



# Supervision and Safety

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.

To purchase copies of *[The Saskatchewan Employment Act](#)* or *[The Occupational Health and Safety Regulations, 2020](#)* contact:

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Room B19; 3085 Albert Street  
Regina SK  
S4S 0B1

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Industries under federal jurisdiction, such as transportation, broadcasting and telecommunications, are governed by The Canada Labour Code. If you work in a federally regulated industry, please contact Employment and Social Development Canada at [esdc.gc.ca](http://esdc.gc.ca)

## Land acknowledgement

The Saskatchewan Workers' Compensation Board and its WorkSafe Saskatchewan partners acknowledge that they operate within Treaties 2, 4, 5, 6, 8 and 10. These lands are home to and are traditional meeting grounds for many Indigenous peoples, including Plains Cree (Nêhiyawak), Saulteaux (Nahkawiniwak), Nakota (Assiniboine), Dakota and Lakota (Sioux), Denesuline (Dene/Chipewyan) and are also homeland to the Métis Nation. We respect the Treaties that were made on all territories, and we are committed to moving forward in partnership with Indigenous Nations in the spirit of reconciliation and collaboration.

## Diversity and inclusion statement

The Saskatchewan Workers' Compensation Board and its WorkSafe Saskatchewan partners believe and work toward 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.

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Supervisors are a key factor in the success of the health and safety system. Their attitude, support and leadership toward health and safety can make the difference in creating and maintaining a safe and healthy workplace environment.

If occupational health committees (OHCs) and representatives have supervisors that encourage their workers to work safely, uphold the policies and procedures and be a safety role model their job can be focused on the goals. A supervisor that models prioritization of safety shows the worker that their

well-being matters above all else in the workplace. Without this care toward health and safety in the workplace, workers are often left feeling worried for their health, fearful of their job security and unhappy in their positions.

This course is designed to focus on the legislated roles and responsibilities of supervisors in health and safety and demonstrate how supervisors can make a difference by creating safety leadership for their workers.

## This course is designed to answer:

- ✓ What legislation is applicable to supervisors, what the worker rights are, how to find specific legislation and what to do about it.
- ✓ What the roles, responsibilities, requirements and duties are for employers, supervisors, workers and the OHC.
- ✓ What workplace inspections are and the supervisors role in them.
- ✓ What workplace investigations are and the supervisors role in them.
- ✓ What is the role of a supervisor in resolving worker concerns and investigating work refusals.

WorkSafe Saskatchewan was created from a partnership between the Saskatchewan Workers' Compensation Board and the Ministry of Labour Relations and Workplace Safety in 2002. This partnership was established to focus on eliminating occupational injury and illness in the province. Saskatchewan set occupational health and safety (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.

To promote the elimination and prevention of occupational injury and disease, WorkSafe Saskatchewan uses a foundational pillar approach, which includes awareness, education, targeting/consulting, partnerships and enforcement.

### The foundational pillars are:

Management and leadership



Hazard assessment



Practices and procedures



Training



Inspections



Investigations



Emergency response



## Learning objectives

### Learners will:

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



### Module one: Legislation

- How to navigate occupational health and safety legislation.
- Legislated responsibilities of employers, supervisors, workers and occupational health committees (OHCs).
- Due diligence, OHS penalties, enforcement and refusals to work under the Saskatchewan OHS legislation.



### Module two: Legal duties of a supervisor

- Review a supervisor's role in the workplace responsibility system.
- Legal duties of a supervisor.
- Review definitions for reasonably practicable, competent worker, instruct and qualified.
- Explain due diligence.



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

- Principles of hazard identification, risk assessment and controls.
- Review model of health hazards and safety hazards.
- Risk assessments.
- Hierarchy of controls and steps in hazard control.



### Module four: Orientation and training

- OHS legislative requirements for orientation and training.
- Workplace orientations, including general, site-specific and job-specific.
- Orientation records.



### Module five: Inspections

- Describe the employer's legislated duties for inspections.
- Explain the supervisor's role in inspections.
- Plan and conduct inspections.
- Address concerns and make corrective actions.



### Module six: Investigations

- Review the roles of the employer, supervisor and worker in investigations.
- Review what incidents need to be investigated according to legislation.
- Review the investigation process.



### Module seven: Worker concerns and refusals

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

# Glossary of terms

Acronyms			
ACGIH	American Conference of Governmental Industrial Hygienists	NIOSH	National Institute for Occupational Health and Safety
CCOHS	Canadian Centre for Occupational Health and Safety	OHC	Occupational health committee
CSA	Canadian Standards Association	OHS	Occupational health and safety
CTDs	Cumulative trauma disorders	PPE	Personal protective equipment
ISO	International Organization for Standardization	The Act	Saskatchewan Employment Act
NFC	National Fire Code	SMART	Specific measurable attainable realistic time-bound
NFPA	National Fire Protection Association		

# Definitions

**Competent Worker:** With respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training.

**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 a partnership or group of persons that, pursuant to one or more contracts: (i) directs the activities of one or more employers or self-employed persons involved in work at a place of employment: or (ii) subject to subsection (3), retains an employer or self-employed person to perform work at a place of employment. (Section 3-1(1) (g) of the Act, Interpretation of Part).

**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:** An event that occurs immediately prior to the incident; directly results in an incident. If that direct cause was eliminated, the incident would not have occurred.

**Due diligence:** Means legal duty to take every precaution reasonable given the circumstances to avoid both harm to workers, property and the environment and to avoid an offence against the law. It is an extremely high standard to take reasonable care. In context with the legislation, the following principles encompass due diligence:

**General duties:** The Act imposes a duty on everyone in the workplace to take reasonable care of their health and safety and that of others, to the degree that they have the authority and ability to do so. This general duty is in addition to and goes far beyond complying with the law.

**Regulatory compliance:** If someone is charged with contravening the legislation, they cannot defend themselves successfully by claiming that they did not intend to break the law or not comply. To defend themselves adequately, a person must be able to show that they took every reasonably practicable action to ensure compliance.

**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).

**Proactive:** Due diligence requires a proactive and systematic approach to health and safety. Implement a health and safety program that:

- Identifies hazards.
- Assesses the risks associated with those hazards.
- Implements measures to eliminate or minimize those risks and
- Monitors each part of the program to ensure it adequate and efficient.

Employers must develop and implement this 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.

**Employer:** Means a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of that person, firm, association or body. (Section 3-1(1)(j) of the Act, Interpretation of Part).

**Expose:** Harmful contact through inhalation, ingestion or absorption through skin.

**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 WorkSafe Saskatchewan's belief that all incidents are predictable and as such preventable. Therefore, there is no such thing as accidents, only incidents.

# Definitions

**Infectious material or organism:** Means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self employed person.

**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:** Includes: (i) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used to be used as a place of employment; and (ii) an person who acts for or on behalf of a person mentioned in sub clause (i) as that person’s agent or delegate. (Section 3-1(1)(t) of the Act, Interpretation of Part).

**Plant:** Any premise, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation.

**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:** means 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. (Section 3-1(1)(bb) of the Act, Interpretation of Part).

**Supervisor:** means an individual who is authorized by an employer to oversee or direct the work of workers. (Section -1(1)(dd) of the Act, Interpretation of Part).

**Supplier:** Means, unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment. (Section 3-1(1)(ee) of the Act, Interpretation of Part).

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

**Worker:** Means an individual, including an supervisor, who is engaged in the service of an employer and includes a person who is enrolled in a secondary of post-secondary education institution and who: (A) is permitted by an employer, directly or indirectly, to perform work services; or (B) is being trained by an employer; or (ii) a member of a prescribed category of individuals; but does not include an inmate, as defined in the *Correctional Services Act, 2012* (Section 3-1(1)(gg) of the Act, Interpretation of Part).



# Module one

## Legislation

Learner handbook



*Work to live.*



Most workplaces in Saskatchewan are provincially regulated. Saskatchewan Occupational Health and Safety legislation sets the minimum standards for health and safety in the workplace. When it comes to occupational health and safety, every provincially regulated workplace in Saskatchewan must comply with:

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

Employers have a duty to know occupational health and safety legislation. While no employer is expected to memorize the legislation, there is an expectation for the employer to be familiar with sections that are relevant to their workplace.

This module will help you develop important skills in locating information in the legislation, understand the legislative roles and responsibilities of the employer, supervisors, workers and OHC, and review different key elements in the legislation. More specifically, this module will cover the legal duties supervisors have for ensuring the health and safety at work of all workers who work under their direction.

## This module will:

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



*The Saskatchewan Employment Act (The Act)* defines a supervisor as “an individual who is authorized by an employer to oversee or direct the work of the employer’s worker”.

This learner handbook is designed for anyone who falls under The Act definition of a supervisor. The term supervisor does not have to be in the individual’s position title for an individual to have legal responsibilities under Saskatchewan Occupational Health and Safety legislation.



The Saskatchewan health and safety legislation consists of an act, regulations and codes of practice. Part III of the Act:

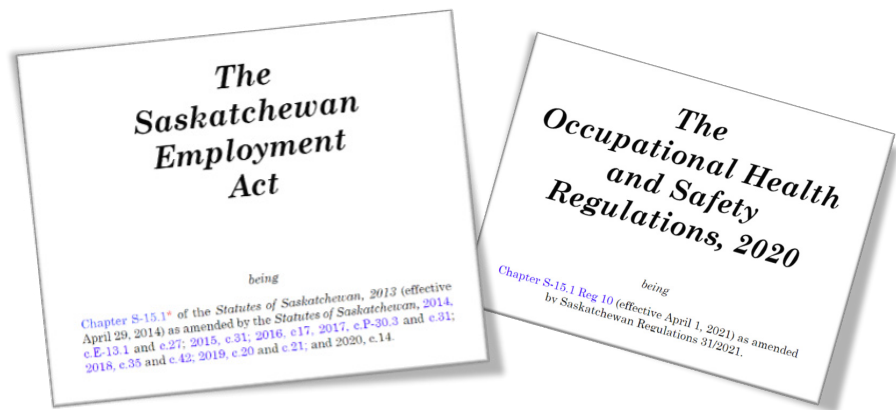
- Sets out general duties for health and safety.
- States what to do by setting out the rights and responsibilities of everyone in the workplace.
- Establishes a framework for sharing responsibility and identifying and controlling hazards.
- Provides an enforcement mechanism and penalties for non-compliance.

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.

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

\* 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 legislature.	The Regulations only require cabinet approval.
Parliament creates the Act and through the Act, authorizes 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).



### Additional legislation notes

Workplace hazardous materials information system (WHMIS) and prime contractor regulations have been brought into the main body of the [Regulations under Parts 22 and 33](#) respectively.

The mining industry must also comply with the *Mines Regulations, 2018*.

Workplaces that work with radiation, or equipment giving off radiation, must also comply with *The Saskatchewan Employment Act Part V* and the *Radiation Health and Safety Regulations*.

*The Saskatchewan Employment Act Part III* and the various regulations noted above make up what is commonly referred to as Saskatchewan's occupational health and safety legislation.

There is help available for interpreting and understanding Saskatchewan's occupational health and safety legislation. For more information or assistance, you can contact the Ministry of Labour Relations and Workplace Safety.

The human suffering and financial loss caused by work injuries and illnesses each year is tremendous. Saskatchewan Workers' Compensation Board (WCB) 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, including the leadership of supervisors, 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:

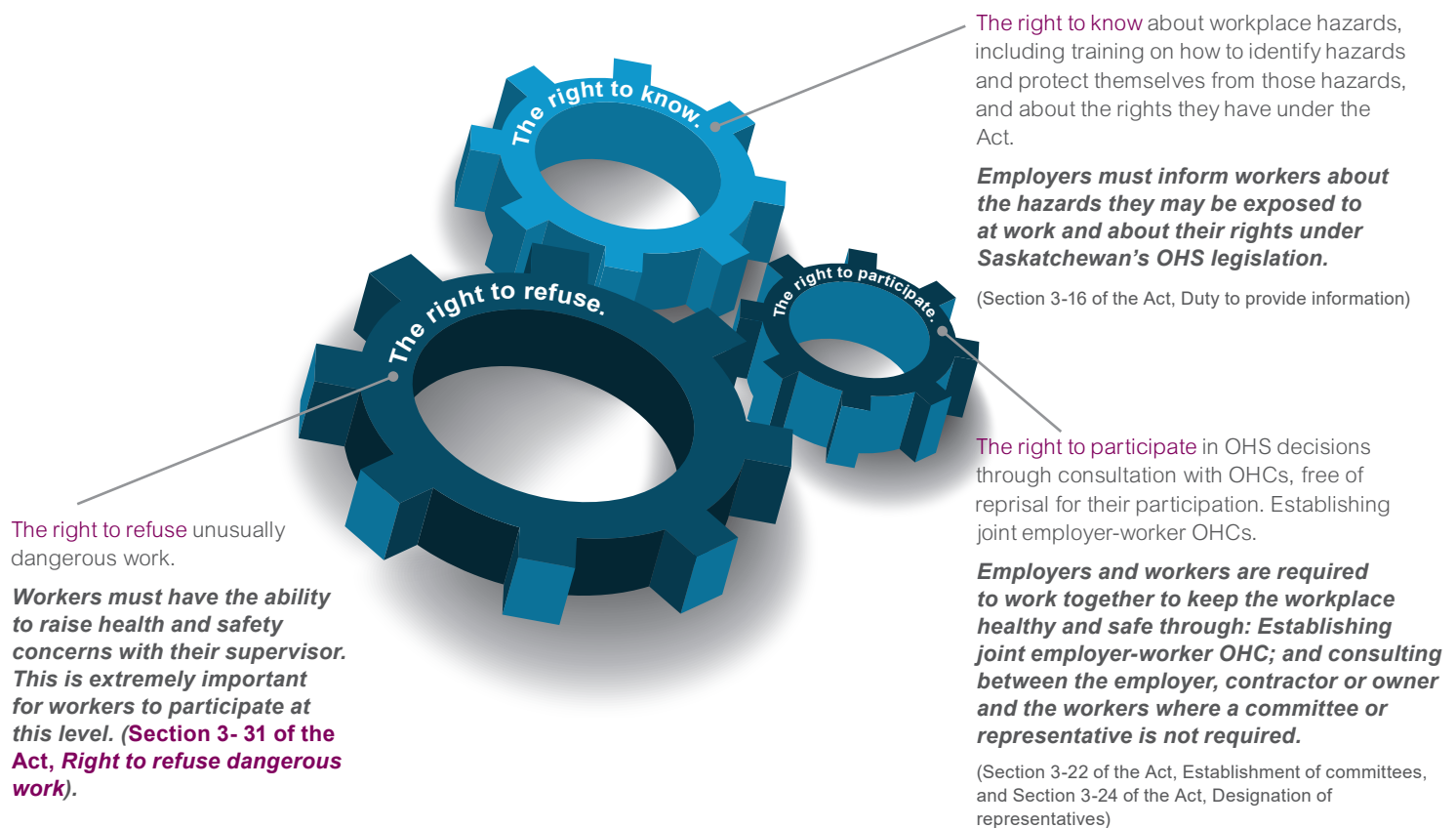
- Promotion and maintenance of the highest degree of physical, mental and social well-being of workers.
- Prevention among workers of ill health caused by working conditions.
- Protection of workers from factors adverse to their health.
- Placement and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions.
- Promotion and maintenance of a workplace free of harassment.



Every worker has the right to a safe and healthy 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 cooperate in health and safety.

The Act also recognizes that only adequately informed and empowered workers can effectively fulfill their responsibilities. The Act grants three important rights to workers:



Workers can participate at a more equal level with employers and supervisors to prevent workplace injuries and illness. It is important for supervisors to ensure that workers feel supported in these three rights.

As a supervisor, it is important to become familiar with *The Saskatchewan Employment Act, Part III* and *The Occupational Health and Safety Regulations, 2020*. Being familiar with and complying with the legislation is a key responsibility of a supervisor. Digital versions of the Act and the Regulations are available at the following link: [publications.saskatchewan.ca/#/products/4355](https://publications.saskatchewan.ca/#/products/4355)

This module will help you develop important skills in how to locate information in the legislation.

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.

The Act contains all the acts for the Ministry of 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 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 and Hearings re Parts II, III and V.

**Example:** You can find general duties of employer in the Act under Part III, Section 3-8.

**Part V of the Act** – Radiation Health and Safety.

**Appendix of the Regulations** – The appendix of the *Occupational Health and Safety Regulations, 2020*, has several Tables. Many sections within the Act and Regulations reference these Tables.

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;

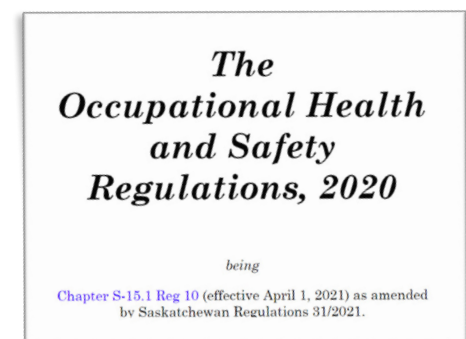
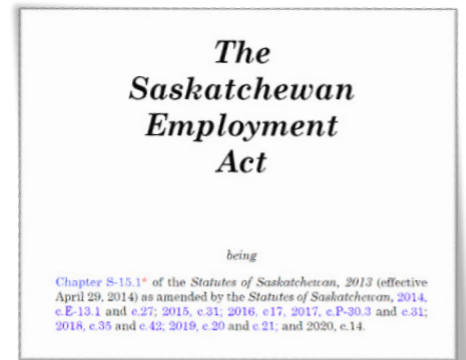
Section 3-8 of the Act, *General duties of employer*

## 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*



### ***The Saskatchewan Employment Act (the Act) Part III of the Act - Occupational Health and Safety.***

Consolidates 12 acts and most occupational health and safety information is contained in Part III - Occupational Health and Safety.

#### **Part III of the Act:**

- Sets out general duties.
- Establishes a framework for OHS duties and responsibilities.
- States enforcement and penalties for non-compliance.

#### **Part IV of the Act:**

- Appeals and Hearings re Parts II, III, V.

#### **Part V of the Act:**

- Radiation Health and safety.

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

- State minimum standards that every employer must meet.
- 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, like in this picture [1]. 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<sup>®</sup> 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<sup>®</sup> 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 and 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 is 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.

### Key definitions

**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.

**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.

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

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Part III of the Act.

## PART III Occupational Health and Safety

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- 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.

2-07	violation leave	2-85	Fee re wage assessments
2-08	Critically ill family care leave	2-86	Compliance audits and audit fees
2-09	Crime-related child death or disappearance leave	2-87	Director has standing as representative of employers
2-10	Citizenship emergency leave	2-88	Negotiation and settlement by director of employment standards
2-11	Public Health Emergency leave	2-89	Time limits for claims to director of employment standards
2-12	Subdivision 12 Layoff and Termination	2-90	Director of employment standards to keep records of moneys paid pursuant to this Part
2-13	Notice required	2-91	Posting of documents
2-14	Payments in case of layoffs or terminations	2-92	Enforcement of extraprovincial judgments
2-15	Notice of group termination	2-93	Application to set aside filed orders and judgment
2-16	Employee notice re termination	2-94	The Pension Benefits Act, 1992 to prevail
2-17	Priority of Wages	2-95	Subdivision 2 Offences and Penalties
2-18	Priority of Division	2-96	Offences
2-19	Interpretation of Division	2-97	Order to pay wages or deliver records and information
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SASKATCHEWAN EMPLOYMENT

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## 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;

(b) **“chemical substance”** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour, other than a biological substance;



Saskatchewan's Occupational Health and Safety legislation has requirements for all employers, contractors and owners to work cooperatively with workers to identify and address hazards. The legislation specifically requires that:

- Every workplace with 10 or more workers has an occupational health committee.
  - Construction sites where 10 or more employees or self-employed persons are working, or are likely to be working, for more than 90 days have an occupational health committee.
  - High hazard workplaces with 5-9 workers have an occupational health and safety representative.
  - Assists with the activities of an occupational health committee or occupational health and safety representative.
  - Seeks the establishment of an occupational health committee or the designation of an occupational health and safety representative.
  - Performs the function of an occupational health committee member or occupational health and safety representative.
  - Exercises the right to refuse.
  - Is or has been prevented from working because a notice of contravention has been served on the employer.
- The Saskatchewan Employment Act* states no employer shall take discriminatory action against a worker because the worker:
- Complies with Saskatchewan's occupational health and safety legislation.
  - Seeks enforcement of Saskatchewan's occupational health and safety legislation.

