



Supervision and Safety

WorkSafeTM

SASKATCHEWAN

Work to live.

Administration

- Emergency exits
- Washrooms
- No smoking policy
- Cell phones
- Breaks



Course materials

- Name card
- Workbook
 - Self check
 - Evaluation
- Guide
- Legislation
- Handouts



Learning objectives

- How to find information in the Saskatchewan Employment Act (SEA), Part III and regulations
- Ability to understand the principles of a workplace responsibility system (WRS) and roles of workplace parties
- Supervisor's legal duties
- Health and safety systems
- How to supervise safety



Introductions

- Instructor
- Introduce yourselves
 - Name
 - Employer
 - Industry
 - Position
 - Length of time as a supervisor



Video

Rights and Responsibilities: Your Path to a Safe Workplace

- Contains Saskatchewan statistical information
- Listen to workers – safety culture
- The clip addresses the importance of OHS



Who is a supervisor?

SEA 3-1(1)(dd): An individual who is authorized by an employer to oversee or direct the work of the employer's workers.



Group activity

- Discuss these questions:
 - What are the characteristics of an effective supervisor?
 - What can a successful supervisor do to achieve a safe workplace?
- Choose spokesperson



OHS in Saskatchewan

- General duties of employer
 - SEA 3-8: Employer shall ensure the health, safety and welfare of workers
 - SEA 3-8 (f)(ii): Employer shall ensure all work at the place of employment is supervised sufficiently and competently
- General duties of supervisors
 - SEA 3-9(a): Supervisors shall ensure health and safety of workers under their supervision and direction general duties of workers
- General duties of workers
 - SEA 3-10(a): Worker(s) shall ensure their health and safety and the health and safety of other workers



Finding information in legislation

Saskatchewan's occupational health and safety legislation consists of acts, regulations and codes of practice.



Saskatchewan Employment Act

- Acts are passed by legislature
- The Saskatchewan Employment Act, Part III:
 - Sets out general duties for health and safety
 - States what to do by setting out the rights and responsibilities of everyone in the workplace
 - Establishes a framework for sharing responsibility and identifying and controlling hazards
 - Provides an enforcement mechanism and penalties for non-compliance



Saskatchewan Employment Act

- Consolidates 12 acts
- Contains 10 parts identified by Roman numerals
- OHS components include:
 - Part III – Occupational health and safety
 - Part V – Radiation health and safety



OHS regulations

- Enacted by cabinet
- Set out certain specific minimum standards in addition to general duties in SEA, Part III



Codes of practice

- Help employers comply with certain parts of the regulations:
 - Protect fire fighters
 - Provide safe and healthy computer workstations (video display units)
- saskatchewan.ca



Federally regulated

If you work in a federally-regulated workplace you need to be aware of your duties and responsibilities under the Canada Labour Code.



Tour the legislation

- Legislation available at saskatchewan.ca
- SEA and regulations have tables of contents
 - SEA: Part/Division/section #
 - Regulation: Part/regulation #
 - #'s do not refer to pages
- To find definitions:
 - SEA 3-1, Interpretation of part
 - Regulation 2, Interpretation



SEA – Table of contents

- Roman numerals designate main parts of SEA
- Divisions differentiate topics within the Part (Division 3 - Duties)
- Section – Specific-numbered clause (SEA 3-8, General duties of employer)
- Sub clause – Numbers or letters used to further clarify section (3-8(b)-consult and cooperate with OHC)



Regulations

- Table of contents
- 33 parts
- 494 regulations
- Alphabetized index only applies to regulations (key words used)
 - Index by section #
- Appendix only to the regulations
 - Tables referenced in regulations
 - Regulations referenced in tables



Project: Find the information

1. Use legislation to answer questions. Instructor may ask you to do all questions or assign one question to each group
 - For each question, state if the correct answer is in SEA, Part III or regulations
 - List applicable title, section number or regulation
 - Examples:
 - SEA, Part III, General duties of employer, section 3-8 (SEA 3-8)
 - Regulations, General duties of employers, section 12 (regulation 12)
2. Divide work among your group. Reference section numbers, not page numbers
3. Share your answers with class



SEA, Part III – General duties of supervisors 3-9

- Supervisor shall be familiar with OHS legislation
- Supervision and Safety Guide appendices
- Organization of the legislation



