



# Occupational Health Committee

Level 1

Learner handbook



*Work to live.*

## **Please note**

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

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### **Land acknowledgement**

The Saskatchewan Workers' Compensation Board and WorkSafe Saskatchewan acknowledge that they operate within Treaties 2, 4, 5, 6, 8 and 10. This is home to and traditional meeting ground for many Indigenous peoples, including the Plains Cree, Saulteaux, Nakota, Dakota, Lakota, Dene, Woodland, and the Métis Nation. We acknowledge the colonial history and commit to recognizing and promoting Indigenous peoples' self-determination over their lands and culture through history and today. We pay our respect to the First Nations and Métis.

### **Diversity and inclusion statement**

The Saskatchewan Workers' Compensation Board and WorkSafe Saskatchewan believe and work towards creating, preserving and encouraging a diverse and inclusive environment within the workplace and surrounding communities. We value both diversity and inclusion as a strength and work to unbiasedly support and respect all individuals. It is the belief of our establishment that all people deserve a healthy and safe work environment that ensures everyone's personal well-being. We believe that respecting diverse cultures and people with visible and non-visible disabilities can strengthen our community and create a healthier and safer world.

# Contents

Contents	4
Overview	7
Introduction	7
History	8
What's in this guide	9
Glossary of terms	10
Definitions	11
Module one: Legislation	13
Introduction	14
Role of the legislation in the workplace	15
Occupational health and safety	17
Legislation in the workplace	18
Locate and apply information in the legislation	30
Confidentiality	31
Key definitions	33
Key legislation for OHCs	34
Knowledge check	47
Module two: Roles in the workplace responsibility system	49
Introduction	50
Fundamentals	51
Due diligence	52
The workplace responsibility system for occupational health and safety	55
Legislated duties of employers	59
Legislated duties of supervisors	60
Legislated duties of workers	61
Role of the Ministry	62
How OCHs are expected to function	64
Components of the workplace responsibility system	65
Knowledge check	66

# Contents

Module three: Legal duties of the OHC	67
Introduction	68
Employer co-operation	69
Legislated duties of the OHC	70
Discriminatory action prohibited	74
Knowledge check	75
Module four: Hazard identification, risk assessment and controls	76
Introduction	77
Process	78
Identify	79
Consider	91
Assess risk	92
Controls follow risk assessment	98
Controlling hazards	99
Knowledge check	105
Review	107
Module five: OHC structure and functions	110
Introduction	111
Where OHCs are required	112
How OHCs are structured	113
Special OHC meetings	115
Team building	116
Meeting requirements	122
Problem-solving techniques	124
Develop recommendations	128
Completing the minutes	129
After the meeting	130
Additional OHC responsibilities	131
Employer response	133
Knowledge check	134

# Contents

Module six: OHC inspections and OHC investigations	136
Introduction	137
Inspections	138
Types of OHC inspections	140
Training for inspections	142
Planning inspections	143
Inventories and checklist	144
Pre-inspection meetings	145
Inspection checklist	146
Handling the results	147
Investigations	148
Plan investigations	150
Investigation report	151
Carry out investigations	153
Knowledge check	155
Module seven: Worker's concerns and refusals	157
Introduction	158
Worker concerns	159
Right to refuse	160
Procedural summary for investigating a refusal to work	165
Knowledge check	166
Summary	167
Appendix A: Minutes form	168
Appendix B: OHC recommendation form	169
Appendix C: Incident investigation report form	170



The occupational health committee (OHC or committee) is the key to ensuring an effective health and safety system. An employer may have a well written health and safety program; however, it often gets placed to the side if there is no one supporting it.

OHCs and representatives are the bridge that promote employers and workers to work together and identify and resolve and improve health

and safety matters. Establishing an OHC at the workplace has proven to reduce workplace injuries and illnesses.

OHCs help to identify issues and concerns, provide channels of communication between employers and workers, assist in conducting regular inspections, help the employer develop and monitor programs, participate in incident investigations and meet to develop recommendations for corrective actions.

## This course is designed to answer:

- ✓ Navigate, apply and cite occupational health and safety legislation.
- ✓ Identify the roles in the Workplace Responsibility System.
- ✓ Understand the legal duties of the Occupational Health Committee (OHC).
- ✓ Identify hazards, assess risks and recommend controls.
- ✓ Understand the Occupational Health Committee's (OHC's) structure and function.
- ✓ Complete Occupational Health Committee (OHC) inspections and investigations.
- ✓ Help resolve workers' concerns and investigate a worker's formal refusal to do dangerous work.

WorkSafe Saskatchewan is a partnership between the Saskatchewan Workers' Compensation Board and the Ministry of Labour Relations and Workplace Safety that was formed in 2002. This partnership was established to focus on eliminating occupational injury and illness in the province.

Saskatchewan set OHS standards for Canada and passed the first Occupational Health and Safety Act in 1972 to deal with the social and economic costs of workplace accidents and illnesses.

Saskatchewan was the first province to protect three rights for workers.

The three workers' rights are the following:

- The right to know workplace hazards and how to control them.
- The right to participate in occupational health and safety.
- The right to refuse unusually dangerous work.

## Learning objectives

Learners will:

- Understand the importance of the Occupational Health and Safety (OHS) legislation and demonstrate the ability to locate the legislation to address OHS issues.
- Identify the employer's, supervisors', workers', and occupational health committee's (OHC's) roles in the workplace responsibility system.
- Determine the requirements and duties of the OHC.
- Demonstrate how to proceed with hazard recognition, evaluation and control.
- Review how to conduct meetings and develop recommendations for corrective actions.
- Review and demonstrate how to complete inspections and incident investigations.
- Review and demonstrate how to handle refusals to work



### Module 1: Legislation

- Applicable legislation.
- Legislation navigation.
- Citing legislation.



### Module 2: Roles in the workplace responsibility system

- Roles in the workplace responsibility system.
- Critical roles of the OHC in the workplace responsibility system.
- Due diligence.
- Workers' three rights.



### Module 3: Legal duties of the OHC

- Legal duties of the OHC.
- Legal duties of the OHS representative.
- How the employer consults with the OHC.
- Discriminatory action.



### Module 4: Hazard identification, risk assessment and controls

- Identify hazards.
- Assess the risk.
- Hazard controls.



### Module 5: OHC structure and functions

- Where OHC and OHS representatives are required.
- The structure of the OHC.
- OHC meetings.
- Employer responsibilities in OHC functions.



### Module 6: OHC inspections and OHC investigations

- Plan, carry out and follow up on workplace inspections.
- Duties of OHCs and employers in workplace incident investigations.



### Module 7: Workers' concerns and refusals

- Worker concerns
- Right to refuse
- Discriminatory action prohibited

<b>Acronyms</b>			
ACGIH	American Conference of Governmental Industrial Hygienists	NFPA	National Fire Protection Association
CCOHS	Canadian Centre for Occupational Health and Safety	NIOSH	National Institute for Occupational Health and Safety
CSA	Canadian Standards Association	OHC	Occupational health committee
CTDs	Cumulative trauma disorders	OHS	Occupational health and safety
FLRA	Field level risk assessments	PPE	Personal protective equipment
ISO	International organization for standardization	SEA	<i>Saskatchewan Employment Act</i>
Ministry	Ministry of Labour Relations and Workplace Safety	SMART	Specific measurable attainable realistic time-bound

**Competent:** means possessing knowledge, experience and training to perform a specific duty.

**Confidential information:** information about a person that is legally protected and may not be disclosed to a third party. Protected information includes, but is not limited to, medical diagnosis, medical treatment(s) and prescription(s), employee files, personal information and documented forms that are lifted as such.

**Contractor:** a person who, or partnership or group of persons that, directs the activities of one or more employers or self-employed persons, or retains an employer or self-employed person to perform work at a place of employment.

**Corrective action:** is a method used to meet the need for change or correction to the non-conformity that was found during an inspection or incident investigation. This is often a written process and uses a set of controls to manage the hazard or issue.

**Direct cause:** what directly led to the incident, such as an unsafe work practice or an equipment failure.

**Due diligence:** a person has a legal duty to take every precaution reasonable given the circumstances to avoid both harm and an offence against the law. It is an extremely high standard to take reasonable care.

**Employer:** a person, firm, association or body that has one or more workers in connection with the operation of a place of employment.

**Employees:** supervisors and workers.

**Hazard:** any activity, situation or substance that can cause harm. Occupational hazards are divided into two broad categories: health hazards, and safety hazards. Generally, health hazards cause

occupational illnesses, such as noise induced hearing loss (NIHL). Safety hazards cause physical harm, such as cuts and broken bones. Hazards exist in all workplaces.

**Hazardous:** likely to cause harm or injury in certain circumstances.

**Incident:** 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 belief that all incidents are predictable and as such preventable. Therefore, there are no such things as accidents, only incidents.

**Indirect causes:** the working conditions that set the stage for an incident, such as inadequate training or detailed procedures.

**Inspection:** an examination of a workplace, selected work area or particular hazards, machinery, tools, equipment and work practices. Findings are compared to applicable standards and best practices.

**Occupational illness:** a condition, caused by health hazards, that results from exposure to a chemical or biological substance, a physical agent (an energy source such as noise) or other stressors (such as harassment and work demands) capable of causing harm. The time that it takes an illness to develop after exposure to a health hazard is called the "latency period."

**Owner:** a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used, or to be used, as a place of employment. A person who acts as an agent or delegate for or on behalf of one of these people is considered an owner.

**Probability:** the chance that a hazard will cause harm. In risk management systems, probability is sometimes categorized as:

- Frequent (workers are frequently at risk);
- Probable (the hazard is likely to cause harm);
- Occasional (workers are occasionally at risk);
- Remote (the hazard could cause harm, but is very unlikely to do so); and
- Improbable (the hazard is unlikely to ever cause harm).

**Reasonably practicable:** 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 (Section 3-1(1)(z) of the Act).

**Risk:** the odds that a hazard will cause harm. It refers to the probability and severity of potential incidents and dangerous occurrences (near misses). Risk management is a technique used to identify and control risk caused by hazards.

**Risk analysis:** the combination of identifying hazards and assessing their risk is called risk analysis. Risk analysis can help OHC members and the employer to set priorities. Risk is calculated by using the formula:

Risk = probability x severity: several commercial systems assign mathematical values to probability and severity to help calculate risk ratios for hazards. Normally, hazards with the highest risk that affect the most workers should receive the greatest attention.

**Severity:** the seriousness of the harm that could result from contact with a hazard. Sometimes, it is described as:

- Catastrophic (death and/or severe destruction);
- Critical (serious injury and/or property damage);
- Marginal (minor injury and/or property damage);  
or
- Negligible (no injury and/or property damage).

**Root causes:** the fundamental non-conformances that created the working conditions leading to an incident (like inadequate training) that may indicate defects in the employer's health and safety management system.

**Self-employed persons:** a person who is engaged in an occupation but is not in the service of an employer. Examples: Self-employed tradespeople and consultants under contract.

**Supervisor:** an individual who is authorized by an employer to oversee or direct the work of workers.

**Supplier:** a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any plant, biological or chemical substance used at the place of employment.

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



# Module one

## Legislation

Learner handbook

**WorkSafe**<sup>TM</sup>  
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### This module will:

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

As OHC members, it is important to become familiar with the Act, Part III, *Occupational Health and Safety* and the Regulations. Familiarity with the legislation is useful in assisting the employer to resolve concerns and reach compliance.

This module will help you develop important skills in locating information in the legislation. The reference tables identify key legislation for OHC members. They will help you acquire basic knowledge about your responsibilities within the workplace responsibility system.

The Saskatchewan health and safety legislation consists of the *Saskatchewan Employment Act* and the *Occupational Health and Safety Regulations, 2020*. **Part III of the Act:**

- 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; and
- Provides an enforcement mechanism and penalties for non-compliance.

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

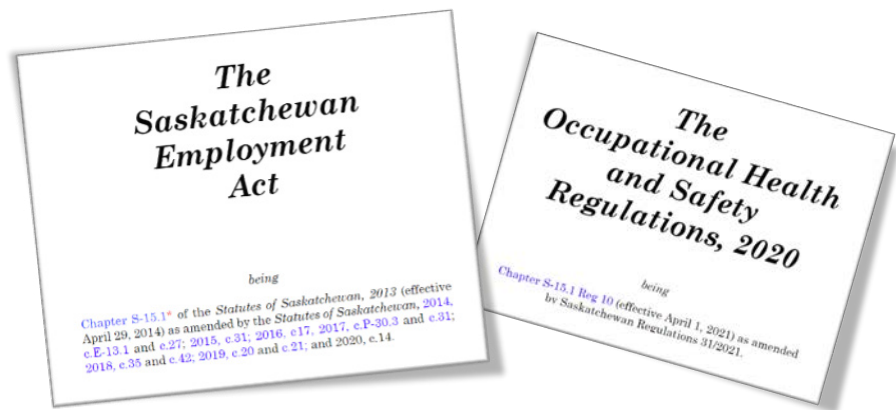
- Ensuring societal expectations are reflected in workplace behaviour and practices;
- Providing a way of protecting the health and safety of workers;
- Supporting the workplace responsibility system;



- Providing employers and workers with information and tools to carry out their health and safety responsibilities; and
- Ensuring safety-conscious, responsible employers are not at a competitive disadvantage to employers who are not.

Applicable legislation	
Act	<i>The Saskatchewan Employment Act</i> <i>Part III: Occupational Health and Safety</i>
Regulations	The Occupational Health and Safety Regulations, 2020.

\* Hard copies of the Act and the Regulations are available from the Publications Saskatchewan website. Digital versions of the Act and the Regulations can also be viewed or downloaded from Publications Centre (saskatchewan.ca).



### Difference between an act and regulations

Act	Regulations
The Act must be passed by a legislature.	The Regulations only require cabinet approval.
Acts usually give government the authority to enact supporting regulations.	The Regulations support the Act.
The Act sets out general duties and responsibilities.	The Regulations state what must be done to meet the general duties and responsibilities.
Example:	
The Act requires employers in certain industries to have a safety program. (Section 3-20 of the Act, <i>Duty to provide occupational health and safety program</i> ).	The Regulations spell out what must be in the program (Section 3-11 of the Regulations, <i>Occupational health and safety program</i> ).  The appendix to the regulation lists those workplaces requiring programs (Table 7 of the Appendix to the Regulations).

Human suffering and the financial loss caused by work injuries and illnesses each year is tremendous. The Saskatchewan Workers' Compensation Board records incident statistics and their financial costs. Additional suffering often comes from the knowledge that incidents are predictable and, as such, preventable. Effective occupational health and safety programs prevent incidents and reduce suffering.

Occupational health and safety involves more than correcting unsafe actions and conditions. Under *Section 3-1(1)(o) of the Act, Interpretation of part*, it includes:

- Promotion and maintenance of the highest degree of physical, mental and social well-being of workers;
- Prevention among workers of ill health caused by working conditions;
- Protection of workers from factors adverse to their health;
- Placement and maintenance of workers

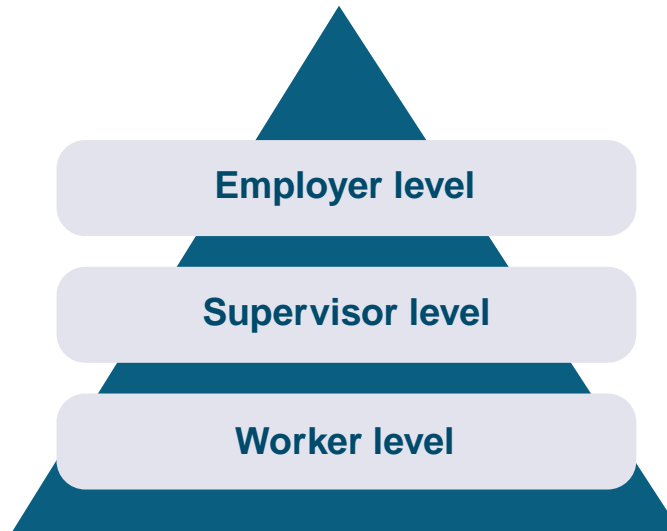


in working environments that are adapted to their individual physiological and psychological conditions; and

- Promotion and maintenance of a workplace free of harassment.

Incidents, illnesses and loss result where these things are not present.

Legislation refers to three levels of responsibility.



Copies of the Act and Regulations should be made available at your workplace. It is important to ensure that only the most up-to-date copies are being used. The Act and Regulations are updated regularly, and these updates must be made available at the workplace.

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

The Act contains all the acts for Labour Relations and Workplace Safety. Part III contains The Occupational Health and Safety Act, which is applicable to this course. Having these documents under one umbrella helps employers and workers easily locate legislative requirements in one location rather than referencing several different documents.

Legislation is cited in (but not limited to):

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

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

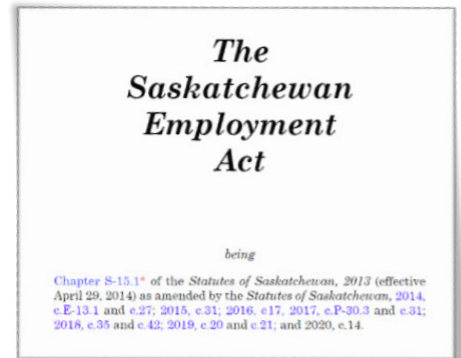
1. The section number
2. The book
3. The section title

### General duties of employer

#### 3-8 Every employer shall:

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

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

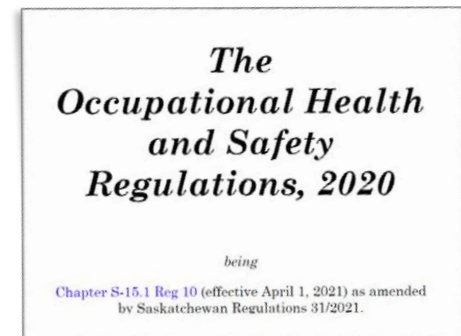


### Minutes

#### 4-5(1) A committee shall:

- (a) record minutes of each meeting in a format provided by the Ministry and keep the minutes on file with the committee;

Section 4-5(1) of the Regulations, *Minutes*



### Legislation content

#### Important items:

**Table of contents** – the Act and the Regulations contain a table of contents which is divided into parts and divisions. The table of contents is organized by section number and not by page number.

**Part III of the Act** – Occupational Health and Safety. This is made up of 14 divisions and 86 sections.

**Part IV of the Act** – Appeals for health and safety matters.

**Part V of the Act** – Radiation.

**Tables** – the regulations has a list of tables in the appendix that are referenced throughout the sections.

**Index** – The Act and the Regulations do not have an index.

### *Occupational Health and Safety Regulations, 2020:*

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

Think back about 100 years. In old New York City, high rise iron workers used to nap right on the beams. It might seem risky now, but back then, it was just how things were done.

Back in 1972, Saskatchewan introduced a new law known as the Occupational Health Act. It marked the beginning of legislation that focused on health and safety. This law emphasized shared responsibility between employers and employees and laid the groundwork for future laws.

The Ministry of Labor Relations and Workplace Safety (referred to as the Ministry) is the agency in the Saskatchewan government that's responsible for creating the legislation and enforcing it. The two pieces of legislation are the Saskatchewan Employment Act and the Occupational Health and Safety Regulations, 2020. To keep things simple, we'll refer to them as the Act and the Regulations, respectively. The Act serves as a general guideline, addressing the overall requirements for regulated employers in Saskatchewan. The Regulations, on the other hand, provide specific rules that complement the Act, offering additional information. To grasp how the Act applies, it's often beneficial to read the Regulations alongside it. The Regulations offer specific guidelines and rules on how to comply with legislation. Think of it like a road map: the Act is a provincial map (big picture) and the regulations are the specific directions that will guide you to your exact destination. The Act and Regulations are minimum standards that must be met. You can go above and beyond what's required, but you cannot do less.

The legislation helps those in the workplace

establish and maintain healthy and safe working conditions by:

- Providing a way to protect workers
- Providing guidelines to employers, supervisors, and workers; and
- Supporting the workplace responsibility system

Legislation refers to three levels of responsibility:

1. Employer level
2. Supervisor level
3. Worker level

This course focuses on provincially regulated workplaces like yours.

Some workplaces are federally regulated and follow the Canada Labor Code. Federally regulated workplaces are industries that cross provincial borders including but not limited to banks, airports, and interprovincial trucking. Some workplaces may have additional legislation applicable to them such as mining regulations.

Back to provincially regulated workplaces, the Act says that you have to have a committee and the Regulations explain how to get this committee started and operating.

So why are you taking this course? You are here because the government says you have to have a committee or a representative. Your workplace thought you would be a good person to be part of this committee, so that we all get home safe at the end of the day.

Upon completion of this Module, you will be able to

navigate, apply, and cite Occupational Health and Safety (OHS) legislation.

In other words, you are NOT expected to memorize the Act or the Regulations, but when you finish this Module you will be able to navigate the legislation to find the information you need.

To help you do that, this module will:

- Demonstrate how to navigate Occupational Health and Safety (OHS) legislation
- Differentiate between the Act and the Regulations
- Demonstrate how to locate and apply information in the legislation
- Review key legislation for Occupational Health Committees (OHCs)/supervisors
- Demonstrate how to cite legislation

Table of Contents is where we start and first go-to for anybody that is learning how to navigate the legislation. The portion of the Act called Preliminary Matters for Part contains definitions that apply to all of the Act and all of the Regulations.

Preliminary Matters for Part is important because these definitions can help you interpret the legislation. For example, when you look up the definition of plant in the Act, it defines what locations are determined to be a plant (show definition of plant). So, even your work vehicle could be considered a plant by this definition.

You may have noticed that the language of the legislation is very legal. In the legislation, you won't find the commonly used terms or acronyms used in the workplace. Abbreviations are not used. An employer must train all workers and verify

they are competent. But how do we know who is competent and who is trained? We can always look up definitions in Preliminary Matters for Part. "Competent" means possessing knowledge, experience and training to perform a specific duty; "Train" means to give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter.

Similarly, legislation also does not use job position titles such as manager, foreman, or lead hand. Instead, it uses the term supervisor. So, it's important to understand the legal definitions of supervisor and worker.

Section 3-1(1) (dd) of the Act tells us that a "supervisor" is an individual who is authorized by an employer to oversee or direct the work of the employer's workers.

Job titles such as Team Lead, Manager or Shift Director are examples of job titles for individuals who have supervisory duties. If you oversee or direct the work of other individuals, by definition, you are a supervisor and have associated responsibilities, regardless of your job title.

Section 3-1(1) (gg) of the Act tells us that a "worker" is an individual, including a supervisor, who is engaged in the service of an employer. When you read the definition in full, you will see that legislation considers students, prescribed categories of individuals and anyone who is permitted to perform work at the workplace— to be a worker.

So, a supervisor is also a worker. And if a worker

directs the work of others, that worker is also a supervisor. Next, let's dive into the Sections. Since we are focusing on Part III, the Section numbers are always going to start with the digit 3 and a dash. All sections in the Act are listed in numerical order. For example: Section 3-8 is followed by Section 3-9, which in turn is followed by Section 3-10, and so on.

A key point to remember, these numbers are not the page numbers. They reflect the section number assigned to that piece of legislation.

As the introduction reminded us, you are not expected to memorize the legislation. However, as an OHC member or an occupational health and safety representative, you will want to become familiar with certain sections of the Act. You will want to read each of the following ten sections in their entirety.

