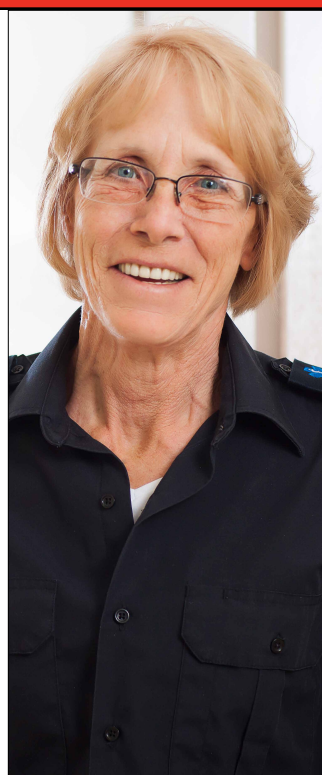


# SUPERVISION AND SAFETY



## Guide

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**Please note**

This publication does not replace the legislation. Please use the original legislation to find out exactly what requirements apply to your business.

To purchase copies of [The Saskatchewan Employment Act](#) or [The Occupational Health and Safety Regulations, 1996](#), contact:

Saskatchewan Queen’s Printer  
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## Introduction

Supervisors assign and direct work. They are responsible for ensuring that health and safety standards set by the legislation and the employer are met. This allows them to influence the attitudes and behaviour of workers.

A supervisor is defined in the legislation as an individual who is authorized by an employer to oversee or direct the work of the employer's workers (SEA, 3-1(1)(dd)). Supervisors represent the employer and are role models for workers. After the employer, they have the most important role in creating and maintaining a healthy and safe work environment. The effectiveness of the employer's health and safety program often depends on how well each supervisor implements it.

### What's in this guide

You must know your regulatory responsibilities to be an effective supervisor. This guide covers your rights, duties and responsibilities under [The Saskatchewan Employment Act](#), Part III, Occupational Health and Safety, and [The Occupational Health and Safety Regulations, 1996](#). It describes your role as a supervisor in operating a basic safety management program. Use this manual as a reference guide.

### Chapter summaries

#### Chapter 1: What the law says

OHS legislation includes [The Saskatchewan Employment Act](#) (SEA) and [The Occupational Health and Safety Regulations, 1996](#) (regulations). Topics include:

- The philosophy of the legislation;
- Administration; and
- Rights under the legislation.

The guide does not cover legislation of mines or radiation.

#### Chapter 2: General duties and responsibilities

This section reviews the general duties set out in the SEA and regulations, including:

- General duties of employers;
- General duties of workers;
- General duties of the self-employed;

- General duties of contractors;
- General duties of owners;
- General duties of prime contractors;
- General duties of suppliers;
- General duties of supervisors; and
- General duties of directors and officers.

Occupational health committees (OHCs) and occupational health and safety representatives (representatives) are discussed in Levels 1 and 2 of the Occupational Health Committee training.

### **Chapter 3: Safety management programs**

Chapter 3 reviews the role of the supervisor in the workplace safety management program. Topics include:

- Program policy;
- Basic program content; and
- Responsibilities.

The guide does not cover formal health and safety programs, as required by SEA 3-20 and described in regulation 22. Prescribed workplaces requiring programs are listed in Table 7 of the appendix to the regulations.

### **Chapter 4: Supervisory functions and activities**

This section covers the functions and activities that supervisors often perform within the safety program. Many activities are carried out together with the OHC or representative. Other activities may be carried out just by the supervisor or by workers under the supervisor's direction. The following topics are covered:

- Hazard identification;
- Prevention activities and other functions and activities.

### **Appendices**

Appendix 1: Ideas for a basic inspection checklist

Appendix 2: Hazard control techniques

Appendix 3: Structure and organization of the legislation

## Chapter 1: What the law says

- Philosophy of the legislation
- Administration
- Rights under the legislation

### Introduction

This chapter provides an overview of [The Saskatchewan Employment Act](#), Part III, Occupational Health and Safety, and [The Occupational Health and Safety Regulations, 1996](#). It explains how the legislation is administered and the rights it provides to employees.

### Philosophy of the legislation

The original Saskatchewan Occupational Health and Safety Act was passed into law in 1972. This was the first legislation of its kind in Canada. It was revised in 1977 and 1993 to strengthen worker involvement and provide better protection for their health and safety. It was consolidated into [The Saskatchewan Employment Act](#) in 2013 (Part III of the SEA).

### Workplace responsibility

Workplace responsibility is the cornerstone of health and safety legislation in Canada and Saskatchewan. The principle of workplace responsibility recognizes that employers have the legal and moral responsibility to provide a safe and healthy workplace. Worker participation is critical to achieving effective health and safety because it is only through worker participation that risks can be identified properly and managed sensibly.

### Worker involvement

Worker involvement is fundamental to the workplace responsibility system (WRS). Participation is implemented through joint employer-employee OHCs and representatives selected by workers.

### Direct responsibility

Saskatchewan legislation places direct responsibility for the health and safety of workers on those who are directly responsible for:

- The organization of work;
- The design of the work process; and
- The manner and conditions under which work is done.

Direct responsibility is placed on:

- The executive and management of the organization (employers, owners, contractors and suppliers);
- Supervisors; and
- Workers.

### **Contributive responsibility**

Under the WRS, certain individuals and organizations contribute to effective health and safety. These include:

- OHCs and representatives;
- OHS Division and its officers;
- Health and safety associations;
- Organizational health and safety departments; and
- Unions and employer associations.

Workplace responsibility has many advantages:

- Harnesses the knowledge of all to improve health and safety.
- Motivates everyone to protect their health and safety and that of their coworkers. Workers have the tools to take action to deal with health and safety concerns.
- Develops solutions that make sense in each workplace.
- Encourages employers and workers to take joint action to resolve issues without automatically involving government. It enhances co-management of health and safety.

### **Administration**

The [Occupational Health and Safety Division](#) (OHS Division) of the Ministry of [Labour Relations and Workplace Safety](#) (LRWS) administers the legislation. The role of OHS Division is to help the parties carry out their responsibilities. OHS Division's occupational health officers (OHOs) help all concerned to comply with legislation and ensure that the WRS is functioning properly. They also help employers and workers set up a mechanism to identify and resolve problems.



## **Rights under the legislation**

The legislation provides every worker, including managers and supervisors, with three basic rights:

1. The right to know.
2. The right to participate.
3. The right to refuse work believed to be unusually dangerous.

With rights come responsibilities. Workers are expected to:

- Protect themselves and others;
- Help those with duties under the legislation to establish and maintain a safe and healthy working environment;
- Help those with duties under the legislation to comply;
- Conduct themselves safely and responsibly; and
- Comply with the SEA and regulations.

### **The right to know**

Every worker has a right to:

- Be informed about the hazards at work;
- Be trained to recognize those hazards; and
- Be trained to protect himself or herself.

These rights are built into all regulations where information and training could help to protect workers. Example: Suppose asbestos is in the insulation of a building. Workers who work in the building have a right to expect their employer to:

- Inform them about asbestos hazards;
- Instruct them about how to recognize those hazards; and
- Show them what to do and how to protect themselves if asbestos is found in their work areas.

Workers must use the information and instruction provided to help the employer comply to the SEA and regulations. Example: If a worker sees an asbestos hazard they must report it promptly and take any other required measures.

### **The right to participate**

Workers have a right to be involved in making health and safety decisions within the WRS. Employers and workers are required to work together to keep the workplace healthy and safe by:

- Setting up joint employer-worker OHCs;
- Selecting worker representatives in prescribed workplaces; and
- Arranging consultations between the employer, contractor or owner and the OHC or representative (or the workers where an OHC or representative is required).

The employer is responsible for making final decisions. However, where required by the legislation, the employer must consult workers on these decisions through the OHC or representative and cooperate with them.

Sometimes an employer may not accept the OHC's recommendations. If so, the employer must inform the OHC in writing of the reasons why the recommendations were not accepted. This establishes the accountability in the WRS.

The right to participate applies to every worker and not just to OHC members or the representative. Example: Workers have the right to:

- Ask their supervisors for information about health and safety;
- Report health and safety concerns to their supervisors;
- Report concerns to the OHC or representative;
- Discuss concerns at meetings; and
- Appeal decisions of OHCs.

Likewise, workers have a duty to participate in activities that improve health and safety. Example: Workers have a responsibility to help make the OHC or representative effective. They must follow the health and safety policies, plans and procedures that are lawfully established by the employer.

### **The right to refuse**

A worker has the right to refuse work that the worker has reasonable grounds to believe is unusually dangerous. The unusual danger may be to the worker or to others (SEA 3-31).

## **Review**

The philosophy of Saskatchewan occupational health and safety legislation is based on the principle of workplace responsibility. Workplace responsibility means that the employer has a legal and moral responsibility to provide a safe and healthy workplace. Worker participation is critical in establishing an effective WRS. The fundamental role of OHS Division is to ensure that the WRS functions properly.

Every worker has the right to know the hazards, to participate in health and safety decision making and to refuse work believed to be unusually dangerous. The right to know is built into all relevant regulations. Worker participation in health and safety decision making is put in place through OHCs and representatives. The right to refuse is set out in SEA 3-31.

The SEA sets out the duties of everyone covered by the legislation. The regulations set standards for meeting those duties.

The legislation should be used for much more than simply ensuring compliance. Employers and workers can use it to set standards for workplace health and safety policies. The SEA and regulations can be used to correct workplace deficiencies during inspections and investigations. It can be a framework for training and orienting workers. In essence, the legislation should be one of the key health and safety management tools in the workplace.

## **Chapter 2: General duties and responsibilities**

- General duties of employers
- General duties of workers
- General duties of the self-employed
- General duties of contractors
- General duties of prime contractors
- General duties of owners
- General duties of suppliers
- General duties of supervisors
- General duties of directors and officers
- Liability

### **Introduction**

The legislation imposes duties and responsibilities. A duty is a broadly-stated obligation. A responsibility specifies what must be done to meet the requirements set by a duty.

Example: under SEA 3-8(a), the employer has a duty to ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers. The regulations specify what must be done to meet this duty.

### **General duties of employers**

An employer is defined in SEA 3-1(j) as a person, firm, association or body that has, in connection with the operation of a workplace, one or more workers in the service of the person, firm, association or body. SEA, Part III, Division 3 and Part III of the regulations place duties on the employer to protect the health and safety of workers. Employers must:

- Provide a safe and healthy workplace;
- Consult and cooperate with the OHC or representative in a timely manner;
- Resolve health and safety concerns in a timely manner;
- Ensure workers are not exposed to harassment;
- Ensure workers are trained in matters necessary to protect their health and safety;

- Ensure workers are supervised sufficiently and competently;
- Ensure that OHC meeting minutes are kept and readily available; and
- Comply with the OHS legislation.



### **SEA 3-8, General duties of employers**

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;
- (e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;
- (f) ensure that:
  - (i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare; and
  - (ii) all work at the workplace is sufficiently and competently supervised;
- (g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;
- (h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a workplace do not negatively affect the health, safety or welfare at work of the employer, other workers or any self employed person at the place of employment; and
- (i) comply with this Part and the regulations made pursuant to this Part.



### **Regulation 12, General duties of employers**

The duties of an employer at a place of employment include:

- (a) the provision and maintenance of 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;
- (b) arrangements for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers;
- (c) the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work; and
- (d) the provision and maintenance of a safe means of entrance to and exit from the place of employment and all worksites and work-related areas in or on the place of employment.