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.
- (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.
  - (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.

### Duties of employers

Employers have the most care and control in the workplace, and therefore have the most responsibility for health and safety. An employer is a person/business who operates a place of employment and employs the service of one or more workers. All employers must meet the minimum requirements for health and safety standards as required by law.

Employers are also required to have a copy of *The Saskatchewan Employment Act, 2013* (the Act) and *The Occupational Health and Safety Regulations, 2020* (the Regulations) readily available to workers and management.

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

Every employer shall:

- (a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers.
- (b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work.
- (c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b).
- (d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment.
- (e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part.
- (f) ensure that:
  - (i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare and
  - (ii) all work at the place of employment is sufficiently and competently supervised.
- (g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment.
- (h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a place of employment do not negatively affect the health, safety or welfare at work of the employer, other workers or any self-employed person at the place of employment.
- (i) comply with this Part and the regulations made pursuant to this Part.

### Duties of supervisors

Supervisors are important to safe workplaces because they are closest to the actual work being done and can address and resolve workers' health and safety concerns. A supervisor is an individual who is authorized by an employer to oversee or direct the work of the employer's workers.

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

Every employer shall:

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



### Duties of workers

Workers also have an important role in making their workplace healthy and safe. While at work, workers have a responsibility to work and act safely. A worker is an individual, or supervisor, who is engaged in the service of an employer.

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

Every worker while at work shall:

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

### Duties of occupational health committees

The role of occupational health committees is to monitor the workplace, give advice and make recommendations to the employer for eliminating and controlling hazards to keep the working environment safe. Their role is simply to advise and to assist. They do not have a direct responsibility for correcting hazards at their workplaces.

Employers are required to consult and cooperate with their committees in good faith and to respond to any concerns or recommendations raised in a timely manner. Responding in a 'timely manner' means promptly; without serious delay. When the concerns are not resolved, the employer is responsible to prepare a written response with their reasons for not resolving the concerns or accepting the recommendations.

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

- (1) The duties of an occupational health committee are the following:
  - (a) to participate in the identification and control of health and safety hazards in or at the place of employment.
  - (b) to cooperate with the occupational health and safety service, if any, established for the place of employment.
  - (c) to establish, promote and recommend the means of delivery of occupational health and safety programs for the education and information of workers.
  - (d) to maintain records with respect to the duties of the committee pursuant to this section.
  - (e) to investigate any matter mentioned in section 3-31.
  - (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.
- (2) An employer or contractor shall ensure that the duties of the occupational health committee imposed by this Part or the regulations made pursuant to this Part are not diminished by any other committee established within the place of employment by the employer or contractor.



### Duties of occupational health and safety representatives

Occupational health and safety representatives share the same duties as occupational health committees, except they are not required to investigate refusals to work.

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

- (1) The duties of an occupational health and safety representative are the following:
  - (a) to participate in the identification and control of health and safety hazards in or at the place of employment.
  - (b) to cooperate with the occupational health and safety service, if any, established for the place of employment.
  - (c) to receive and distribute to workers information regarding health and safety.
  - (d) to receive, consider and resolve matters respecting the health and safety of workers.
  - (e) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.
- (2) The occupational health and safety representative shall perform his or duties in consultation with the employer.



### Penalties

Every person who fails to comply with an order, decision or direction made pursuant to Saskatchewan Occupational Health and Safety legislation is guilty of an offence and may be subject to penalties. ([Section 3-79 of the Act, Penalties](#)).

For individuals who are convicted of offences that cause serious injuries or fatalities, the maximum fine is \$500,000.

For corporations who are convicted of offences that cause serious injuries or fatalities, the maximum fine is \$1,500,000.

While the maximum penalty is set by legislation, the actual amount charged to an individual or corporation is at the discretion of a judge.

Refer to the document *Understanding Occupational Health and Safety in Saskatchewan* on the [saskatchewan.ca](http://saskatchewan.ca) website for additional information on the following duties of employers, supervisors and workers.

### Compliance undertaking

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

- (1) An occupational health officer shall act pursuant to subsection (2) if the occupational health officer is of the opinion that a person:
  - (a) is contravening any provision of this Part or the regulations made pursuant to this Part; or
  - (b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.
- (2) In the circumstances mentioned in subsection (1), the occupational health officer shall:
  - (a) subject to subsection (4), require the person to enter into a compliance undertaking; or
  - (b) serve a notice of contravention on the person.
- (3) For the purposes of subsection (2):
  - (a) a compliance undertaking must:
    - (i) be in writing and in the form approved by the director of occupational health and safety.
    - (ii) contain a description by the occupational health officer of the action to be undertaken by the person and
    - (iii) contain the person's signed commitment to:
      - (A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the occupational health officer in the compliance undertaking; and
      - (B) provide a progress report in accordance with section 3-43; and
  - (b) a notice of contravention must:
    - (i) cite the contravened provision of this Part or of the regulations made pursuant to this Part.
    - (ii) state the reasons for the occupational health officer's opinion and
    - (iii) require the person to remedy the contravention within a period specified by the occupational health officer in the notice of contravention.
- (4) An occupational health officer shall not allow a person to enter into a compliance undertaking if a provision of this Part or the regulations made pursuant to this Part requires that a notice of contravention be issued.
- (5) An occupational health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:
  - (a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 3-43; or
  - (b) in the opinion of the occupational health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

### Compliance undertaking

Compliance undertakings are an enforcement tool available to occupational health officers from the Ministry. The Act defines a compliance undertaking as a written agreement, not a warning, where a workplace party commits to take steps to comply with Saskatchewan Occupational Health and Safety legislation by accomplishing specified tasks within a defined time period. (*Section 3-38 of the Act, Compliance undertakings and notices of contravention*).

Compliance undertakings will only be issued in circumstances where a prosecution or issuance of a summary offence ticket is not contemplated. A compliance undertaking does not require a workplace party to agree that they are in contravention of Saskatchewan Occupational Health and Safety legislation as long as the party agrees to take action on the matter within the time frame given by the occupational health officer. The progress report must be submitted to the occupational health officer within **five business days** of the specified date for compliance.

Occupational health officers will not allow a workplace party to enter into a compliance undertaking if a provision in Saskatchewan Occupational Health and Safety legislation requires that a notice of contravention be issued.

### Notice of contravention

A notice of contravention is a formal enforcement tool available to occupational health officers to identify non-compliance with Saskatchewan Occupational Health and Safety legislation. An occupational health officer uses a notice of contravention to do the following:

- Identify a contravention of Saskatchewan Occupational Health and Safety legislation.
- Require that corrective action be taken and specify the date by which that action is to be completed.
- Require a progress report within **five business days** of the prescribed date for correction to the Ministry and to a workplace occupational health committee or occupational health and safety representative. If a committee or representative is not required at a workplace, the report is provided to the workers.

Prior to issuing a notice of contravention, the occupational health officer must have formed the opinion that a workplace party has contravened Saskatchewan Occupational Health and Safety legislation and that the issuance of the notice of contravention is in accordance with the Act and the Ministry of Labour Relations and Workplace Safety policies. The opinion must be based on reasonable, credible and documented evidence.

When an occupational health officer formed the opinion that there is a breach of Saskatchewan Occupational Health and Safety legislation that may involve serious risk to the health and safety of a worker or workers, the occupational health officer will stop work.

### Summary offence ticketing

A summary offence ticket is a ticket issued by one of the designated occupational health officers from the Ministry of Labour Relations and Workplace Safety. The Ministry of Labour Relations and Workplace Safety and the Ministry of Justice have created summary offence tickets for certain occupational health and safety violations. (Section 3-78 of the Act, *Offences*).

**There are 12 ticketable offences.** Ticketable offenses include failing to comply with legislation for fall protection, excavating and trenching, personal protective equipment and submitting progress reports to the Ministry of Labour Relations Workplace Safety. Fines range from \$250 to \$1,000 depending on the offence.

Summary offence tickets are like speeding tickets. They will typically be issued either on the spot or sent by mail depending on the situation and circumstance. Either way, the occupational health officer will assess the situation and facts on the ground before issuing a ticket. Everyone who receives a ticket will have the right to challenge the ticket in court.

As per Section 3-31 of the Act, *Right to refuse dangerous work*, a worker may refuse to perform unusually dangerous work until the worker is satisfied the task is safe or until the occupational health committee has investigated the matter and advised the worker otherwise.

Work refusals apply only to occupational health and safety issues and are an individual right, not the right of a group. When exercising the 'right to refuse' the refusing worker is protected from discriminatory action.

When a worker is exercising the 'right to refuse', the supervisor must clarify with the worker:

- Which act or series of acts the worker is refusing to complete.
- Why the worker believes the work is unusually dangerous.

If the supervisor believes the act or series of acts is safe, the supervisor must explain to the refusing worker why it is safe. If the refusing worker does not agree, the worker or the supervisor can contact the occupational health committee co-chairpersons to investigate.

In instances where the supervisor of the disputed job is also an OHC member or co-chairperson, that individual shall not be involved in the OHC investigation.

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

- (1) 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.

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

If a worker has refused to perform an act or a series of acts pursuant to section 3-31, the employer shall not request or assign that act or series of acts unless that other worker has been advised by the employer, in writing of:

- (a) the refusal and the reason for it
- (b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act of series of acts in a healthy and safe manner; and
- (c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31..



If there is no occupational health committee or either party is not satisfied with the decision of the occupational health committee, either party may request an occupational health officer from the Ministry to investigate the work refusal. The officer will provide a written report to all parties at the conclusion of the investigation. (Section 3-32 of the Act, Investigation by occupational health officer).

As the introduction reminded us, you are not expected to memorize the legislation. However, as a supervisor you will want to become familiar with certain additional sections of the Regulations.

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

A supervisor should ensure that they are familiar with all relevant legislation. Provided that a supervisor follows legislation to any reasonably practical degree, the supervisor should not be held accountable for another party's action to contravene legislation.

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

A worker's personal medical information must be kept confidential (not disclosed).

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

Biological measuring is the measurement of exposure to a physical agent, chemical substance, or biological substance that is present in the workplace. If biological monitoring is done, the worker (the subject) must be informed of the purpose and results of the monitoring.

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

As stated in the Act, certain prescribed places of employment are required to establish and maintain an occupational health and safety program. The minimum requirements to include in the health and safety program are listed in this section of the regulations. We look at the requirements in detail in module four of this course.

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

Any workplace lost time injuries that require medical treatment must be reported to the occupational health committee or Occupational health and safety representative.

### **6. Section 5-12 of the Regulation, *Transportation of injured workers***

Legislation requires that a means of transportation for injured workers to a medical facility or hospital is available. The specific requirements for the transportation are detailed in this section.

There are additional regulations for supervisors in specific industries and worksites where certain activities are performed. Please be sure to review these sections of the legislation if they are relevant to you.

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

Diving operations must be conducted under the direction of a diving supervisor who has been provided with all the information and resources necessary to protect the health and safety of the divers under their direction.

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

A competent person shall be appointed to supervise any oil or gas exploration, drilling, servicing, testing or production operation. Section 29-3 of the regulations details the knowledge requirements necessary to deem the supervisor competent.

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

Supervisors in health care facilities must be competent. This section of the Regulations details the knowledge and experience requirements to be considered competent in the area of the supervisor's responsibility.



1. Where would you find information about a hearing conservation plan?  
Select the proper format to use when citing this legislation.

**Hearing conservation plan**

**8–6(1)** If 10 or more workers’ occupational noise exposure exceeds or is believed to exceed 85 dBA<sub>ex</sub>, an employer or contractor shall, in consultation with the committee:

- (a) develop a hearing conservation plan; and
- (b) review and, if necessary, revise the hearing conservation plan every 3 years.

- a. *Hearing conservation plan*, the Regulations, Section 8-6
- b. Section 8-6 of the Regulations, *Hearing conservation plan*
- c. The Regulations, Section 8-6, *Hearing conservation plan*

2. Using the Table of Contents in *The Saskatchewan Employment Act*, where would you find information on:

General duties of employers

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

- a. General duties of supervisors
- b. The definition of ‘harassment’
- c. Confidentiality of medical information

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2. Using the Table of Contents in the Occupational Health and Safety Regulations, 2020 where would you find information on:

- a. Supervision of work
- b. List of chemical and biological substances
- c. Protective headwear

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### 3. Cite the legislation where you will find the information:

The definition of “supervisor” (Act)

---

The duty of the employer to develop a harassment policy and investigate any incident of workplace harassment (Act)

---

Minimum requirements for Class B Qualifications for first aid certification (see Section 5-5(2) of the Regulations )

---

The duty of the employer to notify the ministry when an accident causing serious bodily injury occurs (Regulations)

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### 4. Identify which piece of legislation the statement below describes:

**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

### 5. Match the term with the definition:

**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.





# Module two

## Legal duties of a supervisor

Learner handbook



*Work to live.*



### This module will

- ✓ Review the role of a supervisor in the workplace responsibility system.
- ✓ List the legal duties of a supervisor.
- ✓ Review definitions of reasonably practicable, competent, worker, instruct and qualified.
- ✓ Review offenses, penalties and summary offense ticketing.

Once you complete this module you will be able to summarize the legal duties of a supervisor, explain due diligence, and review offenses, penalties and summary offense tickets.

### Philosophy

The workplace responsibility system is an underlying philosophy rather than a legislated responsibility system with an emphasis on what that looks like for a supervisor.

## The workplace responsibility system

Every person in the workplace, to the degree that they have the authority and ability to do so, is responsible for maintaining a healthy and safe workplace. The workplace responsibility system relies on input and co-operation from all levels in the workplace.

The workplace responsibility system is the underlying philosophy of occupational health and safety legislation in all Canadian jurisdictions. Its foundation is that everyone in the workplace - both workers and employers - is responsible for his or her own safety and for the safety of co-workers.

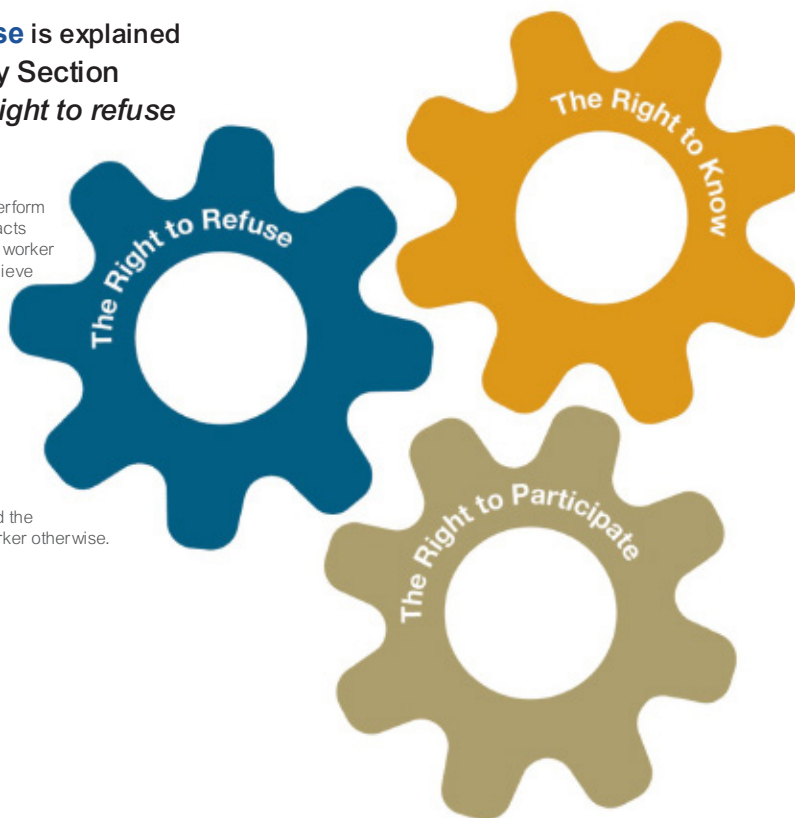
Saskatchewan was the first province to introduce the three rights of workers. Part of a supervisor's roles is to ensure workers know and are allowed to exercise their three legislated rights.

## Worker rights

The Act grants three important rights to workers:

**The right to refuse** is explained and represented by Section 3-31 of the Act, *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.



**The right to know** is represented and explained under Section 3-16 of the Act, *Duty to provide information*.

- 3-16(1) In this section, "required information":
- (a) means any information that an employer, contractor, owner or supplier knows or may reasonably be expected to know and that:
    - (i) may affect the health or safety of any person who works at a place of employment; or
    - (ii) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and
  - (b) includes any prescribed information.

**The right to participate** is represented through the employer's duty to establish an occupational health committee or, smaller workplaces, designate a health and safety representative.

Section 3-22 of the Act, *Establishment of committees* and Section 3-24 of the Act, *Designation of representatives* speak to this basic worker's right.

## ***Duty to provide information***

### **3-16(1) In this section, “required information”:**

- (a) means any information that an employer, contractor, owner or supplier knows or may reasonably be expected to know and that:
  - (i) may affect the health or safety of any person who works at a place of employment; or
  - (ii) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and
- (b) includes any prescribed information.
- (2) Subject to section 3-17 and Division 7, every employer shall keep readily available all required information and provide that information to the following at a place of employment:
  - (a) the occupational health committee;
  - (b) the occupational health and safety representative;
  - (c) the workers, if there is no occupational health committee and no occupational health and safety representative.
- (3) Subject to Division 7, every contractor shall provide all required information to:
  - (a) every employer and self-employed person with whom the contractor has a contract; and
  - (b) any occupational health committee established by the contractor.
- (4) Subject to Division 7, every owner of a plant used as a place of employment shall provide all required information to every contractor, every employer who employs workers who work in or on the plant and every self-employed person who works in or on the plant.
- (5) Subject to Division 7, every supplier shall provide prescribed written instructions and any other prescribed information to every employer to whom the supplier supplies any prescribed biological substance, chemical substance or plant.

## ***Establishment of committees***

### **3-22(1) Subject to the regulations made pursuant to this Part, at every place of employment where 10 or more workers of one employer work, the employer shall:**

- (a) establish an occupational health committee at the place of employment; and
- (b) designate persons as members of the occupational health committee in accordance with this section.
- (2) An occupational health committee must consist of at least two and no more than 12 persons.
- (3) At least half of the members of an occupational health committee must represent workers other than workers connected with the management of the place of employment.

- (4) No person who represents workers shall be designated as a member of an occupational health committee unless the person:

- (a) has been elected from the place of employment for that purpose by the workers whom the
- (b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members; or
- (c) if more than one union represents the workers whom the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

## ***Designation of representatives***

### **3-24(1) Subject to the regulations made pursuant to this Part, at each prescribed place of employment where fewer than 10 workers of one employer work, the employer shall designate a person as the occupational health and safety representative for those workers.**

- (2) No person may be designated as an occupational health and safety representative unless the person:
  - (a) has been elected from the place of employment for that purpose by the workers whom the person would represent;
  - (b) has been appointed from the place of employment in accordance with the constitution or the bylaws of the union of which the workers are members; or
  - (c) if more than one union represents the workers that the person would represent as an occupational health and safety representative, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

## ***Duty of employer or contractor to provide information***

### **3-4 An employer or contractor shall:**

- (a) make readily available for reference by workers a copy of:
  - (i) the Act;
  - (ii) any regulations made pursuant to the Act that apply to the place of employment or to any work done there; and
  - (iii) any standards adopted in the regulations that address work practices or procedures and that apply to the place of employment or to any work done there; and
- (b) if the information mentioned in clause (a) or in section 3-16 of the Act will be posted, provide a suitable bulletin board to be used primarily to post information on health and safety related to the place of employment.

As a supervisor, you will want to know the legal definitions of the following terms:



## Definitions:

### **Practicable**

Section 3-1(1)(x) of the Act, *Interpretation of Part*, tells us that “practicable” means possible given current knowledge, technology and invention.

### **Reasonably practicable**

Section 3-1(1)(z) of the Act, *Interpretation of part*, tells us that “reasonably practicable” means practicable - or possible - unless the person can prove a gross disproportion between the cost of the duty and the benefit.

