can have a health and safety program.		
2. General orientations are conducted with the worker in the field.		
3. Supervisors are required to ensure their workers' certificates are in good standing.		
4. The orientation does not require a date of when it was completed.		
5. It is important to keep records of completed orientations.		
6. Supervisors require access to all training records for workers under their direction.		



Module five Inspections



Introduction

Module five Inspections

Module five: Inspections

This module will:

- ✓ Define what an inspection is and the purpose
- ✓ Describe the employer's legislated duties for inspections
- ✓ Explain the supervisor's role in workplace inspections
- ✓ Describe how to plan the inspection
- ✓ Explain how to review and follow up on inspections



Inspection definition and purpose

Module five Inspections

An **inspection** is an examination of:

- The entire workplace
- Selected work area(s)
- Specific hazard(s)
- Work practices
- Machinery, tools, equipment



Inspection definition and purpose

Module five
Inspections

Every type of inspection has these **common purposes**:



- Identification of hazards
- Comparing current conditions with expected standards
- Determining if deficiencies exist
- Identifying causes for deficiencies
- Monitor controls that have been implemented



Types of inspections

Module five
Inspections

Types of inspections:



1. Informal workplace inspections
2. Formal workplace inspections
3. Inspections with an occupational health officer



Types of inspections

Module five
Inspections

1. Informal inspections

- Monitor employees and areas under the supervisor's direction for substandard conditions and actions
- Address substandard conditions and actions immediately



Types of inspections

Module five
Inspections

2. Formal inspections

- Planned inspections.
- Have a predetermined who, what, and when.



Examples of workplace inspections include:

- Full facility inspections
- Daily housekeeping inspections
- Pre-work inspections
- Pre-use equipment inspections
- Preventative maintenance equipment inspections
- Occupational Health Committee inspections



Types of inspections

Module five
Inspections

3. Inspections with an occupational health officer

Legislation allows for an Occupational health officer to conduct unscheduled workplace inspections at any workplace for the purpose of:

- Preventing incidents, injury, illness
- Inquiring about a work-related incident
- Responding to a complaint
- Confirming compliance with legislation

Section 3-63 of the Act, *Inspections*



Types of inspections

Module five
Inspections

When an officer performs their inspection, an employer must allow a worker to accompany the officer.

The accompanying worker may be:

- designated by the OHC committee.
- designated by the trade union representing workers.
- a worker designated by the officer.
- the OHS representative.



Additionally, the employer must permit any worker or group of workers to consult with the officer during the officer's inspection.

Section 3-9 of the Regulations, *Worker's contact with officers*



Employer inspections

Module five
Inspections

The employer must conduct regular inspections of the workplace.

This includes inspecting the:

- Facilities
- Properties
- Equipment
- Tools
- Technologies
- Safety equipment and PPE



Section 3-12 of the Regulations, *Examination of plant*



Employer inspections

Module five
Inspections

Employer inspection duties:

- Employer inspections required by legislation shall be performed regularly.
Section 3-8 of the Act, General duties of employer

- Employers shall ensure the **plant** is inspected.
Section 3-12 of the Regulations, Examination of plant



What is the definition of “plant”?

Section 3-1(1)(w) of the Act, Interpretation of Part

(w) “plant” includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;



Examples of inspections the employer must perform		
Reg.	Section title	Description
3-12	Examination of plant	General inspection of workplace
3-17	Inspection of place of employment	Duty to support OHC and representative inspections
7-4	Inspection of respiratory devices	Duty to ensure respiratory device for emergency use is inspected by a competent person
7-21	Inspection of full body harness, etc.	Inspect PPE for working at heights
11-3	Visual inspection	Inspect equipment and surrounding area before starting
11-4	Inspection and maintenance	Competent person inspects mobile equipment
12-26	Maintenance and inspection	Only a competent person inspects scaffolds, aerial work platforms
13-18	Inspection	Cranes, hoists, lifting devices inspected by competent person
14-3	Inspection	Rigging is inspected at appropriate intervals
23-7	Inspection	Employer shall ensure all friable asbestos-containing material is regularly inspected

OHC inspections

Module five
Inspections

The Occupational health committee also has a duty to *inspect* the workplace.

Inspection of place of employment

3-17(1) An employer, contractor or owner shall allow members of a committee or a representative to inspect a place of employment at reasonable intervals determined by the committee or the representative and employer.

Section 3-17 of the Regulations, *Inspection of place of employment*



OHC inspections

Module five
Inspections

OHC inspections:

- **Do not replace** inspections that are to be done by the employer or supervisor.
- Should **complement** what the employer does.
- **Evaluates** the effectiveness of the existing safety management system.