### **Duties of employers toward supervisors**



#### **Regulation 17(1), Supervision of work**

An employer or contractor shall ensure that:

- (a) all work at a place of employment is sufficiently and competently supervised;
- (b) supervisors have sufficient knowledge of all of the following with respect to matters that are within the scope of the supervisor's responsibility:
  - (i) the Act and any regulations made pursuant to the Act that apply to the place of employment;
  - (ii) any occupational health and safety program at the place of employment;
  - (iii) that safe handling, use, storage, production and disposal of chemical and biological substances;
  - (iv) the need for, and safe use of, personal protective equipment;
  - (v) emergency procedures required by these regulations;
  - (vi) any other matters that are necessary to ensure the health and safety of workers under their direction; and
- (c) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the place of employment and ensure that the workers under their direction comply with the Act and those regulations.

Certain regulations set out responsibilities to deal with specific conditions, equipment, tools, substances or hazards.

## General duties of workers

SEA 3-1(1)(gg) describes a worker is an individual, including supervisors and managers, who is engaged in the service of an employer, a prescribed person or a member of a prescribed category of individuals.

### **SEA 3-10, General duties of workers**

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;
- (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.



### **Regulation 13, General duties of workers**

A worker shall:

- (a) use the safeguards, safety appliances and personal protective equipment provided in accordance with these regulations and any other regulations made pursuant to Act; and
- (b) follow the safe work practices and procedures required by or developed pursuant to these regulations and any other regulations made pursuant to the Act.



## General duties of self-employed persons

SEA 3-1(1)(bb) defines a self-employed person as a person who is engaged in an occupation but is not in the service of an employer.

### **SEA 3-11, General duties of self-employed persons**

Every self-employed person shall:

- (a) conduct his or her undertaking in such a way as to ensure, insofar as is reasonably practicable, that the self employed person and workers employed on or about the same place of employment who may be affected by the undertaking are not thereby exposed to risks to their health and safety;
- (b) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and
- (c) comply with this Part and the regulations made pursuant to this Part.



The self-employed include advisors or members of subtrades hired for a general contractor or other employer. The employer usually controls their assignments and the site where the work is done.

## **General duties of contractors**

SEA 3-1(1)(g) describes a contractor as a person who, or a partnership or group of persons that directs the activities of one or more employers or self employed persons involved in work at a workplace or retains an employer or self employed person to perform work at a workplace.



### ***SEA 3-12, General duties of contractors***

Every contractor shall:

- (a) ensure, insofar as is reasonably practicable, that each of the following that is not in the direct and complete control of an employer or self-employed person under contract with the contractor is safe for, without risk to the health of, and adequate with regard to facilities for the welfare of, all employers, workers or self-employed persons at the place of employment:
  - (i) every place of employment or worksite where an employer, employer's worker or self employed person works pursuant to a contract between the contractor and the employer or self-employed person;
  - (ii) every work process or procedure carried on at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;
- (b) post any prescribed notice in a conspicuous location at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person; and
- (c) comply with this Part and the regulations made pursuant to this Part.



### ***Regulation 16, Duty of contractor to inform***

- (1) A contractor shall give notice in writing to every employer, worker or self-employed person at the place of employment, setting out:
  - (a) the name of the person who is supervising the work on behalf of the contractor;
  - (b) any emergency facilities provided by the contractor for the use of the employers' workers or self-employed persons; and
  - (c) the existence of a committee or representative, if any, at the place of employment and the means to contact the committee or representative.



- (2) Subsection (1) applies only to contractors at major construction projects and to contractors involved in those activities to which Part XXIX applies.

Contractors must ensure that any work process or procedures that their workers undertake are safe. They must make an arrangement with the employer(s) and self-employed workers at the workplace to identify the health and safety responsibilities of each party.

## General duties of prime contractors

A prime contractor is responsible for coordinating the health and safety activities at multi-employer worksites.

### **SEA 3-13, General duties of prime contractors at certain multi-employer worksites**



- (1) Every worksite must have a prime contractor if the worksite:
- (a) has multiple employers or self-employed persons; and
  - (b) meets the prescribed circumstances.
- (2) The prime contractor for a worksite mentioned in subsection (1) is to be determined in the prescribed manner.
- (3) The prime contractor for a worksite shall carry out the prescribed activities.

A prime contractor coordinates the health and safety activities at multi-employer worksites. They:

- Ensure workers use policies, procedures and safe work practices on the worksite; and
- Prepare a written plan to coordinate activities and identify the prime contractor's backup and the supervisors on the worksite.

The project owner is the prime contractor or they will designate the prime contractor.

The employer and self-employed persons must cooperate with the prime contractor to ensure information regarding health and safety programs and coordination of worksite activities are properly communicated between all parties.

## General duties of owners

As explained in SEA 3-1(1)(t), an owner includes a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used or to be used as a workplace and any person who acts for, or on behalf of, them as that person's agent or delegate.



**SEA 3-14, General duties of owners**

Every owner of any plant used as a place of employment shall:

- (a) ensure, insofar as is reasonably practicable, that any area of the plant or activity occurring in or on an area of the plant that is not in the direct and complete control of any contractor, employer or self-employed person who works or employs one or more workers who work in or on the plant:
  - (i) is maintained or is carried on in compliance with this Part and the regulations made pursuant to this Part; and
  - (ii) does not endanger the health or safety of any contractor, employer, worker or self-employed person who works in or on the plant; and
- (b) comply with this Part and the regulations made pursuant to this Part.

The owner, employer and contractor must work together to identify each party's health and safety responsibilities.

**General duties of suppliers**



**SEA 3-15, General duties of suppliers**

Every supplier shall:

- (a) ensure, insofar as is reasonably practicable, that any biological substance or chemical substance or any plant supplied by the supplier to any owner, contractor, employer, worker or self-employed person for use in or at a place of employment:
  - (i) is safe when used in accordance with the instructions provided by the supplier; and
  - (ii) complies with the requirements of this Part and the regulations made pursuant to this Part;
- (b) in the prescribed circumstances:
  - (i) provide written instruction respecting the safe use of equipment that is supplied by the supplier to be used in or at a place of employment by workers; and
  - (ii) provide notice when equipment supplied does not or will not likely comply with a prescribed standard when used at a place of employment by workers;
- (c) if the supplier has responsibility under a leasing agreement to maintain equipment, maintain that equipment in a safe condition and in compliance with the regulations made pursuant to this Part and any applicable orders issued pursuant to those regulations; and
- (d) comply with this Part and the regulations made pursuant to this Part.

Specific regulations set the responsibilities of suppliers for certain equipment and conditions.

## **General duties of supervisors**

SEA 3-1(1)(dd) defines supervisor as anyone the employer authorizes to oversee or direct the work of the employer's workers. Supervisors have a general duty to protect workers under regulation 17(2):

A supervisor shall ensure that the workers under the supervisor's direction comply with the Act and any regulations made pursuant to the Act that apply to the place of employment.



### **SEA 3-9, General duties of supervisors**

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;
- (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.

## **General duties of directors and officers**

Directors and officers of organizations have a duty to ensure their organization complies with legislation. Under SEA 9-6 and 9-8, directors and officers can be liable for legislation violations by their organizations or employees.

## **Liability**

Employers delegate responsibility for health and safety to their supervisors. Essentially, this makes them liable for carrying out the employer's duties under the legislation. So, while employers are accountable for the actions of their supervisors, supervisors may be held accountable for their own acts and omissions, as well as those of their workers (regulation 17(2)).

### **Where a duty is imposed on more than one person**

Regulation 5 explains each party's responsibilities where a duty is imposed on more than one person. Generally, a duty falls primarily on the person with the greatest control over the situation. If that person does not comply, this does not remove necessarily the obligations of others (regulation 5(5)).

In other words, if the employer, contractor or other person charged with a duty under the legislation does not comply with a requirement, this does not remove the duty of the supervisor to comply.

### **The meaning of ensure**

Where the legislation makes someone responsible for ensuring that others comply, the responsible person has complied if they can show that they took all reasonable steps to ensure compliance (regulation 5(9)).

### **Where the legislation is not followed**

OHOs have the power to order an employer to make conditions safe. Where the situation presents a serious risk, an OHO can stop work until the order is completed. Employers or supervisors who fail to comply may be summoned to court. If a worker dies because the regulations were not followed, a corporation may be fined as much as \$1,500,000 and incarcerated for up to two years. Any person who causes the death or serious injury of a worker may be fined as much as \$500,000 and may be imprisoned for up to two years.

### **Review**

The SEA describes the duties of everyone covered by the legislation. The regulations set out responsibilities for meeting those duties.

The regulations also set rules and minimum standards. Anyone with obligations under the legislation should know their duties and responsibilities.

Employers are given overall responsibility for protecting the health and safety of workers. While that responsibility can be delegated, the employer is ultimately accountable.

The employer is expected to involve workers in decision making. All workers, including supervisors and managers, are expected to help the employer establish and maintain a safe and healthy work environment.

## Chapter 3: Safety management programs

- Safety policy
- Basic program content
- Responsibilities

### Introduction

This chapter explains the structure of basic safety management programs, including a review of basic safety policy and the responsibilities of employers, workers, supervisors, OHCs and representatives.

### Safety policy

The safety policy is the employer's written promise to provide workers with a healthy and safe work environment. Supervisors should be familiar with the philosophy and content of the workplace health and safety program. Policies vary, but most state:

- The commitment of the employer;
- The objectives of the safety management program;
- The general responsibilities of management and workers throughout the organization;
- The role of the OHC or representative;
- How the program works and is enforced; and
- The organization's health and safety philosophy. Examples:
  - Health and safety will not be sacrificed.
  - Workers are accountable for their performance.
  - Unacceptable performance will not be tolerated.

## **Basic program content**

Programs vary, but must include the following.

1. A statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;
2. The identification of existing and potential risks to the health or safety of workers at the workplace and the measures that will be taken to reduce, eliminate or control those risks, including procedures to respond to an emergency;
3. The identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;
4. A statement of the responsibilities of the employer, supervisors and workers;
5. A schedule for the regular inspection of the workplace, work processes and procedures;
6. A plan for the control any biological or chemical substance handled, used, stored, produced or disposed of at the workplace and, where appropriate, the monitoring of the work environment;
7. 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 SEA or any regulations that apply to the work of the workers and supervisors;
8. A procedure for the investigation of incidents, dangerous occurrences and refusals to work;
9. A strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of incidents, dangerous occurrences and refusals to work; and
10. A procedure to review and revise the occupational health and safety program at specified intervals that are not greater than three years and whenever there is a change of circumstances that may affect the health or safety of workers.

## **Responsibilities**

Organizations with effective programs integrate responsibilities for health and safety into every level, beginning with the employer. They create a workplace responsibility system to deal with health and safety issues.

The employer is responsible for managing the system and allocating resources since ultimately the employer is responsible for providing a safe and healthy workplace. How committed the employer is to health and safety determines the effectiveness of the WRS. The employer is responsible for ensuring that their commitment is shared throughout the organization. The employer must set objectives, assign responsibilities, monitor progress and maintain accountability.

### The senior manager

The senior manager may be the employer or a worker directly responsible for carrying out duties delegated by the employer. A senior manager must understand and implement the safety program.