WRS principles

- Everyone works together to identify and control hazards
- Everyone integrates health and safety into their work
- Competent managers, supervisors and employees who work safely
- Effective OHCs/representative



Rights in the WRS

Workers have three fundamental rights:

1. The right to know
2. The right to participate
3. The right to refuse



Responsibilities of employers

- Provide a safe and healthy workplace
- Provide required safety procedures
- Ensure equipment is provided and maintained
- Establish OHCs/representatives
- Ensure supervisors are competent
- Ensure workers are trained and supervised competently



Responsibilities of supervisors

- Ensure workers they supervise know and comply with legislation
- Fulfill the responsibilities assigned by the employer
- Can include role in identifying, assessing and controlling hazards



Responsibilities of supervisors

Also includes:

- Role in worker orientation and training
- Direct supervision (observation and direction)
- Setting a good example (comply with legislation)
- Support OHCs/representative



Responsibilities of workers

- Use orientation and training provided
- Follow safe work practices
- Use protective equipment
- Inspect tools
- Support OHC/representative
- Comply with legislation



Occupational health committees

- Enable worker's right to participate
- Participate in the identification and control of hazards
- Consist of employers and workers
- Monitor OHS system and recommend improvements



Representatives

- Table 7 – employers with 5 to 9 employees
- Enable worker's right to participate
- Participate in the identification and control of hazards



Role of OHS Division

- Administers legislation
- Helps workplaces maintain safe work environment
- Monitors effectiveness of the system
- Helps resolve concerns
- Enforces SEA and regulations



Video



The Supervisor (WorkSafe B.C.)

<http://www2.worksafebc.com/Publications/Multimedia/Videos.asp?reportid=34280>



Supervisors' legal duties and required competence

- Due diligence means taking every precaution reasonable in the circumstances to avoid both harm or an offence against the law
- Supervisors must demonstrate they were duly diligent in attempting to meet their legal obligation



Due diligence

- General duty of care
- Regulatory compliance
- Doing everything that is reasonably practicable
- Proactive OHS planning



Due diligence

- Foreseeability – Could a reasonable person have foreseen that something could go wrong?
- Preventability – Was there an opportunity to prevent something from going wrong? If so, was such an effort made?
- Severity of the hazard – How serious would the consequences likely have been?
- Control – Who was in the best position to prevent what went wrong?



Proactive planning

Key elements:

- Policies
- Training
- Orientation
- Procedures
- Evaluate and improve
- Implementation



Due diligence checklist

As a supervisor, do you:

- Demonstrate commitment?
- Identify, assess and control hazards?
- Prepare for emergencies?
- Assign responsibilities?
- Conduct regular inspections?



Due diligence checklist

As a supervisor, do you:

- Control chemicals and biological substances?
- Ensure workers receive orientation and training?
- Investigate incidents?
- Involve your workers in health and safety?
- Evaluate and revise your OHS system regularly?



Supervisors

- Are agents of employer and assigned significant responsibilities for OHS
- Are in a position to directly:
 - Identify hazards on the job
 - Handle concerns
 - Assess risk and make corrections
 - Enforce safe work procedures
 - Ensure training of workers



Lack of due diligence

- January 19, 2012: Saskatoon construction company plead guilty to one count for failure to provide competent and sufficient supervision to workers
 - During a routine inspection of an excavation site on April 8, 2010, workers were observed in a 3.3-metre deep trench that was not shored properly
 - Construction company fined \$7,700



Lack of due diligence

- In 2007 following two work-site inspections, Saskatoon construction company fined \$3,250 and supervisor fined \$3,250 for OHS violations
 - Employer fined for failing to ensure protection from cave-ins or sliding material in an excavation
 - Supervisor fined for failing to ensure workers under his direction were in compliance with OHS standards



Lack of due diligence

- November 11, 2011: Manitoba contractor plead guilty to three counts for failure to use fall protection system and protective headwear, and failure to supervise work sufficiently and competently
 - \$2,040 fine imposed
 - Supervisor plead guilty to one count for failure to ensure worker compliance under his direction and fined \$840
 - Seven workers with company each plead guilty to one count for failing to utilize fall protection and each fined \$580