Planning the inspection

Module five
Inspections

Employer's role:

Employers should develop and implement an inspection schedule that identifies:

- Which inspections will be conducted
- When or how often the inspections will be conducted
- Who is responsible for conducting the inspection



Module five Inspections

Planning the inspection

Supervisor's role:

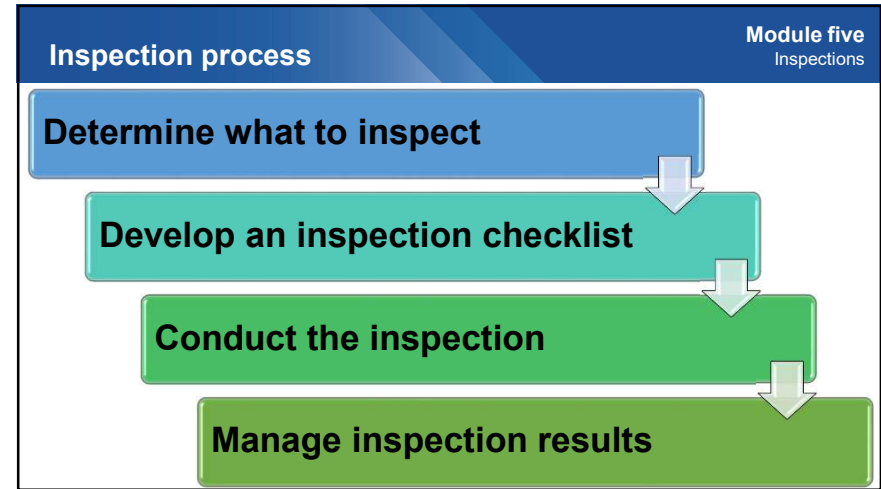
It is important for the supervisor to understand:

- What is going to be inspected
- What hazards can arise from that inspection
- Which workflows may be affected by the inspection
- Who will be available and needed for the inspection

Supervisors must monitor:

- Physical conditions (safety of tools, equipment, machinery, chemicals, etc.)
- Work practices and compliance with workplace standards
- Effectiveness of the employer's health and safety system

As a supervisor:
Have a written plan to verify that all required inspections are completed for the work areas and operations under your direction.

Module five Inspections

What to inspect

Four categories to inspect:



Determine what to inspect



Module five Inspections

What to inspect

PEOPLE

- Training records
- Orientation records
- Safe work practices and procedures
- Supervision
- Worker and supervisor experience



What to inspect

Module five
Inspections

- Machines
- Mobile equipment
- Hand tools and power tools
- Personal protective equipment (PPE)
- Emergency and first aid equipment

EQUIPMENT AND TOOLS

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Work to Live.

What to inspect

Module five
Inspections

- Chemicals and hazardous substances
- Biological substances
- How materials are stored and accessed

MATERIALS AND SUBSTANCES

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Work to Live.

What to inspect

Module five
Inspections

- Housekeeping
- Dust, fumes, particulates, vapors
- Light and noise
- Emergency evacuation plans
- Ergonomics

ENVIRONMENT

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Work to Live.

Inspection checklist

Module five
Inspections

A good inspection checklist is **unique** to the business and **specific** to the worksite area.

Checklists should:

- Be consistent, systematic and efficient
- Help inspectors remember what to inspect
- Allow for comparing current conditions with standards

Develop an inspection checklist

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Work to Live.

Inspection checklist

Module five
Inspections

Standards measure workplace conditions.

Examples of standards:

- Equipment operator's manuals
- Industry best practices
- Legislation
- Supplier information
- Manufacturers' recommendations



Inspection checklist

Module five
Inspections

Three basic components of a checklist:



1. Identify the standards to which your workplace measures items
2. Take each standard and develop it into a yes/no question
3. Has a section to note corrective actions/controls



Inspection checklist

Module five
Inspections

Make it unique to the workplace.

- Include relevant people, equipment, materials and environment
- List equipment in each area
- Reference applicable safe work practices
- Have a column for yes/no
- Have a section to record observations (take notes)

****There are no standardized inspection forms**



Inspection checklist

Module five
Inspections

Include space for additional notes.

- Hazards identified that are not on the checklist
- Changes in floor plan, equipment position, or new installations
- Observations of things going well (excellent housekeeping, people following safe work procedures, pre-use records complete)



Inspection checklist

Module five
Inspections

Area(s) inspected: _____
 Date and time: _____
 Person(s) inspecting: _____

Checklist questions for hazardous materials and substances

Item	Standard	Ok		Notes
		Yes	No	
Workers trained in WHMIS?	Section 22-4 of the Regs, <i>Worker education and training</i>			
Listing of chemical and biological substances available and current?	Section 21-2 of the Regs, <i>List of chemical and biological substances</i>			
SDSs readily available?	Section 22-13 of the Regs, <i>Availability of safety data sheets</i>			
Container markings clear and visible?	SMS Policy # 2: Chemical Labeling			
Safe work procedures used?	SMS SWP#88: Safe handling of hazardous materials			
Required PPE available?				
Required emergency equipment available?				



Inspection checklist

Module five
Inspections

Area(s) inspected: _____
 Date and time: _____
 Person(s) inspecting: _____

Checklist questions for the Office

Item	Standard	Ok		Notes
		Yes	No	
Floors and stairs free of obstructions and tripping hazards?	SMS Policy #56 – Office Housekeeping			
Plug ins where they are needed?	SMS Policy #34 – Office Electrical			
Extension cord use minimized?				
No use of daisy chains? (multiple cords and/or power bars connected together)				
Ergonomic workstations used?	SMS SWP #87: Computer Station Set Up			
They properly adjusted?				
They suitably lit?				
Screen images stable and clear?				
Workers trained to adjust?				