Senior managers:

- Determine implementation requirements for the health and safety program.
- Assign personnel and responsibilities.
- Manage resources to establish and maintain a healthy and safe workplace.
- Ensure that everyone knows their responsibilities and has the authority, knowledge and ability required to perform their duties.
- Provide suitable and adequate resources to allow supervisors and workers to perform their duties safely.
- Provide for and support worker participation and cooperative problem solving.
- Know the general demands of the regulations and what is required to comply with applicable standards.
- Ensure that safe (correct) work practices are in place.
- Ensure that health and safety standards are in place and enforced.
- Ensure that a system is set up to monitor and improve working conditions.

### The supervisor

After the employer, the first line supervisor may have the most important role in the WRS.

Supervisors:

- Help the employer to decide what resources are required to operate the program.
- Assign responsibilities and organize work.
- Integrate responsibilities for health and safety into each worker's regular work activities.
- Monitor the health and safety of the work environment.
- Ensure that workers know about and comply with organizational and regulatory standards.
- Serve as a role model for workers.
- Educate workers about their role in managing health and safety issues.
- Instruct workers about workplace hazards.

- Orient and instruct inexperienced workers.
- Supervise inexperienced workers closely until they can work safely and assign only adequately trained and experienced workers to dangerous jobs.
- Involve workers in problem solving and decision making and help the OHC or representative identify and resolve concerns.
- Report incidents and assist with investigations.
- Ensure that safe tools, materials, machinery and personal protective equipment are provided, used and maintained properly.
- Promote health and safety awareness and correct unsafe behaviour and working conditions.
- Listen to workers and attend to their health and safety concerns in a timely manner.
- Promptly inform senior management about health and safety complaints and concerns that cannot be resolved at the supervisory level.
- Enforce health and safety rules consistently.

### **Workers**

Every worker is expected to follow the requirements of the program and help the supervisor comply with legislation. Workers are expected to help the employer make a functional safety program. However, the employer remains responsible for the effectiveness of the system and for compliance with legislation.

### **Occupational health and safety committees**

An effective health and safety program requires everyone's cooperation. Involving workers makes them part of the process and boosts their commitment to health and safety. The legislation implements the right of workers to participate in occupational health and safety by requiring the employer to:

- Establish joint worker-management OHCs in a workplace with ten or more workers;
- Help workers to select a representative in prescribed workplaces with less than ten workers; and
- Consult workers where neither an OHC nor a representative is required.

Employers often delegate these responsibilities to supervisors. Supervisors are encouraged to work with their OHCs or representatives to:

- Communicate with workers;



- Identify and resolve concerns;
- Promote health and safety; and
- Ensure compliance.

***Where OHCs are required***

The employer must set up an OHC where the workplace has ten or more workers (SEA 3-22 and 3-23).

At construction sites, the contractor (usually the prime contractor) must establish an OHC if the site has ten or more workers or self-employed persons working (or likely to be working) for more than 90 days (regulation 38).

***Structure and organization of OHCs***

- The employer must ensure that the OHC is structured and maintained as required (SEA 3-22(l)).
- Each OHC must have at least two, but no more than 12 members (SEA 3-22(2-3)). At least half the members must be workers not involved in management.
- The employer must select management members. Management representatives may not outnumber worker members.

***Selecting members and posting names***

The employer ensures that the OHC can represent workers fairly with significantly different concerns (regulation 39).

In a non-union workplace, the workers must elect their OHC members. At a unionized workplace, members must be appointed as required by the union's constitution. If several unions are present, the unions must work out an agreement as to how OHC members are appointed (SEA 3-22(4)). The employer should provide work time for workers to choose their OHC members.

The employer must post the names of OHC members in the workplace (SEA 3-25).

***Co-chairpersons (regulation 43)***

Each OHC must have two chairpersons. One must be designated by the employer and one must be selected by worker members of the OHC at the first meeting.

The co-chairs have the same rights and responsibilities, including the right to call and chair meetings. Co-chairs are responsible for keeping their constituents informed of the committee's activities. They are entitled to receive information sent to them by OHS Division and distribute it to workers.

***OHS representatives***

SEA 3-28 and regulation 45 set out the general requirements for representatives.

Table 7 of the appendix to the regulations lists industries requiring representatives, such as health care, construction and road building.

***Duties and responsibilities of OHCs and representatives***

- Help workers resolve health and safety concerns (SEA 3-26).
- Help workers and employers identify and control hazards, such as:
  - Noise (regulations, Part VIII);
  - Chemicals (regulations, Parts XXI and XXII);
  - Ergonomic hazards (regulation 81); and
  - Smoking (regulation 77).
- Receive and assess information about hazards from the employer.
- Help the employer to develop worker health and safety training and programs.
  - SEA 3-27(c) requires OHCs to establish, promote and recommend the means of delivery of health and safety programs for the education and information of workers.
  - In workplaces prescribed in the regulations, OHCs and representatives are to help the employer develop an occupational health and safety program (SEA 3-20, regulation 22 and Table 7).
- Help the employer develop policies on:
  - Violence (SEA 3-21);
  - Harassment (regulation 36); and
  - Plans for controlling exposures to infectious materials (regulation 85).
- Provide the employer with recommendations to improve health and safety.
- Conduct investigations and inspections.
  - Co-chairs or their designates must investigate prescribed incidents (regulation 29) and dangerous occurrences (regulation 31). Where there is no OHC, the employer and representative must investigate. Where neither exists, the employer must investigate.
  - SEA 3-27(e) requires OHCs to investigate refusals to work under SEA 3-31. Representatives do not have this responsibility.

- Inspect the workplace regularly (regulation 28).
- Receive information from OHS Division and safety associations and share with employer and workers.
- Maintain records and meeting minutes.

Specific requirements of OHCs and representatives in hazardous industries are prescribed in the regulations.

### ***Duties of the employer toward OHCs and representatives***

The employer and supervisor must help the OHC or representative carry out their duties.

#### *Provide information*

The employer and supervisor must provide the workers and the OHC with the required information listed in SEA 3-16 and prescribed under regulation 15. All of this information must be readily available to the OHC, the representative and the workers at the workplace. This includes material sent from OHS Division and addressed to the OHC co-chairpersons or to the representative.

#### *Consult regarding safety policies, plans and programs*

Certain regulations require the employer to consult the OHC or the representative when developing a required policy, plan or program. Safety policies, plans and programs must meet these regulatory requirements. The employer is responsible for program management, worker education and compliance.

#### *Conduct regular inspections*

Regulation 28 requires the employer to help the OHC or representative inspect the workplace regularly and discuss concerns with workers. OHS Division recommends that inspections be made a day or so before each regularly scheduled meeting.

#### *Inspections with an OHO*

The worker co-chair or representative has a right to accompany an OHO during an inspection of the workplace (regulation 20). The employer should encourage the worker co-chair or representative to accompany the OHO.

The employer (or supervisor) must provide copies of any reports required by the OHO to the OHC or representative.

### *Ensure investigations are conducted*

The employer must help the OHC or representative investigate and prepare reports on incidents and dangerous occurrences as described in regulations 29 and 31. The employer must also notify OHS Division of incidents described in regulation 8 and dangerous occurrences listed in regulation 9.

The employer must send an investigation report to OHS Division at the request of an OHO (regulation 72). They also must take appropriate corrective action to deal with the issues raised in the report.

The employer must also provide the OHC with a report listing all lost-time injuries that required medical attention and allow the OHC to review these incidents (regulation 32).

### *Resolve concerns*

OHCs and representatives are expected to bring health and safety concerns to the employer for corrective action, including unsafe conditions found during an inspection or investigation (regulation 28). If the OHC or representative reports an unsafe condition, the employer must:

- Protect the health and safety of workers at risk until the unsafe condition or hazard is corrected;
- Correct the basic cause of the problem; and
- Inform workers and the OHC or representative about the corrective action taken or planned.

Under SEA 3-8(b and c) and 3-29(2), the employer must deal with the concern or explain, in writing, why it has not been resolved. The OHC or representative has a right to contact OHS Division if they are not satisfied with the action of the employer.

### *Provide training and education*

The employer must ensure that co-chairs receive training respecting the duties and functions of a committee (regulation 46).

Where an OHC member or a representative gives reasonable notice, the employer shall permit the member or representative to take leave for a period of not more than five working days per year to attend OHS training programs, seminars or course of instruction.

Where an OHC member or a representative attends a training program, seminar or course of instruction on health and safety matters conducted or provided by OHS Division (or by an approved training agency) the employer shall credit the member's or representative's attendance as time at work and ensure that the member or representative loses no pay or other benefits.

### *Provide work time for necessary activities*

Regulation 48 requires the employer to provide OHC members or representatives with adequate paid work time to carry out their duties, including holding special meetings, with no loss in pay or benefits. This includes providing time during normal work hours for members and representatives to address concerns and provide information to workers.

### *Provide access to records*

Regulation 48 gives the OHC or representative the right to review records, logs and books that the employer must keep, such as first-aid registers, crane log books and lists of chemical substances. Personal medical information may not be released to the OHC or representative.

## **Review**

Supervisors must be familiar with the organization's safety management program and everyone's roles and responsibilities. Cooperate with the OHC or representative and use this system to resolve concerns and improve workplace safety.

## **Chapter 4: Supervisory functions and activities**

- Hazard identification
- Prevention activities
- Other functions and activities

### **Introduction**

This chapter covers the functions and activities that many supervisors carry out within a safety program. Many of these activities are carried out with the OHC or representative. Workers may carry out other activities, such as equipment inspections and maintenance, under the supervisor's direction.

### **Hazard identification**

Become familiar with the hazards of each work area that you are responsible for. You can locate most hazards by carefully reviewing tasks, equipment and sources of stress. Review documents, conduct inspections and perform a job hazard analysis on each dangerous task.

### **Types of hazards**

Occupational hazards are divided into two groups:

1. Health hazards

An occupational health hazard is any agent that can cause occupational illness.

Examples:

- Chemicals and biological hazards;
- Physical agents (energy sources strong enough to harm the body, such as electric currents, vibration, noise and radiation);
- Work design (ergonomic) hazards; and
- Workplace stress.

A health hazard may produce serious and immediate (acute) effects or cause long-term (chronic) problems. It may affect all or part of the body. Someone with an occupational illness may not recognize the symptoms immediately. Example: Noise-induced hearing loss is often difficult for a worker to detect until it is well advanced.

## 2. Safety hazards

A safety hazard is any force strong enough to cause injury from an incident. An injury caused by a safety hazard is usually obvious. Example: A worker may be cut badly. Safety hazards cause harm when workplace controls are not adequate.

### **Reviewing documents**

#### *Product documentation*

Documents for chemicals, machinery, equipment and tools can help to identify hazards and suggest controls. Safety data sheets (SDSs), OHS publications, websites and industry literature also help.

#### *Plans and diagrams*

Review work process diagrams and floor plans to find hazards, such as poorly designed work areas.

#### *Standards*

Use regulatory, organizational and industry requirements as reference guides when planning your inspections.

#### *Inspection and maintenance reports*

Check for recurring and ongoing problems to inspect.

#### *Incident reports, WCB claims and first-aid registers*

These show where and how people are injured or made ill. You can then investigate and identify solutions.

### **Conducting inspections**

An inspection is a planned walk through of the workplace, selected areas or locations. Inspections examine anything that might cause injury or illness and determine:

- What hazards are present;
- What risks those hazards pose;
- What controls should be in place;
- What controls are working; and
- What improvements are needed.