(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.

### **Reasonable**

Occupational health and safety legislation does not define “reasonable” or “reasonable person”. The courts of law created the term “reasonable person” as a standard to give courts an objective test to decide where a person’s action constitute negligence.

A “reasonable person is an individual who approaches any situation with an appropriate amount of caution and then sensibly takes action.”

As explained in module one, the employer and supervisor have a duty to be reasonably practicable to ensure the health, safety and welfare at work of the employer’s workers.

In summary let's review two case from recent history where an employer was found guilty of failing to demonstrate they were reasonably practicable.

Example one: Failure to be reasonably practicable

### **Serious Workplace Injury Results In \$56,000 For Electrician Company**

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

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

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

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

The Ministry of Labour Relations and Workplace Safety works with employers and workers to eliminate workplace injuries and illnesses through education, inspections and prosecutions.

Example two: Failure to be reasonably practicable

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

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

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

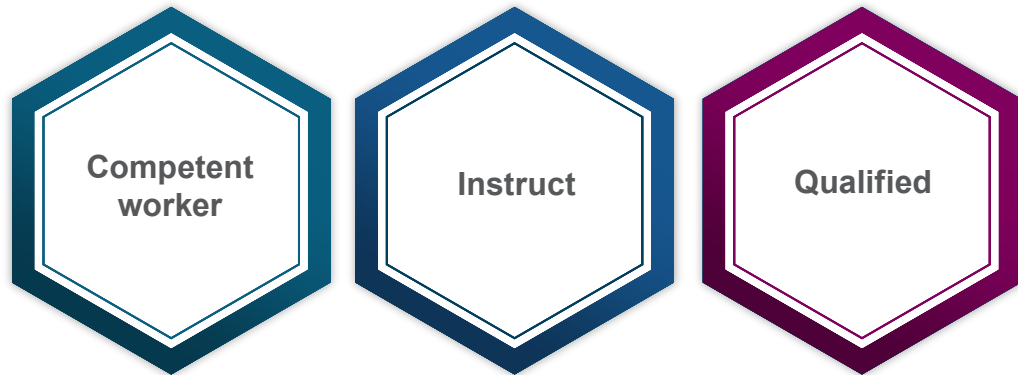
As a result, the Court imposed a fine of \$21,428.57 with a \$8,571.43 surcharge, for a total amount of \$30,000.

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

Employers are required to provide safe and healthy workplaces, and must provide information, training and experience necessary for employees to perform their jobs safely. For more information about workplace health and safety training and resources, visit [worksafesask.ca](http://worksafesask.ca) or contact an industry safety association.

The Ministry of Labour Relations and Workplace Safety works with employers and workers to eliminate workplace injuries and illnesses through education, inspections and prosecutions.

As a supervisor you will want to understand three more definitions:



## Definitions:

### **Competent worker**

Legislation differentiates between “competent” and “competent worker”. As we learned in module one, competent means that an individual possesses knowledge, experience and training for a specific duty.

The definition of “competent worker” is found in Section 1-2(1) of the Regulations, *Definitions and Interpretation*. It states clearly that an individual who is being trained to perform a task must be under close and competent supervision while they are being trained. A supervisor has a direct responsibility to decide if a worker is indeed a “competent worker”.

Let’s look at powered mobile equipment for an example. If a worker has been trained to operate a skidsteer, and been deemed to be a “competent worker”, that competency applies only to the task of operating a skidsteer. The worker would have been under close and competent supervision while gaining practical experience operating the that type of equipment.

### **Instruct**

Module one reviewed the definition of “train”. the definition of “instruct” is one component of “train”. To “instruct” means to give information and direction to a worker about a particular subject matter. (Section 1-2 (1) of the Regulations, *Definitions and Interpretation*.)

### **Qualified**

Some work tasks require a worker to be qualified. The type of degree or recognized certificate depends on the subject matter. Notice that the definition of qualified includes words that are used in the definitions for train, instruct and competent.

“qualified” means possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project. (Section 1-2(1) of the Regulations, *Definitions and Interpretation*).

## Summary

There are many examples of how these definitions work together to ensure individuals are capable of performing work tasks safely. For example, a Saskatchewan Class 5 driver’s license means that an individual is qualified to operate a car on a public roadway. However, that same qualification does not mean that same individual is qualified to operate a skidsteer on a construction site.

### Legislation

#### (i) Duties of the employer

The employer has the highest level of authority in the workplace and therefore they have the highest level of responsibility. Legislation refers to these responsibilities as duties.

Here is a list of what the employer is expected to do:

1. Provide a healthy and safe workplace
2. Consult and cooperate 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. Cooperate 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

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

#### **General duties of employer**

##### **3-8 Every employer shall:**

- (a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;
- (b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;
- (c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);
- (d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;
  - (d.1) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to violence with respect to any matter or circumstance arising out of the workers' employment;
- (e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;
- (f) ensure that:
  - (i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare; and
  - (ii) all work at the place of employment is sufficiently and competently supervised;
- (g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;
- (h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a place of employment do not negatively affect the health, safety or welfare at work of the employer, other workers or any self-employed person at the place of employment; and
- (i) comply with this Part and the regulations made pursuant to this Part.

### Supervisors also have legislated duties

If you are a supervisor, you will want to read Section 3-9 of the Act, *General duties of supervisors* in its entirety.

#### ***General duties of supervisors***

##### **3-9 Every supervisor shall:**

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

#### **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.**

### Workers have legislated duties

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

#### **General duties of workers**

**3-10 Every worker while at work shall:**

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

#### **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.

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

**For example:**

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

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

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

### ***General duties of employer***

**3-1 The duties of an employer at a place of employment include:**

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

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

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

**Legislation also states that an employer must ensure that supervisors have sufficient knowledge of:**

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

### ***Supervision of work***

**3-6(1) An employer or contractor shall ensure that:**

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



### Due diligence

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

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

**Due diligence principles:** The four due diligence principles are; **General duties, regulatory compliance, reasonably practicable and proactive.**

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

- A supervisor is often the individual to have the greatest degree of control over the circumstances that are happening day-to-day in a workplace. Under legislation, a supervisor is required to have sufficient knowledge of all matters under the scope of their authority.

### **Generality of duties not limited**

**1-4(1) A specific duty imposed by these regulations does not limit the generality of any other duty imposed by the Act or other regulations made pursuant to the Act.**

- (2) A duty or requirement imposed on an employer or a worker by these regulations applies, with any necessary modification, to a self-employed person.
- (3) A provision of these regulations that prohibits a worker from carrying out a specified action applies, with any necessary modification, to an employer or a self-employed person.
- (4) A provision of these regulations that requires an employer to ensure that a worker carries out or refrains from carrying out a specified action applies, with any necessary modification, to an employer or a self-employed person.
- (5) If a provision of these regulations imposes 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.
- (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 1 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 1 person.
- (8) If the person with the greatest degree of control fails to comply with a provision described in subsection (5) but 1 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) If 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 that person took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.

### 2. Regulatory compliance:

An employer must demonstrate that they have taken every reasonably practicable action to comply with legislation. To demonstrate due diligence, an individual who is in the role of supervisor shall ensure they are familiar with and comply with all relevant legislation.

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

### 3. Reasonably practicable:

An employer is required to do all that is possible unless the person can prove a gross disproportion between the cost of the duty and the benefit.

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

### ***Interpretation of Part***

#### **3-1(1) In this Part and in Part I.**

(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;

### 4. Proactive

An employer is expected to take action to prevent illness and injury by completing hazard identification, risk assessment and control implementation. They are also expected to regularly review the health and safety program.

As a supervisor, one action that demonstrates due diligence is to follow a documented system that identifies hazards, assesses their associated risks, and implements controls. Controls are meant to either eliminate the risk or reduce risks to an allowable level.

### 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.

### 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?



## Compliance undertakings and notices of contravention

### Compliance undertaking

When an occupational health officer encounters a person who is not complying with the Act or regulations, the officer will require the person to enter into a compliance undertaking or serve the person with a notice of contravention. An excerpt is included below. As a supervisor you will want to read Section 3-38 of the Act in its entirety.

A compliance undertaking is a written agreement (not a warning) where a workplace party commits to comply with legislation by accomplishing specified tasks within a defined time period. When a workplace party enters into a compliance undertaking, they must submit a progress report to show that they have completed the specified tasks.

### Notice of contravention

In a notice of contravention, officers must:

- Identify the section(s) of the legislation or regulation that have been contravened
- Require that correction action(s) be taken and specify the date by which that action is to be completed and
- Require progress to be sent to the OHS Branch within five business days of the prescribed date for correction and to a workplace OHC or representative. Where neither a committee nor representative exists at a workplace, the progress report is provided to the workers.

### **Compliance undertakings and notices of contravention**

3-38(1) An occupational health officer shall act pursuant to subsection (2) if the occupational health officer is of the opinion that a person:

- (a) is contravening any provision of this Part or the regulations made pursuant to this Part; or
- (b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the occupational health officer shall:

- (a) subject to subsection (4), require the person to enter into a compliance undertaking; or
- (b) serve a notice of contravention on the person.

(3) For the purposes of subsection (2):

- (a) a compliance undertaking must:
  - (i) be in writing and in the form approved by the director of occupational health and safety;
  - (ii) contain a description by the occupational health officer of the action to be undertaken by the person; and
  - (iii) contain the person's signed commitment to:

(A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the occupational health officer in the compliance undertaking; and

(B) provide a progress report in accordance with section 3-43; and

(b) a notice of contravention must:

- (i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;
- (ii) state the reasons for the occupational health officer's opinion; and
- (iii) require the person to remedy the contravention within a period specified by the occupational health officer in the notice of contravention.

(4) An occupational health officer shall not allow a person to enter into a compliance undertaking if a provision of this Part or the regulations made pursuant to this Part requires that a notice of contravention be issued.

(5) An occupational health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:

- (a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 3-43; or
- (b) in the opinion of the occupational health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

### Stop work orders

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

To prevent serious risk situations that could lead to a stop work order at your workplace, familiarize yourself with the examples below of conditions that are considered a serious risk.

#### The serious risk conditions are:

1. Workers being exposed to falls in excess of three metres without appropriate fall protection.
2. The presence of floor or roof openings through which workers could fall.
3. Workers working in confined spaces without atmosphere testing or other safety procedures.
4. Workers working on equipment or machinery without lockout in place (when such lockout is required).
5. Workers working in a trench that has not been cutback or adequately shored.
6. Workers handling toxic, carcinogenic, or corrosive chemicals without the appropriate information or precautions in place.
7. Workers working in an atmosphere that may pose a threat to health from inhalation of harmful substances without respiratory equipment or other controls.
8. Workers leaving trees partially cut and standing or sit back trees while continuing to work in the area.

### Summary offence tickets (SOTs)

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

There are 12 ticketable offenses. Offences include failure to comply with fall protection, evacuation or trenching, personal protective equipment, submission of a progress report requirements and submission of information requested by the director.

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

The officer will assess the situation and facts on the ground before issuing a ticket. The ticket will be issued either in person or sent by mail. Everyone who gets a ticket has the right to challenge it in court.

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties
1.	Failing to submit a written progress report <sup>1</sup>	Section 3-43(b) (Act)	\$600 Employers, <b>supervisors</b> , self-employed persons, suppliers, contractors, owners
2.	Failing to submit information requested by the director <sup>2</sup>	Section 3-64(1) (Act)	\$600 Employers, <b>supervisors</b> , self-employed persons, suppliers, contractors, owners
3.	Failing to supply approved personal protective equipment	Section 7-2(1)(a) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
4.	Failing to ensure that workers use personal protective equipment	Section 7-2(1)(b) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
5.	Worker failing to use provided personal protective equipment	Section 7-2(4)(a) (Regulations)	\$250 Workers
6.	Failing to ensure that workers use a fall protection system where a worker may fall three metres or more	Section 9-2(2)(a) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
7.	Failure to ensure that workers use a fall protection system where there is a possibility of injury if a worker falls less than three metres	Section 9-2(2)(b) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors, owners
8.	Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected	Section 9-13(1) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors, owners
9.	Failing to provide an effective safeguard	Section 10-4(1) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
10.	Failing to ensure that workers are protected from cave-ins or sliding material in an excavation	Section 17-6(1) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
11.	Failing to ensure that workers are protected from cave-ins or sliding material in a trench	Section 17-7(1) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties
12.	Failing to implement a hazardous confined space entry plan	Section 18-7(3) (Regulations)	\$1,000 Employers, <b>supervisors</b> , contractors
<p><sup>1</sup> "Failing to submit a written progress report" Act, section 3-43(b) requires the submission of a progress report to an officer explaining what actions have been taken to remedy each violation stated in a notice of contravention within the required timelines.</p> <p><sup>2</sup> "Failing to submit information requested by the director" Act, section 3-64 allows the director of the OHS Branch to request information needed for the branch to perform its duties and exercise its powers.</p>			

### Penalties

See Act, section 3-79.

The Saskatchewan Employment Act provides penalties as follows:

- The maximum fine for an individual(s) who causes serious injury or fatality is \$500,000.
- The maximum fine for a corporation(s) who causes a serious injury or fatality is \$1,500,000.

While the maximum penalty is set by legislation, the actual amount charged to an individual or corporation is at the discretion of a judge.

## Offences and penalties

### Legislation

Section 3-78 of the Act, *Offences* states seven ways an offence against occupational health and safety legislation can occur. When an offence occurs, penalties will be considered. Section 3-79 of the Act, *Penalties* has nine subsections that describe in detail various levels of penalties.

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

See section 3-78 of the Act, *Offences*.

See section 3-79 of the Act, *Penalties*.

### Offences

#### 3-78 No person shall:

- (a) fail to comply with any term or condition imposed on that person by a notice of contravention;
- (b) intentionally obstruct the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;
- (c) fail to reasonably cooperate with the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;
- (d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;
- (e) take discriminatory action against a worker contrary to section 3-35;
- (f) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or
- (g) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

### Penalties

**3-79(1) Subject to subsection (2), every person who is guilty of an offence mentioned in clause 3-78(b), (d) or (f) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding \$4,000.**

- (2) Every person who is guilty of an offence mentioned in clause 3-78(f) because of a failure by the person to comply with a decision or order of the director of occupational health and safety pursuant to section 3-53 or with a decision or order of an adjudicator is liable on summary conviction, in addition to any other fine or penalty imposed pursuant to this Act:
  - (a) to a fine not exceeding \$10,000; and
  - (b) to a further fine not exceeding \$1,000 for each day or portion of a day during which the offence continues.

- (3) Every person who is guilty of an offence mentioned in clause 3-78(a), (e) or (g) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (4).
- (4) A person who is convicted of an offence mentioned in subsection (3) is liable:
  - (a) for a first offence:
    - (i) that is a single, isolated offence, to a fine not exceeding \$20,000;
    - (ii) that is a continuing offence:
      - (A) to a fine not exceeding \$20,000; and
      - (B) to a further fine not exceeding \$2,000 for each day or portion of a day during which the offence continues;
  - (b) for a second or subsequent offence:
    - (i) that is a single, isolated offence, to a fine not exceeding \$40,000;
    - (ii) that is a continuing offence:
      - (A) to a fine not exceeding \$40,000; and
      - (B) to a further fine not exceeding \$4,000 for each day or portion of a day during which the offence continues.
- (5) Every person who is guilty of an offence mentioned in section 3-78 that does not cause but is likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (6).
- (6) A person who is convicted of an offence mentioned in subsection (5) is liable:
  - (a) for a first offence:
    - (i) that is a single, isolated offence, to a fine not exceeding \$100,000;
    - (ii) that is a continuing offence:
      - (A) to a fine not exceeding \$100,000; and
      - (B) to a further fine not exceeding \$10,000 for each day or portion of a day during which the offence continues.



### **Example one: Failure to provide information, instruction, training and supervision.**

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

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

The company was fined for contravening clause 3-1(c) of the regulations (being an employer, fail to comply with the duties of an employer at a place of employment including the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work, resulting in the serious injury of a worker). As a result, the Court imposed a fine of \$50,000 with a surcharge of \$20,000, for a total amount of \$70,000.

Two other charges were withdrawn.

The charges stemmed from an incident that occurred on June 17, 2021, near Gull Lake, Saskatchewan, when a worker suffered serious injuries in the cab of a scraper buggy.

The Ministry of Labour Relations and Workplace Safety works with employers and workers to eliminate workplace injuries and illnesses through education, inspections and prosecutions.



### Example two: Operator of powered mobile equipment is fined.

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

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

The individual was fined for contravening subsection 11-13 (3) of the regulations (being an operator of a unit of powered mobile equipment move or cause to be moved any part of the equipment when a worker may be endangered by that movement, resulting in the serious injury of a worker). As a result, the court imposed a fine of \$2,000 with a surcharge of \$800, for a total amount of \$2,800.

One other charge was withdrawn.

The charges stemmed from an incident that occurred on January 21, 2022, near Griffin, Saskatchewan, when a worker suffered serious injuries when pinched between a water truck and a payload.

The Ministry of Labour Relations and Workplace Safety works with employers and workers to eliminate workplace injuries and illnesses through education, inspections and prosecutions.

### 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.





### 1. Match the term with the definition:

<b>Practicable</b>	Means an individual who approaches any situation with an appropriate amount of caution and then takes sensible action.
<b>Reasonably practicable</b>	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.
<b>Reasonable</b>	To give information and direction to a worker with respect to a particular subject matter.
<b>Competent Worker</b>	Possible given current knowledge, technology and invention.
<b>Instruct Worker</b>	Possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating by knowledge, training and experience the ability to deal with the problems related to the subject matter.
<b>Qualified</b>	With respect to a particular task or duty, includes a worker who is being trained to perform that task or duty and who is under close and competent supervision during that training.

### 2. What is due diligence?

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

### 3. Which of the following is NOT a due diligence principle?

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



# Module three

Hazard identification, risk assessment and controls

Learner handbook



*Work to live.*



While supervisors are not expected to be safety representatives or officers, it's crucial that they are able to identify or recognize a hazard, evaluate or assess the risk of that hazard and control that hazard. In most

### **This module will:**

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

cases, workers suffer the most from incidents and occupational illnesses. This makes it important for supervisors to make sure they include workers in this process and support their workers.

Saskatchewan OHS legislation has requirements for identifying and addressing specific hazards.

Supervisors should be regularly addressing and controlling the risks hazards pose to their employees. Supervisors should be actively encouraging employees to report hazards.

This module will review hazards that show up in the workplace and how to properly identify, assess and control them.

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

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

It is important for supervisors to have an active role in workplace hazard identification, risk assessment and control.

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

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 and implement the best controls 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

### Employers must:

Develop and maintain a listing of all chemical and biological substances that may be hazardous in the workplace

Have the corresponding safety data sheets readily available to all workers.

Section 21-2 of the Regulations, *List of chemical and biological substances*

Section 22-13 of the Regulations, *Availability of safety data sheets*

### Table 16 in the Appendix of the Regulations, Notifiable Chemical and Biological Substances.

Employers must also notify the ministry of an intended or actual handling, use, storage or disposal of any substances listed in Table 16.

### Substances listed in Table 16

21-4(1) An employer shall send to the director a written notice of any handling, use, storage, production, distribution or disposal, or any intended handling, use, storage, production, distribution or disposal of any chemical substance or biological substance listed in Table 16 of the Appendix.

(2) No employer shall handle, use, store, produce, distribute or dispose of a chemical substance or biological substance listed in Table 16 of the Appendix without:

- obtaining the written permission of the director; and
- complying with any conditions that the director may specify.

**TABLE 16**

[Sections 21-4 and 21-10]

### Notifiable Chemical and Biological Substances

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

#### CAS NUMBER CHEMICAL SUBSTANCE

92-67-1 4-Aminobiphenyl

492-80-8 Auramine

92-87-5 Benzidine

542-88-1 bis(Chloromethyl) ether

119-90-4 o-Dianisidine

91-94-1 3,3'-Dichlorobenzidine

107-30-2 Methyl chloromethyl ether

50-60-2 Mustard gas

91-59-8 2-Naphthylamine

92-93-3 4-Nitrobiphenyl

75-01-4 Vinyl chloride

Any of the following biological substances:

Genetically modified microorganisms

<sup>1</sup>“genetically modified” means genetic combinations not known to occur naturally.