Conduct the inspection

Module five
Inspections

Communicate with workers

- Inspections are to find facts – not faults
- Ask about patterns (e.g., incidents, illnesses)
- Ask about orientation and training
- Pay attention to new and inexperienced workers
- Discuss previous concerns raised by workers



Conduct the inspection



Conduct the inspection

Module five
Inspections

Subcontractors and self-employed parties

- Note hazard and inform supervisor
- If it's serious, discuss with supervisor immediately
- Check effectiveness of employer's policy



Conduct the inspection

Module five
Inspections

During the inspection:

- Look in out-of-the-way places
- Use your senses
- Take careful notes
- Follow up on concerns raised on previous inspections



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Work. No. One.

Conduct the inspection

Module five
Inspections

What if there is something wrong?



- Record concern
- Talk with workers
- Determine hazard and assess risk
- Tell the employer

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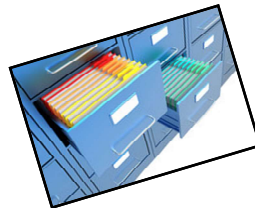
Inspection records

Module five
Inspections

A 'record' is information set down in writing or some other permanent form for later reference.

A record includes:

- Time
- Date
- Location
- Activity
- Signatures



Manage inspection results

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Work. No. One.

Inspection records

Module five
Inspections

Completed inspection checklists capture the inspection results and serve as a record.

Clearly identify the uncontrolled hazard

- Who, when and what was inspected?
- What deficiencies were identified?
- What worker concerns were noted?
- What positive observations were present?
- Did an urgent matter result in calling a special meeting of the OHC?

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Work. No. One.

Inspection records

Module five
Inspections

A review of inspection records should include the verification that:

- The inspections have been conducted as scheduled.
- The inspection checklists are completed properly.
- Any deficiencies noted have been addressed.

Supervisors must maintain records of all completed inspections for the work areas and operations under their direction.

As a supervisor:

Reviewing a completed inspection record is part of your due diligence. Failure to review an inspection record is not an acceptable excuse for not addressing a deficiency.



Inspection follow up

Module five
Inspections

It is the employer's duty to correct any unsafe conditions found.

Examination of plant

3-12 An employer, contractor or owner shall:

- (a) arrange for the regular examination of any plant under the control of the employer or owner to ensure, to the extent that is reasonably practicable, that the plant is capable of:
 - (i) withstanding the stress likely to be imposed on the plant; and
 - (ii) safely performing the functions for which the plant is used; and
- (b) as soon as is reasonably practicable, correct any unsafe condition found in the plant and take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.

Section 3-12 of the Regulations, *Examination of plant*

As a supervisor:

Implementing corrective actions often falls to the supervisor as they have the most control over a worksite.



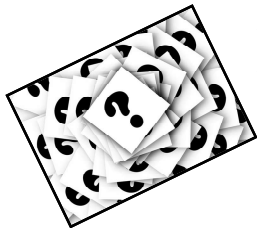
Inspection follow up

Module five
Inspections

Monitor and follow up on implemented corrective actions.

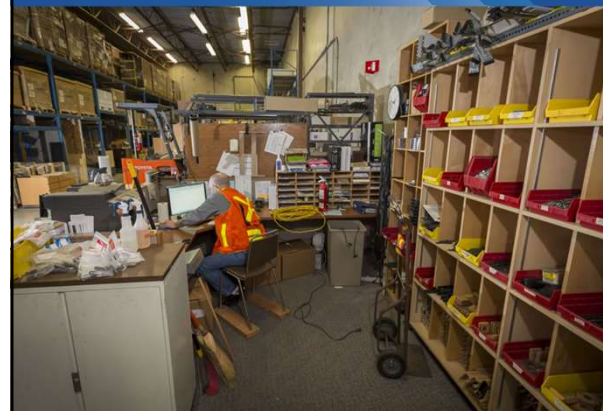
Consider the following questions:

- What control(s) were implemented?
- Is the control effective?
- Did the control introduce a new and unexpected hazard?



Inspection activity

Module five
Inspections



Can you identify some items in this image that should be inspected?



Knowledge check		Module five Inspections	
As a supervisor:	TRUE (T)	FALSE (F)	
1. I should read the OHC inspection reports.			
2. I can decide on the preventative maintenance schedules of the equipment or machinery in my area.			
3. I do informal inspections all day long.			
4. I only look at the completed pre-use equipment inspection forms at the end of the year.			
5. I never need to update my inspection checklists.			



Module six

Investigations



Introduction

Module six Investigations

Module 6: Investigations

This module will:

- ✓ Explain what an incident investigation is.
- ✓ Describe the purpose and benefits of completing an investigation.
- ✓ Review the roles, of the worker, employer, and OHC or representative.
- ✓ Explain what incidents an employer must notify the ministry of.
- ✓ Review what incidents need to be investigated according to legislation.
- ✓ Review the investigation process.