Division 3 – Duties outlines duties for thirteen different parties. Let's look at three of the sections that underly the concept called the workplace responsibility system.

1. Section 3-8 of the Act, General duties of employer  
The employer of a workplace has the greatest degree of authority and responsibility.

2. Section 3-9 of the Act, General duties of supervisors. As we saw in the definitions, a supervisor is anyone who is authorized by an employer to oversee or direct the work of a worker. In a workplace, they have the next degree of authority and responsibility.

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

Workers also have duties under occupational health and safety legislation.

Division 4 – Occupational Health Committees and Occupational Health and Safety Representatives has nine sections. Four of them are especially important to work as an OHC member or a representative.

4. Section 3-22 of the Act, Establishment of committees

This section explains the basics of how to set up an Occupational Health Committee (OHC) in workplaces that have ten or more workers.

5. Section 3-24 of the Act, Designation of representative

This section explains how a workplace with fewer than ten workers has a duty to establish one person to be the health and safety representative. The title can be misleading; a representative, similar to OHC members, is elected by the place of employment.

6. Section 3-27 of the Act, Duties of committees

This section explains the seven duties of an OHC and ensures that OHC work is not replaced or diminished by other health and safety groups within the workplace.

7. Section 3-18 of the Act, Duties of representatives

This section explains the duties of a representative and that the representative shall carry out their duties in consultation with the employer.

“Need to know”. There are three sections in the Act that pertain specifically to work as a member or representative.

8. Section 3-20 of the Act, Duty to provide occupational health and safety programs  
Some workplaces are categorized as a “prescribed place of employment”. This section explains why legislation requires some workplaces to implement a health and safety program. This is a good example of how the Act and Regulations and Appendix of the Regulations work together.

9. Section 3-29 of the Act, Reference of matters to occupational health officer  
This section explains what an OHC or representative can do if the employer does not resolve an issue that has been brought to the employer’s attention.

10. Section 3-31 of the Act, Right to refuse dangerous work. This course teaches how and when an OHC may become involved in resolving a worker’s refusal to do dangerous work.

We are now going to look at the second piece of health and safety legislation, which is the Occupational Health and Safety Regulations, 2020. Along with the Act, the Regulations state minimum standards that must be met. The Regulations state how to meet your duties and responsibilities set out in the Act and include additional sections of legislation that apply to specific industries.

The Occupational Health & Safety Regulations, 2020, consist of a Table of Contents, 34 Parts, and

an Appendix. When you use the Regulations, start with the table of contents which guides you to the information in the legislation that you need. Reviewing the Table of Contents can also help to familiarize ourselves with the language used in Legislation.

The content in the Regulations is organized in Parts. Consider each Part to be a ‘topic’. Similar to the Act, all Parts of the Regulations are listed in numerical order.

Starting with Part 1, Preliminary Matters. This Part contains definitions and interpretations that apply specifically to the Regulations. It is very similar to the Preliminary Matters for Part in the Act; however, there is a difference.

The definitions in this section are additional to those included in the Act. In other words, the definitions in the Act apply to both the Act and the Regulations, while the definitions in the Regulations apply only to the Regulations.

As a reminder, legislation is very legally written. Like the Act, there are no acronyms, abbreviations, slang terms, or commonly used words in the workplace. This is why the definitions in legislation are critical to understanding what the legislation is telling us.

For example, PPE is referred to as personal protective equipment in the legislation. Another example is if you want to find the requirements for a hard hat, this is found under Protective headwear. Similarly, if you want to know the requirements for working in the heat or cold, you would look under thermal conditions.

Part 2, Notice Requirements, specifies the employer's legal duty to notify the Ministry of certain workplace events including incidents causing serious bodily injury and dangerous occurrences.

In Part 3, we find the topic of General Duties. This section includes responsibilities of employers, workers, and supervisors similar to what we saw in the Act. Information about violence and harassment can also be found here. It is an interesting fact that Section 3-4 of the Regulations, Duty of employer or contractor to provide information and Section 3-6 of the Regulations, Supervision of work are among the top 10 safety violations in 2022 in Saskatchewan. This highlights some areas of concern in the province.

Part 4 is specifically focused on Occupational Health Committees and Representatives. You will find detailed information about quorum, frequency of meetings, and the roles of chairpersons and committee members. It emphasizes the significant role they play in maintaining workplace safety. The legislation mentioned in Part 4 is covered in depth in the OHC 1 course.

Part 5 covers First Aid topics including definitions specific to this section. This part provides information about first aid stations, first aid equipment, and procedures for transporting injured workers.

Moving on to Part 6, we delve into General Health Requirements. This Part contains details on thermal conditions, eating areas, drinking water, and smoking spaces. This part also includes information about musculoskeletal injuries, shift work, and exposure control plan, which may be relevant in your

workplace.

Part 7 focuses on Personal Protective Equipment. Notice the categorization of information by body parts rather than specific personal protective equipment types. This approach allows legislation to be applicable to all industries and work environments.

Part 8 addresses Noise Control and Hearing Conservation, an essential aspect for work environments where noise is present. This includes information on measuring noise, providing hearing protection, and creating hearing conservation plans.

Part 9 covers Safeguards, Storage, Warning Signs and Signals, including details about protection against falling and risks from vehicular traffic. This part is particularly relevant for industries involving construction and warehousing.

Part 10 deals with Machine Safety and emphasizes the importance of safeguards on machines such as grinders, saws, mechanical tools, and various machinery. This part provides guidance on locking out machines and the safe operation of power tools. Non-compliance with Section 10-4 of the Regulations, Safeguards was ranked # 5 in Saskatchewan's top 10 safety violations in 2022.

In Part 11, we explore Powered Mobile Equipment. Powered mobile equipment includes equipment such as but not limited to forklifts, bulldozers, and all-terrain vehicles or ATVs. This section is crucial for understanding operator training, visual inspections, and preventative maintenance specific to powered mobile equipment.

Part 12 focuses on Scaffolds, Aerial Devices, Elevating Work Platforms and Temporary Supporting Structures. This section provides detailed information on many different types of scaffolds as well as information on forklifts and other equipment related to these structures.

In Part 13, we learn about the requirements for Hoists, Cranes and Lifting Devices. This includes definitions and applications specific to this section of the legislation and emphasizes the inspections of these devices. The section is crucial for understanding the safety aspects related to various types of hoists.

Part 14 addresses Rigging, including slings, shackles, eye loops, and hooks. Rigging means any combination of rope, wire rope, cable, chain, sling, sheave, hook and associated fitting used to secure a load in hoisting operations.

Part 15 covers Robotics. This part outlines safeguards, controls and protection specific to robotic equipment and differentiates the safety requirements for robotics from other types of machinery like grinders.

Part 16 contains information on Entrances, Exits and Ladders. It provides comprehensive guidelines on doors, travel ways, stairs, and various types of ladders and ensures safe access and egress in different work environments.

In Part 17, we explore the regulations for Excavations, Trenches, Tunnels and Excavated Shafts. This section provides information on soil types, shoring

during earth moving operations, temporary protective structures, and protecting against cave-ins.

Part 18 talks about Confined Space Entry. This section defines what a confined space is and the requirements to safely enter and work in that space.

Part 19 includes legislation for Work in Compressed Air. This part defines compressed air and details how to identify and control the hazards.

In Part 20, Diving Operations are discussed. This section is specific to workplaces where diving is a part of the operational activities, detailing the safety standards and procedures.

Parts 21 and 22 focus on Chemical and Biological Substances and Workplace Hazardous Materials Information System, or WHMIS. These sections include information about the required list of substances, emergency procedures, safety measures, emergency showers and eye flushing equipment. Part 22 specifically addresses critical information on labeling requirements, safety data sheets, and the management of chemical hazards.

Part 23 is dedicated to asbestos-related regulations. Despite being a well-known hazard, asbestos remains a significant concern in many workplaces. Even low hazard workspaces may be at risk of asbestos exposure. This section provides detailed guidelines on handling and exposure to asbestos.

Part 24 focuses on Silica Processes and Abrasive Blasting. Silica is a naturally occurring mineral commonly found in soil, sand, and rocks. The legislation provides information for the identification and control of the hazards associated with silica.

Part 25 deals with Fire and Explosion Hazards and includes legislation from fire extinguishers to managing hot work.

Part 26 provides legislation on explosives. This Part applies to all blasting activities except for blasting activities that are governed by the Mines Regulations.

Parts 27 to 29 cover specific industries and activities, including Demolition Work, Forestry and Mill Operations, and the Oil and Gas industry. These parts provide additional regulations and guidelines pertinent to each of these specialized fields.

In Parts 30, 31, and 32, the Regulations focus on Additional Protection for Electrical Workers, Healthcare Workers, and Firefighters. These professions have unique hazards. If you are employed in these industries, please be sure to review them in depth.

The Act defines a Prime Contractor, and Part 33 of the Regulations explains their duties. Three industries must follow Prime Contractor legislation: construction, forestry, and oil and gas.

Finally, Part 34, Repeal, Transitional and Coming into Force, addresses transitional and upcoming changes in the Regulations

The appendix located at the back of the Regulations contains 19 tables. These tables contain very detailed information that supports specific regulations.

## How the Act and Regulations work together

How does the *Saskatchewan Employment Act* and the *Occupational Health and Safety Regulations* work TOGETHER?

The Act and the Regulations complement each other. The Act sets an overall set of rules (the framework), and the Regulations provide the details to support the Act. Together, they ensure fairness for workers and employers and help get everyone home safely at the end of every day.

**Example:** Bob is an employer of an autobody shop and he has 16 employees. He was wondering if he needed an OHS program. Here is how Bob was able to navigate the legislation to find the information he needed after he went through an OHC 1 course just like this one.

To find the answer to his question, Bob started by looking at the table of contents in the Act since it sets a framework of the legislation. He scrolled down to Part III and saw that Division 3 lists duties. In Division 3, Section 3-20 he saw that his duty as an employer is to provide an OHS program. But this information is general as it states, “an employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.” To paraphrase, the Act says that an employer at a prescribed place of employment needs to have a program and to look at the regulations for more information. Bob doesn’t know if he is a prescribed place of employment.

Next, Bob goes to the Regulations. He starts at the table of contents and scrolls to Part 3, General Duties and finds Section 3-11, Occupational health and safety program. He scrolls down to the section 3-11 and it states, “Subject to subsection (2), an occupational health and safety program required by section 3-20 of the Act must include” and below he sees letters a) through j) which show 10 requirements for the OHS program. Section 3-20 of the Act is where Bob just came from. Bob keeps reading this section and sees that Subsection (2) reads “the places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 3-20 of the Act.”

Bob moves to the Appendix and looks for Table 7 to find out if his place of employment is prescribed. He gets to Table 7 and sees in square brackets at the top a reference to Subsections 3-11, Subsection (2). This is the Regulation he just came from. The tables in the appendix always reference the section of the Regulations that they are applicable to. He notices that prescribed places of employment table is broken into two parts, the first being types of places of employment such as hospitals, nursing homes, home care, metal foundries and mills, and mines. This does not apply to him. The second part of the table lists the types of work. He finds his type of work (autobody) in line b). So, Bob learns that he is considered a prescribed place of employment.

He returns to Subsection 2 of Section 3-11 of the Regulations and sees that it says the prescribed place of work needs to have 10 or more workers to need the program. Bob's Autobody has 16 workers. He then reviews the list of 10 items he must include in his program (at least) to meet the legislation's requirements.

To sum it up, Bob has found out that his place of employment is prescribed and because he employs more than 10 workers, he does need to establish the OHS program.

In the above example, we show you the process of how to find the information you need using both The Saskatchewan Employment Act and The Occupational Health and Safety Regulations, 2020.

Below, you will find the steps that we will be referring to throughout this course on how to navigate the legislation once you know what you are looking for:

Review the table of contents of the Act and find the section number that is relevant to your question.

Go to section and read it to confirm it's the information you want.

If the answer is not in the Act, go to the Regulations. Again, start with the table of contents to find your topic.

Go to the section and read it to confirm that it's the information you need.

If the answer is not there, try using Adobe Reader on your computer.

In Adobe Reader, press Ctrl+F (control find on Microsoft OS) or command-F (on Mac OS). This keyboard combination will show you all occasions that word appears in legislation. Click through all occasions to find what answers your question.

Remember: legislation uses terminology that you may not be used to. Using the find feature may require multiple attempts using alternate (but similar) terms.

These are the section numbers. Sections are prefaced with the part number first. Use this number to search for the information.

## Table of contents.

## Part III of the Act.

### PART III Occupational Health and Safety

#### DIVISION 1 Preliminary Matters for Part

- 3-1 Interpretation of Part
- 3-2 Responsibilities of minister re Part

#### DIVISION 2 Administration

- 3-3 Appointment of director of occupational health and safety

There are 14 divisions under Part III.

2-57	violence leave	2-85	Fee re wage assessments
2-58	Critically ill family care leave	2-86	Compliance audits and audit fees
2-59	Crime-related child death or disappearance leave	2-87	Director has standing as representative of employees
2-59.1	Citizenship emergency leave	2-88	Negotiation and settlement by director of employment standards
2-59.1	Public Health Emergency leave	2-89	Time limits for claims to director of employment standards
	<b>Subdivision 12</b>	2-90	Director of employment standards to keep records of moneys paid pursuant to this Part
2-60	<b>Layoff and Termination</b>	2-91	Posting of documents
2-61	Notice required	2-92	Enforcement of extraprovincial judgments
2-62	Payments in case of layoffs or terminations	2-93	Application to set aside filed orders and judgment
2-63	Notice of group termination	2-94	<i>The Pension Benefits Act, 1992 to prevail</i>
2-63	Employee notice re termination		<b>Subdivision 2</b>
	<b>DIVISION 3</b>		<b>Offences and Penalties</b>
	<b>Priority of Wages</b>	2-95	Offences
	Interpretation of Division	2-96	Order to pay wages or deliver records and information
	Wages accruing or due to be held in trust	2-97	Additional powers of convicting court
	Interest on wages accruing	2-98	Limitation on prosecutions
	Wages paid if assets of employer are insufficient		<b>DIVISION 7</b>
	Rate directors liable for wages		<b>Regulations</b>
	Liability of certain employers and contractors re wages of subcontractor's employees	2-99	Regulations for Part
	<b>DIVISION 4</b>		<b>DIVISION 8</b>
	<b>Demand on Third Party and Moneys Owed to Crown</b>		<b>Transitional</b>
2-70	Demand	2-100	Transitional
2-71	Demand re moneys owing by the Crown and public agencies		<b>PART III</b>
2-72	How moneys received by the director are to be handled		<b>Occupational Health and Safety</b>
2-73	Dispute of liability of person who received demand		<b>DIVISION 1</b>
	<b>DIVISION 5</b>		<b>Preliminary Matters for Part</b>
	<b>Wage Assessments, Appeals, Certificates, Collections</b>		3-1 Interpretation of Part
2-74	Wage assessments		3-2 Responsibilities of minister re Part
2-75	Commencement of appeal to adjudicator		<b>DIVISION 2</b>
2-76	Meetings for certain claims		<b>Administration</b>
2-77	Director's certificate	3-3	Appointment of director of occupational health and safety
2-78	Filing certificate in Court of Queen's Bench	3-4	Appointment of chief occupational medical officer
2-79	Enforcement of judgment	3-5	Appointment of chief mines inspector
	<b>DIVISION 6</b>	3-6	Appointment of occupational health officers
	<b>General</b>	3-7	Written credentials for occupational health officers
2-80	Director of employment standards		<b>DIVISION 3</b>
2-81	Appointment of employment standards officers		<b>Duties</b>
2-82	Written credentials for employment standards officers	3-8	General duties of employer
2-83	Inspection	3-9	General duties of supervisors
		3-10	General duties of workers
		3-11	General duties of self-employed persons
		3-12	General duties of contractors

## Page number.

70

c S-15.1

## Document version.

SASKATCHEWAN EMPLOYMENT

## Document name.

### PART III Occupational Health and Safety

## Part number and title.

#### DIVISION 1 Preliminary Matters for Part

## Division number and title.

#### Interpretation of Part

3-1(1) In this Part and in Part IV:

## Section and sub-section number.

(a) **“biological substance”** means a substance containing living organisms, including infectious micro-organisms, or parts of organisms or products of organisms in their natural or modified forms;

## Definitions

To find the definitions section specifically for health and safety, look under **Part III, Division 1, Preliminary Matters for Part.**

Another important element in the legislation is confidential information and how that is maintained. Confidential information is often related to medical information, however that is not always the case. Confidentiality can include the employee files, incident investigations, medical records and personal information.

### Confidential medical examinations

#### Section 3-60 of the Act, *Confidentiality*

A physician or other qualified person who conducts a medical examination of a worker pursuant to section 3-59 shall not communicate, to the employer or to any person other than the worker or the worker's physician, any information that the physician or qualified person becomes aware of during the course of the medical examination, unless the communication:

- (a) is made to the chief occupational medical officer at the request of the chief occupational medical officer;
- (b) is expressly authorized by the worker; or
- (c) is in a form that will prevent the information from being identified with a particular person or case.

### Confidential medical information

#### Section 2-4 of the Regulations, *Medical Information*

- 1) Subject to subsection 3-10(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information, except:
  - (a) to the worker;
  - (b) to the chief occupational medical officer;
  - (c) with the informed consent of the worker, to another person; or
  - (d) if otherwise required by law.
- (2) A physician who attends or treats a worker who is suffering from or believed to be suffering from a medical condition that is related to the present or past employment of the worker and is listed in Table 6 of the appendix shall, without undue delay, inform the director of:
  - (a) the medical condition from which the worker is believed to be suffering; and
  - (b) the name and address of the most recent place of employment where exposure related to the medical condition is believed to have occurred.

### Confidential biological information

#### Section 3-10(2) of the Regulations, *Biological monitoring*

If a worker is the subject of biological monitoring, an employer shall ensure that:

- (a) the worker is informed of the purposes and the results of the monitoring;
- (b) at the worker's request, the detailed results of the monitoring are made available to a physician designated by the worker; and
- (c) the aggregate results of the monitoring are given to the committee or the representative.

### Confidential injuries requiring medical treatment

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

- (1) An employer or contractor shall report to the co-chairpersons, the representative or their designates any lost-time injury at the place of employment that results in a worker receiving medical treatment.
- (2) The employer or contractor shall allow the co-chairpersons, the representative or their designates a reasonable opportunity to review the lost-time injury mentioned in subsection (1) during normal working hours and without loss of pay or other benefits.

**Competent** is defined in *Section 3-1(1)(e) of the Act, Interpretation of Part* as:  
Possessing knowledge, experience and training to perform a specific duty.

**Train** is defined in *Section 3-1(1)(ff) of the Act, Interpretation of Part* as:  
To give information and explanation to a worker and require practical demonstration that the worker has acquired knowledge or skill related to the subject matter.

**Instruct** is defined in *Section 1-2(1) of the Regulations, Definitions and Interpretation* as:  
To give information and direction to a worker with respect to a particular subject matter.

**Supervisor** is defined in *Section 3-1(1)(dd) of the Act, Interpretation of Part* as:  
An individual who is authorized by an employer to oversee or direct the work of the employer's workers.