Regulation 28 requires the employer to arrange for the OHC or representative to inspect the workplace regularly. OHS Division recommends that the OHC inspect the workplace before each regular meeting. The employer must provide:

- Resources;
- Paid work time; and
- Access to any records or log books that the legislation requires (regulation 48).

The OHC or representative work out the inspection schedule with the employer. OHCs decide who will conduct the inspections. Supervisors are expected to help the OHC or representative inspect the work area. You should also conduct regular inspections to ensure that standards are met.

### ***What to inspect***

Four things should always be inspected:

1. People (training and work practices).
2. Vehicles, tools and equipment (including machines and mobile equipment).
3. Substances and materials.
4. Work environment (work area design, light, heat).

Consider the following questions:

- What hazardous tools, equipment and machinery must be inspected at regular intervals set by legislation and product manufacturers?
- What dangerous processes might require frequent, special or complicated inspections?
- What variation in work might take place on different shifts?
- What situations require special inspections (such as the introduction of new equipment or inexperienced workers)?
- What tools, equipment and materials will be required for the inspection?
- What concerns must be followed up?
- Who should be involved in the inspection?
- How can we avoid disruptions in workplace activities?

Difficult hazards may have to be handled by experts. Professional associations, consultants and the government can help.



### **Checklists**

You can prepare checklists of what to inspect (and how) from legislation, industry standards and equipment manuals. You can purchase checklists and amend them to make workplace-specific lists. Update checklists regularly. Encourage inspectors to look beyond their checklists and identify root causes of problems. See Appendix 1 for an example of a checklist.

### ***During the inspection***

#### *Check workplace conditions*

Note the general conditions in the workplace, including the entrances and exits.

#### *Check work areas*

Review each area and workstation to determine if they meet standards. Correct unsafe conditions.

#### *Check activities*

Watch the workers while they work. Determine if they are using correct work practices, tools and equipment. Correct unsafe behaviour. Check regularly to ensure workers continue to meet standards when you are absent.

#### *Follow up*

Check the effectiveness of corrective action taken since the last inspection.

#### *Take careful notes*

Record what you find during the inspection. Note all hazards, unsafe behaviour and conditions. Record any corrective action that you took.

#### *Communicate with workers*

Ask workers to express their concerns and opinions. Tell them about the hazards found in the work area. Discuss applicable regulations and standards. Provide individual coaching and detailed instruction if appropriate. Complement workers who use correct procedures.

#### *Use monitoring equipment*

Noise monitors, chemical sensing equipment and other devices may be required to detect and evaluate specific hazards. If monitoring is required, the employer must provide equipment and training. If the employer uses consultants, you must include the OHC or representative.

*Set an example*

Work and act safely at all times and comply with standards. Do not tolerate substandard performance by your workers.

**The job hazard analysis**

Watch an experienced worker perform a selected job. Break the job into its tasks, identify the hazards present at each step and determine the safest way to perform the work. An analysis does not have to be long or complex.

Involve the OHC or representative. Ask experienced workers to identify problems with their jobs and suggest solutions. Everyone involved should know why you are performing an analysis and how it can improve health and safety. Use the following steps to conduct an analysis:

*1. Select the job.*

Look at every dangerous job. Identify them by talking with workers, reviewing incident reports and looking at first-aid registers. Also review new or modified tasks and infrequently-performed activities.

*2. Identify the risks.*

Look at the series of steps involved in each job. With each step, identify the substances, equipment, tools, machinery or other risk factors that could cause harm.

*3. Identify the hazards.*

Identify and list the health and safety hazards posed by each risk (infection, cutting injuries, crushing, etc.).

*4. Identify controls.*

Identify procedures, modifications and other controls for each hazard. Where possible, use technological controls to eliminate the hazard.

*5. Check the analysis.*

Implement the controls and have an experienced, safety-conscious worker perform the revised job. Make sure that no new hazards have been created. Work with the OHC or representative and the workers to keep the improved work procedure current.

## **Prevention activities**

Once you have identified hazards, put controls in place. The role of the supervisor in controlling hazards and preventing incidents includes:

- Setting health and safety rules;
- Providing safe (correct) work procedures;
- Orienting new and inexperienced workers; and
- Providing health and safety training.

See Appendix 2 for other hazard control techniques.

### ***Set health and safety rules***

Rules direct workers to follow safe practices. Legislation sets fundamental requirements. Many employers establish additional workplace performance standards. It is recommended that rules be:

- Developed with the committee or representative;
- Easy to understand;
- Written in positive terms (“You are expected to do this...”);
- Explained (why each rule is required);
- Communicated to everyone in writing;
- Kept current;
- Explained to all new hires; and
- Strictly and consistently enforced.

Compliance with safety rules is a condition of employment in most organizations. Ensure that workers understand and follow legal and organizational rules. The employer ensures that supervisors know how to enforce safety policies.

### **Provide safe (correct) work procedures**

Integrate safety into all work procedures. Correct work procedures help everyone to do their jobs safely, correctly and consistently. They require workers to respond to emergencies appropriately. Safe operating procedures are useful in orientation, training, inspections, performance evaluations and investigations. Where feasible, provide procedures in writing.

Written work procedures in large organizations often include practices for:

- Personal protective equipment (PPE), devices and clothing;
- Machinery lock out;
- Confined-space entry;
- Fire and electrical protection;
- Dealing with chemical spills and other emergencies;
- Handling hazardous substances;
- Materials handling (lifting, moving, etc.); and
- Operation of vehicles, tools, equipment and machinery.

Develop work procedures using legislation, equipment manuals, industry standards, hazard identification processes and job hazard analysis.

### ***Ensure compliance***

Use everyday management methods to measure compliance with health and safety rules and work procedures. Techniques include:

- Observe work practices and conditions;
- Informally test the knowledge of workers and correct errors as required;
- Conduct informal inspections;
- Discuss concerns with workers;
- Hold question and answer sessions; and
- Review documents and records.

Use normal disciplinary methods to correct performance problems.

### **Train new and inexperienced workers**

This responsibility usually is delegated to the supervisor. Train workers in the procedures they are expected to use. Changing technology, legislation and industry standards require workers to have up-to-date information, and relevant knowledge and skills.

New and inexperienced workers tend to have more incidents than other workers. A good orientation and induction program is invaluable in preventing incidents. Orientation sessions explain the job, the supervisory structure, the function of the work unit and various policies and rules.

Explain these health and safety items::

- Policies, rules and safe work procedures;
- Employee health and safety responsibilities;
- The OHC or representative;
- Rights and duties under the legislation, including the right to refuse;
- Fire, incident and other emergency procedures;
- PPE use;
- Prohibited and restricted areas; and
- Hazards, including those outside the work area.



### **Regulation 19, Training of workers**

- (1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:
  - (a) begins works at a place of employment; or
  - (b) is moved from one work activity or worksite to another that differs with respect to hazards, facilities and procedures.
- (2) The training required by subsection (1) must include:
  - (a) procedures to be taken in the event of a fire or other emergency;
  - (b) the location of first aid facilities;
  - (c) identification of prohibited or restricted areas;
  - (d) precautions to be taken for the protection of the worker from physical, chemical or biological hazards;
  - (e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and
  - (f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.
- (3) An employer shall ensure that the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work, and that the worker does not lose pay or other benefits with respect to that time.

- (4) An employer shall ensure that no worker is permitted to perform work unless the worker:
- (a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and the regulations; or
  - (b) is under close and competent supervision.

Other applicable regulations may mandate additional training. Example: Workers who regularly lift heavy loads must receive training in safe lifting. Instruct workers working with chemical and biological substances in the requirements of WHMIS. Record the training that each worker receives and keep on file.

Don't expect new workers to remember everything they are told at orientation. Many organizations give new workers a brochure or checklist outlining the material. Supervisors should review these tools with the worker.

Partnering the new worker with an experienced, safety-conscious worker reinforces the orientation. It can also reinforce the safety awareness of the experienced worker.

Check the knowledge of the new worker periodically after orientation. Encourage the worker to ask questions and clear up any misunderstandings. Use these checks to assess the effectiveness of your orientation program and partnering system.

Supervise the new worker closer than experienced workers until the worker can work alone safely.

### **Provide health and safety training**

You need training to build the safety program into daily activities, update correct work practices and keep ahead of changes in technology and standards.

Employers are responsible for ensuring that supervisors, workers, the OHC and representatives are trained in their responsibilities. OHCs have a general role in health and safety education and promotion. Supervisors are often responsible for training. Document worker training and keep it on file so that it is readily available in a situation where an OHO requests proof that adequate training was provided to a worker (SEA 3-81).

### ***Identify training needs***

Identify training needs from:

- The employer's safety management system;
- Legislation;
- Incident reports;
- Refusals to work;

- Lack of satisfactory knowledge or skills;
- OHC reports and worker requests; and
- Job hazard analysis reports.

### ***Develop instruction***

Once needs are identified, establish objectives. Consider:

- Session content and expected results;
- How to deliver training, when and where;
- Required resources (such as print materials and videos); and
- Length of training and how to evaluate results.

Employer associations, consultants, government and private agencies can provide training assistance.

### ***Deliver training***

Use the tell, show, try and check method to explain each job.

1. Plan the session and assemble resources.
2. Break the job into steps.
3. Tell the worker what to do during each step in the job. Point out any hazards and describe how to control them.
4. Show the worker how to do the job. Demonstrate and explain each step. Answer questions and verbally test the worker's knowledge.
5. Have the worker try the job. Correct any errors and complement good performance.
6. Check the worker's performance often once the employee begins working alone. Ensure that the worker is performing satisfactorily.

### ***Toolbox talks***

Toolbox talks are short, instructional safety sessions that deal with one topic or concern. Example: A supervisor might review requirements for PPE. Talks are usually held at the start of a shift or before coffee breaks. Most talks last about 20 minutes.

To organize a talk, pick a topic that can be covered quickly. Plan the session, arrange a location and assemble materials. Materials for toolbox talks can often be purchased from safety associations and publication firms.

If a topic cannot be covered in one session, break it into parts and deliver the material over several meetings. Encourage the OHC or representative to participate. Involve your workers in planning and delivering the session. Ask an experienced worker to demonstrate a correct work practice. Test the workers sometime after the session to check understanding.

### **Other functions and activities**

- Resolve health and safety concerns.
- Investigate refusals to work.
- Address notices of contravention.
- Investigate incidents.

### ***Resolve health and safety concerns***

Helping workers resolve their health and safety concerns is one of the most important roles of OHCs, representatives and supervisors. How effectively the supervisor deals with an issue often determines how serious it becomes. OHS Division recommends that workers use these steps to resolve health and safety concerns:

1. Contact the supervisor.

Encourage workers to report concerns (including refusals to work under SEA 3-31) to their supervisor or employer. The supervisor investigates the concern promptly. Consult legislation, organizational standards, etc., when necessary.

2. Involve the OHC or representative.

Approach the OHC or representative if:

- The concerned worker does not want to contact the supervisor;
- The employer has no policy on reporting concerns; or
- The supervisor and worker cannot resolve a concern.

If the supervisor cannot resolve the concern, contact the employer or appropriate manager. Take short-term corrective action to control the situation until the employer can remove the hazard. Record the action taken.

Discuss the problem with worker representatives. If unresolved, involve the employer. If the issue still cannot be resolved, contact OHS Division for help.



Once involved, try to resolve the concern with the OHC member. If unsuccessful, involve the co-chairs. Deal with serious matters immediately, even if this means calling an emergency meeting. If the concerned worker and the co-chairs believe that the matter can wait, add the concern on the next scheduled meeting's agenda. Assist the OHC.