Investigations

Module six Investigations

An investigation is:

the analysis of an incident based on information gathered by a thorough examination of all contributing factors and causes involved.



Investigations must be part of an employer's occupational health and safety program.



Investigations

Module six
Investigations

Investigations:

- Are conducted by OHC members, or the representative together with the employer.
- Will help the employer find and correct the root causes of incidents.
- Are required by legislation for certain types of incidents.
- Are the employer's duty to ensure that they are conducted at the organization.

It's very important not to assess blame when conducting investigations.




Investigations

Module six
Investigations

It is important to understand the benefits of an investigation.

Investigations are done:

- To understand what happened and why
- To identify corrective actions that will **prevent a re-occurrence**
- To identify incident trends
- To help make the workplace healthy and safe



Investigations

Module six
Investigations

What is an incident?

- Not defined in legislation
- Any unplanned, unwanted event that causes:
 - Injury or illness
 - Damage or loss to property or to the environment



What is a dangerous occurrence?

- An incident that **does not but could have** resulted in a condition or circumstance set out [Section 2-2 of the Regulations, Accidents causing serious bodily injury](#)
- Eight examples of what is considered a dangerous occurrence are listed in [Section 2-3\(1\) of the Regulations, Dangerous occurrences](#)

Definitions

Module six
Investigations

What is a medical aid incident?

- Any work-related event that results in a worker obtaining medical treatment for an injury or illness from a health care provider

What is a first aid incident?

- Any work-related event that results in a worker requiring first aid treatment for a minor injury that does not require the services of a health care provider.

What is a near miss incident?

- Any work-related event that under slightly different circumstances could have caused injury, illness or damage



Definitions

Module six
Investigations



Common question:
Is a dangerous occurrence the same as a near miss?

No!

The difference between a near miss and a dangerous occurrence is **the level of the potential consequence**.



Notice to the Ministry

Module six
Investigations

Notice requirements for incidents and dangerous occurrences

The **employer must** notify the Ministry of Labour Relations and Workplace Safety (the ministry) of:

- Fatalities or accidents causing serious bodily injury
 - Incidents requiring hospitalization (in-patient) for 72 hours or more
Section 2-2 of the Regulations, Accidents causing serious bodily injury
- Dangerous occurrences
 - Could have resulted in a fatality or serious bodily injury
Section 2-3 of the Regulations, Dangerous occurrences



Notice to the Ministry

Module six
Investigations

Notice requirements for incidents and dangerous occurrences **must include the following information:**

Fatalities or accidents causing serious bodily injury	Dangerous occurrence
The name of the affected worker	--
The name of the employer	The name of the employer
The details of the accident	The details of the dangerous occurrence
The injuries	--
Contact information	Contact information

Section 2-2 of the Regulations, Accidents causing serious bodily injury
Section 2-3 of the Regulations, Dangerous occurrences



Roles in investigations

Module six
Investigations

Employer's role

The employer is responsible to:

- Ensure effective incident investigations
- Integrate investigations into the health and safety system
- Provide the investigation team with training and resources
- Implement appropriate correct actions to address root cause and prevent re-occurrence



Roles in investigations

Module six
Investigations

Supervisor's role

Supervisors may be asked to participate in the investigation, especially when the incident occurred in their department or area.

It is valuable to involve supervisors in incident investigations because they:

- Have a vested interest when incidents happen in their area.
- Know their workers and what jobs they perform.
- Know the equipment, tools and subject matter, so they know what questions to ask.
- Benefit from investigation findings.



Roles in investigations

Module six
Investigations

Worker's role

Investigations benefit from worker involvement.

Benefits include the following:

- More effective investigations
- Improved credibility
- Improved acceptance of recommendations



Roles in investigations

Module six
Investigations

OHC's role

OHC and representatives' investigators are expected to help:

- Collect and analyze evidence.
- Find root causes and recommend corrective actions.
- Improve the effectiveness of the employer's health and safety systems.



Investigation types

Module six
Investigations

The employer must ensure that the following types of incidents are investigated:

Certain accidents



- Is an injury that causes or may cause the death of a worker, or
- Requires a worker to be admitted to the hospital as an in-patient for more than **24 hours**

Investigation of certain accidents
3-18(1) Subject to section 3-19, an employer shall ensure that every accident that causes or may cause the death of a worker or that requires a worker to be admitted to a hospital as an in-patient for a period of 24 hours or more is investigated as soon as is reasonably possible by:

- (a) the co-chairpersons or their designates;
- (b) the employer and the representative; or
- (c) if there is no committee or representative, the employer.

Section 3-18 of the Regulations, *Investigation of certain accidents*



Prohibition re scene of accident

Module six
Investigations

In the unfortunate event of a fatality or serious bodily injury, **the scene must not be interfered with** until an occupational health officer has completed an investigation.