**Worker** is defined in *Section 3-1(1)(gg) of the Act, Interpretation of Part* as:  
An individual including a supervisor, who is engaged in the service of an employer.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Consult and co-operate: Section 3-8 of the Act	Consult and co-operate with the OHC to resolve matters of workplace health, safety and welfare.	Consult workers and help the employer resolve health and safety concerns.
Provide information: Section 3-16 of the Act	Subject to Section 3-17 of the Act and Part III, Div 7 of the Act, provide all required information about workplace hazards, risk assessment and hazard control to: <ul style="list-style-type: none"> <li>· The OHC or representative; or</li> <li>· The workers, where there is no OHC or representative.</li> </ul>	Use the information to help the employer maintain a healthy and safe workplace.
Provide occupational health and safety programs: Section 3-20 of the Act	Develop the program in consultation with: <ul style="list-style-type: none"> <li>· The OHC or representative; or</li> <li>· The workers, where there is no OHC or representative.</li> </ul> <p>The occupational health and safety program must be in writing and available to the OHC, representative, workers and the occupational health officer.</p>	Help the employer develop the program and keep it current.
Policy statement on violence and prevention plan: Section 3- 21(1) of the Act	Develop and implement a written policy statement and prevention plan to deal with violent situations where they have occurred or may be expected to occur. Consult with: <ul style="list-style-type: none"> <li>· The OHC or representative; or</li> <li>· The workers, where there is no OHC or representative.</li> </ul>	Help the employer develop the policy statement and prevention plan and keep it current.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Establishment of OHCs: Section 3-22 of the Act	<p>At every place of employment where there are 10 or more workers the employer:</p> <ul style="list-style-type: none"> <li>• Establishes an OHC; and</li> <li>• Designates persons as members of the OHC.</li> </ul> <p>An OHC must consist of two to 12 persons. At least half of the members must represent workers (other than workers connected with the employer). No person may be designated as a member of an OHC who represents workers unless the person:</p> <ul style="list-style-type: none"> <li>• Has been elected by the workers whom the person would represent;</li> <li>• Has been appointed in accordance with the constitution or bylaws of the workers' union; or</li> <li>• Where there is more than one union, has been appointed pursuant to an agreement among all of those unions.</li> </ul>	<p>Workers support the employer and OHC. Workers should agree to stand for selection as OHC members and, if selected, agree to serve.</p> <p>Workers can help the employer make the OHC effective by selecting influential and dedicated OHC members.</p>
Duty to post names: Section 3-25 of the Act	Post the names of the OHC members in a conspicuous location at every workplace represented by the OHC.	OHC members should make themselves known to the workers they represent.
General concern of OHCs and representatives: Section 3-26 of the Act	Help the OHC or representative to be effective.	The OHC or representative has a continuing concern for the health, safety and welfare at a place of employment.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Duties of OHCs: Section 3-27 of Act	<p>Help the OHC:</p> <ul style="list-style-type: none"> <li>• Participate in identifying and controlling health and safety hazards;</li> <li>• Co-operate with the occupational health and safety committee if any;</li> <li>• Establish, promote and recommend the means of delivery of health and safety programs for the education and information of workers;</li> <li>• Maintain records of the duties of the OHC;</li> <li>• Investigate any matter mentioned in Section 3-31 of Act Right to refuse;</li> <li>• Receive, consider and resolve matters regarding the health and safety of workers; and</li> <li>• Carry out any other duties that are specified in the Act or the Regulations.</li> </ul> <p>Ensure OHC duties are not diminished by any other OHC established within place of employment.</p>	<p>Carry out duties properly and help the employer make the OHC effective.</p> <p>Section 3-27(2) of the Act was added to clarify that other workplace OHCs do not replace the function of the OHC.</p>
Reference of matters to occupational health officer: Section 3-29 of the Act	<p>If the employer cannot resolve a problem or address a concern raised by the OHC or representative with respect to worker health, safety and welfare, the employer shall provide the OHC or representative with written reasons for not doing so.</p>	<p>Where the parties cannot resolve a problem or address a concern, the employer, OHC, an OHC member or the representative may refer the matter to an occupational health officer.</p> <p>Nothing prevents a worker from contacting an occupational health officer.</p>
Provision of reports by occupational health officer: Section 3-30 of the Act	<p>The employer receives a copy of the report from the occupational health officer.</p>	<p>The OHC receives a copy of the report from the occupational health officer.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Right to Refuse Dangerous Work: the Act, Part III, Div 5	Work with the OHC and refusing worker to resolve the issue. Refusals that cannot be resolved internally must be referred to an occupational health officer for a ruling.	Investigate the refusal and help the employer and refusing worker resolve it
Discriminatory action prohibited: Section 3- 35 of the Act	The employer cannot take discriminatory action against a refusing worker or an OHC member because that member carries out his or her duties under the legislation.	An OHC member who believes he or she has been discriminated against has a right to contact an occupational health officer.
Copy of compliance undertaking or notice of contravention: Section 3-42 of the Act	The person in contravention receives a copy of the compliance undertaking or notice of contravention from the occupational health officer.	The OHC receives a copy of the compliance undertaking or notice of contravention from the occupational health officer.
Progress report: Section 3-43 of the Act	The person in contravention sends a progress report on corrective action to the occupational health officer and provides the OHC with a copy within five business days of the deadline set on a compliance undertaking or notice of contravention.	The OHC receives a copy of the progress report. It may contact the occupational health officer about the corrective action taken by the person.
Appeals: The Act, Part III, Div 8	A person directly affected by a decision of an occupational health officer has the right to appeal the decision. The employer may not take discriminatory action against a worker because of the matter.	Members have a right to appeal a decision of an occupational health officer. Legislation protects OHC members from discriminatory action if they do so.
Accidents causing serious bodily injury: Section 2-2 of the Regulations	Report the incident to the Ministry and provide a copy of the notification to the OHC co-chairs.	The co-chairs receive a copy of the notification and are entitled to look into any concerns they have about the incident.
Dangerous occurrences: Section 2-3 of the Regulations	Report dangerous occurrences that could have injured a worker to the Ministry and provide a copy of the notification to the OHC co-chairs.	Review information provided by the employer. Use the bulletin board to keep workers informed of OHC activities.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Duty of employer or contractor to provide information: Section 3-4 of the Regulations	Make available to workers a copy of the Act, Regulations and standards. Post information sent by the Ministry for the information of workers.	Review information provided by the employer. Use the bulletin board to keep workers informed of OHC activities.
Duty to inform workers: Section 3-7 of the Regulations	Inform workers about legislative requirements. Have a system in place to ensure that each worker knows and follows the legislation.	Workers and OHC members comply and help the employer to comply. Workers have a responsibility to co-operate.
Workers' contact with occupational health officers: Section 3-9 of the Regulations	Provide paid work time for the worker co-chair, a representative or a worker to accompany an occupational health officer inspecting the workplace.	Consult the occupational health officer and workers about health and safety concerns.
Biological monitoring: Section 3-10(2) of the Regulations	Provides the OHC with a report containing the general results of biological monitoring done on workers.	The OHC receives a copy of the report.
Occupational health and safety program: Section 3-20 of the Act; Section 3-11 of the Regulations and Table 7 of the Appendix to the Regulations	Develop an occupational health and safety program in consultation with the OHC when required under the legislation.	Help the employer develop the program and audit its effectiveness.
Inspection of place of employment: Section 3-17 of the Regulations	<p>Enable the OHC to regularly inspect the workplace. With the OHC, set out an inspection schedule.</p> <p>Where the OHC provides the employer with a written notice of an unsafe condition, take action. Protect the health and safety of endangered workers at once. Correct the unsafe condition as soon as possible.</p> <p>Provide the OHC with a report on corrective action.</p> <p>If action is not taken, provide the OHC with a written report stating why.</p>	<p>Schedule inspections with the employer regularly. Report unsafe conditions and receive a report on corrective action.</p> <p>The OHC has a right to contact an occupational health officer if it has any concerns.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Investigation of certain accidents: Section 3-18 of the Regulations	Help the co-chairs investigate and prepare a report. The report's contents are specified in the Regulation. Send a report to the Ministry at the request of an occupational health officer and provide a copy to the OHC.	Co-chairs must investigate incidents and prepare reports. OHC receives a copy of the reports.
Prohibition, re: scene of accident: Section 3-19 of the Regulations	Ensure that the site of a fatal incident is not disturbed (except to relieve human suffering) until an occupational health officer investigates. Obtain permission from the occupational health officer to disturb the site if photographs and drawings of the site are made and the OHC co-chairs agree.	Do not give permission unless the requirements of the Regulation are met.
Investigation of dangerous occurrences: Section. 3-20 of the Regulations	Help the co-chairs investigate dangerous occurrences and prepare a report containing the information required in the regulation. Provide a copy to OHC.	The co-chairs investigate and prepare reports. The OHC receives a copy of the reports.
Injuries requiring medical treatment: Section 3-21 of the Regulations	The employer provides a report to the co-chairs stating which incidents have resulted in lost-time injuries that required medical treatment and enables the co-chair to review lost-time injuries at no loss in pay or benefits.	The co-chairs receive and review the reports.
Working alone or at isolated place of employment: Sections 3-24 and 3-27 of the Regulations	Work with the OHC to assess the risks of working alone or in isolated places of employment and take all reasonably practicable steps to control those risks.  See Section 3-27 of the Regulations for additional requirements for persons who work alone between the hours of 11:00 p.m. and 6:00 a.m. in late night retail premises.	Help the employer identify risks associated with the work and identify methods to control those risks.
Harassment: Section 3-25 of the Regulations	Works with the OHC to develop a policy to prevent harassment. Post a copy in the workplace and provide a copy to the OHC.	Help the employer develop the policy and communicate the information to workers.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Designation of OHC members: Section 4-2 of the Regulations	Assists workers to select OHC members and ensure that groups of workers with distinct concerns are equitably represented.	Workers agree to stand for selection as OHC members and, if selected, agree to serve.
Quorum and certain votes: Section 4-3 of the Regulations	Ensure a quorum is present at every OHC meeting and rulings on refusals to work are made by a unanimous vote of a quorum.	Ensure a quorum is present at every OHC meeting.
Frequency of meetings: Section 4-4 of the Regulations	<p>Ensure that the OHC:</p> <ul style="list-style-type: none"> <li>• Holds its first meeting within two weeks after being established;</li> <li>• Holds three subsequent meetings at intervals not exceeding one month; and</li> <li>• After that, hold regular meetings at intervals not exceeding three months.</li> </ul> <p>The Ministry may require an OHC to meet more frequently because of any of the following factors:</p> <ul style="list-style-type: none"> <li>• The existence of particular hazards or circumstances;</li> <li>• The complexity of the operation; or</li> <li>• The number of workers.</li> </ul>	Assist the employer to meet the requirements of the Regulation.
Minutes of meetings: Section 4-5 of the Regulations	<p>Help the OHC:</p> <ul style="list-style-type: none"> <li>• Record meeting minutes in a format provided by the Ministry and keep the minutes on file with the OHC; and</li> <li>• Post a copy of the minutes at a location that is accessible to workers until all concerns recorded in the minutes are resolved.</li> </ul>	<p>Assist the employer meet the requirements of the Regulation.</p> <p>Co-chairs should sign the minutes of each meeting.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Co-chairpersons: Section 4-6 of the Regulations	<p>Ensure that, at the first OHC meeting:</p> <ul style="list-style-type: none"> <li>• OHC members representing workers elect a worker co-chair from among their number; and</li> <li>• Appoint an employer or contractor co-chair from the members of the OHC representing the employer or contractor.</li> </ul> <p>An employer or contractor co-chair keeps the employer or contractor informed of OHC activities, concerns and recommendations and of any information addressed to the OHC.</p> <p>A worker co-chair keeps the workers informed of OHC activities, concerns and recommendations and of any information addressed to the OHC.</p> <p>Facilitate the discharge of the worker co-chair's duties during normal work hours by permitting meetings of workers or by other means that are appropriate under the circumstances.</p>	<p>Help the employer meet the requirements.</p> <p>Select influential and effective co-chairs.</p> <p>Co-chairs keep workers and the employer informed of the OHC's activities.</p> <p>The co-chairs help the employer keep the OHC effective.</p>
Special meetings: Section 4-7 of the Regulations	<p>Assist the OHC to hold special meetings. Either co-chair may call a special meeting of an OHC to deal with urgent concerns, imminent dangers to health or safety and investigations of incidents, dangerous occurrences or refusals to work.</p>	<p>Co-chairs call special meetings as needed.</p>
Training of OHC: Section 4-9 of the Regulations	<p>Ensure that co-chairs receive training for their duties and functions. Where an OHC member gives reasonable notice, allow that member to take up to five days per year to attend training. Where the OHC member attends training provided by WorkSafe Saskatchewan or an approved training agency, credit the member's time as time at work. Ensure the member does not lose pay or benefits for attending.</p>	<p>OHC members attend training for their functions and duties and use the training at work.</p>
Opportunity for necessary activities: Section 4-11 of the Regulations	<p>Ensure the OHC has access to any log book or other records required by the legislation. Provide paid work time to allow the OHC to investigate concerns and carry out other duties. Allow the OHC to hold meetings with workers to discuss health and safety issues and regulatory requirements.</p>	<p>Review records and investigate related concerns. Members bring the concerns of workers to the employer for resolution.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Provision of first aid: Section 5-3 of the Regulations	Ensure that a record of all inspections, maintenance and cleaning of a mechanical ventilation system is available for examination by the OHC, representative or, where there is no OHC or representative, the workers.	Examine the records periodically.
Musculoskeletal injuries: Section 6-18 of the Regulations	Consult the OHC about workplace jobs and situations that pose or could pose ergonomic hazards. Work with the OHC to control or remove these hazards.	Consult workers about ergonomic problems and help the employer develop a system to control or remove them.
Shift work and constant effort and exertion: Section 6-19 of the Regulations	The employer is to consult the OHC to assess the hazards of shift work at the workplace, inform workers about those hazards and how they can be controlled.	The OHC should help the employer identify shift work hazards and inform workers how to control them.
Visually demanding tasks: Section 6-20 of the Regulations	Consult the OHC about workplace jobs and situations that put a demand on workers' vision. Work with the OHC to control or remove these hazards.	Consult workers about jobs with a high visual demand and help the employer develop a system to control or remove them.
Radioactive substances: Section 6-21 of the Regulations	Consult the OHC to develop safe procedures to handle, use, store and dispose of radioactive substances and devices containing radioactive substances. At the request of the OHC, make available copies of any licenses issued under <i>The Atomic Energy Control Act</i> .	Help the employer develop safe procedures and review applicable licenses. Consult workers who are at risk and help them to resolve concerns.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Exposure control plan: Section 6-22 of the Regulations	Consult the OHC to develop a written plan to protect workers who are exposed to biohazards. The plan must meet requirements set by the Regulation.	Help the employer develop the plan to meet the requirements of the Regulation. Consult workers who are at risk and helps them resolve their concerns.
Noise control and hearing conservation: Part 8 of the Regulations	Consult the OHC or representative to ensure that a competent person evaluates the presence of noise and the results of any noise monitoring done at the workplace and that a noise control system is in place to protect workers.	Help the employer evaluate noise levels in the workplace and protect workers.
Robotics: Part 15 of the Regulations	Consult the OHC or representative to assess real or potential robotic hazards and develop written procedures to protect workers. Ensure that workers are adequately trained to identify and control robotic hazards and operate applicable equipment safely. Requirements are set out in the Regulations.	Help the employer to protect workers. Discuss robotic hazards with workers and help them resolve related concerns.
Entry plan for confined spaces: Section 18-7 of the Regulations	Consult OHC to develop a safe entry plan for confined spaces to protect workers from associated hazards. Requirements for the plan set out in the Regulation.	Help employer develop plan. Consult workers about plan and help them resolve concerns.
Exposure to chemical and biological substances Section 21-1 of the Regulations	Make available to the OHC, the representative or, where there is no OHC or representative, the workers: <ul style="list-style-type: none"> <li>• The results of any measurements of worker exposure to, and contamination by a chemical or biological substance; and</li> <li>• Any steps taken to reduce the contamination by a chemical or biological substance and eliminate or reduce exposure of the workers.</li> </ul>	Review the documents and look at associated problems. Help the employer and workers identify and resolve related concerns.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
List of chemical and biological substances: Section 21-2 of the Regulations	Consult the OHC, worker representative or, where there is no OHC or representative, the workers, to develop and maintain a list of all potentially hazardous chemical and biological substances that are regularly handled, stored, used or disposed of at the workplace. List any substances that are of concern to workers. Identify controlled products. Amend the list as required. Provide copies to the workers and the OHC or representative.	Help the employer to compile the list and identify controlled products under WHMIS. Help the employer keep the list current.
Precautions for certain substances: Section 21-3 of the Regulations	Develop written program to instruct workers about the hazards of chemical or biological substances not controlled (or is controlled but exempt from Part 22), and train workers in precautions. Implement program.	Help the employer to identify these substances, develop the program and monitor its effectiveness.
Substances listed in Table 18 of the Appendix to the Regulations: Section 21-6 of the Regulations	Consult the OHC to develop a written procedure to protect workers from these substances where: <ul style="list-style-type: none"> <li>• Exposure is more than eight hours per day or 40 hours per week; or</li> <li>• Where there are additive or synergistic effects from the substances.</li> </ul> Requirements are set out in the Regulation.	Help the employer to comply. Consult workers about the plan and help them resolve concerns.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Accumulations, spills and leaks: Section 21-9 of the Regulations	<p>Where there is a possibility of an accumulation, spill or leak of a chemical or biological substance that may be a health or safety hazard to a worker:</p> <ul style="list-style-type: none"> <li>• Consult with the OHC and develop and implement written emergency procedures;</li> <li>• Make available a copy of the emergency procedures developed to workers;</li> <li>• Ensure that each worker is trained in and implements any of the emergency procedures that:                             <ul style="list-style-type: none"> <li>Involve the worker; or are necessary to protect health and safety of workers;</li> </ul> </li> <li>• Ensure that competent persons, equipment, supplies and PPE are available for prompt, safe and effective containment, neutralizing and decontamination of any accumulation, spill or leak; and</li> <li>• Implement the emergency procedures in the event of an accumulation, spill or leak.</li> </ul>	Help the employer develop the plan and monitor its effectiveness.
Report of worker's exposure: Section 21-10 of the Regulations	Where an accumulation, spill or leak of a chemical substance or biological substance listed in Table 16 or 17 of the appendix to the Regulations occurs and results in the exposure of a worker to the chemical substance or biological substance to an extent that may affect the health or safety of the worker, investigate the incident as soon as is reasonably possible (in consultation with the OHC) and prepare a written report containing the information set out in the Regulation.	Help the employer investigate, prepare the report and develop hazard controls.
Workplace Hazardous Information System worker education and training: Section 22-4 of the Regulations	Provide training to workers on hazardous products and how to control workplace hazards. Develop training in consultation with the OHC. Review the WHMIS 2015 training program each year in consultation with the OHC, the representative or, where there is no OHC or representative, the workers, to ensure it is adequate.	Review the program, consult workers and help the employer keep it current.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles within the workplace responsibility system	
	Employer	Committee
Workplace Hazardous Information System Availability of safety data sheets Section 22-13 of the Regulations	Ensure copies of all safety data sheets required under WHMIS are available to any applicable worker and the OHC.	Review the SDSs where there are concerns and discuss with the employer.
Identification of asbestos-containing materials: Section 23-5 of the Regulations	Make records of potentially hazardous asbestos materials available to the OHC for review.	Help the employer protect workers from asbestos hazards.
Asbestos processes: Section 23-8 of the Regulations	Develop an asbestos control plan in consultation with the OHC to protect workers from asbestos hazards.	Help the employer develop and monitor the plan and keep it current.



### ACT

### REGULATIONS

Sets out general duties for health and safety

States enforcement and penalties for non-compliance

Contains additional sections that apply to specific industries

Primary focus is Part III

States minimum standards that must be met

Contains definitions that apply to all legislation  
(Act and Regulations)

Includes appendix tables with very detailed information

Provides the details that help us to meet our health  
and safety duties and responsibilities

### Match the term with the definition:

**Instruct**

To give information and explanation to a worker with respect to a particular subject matter

**Train**

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

**Supervisor**

An individual who is engaged in the service of an employer; or is a member of a prescribed category of individuals.

**Worker**

An individual who is authorized by an employer to oversee or direct the work of the employer's worker.

**Competent**

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

### Read the following scenario and answer the question.

**Mary is the employer of an earthworks company.**

**She has six employees.**

**Does Mary need an occupational health and safety representative?**

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



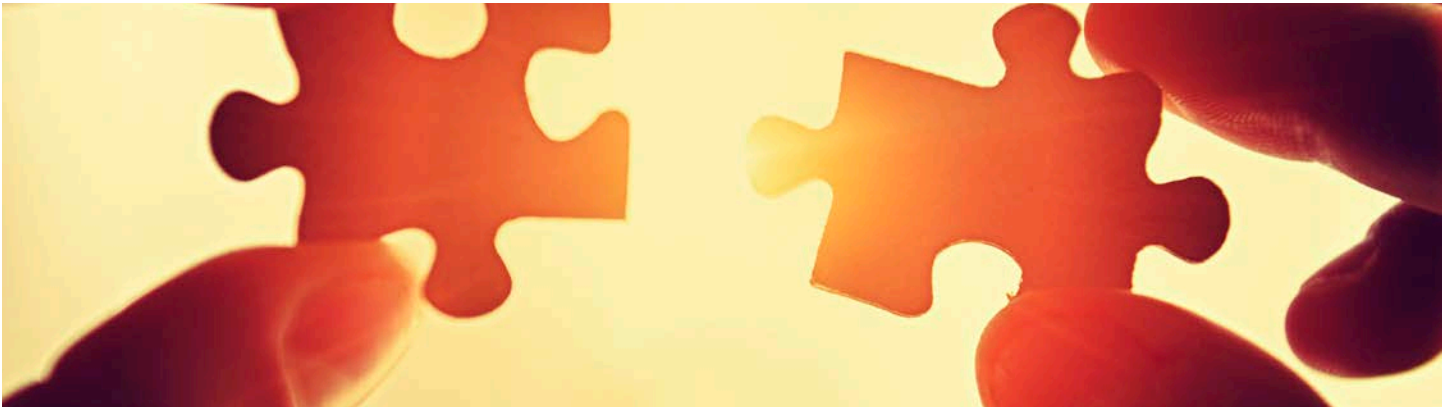
# Module two

## Roles in the workplace responsibility system

Learner handbook



*Work to live.*



An effective workplace responsibility system provides checks and balances that help to prevent incidents.

The Act requires employers to protect the health and safety of their workers as much as reasonable and practicable. Employers can do this by providing safe equipment, a safe workplace, supervision, information and training.

### **This module will:**

- ✓ Define the workplace responsibility system, its goal and philosophy
- ✓ Explain due diligence and the principles of due diligence
- ✓ Review workers' three rights
- ✓ Explain the critical role of committees in the workplace responsibility system
- ✓ List the responsibilities of employers, supervisors, workers, prime contractors, suppliers, owners and self-employed persons
- ✓ Explain the role of the Ministry

Supervisors and workers are responsible to help the employer in their pursuit for health and safety. Employers must involve workers in decisions that affect them. Proper involvement proves to reduce incidents and illnesses in the workplace.

This module introduces the workplace responsibility system and its relation in the workplace, the role of the OHC and the responsibilities for all involved.



It is better to manage risk than to deal with loss. Proactive measures for incident prevention can also prevent other losses additional to injuries and illnesses such as quality control and labour-relations problems. Health and safety system goes hand in hand with operations.

**ALL** positions must do everything (within reason) to maintain healthy and safe working conditions.

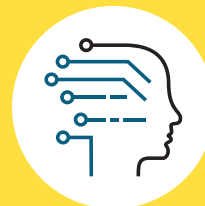
The employer has the ultimate responsibility for providing a safe and healthy workplace. However, a joint effort between the employer and worker is the key to a successful committee and system.

A safety-conscious employer wants to provide adequate resources, time and training to help the OHC function effectively. All workers are expected to co-operate with the OHC.

### The workplace responsibility system for occupational health and safety

Every worker has the right to a safe and health workplace. (Supported in the Act, Part III, Occupational Health and Safety) The duty for creating and maintaining a healthy and safe workplace falls on every person to the degree of their position.

Because employers have the greatest degree of control over the workplace, they also have the greatest degree of legal responsibility for health and safety. However, this does not relieve others from their duty to co-operate in controlling hazards and to take the necessary precautions.



#### Think about:

What causes incidents and how can an effective workplace responsibility system prevent them?

The Act also recognizes that only adequately informed and empowered workers can effectively fulfill their responsibilities.

### Due diligence

Sometimes you must take measures to protect yourself and other workers that go beyond the legislation because it's not possible for legislation to cover everything. You must provide a healthy and safe workplace, considering circumstances, risks and opportunities for control. The Act requires you to think, be engaged, be creative, plan and do everything reasonably practicable to prevent incidents.

For information about due diligence, these publications are available on [saskatchewan.ca](http://saskatchewan.ca):

- Elements of an Occupational Health and Safety Program
- Understanding Occupational Health and Safety in Saskatchewan

Employers must develop and implement a due diligence plan in consultation with their workers. Workers must comply with the program to the extent that they have the knowledge, authority and ability to do so.

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

- Activities to prove due diligence must be documented.
- Four principles are used to assess if due diligence has been met.

### Due diligence principles

1

**General duties**

2

**Regulatory compliance**

3

**Reasonably practicable**

4

**Proactive**

- 1 General duties:** The Act imposes a duty on everyone to take reasonable care of their health and safety and that of others to the degree they have the authority and ability to do so.

(5) If a provision of these regulations poses a duty or requirement on more than 1 person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.

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

- 2 Regulatory compliance:** How you have taken every reasonably practicable action to comply with legislation? **Ignorance is not a defence.**

- 3 Reasonably practicable:** Do what is possible to do 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 measures to secure the duty;

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

- 4 Proactive:** Take action to prevent illness and injury through hazard identification, risk assessment, control implementation, and safety program review.

### Think about:

#### Foreseeable

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

#### Preventable

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

#### Severity of the hazard

How serious could the consequences have been?

#### Control

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

### The OHC can help the employer show due diligence.

#### Examples include, but are not limited to:

- OHC meeting minutes
- OHC workplace inspections including any corrective actions taken
- OHC review of emergency response drills
- OHC incident investigation reports

### Worker rights

The Act grants three important rights to workers:

Workers have the **right to refuse** unusually dangerous work.