<sup>2</sup>“microorganisms” means any organism or consortium of organisms of microscopic size, including bacteria, protozoa, fungi, algae and viruses.

**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
- Temperature
- Vibration
- Pressure
- Radiation

**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

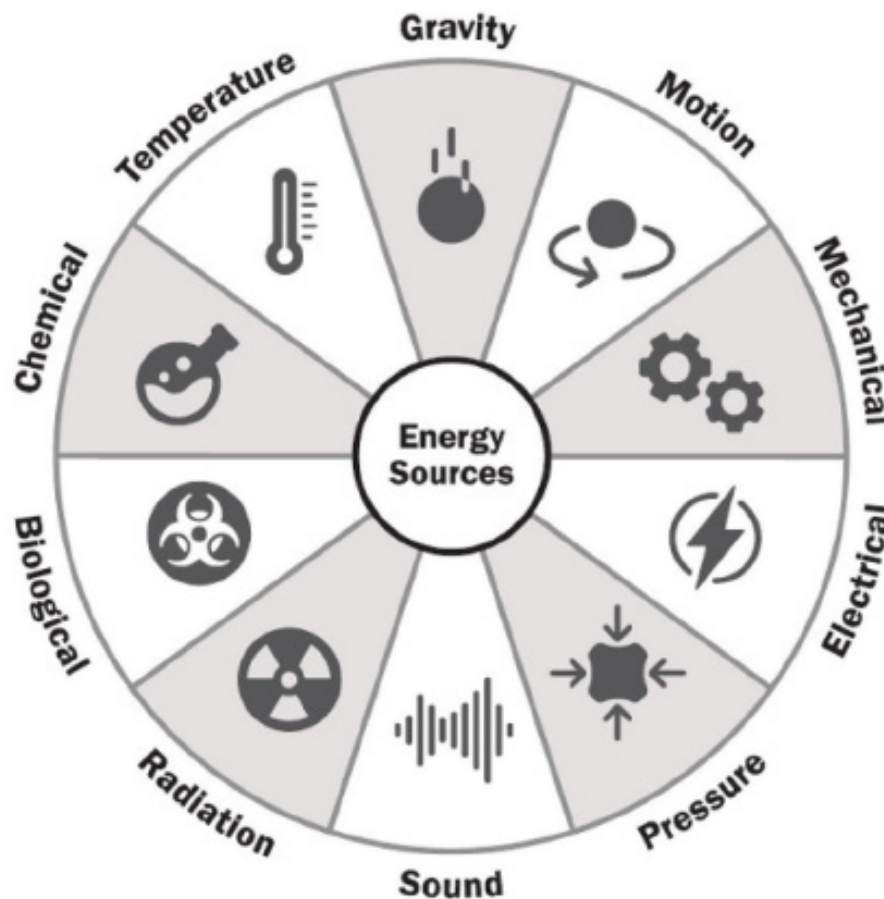
A safety hazard is anything that could cause a physical injury.

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

### 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
- Weather
- Steam
- Dry ice
- Open flames

### Chemical hazards

Toxic substances that pose health risks.

Chemical hazards include (but are not limited to):

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

### 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
- Insects and rodent bites
- Sharps waste
- Poisonous plants
- Sewage

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*

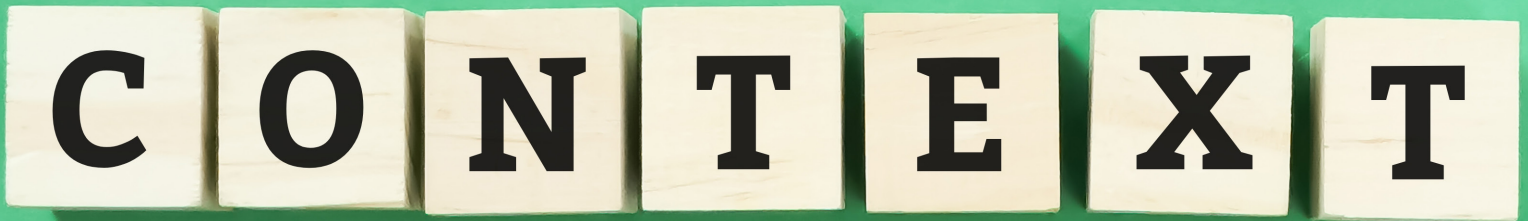
Psychosocial hazards involve human behaviour and human interaction.

**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.





## Psychosocial factors

Psychosocial factors are elements that impact employees' psychological responses to work and work conditions, potentially causing psychological health problems. Psychosocial factors include the way work is carried out and the context in which work occurs, including relationships and interactions with employers, supervisors, colleagues, coworkers, clients or customers.

*Guarding Minds @ Work* (Canadian Centre for Occupational Health and Safety) identifies the following psychosocial factors that contribute to a psychologically healthy and safe workplace.

<b>Psychological support</b>	<ul style="list-style-type: none"><li>• Where coworkers and supervisors are supportive of employees' psychological and mental health concerns and respond appropriately.</li></ul>
<b>Organizational culture</b>	<ul style="list-style-type: none"><li>• Where the work environment is characterized by trust, honesty and fairness.</li></ul>
<b>Clear leadership and expectations</b>	<ul style="list-style-type: none"><li>• Where there is effective leadership and support that helps employees with what they need to do, how their work contributes to the organization and whether there are impending changes.</li></ul>
<b>Civility and respect</b>	<ul style="list-style-type: none"><li>• Where employees are respectful and considerate in their interactions with one another, as well as with customers, clients and the public.</li></ul>
<b>Psychological competencies and requirements</b>	<ul style="list-style-type: none"><li>• Where psychological job demands are identified and there is a good fit between employees' interpersonal and emotional competencies and the requirements of the position they hold.</li></ul>
<b>Growth and development</b>	<ul style="list-style-type: none"><li>• Where employees receive encouragement and support in the development of their interpersonal, emotional and job skills.</li></ul>
<b>Recognition and reward</b>	<ul style="list-style-type: none"><li>• Where there is appropriate acknowledgement and appreciation of employees' efforts in a fair and timely manner.</li></ul>
<b>Involvement and influence</b>	<ul style="list-style-type: none"><li>• Where employees are included in discussions about how their work is done and how important decisions are made.</li></ul>
<b>Workload management</b>	<ul style="list-style-type: none"><li>• Where tasks and responsibilities can be accomplished successfully within the time available.</li></ul>
<b>Engagement</b>	<ul style="list-style-type: none"><li>• Where employees feel connected to their work and are motivated to do their job well.</li></ul>
<b>Balance</b>	<ul style="list-style-type: none"><li>• Where there is recognition of the need for balance between the demands of work, family and personal life.</li></ul>
<b>Psychological protection</b>	<ul style="list-style-type: none"><li>• Where employees' psychological safety is ensured.</li></ul>
<b>Protection of physical safety</b>	<ul style="list-style-type: none"><li>• Where management takes appropriate action to protect the physical safety of employees.</li></ul>

### 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.*

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

Legislation requires additional safety measures for late night retail premises. Examples of additional safety measures:

- Conduct hazard assessments.
- Develop a safe cash handling procedure.
- Install additional signage.
- Use video cameras to capture activity in key areas.

### **Safety measures – retail premises**

**3-27(1) In this section, “late night retail premises” means a place of employment that is open to the public between the hours of 11:00 p.m. and 6:00 a.m. for the purposes of making retail sales to consumers.**

- (2) In addition to the requirements imposed by sections 3-24 and 3-26, an employer of workers at a late night retail premises shall conduct a workplace hazard assessment in accordance with an approved industry standard.
- (3) The employer shall conduct the workplace hazard assessment required by subsection (2):
  - (a) in the case of an employer who operates a late night retail premises on the day on which this section comes into force, as soon as is reasonably practicable after the day on which this section comes into force;
  - (b) in the case of an employer who operates a place of employment that becomes a late night retail premises after the day on which this section comes into force, as soon as is reasonably practicable after the day on which the place of employment became a late night retail premises.
- (4) An employer shall ensure that the workplace hazard assessment required by subsection (2) is reviewed and, if necessary, revised every 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.
- (5) In addition to the requirements of sections 3-24 and 3-26, an employer of workers at a late night retail premises shall implement the following security measures:
  - (a) the development of written safe cash handling procedures that minimize the amount of money that is readily accessible to the worker in the establishment;
  - (b) the use of video cameras that capture key areas in the workplace, including the cash desk and the outdoor gas pumps, if applicable;
  - (c) the establishment of measures to ensure good visibility into and out of the premises; and
  - (d) the placement of signs to indicate:
    - (i) the worker’s limited accessibility to cash and valuables; and
    - (ii) the use of video cameras on the premises.
- (6) An employer of workers at a late night retail premises that has 1 worker working alone between the hours of 11:00 p.m. and 6:00 a.m. shall, in addition to the requirements set out in section 3-24 and subsection (5):
  - (a) implement a check-in system and a written check-in procedure for that worker; and
  - (b) provide a personal emergency transmitter to be worn by the worker that signals for emergency response when activated.

### 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.*



### 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.

### 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

#### RISK RATING

LIKELIHOOD	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				

<b>High</b>	<b>Stop work until controls reduce the risk to an acceptable level</b>
<b>Medium</b>	Use temporary measures to reduce the risk until permanent controls can be implemented.
<b>Low</b>	Policies and procedures often resolve this level of risk. Continue work with caution.

#### 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

#### EXAMPLE: Improper ladder use.

- a. **Safety hazard:** Operating power equipment
- b. **Health hazard:** Chemical exposure.
- c. **Safety hazard:** Tripping hazards – tarp and tools.
- d. **Health hazard:** Improper ergonomics.

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

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

5	3	15	?
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LIKELIHOOD	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				



### Hazard

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

- a. **Safety hazard:** Operating power equipment
- b. **Health hazard:** Chemical exposure.
- c. **Safety hazard:** Tripping hazards – tarp and tools.
- d. **Health hazard:** Improper ergonomics.

Likelihood	Consequence	Risk Rating	Prioritize
1-5	1-5	likelihood x consequence	
<b>5</b>	<b>3</b>	<b>15</b>	<b>?</b>

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, piece-meal response to each concern as it arises.

### To be proactive, an employer should:

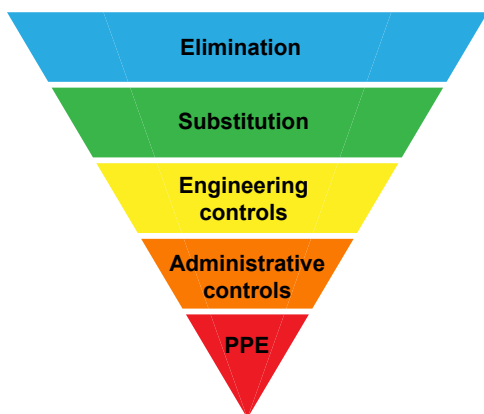
- Establish a health and safety policy, in consultation with the OHC, to demonstrate that the employer is committed to health and safety.
- Build health and safety into all aspects of the organization, such as tendering, purchasing, hiring and so on.
- Ensure everyone understands health and safety is 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.

Sometimes hazard controls do not work as well as expected. Therefore, they should be monitored to check the effectiveness of the corrective action during inspections and other activities. As a supervisor, you may be asked questions by the OHC or representative. Be honest in your answers so that the most effective controls could be put in place.

OHCs ask these questions and it may be a good idea for supervisors to be prepared by knowing the answers:

- 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?

### 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.
- Health and safety requirements for others at the workplace, such as self-employed persons.

Supervisors can play a key role in this process by being a direct line of communication to the workers, and ensure that the training, emergency response procedures and other health and safety requirements are being met.

The World Health Organization defines impairment as any loss or abnormality of psychological, physiologic, or anatomic structure or function.

In the workplace, being impaired means being mentally or physically unable to perform assigned work functions safely. Employees who come to work impaired may put themselves, their coworkers and the public in danger.

Potential causes of impairment include, but are not limited to:

- Substance use, including alcohol or other legal or illegal drugs.
- Family or relationship problems.
- Mental or physical fatigue.
- Traumatic shock.
- Medical conditions or treatments.
- Conflict with the employer, or among employees.
- Workplace harassment or bullying.

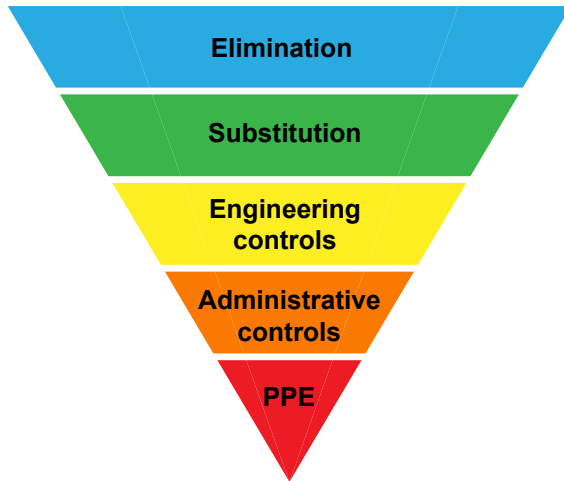
Supervisors need to be able to recognize signs of impairment that can affect an employee's ability to work safely. Supervisors should not allow employees with signs of impairment to complete job tasks that put their own safety or the safety of others at risk. Signs of impairment can include, but are not limited to:

- Changes in physical appearance, such as glassy or red eyes.
- Changes in physical abilities, such as an unsteady gait, poor co-ordination or slurring of words.
- Personality changes or erratic behaviour, such as increased interpersonal conflicts and/or overreaction to criticism.
- Reduced decision-making ability.
- Reduced ability to do complex planning.
- Reduced communication skills.
- Reduced productivity or performance.
- Reduced attention and vigilance.
- Reduced ability to handle stress on the job.
- Reduced physical or mental reaction time.
- Loss of memory or the ability to recall details
- Failure to respond to changes in surroundings or information provided.
- Increased tendency for risk-taking.
- Increased forgetfulness.
- Increased errors in judgement.
- Increased tardiness and absenteeism.

When supervisors believe that an employee may be substance-dependent, they should follow their employer's processes for accommodating employees with disabilities.

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

### Hazard: Improper ladder use



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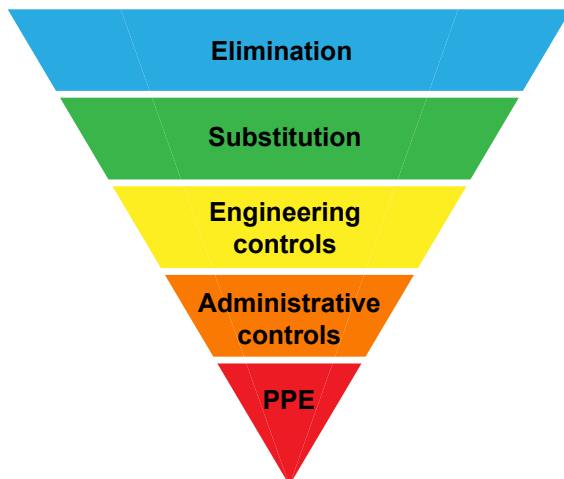
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### Hazard: Improper ergonomics – sustained awkward posture



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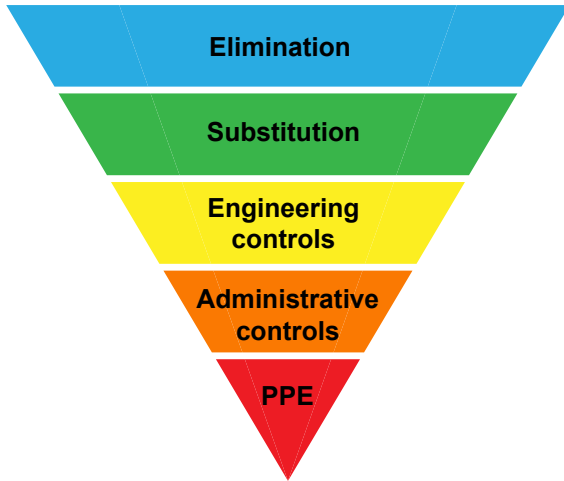
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**Hazard: Operating power equipment  
(with a blade)**



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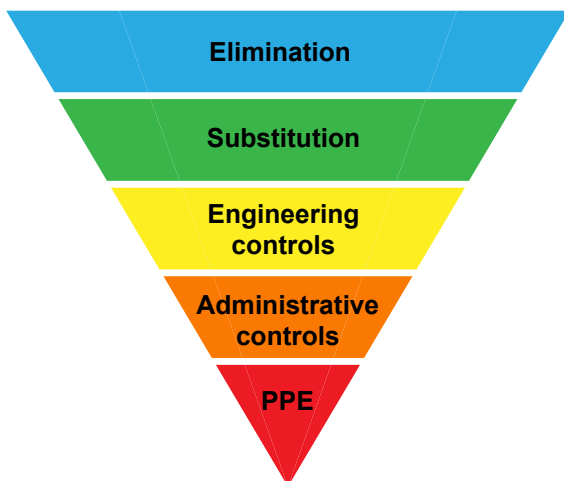
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**Hazard: Chemicals improperly  
handled**



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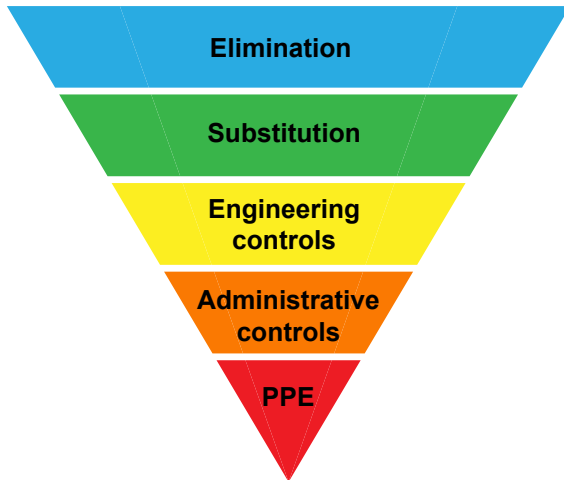


### Hazard

- a. **Health hazard:** Biological hazard- Dangerous animal.
- b. **Health hazard:** Potential violence – Aggravated client.
- c. **Health hazard:** Lone worker.
- d. **Safety hazard:** Tripping hazard - hose.

Likelihood	Consequence	Risk Rating	Prioritize
1-5	1-5	likelihood x consequence	
<b>5</b>	<b>4</b>	<b>20</b>	<b>1st</b>
<b>4</b>	<b>4</b>	<b>16</b>	<b>2nd</b>
<b>3</b>	<b>4</b>	<b>12</b>	<b>3rd</b>
<b>3</b>	<b>3</b>	<b>9</b>	<b>4th</b>

### Hazard: Biological hazard – Dangerous animal



Do not continue until the animal is removed from the premises

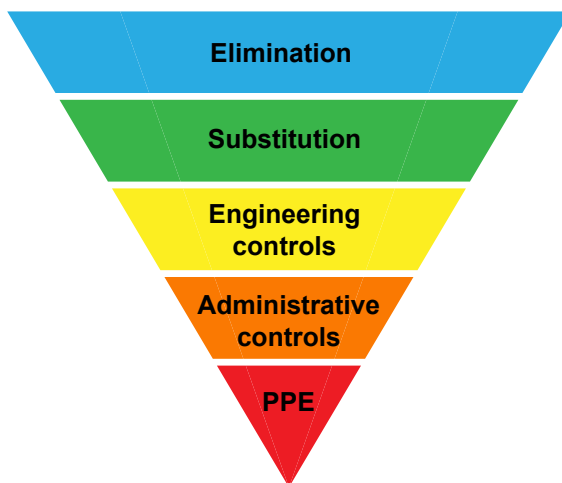
??

Have client kennel the animal

Develop and implement a safe work procedure for assessing risk before entering a client's premises

??

### Hazard: Potential violence – Aggravated client



??