An officer **may** grant permission to move items to allow work to proceed if:

- (a) graphics, photographs or other evidence showing details at the scene of the accident are made before the officer grants permission; and
- (b) the co-chairpersons of a committee or the representative for the place of employment at which the accident occurred or their designates have inspected the site of the accident and agreed that the wreckage, article or thing may be moved.

Section 3-19 of the Regulations, *Prohibition re scene of accident*

***Except for the purpose of saving a life or relieving suffering**



Reflection

Module six
Investigations



What is your organization's protocol when an accident that caused serious bodily injury or resulted in a dangerous occurrence occurs?

If you are not familiar with the emergency response procedures in your workplace, please follow-up with your employer.



Investigation types

Module six
Investigations

Dangerous occurrences



Investigation of dangerous occurrences

3-20(1) An employer, contractor or owner shall ensure that every dangerous occurrence as defined in subsection 2-3(1) is investigated as soon as is reasonably possible by:

- (a) the co-chairpersons or their designates;
- (b) the employer, contractor or owner and the representative; or
- (c) if there is no committee or representative, the employer, contractor or owner.

Section 3-20 of the Regulations, *Investigation of dangerous occurrences*



Investigation types

Module six
Investigations

Workplace violence



Recent amendments to the Saskatchewan Employment Act require that all workplaces:

- Have a written policy statement and prevention plan.
- Investigate all incidents of violence in the workplace.

Section 3-21 of the Act, *Duty re policy statement on violence and prevention plan*



Investigation types

Module six
Investigations

Workplace violence

Section 3-8 (d.1) of the Act, *General duties of employer*

(d.1) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to violence with respect to any matter or circumstance arising out of the workers' employment;

Section 3-9 (c.1) of the Act, *General duties of supervisors*

(c.1) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to violence at the place of employment;

Section 3-10 (b.1) of the Act, *General duties of workers*

(b.1) refrain from causing or participating in any violent act towards another worker;




Investigation types

Module six
Investigations

Workplace harassment



Recent amendments to the Saskatchewan Employment Act require that all incidents of workplace harassment are investigated.

Section 3-21.1 of the Act, *Duty re policy on harassment and duty to investigate*




Investigation types

Module six
Investigations

Workplace harassment

Section 3-8 (d) of the Act, *General duties of employer*

(d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

Section 3-9 (c) of the Act, *General duties of supervisors*

(c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;

Section 3-10 (b) of the Act, *General duties of workers*

(b) refrain from causing or participating in the harassment of another worker;




Investigation types

Module six
Investigations

Work-related exposures to infectious materials or infectious disease



(k) require the investigation and documentation, in a manner that protects the confidentiality of the exposed worker, of any work-related exposure incident, including the route of exposure and the circumstances in which the exposure occurred; and

(l) require the investigation of any occurrence of an occupationally transmitted infection or infectious disease to identify the route of exposure and implement measures to prevent further infection.

Section 6-22 (k, l) of the Regulations, *Exposure control plan*

The employer, in consultation with the OHC, shall investigate work related exposure incidents.




Investigation types

Module six
Investigations

Work-related exposures to listed substances resulting from accumulations, spills, or leaks



Report of worker's exposure

21-10(1) If an accumulation, spill or leak of a chemical substance or biological substance listed in **Table 16 or 17 of the Appendix** occurs and results in the exposure of a worker to the chemical substance or biological substance to an extent that may affect the health or safety of the worker, an employer, in consultation with the committee, shall investigate the incident as soon as is reasonably possible and prepare a written report that includes:

Section 21-10 of the Regulations, *Report of worker's exposure*



Investigations

Module six
Investigations

Medical confidentiality

All individuals have a duty to not disclose a worker's personal medical information.

Medical information

2-4(1) Subject to subsection 3-10(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information except:

- (a) to the worker;
- (b) to the chief occupational medical officer;
- (c) with the informed consent of the worker, to another person; or
- (d) if otherwise required by law.

Section 2-4 of the Regulations, *Medical information*



Investigation process

Module six
Investigations



Control the scene

Module six
Investigations

The scene of an incident must be secured.

- Often the supervisor is the person to control the scene.



Control the scene to:

1. Prevent further injury or damage.
2. Preserve then evidence until it can be collected.
3. Ensure safety for emergency response personnel.

Control
the scene



Control the scene

Module six
Investigations

Immediately after an incident, supervisors can help:



- Secure the scene
- Activate the emergency response plan
- Ensure that transportation of injured workers aligns with legislation and company policy
- Activate appropriate internal and external notification protocols
- Take initial notes and make initial sketches
- Identify witnesses
- Provide information to the OHC investigation team



Collect evidence

Module six
Investigations

There are three types of evidence:

1. Physical evidence
2. Documentary evidence
3. Interview evidence



Collect
evidence



Collect evidence

Module six
Investigations

Physical evidence: any physical object that can be directly linked to the incident

Before moving items:

- Photograph the location
- Sketch its relationship to the larger view
- Label the item



Catalog the evidence with:

- Notes
- Photographs
- Video footage
- Sketches
- Map drawings

When handling physical evidence, be
sure to use safe work procedures
and required PPE



Collect evidence

Module six
Investigations

Depending on the nature of the incident, you can check the following:

- **Equipment, tools, and machinery** for signs of breakage or poor maintenance
- The **positions** of equipment, tools, debris, or other materials involved
- Operating **controls and safety devices** to see if they were working properly
- **Damage and wear patterns**, skid marks or other environmental observations



Collect evidence

Module six
Investigations

Examples of physical evidence:

- Broken equipment parts
- Positions of operating controls and safety devices
- Potentially contaminated food or drink containers
- Skid marks
- Liquid spills
- Evidence of insects and other animals
- Damage done to tools, machinery, and equipment



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Work. No. One.