**Workers should know:**

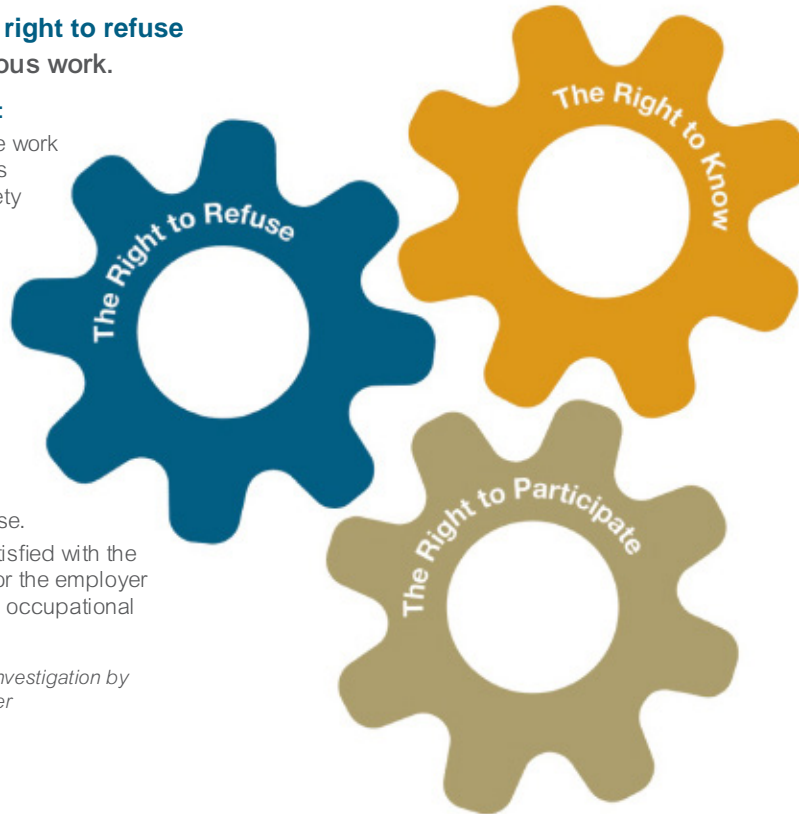
If a worker believes the work is unusually dangerous to their health and safety or to the health and safety of another person, they can exercise their right to refuse.

**They can refuse until:**

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

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

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



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

**Workers should know:**

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

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

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

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

**Participation examples:**

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

Section 3-22 of the Act, *Establishment of committees*  
Section 3-24 of the Act, *Designation of representatives*  
Section 3-35 of the Act, *Discriminatory action prohibited*

Workers can participate at a more equal level with employers and supervisors to prevent workplace injuries and illness. Taken together, these components make up the workplace responsibility system. However, good health and safety cannot rely on the system alone. Ongoing monitoring and enforcement by the Ministry are also required.

**The workplace responsibility system sets up a system of workplace checks and balances that enable workers, supervisors and employers to integrate the best possible health and safety practices into daily activities.**

The combination of internal monitoring by OHCs and external monitoring and enforcement by the Ministry ensures legislative compliance and an effective workplace responsibility system.



- It encourages employers and workers to take joint action in identifying and controlling hazards through co-management of health and safety.
- It promotes co-operation and motivates everyone to protect the health and safety of everyone.

The goal of a workplace responsibility system is to get people working together to identify and control situations (hazards) that may cause harm. Its ultimate objective is to ensure everyone integrates health and safety into their work. OHCs help workers and employers communicate and work together to identify and control hazards.

### **Workplace responsibility has many advantages:**

- It places responsibility for controlling hazards on all positions in the workplace.
- It applies everyone's knowledge to improve health and safety.



Employers cover all areas of health and safety in the organization. Usually, employers are responsible for the health and safety of all workers who report to them. Supervisors are responsible for the health and safety of their workers in all areas where they work. Workers are responsible for protecting their health and safety and helping supervisors ensure the safety of their work areas, tools, equipment and machinery.

### Others with direct responsibilities include:

- Self-employed persons (including consultants);
- Contractors (someone who directs the activities of one or more self-employed persons or employers);
- Prime contractors at certain multi-employer work sites;
- Owners; and
- Suppliers.



**The Act and the Regulations assign duties for the control of workplace hazards to those people who are directly responsible for:**

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

**Employers, supervisors and workers all have responsibilities for:**

- The identification of hazards;
- Analysis of the risks posed by those hazards;
- Communication of information throughout the workplace about the risks; and
- Control of those risks.

### Responsibility for health and safety

Employers exercise the greatest degree of control over the organization of work, the design of the work process and the manner and conditions under which work is performed. The employer has the greatest degree of moral and legal responsibility for providing a healthy and safe workplace.

However, supervisors and workers must help the employer maintain that healthy and safe workplace.

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

- (5) Where a provision of these regulations imposes a duty or requirement on more than one person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.
- (6) Notwithstanding subsection (5) but subject to subsection (8), if the person with the greatest degree of control fails to comply with a provision described in subsection (5), the other persons are not relieved of the obligation to comply with the provision if it is possible for them to comply, and they shall comply with the provision.
- (7) If the person with the greatest degree of control complies with a provision described in subsection (5), the other persons are relieved of the obligation to comply with the provision:
  - (a) only for the time in which the person with the greatest degree of control is in compliance with the provision;
  - (b) only if simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and
  - (c) only if the health and safety of workers is not put at risk by compliance by only one person.
- (8) If the person with the greatest degree of control fails to comply with a provision described in subsection (5) but one of the other persons complies with the provision, the other persons, if any, to whom the provision applies are relieved of the obligation to comply with the provision in the circumstances set out in clauses (7)(a) to (c), with any necessary modification.
- (9) Where a provision of these regulations imposes a duty or requirement on a person to ensure that another person carries out or refrains from carrying out a specified action, the person on whom the duty or requirement is placed has complied with the provision if that person establishes that he or she took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.

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

### General duties of employer

3–8 Every employer shall:

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

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

### An employer is expected to:

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



### A supervisor is expected to:

#### 1. Ensure workers under their direction:

- Are working safely
- Know and comply with legislation
- Are not exposed to harassment
- Are not exposed to violence

#### 2. Co-operate with any other person exercising their legislated duties

#### 3. Know and comply with legislation

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





### Example:

A worker might help the OHC inspect a piece of equipment or demonstrate a safe work practice.

### A worker is expected to:

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

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

### Legislated duties of others

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

#### Self-employed persons

Section 3-11 of the Act, *General duties of self-employed persons*

#### Contractors

Section 3-12 of the Act, *General duties of contractors*

#### Prime contractors

Section 3-13 of the Act, *General duties of prime contractors at certain multi-employer worksites*

#### Owners

Section 3-14 of the Act, *General duties of owners*

#### Suppliers

Section 3-15 of the Act, *General duties of suppliers*



### The Ministry's fundamental objective is to prevent work-related injuries and illnesses.

It assists the OHC and all personnel to understand and carry out their responsibility for workplace hazard control.

Ensuring compliance is the most important responsibility of the occupational health officer.

The occupational health officer (and other staff) are responsible for over 40,000 workplaces. Many

workplaces are complex and have a variety of hazards. Those hazards cannot be controlled solely through periodic government inspections.

Work-related injuries and illnesses can be prevented when workers understand their rights and responsibilities, and employers are genuinely committed to protecting the health and safety of their workers.

### **Section 3-29 of the Act,** ***Reference of matters to occupational health officer***

(2) If an employer does not resolve an issue or address a concern raised by an occupational health committee or an occupational health and safety representative with respect to the health, safety and welfare of the workers at a place of employment, the employer shall provide written reasons for not resolving the issue or addressing the concern to the committee or to the representative.



## The role of the Ministry is to:

### Enforce legislation

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

### Conduct workplace inspections

Section 3-63 of the Act, *Inspections*

### Investigate work refusals

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

### Receive workplace concerns

Section 3-29 of the Act, *Reference of matters to occupational health officer*

The role of the OHC is to help the employer and workers prevent incidents and illnesses by helping them make the workplace responsibility system effective.

The OHC is not expected to be a safety officer, enforce safety rules or to make decisions about what is adequate to protect the health and safety of workers. The OHC's role is to advise and assist. The OHC cannot assume any of the legal obligations, duties or responsibilities of either the employer or the workers.

The OHC should not be involved in disciplinary matters. Maintaining compliance and adequate levels of health and safety at work is the responsibility of the employer, managers and supervisors. However, as an internal auditor of the workplace responsibility system, the OHC can tell the employer about general problems with worker compliance and recommend corrective action.

### Critical role of OHCs in the workplace responsibility system

OHCs have been required in all workplaces with ten or more workers since 1972. More recently, smaller, high-hazard workplaces must have a worker representative.

Employers have a duty to **consult** and co-operate with the OHC or the representative for the purpose of resolving concerns on matters of health, safety and welfare at work.

To fulfill the obligation to consult in good faith, an employer must give the OHC or representative a real opportunity to:

- Be informed of essential information;
- Review and assess the information and alternatives;
- Comment and make recommendations on the options and alternatives; and



- Be considered. The employer will consider the recommendations or give the OHC or representative credible reasons for not accepting or implementing the recommendations.

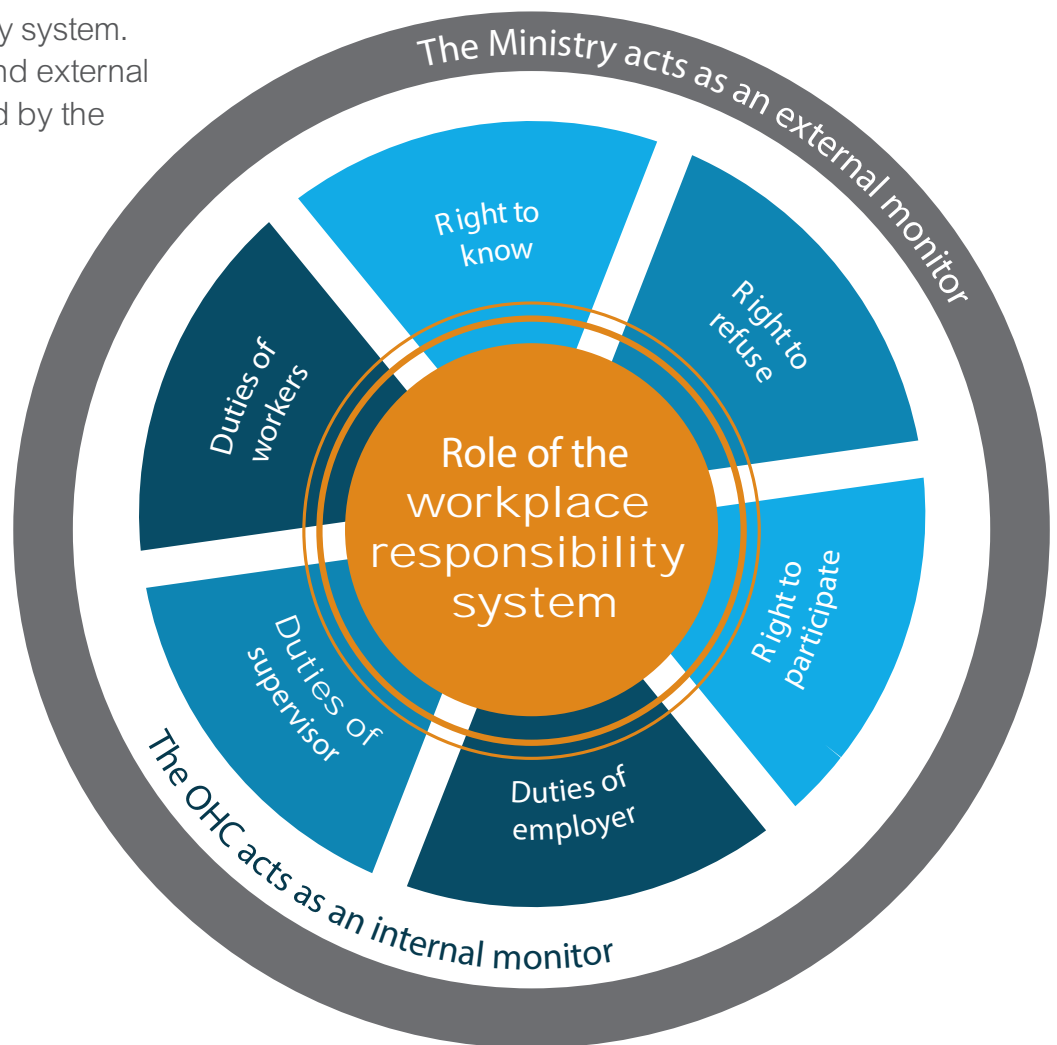
\*Section 3-23 of the Act Director may order additional or new occupational health committees grants the Ministry the authority to order an employer or contractor to establish an OHC in a workplace where there are less than ten workers if they believe that the establishing of an OHC will benefit the health and safety of the workers.

The Ministry interprets consult to mean that, while not obliged to obtain the approval or permission of the representative, an employer is obliged to consider, in good faith, the views and opinions of the OHC or representatives in the decision-making process.

### Legislated duties of employers, supervisors and workers in the workplace responsibility system

An effective workplace responsibility system has the proper checks and balances that continuously works to improve the health and safety system. It is made up of an internal and external monitoring system supported by the legislated duties and rights.

This visual demonstrates how the different parts of the workplace responsibility system work together.



### Practicing due diligence has several things to think about:

- Foreseeable**  
Could a reasonable person have foreseen that something could go wrong?
- Reactive**  
Was a control implemented in response to a hazard?
- Severity of the hazard**  
How serious could the consequence of a hazard have been?
- Preventable**  
Was there an opportunity to prevent something from going wrong? If so, was an effort made?
- Control**  
Who was in the best position to prevent what went wrong?.

### Under Saskatchewan’s occupational health and safety legislation, workers have specific rights to ensure a safe working environment.

The right to \_\_\_\_\_ the hazards and how to control them

The right to \_\_\_\_\_ in health and safety matters

The right to \_\_\_\_\_ unusually dangerous work

#### Which roles belong to whom?

Consult and co-operate with the OHC or representative.

Protect their own health and safety and ensure their own actions or omissions do not impact the health and safety of others.

Refrain from causing or participating in any violent act towards another.

Help identify hazards, assess risk, and recommend controls.

Ensure workers are competently supervised.

Ensure workers under their direction are not exposed to harassment.

Monitor the workplace responsibility system, not be the workplace responsibility system itself.

Ensure workers under their direction are working safely.

Know and comply with legislation.

	Employer	Supervisor	Worker	OHC



# Module three

## Legal duties of the OHC

Learner handbook

**WorkSafe**<sup>TM</sup>  
SASKATCHEWAN

*Work to live.*



Once a workplace responsibility system is established, the next thing to determine is when and where OHCs are required and what elements need to be completed to meet requirements of the OHC.

### **This module will:**

- ✓ List and explain the legal duties of the OHC
- ✓ Review how to apply the legal duties of the OHC
- ✓ Explain how the employer consults with the OHC
- ✓ Review OHC's role to advise and recommend
- ✓ Review the definition of discriminatory action

An effective OHC is invaluable in helping the employer and workers maintain a healthy and safe workplace. This module will cover how the employer consults with the OHC, review the OHC's role providing advice and recommendations, and review what discriminatory action is..

### **Employers have a duty to consult and co-operate with the OHC when they are performing OHC duties.**

#### General duties of employer

3-8 Every employer shall:

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

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

**The Ministry interprets 'consultation' to mean the employer shall consider, in good faith, the views and opinions of the OHC.**

## Section 3-27 of the Act, *Duties of Committees*



### Section 3-27(a) of the Act, *Duties of Committees*



- Help the employer identify hazards and potential hazards in the workplace.
- Recommend corrective action to the employer to control the hazard..

Committees are NOT responsible for controlling workplace hazards. Committees recommend corrective actions to the employer. .

### Section 3-27(b) of the Act, *Duties of Committees*



Examples of occupational health and safety services people that the committee co-operates with include:

- Occupational health officer
- Occupational hygienist
- Internal safety advisor
- Organizational safety department officer

### Section 3-27(c) of the Act, *Duties of Committees*



The employer consults with the OHC on items such as:

- Safety programs, practices, policies and procedures
- Harassment policies
- Violence prevention plans
- Exposure to infectious substances
- Noise-level exposures

### Section 3-27(d) of the Act, *Duties of Committees*



**Take minutes of OHC meetings**, Section 4-5 of the Regulations, *Minutes*

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

**Some examples of records that the employer must make available for the OHC to review:**

- **Noise exposure records**, Section 8-6 of the Regulations, *Hearing conservation plan*
- **Measurements of chemical or biological substance exposure**, Section 21-1 of the Regulations, *General duties of employers*
- **Records of surfaces that contain asbestos**, Section 23-5 of the Regulations, *Identification of asbestos-containing materials*

### Section 3-27(e) of the Act, *Duties of Committees*



**The OHC must investigate a worker's refusal to work.**

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

### Section 3-27(f) of the Act, *Duties of Committees*



- **Have conversations with workers and supervisors**
- **Be curious – ask questions**
- **Be visible – known as an OHC member**

Section 3-25 of the Act, *Duty to post names*

### Section 3-27(g) of the Act, *Duties of Committees*



#### Hold meetings to discuss concerns,

Section 4-4 of the Regulations, *Frequency of meetings*

#### Conduct inspections,

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

#### Conduct investigations

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

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

Section 21-10 of the Regulations, *Report of workers exposure*

### The OHC has no legal liability.

The role of the OHC is to advise the employer.

OHCs are essential for:

- **bringing** health and safety concerns into the open,
- **focusing** attention on them, and
- **recommending** ways to correct and resolve them.

An OHC's role is to **give advice** and **make recommendations** for correcting hazards.



### The duties of the OHS representative are done in consultation with the employer.



**Discriminatory action: is any action (or threat of action) taken by the employer towards a worker that negatively affects that worker.**

The definition provided by legislation includes 13 examples of discriminatory action.

- (i) “discriminatory action” means any action or threat of action by an employer or person acting on behalf of an employer that does or would adversely affect a worker with respect to any terms of 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 penalty.

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

\*The above is only part of the full definition. Please refer to legislation for full details.

**Workers and OHC members who fulfill their duties under the legislation or exercise rights provided by it are protected from discriminatory action under the Act.**

Employer **CANNOT** discriminate against a worker because the worker:

- Acts in compliance with legislation
- Seeks enforcement of the legislation
- Helps with OHC activities
- Serves as an OHC member

\*This is a partial list. For the full list, please refer to: Section 3-35 of the Act, *Discriminatory action prohibited*.

### Which of the following are a legal duty of the OHC?

- Participate in the identification and control of health and safety hazards.
- Ensure supervisors are competent and workers are supervised sufficiently and competently.
- Co-operate with established occupational health and safety services.
- Provide required safety procedures, programs, and services.
- Book safety training for workers.
- Maintain records of employees' training and development files.
- Establish, promote, and recommend the means to deliver health and safety programs.
- Maintain records of OHC activities.
- Provide safe equipment, tools, and machinery.
- Investigate workers' work refusals.
- Receive and consider health and safety matters of workers.
- Carry out other duties.

Yes	No
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# Module four

Hazard identification, risk assessment and controls

Learner handbook



*Work to live.*



Helping the employer to identify, assess and control hazards is one of the most essential functions of the OHC. In most cases, workers suffer the most from incidents and occupational illnesses. Since workers may know more about the daily hazards they face than the employer, it is important for them to have an essential role in hazard identification, assessment and control.

### This module will:

- ✓ Explain how to identify hazards, assess risks and recommend controls
- ✓ Review traditional model of hazard identification (health hazard or safety hazard)
- ✓ Review the energy wheel model of hazard identification
- ✓ Explain the hierarchy of controls
- ✓ Demonstrate how to write a recommendation for a control

This module discusses how the OHC can help the employer protect the health and safety of workers within the workplace responsibility system by understanding the principles of hazard identification, assessment and control, and what that means in the workplace.

**One of the most essential functions of the OHC is helping the employer to identify, assess the risk and make recommendations to control hazards.**

### Duties of committees

**3–27(1)** The duties of an occupational health and safety committee are the following:

- (a) to participate in the identification and control of health and safety hazards in or at the place of employment.

Section 3-27(1)(a) of the Act,  
*Duties of committees*

The health and safety of workers depends on the OHC, employer and workers working together to identify, assess and control hazards. This does not mean that the OHC must be involved in everything. Ideally, the workplace responsibility system should prevent a hazard from becoming a concern. The OHC audits the workplace responsibility system and helps the employer keep it functioning properly. However, if a hazard is identified to the OHC, the OHC must act. Use the following steps to identify, assess and control hazards:



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



**Assess the risk of hazards and set priorities.**



**Select the best controls to recommend to the employer following the hierarchy of controls.**

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

An **acute** condition is severe and immediate.

A **chronic** condition develops over time.

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

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

#### There are two types of hazards in a workplace:

1. Health hazards
2. Safety hazards

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

#### Five types:

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

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

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

Some examples of biological hazards would be:

- Human bodily fluids
- Airborne pathogens
- Stinging insects
- Laboratory cultures
- Sewage
- Poisonous plants
- Sharps waste
- Mold and fungi

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

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

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

They can be measured with monitoring equipment.

Physical agent examples include:

- Noise
- Vibration
- Radiation
- Temperature
- Pressure

**Ergonomics** is the study of people in their working environment.

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

Ergonomics aligns the job requirement and the work environment to the worker.

The goal is to eliminate discomfort and risk of injury at work.

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

Psychosocial hazards include (but are not limited to):

- Workplace stress
- Harassment
- Violence

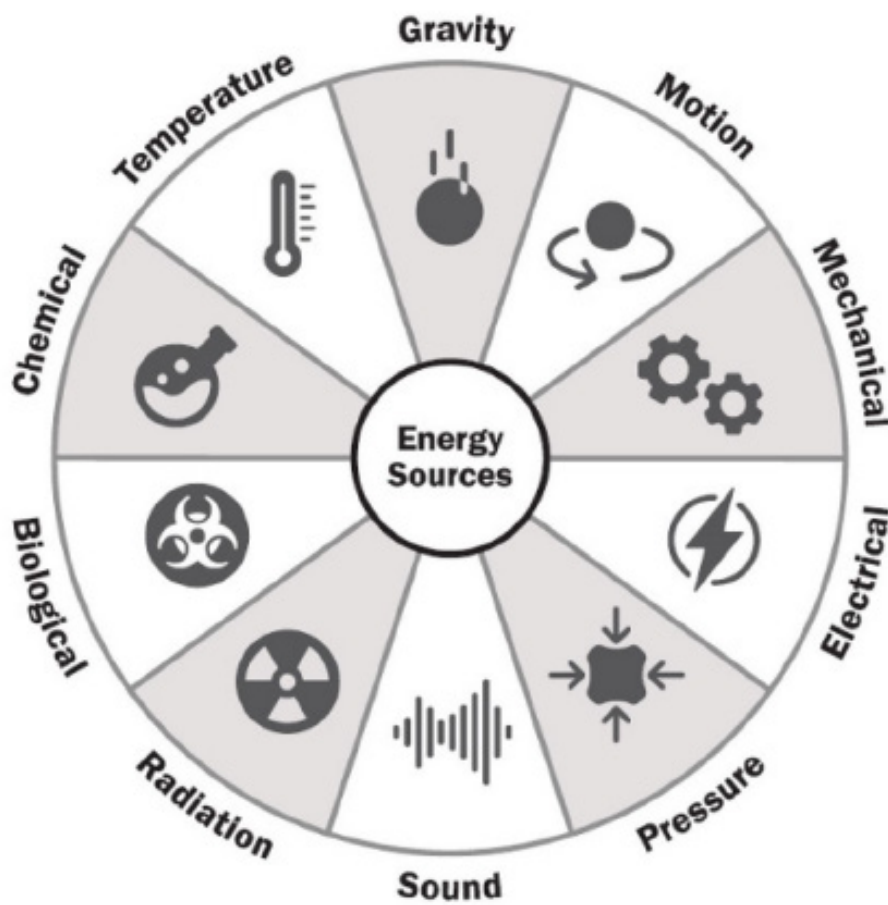
A safety hazard is anything that could cause a physical injury.