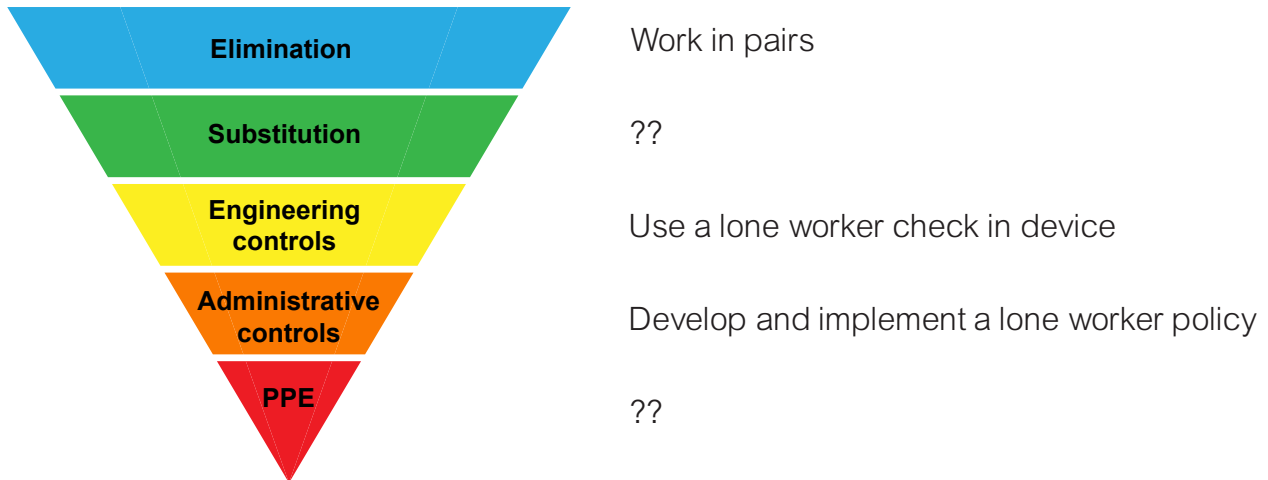
Meet client in a neutral location

Carry a personal emergency alert device

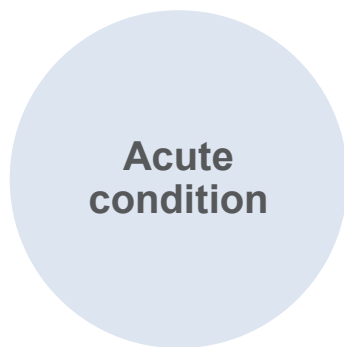
Develop and implement a safe work procedure for assessing risk of violence; provide de-escalation training

??

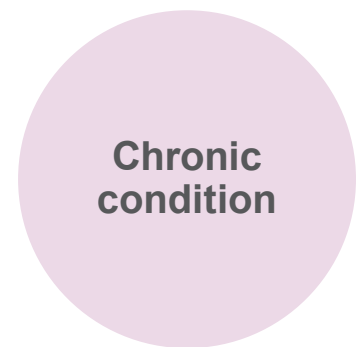
### Hazard: Health hazard – Lone worker



Sort these medical conditions into the corresponding category.



- a broken bone
- carpal tunnel syndrome
- a cut finger
- asthma
- dislocated shoulder
- sprained ankle
- silicosis
- tennis elbow



Control	Elimination	Substitution	Engineering	Administrative	PPE
EXAMPLE: Guard rail			✓		
Worker scheduling					
High visibility vest					
Electric motor in place of diesel powered					
Table saw guard					
Ventilation system					
Outsourcing task					



# Module four

## Orientation and training

Learner handbook



*Work to live.*



## This module will:

- ✓ Explain what employers are required to implement and maintain an occupational health and safety program.
- ✓ Review the elements required in an occupational health and safety program.
- ✓ Review the legal duties of employers and supervisors to ensure workers are trained.
- ✓ Describe the three levels of orientation, define training and differentiate between orientation and training.
- ✓ Describe a supervisor's duties to ensure workers are orientated and trained.
- ✓ Review WHMIS education and training requirements.
- ✓ Demonstrate how to create hypothetical training records.
- ✓ Review examples of the legal consequences non-compliances to provide training.

Once you complete this module, you will be able to understand the elements in an occupational health and safety program, differentiate between orientation and training create training records and describe a supervisor's duty to ensure workers are orientated and trained.



Section 3-20 of the Act, *Duty to provide occupational health and safety programs* states that an employer has a duty to establish and maintain a health and safety program and refers the reader to Table 7 and Section 3-11 of the Regulations.

As we learned in module one, the Saskatchewan Employment Act (the Act), the Occupational Health and Safety Regulations (the Regulations) and the Appendix to the Regulations (the Appendix) work together to help employers, supervisors and workers create healthy and safe workplaces.

### ***Duty to provide occupational health and safety programs***

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

- (2) An occupational health and safety program at a prescribed place of employment must be established and designed in consultation with:
  - (a) the occupational health committee;
  - (b) the occupational health and safety representative; or
  - (c) the workers, if there is no occupational health committee and no occupational health and safety representative.
- (3) An occupational health and safety program must include all prescribed documents, information and matters.
- (4) An occupational health and safety program at a prescribed place of employment must be in writing and must be made available, on request, to the occupational health committee, the occupational health and safety representative, the workers or an occupational health officer.
- (5) If the work at a place of employment is carried on pursuant to contracts between a contractor and two or more employers, the contractor shall coordinate the occupational health and safety programs of all employers at the place of employment.
- (6) The director of occupational health and safety may order an employer to develop an occupational health and safety program for a place of employment if the director considers it to be in the interests of the health, safety and welfare of the employer's workers based on the criteria set out in subsection (8).
- (7) An order issued pursuant to subsection (6) must be in writing.
- (8) In making an order pursuant to subsection (6), the director of occupational health and safety shall consider the following criteria:
  - (a) the frequency of occupationally related injuries and illnesses at the place of employment;
  - (b) the number and nature of the notices of contravention relating to the place of employment and the history of compliance with those orders and with compliance undertakings;
  - (c) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

### Table 7 of the Appendix of the Regulations

Table 7 in the Appendix of the Regulations lists the types of workplaces where the OHS program is mandatory. An employer has a duty to read and understand Table 7 and establish a program if it is required.

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

#### **TABLE 7**

**[Subsections 3-11(2) and 4-8(1)]**

#### ***Prescribed Places of Employment***

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

The Regulations state what must be included in an occupational health and safety program.

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

### ***Occupational health and safety program***

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

- (a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;
  - (b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;
  - (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;
  - (d) a statement of the responsibilities of the employer, the supervisors and the workers;
  - (e) a schedule for the regular inspection of the place of employment and of work processes and procedures;
  - (f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, if appropriate, the monitoring of the work environment;
  - (g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;
  - (h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act at the place of employment;
  - (i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act; and
  - (j) a procedure to review and, if necessary, revise the occupational health and safety program at specified intervals that are not greater than 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.
- (2) The places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 3-20 of the Act.
- (3) An employer at a place of employment mentioned in subsection (2) shall establish an occupational health and safety program that meets the requirements set out in subsection (1).

Let's look at each of the ten elements that are described in Section 3-11 of the Regulations.

### **Statement of policy**

The first element requires the employer to write a policy that states a commitment to protecting and maintaining the health and safety of all workers.

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

### **Risk identification**

This element states the employer must have a system to identify and control existing and potential health and safety risks that workers may be exposed to. This includes having an emergency response plan.

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

### **Emergency response**

The third element states the employer must identify personnel and equipment that is available for emergency response. This includes internal and external resources.

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

### **Responsibilities**

This element requires the program to state the occupational health and safety responsibilities for the employer, the supervisors and the workers.

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

### **Inspection schedules**

The fifth element states the program must have a schedule for inspecting the work processes and procedures in the workplace. The program states there must be an inspection schedule and ensuring inspections occur usually is the supervisor's duty.

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

### Chemical and biological plan

The sixth element explains duties about WHMIS. It states that there must be a plan to handle, use, produce, monitor and dispose of any chemical or biological substance in the work environment.

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

### Training plan

This element explains the duty to have a plan to train workers and supervisors about occupational health and safety plans, policies, programs and safe work practices and procedures. Module four will look at this more closely.

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

### Incident investigation

This element refers to the duty to investigate accidents, dangerous occurrences and work refusals. These are explained in Sections 3-18 of the Regulations, *Investigation of certain accidents*, Section 3-20 of the Regulations, *Investigation of dangerous occurrences* and Section 3-31 of the Act, *Right to refuse dangerous work*.

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

### Worker participation

This ninth element states the requirement to show how workers participate in occupational health and safety activities, audit inspections and investigations of accidents, dangerous occurrences and work refusals.

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

### Program review

The tenth element states the responsibility to revise the health and safety program at least every three years or whenever a change in circumstances may impact workers' health and safety.

The tenth element states the responsibility to revise the health and safety program at least every three years or whenever a change in circumstances may impact workers' health and safety.

NOTE: Section 3-11 (g) of the Regulations, *Occupational health and safety program* Subsection (g) specifically states that a health and safety program must have a plan to train workers and supervisors. We will look more closely at this later in the module.

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

NOTE: Section 3-8 of the Regulations, *Training of workers* has four subsections that outline the employer's duties to ensure workers are trained in all matters to protect their health and safety.

**As a supervisor, you must ensure each worker completes all items listed in this regulation.**

This subsection states that all workers must be trained in all relevant health and safety matters when they begin work or when they move to a different worksite or a different work activity.

The second subsection lists all the training that is required as follows:

- Emergency procedures
- Location of first aid facilities
- Identification of prohibited areas
- Precautions to protect from physical, chemical or biological hazards

All procedures, plans, policies and programs the employer must develop under occupational health and safety legislation

All other matters that will ensure the health and safety of the worker

(3) The time a worker spends in this training is considered time at work with their respective time and benefits.

(4) The employer shall ensure that a worker who performs work has been trained, has sufficient experience to work safely and in compliance with the Act and regulations and is also under close and competent supervision.

### ***Training of workers***

- 3-8(1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:
- (a) begins work at a place of employment; or
  - (b) is moved from 1 work activity or worksite to another that differs with respect to hazards, facilities or procedures.
- (2) The training required by subsection (1) must include:
- (a) procedures to be taken in the event of a fire or other emergency;
  - (b) the location of first aid facilities;
  - (c) identification of prohibited or restricted areas;
  - (d) precautions to be taken for the protection of the worker from physical, chemical or biological hazards;
  - (e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and
  - (f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.
- (3) An employer shall ensure that:
- (a) the time spent by a worker in the training required by subsection (1) is credited to the worker as time at the worker:
  - (a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and the regulations; or
  - (b) is under close and competent supervision work; and
  - (b) the worker does not lose pay or other benefits with respect to that time.

### **Supervisors**

Supervisors have a duty to know and comply with all relevant legislation. You will want to read the entire Section 3-9 of the Act, *General duties of supervisors*.

You will recall that Module one reviewed this section of the Act.

#### **General duties of supervisors**

3-9 Every supervisor shall:

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

#### **Keep in Mind**

Take note of subsection (c.1). In 2023 amendments to the Act expanded upon the supervisor's duty to ensure that all workers under their direction are not exposed to violence. Subsection (c.1) is highlighted.

### Checklist

**This section of the Act states that every supervisor shall do the following:**

- ensure, insofar as is reasonably practicable, the health and safety at work of all the workers under their direction.
- ensure that workers under their direct supervision comply with the Act and regulations.
- ensure, insofar as is reasonably practicable, that all workers under their direct supervision are not exposed to harassment at the place of employment.
- ensure, insofar as is reasonably practicable, that all workers under their direct supervision are not exposed to violence at the place of employment.
- cooperate with any other person exercising a duty under the Act or regulations.
- comply with the Act and regulations.

### If prosecuted

Section 3-81 of the Act, *Onus on accused re training of workers* states that if an employer is charged with an offense, it will be the employer's duty to prove that the training provided to workers met legislative requirements.

Module two, Legal duties of a supervisor, explained how to prove due diligence. As a supervisor, you will want to ensure you have records that verify orientation and training was provided to the workers you supervise. See Section 3-81 of the Act, *Onus on accused re training of workers*.

Section 3-81 of the Act, *Onus on accused re training of workers* states that if an employer is charged with an offense, it will be the employer's duty to prove that the training provided to workers met legislative requirements.

### ***Onus on accused re training of workers***

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

### The Regulations

#### Supervision of work

As we learned in module one, Section 3-6 of the Regulations, *Supervision of work* states that the employer or contractor must ensure that all work is sufficiently and competently supervised.

The employer must ensure a supervisor has sufficient knowledge of all matters within the scope of their responsibility and includes having the knowledge of the following:

- The Act and any regulations that apply to the place of employment.
- any health and safety program at the place of employment.
- the safe handling, use, storage, production and disposal of chemical and biological substances.
- the need for a safe use of personal protective equipment.
- emergency procedures required by the regulations.
- the health and safety of workers under the supervisor's direction.

The supervisor also has a duty to ensure that workers under their direction comply with the Act and Regulations.

#### ***Supervision of work***

3-6(1) An employer or contractor shall ensure that:

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

### General health and safety orientation

All new employees should receive a general health and safety orientation before starting work. The general health and safety orientation may be provided by human resources. It may be web-based, or it might be the supervisor's responsibility. A good general health and safety orientation covers:

- information about the employer's health and safety policy.
- information about workers' rights under Saskatchewan occupational health and safety legislation that includes:
  - the right to know.
  - the right to participate.
  - the right to refuse.
  - how employees exercising their rights under Saskatchewan OHS legislation are protected from discriminatory actions.
- information about employee health and safety responsibilities that includes:
  - duties employers, supervisors and workers have under Saskatchewan OHS legislation.
  - if applicable to the workplace, the duties that occupational health committees or representatives have under Saskatchewan OHS legislation.
  - general health and safety responsibilities assigned to positions by the employer's safety management system.



- information about employee accountability processes for health and safety that include:
  - disciplinary processes.
  - health and safety performance expectations.
- instruction on the employer's hazard reporting processes.
- instruction on the employer's incident reporting processes for:
  - serious injuries and dangerous occurrences as defined by Saskatchewan OHS legislation.
  - medical aid incidents.
  - first aid incidents.
  - property/equipment damage incidents.
  - near miss incidents.
- generic Workplace Hazardous Materials Information System (WHMIS) education that meets the requirements set out by Saskatchewan OHS legislation.



### Site-specific health and safety orientation

All new and transferring employees should receive a site-specific health and safety orientation before starting work. The orientation may be provided by human resources, or it might be the supervisor's responsibility.

Good site-specific health and safety orientations are specifically tailored for each worksite and cover:

- instruction on the general health and safety rules for the worksite.
- training on the employer's emergency response plans and procedures for the worksite that includes:
  - emergency response plans applicable to the workplace required by Saskatchewan OHS legislation that include, but are not limited to, plans for responding to:
    - fires.
    - explosions.
    - accumulations, spills, and/or leaks of chemical and biological substances.
    - violence.
    - injured employees.
    - pandemic response.

- procedures for evacuating the worksite and, if applicable, procedures for locking down or sheltering in place.
- emergency response plans for emergencies identified by the employer that could pose a risk to employees. Some examples are plans for responding to:
  - severe weather.
  - bomb threats.
  - robberies.
- site-specific WHMIS education that meets the requirements set out by Saskatchewan OHS legislation. (Section 22-4 of the Regulations, *Worker education and training*).
- a tour of the worksite that includes:
  - where the emergency equipment and first aid supplies are located.
  - emergency evacuation routes.
  - where fire exits and muster points are located.
  - which areas are restricted or prohibited.
  - areas where entry is only permitted with personal protective equipment.
  - where the list of certified first aid providers is located.
  - where to find a copy of Saskatchewan OHS legislation.
  - if applicable to the workplace, where to find the names of occupational health committee members, or the name of the occupational health and safety representative.
  - if applicable to the workplace, where to find a copy of occupational health committee meeting minutes, or occupational health and safety representative meeting minutes.



### **Job-specific health and safety orientation**

All new and transferring employees should receive a job-specific health and safety orientation before starting work. A job-specific health and safety orientation ensures employees are competent to perform their job tasks safely and in compliance with Saskatchewan OHS legislation and the employer's safety management system.

#### **Under OHS legislation:**

- competent means possessing knowledge, experience and training to perform a specific duty.
- a competent worker, with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training.

#### **A job-specific health and safety orientation may involve:**

- training provided by external instructors or agencies.
- training provided by internal experts.
- web-based courses.
- information, instruction and training provided by the immediate supervisor.

#### **A job-specific health and safety orientation should cover:**

- information about all of the biological, chemical, physical, ergonomic and psychosocial hazards associated with the job and how the risk associated with those hazards has been addressed.

Some examples include, but are not limited to:

- Guards on machines to protect employees from coming into contact with moving parts.
- Hand carts that are to be used instead of carrying materials.

- instruction or training on all job applicable safe work practices required by the employer's safety management system.

Some examples include but are not limited to:

- housekeeping practices.
- personal hygiene practices.
- safety and security practices.

- Instruction or training on all job applicable safe work procedures required by the employer's safety management system.

Some examples include, but are not limited to:

- procedures for operating equipment.
- procedures for handling materials.
- procedures for using and maintaining tools and equipment.

- All job applicable training required by Saskatchewan OHS legislation.

Some examples include, but are not limited to, training on how to:

- maintain respiratory protective devices.
- operate powered mobile equipment.
- handle, use and store chemical substances.
- lift, hold or carry loads.

- Any information, instruction and training necessary to fulfill specific responsibilities assigned to the job position by the employer's safety management system.

Some examples of these responsibilities include, but are not limited to:

- first aid.
- fire warden.
- occupational health committee.
- incident investigation.
- legislated incident reporting requirements.
- hazard identification, assessment and control.



Remember, most workplaces divide health and safety orientation into three parts: general, site-specific and job-specific. Here are some checklists that may be helpful to your organization.

### General

**General health and safety orientations include the following:**

- the employer's health and safety policy
- workers' rights under Saskatchewan legislation.
- employee health and safety responsibilities.
- how the employee is held accountable to follow health and safety duties.
- the employer's hazard reporting processes.
- the employer's incident reporting processes.
- generic WHMIS education.

### Site-specific

**Site-specific health and safety orientations include the following:**

- health and safety rules at a particular worksite.
- the employer's emergency response plan for that worksite.
- location of and reason for restricted areas.
- WHMIS education and training for hazardous and biological substances on that worksite (Section 22-4 of the Regulations, Worker education and training).
- a tour of the worksite.



### Job-specific

**Job-specific health and safety orientations include the following:**

- health and safety hazards associated with a particular job.
- specific health and safety responsibilities assigned to the job position according to the employer's occupational health and safety program.
- a list of applicable safe work practices (SWP)
- review that safe work practices are generally written methods outlining how to perform a task with minimum risk to people, equipment, materials, environment, and processes. SWP's apply to general tasks such as setting up a ladder.
- a list of applicable safe job procedures (SJP's)
- review that safe job procedures (SJP's) are a written step-by-step set of instructions on how to safely complete a specific task from beginning to end in a chronological order. Example: lockout an overhead crane

## Have a plan to train workers and supervisors

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

Part of due diligence is proving that applicable orientation and training was completed. The employer must have written occupational health and safety policies, practices and procedures in place and records that show supervisors and workers were trained in them. An employer also has a duty to monitor that workers are following what they have been trained in. There is a duty to periodically review orientation and training.

Section 3-11 (g) of the Regulations, *Occupational health and safety program* explains this employer responsibility .

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

## Develop and maintain training records

As explained in module two, an important part of due diligence is proving that workers completed applicable orientation and training. Records are proof that an individual completed the required education, instruction, and training. The records must be in writing or other retrievable formats.

### Training records must include the following:

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

### Examples of types training records

- completed orientation checklists.
- toolbox Talks (with topic, dates, names and signatures).
- an individual worker's training log.
- emergency response drills and the evaluation of those drills (Example: Occupational Health Committee meeting minutes).
- training events or meetings when safe work practices or safe job procedures were reviewed (Example: Annual re-orientation event).
- forms or checklists that were completed when following a safe job procedure (Example: confined space entry permits).
- a certificate, diploma or degree from post-secondary institutions.
- completion or Participation certificates from safety training.
- supervisor coaching notes.

## An example of creating a training record.

The first template is one example of a simple template that can be used to record one worker's orientation and training events.

Below the blank template is an example of a completed training tracker for fictitious new worker called Taylor Smith. Taylor started working at the ABC Cleaning Company in March 2024. The ABC Cleaning Company has two locations; the main office and the First Avenue Site.