SEA 3-29 requires the employer to address concerns brought forward by the OHC or representative and report on the taken action taken.

### 3. Involve OHS Division.

OHS Division's role is to help those covered by the legislation carry out their responsibilities and set up a mechanism to identify and resolve concerns internally. [Ask OHS Division for help](#) and advice when a concern cannot be resolved by the OHC or representative.

### ***Investigate refusals to work***

Under SEA 3-31, each worker has the right to refuse work that the worker believes is unusually dangerous. The unusual danger may threaten workers or others. An unusual danger could include:

- A danger that is not normal for the job;
- A danger that would normally stop work; and
- A situation for which the worker isn't properly trained, equipped or experienced

SEA 3-31 applies only to health and safety issues. During a refusal, the refusing worker is protected from discriminatory action as defined in SEA 3-1(1)(i) and described in SEA 3-35.

The refusal may continue until either the worker is satisfied that the job is no longer unusually dangerous or an OHO has ruled against the refusal.

OHCs investigate refusals and must follow the guidelines set out in the legislation. Worker representatives are not required to investigate.

SEA, Part III, Division 5 outlines the requirements to deal with a refusal to work. The employer, supervisor, OHC and refusing worker should try to resolve the concern. If they cannot, contact OHS Division to investigate.

During the investigation, anyone involved may contact OHS Division for help and advice. However, everyone is encouraged to try to resolve the matter internally first.

The same principles used to deal with concerns can be applied to resolve refusals to work.

#### 1. Inform the supervisor.

- The refusing worker informs the supervisor that he or she is refusing work because of a health and safety concern.

- The refusing worker should try to resolve the problem with the supervisor.
- The refusing worker should not leave the worksite without the employer's permission.

The supervisor has the right to re-assign the refusing worker to other work (at no loss in pay or benefits) until the matter is resolved (SEA, 3-1(1)(i)(ii)).

Under section SEA 3-34, an employer cannot assign another worker to the disputed job unless the replacement worker is advised in writing about:

- The refusal and the reasons for it;
- Why the employer believes that the replacement worker can do the disputed job safely;
- The right of the replacement worker to refuse; and
- The steps to follow when exercising this right.

A refusal can often be resolved at this stage if the supervisor is able to identify and address the concerns of the refusing worker promptly. Inform the employer about any issues you cannot deal with at your level. Inform the concerned worker(s) of the action taken.

## 2. Involve the OHC.

If the supervisor and worker cannot resolve the refusal, ask the co-chairpersons to investigate. The co-chairs have no right to rule on if the disputed job is unusually dangerous.

The supervisor cooperates with the OHC. Explain the situation. Describe what you have done to try to resolve the problem. Recommend appropriate corrective action. Promptly inform senior management about any concerns that you cannot resolve.

If there is no OHC, contact OHS Division.

The legislation does not empower representatives to investigate refusals to work. When contacted by a refusing worker, a representative should try to resolve the concern with the worker, supervisor and employer. If the matter cannot be resolved, ask OHS Division for help.

## 3. Hold an OHC investigation.

If the co-chairpersons cannot resolve the refusal:

- Call an emergency meeting;
- Have the OHC investigate the refusal;
- If necessary, have the OHC rule on if the concern is unusually dangerous. A unanimous vote by a quorum is required to rule on a refusal.

- Send written recommendations for corrective action to the employer. The employer must take action and report to the OHC. Include a summary of the investigation with the meeting minutes.
- Document the investigation. During the investigation, the OHC should review applicable legislation, work procedures, product documentation, etc. OHOs may need to review the committee's investigation file.

You may be asked to discuss the situation with the OHC. Describe the issue as you see it, report what corrective action you have taken and tell the OHC what corrective action you believe should be taken.

#### 4. Contact OHS Division.

If the refusing worker is not satisfied with the OHC's decision, ask OHS Division to investigate. The investigating OHO will provide a written decision to the parties. Anyone affected directly by the OHO's decision may appeal under SEA, Part III, Division 8.

### ***Prevent refusals to work***

Refusals rarely happen. To prevent refusals:

- Ensure that you know and comply with applicable standards.
- Ensure that new and inexperienced workers are trained and supervised properly. Assign only well-trained and experienced workers to dangerous tasks.
- Ensure that correct work procedures are used and appropriate hazard controls are in place.
- Use inspections to identify and correct problems.
- Keep in touch with workers. Identify and resolve concerns before they become problems.
- Listen to and deal with concerns brought to you by the OHC or representative. Consult the employer about any problems that you cannot deal with. Ask OHS Division for advice if required.
- Educate your workers about their rights, duties and responsibilities under the legislation, including the right to refuse. Ensure that they know what procedures to follow.

## **Address notices of contravention**

OHOs monitor compliance. They are empowered to enter and inspect workplaces without prior notification at any reasonable time. When an OHO arrives:

1. The OHO will meet the employer or supervisor and provide identification. The employer or supervisor must cooperate.
2. If the workplace is to be inspected, the OHO may ask a worker to come along, like:
  - The worker co-chairperson;
  - The worker representative; or
  - A worker selected by the OHO where there is no OHC or representative. The employer and supervisor must allow the selected worker to accompany the OHO.
3. The OHO may inspect part or all of the workplace. Workers have a right to consult the OHO.
4. After an inspection, the OHO will meet with the employer and worker to review findings. The OHO will discuss legislation violations with the employer. Where an OHO encounters a person in contravention of the legislation, the OHO will take one of two actions:
  - (i) Require the person to enter into a compliance undertaking; or
  - (ii) Serve the person with notice of contravention.

The OHO provides copies of forms and reports issued to the employer, the OHC or representative and they you must post in the workplace.

5. Where the OHO issues a contravention requiring the employer to comply, the employer must take corrective action by the deadline stated on the notice. The employer or supervisor may need to complete a progress report within five business days after the end of the period specified in the notice. Provide copies of the progress report to the OHC or representative, post in the workplace and send to the OHO.
6. The OHO may call an OHC meeting or talk with the representative before leaving. The OHC or representative has a duty to inform the OHO of any health and safety concerns they have.

## **Investigate incidents**

An incident is any unplanned, unwanted event that may or may not cause injury, illness or damage. The terms accident and incident are often used interchangeably, but the preferred term is incident. It is Mission: Zero's campaign that all incidents are predictable and as such preventable. Therefore, there is no such thing as accidents, only incidents.

A dangerous occurrence is any event that could have caused injury but did not.

Investigations should identify health and safety problems and prevent future incidents – not fix blame.

Every incident is caused by several factors. To prevent recurrences, investigators must find the basic causes of the problem. Specialists may be needed to help with some investigations.

OHC and representatives have both a right and duty to investigate incidents and dangerous occurrences.

Regulations 29, 30 and 31 require the employer to ensure that the co-chairs or their designates investigate incidents and dangerous occurrences listed in the regulations. These include incidents that cause the death of a worker or require a worker to be hospitalized for more than 24 hours. If there is no OHC, the employer and representative must investigate. If there is no representative, the employer must investigate. The employer, contractor or owner may investigate dangerous occurrences, depending on who has control over the situation.

If the incident involves a fatality, once the injured are cared for and the site is made safe, the scene must not be disturbed until there is an investigation (regulation 30).

The employer must report to OHS Division any fatalities and incidents that put a worker in hospital for more than 72 hours (regulation 8). Dangerous occurrences specified in regulation 9 must also be reported. Both regulations list what the reports must include. The employer must provide copies of the reports to the OHC or representative.

As the supervisor, you might conduct investigations or help the OHC or representative perform them. Know the reporting and notification requirements in the regulations.

### Steps in an investigation

1. Secure the scene and report the incident.

The supervisor is usually the first decision maker on the scene. Things that must be done:

- Activate emergency response plans.
- Assess and stabilize the situation.
- Make the area safe for emergency crews and investigators.
- Care for the injured.
- Secure the scene and protect evidence until an investigation begins.
- Get the names of witnesses.
- Report the incident.

Notifications sent to OHS Division must contain:

- The date, time and location of the incident;
- A description of what happened;
- The name of each employer or contractor at the workplace, including the employer of the injured worker(s); and
- The name, telephone, fax and other contact information of the person they need to contact for more information.

If the incident involves a serious injury, the report must also include:

- The name of each injured worker;
- The apparent injuries to each worker; and
- The name of the employer of each injured worker.

If a worker was injured, ensure you meet the requirements set by the [Workers' Compensation Board](#).

### 2. Review the scene.

Record the exact location of the incident. Carefully go over the debris pattern and note the location of each piece. Record the extent of the damage and injuries. Note the lighting, visibility, time of day and weather conditions.

Take photographs, measurements and drawings of the scene and everything involved. Make notes for each illustration. Show where witnesses were standing. Label and catalogue each diagram, drawing and photo. Assemble supporting documents. Try to establish what happened, when and in what sequence. Prepare a list of questions to look into.

Take statements from everyone at the scene, even from those who did not see the incident. Find out if anyone else has information to contribute. Prepare a list of witnesses and technical experts to interview later. Ask witnesses not to talk to anyone about the incident until after they have been interviewed.

### 3. Interview witnesses.

You need accurate interview records to reconstruct what happened and why. Courteously interview eye-witnesses in private as soon as possible, while memories are fresh. Use open-ended questions and let the witnesses explain events in their own words. Don't interrupt. Ask clarifying questions later if necessary. Use photographs and drawings to help witnesses remember. Compare each person's comments during the interview with their written statements. Clear up any conflicts.

If possible, have witnesses visit the scene and show you what they saw. Since witnesses will have seen events from different perspectives, their statements will often disagree.

After you have interviewed eye-witnesses, talk to technical specialists, suppliers and experts. At the end of every interview:

- Ask each witness to review their statement;
- Clear up any remaining issues;
- Get the contact numbers and address of each witness; and
- Thank each witness.

#### 4. Investigate the physical evidence.

Study the damage done to tools, equipment, products, etc. What does the physical evidence suggest happened? Why? Look at the details of the work environment. Consider visibility, noise, temperature, humidity and exposure to hazardous substances. Take more detailed photographs and make more detailed drawings.

Describe everything involved in detail, including work procedures and safety policies.

Collect product documentation, including the exact names of any substances involved. Gather safety data sheets (SDSs) and blueprints or workflow diagrams that might help. Find out if any changes in design, products or work procedures were introduced before the incident.

Compare the incident with legislation requirements, organization policies and standard operating procedures. If requirements appear not to have been met, try to find out why.

#### 5. Analyze the evidence.

You can often find the causes of an incident by asking who, what, where, when and how for each event in the incident until you know why it happened. Separate facts from theory and opinion. Look for underlying causes and avoid jumping to conclusions.

Organize, categorize and analyze the evidence. Check each contributing factor before, during and after the incident against the facts to understand what role it played. Once you've analyzed the evidence, reconstruct events. List unanswered questions and conduct more interviews as necessary.

Go through the incident, step by step. Ask why each event happened. Evaluate the possible contributions of everyone and everything involved to the incident:

- People factors
  - Workplace supervision

- Training and experience of those involved
- Instructions given at the time of the incident
- Material factors
  - Substances
  - Tools, equipment and machinery
  - Personal protective equipment
- System factors
  - Policies, plans, rules, procedures and supervision
  - Activities of the OHC or representative
  - Orientation and training for workers and supervisors
- Environment factors (such as workplace conditions)
  - Weather conditions
  - Workplace conditions (visibility, noise, heat)
  - The time of the day, shift or week when the incident occurred
- Work process factors
  - The job itself
  - The work area and work flow
  - Controls and safety features on equipment and machinery

6. Find the direct cause.

The direct cause(s) usually occurs immediately before the incident. Example: A jack collapses, dropping a car onto a worker.