Some common safety hazards are:

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



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



### Gravity hazards

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

Gravity hazards include (but are not limited to):

- working at heights
- unsecured or loose materials
- uneven work surfaces
- Slip trip and fall
- Suspended loads

### Motion hazards

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

Motion hazards include (but are not limited to):

- Vehicular traffic
- Flying debris
- Power and hand tools
- Lifting, pushing, pulling
- Pinch points

### Mechanical hazards

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

Mechanical hazards can include (but are not limited to):

- Rotating equipment
- Conveyor belts
- Cable tension
- Augers
- Pulleys

### Electrical hazards

The presence of electrical charge or current.

Electrical hazards include (but are not limited to):

- Batteries
- Power lines
- Static electricity
- Extension cords
- Transformers and relays

### Sound hazards

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

Sound hazards include (but are not limited to):

- Engines
- Impact noise
- High pressure release
- Compressors
- Restaurant equipment

### Pressure hazards

Liquid or gas compressed or under vacuum.

Pressure hazards include (but are not limited to):

- Soda cans
- Aerosol cans
- Hydraulic lines
- Propane cylinders
- Fire extinguishers

### Temperature hazards

Extreme heat or cold in objects or the environment.

Temperature can also refer to objects being hot or cold not just atmosphere.

Temperature hazards include (but are not limited to):

- Friction
- Steam
- Open flames
- Weather
- Dry ice

### Chemical hazards

Toxic substances that pose health risks.

Chemical hazards include (but are not limited to):

- Solvents
- Diesel fumes
- H2S
- Carcinogens
- Silica dust

### Radiation hazards

Moving particles or waves of energy.

There are two types of radiation:

- Ionizing radiation, including (but not limited to): Uranium ore and Nuclear waste.
- Non-ionizing radiation, including (but not limited to): Ultraviolet (UV) rays, Radio waves, Laser light, Welding light, and Cellular phones.

### Biological hazards

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

Examples of biological hazards include (but are not limited to):

- Human bodily fluids
- Sharps waste
- Sewage
- Insects and rodent bites
- Poisonous plants

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



#### 1. Ergonomic hazards



#### 2. Psychosocial hazards

### Ergonomic hazards

#### Ergonomics:

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

#### Common problems include:

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



#### Examine these factors when assessing ergonomic hazard risk:

1. The posture a worker must use to do the job (stooping, bending and crouching).
2. The muscular force (exertion) required (lifting, pulling, pushing and twisting).
3. The number of repetitive motions needed (frequency, speed, duration and position).
4. The physical condition of the person doing the job.
5. Vibration of all or part of the body such as when using jackhammers and chainsaws, or when operating mobile equipment.
6. Work organization factors such as where, when and how the work is done and at what pace. Poorly designed tasks can force workers to do too much too fast. This can increase stress and reduce work efficiency, increasing the risk of incidents.
7. Work environment problems including vibration, heat, cold and contaminants in the atmosphere.

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

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

Section 6-18 of the Regulations, *Musculoskeletal injuries*

**Musculoskeletal disorders include three types of injuries:**

- Muscle injury
- Tendon injury
- Nerve injury

## Workplace design

The employer shall evaluate the workplace to provide optimal ergonomics.

**Evaluate:**

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

## Tools and equipment

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

Section 6-15 of the Regulations, *Lifting and handling loads*

Section 6-16 of the Regulations, *Standing*

Section 6-17 of the Regulations, *Sitting*

Section 6-20 of the Regulations, *Visually demanding tasks*

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

**Psychosocial hazards include:**

- Workplace stress
- Harassment
- Violence
- Shift work

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

## Harassment

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

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

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

## What must employers do to prevent workplace harassment?

Employers must:

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

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

### Violence

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

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

Section 3-26 of the Regulations, *Violence*

#### Violence can include:

##### Threatening behaviour

- Shaking fists
- Destroying property
- Throwing objects

##### Physical attack

- Hitting
- Shoving
- Kicking
- Intentionally restricting a travel way

##### Verbal or written threat

- An expression of an intent to inflict harm

##### Verbal abuse

- Swearing
- Insults
- Condescending language



### Recent amendments to the Act (effective May 2024)

All workplaces are required to:

- Have a violence policy in place by May 17, 2024  
This violence policy will also apply to students, volunteers, and contract workers
- Have a violence prevention plan
- Investigate all incidents of violence in the workplace

**For specific policy requirements, please see:**

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

### Shift work

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

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

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

- Do ergonomic hazards exist (lifting, awkward posture, repetitive motions, excessive force or sitting)?
- Could any work processes, tools or equipment cause health hazards (back injuries, soft tissue injuries, whole body vibration, hearing loss, infections, etc.)?
- What chemical substances are produced, used, handled, stored in or shipped to the workplace?
- Are any vapours, gases, dusts, mists or fumes present (including chemical by-products of work processes)?
- Are biological substances (such as bacteria, viruses, parasites, dusts, moulds and fungi) present anywhere in the workplace?
- Are physical agents present (energy sources with strong potential to harm, such as electric currents, heat, light, vibration, noise and radiation)?
- Are temperature extremes present?
- Could departures from safe work practices cause illnesses?
- Can any potential health hazard be detected with the senses (smell, taste, touch, hearing, sight)?
- Is harassment present in the workplace?
- Are there any complaints from workers about workplace-related health problems?

Quick hazard identification checklist



Joe is in his first week of work as the only janitor for this 8,000-square-foot building. He does not have any prior experience working as a janitor. On his first day at work, Joe received a tour of the workplace, was told his hours of work (5-9 p.m.) and was handed a list of cleaning duties (mop and vacuum floors, collect and empty trash, clean sinks and toilets in four washrooms, dust flat surfaces). Joe was given the key to this janitorial supply room, told to empty the scrub water into a toilet and park the cleaning cart in the hallway just outside the supply room.

**There are more than 20 hazards in this picture.**

Identify the hazards you see in this photo.

**As an OHC member, who would you ask or where would you look for information about the hazards you identified?**

- Workers and supervisors
- Manufacturer's information (such as SDSs and user guides)
- Industry standards (CSA, ANSI, for example) and best practices
- Legislation and the Ministry of Labour Relations and Workplace Safety
- Other workplaces
- Internet resources (CCOHS, NIOSH, etc.)

### Assess risk

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

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

**Risk is the chance that a hazard will cause harm.**

### Likelihood and consequences

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

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

#### Think about:

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

**Prioritize hazards according to risk.**

## Identify information

Identify information from sources:

- **Workers and supervisors.** Workers often know, or suspect, what hazards exist and where they are located.
- **Associations.** Many provide training and can recommend appropriate publications.
- **Suppliers and manufacturers.** Equipment manuals, user guides and hazard warnings are a first line of defense.
- **Occupational health officers.** Occupational health officers can provide technical advice.
- **Legislation.** The regulations and related codes of practice are excellent guides to identifying and controlling hazards\*.
- **Unions.** Many unions provide health and safety training and information about hazards to their members.

### Associations:

Canadian Centre for Occupational Health and Safety

National Safety Council

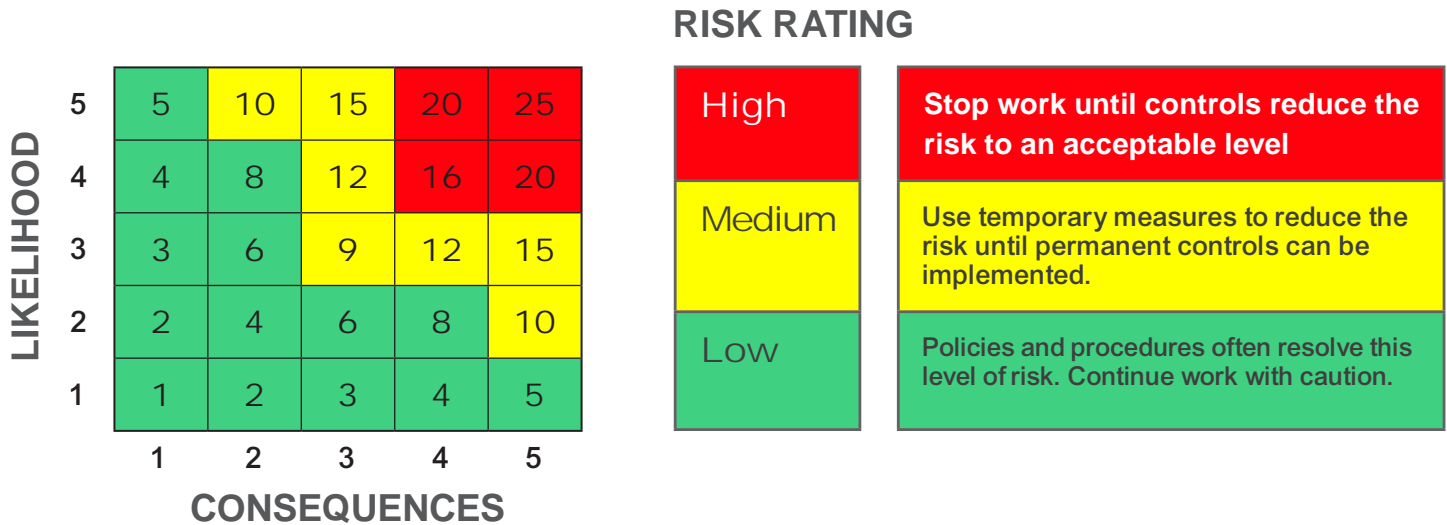
\* Codes of practice are not legislation. They provide advice on compliance to specific parts of the Regulations.

**Example:** The Ministry released a code on how to meet safety requirements for fire fighters set out in the Regulations (Part 32, Additional Protection for Firefighters).



Different organizations use different methods for their risk formula and risk matrix. Below is one example:

## RISK ASSESSMENT MATRIX



### LIKELIHOOD (Probability/frequency)

- 5. Almost certain**  
Expected to occur regularly under normal circumstances
- 4. Likely**  
Expected to occur at some time under normal circumstances
- 3. Possible**  
May occur at some time under normal circumstances
- 2. Unlikely**  
Not likely to occur under normal circumstances
- 1. Rare**

### CONSEQUENCES

- 5. Fatality**
- 4. Major injury**  
(Permanent disability)
- 3. Serious injury**  
(Time loss incident)
- 2. Medical aid incident**  
(Health-care facility treatment)
- 1. Minor injury**  
(First aid worksite)



Hazard

Likelihood	Consequence	Risk Rating	Prioritize
1-5	1-5	likelihood x consequence	

**EXAMPLE:** The vacuum cleaner, when in operation, generates noise.

- Safety hazard:** Unsecured brooms and mops create a tripping hazard.
- Safety hazard:** Access to top shelf requires the use of a ladder.
- Safety hazard:** Improper lifting and handling loads.
- Health hazard:** Chemicals are unlabeled and stored improperly.

Using the risk matrix, assess each risk shown above to determine the priority.

	5	4	3	2	1
5	5	10	15	20	25
4	4	8	12	16	20
3	3	6	9	12	15
2	2	4	6	8	10
1	1	2	3	4	5
	1	2	3	4	5

**CONSEQUENCES**

### Assess the risk and set priority

Once a hazard is identified, the OHC helps the employer determine risk. Assessment may involve research and monitoring.

**Example:** A noise hazard is discovered. The next step would be to use monitoring equipment (i.e., noise meters) to find out how loud the noise is, where and when the noise is a problem, how long the noise is at an unacceptable level and so on.

Look for any factors that could contribute to the hazard. Consider work processes, work process design, existing hazard controls or related training.

In the case of a noise hazard, the problem may be made worse by things like metal-on-metal contact, equipment vibration or inadequate work practices.

Assess the risk posed by each hazard.

Ask these questions:

- How likely is the hazard to cause harm?
- Under what conditions is harm likely to occur?
- How quickly could an unsafe condition arise?
- What type of harm is involved?
- How many workers could be hurt?
- Does the hazard have a history of problems, incidents or dangerous occurrences?
- What monitoring is needed to evaluate the risk?

Set priorities by using the risk formula.

Consider factors such as the limits of technology, fiscal resources and potential problems raised by hazard controls. The following table illustrates one way of assigning probability and severity values. Adapt it to suit your needs.

### Hazard

Likelihood	Consequence	Risk Rating	Prioritize
1-5	1-5	likelihood x consequence	

**EXAMPLE:** The vacuum cleaner, when in operation, generates noise.

c. **Safety hazard:** Improper lifting and handling loads

a. **Safety hazard:** Unsecured brooms and mops create a tripping hazard

d. **Health hazard:** Chemicals are unlabeled and stored improperly

b. **Safety hazard:** Access to top shelf requires the use of a ladder

5	3	15	?

Controlling a hazard is a team effort. Employers, supervisors and workers are required to work together in identifying the hazards and placing proper controls. When there is a team approach it allows all affected personnel to understand and be aware of all the health and safety issues they may encounter. Use a comprehensive, proactive system to control hazards rather than a reactive, piecemeal response to each concern as it arises.

### To be proactive, an employer should:

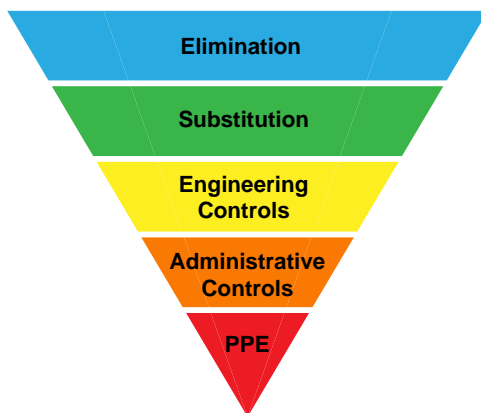
- Establish a health and safety policy, in consultation with the OHC, to demonstrate that the employer is committed to health and safety.
- Build health and safety into all aspects of the organization, such as tendering, purchasing, hiring and so on.
- Ensure everyone understands health and safety is as important as all areas of the organization.
- Communicate the health and safety policy through the supervisors.
- Ensure everyone understands their duties.
- Train supervisors and workers to carry out their responsibilities under the policy.
- Equip supervisors to apply modern management and supervisory practices in their safety responsibilities.
- Administer the policy in the same way that other policies are managed.



### Technical steps in hazard control

Hazard controls are preventative measures and corrective actions. They are used to eliminate or reduce the risk the hazard poses. Some hazards and their controls are specifically outlined in Saskatchewan occupational health and safety legislation. The goal is to reduce the risk the hazard poses to as low as possible.

The main ways to control a hazard include:



1. Elimination - removing the hazard from the workplace.
2. Substitution - replace hazardous materials with less hazardous ones.
3. Engineering controls - physical changes to processes or plant.
4. Administrative controls – directing the way work is done.
5. Personal protective equipment (PPE).

These methods are also known as the “hierarchy of control” because they should be considered in the order presented above. More than one control may be necessary for each hazard.

### Elimination

Elimination is the process of removing the hazard from the workplace. It is the most effective way to control a risk because the hazard is no longer present. It is the preferred way to control a hazard and should be used whenever possible.

### Substitution

Substitution occurs when hazardous materials are replaced with less hazardous ones.

**Example:** A toxic chemical could be replaced by a nontoxic chemical.

### Engineering controls

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

#### Example:

- Manual material handling tasks such as lifting, carrying, pulling and pushing materials are high risk activities. This risk can be reduced by using mechanical aids such as carts, hoists and lifts.
- When working with or around machines that have hazardous parts, the use of machine guarding reduces the risk of workers coming into contact with those hazardous parts.
- The heating, cooling and ventilation systems used in workplaces produce noise. Isolate and enclose the main heating, cooling and ventilation equipment in a mechanical or boiler room to reduce risk.

### Administrative controls

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

#### Example:

- Safety rules such as only walking in pedestrian designated areas to reduce the risk of workers coming into contact with powered mobile equipment.
- Good housekeeping practices can reduce the risk of exposure to hazards such as dust, rodent feces, garbage and ice buildup.
- Emergency response plans reduce risk by preparing employees to appropriately respond to unplanned situations such as a chemical spill or fire.
- Field level risk assessments (FLRAs) or job hazard assessments (JHAs) are documented assessments completed before work starts to verify hazards and controls. They are completed before the work starts or when conditions change.
- Safe work procedures or standard operating procedures reduce risk by requiring workers to complete their job tasks in the safest way possible. Safe work procedures result from completing job safety analyses.

### Tips for completing a job safety analysis (JSA)

- Set a goal that all job tasks go through a job safety analysis. Start with the job tasks that pose the highest risk.
- A job safety analysis is not suitable for a job that is broadly defined such as overhauling an engine, or too narrowly defined such as positioning a car jack.
- Work with experienced front-line employees and their supervisor to complete a JSA through discussion.
- The OHC will review and comment on each job safety analysis.
- Job steps should not be too general so that specific steps and their associated hazards are missed.
- The job steps must be listed in the correct sequence. Any step which is out of order may miss serious potential hazards, or introduce hazards which do not actually exist.

Here is an example of how to complete a job safety analysis. This example does not illustrate a fully completed job safety analysis, as only a few of the job steps involved in changing a tire are listed. There are different layouts depending on the employer, but must meet the job steps with their potential hazards and controls.

Job steps	Potential hazards	Controls
Park vehicle.	(a) Vehicle too close to pass in traffic.	(a) Drive to area well clear of traffic. (b) Turn on emergency flashers.
	(b) Vehicle parked on uneven, soft ground.	(b) Choose a firm, level parking area.
	(c) Vehicle may roll.	(c) Apply the parking brake. Leave transmission in park. Place blocks in front and back of the wheel diagonally opposite to the flat.
Remove spare.	Strain from lifting spare.	Turn spare into upright position in the wheel well. Using your legs and standing as close as possible, lift spare out of trunk and roll to flat tire.
Pry off hub cap and loosen lug bolts (nuts).	(a) Hub cap may pop off and hit you.	(a) Pry off hub cap using steady pressure.
	(b) Lug wrench may slip.	(b) Using proper lug wrench, apply steady pressure slowly.

**Example:** partial safe work procedure for changing a tire:

1. Drive vehicle off the road to an area well clear of traffic, even if it requires rolling on a flat tire.
2. Turn on the emergency flashers to alert passing drivers so that they will not hit you.
3. Choose a firm and level area for parking.
4. Apply the parking brake and leave the transmission in park.
5. Place blocks in front and back of the wheel diagonally opposite the flat to prevent the vehicle from rolling.
6. To avoid back strain when removing the spare, turn the spare up into an upright position in its well. Stand as close to the trunk as possible and slide the spare close to your body. Carefully lift out the spare and roll it to the flat tire.
7. Pry off hub cap slowly with steady pressure to prevent it from popping off and striking you.
8. Using the proper lug wrench, apply steady pressure slowly to loosen the lug bolts (nuts) so that the wrench does not slip.

### Personal protective equipment

Personal protective equipment is the final control in the hierarchy and should be used only when engineering and administrative controls don't adequately reduce the risk. Personal protective equipment should never be the only method used to reduce risk. At the very least, administrative controls are required to verify that any personal protective equipment is:

- Appropriate for the job task.
- Used correctly.
- Maintained in good condition.

**Example:** When engineering controls can't reduce noise levels below 85 decibels (units used to measure the intensity of sound) wearing hearing protection reduces the risk of hearing damage if the hearing protection is appropriate and is used properly.



Personal protective equipment includes items such as hard hats, respirators, gloves, face shields, eye protection, hearing protection, fall arrest equipment, specialized protective clothing and footwear that reduce risk by providing a barrier between the wearer and the hazard.

### Standards for controlling hazards

There are legislated and recognized standards for hazard controls available to assist workplaces.

#### Where to find legislated standards for controlling hazards:

- Occupational health and safety legislation
- Environmental legislation
- Public health legislation
- The National Fire Code
- Municipal bylaws

#### Where to find recognized standards for controlling hazards:

- CSA Group (CSA)
- International Organization for Standardization (ISO)
- The Canadian Centre for Occupational Health and Safety (CCOHS)
- The National Institute for Occupational Safety and Health (NIOSH)
- American Conference of Governmental Industrial Hygienists (ACGIH)
- National Fire Protection Association (NFPA)
- Safety data sheets (SDSs)
- Manufacturers' specifications
- Industry safety associations

**Example:** Workers can be required to use a specific work procedure to prevent harm.

One type of hazard control may not be effective on its own. A combination of several types of hazard controls often works well. Whatever method you use, the OHC or representative should try to find the root cause of each hazard and not simply control the symptoms.

**Example:** It might be better to redesign a work process than improve a work procedure. It is better to replace, redesign, isolate or quiet a noisy machine than to issue nearby workers with hearing protectors.

### Select controls

Selecting a control often involves:

- Evaluating and selecting temporary and permanent controls;
- Implementing temporary measures until permanent (engineering) controls can be put in place; and
- Implementing permanent controls when reasonably practicable.

### Monitor the effectiveness of controls

Sometimes hazard controls do not work as well as expected. Therefore, the OHC or representative should monitor the effectiveness of the corrective action during inspections and other activities. Ask these questions:

- Have the controls solved the problem?
- Is the risk posed by the original hazard contained?
- Have any new hazards been created?
- Are new hazards appropriately controlled?
- Are monitoring processes adequate?
- Have workers been informed adequately about the situation?
- Have training programs been modified to deal with the new situation?
- Are any other measures required?

Document the effectiveness of hazard controls in OHC minutes.

### Follow up

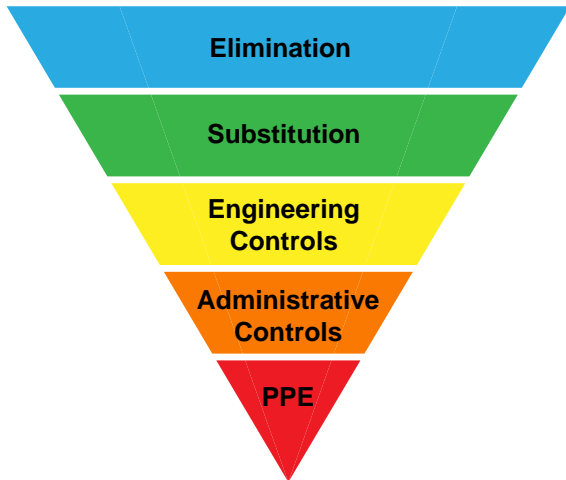
Once hazards have been identified, assessed and controlled, the employer and OHC or representative should work together to develop:

- Training programs for workers;
- Emergency response procedures; and
- Health and safety requirements for others at the workplace, such as self-employed persons.

The OHC or representative should monitor these activities to ensure they are effective.

Practicing using the hierarchy of controls. Determine controls to recommend to the employer for the hazards identified in the Joe the janitor photo.