### ABC Cleaning Company - Employee Training Tracker

Employee name	Tyler Smith	Date of hire	March 1, 2024
Position title	Cleaner	Name of manager	Martha Brown

New employee mandatory orientation						
Training date Day/Month/Year Ex: 2/Feb/2024	Start/end times	Type of training	Name of person who provided training	Training location	Expiry date or N/A	Employee signature
1/Mar/2024	9:00 - 4:00	General Orientation	Jane White, owner	Board room	Annual	<i>TS</i>
2/Mar/2024	9:00 - noon	First Avenue Site	Martha Brown	Meeting room	N/A	<i>TS</i>
2/Mar/2024	12:30 - 4:00	Cleaning Equipment, PPE	Martha Brown	Warehouse	N/A	<i>TS</i>

Safety training						
Training date Day/Month/Year	Start/end times	Type of training	Name of person who provided	Training location	Expiry	Employee signature
3/Mar/2024	9:00 - 4:00	PME - floor cleaner, ride on mower	Sask Safety Council	First Avenue Site	March 2027	<i>TS</i>
4/Mar/2024	9:00 - noon	Generic WHMIS	Online Worksafe SK	First Avenue Site	Company Policy every 3 years	<i>TS</i>
4/Mar/2024	12:30 - 4:00	Site-specific for eight cleaning products	Frank White, Safety Coordinator for ABC	First Avenue Site	Renew with new WHMIS	<i>TS</i>

Legislation and compliance training						
Training date Day/Month/Year	Start/end times	Type of training	Name of person who provided	Training location	Expiry	Employee signature
5/Mar/2024	8:30 - 4:00	OHC-1	Worksafes SK	online	N/A	<i>TS</i>

## WHMIS

### Definitions

As module one legislation explained, definitions in the Act apply to all parts of the Act and the Regulations. However, definitions in a section of the Regulations apply only to that part of the legislation, such as Part 22 of the Regulations Workplace Hazardous Materials Information System (WHMIS).

Section 22-1 of the Regulations, *Definitions for Part* lists over 25 definitions that are specific to WHMIS. It is a supervisor's duty to review and be familiar with these definitions.

The definition of "education" and "training" in WHMIS under Section 22-1 of the Regulations, *Definitions for Part* are relevant in every workplace.

#### Definition

- (i) "education" means the delivery of general information to workers.

#### Definition

- (ii) "training" means the delivery of worksite and job-specific information to workers.

This is an excerpt of PART 22. As a supervisor, you will want to read this section in its entirety.

### ***Workplace Hazardous Materials Information System***

#### **Definitions for Part 22-1 In this Part:**

"bulk shipment" means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging:

- (a) a vessel with a water capacity equal to or greater than 450 litres;
- (b) a freight container, road vehicle, railway vehicle, or portable tank;
- (c) the hold of a ship; or
- (d) a pipeline;

"container" includes a bag, barrel, bottle, box, can, cylinder, drum or similar package or receptacle, but does not include a storage tank; "education" means the delivery of general information to workers;

"training" means the delivery of worksite and job-specific information to workers;

Section 22-4 of the Regulations, *Worker education and training* states that it is an employer's responsibility to ensure a worker who works with or may be exposed to a hazardous product is informed about everything concerning the use, storage, handling and disposal of hazardous products.

Below is an excerpt of the legislation.

## Keep in mind

**It is a supervisor's duty to be familiar with and comply with all six subsections.**

### ***Worker education and training***

22-4(1) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is informed about:

- (a) all hazard information received by the employer from a supplier concerning that hazardous product; and
  - (b) any further hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.
- (2) If a hazardous product is produced in a place of employment, an employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is informed about all hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous.
- (3) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is educated and trained respecting:
- (a) the content that is required to appear on a supplier label and workplace label for the hazardous product and the purpose and significance of the information contained on those labels;
  - (b) the content that is required to appear on a safety data sheet for a hazardous product and the purpose and significance of the information contained on the safety data sheet;
  - (c) all necessary procedures for the safe use, storage, handling and disposal of the hazardous product;
  - (d) all necessary procedures to be followed if fugitive emissions are present where workers may be exposed to those fugitive emissions; and
  - (e) all necessary procedures to be followed in case of an emergency involving a hazardous product.
- (4) An employer shall ensure that the education and training required by subsection (3) is developed and implemented:
- (a) for that employer's place of employment; and
  - (b) in consultation with the committee, if there is an occupational health committee.
- (5) An employer shall ensure that:
- (a) the education and training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker;
  - (b) the necessary procedures mentioned in clauses (3) (c) to (e) are implemented; and
  - (c) the knowledge of the workers is periodically evaluated using written tests, practical demonstrations or other suitable means.
- (6) An employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, the education and training programs provided to workers on the safe use, storage, handling and disposal of hazardous products, in consultation with:
- (a) the committee;
  - (b) the occupational health and safety representative; or
  - (c) if there is no committee or occupational health and safety representative, a worker representative.

### WHMIS is changing

January 4, 2023

#### Coming into force

On January 4, 2023, Health Canada published amendments to the Hazardous Products Regulations (HPR) in the Canada Gazette, Part II, to align with the 7th revised edition, and certain provisions of the 8th revised edition, of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The amendments came into force on December 15, 2022.

December 15, 2022 - December 14, 2025

#### Transition period

The regulatory amendments provide a 3-year transition period, ending on December 14, 2025. The transition to the former HPR that were in effect immediately before the coming into force of the amendments.

The 3-year transition period gives suppliers, employers, and workers time to adjust to the changes, and helps ensure consistency across Canada through coordination and alignment between federal, provincial and territorial jurisdictions.

#### Compliance during transition period

During the 3-year transition period, regulated parties can choose to comply with either the former HPR or the amended Hazardous Products Regulations (HPR), but not a combination of both. You should be ready to demonstrate which version of the HPR your product complies with upon request.

For more information, scan the qr code.



### Prosecution outcomes and statistics

Earlier in this course we discussed compliance undertakings, notices of contravention, stop work orders and summary offense ticketing. In some cases, the Ministry of Labour Relations and Workplace Safety will work with other ministries and prosecute as referred to under section 3-79 of the Act, *Penalties*.

Below are three cases of prosecutions related to a failure to provide information, training, instruction and supervision.

For more information about the Occupational Health and Safety prosecutions, convictions, and acquittals, under *The Saskatchewan Employment Act* and regulations, visit [saskatchewan.ca/business/safety-in-the-workplace/enforcements-prosecutions-and-investigations/prosecution-outcomes-and-statistics](https://saskatchewan.ca/business/safety-in-the-workplace/enforcements-prosecutions-and-investigations/prosecution-outcomes-and-statistics)

Let's review three prosecutions from the 2023-24 fiscal year.



## **Example one: Failure to provide information, instruction, training and supervision.**

### **Serious Worker Injury Results In \$150,000 Fine**

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

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

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

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

The Ministry of Labour Relations and Workplace Safety works with employers and workers to eliminate workplace injuries and illnesses through education, inspections and prosecutions.



## **Example two: Failure to ensure only trained operators are permitted to operate powered mobile equipment.**

### **Employer Fined \$112,000 For Workplace Fatality**

A company pleaded guilty to two violations of occupational health and safety regulations in Shaunavon Provincial Court on May 4, 2023.

The company was fined \$40,000 and a surcharge of \$16,000 for contravening subsection 11-2(2) of The Saskatchewan Occupational Health and Safety Regulations, 2020 (being an employer fail to ensure that only trained operators are required or permitted to operate powered mobile equipment, resulting in the death of a worker). In addition, they pleaded guilty and were fined \$40,000 with a \$16,000 surcharge for contravening clause 12-27(2)(b) (being and employer fail to ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform, resulting in the death of a worker). Together the fines totaled \$112,000. One charge was stayed.

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

Labour Relations and Workplace Safety, in partnership with the Workers' Compensation Board, supports and promotes Mission: Zero - zero workplace injuries, zero fatalities and zero suffering.

Records should be maintained as verification that all employees have received all the health and safety information, instruction and training required by the employer's safety management system and provincial OHS legislation.

The type of record maintained is dependent upon the type of information, instruction and training received. The types of record maintained include, but are not limited to:

- Completed orientation checklists.
- Copies of training certificates.
- Completed on the job training record/logbooks.
- Completed exams.
- Copies of professional certifications/designations.

How records are retained is up to each employer. Typically, orientation and training records are kept in individual personnel files. Since personnel files often contain other documentation that needs to remain confidential, personnel files are generally housed with human resources and access to those files is limited.

The employer may assign supervisors the accountability for ensuring employees under their direction have received all or part of the health and safety information, instruction and training required by the employer's safety management system and Saskatchewan OHS legislation.

Supervisors assigned any accountability for health and safety orientation and training must be able to track and manage the specific health and safety information, instruction and training employees under their direction receive.

Some employers provide a training matrix or training database that supervisors can use; other employers leave it up to the individual supervisor.



### Supervisors should know how to access:

- Exactly what specific health and safety information, instruction and training is required for each position under their direction.
- The specific health and safety information and instruction each employee under their direction has received.
- The specific health and safety training each employee under their direction has successfully completed.
- What specific health and safety training received by employees under their direction requires recertification.
- When each employee under their direction needs to be scheduled for recertification training.



### General health and safety orientation records

Records to verify a new employee has successfully completed the general health and safety orientation would typically consist of:

- A completed general health and safety orientation checklist that includes:
  - ✓ The date the employee was hired.
  - ✓ A list of the topics covered during the orientation.
  - ✓ The date the orientation was completed.
  - ✓ The new employee's signature indicating all the topics listed were covered during the orientation.
- A copy of the certificate or exam that indicates the new employee successfully completed WHMIS training and education. (Section 22-4 of the Regulations).

### Site-specific health and safety orientation records

Records to verify a new or transferring employee has successfully completed the site-specific health and safety orientation would typically consist of:

- A completed site-specific health and safety orientation checklist that includes:
  - ✓ The date the employee began work at the facility.
  - ✓ An indication that the general safety rules for the facility were covered during the orientation.
  - ✓ A list of the specific emergency response procedures for the facility that were covered during the orientation.
  - ✓ A list of what was specifically covered during the worksite tour. Some employers choose to have a separate checklist for the worksite tour.
  - ✓ A list of which chemicals were specifically covered during site-specific WHMIS education. Some employers chose to have a separate checklist for the site-specific WHMIS education.
  - ✓ The date the orientation was completed.
  - ✓ The new or transferring employee's signature, indicating all the topics listed were covered during the orientation.
  - ✓ A place for the new employee's immediate supervisor to indicate they have verified that the new or transferring employee has successfully completed the site-specific health and safety orientation.

### Job-specific health and safety orientation records

- ✓ A list that indicates all the biological, chemical, physical, ergonomic and psychosocial hazards associated with the job position, and how the risk associated with those hazards was covered during the orientation.
- ✓ A list of all the applicable training required by Saskatchewan OHS legislation that was provided during the orientation.
- ✓ A list of all applicable safe work practices and procedures that the employee received instruction or training on during the orientation.
- ✓ A list of all information, instruction and training provided to fulfill specific responsibilities assigned to the job position by the employer's safety management system that was provided during the orientation.

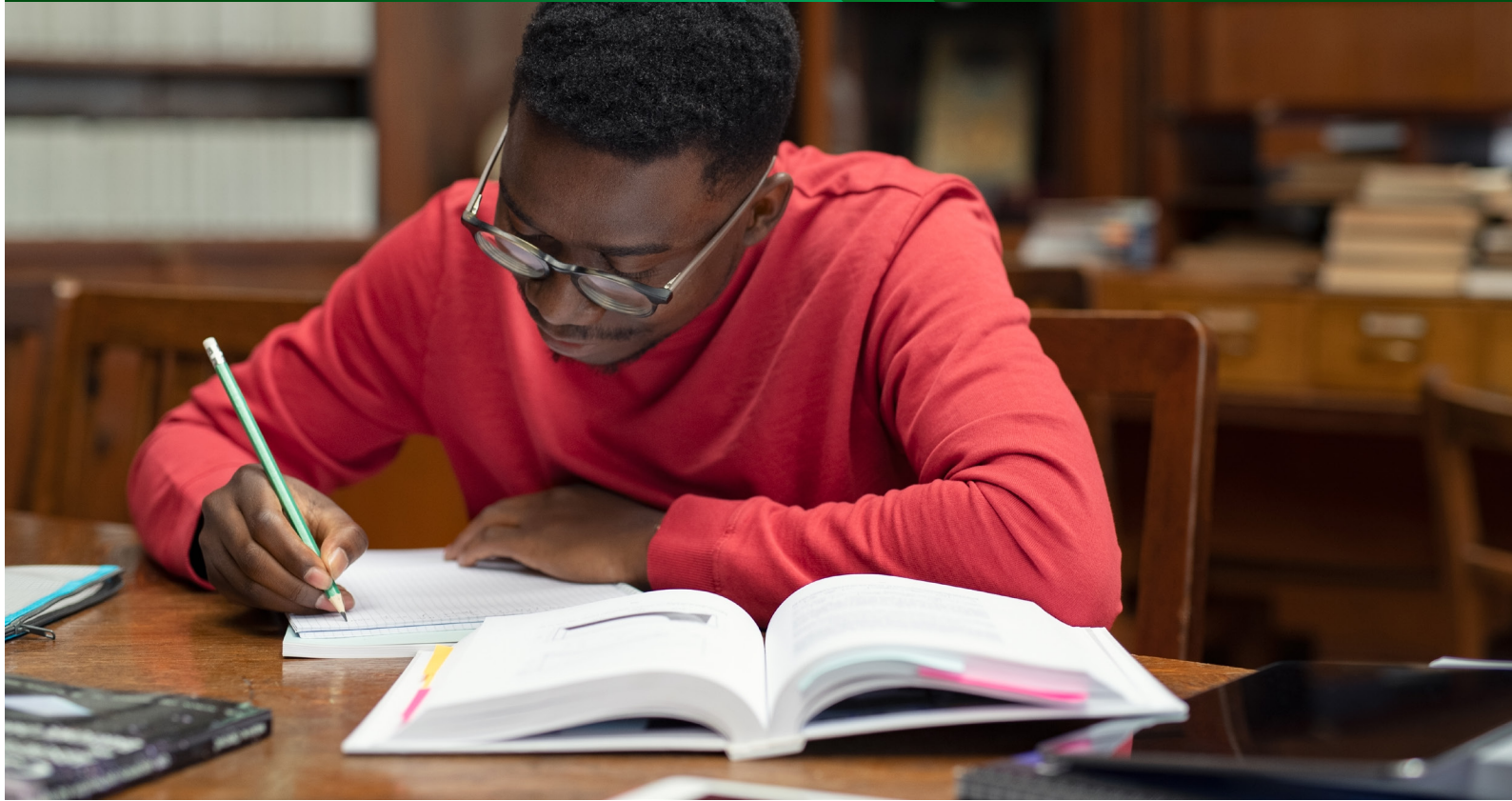
- ✓ The date the orientation was completed.
- ✓ The new or transferring employee's signature indicating all the topics listed were covered during the orientation.
- ✓ A place for the new employee's immediate supervisor to indicate they have verified that the new or transferring employee has successfully completed the job-specific health and safety orientation.
- ✓ Copies of exams or other verifications such as a formal check-off, that verify the employee has acquired the knowledge and skills related to the subject matter for all applicable training required by Saskatchewan OHS legislation.

### Ongoing health and safety information, instruction and training records

Records to verify employees have received ongoing health and safety information, instruction and training during their employment could include, but are not limited to:

- Safety talk or toolbox talk or staff meeting minutes that indicate:
  - ✓ Information on inspection results and what was done to address the identified deficiencies was communicated to employees.
  - ✓ Information on incident investigation results and what was done to address the root causes of the incident was communicated to employees.
  - ✓ Information about emergency response drill results was communicated to employees.
- ✓ Hazard and incident reporting processes were reviewed with employees.
- ✓ Specific safety rules, practices and procedures were reviewed with employees.





- Copies of exams or other verifications such as a formal check-off that verify when changes are made to work processes and ensure employees have all applicable training required by Saskatchewan Occupational Health and Safety legislation. Examples of changes to work processes could include, but are not limited to, whenever:
  - ✓ New chemicals or biological substances will be used, handled or stored at the worksite.
  - ✓ New types of powered mobile equipment are purchased.
  - ✓ New types of hoists, cranes or overhead lifts are installed.
  - ✓ Staffing cuts result in employees working alone or in isolation.
- Copies of certificates or exams that verify employees have received recertification training required by the certifying agency or the employer's safety management system.
- Records, such as coaching notations, for any on-going instruction provided by supervisors to individual employees.
- Records of any disciplinary actions taken with employees for not complying with Saskatchewan OHS legislation and the employer's safety management system.



The employer is required to supply proper training and orientation for workers. The supervisors are often involved in the orientation process at some point, which it makes it important for them to know what they need to include in this process.

The three types of orientation are:

- General
- Site-specific
- Job-specific

After these are complete, there is an ongoing process for orientation that includes recertification or refresher courses, as needed by the employee.

Additionally, employers are required to retain the orientation and training records, and must keep track of expiration dates on certifications for their workers. Supervisors must have indirect or direct supervision with workers until they are deemed competent to conduct a specific job or task on their own.



1. Indicate the type of orientation where in the topic would be included.

Orientation topic	General	Site-specific	Job-specific
Employee health and safety responsibilities			
A tour of the worksite			
The employer's emergency response plan for that worksite			
Review of relevant safe job procedures			
How the employee is held accountable to follow health and safety duties			
A list of applicable safe work practices			
Location of and reason for restricted areas			
Health and safety hazards with a particular job			
The employer's incident reporting process			

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

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

3. Is the statement true or false?

	True	False
Only prescribed places of employment can have a health and safety program.		
General orientations are conducted with the worker in the field.		
Supervisors are required to ensure their workers' certificates are in good standing.		
The orientation does not require a date of when it was completed.		
It is important to keep records of completed orientation.		
Supervisors require access to all training records for workers under their direction.		



# Module five

## Inspections

Learner handbook



*Work to live.*

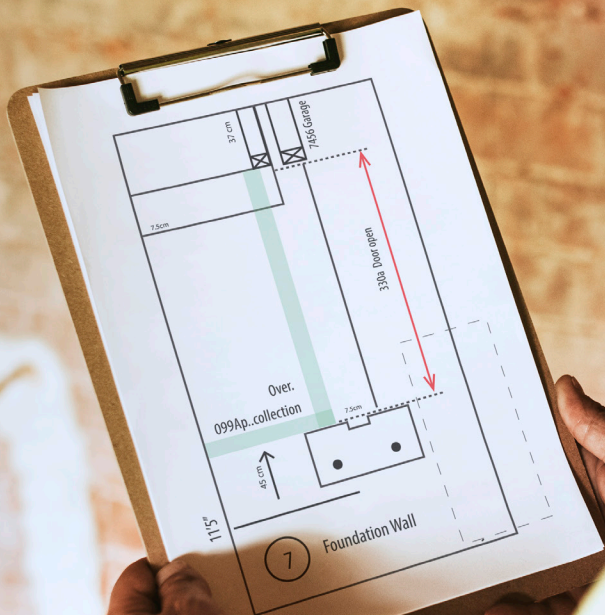


## This module will:

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

Workplaces should be conducting formal and informal inspections to correct substandard conditions and substandard actions before they cause harm. Supervisors should be regularly conducting inspections to verify that the employees and the areas under their direction comply with Saskatchewan OHS legislation and the workplace's safety management system.

The learner will be able to demonstrate how to do workplace inspections, identify examples of inspections required by legislation, create inspection records and explain how to implement corrective actions.



## Introduction

### Inspection definition

An inspection is an examination of any of the following:

1. The entire workplace
2. Selected work areas
3. Specific hazards
4. Work practices
5. Equipment, machinery, tools

### Inspection purpose

All inspections done by the employer and done by the OHC, or representative, have common purposes as described below. Effective inspections identify and correct deficiencies before something goes wrong.

Every workplace needs to have established standards for workplace equipment, tools, and processes. Sometimes the standard is the minimum, which is in legislation. Other times, workplaces have a safety management system that may have higher standards.