Consequences

Lack of due diligence:

- The employer can be prosecuted
- The supervisor can be prosecuted
- The supervisor can be disciplined
- Offences and Penalties, SEA 3-78 and 3-79
 - Every person who fails to comply with any provision of this part or any provision of the regulations made pursuant to this part could receive a penalty



As a defense

- If prosecuted, you must prove your due diligence
- You must show the court how you took every precaution reasonable in the circumstances



A good line of defense for supervisors

Tell your workers about:

- Your commitment to prevent injuries and illnesses
- What you will do to ensure a healthy and safe workplace
- What you expect them to do
- How the health and safety system will be administered



Managing contracts

- SEA 3-1(1)(y) Prime contractor: A person who is the prime contractor in accordance with SEA 3-13

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

- Every worksite must have prime contractor if worksite:
 - Has multiple employers or self-employed persons
 - Meets prescribe circumstances
- Prime contractor determined in prescribed manner and carries out prescribed activities



Due diligence

When managing contracts (responsibilities assigned):

- Define the job, who is responsible for what
- Select a safety-conscious organization
- Clarify mutual OHS expectations
- Cooperate to control hazards
- Monitor OHS performance and report



Supervisor competence

SEA 3-1(1)(e) defines competent as “possessing knowledge, experience and training to perform a specific duty”.



Supervisors

- Employers must ensure supervisors are competent
- Competence = Knowledge, training and experience
- SEA 3-8 – General duties of the employer
 - SEA 3-8(f)(i): Employer shall ensure employer's workers are trained in all matters necessary to protect their health, safety and welfare
 - SEA 3-8(f)(ii): Employer shall ensure all work at place of employment is supervised sufficiently and competently



Health and safety systems

- The safety policy is the employer's written promise to provide a healthy and safe work environment
- Supervisors must be familiar with the philosophy and content of the workplace's health and safety system



A sound health and safety system

- Statement of policy
- Risk identification
- Resource identification
- Responsibilities
- Inspection schedules
- Chemical/biological plan
- Training workers
- Incident investigation
- Worker participation
- Program review



Elements of a good health and safety system

- Workplace specific
- Commitment from employer
- Worker input
- Clear responsibilities and accountabilities
- Evaluation mechanism
- Effective communications



How to supervise safety

- Hazard assessment
- Inspections
- Resolve concerns
- Investigation
- Refusals to work
- Train/orient workers



Video

- Rights and Responsibilities: Your Path to a Safe Workplace
- A key tool in any health and safety system is hazard assessment
- Assess risk
- Objective is to eliminate and/or reduce hazards and associated risk



What are hazards?

- A hazard is anything that can harm a worker
- Two broad categories:
 1. Health hazards
 - Chemical
 - Biological
 - Work design
 - Physical
 - Workplace stress
 2. Safety hazards



What is risk?

- A risk is the chance that a hazard will actually harm a worker
- Risk factors to consider:
 - Frequency: How many workers and how often
 - Severity: How serious the harm
 - Probability: How likely could it happen



What is hazard analysis?

- Hazard analysis is the systematic examination to identify potential loss exposure
- Standard approach:
 - Inventory tasks
 - Identify the hazards within each task, assess risk
 - Develop plan to eliminate the hazard and risk, or reduce the risk associated with hazard
 - Write guidelines, procedures or practices
 - Implement, deliver training, follow up



Controlling hazards

When developing plans to eliminate or reduce hazards and risk, the following are different methods for controls:

- Control at the source
- Control along the path
- Control at the worker level



Controlling hazards

- Workers can control hazards if they have the authority, training and experience
- If workers can't control the hazard, their role is to report to the supervisor
- It's now your role as a supervisor to put the hazard assessment process into play



Supervisor's role when hazards are the issue

- Identify the hazards
- Assess the risk
- Develop a plan, including controls
- Implement the plan, including info and instruction to workers
- Follow up to ensure controls are effective



Project: Hazard control

- Use five case studies in workbook
- Answer questions
- Identify the hazard(s) and find legislation
- Can the worker control the hazard?
- How serious (risk analysis)
- Possible controls for hazards
- Solutions (short/long term)
- Communications