**Hazard: The vacuum cleaner, when in operation, generates noise**



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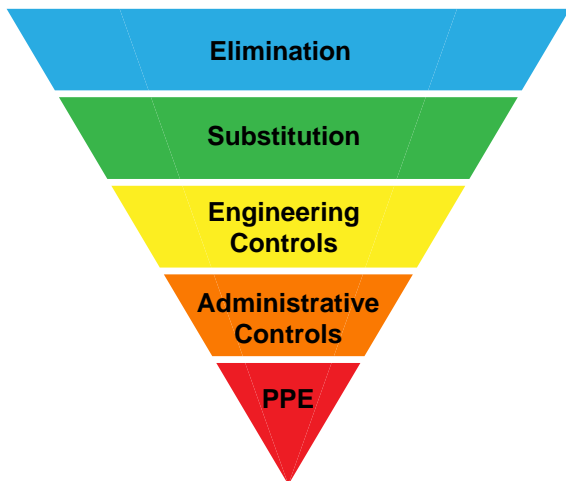
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**Hazard: Improper lifting and handling loads**



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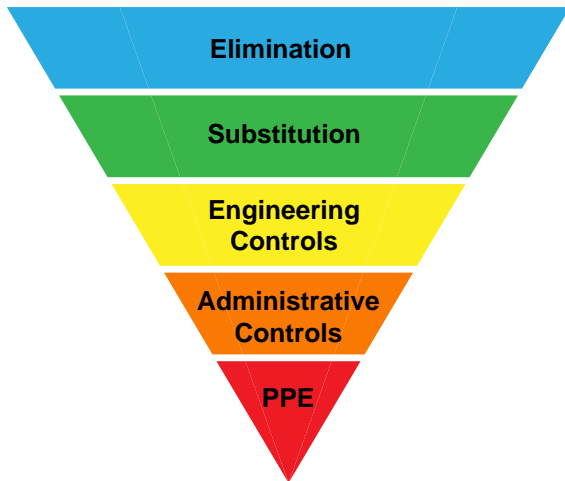
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**Hazard: Unsecured brooms and mops create a tripping hazard**



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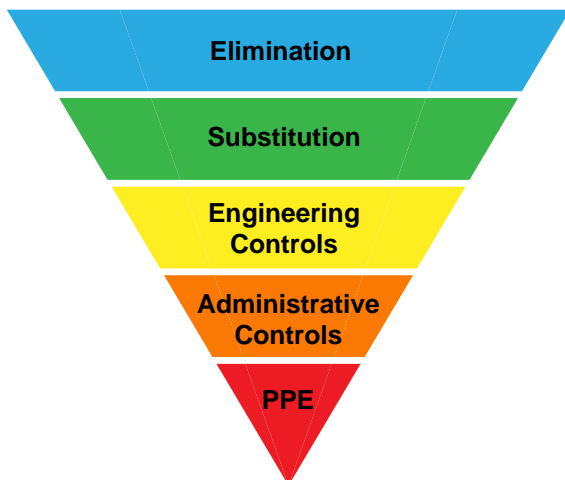
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**Hazard: Chemicals are unlabeled and stored improperly**



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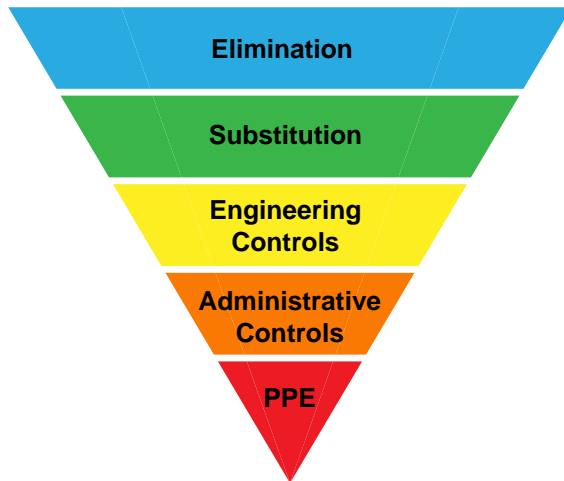
### Hazard

- a. **Safety hazard:** Working under a hoisted vehicle.
- b. **Safety hazard:** Tripping hazard - hose.
- c. **Health hazard:** Lifting material (tire).
- d. **Health hazard:** Exposure to exhaust from running vehicle.

Hazard	Likelihood 1-5	Consequence 1-5	Risk Rating likelihood x consequence	Prioritize
a. <b>Safety hazard:</b> Working under a hoisted vehicle.	<b>4</b>	<b>5</b>	<b>20</b>	<b>1st</b>
b. <b>Safety hazard:</b> Tripping hazard - hose.	<b>5</b>	<b>3</b>	<b>15</b>	<b>3rd</b>
c. <b>Health hazard:</b> Lifting material (tire).	<b>4</b>	<b>3</b>	<b>12</b>	<b>4th</b>
d. <b>Health hazard:</b> Exposure to exhaust from running vehicle.	<b>4</b>	<b>4</b>	<b>16</b>	<b>2nd</b>

<b>LIKELIHOOD</b>	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		<b>CONSEQUENCES</b>				

#### Hazard: Working under a hoisted vehicle



Eliminate the action of hoisting the vehicle to change the tire

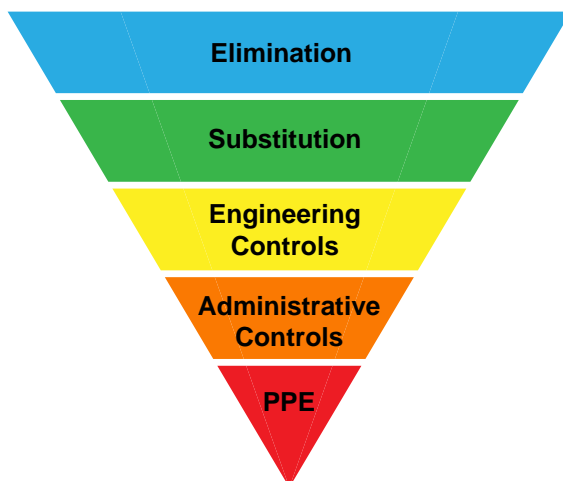
Use a jack to lift the vehicle

Not applicable

Develop and implement a safe work procedure for diagnosing vehicles in the shop

Not applicable

#### Hazard: Exposure to exhaust from running vehicle



Turn off vehicle

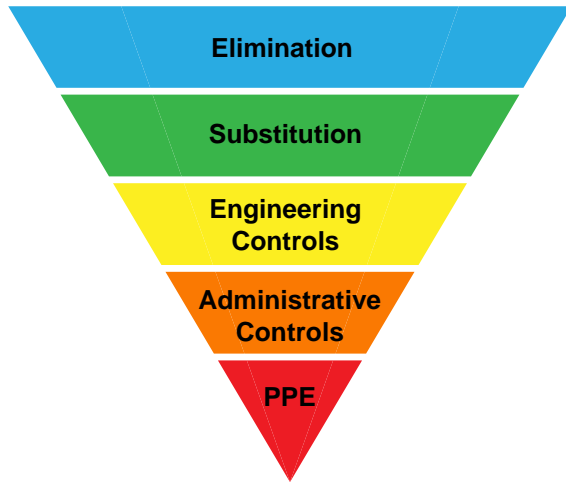
Not applicable

Install ventilation system

Develop and implement a safe work procedure for changing a tire

Not applicable

#### Hazard: Tripping hazard - hose



Eliminate the hose lying on the floor

Not applicable

Install a hose reel to contain the hose when in use

Develop and implement a housekeeping policy

Not applicable

## Knowledge check

Control	Elimination	Substitution	Engineering	Administrative	PPE
Guard rail					
Job rotation					
Steel toe boots					
Non-toxic alternative chemical					
Grinder guard					
Ventilation system					
Outsourcing task					



# Module five

## OHC structure and functions

Learner handbook



*Work to live.*



“Knowing the structure of an OHC and its functions, or that of an OHS representative’s if relevant, is vital in order to ensure legislative requirements are being met. Learning what is required in planning an OHC meeting and how to make recommendations will help in making sure they are successful.

### This module will:

- ✓ Explain which workplaces require an OHC and which require an OHS representative.
- ✓ Review how to structure an OHC, including the number of members and co-chairpersons.
- ✓ Review how to plan an OHC meeting.
- ✓ List suggestions on how to manage OHC meetings.
- ✓ Review the definition and significance of an OHC quorum.
- ✓ Review an employer’s responsibilities in OHC functions.

### Successful meetings discuss:

- The effectiveness of the workplace responsibility system;
- The effectiveness of health and safety programs and policies;
- New concerns;
- Inspection and incident investigation reports;
- The status and disposition of ongoing concerns;
- Consultations with occupational health officers, equipment vendors and safety consultants;
- Health and safety training;
- The effectiveness of the WHMIS program and worker instruction;
- Refusals to work under Section 3-31 of the Act, *Right to refuse dangerous work*; and
- Information and directives from government agencies relating to health and safety.

### Occupational health committees are required in:

- Workplaces with 10 or more workers  
*Section 3-22 of the Act, Establishment of committees*
- Construction sites where 10 or more workers are likely to work more than 90 days  
*Section 4-1 of the Regulations, Committees at construction sites*
- The Ministry orders additional or new committees to be established  
*Section 3-23 of the Act, Director may order additional or new occupational health committees*

\*Section 3-23 of the Act Director may order additional or new occupational health committees grants the Ministry the authority to order an employer or contractor to establish an OHC in a workplace where there are less than ten workers if they believe that the establishing of an OHC will benefit the health and safety of the workers.

The Ministry interprets consult to mean that, while not obliged to obtain the approval or permission of the representative, an employer is obliged to consider, in good faith, the views and opinions of the OHC or representatives in the decision-making process.

### OHS representatives

- Required in workplaces with 5 to 9 workers
- At workplaces listed in Appendix Table 7 of the Regulations, Prescribed Places of Employment
- Is elected by the workers
- Have similar duties to an OHC member except they are not required to investigate refusals to work
- Perform their duties in consultation with the employer

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

*Section 3-28 of the Act, Duties of representatives*

*Section 4-8 of the Regulations, Designation of representative*

Small workplaces (under 10 employees) do not require a committee. Instead, they require one individual to act as the OHS representative.

An OHC member is not the same as an OHS representative.

### The OHC is structured as required by law.

- Must have a minimum of 2 to a maximum of 12 members per OHC
- Must have at least half of the members composed of worker members

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

- Shall represent all workers and types of work in the workplace

Section 4-2 of the Regulations, *Designation of committee members*

### Co-chairpersons

#### Each OHC must have a worker co-chairperson and an employer co-chairperson.

- Worker co-chairperson is elected by worker members.
- Employer co-chairperson is appointed by the employer.

#### OHC co-chairpersons have the same rights, duties, and responsibilities.

They:

- Keep the workplace informed of OHC activities
- Receive and distribute health and safety information
- Call special meetings

#### OHC co-chairpersons are equals. They have equal responsibilities, equal duties, and equal rights.

Example: Either co-chairperson can call a special meeting.

Special meetings called by the chairpersons help to update OHC members on changing circumstances that affect the health and safety of workers.

Section 4-7 of Regulations, *Special meetings*

Some examples include:

- Update OHC members when incidents occur.
- Begin incident investigations.
- Gather information on work refusals.
- Consult experts to better handle impending dangers .
- Bring forward serious situations that require immediate attention.

Section 4-6 of the Regulations, *Co-chairpersons*

Section 4-7 of Regulations, *Special meetings*

### Selecting members

- **Non-union workplace**  
Workers select worker representatives.
- **Unionized workplaces**  
The union's constitution determines the member selection.
- **Employer members**  
The employer designated employer representatives.

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

If several unions are present, the unions must work out an agreement about how their OHC members are to be appointed. (Section 3-22(4) of the Act, *Establishment of committees*).

### Terms of office

- Each OHC member serves for a term not exceeding 3 years.
- Members may serve for subsequent terms.

Section 4-2 of the Regulations, *Designation of committee members*

### Meeting quorum

**An OHC must have a quorum to legitimately conduct OHC business.**

Quorum requires three criteria:

- Half of the members must be present
- Half of the members who are present must be workers
- At least one employer member must be present

Section 4-3 of the Regulations, *Quorum and certain votes*

#### Without quorum:

- The business conducted is not valid
- The OHC meeting is not valid

### OHC meetings

#### Newly created committees

- First meeting – Within **two weeks** of being initially formed.
- Next three meetings – Meet **monthly** for three months.
- Considered established – meet **quarterly** (every three months).

#### Established committees

- Regular meetings – meet **quarterly** (every three months).

Section 4-4 of the Regulations, *Frequency of meetings*

### Additional OHC meetings

1. The Ministry can require the OHC to meet more frequently.  
Section 4-4 of the Regulations, *Frequency of meetings*
2. Co-chairpersons can call a **special meeting**.  
Section 4-7 of the Regulations, *Special meetings*
3. An occupational health officer can call meetings.  
Section 4-12 of the Regulations, *Meetings called by officer*

**Special meetings are called by the co-chairpersons to:**

- Deal with imminent dangers to the health and safety of workers
- Investigate serious accidents and dangerous occurrences
- Investigate work refusals

Section 4-7 of Regulations, *Special meetings*

**Special meetings called by the co-chairpersons help update members on changing circumstances.**

Some examples include:

- Update OHC members when incidents occur
- Begin incident investigations
- Gather information on work refusals
- Consult experts to better handle impending dangers
- Bring forward serious situations that require immediate attention

Organizing an effective meeting involves planning, managing, solving problems and preparing recommendations. For effective meetings, it is important that there is a sense of team building and consensus amongst the committee members. The more skilled OHC members become in problem-solving and interpersonal communication, the more successful the OHC will be.

This module covers building a team that works together to a common goal and how OHCs can get the most out of meeting time, including how to fill out meeting minutes and meeting planning forms.

### Team building

A successful team is a group of individuals working together to achieve an agreed-upon goal and add much more value to the workplace than an individual. OHCs are intended to be teams of employer and worker representatives working cooperatively towards maintaining a healthy and safe workplace.

OHC members are expected to leave their position at the door and be as unbiased as possible. All levels of employment are expected to work together to protect the health and safety of everyone in the workplace. For this reason, only deal with health and safety matters.



### **Establish membership**

OHC members must feel they are able to express their views freely and feel accepted without risk of retaliation. Establish a leadership structure within the OHC in a way that encourages information sharing, co-operation and compromise.

### **Clarify the expectations of OHC members**

OHC members need to have a clear idea of the committees' purpose, capacity and limitations. Members are encouraged to express what they want to get out of participating.

### **Develop group norms**

Develop terms of reference to deal with:

- How member disagreements will be handled;
- How information will be shared;
- How members can support each other;
- How decisions will be made; and
- How priorities will be set.

The employer, union or workers are encouraged to periodically reward or recognize the contributions of OHC members.

### **Agree upon goals**

Successful OHCs have a clear idea of what they want to accomplish over the short and long term. Co-chairs provide leadership and help set the tone, and other members participate and contribute towards setting goals. Goals need to be clear and understandable. Circulating a list of OHC goals and objectives with the agenda of meetings or posting them with the minutes is a helpful way to ensure the goals are being met.

# SMART



### Set S.M.A.R.T. objectives to achieve the goals

Once the OHC knows where it wants to go, carefully plan how to get there whenever possible, such as creating a yearly work plan. The plan needs to be specific, measurable, achievable, relevant and time-bound so the OHC can evaluate how well it meets its objectives.

**Example:** A goal is to organize a staff safety meeting three times yearly. The OHC will plan how to achieve this goal. This will help set priorities and establish responsibilities. At the end of the year, the OHC reviews the plan's progress, determines the result and if the objective was accomplished.

## Establish roles and responsibilities for each member

The OHC decides each member's responsibilities. Establish procedures for:

- Assigning responsibilities (e.g., taking minutes, chairing meetings, organizing inspections);
- Rotating responsibilities;
- Making decisions;
- Communicating and coordinating efforts;
- Monitoring progress; and
- Evaluating results.

Clear roles and responsibilities for each member will avoid duplication of effort, close gaps in responsibilities and improve efficiency. Use internal communications to get all OHC members involved and ensure members stay in contact. Make sure each person understands their role and the roles of the other OHC members through periodical quizzes or survey checks. Tie individual responsibilities to the goals of the OHC to help make objectives obtainable.

## Agree on ways of handling disagreements

From time to time, members will disagree, such as members not agreeing on how to control a hazard, or specific corrective actions proposed by the employer. It is important that OHCs decide how to resolve these problems by setting out methods prior to the disagreement. Methods might include:

- Using consensus to make decisions;
- Asking a neutral third party to mediate;
- Negotiating mutually acceptable compromises; or
- Using project teams to recommend options to solve difficult technical problems.



**Example:** The inspection team may expect a machinist on the OHC to help them inspect certain equipment.

### Clarify how members will support each other

It is vital that the co-chairs and members have each other's support and meet expectations. Encourage members to express their needs and concerns to clarify expectations.

### Involve influential workers not on the OHC

Representatives for groups within the organization can be a key support for the OHC. Involving them in OHC activities such as inspections, investigations and resolving concerns can help improve health and safety.

### Consider expectations placed on the OHC

Consult workers, union members, supervisors and the employer about their expectations for the OHC. Take into consideration what these expectations are, how to meet them and be clear with capacity and limitations. Ensure everyone is made aware how to bring concerns to the OHC and what the OHC will do to deal with them.

### Consider organizational factors that affect the work of the team

The structure of the organization can impact how the work is done. Identify and discuss these concerns with the employer. The employer can demonstrate commitment by resolving them and provide the OHC with adequate resources (money, time and support).

**Example:** Some OHC members may work on the night shift, others on the day shift, or sections of the organization may not share information.

### Consider how to evaluate the performance of the OHC

Each year, compare performance against stated goals. Draw up a plan to deal with shortcomings. Tell workers about successes so they will have confidence in the OHC. Let the employer know about OHC members who have performed well so that they can be recognized for their service.

The employer is ultimately responsible for evaluating the effectiveness of the OHC. An effective reward system will help OHC members develop a sense of accountability and pride in their contribution to health and safety.

### Train members for team building and committee success

Plan to improve OHC performance through training. Include the roles and responsibilities of OHCs. Equip members to deal with specific workplace issues such as hazard control or equipment inspections. Build training into the OHC's work plan for each year.

### Support new members

It is important to ensure that new members joining the team have proper training and support. Ways to support new members are:

- Set up a buddy system to understand OHC's purpose and functions.
- Give them an assignment or responsibility within the OHC to get involved and learn by doing.
- Spend some time at an OHC meeting reviewing the goals and objectives of the OHC.
- Prepare a small orientation package for new members.
- Arrange for new members to obtain training in their duties and responsibilities.



### Meeting requirements

- OHCs are expected to meet at least once every three months, however workplaces with hazardous conditions are encouraged to meet more frequently.
- A co-chair, an occupational health officer, or the Ministry may call special or emergency meetings.
- Employer members may not outnumber worker members at meetings.



## Plan meetings

Plan your OHC meetings by following these steps:

1. Create agenda
  - Allow members a chance to contribute
  - Include unfinished business from previous meetings
  - Include meeting location and time
  - Attach minutes from the last OHC meeting

Some suggestions to include on agenda: OHC Inspections, Employer inspections, Worker concerns, Incident investigations, Ongoing concerns, Health and safety topics

2. Distribute the meeting announcement, agenda and copies of the last meeting minutes a few days before the meeting so members can prepare.
3. Arrange for necessary OHC members to attend for a quorum.
4. Prepare adequate and comfortable meeting room facilities.

## Manage the OHC meeting

- Focus on health and safety topics
- Co-chairpersons lead the OHC meetings
- Follow the agreed upon meeting agenda
- Maintain a level playing field
- Maintain respectful meeting etiquette

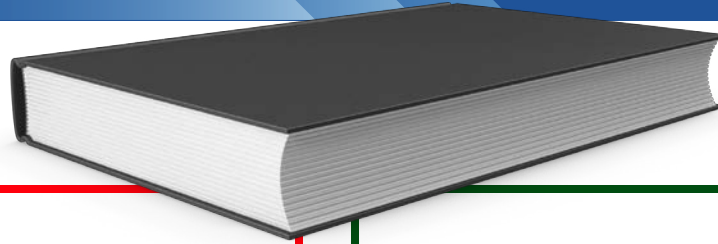
## Some items to concentrate on:

- **Inspection reports and worker concerns.** They help to evaluate the organization's workplace responsibility system.
- **Root causes.** Discussions should focus on the root causes of problems. A root cause, such as inadequately designed work processes and equipment, allows a hazard to develop and persist.
- **Ongoing concerns.** Some concerns, like ventilation problems, may take a long time to fix. Monitor ongoing concerns during inspections and discuss regularly to ensure they are not forgotten. OHC members should be aware of applicable technological advances.
- **Health and safety promotion.** Discuss what areas a promotional program for health and safety would improve.
- **Orientation and training programs.** The OHC should periodically review programs and help the employer keep them effective.

**Example:** Inspection reports may:

- Identify a need for better training of new hires;
- Explain why incidents happen in the same areas; and
- Suggest improvements in existing hazard controls.

**Example:** Back injury prevention, housekeeping, fire prevention or home safety.



## Use team problem-solving techniques

1. Recognize the problem.
2. Label the problem.
3. Analyze the cause of the problem.
4. Explore possible solutions to the problem.
5. Make a recommendation to solve the problem.
6. Prepare an action plan to implement the recommendation.

## Ask 'why' five times

1. Why did the machine stop?  
*A fuse blew because of overload.*
2. Why was there an overload?  
*There wasn't enough lubrication in the bearings.*
3. Why wasn't there enough lubrication?  
*The pump wasn't pumping enough.*
4. Why wasn't the lubricant being pumped?  
*The pump shaft was vibrating because of abrasion.*
5. Why was abrasion caused?  
*The filter wasn't replaced correctly during maintenance due to a misunderstanding caused by a poorly written work procedure. The improperly replaced filter allowed metal chips to get into the pump shaft.*





## Use checklists

Ask *why, where, when, who, what* and *how* to clarify issues.

1. Why is it necessary?
2. Where should it be done?
3. When should it be done?
4. Who should do it?
5. What should be done?
6. How should it be done?

Sometimes, asking the question 'what other uses?' can be useful in solving problems.

Example: How can an issue be:

- Adapted?
- Modified?
- Substituted?
- Magnified or maximized?
- Minimized or eliminated?
- Rearranged?
- Reversed?
- Combined with something else?

## Brainstorm

1. Have everyone put ideas forward to resolve the problem.
2. Write out ideas on flipchart sheets and post them to wall.
3. During idea generation, do not criticize or reject anyone's ideas. Do not discuss any idea until idea generation is complete.
4. When everyone has run out of ideas, begin to systematically discuss the pros and cons of each idea. List the attributes of the situation.
5. Below each attribute, place as many alternatives as you can think of.
6. When completed, make random runs through the alternatives, picking a different one from each column and assembling the combinations into entirely new forms of your original subject.
7. Continue the process until the best solution(s) are identified.

## Look for the underlying causes of problems

**Example:** Are back injuries caused by unsafe workplaces or by deeper issues, like poorly designed work areas or inadequate mechanization?

Problems can be like icebergs - only 20 per cent can be seen above the surface. It's important for OHC members to look for the root causes of concerns in order to address the matter completely.

**Example:** A back injury problem may have components relating to work procedures, work process layout or equipment.

Once you recognize a problem, identify and categorize its components. Then, analyze the problem and its components to identify the root cause.



## **Involve stakeholders**

Involving stakeholders will help OHC members identify the root causes of problems. Consider the most effective way of gaining their support. Obtain their views on cost-effective solutions to develop support.

## **Consider what is known and not known about the problem**

Create a list of what is known presently about a problem and what is unclear. This can identify areas for research and break up blind spots.