Collect evidence

Module six
Investigations

Documentary evidence: any evidence that is in written (or digital) form

Related documents can provide valuable insight into the incident.

Review documentary evidence to:

- Verify worker orientation and training
- Understand job procedures
- Confirm equipment maintenance
- Verify physical and psychological job demands
- Verify PPE requirements



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Collect evidence

Module six
Investigations

Examples of documentary evidence:

- Equipment manuals
- Inspection records
- Orientation and training records
- Safe work procedures
- Investigation reports from similar incidents



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Collect evidence

Module six
Investigations

Interview evidence: any evidence that is relayed by a witness

When planning interviews, identify who to interview and think about what information the interview may provide.

Consider the following:

- Who was involved in the incident, saw it, or were first on the scene?
- Who knew what was happening right before the incident?
- Who else may have related information such as course providers, technical experts, or other employees?

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Collect evidence

Module six
Investigations

As much as possible:

- Interview witnesses within the first 24 hours
- Interview witnesses alone, not in a group
- Schedule interviews in a neutral and private place where you can speak without interruption

Expect contradictions in witness statements



Collect evidence

Module six
Investigations

An incident investigation interview is not an interrogation.

Create a positive environment by following these tips:

- Treat everyone with respect
- Be sensitive to the emotional condition of each witness
- Create an informal environment
- Reassure each witness
- Let the witness talk without interruption
- Don't rush but keep the interview on topic
- Take notes and record critical information
- Review each person's written statement with them and have them sign and date the statement at the bottom of the page.



Collect evidence

Module six
Investigations

Ask the right questions

- **Specific** questions – prompt witness to provide specific details
What time did you arrive at the scene?
- **Clarifying** questions – prompt witness to provide additional details
Who else was there?
- **Open ended** questions - Prompt a long thoughtful response
Can you describe the position of the damaged equipment?
- **Closed ended** questions – answered with a “yes” or “no”
Did you see the equipment moving?



Analyze evidence

Module six
Investigations

- Examine findings in detail and consider what they reveal about the incident
- Match the physical and documentary evidence with the interview evidence
- Consider what substandard actions and/or conditions may have been contributing factors

Analyze
evidence



Analyze evidence

Module six
Investigations

Analyze the evidence

Go through each stage of the incident to evaluate how each factor may have contributed

- People
- Material
- Task
- Environment
- Equipment



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Analyze evidence

Module six
Investigations

Questions you can ask to help determine **people** factors include:

- Was there pressure to complete tasks under a deadline, or to by-pass safety procedures?
- Were the workers experienced in the work being done?
- Had the workers been adequately trained?

Questions you can ask to help determine **material** factors include:

- Were hazardous substances involved?
- What was the weight of the materials being lifted and/or carried?
- How and where were the materials being stored?




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Analyze evidence

Module six
Investigations

Questions you can ask to help determine **task** factors include:

- Was the proper safe work procedure being used?
- Was the appropriate PPE available and used?
- Was there adequate supervision?

Questions you can ask to help determine **environment** factors include:

- Was noise a contributing factor?
- Was there adequate light or a glare?
- What were the weather conditions?




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Analyze evidence

Module six
Investigations

Questions you can ask to help determine **equipment** factors include:

- Was there an equipment failure?
- Was the right tool being used for the task?
- Were all safety guards in place on the machine?



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Investigator bias

Module six
Investigations

Be aware of investigator bias.

Examples of Investigator bias include:

- **Confirmation bias** – A bias where people tend to seek and interpret information consistent with their preconceived notions and ignore or discredit information inconsistent with their initial opinion.
- **Hindsight bias** – A bias where people perceive an event as more predictable, inevitable and foreseeable after the outcome becomes known that it actually was at the time of the event
- **Anchor bias** – A bias where people are overly influenced by the first piece of information offered.



Determine cause

Module six
Investigations

Determine the DIRECT CAUSE

What produced the actual physical harm?

Usually occurs immediately before an incident.

Examples:

- An object dropped off the shelf.
- A worker slipped on ice.
- An object hit the worker's foot

Determine
causes



Determine cause

Module six
Investigations

Determine the INDIRECT CAUSE

What working conditions set the stage for the incident?

There is often more than one indirect cause

Examples:

- Inadequate PPE
- Defective equipment
- Improper lifting



Determine cause

Module six
Investigations

Determine the ROOT CAUSE

The underlying, system related reason why the incident occurred.