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

1. Identification of hazards
2. Comparing current conditions with expected standards
3. Determining if deficiencies exist
4. Identifying causes for deficiencies
5. Monitor controls that have been implemented



### **Types of inspections:**

#### **Informal workplace inspections**

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

#### **Formal workplace inspections**

- Planned
- Have a predetermined who, what and when

Examples of workplace inspections include (but are not limited to):

- full facility inspections.
- inspections.
- pre-work inspections.
- pre-use equipment inspections.
- preventative maintenance equipment inspections.
- occupational Health Committee inspections.

#### **Inspections with an Occupational health officer**

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

- preventing incidents, injury, illness.
- inquiring about a work-related incident.
- responding to a complaint.
- confirming compliance with legislation.

### **Inspections**

**3-63(1) Subject to subsection (4), an occupational health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:**

- (a) preventing work-related incidents, injuries or illnesses;
  - (b) ascertaining the cause and particulars of a work-related incident, injury or illness or of an incident that had the potential to cause a work-related incident, injury or illness;
  - (c) making an inquiry in response to a complaint concerning occupational health and safety; or
  - (d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.
- (2) An inspection may be conducted:
- (a) at any reasonable time; or
  - (b) at any other time if the occupational health officer has reasonable grounds to believe that a situation exists that is or may be hazardous to workers.
- (3) When conducting an inspection in accordance with subsection (1), an occupational health officer may do all or any of the following things:
- (a) make any inquiry the officer considers appropriate;
  - (b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
  - (c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;
  - (d) take one or more persons to any place to assist the officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;
  - (e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;
  - (f) require the production of, inspect and make copies of any existing records related to training workers on matters related to occupational health and safety;
  - (g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;
  - (h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;
  - (i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
  - (j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;
  - (k) take photographs or recordings of the workplace and activities taking place in the workplace.
- (4) An occupational health officer shall not enter a private dwelling without a warrant issued pursuant to section 3-68 unless the occupant of the dwelling consents to the entry.
- (5) An occupational health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:
- (a) make those copies as soon as is reasonably possible; and
  - (b) promptly return the books, records, papers or documents from which the copies were made to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the officer and the person who produced them.
- 2013(c) the knowledge of the workers is periodically evaluated using written tests, practical demonstrations or other suitable means.
- (6) An employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, the education and training programs provided to workers on the safe use, storage, handling and disposal of hazardous products, in consultation with:
- (a) the committee;
  - (b) the occupational health and safety representative; or
  - (c) if there is no committee or occupational health and safety representative, a worker representative.

### Workers' contacts with officers

When an officer performs their inspection, an employer must allow a worker to accompany the officer. The accompanying worker may be designated by the OHC committee, the trade union representing workers, a worker designated by the officer, or the OHS representative at no loss of pay.

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

### ***Workers' contacts with officers***

**3-9(1) During an inspection or investigation by an officer at a place of employment, an employer shall allow one of the following to accompany the officer:**

- (a) the worker co-chairperson or, in the co-chairperson's absence, any other worker that the committee may designate to represent workers;
  - (b) if there is no committee, a worker designated by the trade union representing workers;
  - (c) if there is no trade union representing workers, a worker designated by an officer;
  - (d) the representative.
- (2) An employer shall permit any worker or group of workers to consult with an officer during an inspection or investigation at a place of employment.
- (3) An employer shall ensure that any time in which a worker consults with an officer, assists an officer or accompanies an officer during an inspection or investigation is considered as time at work and that the worker loses no pay or other benefits.

### Employer's inspection

Under legislation, the employer must conduct regular inspections of the workplace. This includes inspecting the following.

#### Facilities

- building, warehouse, workshop

#### Properties

- outdoor, enclosure, lot

#### Equipment

- vehicle, machinery

#### Tools

- construction tools, saws

#### Technologies

- devices, intercom, phones

#### Safety equipment and PPE

Let's look at three pieces of legislation that state the employer's inspection duties.

1. Employer inspections required by legislation shall be performed regularly
2. The employer shall also ensure the "plant" is inspected
3. See definition for "plant".

**Keep in mind:** It is a common misunderstanding that the word "plant" refers only to a physical building. In legislation, the word "plant" has a very broad meaning.

This would include something as simple as operating a lawn mower at a location on the other side of the city from the main office. The lawn mower would be the worker's "plant."

It is the employer's duty to inspect all systems at the "plant."

The following are excerpts of the legislation. As a supervisor, you will want to read each of the following three sections in their entirety.

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

### Examination of plant

3-12 An employer, contractor or owner shall:

(a) arrange for the regular examination of any plant under the control of the employer or owner to ensure, to the extent that is reasonably practicable, that the plant is capable of:

- (i) withstanding the stress likely to be imposed on the plant; and
- (ii) safely performing the functions for which the plant is used; and

(b) as soon as is reasonably practicable, correct any unsafe condition found in the plant and take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.

Section 3-1(1) (w) of the Act, *Interpretation of Part* "plant" includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;

### Employer's duty to inspect

In an Adobe Reader search of the Act and the Regulations, the words “examination” and “inspection” appear over 80 times. The majority of these refer to the employer's duty to inspect.

In the list below, you will see examples of inspections the employer must perform.

### Examples of inspections the employer must perform:

#### Types of Inspections

Reg.	Section title	Description
Reg. 3-12	Examination of plant.	General inspection of workplace
Reg. 3-17	Inspection of place of employment	Duty to support OHC and representative inspections
Reg. 7-4	Inspection of respiratory devices	Duty to ensure safety of respirators
Reg. 7-21	Inspection of full body harness, etc.	Work at heights
Reg. 11-3	Visual inspection	Mobile equipment
Reg. 11-4	Inspection and maintenance	Mobile equipment
Reg. 12-26	Maintenance and inspection	Scaffolds, etc.
Reg. 13-18	Inspection	Cranes
Reg. 14-3	Inspection	Rigging
Reg. 23-7	Inspection	Asbestos

**Keep in mind:** The Occupational health committee also has a legislated duty to conduct inspections under section 3-17 of the Regulations, *Inspection of place of employment*.

OHC inspections are not a replacement for employers' inspections.

The purpose of the OHC inspection is to complement the employer inspections by identifying hazards or problems that may have been missed or recorded by the employer's inspections and evaluate the effectiveness of the existing safety management system. The OHC inspection complements the employer inspections by identifying hazards or problems that may have been missed or recorded by the employer's inspections and evaluates the existing safety management system's effectiveness.

### ***Inspection of place of employment***

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

- (2) On written notice by the committee or the representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer, contractor or owner shall:
- (a) take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected or the contravention is remedied;
  - (b) as soon as possible, take suitable actions to correct the unsafe condition or remedy the contravention; and
  - (c) inform the committee or the representative in writing of:
    - (i) the actions that the employer, contractor or owner has taken or will take pursuant to clause (b); or
    - (ii) the employer's, contractor's or owner's reasons for not taking action if the employer, contractor or owner has not taken any actions pursuant to clause (b)

### **Supervisor's role**

**It is important for the supervisor to understand:**

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

**Supervisors must monitor:**

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

**As a supervisor:**

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

### Inspection process

There are four main steps in the inspection process.

1. Determine what to inspect

2. Develop inspection checklist

3. Conduct inspection

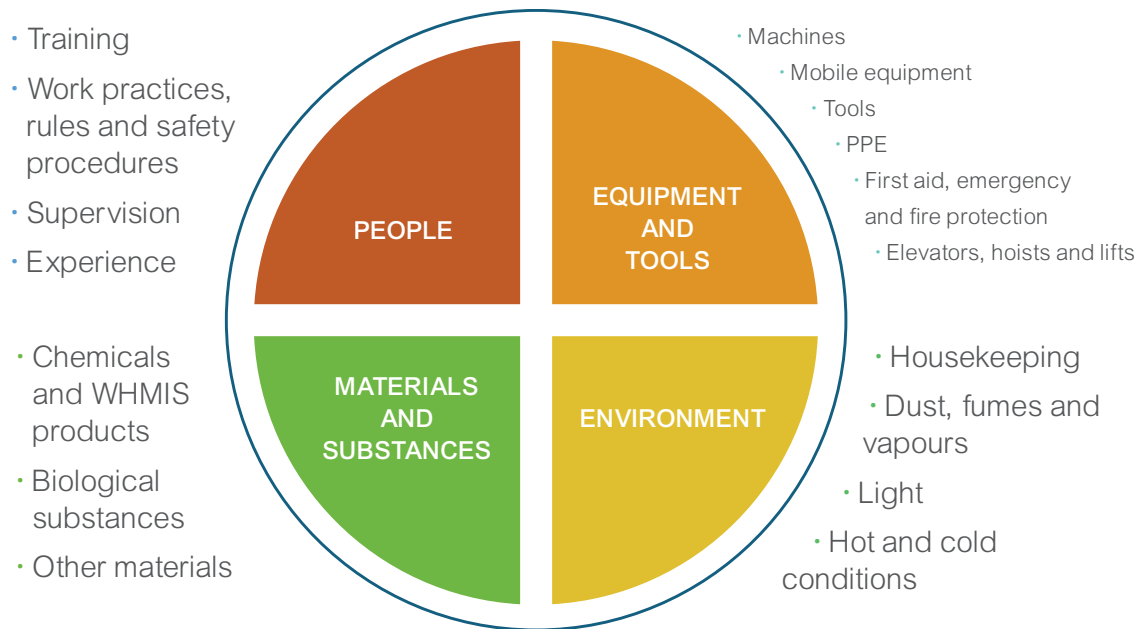
4. Manage inspection results



### Determining what to inspect

#### Four categories

This model is a visual reminder to inspect four main categories - people, equipment and tools, environment and materials and substances.



#### 1. People

- training records
- orientation records
- safe work practices and procedures
- supervision
- experience of worker(s)
- experience of supervisor(s)

#### 2. Equipment and tools

- machines
- mobile equipment
- hand tools and power tools
- personal protective equipment (PPE)
- emergency and first aid equipment

#### 3. Environment

- housekeeping
- dust, fumes, particulates, vapors
- light and noise
- emergency evacuation plans
- ergonomics

#### 4. Materials and Substances

- chemicals and hazardous substances
- biological substances
- how materials are stored and accessed

#### Keep in mind

An inspection compares the current state of people, equipment, environment and materials with an expected standard.

### Developing an inspection checklist

A good checklist is unique to the business and specific to the worksite area. Checklists that are consistent and systematic ensure all areas are covered, allow for comparing current conditions with workplace standards.

#### Standards

In Saskatchewan occupational health and safety legislation is the minimum standard that every workplace must meet. If desired, each workplace can choose a higher standard. Chosen standards should be built into the inspection checklist.

Examples of standards depend on the types of business operations.

Examples of standards include the following:

- equipment operator's manual
- industry best practices
- legislation
- supplier information
- manufacturers recommendations

When developing the inspection checklist, incorporate the standards so the individuals so the individuals inspecting can check off a Yes/No.

#### A checklist has three basic components

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

As a reminder, standards may be found in equipment operator's manuals, industry best practices, legislation, supplier information and manufacturers recommendations.

#### Make it unique to the workplace

- include relevant people, equipment, materials and environment
- list equipment in each area
- reference applicable safe work practices
- have a column for Yes/No
- have a section to record
- observations (take notes)

#### Include space for additional notes

This space can be used to note:

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

Some workplaces may already have inspection checklists developed. If you have to develop or select a checklist, ensure that your checklist is specific to your workplace, and includes space to take notes as you inspect.

### Inspection checklist examples

Area(s) inspected: \_\_\_\_\_

Date and time: \_\_\_\_\_

Person(s) inspecting: \_\_\_\_\_

### Checklist questions for the office

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

Area(s) inspected: \_\_\_\_\_

Date and time: \_\_\_\_\_

Person(s) inspecting: \_\_\_\_\_

### Checklist questions for hazardous materials and substances

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

### Communicate with workers

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

### Subcontractors and self-employed parties

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

### During the inspection:

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

### What if there is something wrong?

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

### Inspection records

#### Definition

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

A record includes:

- time
- date
- location
- activity
- signatures

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

#### Clearly identify the uncontrolled hazard

- who, when and what was inspected?
- what deficiencies were identified?
- what worker concerns were noted?
- what positive observations were present?

### Review inspection records and follow up

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

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

#### Keep in mind

Important: Reviewing a completed inspection record is part of a supervisor's due diligence. It is the responsibility of a supervisor to implement corrective actions for identified deficiencies. A supervisor is responsible for implementing corrective actions for identified deficiencies. Failure to review an inspection record is not an acceptable excuse for not addressing a deficiency.

### ***Examination of plant***

**3-12 An employer, contractor or owner shall:**

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

### **Monitor and follow up on implemented corrective actions.**

**Consider the following questions:**

What control(s) were implemented?

Is the control effective?

Did the control introduce a new and unexpected hazard?

### **Keep in mind**

Remember the definition of supervisor. A supervisor is someone who has been authorized by the employer to oversee and direct the work of workers, therefore it often falls to the supervisor to implement corrective actions. Supervisors often have the most control at a worksite.



1. Put the steps below in the correct order (1-6).

- \_\_\_\_\_ Operator completes pre-use forklift inspection checklist.
- \_\_\_\_\_ Supervisor reviews copy of completed inspection checklist.
- \_\_\_\_\_ Supervisor sees that the forklift requires repairs.
- \_\_\_\_\_ Supervisor completes work order for repairs.
- \_\_\_\_\_ Supervisor inspects forklift to verify repairs were completed.
- \_\_\_\_\_ Supervisor signs off on inspection checklist to document repairs.

2. Sort these items into the appropriate category:

Item	People	Equipment and tools	Environment	Materials and substances
Housekeeping				
Biological substances				
Storage of materials				
Power tools				
Safe work practices				
Experience				
Dust				
Safe work procedures				
Training records				
PPE				
Mobile equipment				
Fumes				
Hazardous materials				
Noise level				

3. Is the statement true or false?

As a supervisor:	True	False
I should read the occupational health committee (OHC) inspection reports.		
I can decide on the preventative maintenance schedules of the equipment or machinery in my area.		
I do informal inspections all day long.		
I only look at the completed pre-use equipment inspection forms at the end of the year.		
I never need to update my inspection checklists.		



# Module six

## Investigations

Learner handbook



*Work to live.*



### This module will:

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

### What is an investigation?

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

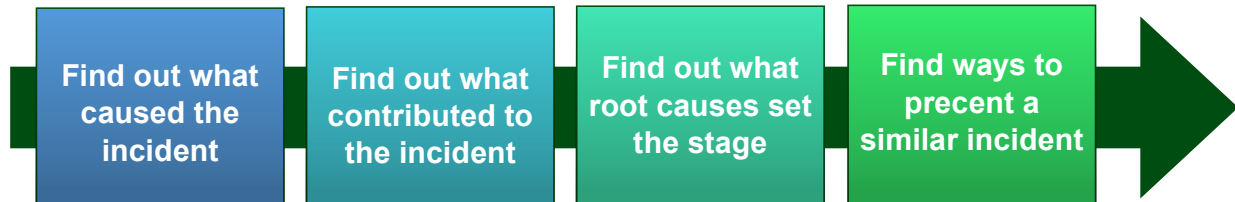
#### **Investigations must be part of an employer's occupational health and safety program.**

- Investigations are conducted by OHC members or the representative together with the employer.
- Investigations will help the employer find and correct the root causes of incidents.
- Legislation requires that certain types of incidents be investigated.
- It's very important not to assess blame when conducting investigations.
- It is the employer's duty to ensure that effective investigations are being conducted at the organization.

**It is important to understand the benefits of an investigation.**

**Investigations are done:**

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



## Key definitions

### Incident

An Incident is not defined in any legislation but is any unplanned, unwanted event that causes injury or illness. An incident can also be an unwanted event that causes damage or loss to property or to the environment.

**Examples include (but are not limited to):**

- fatality.
- medical aid incident.
- first aid incident
- property or equipment damage
- near miss.

### Dangerous occurrence

A dangerous occurrence is defined as any occurrence that does not result in but could have resulted in a condition or circumstance set out in any of the criteria in Section 2-2 of the Regulations.

Specific examples of what is considered a dangerous occurrence are found in section 2-3(1) of the Regulations, *Dangerous occurrences*.

**Examples 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.

**\* Keep in mind that these are only examples. Every industry will have different dangerous occurrences.**

### Medical aid incident

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

### First aid incident

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

### Near miss incident

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

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

**Answer:** No, they are not the same. The difference between a near miss and a dangerous occurrence is the level of the potential consequence.

A dangerous occurrence is when an incident could have – but did not result in a fatality or serious bodily injury as described in section 2-2 of the Regulations.

A near miss incident could have resulted in harm but did not. A near miss is not defined in legislation, and there are no set criteria to describe the severity of the consequence.

### Notice to the Ministry

#### Fatalities or accidents causing serious bodily injury

Legislation requires that an employer or contractor give notice to the ministry as soon as reasonably possible when a person is seriously injured.

Note: Legislation uses the word 'accident'. Teaching materials use the word 'incident'.

#### An accident causing serious bodily injury has the following criteria:

- Is an injury that causes or may cause the death of a worker.
- Requires a worker to be admitted to the hospital as an in-patient for more than 72 hours.

When an incident meets the above criteria, the employer or contractor must notify the ministry as soon as possible.

### ***Accidents causing serious bodily injury***

**2-2(1) An employer or contractor shall give notice to the ministry as soon as is reasonably possible of every accident at a place of employment that:**

- (a) causes or may cause the death of a worker; or
  - (b) will require a worker to be admitted to a hospital as an in-patient for a period of 72 hours or more.
- (2) The notice required by subsection (1) must include:
- (a) the name of each injured or deceased worker;
  - (b) the name of the employer of each injured or deceased worker;
  - (c) the date, time and location of the accident;
  - (d) the circumstances related to the accident;
  - (e) the apparent injuries; and
  - (f) the name, telephone number and fax number of the employer or contractor or a person designated by the employer or contractor to be contacted for additional information.
- (3) An employer or contractor shall provide each co-chairperson or the representative with a copy of the notice required by subsection (1).

### Dangerous occurrences

A dangerous occurrence is any incident that could (but did not) result in a fatality or serious injury as described above.

When a dangerous occurrence occurs, the employer must notify the ministry as soon as possible.

**Keep in mind:** Section 2-3 of the Regulations, *Dangerous occurrences* lists eight examples of what might be a dangerous occurrence. Every industry is very different and there are many other incidents that would meet the criteria of a 'dangerous occurrence'.

### ***Dangerous occurrences***

**2-3(1) In this section, “dangerous occurrence” means any occurrence that does not result in, but could have resulted in, a condition or circumstance set out in subsection 2-2(1), and includes:**

- (a) the structural failure or collapse of:
    - (i) a structure, scaffold, temporary falsework or concrete formwork; or
    - (ii) all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation;
  - (b) the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment;
  - (c) an accidental contact with an energized electrical conductor;
  - (d) the bursting of a grinding wheel;
  - (e) an uncontrolled spill or escape of a toxic, corrosive or explosive substance;
  - (f) a premature detonation or accidental detonation of explosives;
  - (g) the failure of an elevated or suspended platform; and
  - (h) the failure of an atmosphere-supplying respirator.
- (2) An employer, contractor or owner shall give notice to the ministry as soon as is reasonably possible of any dangerous occurrence that takes place at a place of employment, whether or not a worker sustains injury.
- (3) A notice required by subsection (2) must include:
- (a) the name of each employer, contractor and owner at the place of employment;
  - (b) the date, time and location of the dangerous occurrence;
  - (c) the circumstances related to the dangerous occurrence; and
  - (d) the name, telephone number and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.
- (4) An employer, contractor or owner shall provide each co-chairperson or the representative with a copy of the notice required by subsection (2).

Subsection (2) of sections 2-2 and 2-3 of the Regulations, describe what information needs to be included when an employer notifies the ministry of a serious accident or a dangerous occurrence.

### **Fatalities or accidents causing serious bodily injury**

#### **Required information includes:**

- The name of the affected worker.
- The name of the employer.
- The details of the accident (date, time, location, and related circumstances).
- The injuries.