## **Review the sequence of events**

Consider when the concern was recognized. Find out what happened immediately before it surfaced.

## Selecting recommendations

Ensure recommendations are specific, measurable, achievable, relevant, time-bound (S.M.A.R.T).

Develop short-term measures to deal with the immediate causes and long-term solutions to remove the root cause. Outline the advantages, disadvantages and costs of each option. Consider the consequences and costs of not implementing each solution (e.g., continuing injury claims or poor product quality).

### Consider:

- The nature of the hazards and their risk;
- The cost and inconvenience of corrective action;
- Any new hazards that corrective action might create;
- The costs of corrective action versus the status quo;
- The cost advantages of corrective action;
- Compliance issues; and
- Total costs and final cost comparisons of the solution versus the status quo.

Clearly state recommendations to resolve each concern. Put forward proposals and implementation schedules in a way that supports agreement and promotes action.

## Completing the minutes

1. Complete name, mailing address with postal code and the phone number.
2. Enter the site address if it is different from the mailing address.
3. Record the total number of persons employed at the workplace, including both full-time and part-time employees.
4. Enter the meeting date.
5. Indicate the date of the next meeting. If no date is set now, it is difficult to schedule the next meeting.
6. Enter the names of your co-chairs. Co-chairs' names must be posted, so staff can contact them when necessary.
7. List the names and occupations of all the current OHC members, identifying each as a worker or employer.
8. Indicate if each member was present or absent. This is necessary to determine quorum.
9. Ensure a quorum is present at all of your meetings.
10. Review all the old concerns from the previous meeting. Do not remove any item from the minutes until it is recorded as complete.
11. Describe all new concerns, problems and other business discussed at the meeting.
12. Indicate the action taken or proposed for each listed item, along with the name of the person responsible for handling it. This is essential to track issues, ensure they are dealt with and to communicate the action to those not at the meeting.
13. Decide on and record a reasonable target date for each item.
14. Review all injuries and incidents that have occurred in your workplace and ensure steps have been taken to prevent a re-occurrence.
15. Ensure both co-chairs, or their designates, sign the minutes after reviewing the contents to confirm accuracy.
16. Post a copy of the minutes on the OHC bulletin board to inform workers. Send one copy to the employer. Retain one copy in OHC files.

### Meeting minutes

#### FILE and POST the OHC meeting minutes

- Minutes must be signed by both co-chairperson to become a legal record.
- Minutes must be kept on file
- Current minutes must be posted

#### POST the OHC members names

- Employer must post the OHC committee member names

Section 3-25 of the Act, *Duty to post names*

The co-chairperson (or designate) signatures declare that the information contained in the minutes is accurate. If a co-chairperson is absent from any meeting, their signature should NOT be on the minutes.

If a member serves as a co-chairperson at a meeting, the signature on the minutes should indicate that they are an acting co-chairperson for that meeting.

#### Common Question: 'How long must we keep the old meeting minutes for?'

**Answer:** The legislation does not address this specifically. It is good practice to keep the meeting minutes on file indefinitely.

\*\*Government workplaces must maintain OHC minutes (along with other records) according to The Archives Public Records Management Act and the government's current Administrative Records Management System (ARMS).

### Bulletin board

The employer must provide suitable bulletin board in conspicuous location to be used for posting health and safety information.

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

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

The meeting minutes and the member names are posted on the bulletin board provided by the employer.

**Conspicuous location:** this is a location that is readily available to all workers. Example: lunchroom, main travel way, space beside the time clock, on the wall behind the coffee pot, or in the job shack on a worksite.

## Additional OHC responsibilities

The OHC or representative have additional responsibilities.

### 1. Conduct OHC or representative inspections

- Prior to regularly scheduled OHC meetings
- OHC inspection results are reviewed during OHC meetings

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

The OHC has additional responsibilities including conducting OHC inspections.

Covered more in module 6.

### 2. Conduct investigations

- Certain accidents that requires a worker to be admitted to hospital for 24 hours or more.  
Section 3-18 of the Regulations, *Investigation of certain accidents*

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

- Work refusals (Right to refuse).  
Section 3-31 of the Act, *Right to refuse dangerous work*

An employer shall ensure certain accidents that requires a worker to be admitted to hospital for 24 hours or more are investigated by the OHC co-chairperson or representative.

An employer shall ensure every dangerous occurrence is investigated by the OHC co-chairperson or representative.

Covered more in module 6

The OHC shall investigate a worker's refusal<sup>1</sup> to perform work the worker has reasonable grounds to believe it is unusually dangerous.

Covered in detail in Module 7.

### 3. Consult and review with the employer:

- In consultation with the OHC, the employer will investigate incidents worker exposure to chemicals listed in Appendix Table 16 or 17 of the Regulations.

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

- The employer will consult with the OHC when developing an exposure control plan.

Section 6-22(2) of the Regulations, *Exposure control plan*

- The OHC or the representative will be allowed time to review reports of lost-time injuries.

Section 3-21 (2) of the Regulations, *Injuries requiring medical treatment*

In consultation with the OHC, the employer will investigate incidents worker exposure to chemicals listed in Table 16 or 17 of the Regulations.

The employer will consult with the OHC when developing an exposure control plan.

The OHC or the representative will be allowed time to review reports of lost-time injuries.

This is covered in detail in the OHC 2 course.

## Employers shall ensure:

### 1. OHC members are trained

Section 4-9 of the Regulations, *Training of representatives, committee members*

### 2. Any information that may affect the health and safety of a worker and is necessary to control hazards is known to the worker

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

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

### 3. Time is provided to carry out OHC duties

Section 4-11 of the Regulations, *Opportunity for necessary activities*

### 4. Allow the OHC to inspect the place of employment at reasonable intervals

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

### 5. Provide progress reports to the Ministry and provide a copy to the OHC

Section 3-43 of the Act, *Progress reports*

Section 3-42 of the Act, *Copy of compliance undertaking or notice of contravention*

### 6. Give notice to the Ministry

Section 2-2 of the Regulations, *Accidents causing serious bodily injury*

Section 2-3 of the Regulations, *Dangerous occurrences*

### 7. Respond to concerns reported by the OHC

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

### 8. Provide the OHC with access to records for review, opportunity to receive concerns, and time to hold a special meeting

Section 4-11 of the Regulations, *Opportunity for necessary activities*

### 9. Maintain confidentiality

Section 3-60 of the Act, *Confidentiality*

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

Section 3-10(2) of the Regulations, *Biological monitoring*

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

**1. Alphabet Manufacturing is having an OHC meeting. In total, they have 10 members (4 employer members and 6 worker members). During this particular meeting, six people are present including the worker co-chairperson and five worker members.**

**Does the OHC for Alphabet Manufacturing have a quorum?**

- a) Yes, they have met quorum because they have over half of the members present.
- b) No, this is not a quorum.

**2. Earl's Earthworks Service has been in business for eight years. This year they expanded their operations and now they have three excavators, four equipment operators and two administrative staff, therefore the total number of staff is nine.**

**Does Earl's Earthworks need to have an occupational health committee or an occupational health and safety representative?**

- a) They need to establish an occupational health committee because they do high hazard work.
- b) The employer needs to designate a person to be an occupational health and safety representative.

**3. At a regular meeting, the OHC reviewed the most recent OHC inspection and noted three deficiencies. They want to write three separate recommendations to advise the employer to correct these deficiencies.**

**When the OHC writes these recommendations, what do they want to include?**

- a) An adequate description of the issue
- b) Cite applicable legislation
- c) Clear and concise verbiage
- d) Provide a suggested timeline
- e) All of the above

## **4. What places of employment in Saskatchewan are required to have an occupational health committee?**

- a) Every place of employment with 10 or more workers
- b) At a construction site where 10 or more workers or self-employed persons are likely to work for more than 90 days
- c) The Ministry may order a place of employment to have additional or new committees
- d) All of the above

## **5. How frequently must an established occupational health committee meet?**

- a) The committee must meet monthly
- b) The committee must meet every three months
- c) The committee must meet weekly
- d) The committee must meet when they have time. There is no set schedule.

## **6. Occupational health committees must have both employer members and worker members. Who selects the worker members?**

- a) The workers
- b) The occupational health committee
- c) The employer
- d) The occupational health officer

## **7. What is needed to form occupational health committee quorum?**

- a) Half of the committee members must be present
- b) Half of the members present must represent workers
- c) One employer member must be present
- d) All of the above



# Module six

## OHC inspections and OHC investigations

Learner handbook

**WorkSafe**<sup>TM</sup>  
SASKATCHEWAN

*Work to live.*



Two key duties of the OHC are to inspect the workplace and investigate issues. An inspection is a planned walk-through or

examination of a workplace, selected work areas or particular hazards, machinery, tools, equipment and work practices. An investigation is completed after an incident or dangerous occurrence.

Both inspections and investigations identify health and safety concerns and help prevent future incidents and dangerous occurrences.

This module will examine both the inspection and investigation process. This module is only an introduction. The occupational health committee – Level two course from WorkSafe Saskatchewan will dive deeper into the different elements of both inspections and investigations.

### This module will:

- ✓ Review an OHC's duty to conduct OHC inspections, including who, what and when
- ✓ Explain how to plan what and where to conduct inspections
- ✓ Explain an OHC's role during an occupational health officer inspection
- ✓ Demonstrate how to create an inspection record that can help show due diligence
- ✓ Explain an employer's role in OHC inspections
- ✓ Review an OHC's duty to investigate certain workplace incidents

Regular inspections reduce incidents and occupational illnesses and improve the workplace responsibility system. This is why the employer must arrange for the OHC to inspect the workplace regularly. ([Section 3-17 of the Regulations, \*Inspection of place of employment\*](#)) Develop an inspection schedule with the employer. Employers, supervisors and workers have a duty to communicate hazards and co-operate.

OHCs are involved in regular, planned inspections of the workplace, inspections with occupational health officers and intermittent inspections.

OHC inspections should complement those performed by employers, supervisors and workers.

Inspections help the OHC to:

- Compare existing conditions with standards, such as regulations and industry practices;
- Determine if gaps exist between workplace practices and standards set by the organization, industry or legislation;
- Identify the root causes for any gaps; and
- Develop recommendations for corrective action.

The OHC can support supervisors and workers by finding defects they have become used to.

Inspections are an excellent way of communicating with workers and finding and correcting problems before they cause harm. ***During an inspection, ask workers about their concerns.*** Knowing about problems is the first step in resolving them.

**Example:** The employer should encourage supervisors and workers to inspect tools, equipment, machinery and PPE at the start of each shift and communicate defects immediately. Encourage supervisors to constantly monitor conditions in their work areas and take corrective action as required. Encourage workers to constantly monitor PPE for defects.

**Example:** Housekeeping hazards, unsafe work practices and hazards in out-of-the-way places, like storage areas.

Inspections are an excellent way of communicating with workers and finding and correcting problems before they cause harm. During an inspection, ask workers about their concerns. Knowing about problems is the first step in resolving them.

Ways the employer can help the OHC carry out inspections:

- Provide training.
- Provide resources and time.
- Help the OHC plan and schedule inspections.
- Help the OHC develop checklists of what to inspect.
- Encourage the OHC to look for the root causes of problems.



*Effective inspections concentrate on fact-finding and not fault-finding or blame fixing.*

While there are other types of inspections, there are three types of inspections an OHC is typically involved in: planned inspections, occupational health officer inspections and intermittent inspections.

## Planned inspections

Organize and schedule regular inspections. A public schedule may encourage people to hide hazards and unsafe work practices. Some OHCs debrief after each inspection, to provide a chance to discuss findings while memories are still fresh.

**Access to records** – The OHC can review records, logs and books that the employer is expected to keep.

However, the OHC may not access personal medical information. ([Section 2-4 of the Regulations, Medical information](#))

## WHO completes the OHC inspection?

- The co-chairpersons?
- The entire committee?
- Specific OHC members?
- The OHS representative?

## WHAT is the OHC or representative inspecting?

The focus of an OHC (or representative) inspection is to verify that the employer inspections have been completed.

The OHC (or representative) must know what the employer is responsible for inspecting and plan the inspection based on that.

## WHEN are OHC inspections completed?

OHC inspections are scheduled at reasonable intervals for the work operations at the “plant”.

The employer and committee decide together what schedule best suits the workplace.

- Monthly?
- Quarterly?

Prior to each OHC meeting?

## Provide information

The employer must provide the OHC (or representative) with or allow access to the written information that they need to perform their duties including the information needed to complete OHC inspections.

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

## Inspections with an occupational health officer

It is best for all parties involved for a worker co-chair or a designate, with the support of the employer, to accompany an occupational health officer visiting the workplace. ([Section 3-9 of the Regulations, Workers' contacts with officers](#)) This allows the employer to demonstrate commitment to health and safety. It helps the OHC discuss concerns and allows the occupational health officer to provide advice.

As you recall from module two, legislation allows occupational health officers to conduct unscheduled workplace inspections.

An employer must allow the worker co-chairperson or OHS representative, to accompany an officer during the officer's workplace inspection.

If the co-chairperson is not available, an OHC worker member can accompany the officer in their place.

This is an opportunity to learn from an officer and gain clarification on legislative requirements.

## Intermittent inspections

Incidents and dangerous occurrences, equipment installations, new workers and other special circumstances may trigger additional inspections.



Both the employer and OHC members should be familiar with:

- The training and information needed to work safely;
- Work processes and work areas;
- Workplace hazards and hazardous areas;
- Applicable PPE and its limitations;
- Engineering controls in the workplace;
- Applicable health and safety standards and legislation;
- The recommendations of equipment and material suppliers;
- How to record information; and
- How to report and deal with concerns.



**Before the inspection, the OHC (or the representative) benefits from reviewing relevant documents.**

**Some examples are:**

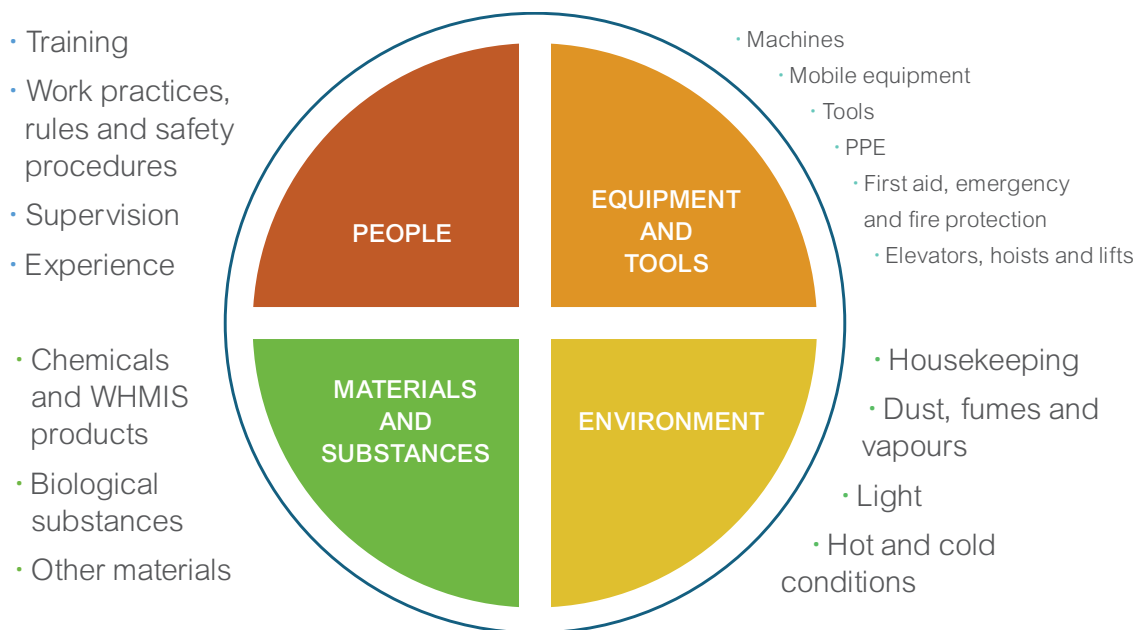
- Previous inspection checklist
- Recent worker concerns
- Incident reports
- First aid registers
- Equipment manuals

An inventory (equipment, materials) tells you what to inspect. A checklist tells you what to look for when you are inspecting each item in the inventory. The OHC can help the employer to prepare an inventory of what to inspect.

Prepare checklists using legislation, industry standards, equipment manuals and by interviewing experienced workers. Checklists should be updated regularly.

### What to inspect

Four categories should be inspected regularly:



#### Think about:

What are some other items that can be listed under these categories?

Before the inspection, review documents that may help to identify, assess and control hazards. Documents to review:

- Inspection reports and records of concerns. These files may show degenerative trends, recurring concerns and ongoing problems.
- Incident reports, WCB claims and first aid registers. These may show where and how people are injured or made sick.
- Product documentation. Chemical, machinery, equipment and tool documents can help identify hazards and suggest controls. SDSs, OHS publications and industry literature can also provide assistance.
- Plans and diagrams. Review work process and floor plans to identify hazards, such as work area design flaws.



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

**The checklist should:**

- List areas
- List equipment
- List safe work practices to be inspected
- List standards to measure workplace conditions against
- Have a column for yes or no
- Have a section to write corrective action recommendations
- Include space to write additional comments

### Completed inspection checklists:

- Capture the inspection results and serve as the record.
- Help to establish due diligence.
- Clearly explain each hazard or concern and identify its location.
- Help the OHC or representative to recommend corrective actions

Completed inspection checklists should be reviewed during OHC meetings.

Checklist questions for forklift truck			
Forklift truck inspected: _____			
Date/Time/Shift: _____			
Employer Inspector: _____			
Worker Inspector: _____			
Item	Notes	Meets standard?	
		Yes	No
<b>Operation by competent workers and visual inspection</b>			
1. Are only competent people operating the forklift?			
2. Does each forklift operator conduct a visual inspection before operation?			
3. Is visual inspection completed before starting machine?			
<b>General</b>		<b>List maintenance dates where applicable</b>	
4. Are maintenance and repair logs up to date?			
5. Is horn working properly?			
6. Are brakes working properly?			
7. Are defects fixed as soon as possible?			
8. Can operators readily access logs?			
9. Does operator use seatbelt?			
10. Is backup alarm working properly?			



### During inspections

#### Follow up

- Ask workers about changes and corrective actions.
- Check if they are conducting their own inspections.

#### Communicate with workers

- Ask workers about their concerns.
- Ask questions.

#### Take careful notes

- Thoroughly describe the hazard and where it was found.
- Explain how to fix each problem.

#### Communicate with supervisors

- Discuss findings with supervisors.
- Employers and managers can support supervisors with resources needed for corrective actions.

The employer must conduct regular inspections of the workplace, its tools and technologies, and correct identified defects.

**The OHC or representative is NOT expected to perform these inspections for the employer.**

Reports help the OHC and employer to identify, assess and take action on problems. Keep careful records of inspections. They can be useful in tracking the progress of corrective action and identifying degenerative trends.

Report inspection results regularly. Clearly explain each hazard or concern and identify its location precisely.

Add the inspection results and any unresolved concerns on the agenda. Classify and rank the hazards in order of importance. The OHC discusses the agenda, develops proposals and records information for corrective action. The co-chairs will then discuss the recommendations with the employer.

File copies of each inspection report. Post a copy in the workplace to let workers know what is being done about their concerns. Inform workers who have raised concerns.

## When an unsafe condition is found

The OHC is expected to bring health and safety concerns to the employer. These include hazards and concerns identified during an inspection or investigation ([Section 3-17 of the Regulations, \*Inspection of place of employment\*](#)). When the OHC reports an unsafe condition, the employer is expected to:

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



When the OHC submits a concern to the employer, the employer is expected to act on it. The OHC may ask the Ministry for advice about the corrective action taken ([Section 3-29 of the Act, \*Reference of matters to occupational health officer\*](#)). If a concern is not dealt with, the employer is to provide the OHC with a written explanation.

An incident is any unplanned event that causes injury. A dangerous occurrence (Section 2-3 of the Regulations, *Dangerous occurrences*) is any event that could have resulted in fatality or serious bodily injury as described in section 2-2 of the Regulations.

Dangerous occurrences are often mistaken for near misses. While they are similar there is a difference between them.

Investigations of dangerous occurrences can prevent incidents. Investigations of incidents can prevent the same thing from happening again. All dangerous occurrences and incidents should be investigated, whether they have to be reported to the Ministry or not.

Investigations identify health and safety problems and help prevent future incidents and dangerous occurrences. Each incident and dangerous occurrence usually has several contributing factors, not all of which are obvious. Investigators must look for the deeper causes and not simply record events.

***Investigations are not intended to blame or shame anyone. They are fact-finding missions.***

The employer must ensure that the OHC investigates dangerous occurrences, as well as every incident that causes (or may cause) the death of a worker, or requires a worker to be hospitalized for more than 24 hours. (Section 3-18 of the Regulations, *Investigation of certain accidents* and Section 3-20 of the Regulations, *Investigation of dangerous occurrences*)

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 an occupational health officer has investigated the area. (Section 3-19 of the Regulations, *Prohibition re scene of accident*)



### Reportable incidents and dangerous occurrences

The employer must notify the Ministry of:

- Fatalities;
- Incidents that put a worker in hospital for more than 72 hours (Section 2-2 of the Regulations, *Accidents causing serious bodily injury*); and
- Dangerous occurrences. (Section 2-3 of the Regulations, *Dangerous occurrences*)

Both Section 2-2 and Section 2-3 of the Regulations list what the reports must include. The employer provides copies of reports to the OHC.

Examples of a dangerous occurrence include (but are not limited to):

- Contact with an energized electrical conductor
- Overturning of a crane or power mobile equipment
- Collapse of structure or excavation
- Bursting of a grinding wheel

Section 2-3(1) of the Regulations, *Dangerous occurrences*

### A refusal to work

#### Right to refuse dangerous work

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

- (a) sufficient steps have been taken to satisfy the worker otherwise; or ;
- (b) the occupational health committee has investigated the matter and advised the worker otherwise.

### Worker exposure to chemical or biological substances

An employer, **in consultation with the OHC**, shall investigate a worker's exposure to chemical or biological substances.

Any exposure to substances listed in Table 16 and 17 of the Appendix must be investigated by the employer.

Section 21-10(1) of the Regulations, *Report of worker's exposure*

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

Appendix Table 17 of the Regulations, *Designated Chemical Substances*

Planning makes or breaks the investigation. The employer works with the OHC to prepare an investigation plan setting out the following:

<b>Investigations</b>	<ul style="list-style-type: none"><li>• Determine what needs to be investigated.</li><li>• Encourage investigations for all incidents and near misses.</li></ul>
<b>Procedures</b>	<ul style="list-style-type: none"><li>• Process on how to complete the investigation.</li><li>• Clearly map out procedures for investigations.</li></ul>
<b>Training</b>	<ul style="list-style-type: none"><li>• Employer must ensure OHC members are trained.</li><li>• Encourage specific training for co-chairs.</li><li>• Use safety associations, consultants and WorkSafe Saskatchewan.</li></ul>
<b>Resources</b>	<ul style="list-style-type: none"><li>• Employers to provide the necessary tools, equipment and PPE.</li></ul>

## Standards

Incidents and dangerous occurrences often happen because of departures from accepted standards.