Workplace inspections

- Best tool available to identify hazards and assess their risks before an injury occurs
- Inspections demonstrate to workers that their health and safety is important



Workplace Inspections

Supervisors must monitor:

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



Workplace inspections

During inspections supervisors need to:

- Communicate hazards to workers
- Document what is found on the inspection
- Follow up on actions from previous inspections
- Set an example



Steps to follow if worker has a concern

1. Contact supervisor
2. Involve OHC or representative, if:
 - Worker does not want to contact supervisor
 - Supervisor and worker cannot resolve
3. Contact OHS Division (protection from discriminatory action)



Steps to resolve concerns

Supervisor shall:

- Identify the concern/problem
- Research the problem (consult workers)
- Develop a plan to resolve the concern
- Implement the plan
- Follow up to ensure plan is effective



Resolving concerns

- Refer concerns you cannot correct
- Take appropriate corrective action
- Take temporary measures to protect workers
- Tell workers, the OHC/representative what has been done
- Follow up on unresolved concerns



Investigations

As the supervisor, you might conduct investigations or help OHC or representative perform them.



Definitions

- Incident is an unplanned event:
 - That causes serious injury
 - That causes the death of a worker

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:
 - An event that could have caused an injury or death but did not
 - Near misses



Investigations

Process:

1. Attend to the injured
2. Secure the scene
3. Review the scene
4. Collect evidence and investigate
5. Interview witnesses



Investigations

Process continued:

6. Analyze evidence
7. Determine causes
8. Write the report
9. Take action (employer)
10. Communicate
11. Follow up



Additional investigations

- Violence or harassment complaints
- Unsafe work conditions
- Ergonomic problems
- Refusals to work



Refusal to work

SEA 3-31, Right to refuse dangerous work

- A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous



Unusual danger

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



Handling refusals to work

- Worker informs supervisor of refusal and reasons for it
- Supervisor and worker attempt to resolve the refusal
 - Worker does not leave the site
 - Supervisor can assign refusing worker to other work
 - The disputed work can be assigned to a replacement worker



Handling refusals to work

If no resolution:

- Involve co-chairs
- Involve OHC
- Contact OHS Division
- Communicate results



Training video: Lost Youth



Training is a key component for all workers, especially young or new workers

<http://www2.worksafebc.com/Publications/Multimedia/Videos.asp?reportid=34311>



Definition

SEA 3-1(1)(ff), Train: To give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired the knowledge or skill related to the subject-matter.



Job orientation

Introduce new, inexperienced, and transferred workers to the organization, their supervisor, co-worker(s), work areas, various policies and rules and explain the job.



Training

Must include:

- Safety policies, rules and procedures
 - Violence and harassment
 - Reporting unsafe conditions
 - Reporting incidents
- Worker rights
- Worker OHS responsibilities



Training

- Who is on the OHC, co-chairs or representative?
- Fire and emergency procedures
 - Fire exits and fire fighting procedures
 - First-aid supplies and first-aid responders



Training

- Prohibited and restricted areas
- Hazards
 - WHMIS and SDS
 - Job hazards
 - Worksite
- Personal protective equipment



Training follow up

- Young or new workers should be supervised closely
- Partner young or new workers with an experienced, safety-conscious worker
- Ensure new workers have sufficient experience before they work on their own
- Encourage all workers to ask questions and raise concerns with supervisor



Training follow up

- Ensure workers apply what they learned during training
- Periodically check with workers to make sure they are working safely
- Correct any departures from procedures and review key points as needed



Document the instruction

Supervisors must:

- Keep a record of the orientation and training provided
- Keep a record of follow-up instruction
- Keep a copy of any associated written work procedures and policies



Project: Workplace scenario

- Read ABC Warehouse scenario
- Select someone to record discussions
- Identify problems in this workplace
- Applicable legislation
- Prioritize
- Possible solutions



Course summary

- How to find information SEA, Part III and regulations
- Ability to understand the principles of a WRS and roles of workplace parties
- Supervisor's legal duties
- Health and safety systems
- How to supervise safety



Wrap up

- Supervisors are frequently given the responsibility of ensuring the health and safety of their workers
- This course was designed to give you some tools to supervise safety



Important websites

- saskatchewan.ca
- worksafesask.ca