7. Find the indirect cause(s).

Indirect cause(s) set the stage for an incident and can include:

- Lack of training and supervision;
- Inadequate tools, equipment and materials; and
- Departures from safe work procedures.



An incident may or may not have one ultimate root cause. Root causes might include:

- Inexperience (employer/employee);
- Weaknesses in the safety management program; and
- Equipment design flaws.

### 8. Prepare recommendations.

Review what happened at each step in the incident. Prepare a report describing events with words, photos and drawings. Recommend corrective action.

- Describe the work performed.
- Describe the immediate (direct) cause(s) of the incident.
- Describe the indirect cause(s).
- Explain why the incident happened.
- Recommend short- and long-term corrective action to prevent a reoccurrence.

Short-term measures should prevent a reoccurrence until longer-term controls can remove the fundamental causes. Example: Change work practices in the short run while engineering controls are put in place to remove the hazard completely.

Send the report to the employer, file a copy and send another to OHS Division. Post summaries in the workplace.

## Review

The regulations require supervisors to ensure that workers understand their responsibilities and comply with the legislation. However, this requirement is not discussed in detail in the legislation. Supervisors are given the responsibility of ensuring the health and safety of their workers.

This chapter provided you with the tools to:

- Identify the hazards in your work areas;
- Train and supervise workers; and
- Carry out the functions and activities that are expected of you.

Consult the SEA and regulations to determine what requirements apply to your workplace. Include them in your safety rules and procedures. See Appendix 3 for an overview of the legislation.



**Appendix 1**

**Basic inspection checklist**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Inspected area: \_\_\_\_\_ Time: \_\_\_\_\_

| Standard met? |           | Problems noted            | Comments |
|---------------|-----------|---------------------------|----------|
| <b>Yes</b>    | <b>No</b> | <b>General conditions</b> |          |
|               |           | Entrances                 |          |
|               |           | Lighting                  |          |
|               |           | Walkways                  |          |
|               |           | Handrails                 |          |
|               |           | Footing                   |          |
|               |           | Ladders/stairs            |          |
|               |           | Overhead security         |          |
|               |           | Storage                   |          |
|               |           | Noise, ventilation, etc.  |          |
|               |           | Housekeeping              |          |
|               |           | Fire safety               |          |
| <b>Yes</b>    | <b>No</b> | <b>Equipment</b>          |          |
|               |           | Correct tools used        |          |
|               |           | Correct equipment         |          |
|               |           | Hand tools                |          |
|               |           | Guarding                  |          |
|               |           | Lighting                  |          |
|               |           | PPE                       |          |
|               |           | Storage                   |          |
|               |           | Housekeeping              |          |
|               |           | Footing                   |          |
| <b>Yes</b>    | <b>No</b> | <b>Practices</b>          |          |
|               |           | Correct procedures        |          |
|               |           | Rules followed            |          |
|               |           | Instructions understood   |          |

## Appendix 2

### Hazard control techniques

You can control hazards at their source or along the path to the worker or at the level of the worker. Often, several types of controls are used together.

#### Control at the source

##### *Elimination*

Getting rid of a hazard is an ideal solution. Example: A company might get out of a hazardous line of business.

##### *Modification*

Modify or automate a hazardous process to remove a hazard entirely. Example: Provide nurses with lifting equipment to assist them to move disabled patients. Use robots to weld car bodies on an assembly line.

##### *Substitution*

Use a less hazardous product. Example: Use a non-silica blasting agent to replace silica sand in autobody work.

##### *Redesign*

Redesign the work area or work process to reduce risks. Example: Raise storage bins to reduce the amount of bending and lifting required. Make tools safer.

#### Control along the path

Use containers or guards to isolate a hazard. Examples:

- Build a noise-proof box around a noisy air compressor.
- Use guards to protect operators from cutting blades.
- Use a control room to separate workers from the heat of a paper-making process.
- Use barriers to block or dissipate a hazard before it reaches workers. Example: Use barriers to protect workers working outdoors from wind chill.

### **Control at the level of the worker**

Administrative procedures can limit exposure to a hazard. Examples:

- Rotate workers through jobs requiring repetitive motions.
- Schedule dangerous jobs when few workers are around.
- Implement written work procedures to ensure that workers consistently perform tasks safely.
- Implement procedures to ensure workers know what hazards are present.
- Train workers to protect themselves.

Use PPE where engineering controls cannot protect workers completely. Example: Use respirators to protect workers in areas where air may be lacking or contaminated.

## Appendix 3

### Structure and organization of the legislation

Saskatchewan occupational health and safety legislation is composed of:

1. The Saskatchewan Employment Act, Part III, Occupational Health and Safety
2. The Occupational Health and Safety Regulations, 1996
3. The Mines Regulations, 1978
4. The Saskatchewan Employment Act, Part V, Radiation Health and Safety
5. The Radiation Health and Safety Regulations, 2005

Legislation has three components: Acts, regulations and codes of practice.

#### Act

An Act is a law passed by a legislative body. It sets out general duties. SEA, Part III, Division 13 allows the government to enact regulations and produce codes of practice.

#### *The Saskatchewan Employment Act*

The SEA governs occupational health and safety in Saskatchewan. Places of employment under federal jurisdiction, such as interprovincial trucking and banks, are governed by the [Canada Labour Code](#).

#### Regulations

Regulations are detailed health and safety rules and requirements drafted by the government with interested groups and individuals. These rules and requirements become law once they complete the review process and are approved by cabinet. They do not have to be passed by the legislature. Three sets of regulations are written under the authority of the SEA: The Occupational Health and Safety Regulations, 1996, The Mines Regulations, 1978, and The Radiation Health and Safety Regulations, 2005.

#### *The Occupational Health and Safety Regulations, 1996*

The regulations:

- Elaborate on the duties established under the SEA;
- Set responsibilities for those governed by the legislation;

- Set rules and requirements for minimum health and safety standards at all workplaces; and
- Set rules and requirements for controlling hazards in specific industries, processes and conditions.

### ***The Mines Regulations, 1978***

These regulations set safety standards for open pit and underground mining operations. Mines inspectors or OHS Division monitor compliance with the regulations.

### ***The Radiation Health and Safety Regulations, 2005***

These regulations set safety standards for radiation health and safety for owners and operators of radiation equipment and radon gas emissions.

### **Codes of practice**

Codes are not acts or regulations. They provide practical guidance to employers about how to meet the requirements of specific regulations.

## **How to find information in the legislation**

To find information in the SEA and the OHS regulations, use:

- Table of contents;
- Section headings; and
- Index (OHS regulations).

### **To find definitions**

In the SEA, look under Part III, Division 1, Preliminary Matters for Part. In the regulations, terms are defined under Part I, Preliminary Matters. Example: Discriminatory action (SEA 3-1(1)(i) or plant SEA 3-1(1)(w)). Some parts of the regulations contain interpretation sections that define key technical terms used in those parts. Example: Regulation 283 under Part XX, Diving Operations.

### **To find reference lists and tables**

The appendix to the regulations contains technical information referenced but not included in the main body of specific regulations. Example: Tables 1 to 4 and 8 to 12 in the appendix refer to Part V, First Aid.

The following tables outline the organization of the SEA and regulations.

## **Organization of the SEA and regulations**

### **The Saskatchewan Employment Act**

*(Not complete - only sample)*

#### **Part III - Occupational Health and Safety**

##### **Division 1, Preliminary Matters for Part**

3-1 Interpretation of part

##### **Division 2, Administration**

3-6 Appointment of occupational health officers

3-7 Written credentials for occupational health officers

##### **Division 3, Duties**

3-8 General duties of employer

3-9 General duties of supervisors

3-10 General duties of workers

3-12 General duties of contractors

3-14 General duties of owners

3-16 Duty to provide information

3-20 Duty to provide occupational health and safety programs

3-21 Duty re policy statement on violence and prevention plan

##### **Division 4, Occupational Health Committees and Occupational Health and Safety Representatives**

3-22 Establishment of committees

3-24 Designation of representatives

3-25 Duty to post names

3-27 Duties of committees

3-28 Duties of representatives

##### **Division 5, Right to Refuse Dangerous Work; Discriminatory Action**

3-32 Investigation by occupational health officer

##### **Division 6, Compliance Undertakings and Notices of Contravention**

3-38 Compliance undertakings and notices of contravention

##### **Division 7, Workplace Hazardous Materials Information System**

3-48 Employer's duties re substances and controlled products

##### **Division 8, Appeals**

3-53 Appeal of occupational health officer decision

3-56 Appeal of director's decision to adjudicator

##### **Division 9, Medical Examinations and Treatment**

3-59 Medical examination

##### **Division 10, Inspections, Inquiries and Investigations**

3-63 Inspections

3-68 Investigations

##### **Division 11, Councils, Workers' Compensation Board and Director's Decisions**

3-69 Occupational Health and Safety Council

3-75 Forwarding information to Workers' Compensation Board

##### **Division 12, Offences and Penalties**

3-78 Offences

3-79 Penalties

##### **Division 13, Regulations and Codes of Practice**

3-84 Codes of practice

##### **Division 14, Transitional**



**The Occupational Health and Safety Regulations, 1996***(Not complete - only sample)*

|  |   |  |   |
|--|---|--|---|
| <b>Part I, Preliminary Matters</b>             |   | <b>PART VII, Personal Protective Equipment</b>   |   |
| 2  | Interpretation                            | 86   | Use of equipment required                                 |
| <b>Part II, Notice Requirements</b>            |   | 88   | Respiratory protective devices                            |
| 7  | New operations                            | 98   | Exposure to hazardous substances                          |
| 8  | Accidents causing serious bodily injury   | 99   | Exposure to noise   |
| 9  | Dangerous occurrences                     | <b>PART VIII, Noise Control and Hearing Conservation</b>   |   |
| <b>PART III, General Duties</b>                |   | 110  | Noise reduction through design, construction of buildings |
| 12   | General duties of employers               | <b>PART IX, Safeguards, Storage, Warning Signs and Signals</b>   |   |
| 13   | General duties of workers                 | 116  | Protection against falling                                |
| 14   | Employment of young persons               | <b>PART X, Machine Safety</b>  |   |
| 17   | Supervision of work                       | 134  | Operation by workers                                      |
| 18   | Duty to inform workers                    | 137  | Safeguards  |
| 19   | Training of workers                       | 140  | Cleaning, etc., of machine or other equipment in motion   |
| 20   | Workers' contacts with officers           | <b>PART XI, Powered Mobile Equipment</b>   |   |
| 22   | Occupational health and safety program    | 156  | Inspection and maintenance                                |
| 25   | Maintenance and repair of equipment       | 160  | Warning of reverse motion                                 |
| 28   | Inspection of place of employment         | <b>PART XII, Scaffolds, Aerial Devices, Elevating Work Platforms and Temporary Supporting Structures</b> |   |
| 29   | Investigation of certain accidents        | 169  | Scaffold required   |
| 36   | Harassment                                | 194  | Forklifts   |
| 37   | Violence                                  | <b>PART XIII, Hoists, Cranes and Lifting Devices</b>   |   |
| 37.1   | Safety measures – retail premises         | 205  | Operating procedures                                      |
| <b>PART IV, Committees and Representatives</b> |   | 211  | General requirements for cranes and hoists                |
| 38   | Committees at construction sites          | <b>PART XIV, Rigging</b>   |   |
| 47   | Meetings of employers and representatives | 229  | Inspection  |
| 49   | Meetings called by officer                | 230  | Maximum loads   |
| <b>PART V, First Aid</b>                       |   | <b>PART XV, Robotics</b>   |   |
| 56   | First aid station                         | 242  | Safe work practices and procedures                        |
| 57   | First aid register                        | 246  | Protection during maintenance or repair                   |
| 60   | First aid supplies and equipment          |  |   |
| <b>PART VI, General Health Requirements</b>    |   |  |   |
| 81   | Musculoskeletal injuries                  |  |   |
| 84   | Radioactive substances                    |  |   |