An incident can have more than one root cause

Examples:

- Improper material handling
- Substandard maintenance
- Inadequate hazard controls
- Substandard supervision
- Inadequate hazard identification and risk assessment



Determine cause

Module six
Investigations

The 5 Why's technique to determine ROOT CAUSE

Step 1: Define the problem.

Step 2: Proceed with asking 'why' until you reach the root cause.

WHY? WHY? WHY? WHY? WHY?

Determine cause

Module six
Investigations

The 5 Why's technique to determine ROOT CAUSE

Define the problem	There was water on the floor.
WHY?	There is a wet spot on the ceiling tile, indicating that the water came from the floor above.
WHY?	The sink in the bathroom has a damaged pipe that is leaking onto the bathroom floor.
WHY?	Maintenance is aware of the leaking pipe but has not had the time to fix it yet.
WHY?	There are only 2 maintenance workers and they have a large backlog of work orders.
WHY?	There is not enough maintenance workers to keep up with the work orders.

Complete report

Module six
Investigations

After investigating certain accidents or dangerous occurrences, an employer in consultation with the Co-chairs or representative shall prepare a written report.

The content requirements for the report are provided in legislation

(2) After the investigation of an accident, an employer, in consultation with the co-chairpersons or the their designates, or with the representative, shall prepare a written report that includes:

Section 3-18(2) of the Regulations, *Investigation of certain accidents*

(2) After the investigation of a dangerous occurrence, an employer, contractor or owner, in consultation with the co-chairpersons or their designates or with the representative, shall prepare a written report that includes:

Section 3-20(2) of the Regulations, *Investigation of dangerous occurrences*

Complete
report

Complete report

Module six
Investigations

The investigation report includes:

- A **detailed description** of what happened
- Any graphics, photos or other **evidence** that may help determine causes
- An explanation of the incident **causes**
- The **immediate corrective actions** that were taken to protect workers until a permanent solution can be implemented
- Any **long-term action** that will be taken to prevent the occurrence of a similar incident



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Follow-up

Module six
Investigations



The employer has a responsibility to:

- Review investigation report.
- Consider recommendations from the OHC or representative.
- Determine what recommendations to implement.

Section 3-17(1) of the Regulations, *Inspection of place of employment.*

Follow up



Follow-up

Module six
Investigations

The employer and the OHC are required to take additional follow up action.



1. Inform workers about the incident and the implemented corrective actions.

Be careful to not disclose any confidential information or personal details

2. Monitor the effectiveness of the corrective actions implemented

Knowledge check

Module six
Investigations

1. Arrange the six (6) steps in the investigation process in the correct order (A-F).

- Complete report
- Analyze evidence
- Collect evidence
- Follow up
- Determine causes
- Control the scene



Knowledge check

Module six
Investigations

Decide whether each example is a direct cause, an indirect cause, or a root cause.

Cause	Direct (D)	Indirect (I)	Root (R)
1. A box fell from a shelf above			
2. Personal protective equipment is damaged			
3. A work vehicle struck a tree			
4. The workplace lacks a personal protective equipment program			
5. The workplace lacks a health and safety program			
6. Maintenance people are servicing equipment while it's in operation			
7. The workplace lacks a hazard reporting process			
8. Machine guards on equipment are missing			
9. A worker slipped on ice			

Knowledge check

Module six Investigations

Which Section(s) of the legislation requires employers and contractors to give notice to the Ministry of Labour Relations and Workplace Safety about certain incidents?

- a) Sections 3-6 and 3-8 of the Regulations
- b) Sections 2-2 and 2-3 of the Regulations
- c) Section 3-31 of the Act
- d) Appendix Table 1 of the Regulations



Module seven

Worker concerns and refusals



Introduction

Module seven Worker concerns and refusals

Module seven: Worker concerns and refusals

This module will:

- ✓ Explain a supervisor's duty to investigate a worker concern.
- ✓ Review the steps to follow when a worker has a concern.
- ✓ Explain a worker's right to refuse unusually dangerous work.
- ✓ Review the criteria used to determine if a work refusal is valid
- ✓ Review the six steps a worker shall use when refusing to do work they believe is unusually dangerous.



Worker concerns

Module seven Worker concerns and refusals

When a worker has a concern, the worker should be encouraged to report concerns to their supervisor.

WorkSafe Saskatchewan suggests **four steps** to take when a worker has a health and safety concern.

1. Worker contacts the supervisor

Supervisors are expected to investigate worker concerns promptly.



Worker concerns

Module seven
Worker concerns and refusals

The supervisor should:

- **Clarify** the concern
- Take **temporary measures** to protect workers.
- **Gather information** about the concern using all available resources.