Generally, investigations should:

1. Compare what should have happened with what actually happened;
2. Determine what gap exists between the two;
3. Determine why the gap developed; and
4. Recommend appropriate corrective action to prevent a recurrence.

Use government regulations, company standards and industry publications to decide which standards should be in place. This data can also help to decide what corrective action is required.





The employer must prepare a report in consultation with the OHC. ([Section 3-18 of the Regulations, \*Investigation of certain accidents\*](#)) As listed above, the employer must notify the Ministry about fatalities, serious injuries and dangerous occurrences. Where there is a fatality or foul play is suspected, call the RCMP or local police.

Do not disturb the site of a fatality, except to relieve human suffering, until an occupational health officer has investigated. Where an occupational health officer cannot investigate and gives permission, the site may be cleared once photos and drawings are taken and the OHC co-chairs have investigated. ([Section 3-19 of the Regulations, \*Prohibition re scene of accident\*](#)).

The OHC's investigation should find the root causes of the incident so that it will not happen again. Investigations normally include these steps:

1. Secure the scene and report the incident or dangerous occurrence;
2. Collect evidence;
3. Analyze evidence and determine causes; and
4. Write the investigation report.

**The scene of an incident must be secured.**

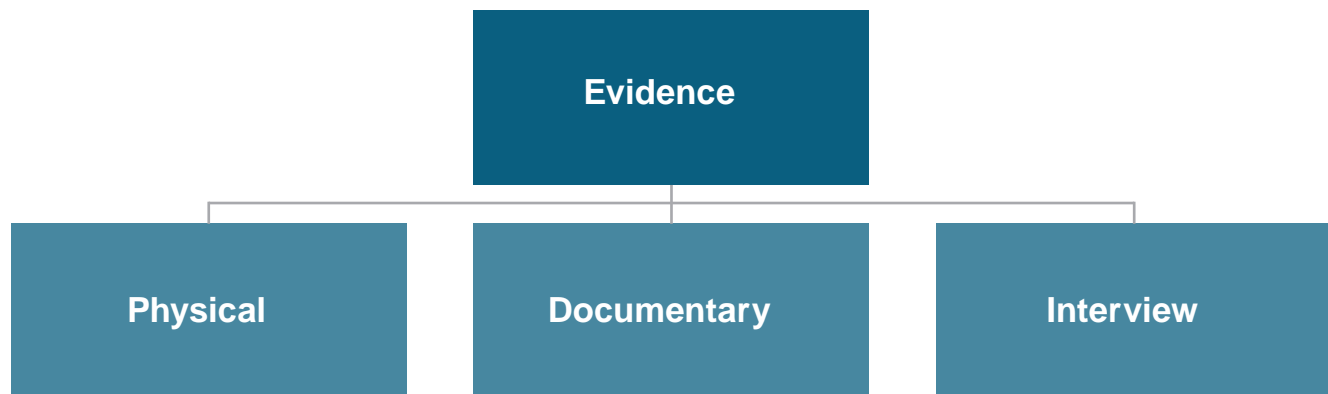
The committee is not usually involved at this level.

Often the supervisor is the person to control the scene.

**Control the scene to:**

1. Prevent further injury or damage
2. Preserve the evidence until it can be collected.

There are three types of evidence:



### When handling physical evidence be sure to:

- Use safe work procedures
- Use PPE where required
- Take photographs or video of the scene
- Create a log of photos and item location
- Do not disturb the scene
- Do not remove evidence until regulatory investigators have released the scene
- Before leaving scene, verify all physical evidence is collected, mapped and photographed

**Examples of physical evidence include:** broken parts, placement of debris, location of equipment, spills and worker position.

### Related documents can provide valuable insight into the incident.

#### Review documentary evidence to:

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

### Gather witness statements

- Within 24 hours, if possible
- Expect contradictions
- Consider including witnesses from before, during and after the incident

### Conduct follow-up interviews as required

- Decide who to interview and why
- Prepare a list of questions for each interview
- Use open-ended and closed questions

### Find the causes

The causes of an incident or dangerous occurrence can often be found by asking who, what, where, when and how for every essential event in the incident or dangerous occurrence until you know why the incident happened. Separate facts from theory and opinion. Look for underlying causes and avoid jumping to conclusions. Analyze the factors surrounding the incident.

### Analyze the incident factors

Go through the incident in stages. Ask why each event happened.

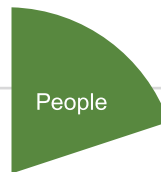
Evaluate the roles of:

- People factors;
- Material factors;
- Task factors (policies, plans and procedures);
- Environment factors (workplace conditions); and
- Equipment factors (workflow design).

#### People factors

##### Some examples of questions to ask:

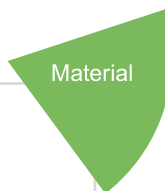
- Was there pressure to complete tasks under a deadline, or to by-pass safety procedures?
- Were the workers experienced in the work being done?
- Had the workers been adequately trained?



#### Material factors

##### Some examples of questions to ask:

- Were hazardous substances involved?
- What was the weight of the materials being lifted and/or carried?
- Was the material on the pallets properly secured?



#### Task factors

##### Some examples of questions to ask:

- Was the proper safe work procedure being used?
- Was the appropriate PPE available and used?
- Was there adequate supervision?
- Had the workers been adequately trained?



#### Environment factors

##### Some examples of questions to ask:

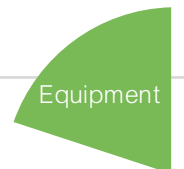
- Was noise a problem?
- Was poor housekeeping a problem?
- Was there adequate light or glare?



#### Equipment factors

##### Some examples of questions to ask:

- Was regular maintenance carried out?
- Was there an equipment failure?
- Was the right tool being used for the task?
- Was a safety guard off the machine?
- Was the tool damaged in any way? • Had the workers been adequately trained?



### Find the incident causes

Three types of causes need to be looked at: direct, indirect and root.

### Find the direct cause

The direct cause(s) usually occur(s) immediately before the incident or dangerous occurrence.

### Find the indirect cause(s)

Indirect causes 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.

The OHC and employer should try to determine if there were any symptoms of a problem before the incident or dangerous occurrence. If there was, why did no one express concern? Why did the health and safety system fail?

### Find the root cause(s)

An incident or dangerous occurrence may or may not have one ultimate root cause. Examples of root causes include:

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

### Complete the investigation

- Describe the work being done.
- Describe the immediate (direct) cause(s) of the incident or dangerous occurrence.
- Describe the indirect cause(s).
- Explain why the incident happened (the root cause).

**Example:** A direct cause might be a collapsing jack that dropped a car onto a worker.

- Recommend corrective action, including both short- and long-term controls, to prevent the same thing from happening again. Short-term controls should prevent a recurrence until longer-term controls can remove the fundamental causes.
- File a copy of the report and post summaries.

The employer should take appropriate corrective action based on the report and inform the OHC. Inspect the effectiveness of the corrective action.



### The OHC will do two things with the report:

1. Submit the report to the employer.
2. To maintain confidentiality, present a summarized version to the OHC.

**Matching: Match the appropriate category with the workplace factor**

- |                             |                                     |
|-----------------------------|-------------------------------------|
| 1. People                   | A. Slippery floor                   |
| 2. Materials and substances | B. Forklift                         |
| 3. Equipment and tools      | C. Worker with 10 years' experience |
| 4. Environment              | D. Chemicals                        |

**When developing an OHC inspection checklist what things would you include?  
Select all that apply.**

- Names of workers OHC interacted with during inspection.
- The equipment to be inspected.
- The workplace department to be inspected.
- Safe work practices to be observed.
- Specific worksite location.
- Include space to write in comments.
- The length of time it took to complete the inspection.

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

**CAUSE**

- A box fell from a shelf above
- Personal protective equipment is damaged
- A work vehicle struck a tree
- The workplace lacks a personal protective equipment program
- The workplace lacks a health and safety program
- Maintenance people are servicing equipment while it's in operation
- The workplace lacks a hazard reporting process
- Machine guards on equipment are missing
- A worker slipped on ice

Direct	Indirect	Root

**Members of an OHC are required under Saskatchewan OHS legislation to investigate what types of incidents?**

- a) serious accidents (Section 3-18 of the Regulations)
- b) Dangerous occurrences (Section 3-20 of the Regulations)
- c) Work refusals (Section 3-31 of the Act)
- d) All of the above



# Module seven

## Workers' concerns and refusals

Learner handbook



*Work to live.*



One of the legislated duties of the OHC is to help workers deal with concerns.

### The OHC has a duty to:

- **Receive, consider, and resolve** matters in respect to the health and safety of workers.
- **Investigate** work refusals.

### Duties of committees

**3–27(1)** The duties of an occupational health committee are the following:

- (f) to receive, consider and resolve matters respecting the health and safety of workers.
- (g) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

### This module will:

- ✓ Review an OHC's duty to receive, consider and resolve workers' concerns.
- ✓ List the steps workers can take when they have a concern.
- ✓ Explain how to investigate a worker's refusal to do dangerous work.
- ✓ Review the criteria the OHC shall use to determine if a work refusal is valid.
- ✓ List the six steps a worker shall use when refusing to do work they believe is unusually dangerous.

Another duty of the OHC is dealing with worker concerns and work refusal.

### Steps in dealing with concerns

1. Worker contacts the supervisor.
2. Worker contacts the OHC co-chairperson when:
  - a. The worker does not want to contact supervisor, **OR**
  - b. The supervisor and worker cannot resolve the concern
3. Co-chairperson involves the OHC
  - The co-chairperson may be able to resolve the concern
  - If the co-chairperson cannot resolve the concern they will add the concern to the next scheduled OHC meeting agenda for discussion.
  - If the matter is urgent the co-chairperson will call a special meeting of the OHC.
4. Contact the Ministry

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

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



## Handling refusals to work under Section 3-31 of the Act

### *The intent of the legislation*

A worker has the right to refuse work or to perform any specific job or task that worker has reasonable grounds to believe is unusually dangerous. ([Section 3-31 of the Act, Right to refuse dangerous work](#)) This applies only to health and safety issues. The danger may be to that particular worker or any other person at the workplace. An unusual danger could include:

- A danger that is not normal for the job (such as repairing a roof in dangerous winds);
- A danger that would normally stop work (such as operating a forklift with a flat tire); or
- A situation in which the worker isn't properly trained, equipped or experienced to do the work assigned (such as cleaning windows on a tall building with no fall protection equipment or training).



## Steps for refusing unusually dangerous work

As a worker, if your supervisor or employer asks you to perform a specific job or task that you have grounds to believe is unusually dangerous, you have the right to refuse to do the task.

Follow these steps to resolve a work refusal:

1. The employee informs their employer or supervisor that they are refusing work because of a health or safety concern pursuant to section 3-31 of the Act. The supervisor asks the employee which task or tasks they are refusing and why they believe the work is unusually dangerous. This should be documented in writing.
2. The employee should not leave the worksite without their employer's permission.
3. If the worker and the supervisor cannot resolve the concern to the worker's satisfaction, they contact either co-chair in the OHC or their workplace occupational health committee.
4. The OHC investigates the refusal to determine if there are reasonable grounds to refuse the work. The OHC's decision must be a unanimous vote for or against the refusal.
5. If the refusal cannot be resolved within the workplace, contact the occupational safety division at the Ministry of Labour Relations and Workplace Safety by calling 1.800.567.7233.
6. An occupational health officer will investigate the refusal and provide a written decision on the matter.



## During the refusal, a supervisor can:

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

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

## A work refusal ends when:

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

### OR

The OHC has investigated the matter and advised the worker otherwise

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

## The OHC has a legal duty to investigate a worker's refusal to work:

The OHC will investigate, using the **standard investigation procedures**.

### Standard procedure includes:

- Gathering and analyzing physical evidence
- Conducting interviews (with the supervisor and the worker)
- Completing an investigation report

Section 3-27 (e) of the Act, *Duties of committees*

## Protection from discriminatory action.

Section 3-35(f) of the Act, *Discriminatory action prohibited* protects any worker who refuses or has refused to work pursuant to Section 3-31 of the Act, *Right to refuse dangerous work 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 occupational health officer investigates the situation and rules against the refusal. If the occupational health officer rules against the refusal, the worker returns to work.

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

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

- (a) acts or has acted in compliance with:
  - (i) this Part or the regulations made pursuant to this Part;
  - (ii) Part V or the regulations made pursuant to that Part;
  - (iii) a code of practice issued pursuant to section 3-84; or
  - (iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;
- (b) seeks or has sought the enforcement of:
  - (i) this Part or the regulations made pursuant to this Part; or
  - (ii) Part V or the regulations made pursuant to that Part;
- (c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;
- (d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;
- (e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;
- (f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;
- (g) is about to testify or has testified in any proceeding or inquiry pursuant to:
  - (i) this Part or the regulations made pursuant to this Part; or
  - (ii) Part V or the regulations made pursuant to that Part;
- (h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;
- (i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;
- (j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or
- (k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.

Under [Section 3-36\(1\) of the Act, Referral to occupational health officer](#), an occupational health officer must investigate any complaint of discriminatory action. An occupational health officer who finds that the employer has taken discriminatory action will issue a notice of contravention under [Section 3-36\(2\) of the Act, Referral to occupational health officer](#), requiring the employer to:

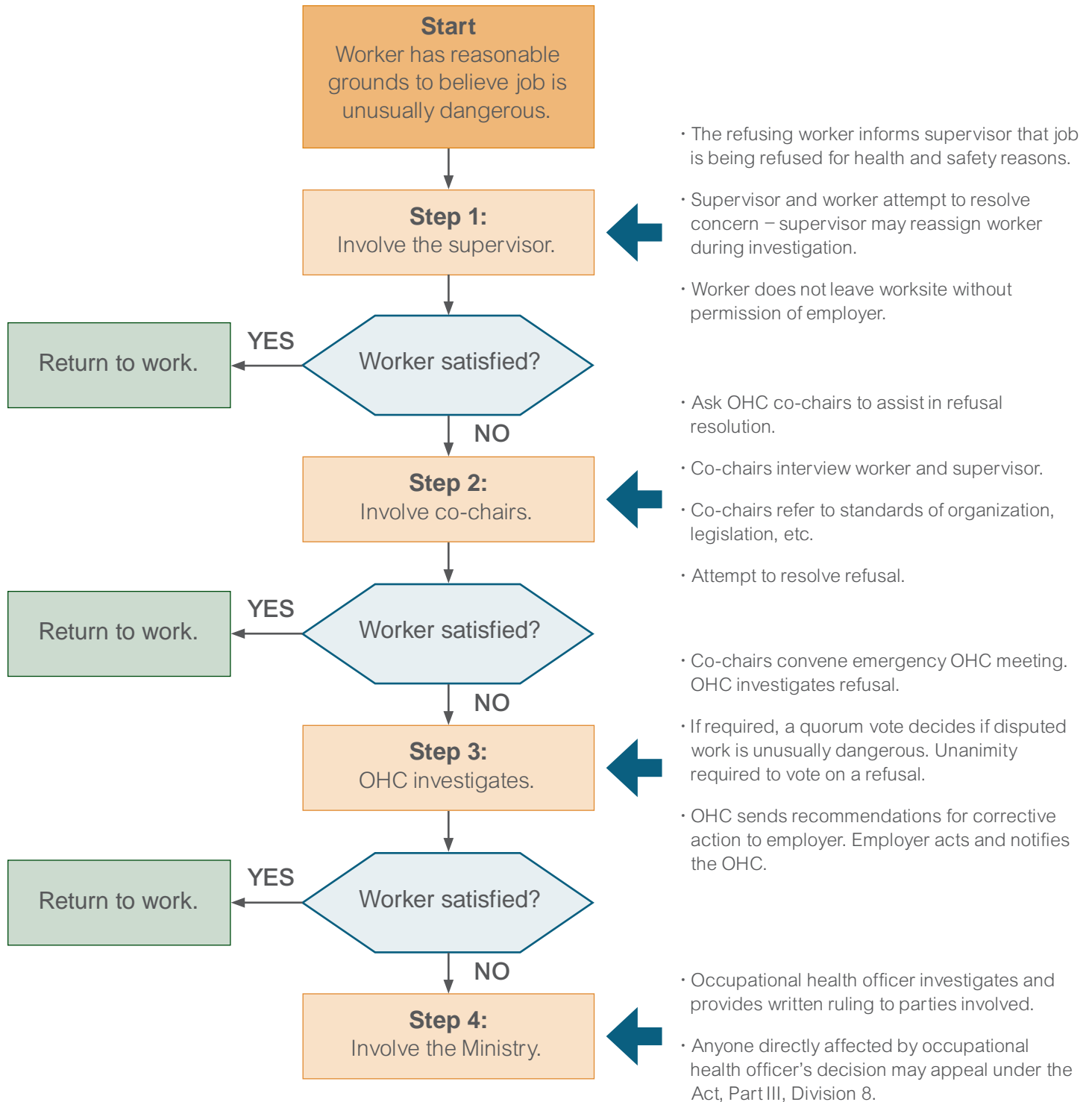
- Cease the discriminatory action;
- Reinstate the worker to his or her former terms and conditions of employment;
- Pay to the worker back wages that would have been earned had the discriminatory action not been taken;
- Remove any reference of the matter from the worker's employment records; and
- Provide the occupational health officer with a progress report on remedial action. ([Section 3-43 of the Act, Progress report](#))

The OHC or representative must receive a copy of the progress report. Another copy will be posted.

## Where the occupational health officer does not find discriminatory action

An occupational health officer who does not find evidence of discriminatory action will advise the parties in writing. Anyone affected directly by the occupational health officer's decision may appeal.





**When exercising the right to refuse, the Ministry recommends that a worker follows six steps. Put these steps in order (1-6).**

- \_\_\_\_\_ If the refusal cannot be resolved within the workplace, contact the Ministry.
- \_\_\_\_\_ The worker should not leave the worksite without their employer's permission
- \_\_\_\_\_ An occupational health officer will investigate the refusal and provide a written decision on the matter.
- \_\_\_\_\_ The worker informs their employer/supervisor that they are refusing work because of a health or safety concern pursuant to section 3-31 of *The Saskatchewan Employment Act*.
- \_\_\_\_\_ The OHC investigates the refusal to determine if there are reasonable grounds to refuse the work. The OHC decision on the validity of the refusal must be unanimous.
- \_\_\_\_\_ If the worker and supervisor cannot resolve the concern to the worker's satisfaction, they contact their workplace occupational health committee.

**A worker has a right to refuse work, if the worker has reasonable grounds to believe that work is unusually dangerous.**

**What are the criteria to determine if work is considered unusually dangerous?**

Select all that apply.

- A danger that is not normal for the job
- A danger that is normal for the job and is controlled
- A danger that would normally stop work
- A situation for which a worker is not properly trained, equipped or experienced to do the work assigned
- A task must be done in groups of two

# Summary

We have learned that the occupational health committee is the key to ensuring an effective health and safety system.

OHCs help identify and resolve concerns by:


- Helping the employer identify, assess and control hazards;
- Providing a channel of communication between the employer and workers;
- Conducting regular inspections;
- Talking with workers about their health and safety concerns;
- Helping the employer develop and monitor policies, plans and programs;
- Participating in incident investigations and investigations of dangerous occurrences (near misses); and
- Meeting to discuss concerns and develop recommendations for corrective actions to discuss with the employer.



## This course covered how to:

- ✓ Navigate, apply and cite occupational health and safety legislation.
- ✓ Identify the roles in the workplace responsibility system.
- ✓ Understand the legal duties of the occupational health committee (OHC).
- ✓ Identify hazards, assess risks and recommend controls.
- ✓ Understand the occupational health committee's structure and function.
- ✓ Complete inspections and investigations.
- ✓ Help resolve workers' concerns and investigate a worker's formal refusal to do dangerous work

# Appendix A: Minutes form

 <p>Government of Saskatchewan</p>	<h2 style="margin: 0;">Minutes</h2> <h3 style="margin: 0;">Occupational Health Committee</h3>																		
<b>Complete all information on top: Type or handwrite</b>																			
Name of firm _____  Mailing address & postal code _____ Phone: _____  Worksite address _____ Phone: _____ Fax: _____	Total # of workers in workplace _____  Meeting date _____  Date of next meeting _____																		
Employer co-chairperson _____	Worker co-chairperson _____																		
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 12.5%;">Employer members</th> <th style="width: 12.5%;">Occupation</th> <th style="width: 12.5%;">Present</th> <th style="width: 12.5%;">Absent</th> <th style="width: 12.5%;"></th> <th style="width: 12.5%;">Worker members</th> <th style="width: 12.5%;">Occupation</th> <th style="width: 12.5%;">Present</th> <th style="width: 12.5%;">Absent</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Employer members	Occupation	Present	Absent		Worker members	Occupation	Present	Absent										
Employer members	Occupation	Present	Absent		Worker members	Occupation	Present	Absent											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Item date &amp; No.</th> <th style="width: 30%;">Problem or concern <small>Give full explanation and details Divide old/new concerns</small></th> <th style="width: 50%;">Action taken or proposed <small>name person responsible</small></th> <th style="width: 10%;">Target date</th> </tr> </thead> <tbody> <tr> <td style="height: 200px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Item date & No.	Problem or concern <small>Give full explanation and details Divide old/new concerns</small>	Action taken or proposed <small>name person responsible</small>	Target date															
Item date & No.	Problem or concern <small>Give full explanation and details Divide old/new concerns</small>	Action taken or proposed <small>name person responsible</small>	Target date																
Other business (including requests to Occupational Health and Safety)																			
<b>Distribute copies as follows:</b> Copy 1 - Permanent committee files Copy 2 – Employer copy Copy 3 – Post on committee board for workers' information	In my opinion the above is an accurate record of this meeting  _____ Employer Co-chairperson                      Worker Co-chairperson  Page _____ of _____																		

# Appendix B: OHC recommendation form

Occupational health committee recommendation form (Adapt to suit your needs)			
Meeting date:	Chairperson:	Recommendation number:	Date submitted:
Description of item/concern:			
OHC recommends:			
Reasons for recommendation:			
Signed			
Employer co-chairperson		Worker co-chairperson	
Copy posted for information of workers? Yes <input type="checkbox"/> No <input type="checkbox"/> Follow up date:			

# Appendix C: Incident investigation report form

Incident investigation report form (Adapt to suit your needs)			
Company or division:		Department:	
Location:		Date:	Time: AM PM
Reported to the Ministry? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date reported:	Contact/ Phone:	
Injury or illness	Type of incident (fall, cut, etc.)	Property damage	
Name of injured worker:	Description:	Description:	
Experience:		Severity of damage/loss:	
Occupation:	Object or substance inflicting harm:	Collateral damage to equipment/ object/substance related to incident:	
Exact location of incident:			
Part of body affected:	Person in control of activity:	Estimated cost:	
		Final cost:	
Nature of injury or illness:	Number of work days lost:	Supervisor:	
Summarize how the incident happened.			
Summarize the direct cause.			
Summarize the root cause.			

# Appendix C: Incident investigation report form

## Incident investigation report form

(Adapt to suit your needs)

What actions are recommended to control the immediate causes of the incident?

Describe what actions are recommended to control the root causes of the incident.

Sketch the site of the incident.

Investigators	Position on OHC	Signature
1.		
2.		
Signature of OHC co-chairpersons		
Employer co-chairperson	Worker co-chairperson	



*Work to live.*

Updated: 04/24