**PART XVI, Entrances, Exits and Ladders**

- 248 General duty re entrances, exits
- 252 Ladders

**PART XVII, Excavations, Trenches, Tunnels and Excavated Shafts**

- 259 Locating underground pipelines, etc.
- 260 Excavating and trenching

**PART XVIII, Confined Space Entry**

- 269 Requirements before confined space is entered
- 272 Entry plan

**PART XIX, Work in Compressed Air**

- 280 Standards for air
- 281 Maximum air pressure

**PART XX, Diving Operations**

- 295 Diving plan
- 296 General responsibilities of diver

**PART XXI, Chemical and Biological Substances**

- 302 General duties of employers
- 303 List of chemical and biological substances
- 305 Substances listed in Table 19
- 306 Substances listed in Table 20
- 311 Report of worker's exposure

**PART XXII, Controlled Products – Workplace Hazardous Materials Information System**

- 316 Certain products exempted
- 318 Worker training
- 325 Supplier material safety data sheets
- 326 Employer material safety data sheets
- 327 Availability of material safety data sheets

**PART XXIII, Asbestos**

- 334 Identification of asbestos-containing materials
- 335 Labelling, placarding, etc.
- 336 Inspection
- 342 Warning of health risks

**PART XXIV, Silica Processes and Abrasive Blasting**

- 348 Warning of workers
- 350 Cleaning of worksites

**PART XXV, Fire and Explosion Hazards**

- 360 Fire safety plan
- 361 Fire extinguishers
- 366 Hazardous activities involving combustible or flammable liquids

**PART XXVI, Explosives**

- 376 Qualifications of workers
- 379 Storage and transportation of explosives

**PART XXVII, Demolition Work**

- 384 Demolition procedures
- 388 Use of explosives

**PART XXVIII, Forestry and Mill Operations**

- 391 First aid attendant
- 394 Felling

**PART XXIX, Oil and Gas**

- 412 Supervisors
- 414 Routine inspections
- 422 Means of escape

**PART XXX, Additional Protection for Electrical Workers**

- 453 Covers for switches, receptacles, connections, etc.
- 459 Exposed metal parts
- 467 Emergency program

**PART XXXI, Additional Protection for Health Care Workers**

- 470 Patient moving and handling
- 478 Review of programs, etc.

**PART XXXII, Additional Protection for Fire Fighters**

- 482 Training of fire fighters
- 483 General standards for vehicles and equipment
- 488 Personal protective equipment

**PART XXXIII, Repeal, Transitional and Coming into Force**

**Appendix**

|          |  |
|----------|--|
| Table 1  | Minimum Requirements for Class A Qualification   |
| Table 4  | First Aid Services Authorized by Class B Qualification                                   |
| Table 5  | Asbestos Processes   |
| Table 6  | Notifiable Medical Conditions Resulting from Occupation Exposure                         |
| Table 7  | Prescribed Places of Employment  |
| Table 8  | Activities That Constitute High Hazard Work  |
| Table 9  | Summary of First Aid Requirements  |
| Table 10 | Required Contents of First Aid Box   |
| Table 15 | Minimum Dimensions of Members of Light Duty Wooden Scaffolds (Height Less Than 6 Metres) |
| Table 16 | Minimum Training Requirements for Competent Operator of a Crane                          |
| Table 19 | Notifiable Chemical and Biological Substances  |
| Table 20 | Designated Chemical Substances   |

## Key terms in the SEA and regulations

### Occupational health and safety

The regulations set minimum standards for protecting the physical health and safety of workers. However, consider mental health, workplace design and work-life quality when creating a safe and healthy work environment.



#### **SEA 3-1(1) Interpretation of Part**

- (o) “occupational health and safety” means:
  - (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;
  - (ii) the prevention among workers of ill health caused by their working conditions;
  - (iii) the protection of workers in their employment from factors adverse to their health;
  - (iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and
  - (v) the promotion and maintenance of a working environment that is free of harassment;
- (w) “plant” includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;
- (x) “practicable” means possible given the current knowledge, technology and invention;
- (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 measure to secure the duty;



#### **SEA 3-80, Onus on accused re duty or requirement**

In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

- (a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or
- (b) there was no better practicable means than was actually used to satisfy the duty or requirement.



### **SEA 3-1(1) Interpretation of Part**

- (i) “discriminatory action” means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion, or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:
  - (i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or
  - (ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:
    - (A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;
    - (B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker’s refusal to perform any particular act or series of acts; or
    - (C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);

SEA 3-41 allows an OHO to issue a notice of contravention requiring an employer to stop certain work until it complies with the regulations. In these cases, the employer cannot take discriminatory action against the workers who must stop working until the problem is resolved.

SEA 3-35, 3-36 and 3-37 protect anyone exercising their rights against discriminatory action. However, the legislation also supports employers in their duties to take lawful measures to ensure compliance.

SEA 3-35(f) protects a worker who refuses or has refused to work under SEA 3-31 from discriminatory action. The legislation permits the employer to reassign a refusing worker to other work (at no loss in pay or benefits) until the matter is resolved. The refusing worker is protected until an OHO investigates the situation and rules on the refusal. If the OHO rules against the refusal, the worker returns to work.

## **Shall provide and shall ensure that certain workers use**

The terms “shall provide” and “shall ensure that certain workers use” determine who must pay for personal protective equipment and other requirements. These phrases are not defined in the legislation, but are interpreted as follows.

### *Shall provide*

Whoever must provide must pay. Example: Regulation 87 states that where an employer must provide PPE, the employer shall provide it to the workers at no cost to them.

### *Shall ensure that certain workers use*

The person charged with a duty under the regulation is required to pay. Example: Regulation 96 requires the employer to ensure that certain workers use approved footwear. The employer does not have to pay for the footwear.

## **Regulations applying to most workplaces**

### **First-aid requirements (Regulations, Part V)**

Part V does not apply to facilities where a doctor or registered nurse is readily available. It also does not apply to offices and other low-hazard workplaces that are close to medical facilities. Employers at other workplaces must provide first aid and emergency services for sick or injured workers. Requirements are described in Table 9 of the appendix to the regulations. The responsibilities of the employer and the qualifications of first-aid attendants required by the regulations depend on:

- How far the workplace is from a medical facility;
- How hazardous the work is; and
- How many workers are at the workplace.

Services prescribed in the regulations include:

- Personnel with the required training. Example: Attendants certified to perform first aid and cardiopulmonary resuscitation (CPR);
- The prescribed first-aid facilities, supplies and equipment; and
- The prescribed means of transporting the injured to a hospital.

Regulation 52 requires the employer to work with the OHC or representative to establish and maintain first aid and emergency services. Where neither is present, the employer must consult workers. If more than one employer is present at a worksite, the employers may jointly arrange to provide services (regulation 53).

**General health requirements (Regulations, Part VI)**

Part VI of the regulations deals with issues that affect most workplaces, including:

- Sanitation;
- Ventilation;
- Space;
- Lighting;
- Heat and cold;
- Toilet facilities;
- Personal washing;
- Clothing and its storage facilities;
- Change and shower facilities;
- Eating areas;
- Drinking water;
- Smoking;
- Back injury prevention;
- Work performed while standing;
- Musculoskeletal injuries;
- Shift work and constant effort and exertion; and
- Visually demanding tasks

**Sanitation (regulation 64)**

The employer, contractor or owner with control over the workplace must ensure that it is kept clean. Responsibilities include:

- Remove dirt and debris from the workplace each day;
- Ensure that floors are washed, vacuumed, or otherwise suitably cleaned at least once each week; and
- Ensure that inside walls, partitions, ceilings, stairs and so forth are clean and well maintained.

Remove potentially hazardous refuse, spills and waste materials from the workplace by a suitable method as soon as practicable. You must protect workers from the hazardous material.

### **Ventilation (regulations 65-67)**

The employer, contractor or owner with the control of the workplace must ensure that the ventilation system:

- Protects workers from inhaling hazardous substances;
- Removes contaminants;
- Dilutes contaminants that cannot be removed so that they are harmless and inoffensive;
- Provides an adequate supply of replacement air that is clean, fresh and suitably heated or cooled; and
- Is maintained and inspected properly by competent personnel.

The employer must have emergency plans in place to protect workers in case the ventilation system fails.

#### *Maintenance*

Use and maintain ventilation and humidification systems as required by the manufacturer. Contaminants must not be recirculated. Do not allow microorganisms, insects and mites to grow in the system and contaminate the workplace. Where reasonably practicable, the components of the system must be made easy to clean and inspect. Keep louvres and filters free of obstructions. Clean parts regularly and replace as required. Keep a maintenance log of all required inspections of the system. Make copies available to the OHC or representative.

#### *Air cleaning systems*

Systems intended to clean and recirculate contaminated air must be designed, installed and maintained to remove contaminated particles and gases. Before use, the employer should ensure that the system can handle the specific types of contaminants found in the workplace safely and effectively.

#### *Local ventilation systems*

Systems must be near or at the release point of the contaminants. Each system must have an alarm to warn workers when it breaks down.



### **Space (regulation 68)**

The employer, contractor or owner with control over the workplace must prevent overcrowding. Each worker must have at least 10 cubic metres of space and calculations cannot include solid objects.

### **Lighting (regulation 69)**

Work areas in all workplaces must have lighting levels that are appropriate for the job. The employer, contractor or owner with control over the workplace must ensure that lighting is adequate to protect the health and safety of workers. Five decalux is the minimum lighting requirement for Saskatchewan workplaces. Lighting at this level will allow people to see objects and stairs well enough to evacuate buildings in a emergency.

#### *Emergencies*

The employer must provide automatic emergency lighting of at least 5 decalux in case of a lighting failure.

#### *Maintenance and glare*

Keep fixtures, windows and skylights clean and maintained properly. Light sources must not produce glare or shadows that could cause incidents or discomfort.

### **Heat and cold (regulation 70)**

The employer, contractor or owner with control over the workplace must provide thermal conditions that are reasonable and appropriate for the work. If this is not reasonably practicable or if work is outdoors, the employer must protect workers in other ways. Where the thermal conditions are different from those associated with the worker's normal duties, the employer or contractor shall provide the worker with suitable protective clothing or equipment. The employer or contractor must ensure that it is used properly.

### **Toilet facilities (regulation 71)**

The employer, contractor or owner with control over the workplace shall ensure that sufficient, suitable and readily accessible toilet facilities for workers:

- Are provided at the workplace;
- Are maintained, supplied and kept clean;
- Provide adequate privacy, heat, light and ventilation;
- Are free of obstruction and vermin; and
- Are not used for storage or other purposes.