Examples of resources include (but are not limited to):

- Other supervisors who may have had similar concerns
- Equipment manufacturers
- Training providers
- Other workers who perform the same or similar tasks

- **Implement corrective actions** based on your research.
- **Communicate.**



Worker concerns

Module seven
Worker concerns and refusals

2. Worker contacts the OHC co-chairperson or OHS representative when:

- a. The worker does not want to contact the supervisor, **OR**
- b. The supervisor and worker cannot resolve the concern

Examples of how the co-chairperson can resolve the concern include:

- Help locate a written Safe work procedure
- Direct to another worker or supervisor with relevant expertise on the topic
- Help locate relevant information in the Act and Regulations



Worker concerns

Module seven
Worker concerns and refusals

3. Co-chairperson involves the OHC

- If the co-chairperson cannot resolve the matter, they will add the concern to the next scheduled OHC meeting agenda for discussion.
- If the matter is urgent, the co-chairperson will call a special meeting of the OHC.



Worker concerns

Module seven
Worker concerns and refusals

4. Contact the Ministry

If the OHC is unable to resolve the worker concern, contact the Ministry for assistance.

Call the Occupational Health and Safety Branch of the Ministry of Labour Relations and Workplace Safety at 1-800-567-7233.



Right to refuse

Module seven
Worker concerns and refusals

Every worker has the right to refuse to perform any specific job or task which they have reasonable grounds to believe is unusually dangerous.

Right to refuse dangerous work

3-31 A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

Section 3-31 of the Act, *Right to refuse dangerous work*



Right to refuse

Module seven
Worker concerns and refusals

Section 3-31 of the Act, *Right to refuse dangerous work*

- Applies only to OHS issues
- Is the right of an individual, not the right of a group
- The refusing worker is protected from discriminatory action when exercising the 'right to refuse'



Section 3-1(1)(i) of the Act, *Interpretation of Part*
Section 3-35(f) of the Act, *Discriminatory action prohibited*



Right to refuse

Module seven
Worker concerns and refusals

- If there is no OHC at the workplace or if the worker or the employer is not satisfied with the decision of the OHC, either may contact the ministry.
- The worker or the employer may request that an occupational health officer investigate the matter.
- The worker is entitled to refuse the work until an occupational health officer has investigated the matter and advised accordingly.

Section 3-32 of the Act, *Investigation by occupational health officer*



Right to refuse

Module seven
Worker concerns and refusals

Three criteria used to determine if work is unusually dangerous:

A danger that is not normal for the job

A danger that would normally stop work

A situation for which you are not properly trained, equipped or experienced to do the work assigned



Right to refuse

Module seven
Worker concerns and refusals

The Ministry recommends a worker follow these **six steps** when exercising their right to refuse:

1. The worker **informs their employer/supervisor** that they are refusing work because of a health or safety concern pursuant to Section 3-31 of *The Saskatchewan Employment Act*.

As a supervisor:

Confirm with the worker **what** task(s) they are refusing and **why** they believe it is unusually dangerous.



Right to refuse

Module seven
Worker concerns and refusals

2. The worker should **not leave** the worksite without their employer's permission.
3. If the worker and supervisor cannot resolve the concern to the worker's satisfaction, they **contact** their workplace Occupational Health Committee (OHC).



Right to refuse

Module seven
Worker concerns and refusals

4. The **OHC investigates** the refusal to determine if there are reasonable grounds to refuse the work.

The OHC's decision on the validity of the refusal must be a *unanimous decision of the quorum*.

5. If the refusal cannot be resolved within the workplace, contact the ministry.
6. An occupational health officer will investigate the refusal and provide a written decision on the matter.

Section 3-33 of the Act, Decision of occupational health officer.

Anyone affected by the officer's decision may appeal.

Section 3-53 of the Act, Appeal of occupational health officer decision



Right to refuse

Module seven
Worker concerns and refusals

A work refusal ends when:

- Steps have been taken to satisfy the worker that the work is no longer unusually dangerous

OR

- The OHC has investigated the matter and advised the worker otherwise

Section 3-31 (b) of the Act, Right to refuse dangerous work



Reassign the work

Module seven
Worker concerns and refusals

During the refusal, a supervisor can:

- Reassign the refusing worker
- Request another worker to perform the disputed job **IF** the supervisor advises the other worker in writing of the following **three** things:
 1. There is an active work refusal and the reasons why.
 2. Why the supervisor believes the replacement worker can do the task safely.
 3. An explanation that the replacement worker also has the right to refuse to do the disputed work and what steps to follow.

Section 3-34 of the Act, *Other workers not to be assigned*



Discriminatory action prohibited

Module seven
Worker concerns and refusals

Discriminatory action prohibited

The legislation clarifies that **an employer cannot discriminate against a worker when that worker exercises their right to refuse.**

Discriminatory action prohibited

3-35 No employer shall take discriminatory action against a worker because the worker:

- (f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;

Section 3-35 of the Act, *Discriminatory action prohibited*



Summary

This course covered:

- ✓ What legislation is applicable to supervisors, what the worker rights are, how to find it.
- ✓ What the roles, responsibilities, requirements and duties are for employers, supervisors, workers and the Occupational Health Committee (OHC).
- ✓ What a Safety Management System (SMS) is and gain an understanding of how it relates to supervisors.
- ✓ What hazards are, and how to assess and control them.
- ✓ What workplace inspections are and the supervisor's role in them.
- ✓ What workplace investigations are and the supervisor's role in them.
- ✓ How to resolve worker concerns and investigate refusals.