Table 13 of the appendix to the regulations sets out the required minimum number of toilets and separate facilities.

**Personal washing (regulation 72)**

An employer, contractor or owner with control over the workplace shall provide and maintain suitable facilities for workers to use for washing and keeping clean.

**Clothing and its storage facilities (regulation 73)**

An employer, contractor or owner with control over the workplace shall provide and maintain clean, appropriately located and suitable accommodation for street clothing not worn by workers at work and clothing worn by workers at work.

If conditions could contaminate stored street clothing, then the accommodation must be separate from the accommodation used for clothing worn at work.

If hazardous or offensive substances could contaminate clothing or skin, then the employer must provide workers with suitable personal protective clothing and change areas. Protective clothing must be suitably stored, cleaned or disposed of.

**Change and shower facilities (regulation 74)**

The employer, contractor or owner is required to provide change and shower facilities, if work could contaminate an employee's skin. The employer is expected to give workers enough work time to use the facilities. Teach workers to identify and control the hazards they face at work. They should know how to: reduce the risks through good personal sanitation and how the contaminants might affect their families if they are carried home.

**Eating areas (regulation 75)**

The employer, contractor or owner must provide sufficient, clean and suitably quiet eating areas for workers to use during breaks. If clothing, skin or food could become contaminated at work, the eating areas must be close to washing facilities and separated from work areas.

**Drinking water (regulation 76)**

Make readily available an adequate supply of clean and safe drinking water to workers. If drinking fountains are not used, the employer must provide disposable cups near the water container. Portable water containers must be kept covered and free of contamination. Water dispensers must be clearly labeled either as drinking water or as unfit for drinking.

### Smoking (regulation 77)

Smoking is prohibited in all enclosed places of employment, including buildings, vehicles, other enclosed structures and underground mines with the following exceptions:

- Traditional first Nations and Métis spiritual or cultural ceremonies where permission is granted;
- Designated smoking rooms for residents and visitors that are allowed by the Ministry of Health's tobacco control legislation;
- Areas of underground mines that are located more than 10 meters from other workers; and
- Some self-employed businesses, vehicles and camp living accommodations with permission and when others are not present. (See Q and A's below for explanation as to where and when this exception applies)

Regulation 77 places a duty on employers to:

- Ensure that persons do not smoke in enclosed workplace; and
- Post signs in locations that are visible to those entering the enclosed workplace, indicating that smoking is prohibited and to ensure there are no ashtrays present.

The regulation also puts a duty on workers and self-employed persons not to smoke in enclosed workplaces, unless it is one of the excluded areas.

### Back injury prevention (regulation 78)

The employer must take all reasonably practicable steps to remove or reduce the need for workers to lift loads that could cause injury. Employers are required to protect workers by:

- Providing suitable lifting equipment and ensuring that it is used;
- Making heavy or awkward loads safer to handle;
- Ensuring that workers do not lift loads that are too big, too heavy or too awkward for them;
- Training workers to safely lift, transport and hold loads; and
- Enforcing safe lifting policies.

### Work performed while standing (regulation 79)

Workers who must stand for long periods on the job can develop health problems. To prevent injury, the employer, contractor or owner with control over the workplace must provide suitably designed anti-fatigue mats, footrests or other devices.

*Wet processes*

Work areas that use wet processes must have suitable drainage. False floors, platforms, mats or other dry standing places must be provided, maintained and kept clean.

**Work that can be performed while sitting (regulation 80)**

Where workers can work effectively while seated, the employer, contractor or owner must provide seating and footrests that are suitable for the work.

**Musculoskeletal injuries (regulation 81)**

The employer, contractor or owner must take measures to prevent musculoskeletal injuries. These include repetitive strain injuries (RSIs) also known as cumulative trauma disorders (CTDs). Injuries can be caused by:

- Prolonged and repeated motions;
- Forceful exertions;
- Vibration;
- Mechanical compression;
- Sustained or awkward postures; and
- Limitations in motion or action.

The employer, with the OHC or representative (or with the workers where neither is required) must regularly review work that could cause musculoskeletal injuries. Where a hazard is identified the employer must:

- Inform each affected worker of the potential health hazards;
- Inform each affected worker how to recognize the symptoms; and
- Provide suitable work stations, equipment, procedures, training and so forth to prevent injury.

Where an injury is reported, the employer must:

- Advise the affected worker to seek medical care;
- Examine the type of work performed by the worker;
- Try to find out why the injury developed; and
- Examine what can be done to prevent other injuries.

### Shift work and constant effort and exertion (regulation 82)

Some workplaces require workers to work shifts or do work that requires constant mental or physical effort. In these workplaces the employer or contractor, with the OHC or representative (or with workers where neither is required) must examine the work and inform the workers of the risks and how to reduce them.

### Visually demanding tasks (regulation 83)

The employer must identify any tasks that place a potentially harmful visual demand upon a worker (such as computer work or fine assembly activities). Where these tasks exist, the employer must:

- Take all practical steps to reduce harm to workers;
- Advise workers to see an optometrist or a medical professional if they develop vision problems that do not go away quickly;
- Permit such workers to take paid work time for an eye examination;
- Reimburse the worker for costs involved in the appointment that cannot otherwise be recovered, excluding the cost of prescription lenses.

OHS Division has the authority to determine the appropriate reimbursement if a dispute arises. The amount of reimbursement is based on medical care insurance schedules.

### Exposure to infectious materials (regulation 85)

The employer must prepare a written plan to protect workers in workplaces where they could be exposed to infectious materials. This plan must be prepared with the OHC or representative. The plan must:

- Identify workers who may be at risk of exposure;
- Describe the risks associated with exposure(s);
- Describe infection control procedures (including vaccinations);
- Set out procedures to follow in cases of spills or leaks;
- Set out procedures to follow in cases of incidental exposure;
- Set out procedures to follow where a worker believes that they have been exposed;
- Set out methods of cleaning, disinfecting or disposing of contaminated material;
- Describe the training to be provided to workers;
- Set out procedures to investigate and document exposures; and
- Set out procedures to investigate any associated infection or the occurrence of any associated disease.

Where workers could be exposed to infected blood or body fluids, the employer must take certain follow-up measures. These measures include arranging for post-exposure counselling, medical evaluation and appropriate medical intervention by a qualified person. Conduct the intervention in a manner that is acceptable to the Ministry of Health.

Provide interventions and follow-up measures upon the request of the exposed worker. Credit time spent by the worker to attend post-exposure intervention and follow up as time at work.

### **Personal protective equipment (Part VII)**

Part VII deals with the supply, use and maintenance of personal protective equipment (PPE). The employer is expected to:

- Supply and maintain PPE required for the work performed;
- Train workers to use and care for the equipment properly;
- Ensure that workers wear or use the equipment as required;
- Provide adequate work time for workers to maintain their PPE.

Regulation 96 provides an exception for certain types of protective footwear. The regulation requires the employer to ensure that workers use appropriate footwear, but does not require the employer to provide it. In cases where there may be a hazard from falling objects, the footwear must be approved by the Canadian Standards Association (CSA).

### **Hearing conservation and noise control (Part VIII)**

Part VIII of the regulations requires the employer, contractor or owner with control over the workplace to reduce noise that concerns workers:

- Measure noise levels that may reach or exceed 80 dBA;
- Record noise levels and worker exposures;
- Post measured noise levels in the affected areas;
- Use engineering controls and structural design to reduce noise whenever reasonably practicable;
- Provide appropriate hearing protectors;
- Provide audiometric tests to workers exposed to noise levels of 90 dBA or 85 dBA<sub>Lex</sub> (equivalent to an exposure to noise at 85 dBA for eight hours); and
- Use hearing conversation plans where ten or more workers are exposed to noise levels that exceed 85 dBA<sub>Lex</sub>.

The employer must involve the OHC or representative (or the workers where neither is required) in the identification, evaluation and control of noise hazards.

### **Chemical and biological substances (Part XXI)**

The employer must work with the OHC or representative (or the workers where neither is required) to:

- List all chemical and biological substances that may be hazardous to workers and are regularly used, handled, transported, stored or disposed of during work. Any other chemical or biological substances that are of concern to workers must also be listed;
- Identify items on the list that fall under the Workplace Hazardous Materials Information System (WHMIS);
- Amend the list when a substance is added or removed;
- Provide a copy of the list to the OHC or representative; and
- Make a copy of the list readily available to workers at the workplace.

Where a product is exempt from WHMIS or does not fall under it, the employer must work with the OHC or representative (or with the workers where neither is required) to:

- Identify and record the hazards of the substance;
- Identify and record how it could harm workers;
- Determine and record precautions to take when handling the substance;
- Instruct workers about the hazards of the substance and how to protect themselves; and
- Label containers of the substance.

The employer is expected to check Tables 19 to 21 of the appendix to the regulations. If any substances on the list are found there, the employer must take other measures. Example: the employer is expected to use engineering controls to prevent (to the extent that is practicable) a release into the workplace of any substance listed in Table 20.

### **Protection of pregnant and sensitive workers**

Protect workers who are pregnant or have become sensitive to a hazardous substance. When notified by an affected worker, the employer is expected to:

Take measures to minimize the exposure of the worker to the substance, where this is reasonably practicable; and

On the worker's request, assign the worker to less hazardous alternative work, if such work is available.

### **Respirators**

Where engineering and other controls cannot protect workers completely from inhaling a hazardous material, the employer must provide respiratory protection. Respirators must meet the requirements of Part VII of the regulations. The employer must ensure that workers use and maintain the respirators properly.

### **Spills and leaks**

The employer is expected to work with the OHC to develop a written plan to deal with leaks and other emergencies.

### **Report of worker's exposure**

The employer investigates potentially harmful exposures to any substance listed in Table 19 or 20 of the appendix to the regulations. Conduct the investigation with the OHC. Regulation 311 lists what the investigation report must contain.

### **Emergency equipment**

Where substantial contamination of a worker or of a worker's eyes is probable, the employer must provide emergency showers and/or eye flushing equipment.

### **Storage facilities for dangerous substances**

Flammable, unstable and other dangerous substances must be stored as required by the regulations.

### **The Workplace Hazardous Materials Information System (WHMIS) (Part XXII)**

WHMIS requires the employer to ensure that workers know the hazards of the substances they work with and how to protect themselves. Federal legislation regulates suppliers. Provincial legislation covers employers and workers. Employers are expected to work with their OHCs to:

- Determine which substances are controlled products under WHMIS;
- Obtain safety data sheets (SDSs) for each controlled product and ensure that they are readily available to workers;
- Ensure that containers in the workplace are suitably labeled; and
- Arrange for the training for workers.



### Determine which substances are controlled products under WHMIS

There is no master list of controlled products. Materials falling under [The Transportation of Dangerous Goods Act](#) usually fall under WHMIS. There are partial exemptions to WHMIS requirements where the materials are regulated under other legislation, such as [The Pest Control Products Act](#).

### Obtain safety data sheets (SDSs)

Obtain or prepare a current MSDS for each controlled products used, handled, stored or disposed of at the workplace. MSDSs describe the dangers and safe handling practices for the product. Pay particular attention to these headings: Preventive Measures, First Aid Measures and Hazardous Ingredients.

MSDSs must be provided by the supplier to all workplaces where a product is sold. The material may not be used unless a current MSDS is readily available. Where a controlled product is made at the workplace, the employer must supply the MSDS. Ensure that the MSDSs are complete. Make the MSDSs readily available to workers.



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