### ***Accidents causing serious bodily injury***

2-2(1) An employer or contractor shall give notice to the ministry as soon as is reasonably possible of every accident at a place of employment that:

- (a) causes or may cause the death of a worker; or
  - (b) will require a worker to be admitted to a hospital as an in-patient for a period of 72 hours or more.
- (2) The notice required by subsection (1) must include:
- (a) the name of each injured or deceased worker;
  - (b) the name of the employer of each injured or deceased worker;
  - (c) the date, time and location of the accident;
  - (d) the circumstances related to the accident;
  - (e) the apparent injuries; and
  - (f) the name, telephone number and fax number of the employer or contractor or a person designated by the employer or contractor to be contacted for additional information.

### **Dangerous occurrences**

Required information includes:

- The name of the employer.
- The details of the dangerous occurrence (date, time, location, and related circumstances).
- The contact information for the employer, contractor or designated person.

For more information, please see Section 2-3 (2) of the Regulations, *Dangerous occurrences*.

### ***Dangerous occurrences***

2-3(1) In this section, “dangerous occurrence” means any occurrence that does not result in, but could have resulted in, a condition or circumstance set out in subsection 2-2(1), and includes:

- (a) the structural failure or collapse of:
    - (i) a structure, scaffold, temporary falsework or concrete formwork; or
    - (ii) all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation;
  - (b) the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment;
  - (c) an accidental contact with an energized electrical conductor;
  - (d) the bursting of a grinding wheel;
  - (e) an uncontrolled spill or escape of a toxic, corrosive or explosive substance;
  - (f) a premature detonation or accidental detonation of explosives;
  - (g) the failure of an elevated or suspended platform; and
  - (h) the failure of an atmosphere-supplying respirator.
- (2) An employer, contractor or owner shall give notice to the ministry as soon as is reasonably possible of any dangerous occurrence that takes place at a place of employment, whether or not a worker sustains injury.
- (3) A notice required by subsection (2) must include:
- (a) the name of each employer, contractor and owner at the place of employment;
  - (b) the date, time and location of the dangerous occurrence;
  - (c) the circumstances related to the dangerous occurrence; and
  - (d) the name, telephone number and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.
- (4) An employer, contractor or owner shall provide each co-chairperson or the representative with a copy of the notice required by subsection (2).

In the notification, the employer or contractor must provide the Ministry with the following information:

Serious injuries	Dangerous occurrences
Name of each injured or deceased worker.	
Name of the employer of each injured or deceased worker.	Name of each employer, contractor and owner at the place of employment.
Date, time and location of the incident.	Date, time and location of the dangerous occurrence.
Circumstances related to the incident.	Circumstances related to the dangerous occurrence.
Apparent injuries.	
Name, telephone number and fax number of the employer or contractor or a person designated by the employer or contractor to be contacted for additional information.	Name, telephone and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.

Saskatchewan OHS legislation requires employers, contractors or owners to provide each occupational health committee co-chairperson or the occupational health and safety representative with a copy of the progress report given to the Ministry.

Supervisors should clarify with their employers the expectations for giving notice about fatalities, serious injuries and dangerous occurrences to the Ministry.

The employer must ensure that the OHC investigates every incident that causes (or may cause) the death of a worker or requires a worker to be hospitalized for more than 24 hours and all dangerous occurrences. ([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\*](#))

### Roles in investigations

#### Employer's role

The employer is responsible to:

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

Ultimately the employer is responsible for ensuring the effectiveness of incident investigations.

To have effective incident investigations, the employer can integrate them into the organization's health and safety system and provide the investigation team with appropriate training and resources.

It's the employer's responsibility to decide and act on which corrective actions to implement.

#### Supervisor's role

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

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

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

#### Worker's role

Investigations benefit from worker involvement. Benefits include the following:

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

#### OHCs role

OHC and representatives' investigators are expected to help:

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

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

### Types of investigations

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

1. Certain accidents.
2. Dangerous occurrences.
3. Workplace violence.
4. Workplace harassment.
5. Work-related exposures to infectious materials or infectious disease.
6. Work-related exposures to listed substances resulting from accumulations, spills, or leaks.

#### 1. Certain accidents

Certain accidents have the following criteria:

- The accident results in an injury that causes or may cause the death of a worker, or
- The accident requires a worker to be admitted to the hospital as an in-patient for more than 24 hours

These types of incidents need to be investigated as soon as reasonably possible.

For more information, please see Section 3-18 of the Regulations, *Investigation of certain accidents*.

### ***Investigation of certain accidents***

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

- (a) the co-chairpersons or their designates;
  - (b) the employer and the representative; or
  - (c) if there is no committee or representative, the employer.
- (2) After the investigation of an accident, an employer, in consultation with the co-chairpersons or their designates, or with the representative, shall prepare a written report that includes:
- (a) a description of the accident;
  - (b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the accident;
  - (c) an explanation of the cause or causes of the accident;
  - (d) the immediate corrective action taken; and
  - (e) any long-term action that will be taken to prevent the occurrence of a similar accident or the reasons for not taking action.

In the unfortunate event of a fatality, the incident scene must not be interfered with until an occupational health officer has completed an investigation.

Under some circumstances, an occupational health officer may grant permission to the OHC co-chairpersons to move items to allow work to proceed if:

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

For more information, please see Section 3-19 of the Regulations, *Prohibition re scene of accident*.

### ***Prohibition re scene of accident***

**3-19(1) Unless expressly authorized by statute or by subsection (2), no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article, document or thing at the scene of or connected with an accident causing a death until an officer has completed an investigation of the circumstances surrounding the accident.**

- (2) When an accident causing a death occurs and an officer is not able to complete an investigation of the circumstances surrounding the accident, an officer may, unless prohibited by statute, grant permission to move the wreckage, articles and things at the scene or connected with the accident to any extent that may be necessary to allow the work to proceed, only if:
- (a) graphics, photographs or other evidence showing details at the scene of the accident are made before the officer grants permission; and
  - (b) the co-chairpersons of a committee or the representative for the place of employment at which the accident occurred or their designates have inspected the site of the accident and agreed that the wreckage, article or thing may be moved.

### **Reflect**

What is your organization's protocol when a significant incident happens?

What is the protocol when a worker is seriously injured?

What is the protocol when a dangerous occurrence happens?

### 2. Dangerous occurrences

Dangerous occurrences need to be investigated as soon as reasonably possible to help prevent a re-occurrence of a similar event.

For more information, please see Section 3-20 of the Regulations, *Investigation of Dangerous Occurrences*.

#### ***Investigation of dangerous occurrences***

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

- (a) the co-chairpersons or their designates;
  - (b) the employer, contractor or owner and the representative; or
  - (c) if there is no committee or representative, the employer, contractor or owner.
- (2) After the investigation of a dangerous occurrence, an employer, contractor or owner, in consultation with the co-chairpersons or their designates or with the representative, shall prepare a written report that includes:
- (a) a description of the dangerous occurrence;
  - (b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the dangerous occurrence;
  - (c) an explanation of the cause or causes of the dangerous occurrence;
  - (d) the immediate corrective action taken; and

### 3. Workplace violence

Recent amendments to *The Saskatchewan Employment Act* require that all workplaces have a violence prevention plan and investigate all incidents of violence in the workplace.

For more information, please see Section 3-21 of the Act, *Duty re policy statement on violence and prevention plan*.

#### ***Duty re policy statement on violence and prevention plan***

3-21(1) An employer operating at a prescribed place of employment where violent situations have occurred or may reasonably be expected to occur shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

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

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

#### ***General duties of employer***

3-8 Every employer shall:

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

#### ***General duties of supervisors***

3-9 Every supervisor shall:

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

#### ***General duties of workers***

3-10 Every worker while at work shall:

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

Recent amendments to *The Saskatchewan Employment Act* (the Act) speak to general duties of an employer, supervisors and workers. See below:

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

### 4. Workplace harassment

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

For more information, please see legislation below.

- Section 3-21.1 (1) of the Act, *Duty on harassment and duty to investigate*.
- Section 3-8 (d) of the Act, *General duties of employers*
- Section 3-9 (c) of the Act, *General duties of supervisors*.
- Section 3-10 (b) of the Act, *General duties of workers*.

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

For more information, please see legislation below.

#### ***Duty re policy on harassment and duty to investigate***

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

- (a) the occupational health committee;
  - (b) the occupational health and safety representative; or
  - (c) the workers, if there is no occupational health committee and no occupational health and safety representative.
- (2) A policy statement required pursuant to subsection (1) must include any prescribed provisions.
- (3) An employer shall ensure that an investigation is conducted into any incident of workplace harassment.

#### ***General duties of employer***

**3-8 Every employer shall:**

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

#### ***General duties of supervisors***

**3-9 Every supervisor shall:**

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

#### ***General duties of workers***

**3-10 Every worker while at work shall:**

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

### 5. Work-related exposures to infectious materials or infectious disease

The employer is required to arrange for the investigation and documentation of work-related exposure to infectious or diseases. This investigation is to be done in consultation with the OHC.

An example of when this kind of investigation would be required would be if a nurse was exposed to hepatitis or tetanus at work.

Disclaimer: Refer to *The Occupational Health and Safety Regulations, 2020* to read all of Section 6-22, *Exposure control plan*.

See below for an excerpt.

#### Exposure control plan

##### **6-22(1) In this section:**

“engineering controls” means physical controls or barriers that isolate or remove an infectious disease hazard and includes:

- (a) medical devices approved by Health Canada that have engineered sharps injury protections;
- (b) sharps disposal containers;
- (c) needleless systems and needles with engineered sharps injury protections as defined in section 31-9; and
- (d) other devices that isolate or remove sharps hazards;

“**expose**” means harmful contact with an infectious material or organism from inhalation, ingestion, skin or mucous membrane contact or percutaneous injury;

“**exposure control plan**” means an exposure control plan required pursuant to subsection (2);

“**infectious material or organism**” means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self-employed person.

- (2) If workers are required to handle, use or produce an infectious material or organism or are likely to be exposed at a place of employment, an employer, in consultation with the committee, shall develop and implement an exposure control plan to eliminate or minimize worker exposure.
- (3) An exposure control plan must:

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

The employer has a duty to investigate these incidents in consultation with the OHC. The substances are listed in Tables 16 and 17 in the Appendix of the Regulations.

Some examples of extremely dangerous substances are asbestos or mustard gas. Many of the listed substances are known or suspected carcinogens.

For more information, please see Section 21-10 of the Regulations, *Report of worker's exposure*.

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

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

- (a) a description of the incident, including the date and all affected worksites;
  - (b) the names of the substances released and the characteristics of the substances;
  - (c) for each substance released, the estimated duration and the extent of each worker's exposure;
  - (d) the name of each worker exposed and the manner in which the substance entered the worker's body;
  - (e) the causes of the incident; and
  - (f) any corrective actions taken to prevent occurrence of a similar incident.
- (2) An employer shall provide a copy of a report prepared pursuant to subsection (1) to any worker who was exposed to the chemical substance or biological substance that was released.

### Medical confidentiality

Medical confidentiality is an important principle for supervisors to understand. Section 2-4 of the Regulations, *Medical information* explains the duty for all individuals to not disclose a worker's personal medical information.

Read all of Section 2-4 of the Regulations, *Medical information*.

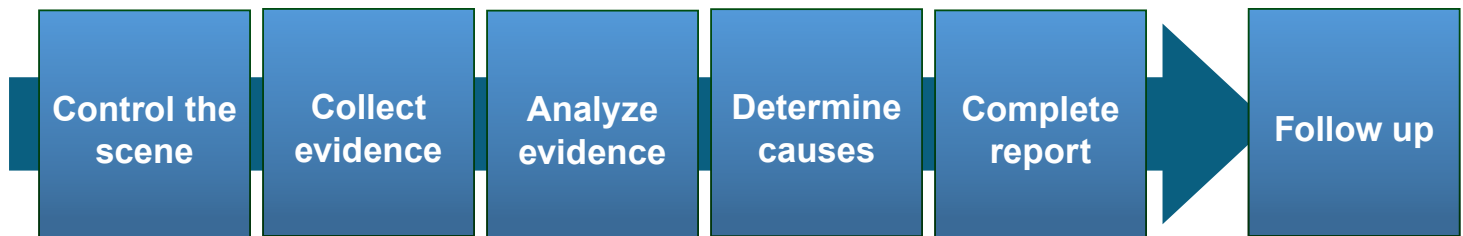
### ***Medical information***

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

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

When an incident happens, it is the employer's responsibility to ensure that it is safe for the investigation team to investigate. It is important never to put yourself in harm's way for the purpose of an investigation. If the matter cannot be resolved, or technical advice is needed, the OHC may contact the appropriate authorities for assistance.

This course will use a 6-step model of incident investigation. The report must provide the following information:



The first step of an investigation is to control the scene of the incident. Some safety management systems have well-rehearsed incident response policies and procedures that are designed to control the scene.

**1**

### CONTROL THE SCENE

*The scene of an incident must be secured.*

- Usually the committee is not involved at this stage.
- Often the supervisor is the person to control the scene.

**Control the scene to:**

1. prevent further injury or damage
2. preserve then evidence until it can be collected
3. ensure safety for emergency response personnel

The complex block features a large dark blue circle on the left containing the number '1'. To its right, the text is set against a light blue background with a dark blue arrow pointing right. The text includes the title 'CONTROL THE SCENE', a sub-heading 'The scene of an incident must be secured.', two bullet points, and a list of three actions under the heading 'Control the scene to:'.

Some workplaces rely on the supervisor in the area to do this. Most of the time, the OHC will not be directly involved in this first step.



Supervisors have a vested interest when incidents happen in their area. They know their workers and what jobs they perform. Supervisors usually know the equipment, tools and subject matter, so they know what questions to ask. Ultimately, they benefit from investigation findings.

### **Immediately after an incident, supervisors can help to:**

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

Every emergency is unique, and every workplace has its own Emergency Response Plan (ERP). The listed actions are guidelines.



The second step of an investigation is to collect evidence. In this investigation model the three types of evidence are physical evidence, documentary evidence and interview evidence.

When collecting evidence, ask questions to get the big picture. Think about what was happening at the time of the incident and who was involved in the incident. Who could have potentially seen what happened?

## 2

### COLLECT EVIDENCE

There are three types of evidence:

1. physical evidence
2. documentary evidence
3. interview evidence

### Physical evidence:

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

Examples of physical evidence include (but is not limited to) the following:

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

Before moving items, photograph the location, sketch its relationship to the larger view and label the item. When handling physical evidence, be sure to use safe work procedures and required PPE. Catalog the physical evidence with notes, photographs, video footage, sketches, and map drawings. Ensure your recordings are as accurate as possible.

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

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

Be sure to cover the overall incident scene, as well as other important locations. Do not disturb the scene or remove evidence until regulatory investigators have released the scene. Lastly, before leaving the scene make sure to verify that all physical evidence is logged according to the location where it was found.

Collecting information can be difficult and time consuming. Physical evidence may be damaged, lost or lacking. Relevant documents may not exist, be out of print or inaccessible. Witness statements can be contradictory or incomplete. Each new piece of information may generate more work.

### Examples:

- Interviews may suggest that certain documents be read.
- Physical evidence may indicate that more witness interviews are needed.
- Hard, persistent and painstaking work may be required to find out what really happened and what can be done about it.
- More frequent monitoring, inspections, maintenance or other administrative actions.

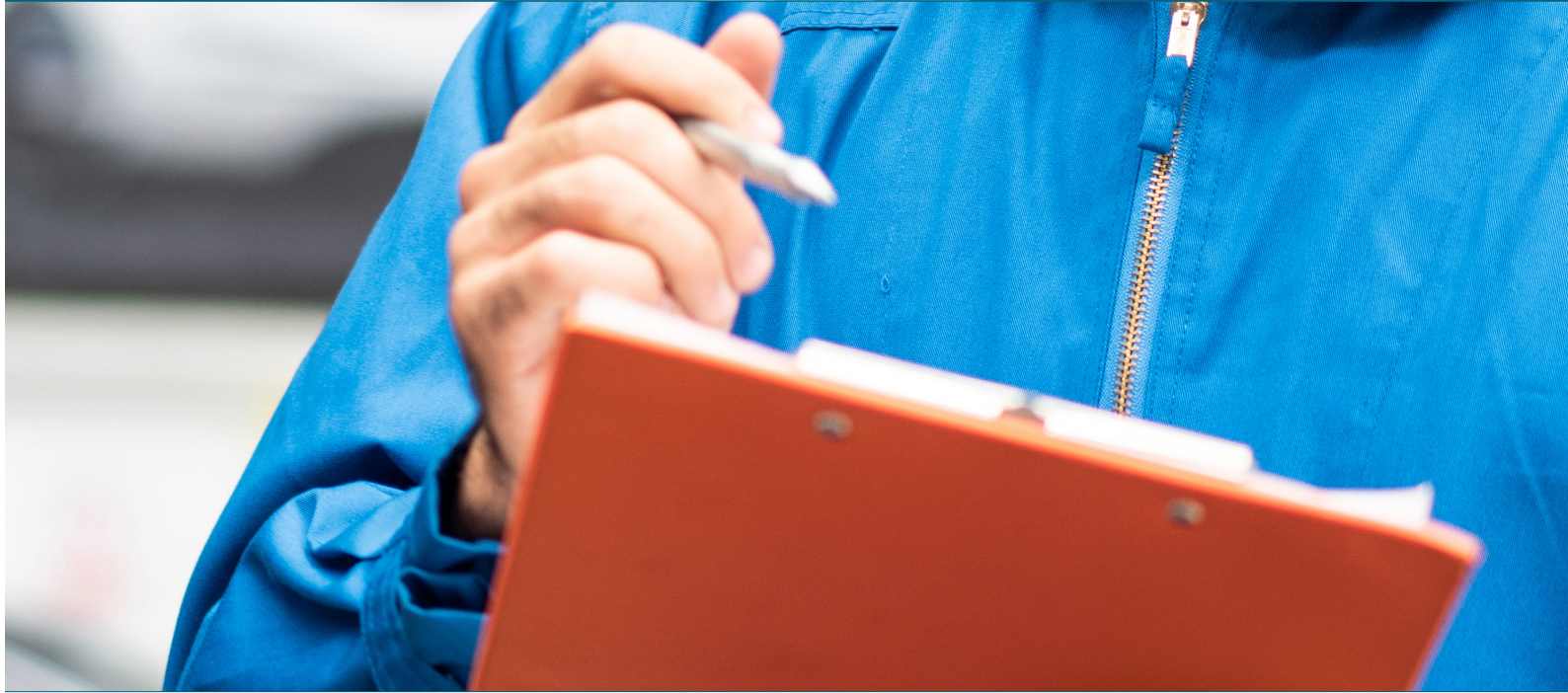
## Identify, collect, label and verify physical evidence

Identifying, collecting, labeling, verifying and storing evidence are the first things that the investigation team does when it reaches the scene. Guidelines for dealing with evidence:

- Take appropriate safety precautions when dealing with evidence.
- Systematically identify, collect, verify, record, store and analyze physical evidence to find out what caused the incident.
- If possible, do not remove evidence until witnesses have been interviewed. An intact incident scene sometimes helps witnesses to remember events more clearly.
- When appropriate, mark the locations of evidence you have removed with spray paint, tape or chalk. This may help you if the incident scene has to be looked at again later.



Be sure to cover the overall incident scene, as well as other important locations. Do not disturb the scene or remove evidence until regulatory investigators have released the scene. Lastly, before leaving the scene make sure to verify that all physical evidence is logged according to the location where it was found.



### *Document physical evidence*

Use a log form to document and track each piece of evidence as it is collected. You can also take notes and photographs, use video footage, make sketches and draw maps.

### *Making maps, sketches and drawings*

Map, sketches and drawings can come in handy if the site is disturbed, or equipment is moved before the investigation is complete. Use maps to get a birds-eye view of the incident scene, locate the positions of equipment, tools, debris, workers, etc. Use scale drawings and maps to test theories about what caused the incident.

Obtain maps or drawings of the plant or worksite. The incident investigation team can make more detailed maps and drawings during its investigation. Make maps and sketches and take photographs as soon as you get initial statements from witnesses at the site.





For an effective investigation, evidence must be collected and analyzed. Physical evidence usually involves materials and objects at the scene of an incident. Physical evidence can be analyzed to determine why the incident occurred and how the incident unfolded.

Physical evidence includes, but is not limited to:

- Signs of damage to buildings and other structures.
- Breakage and signs of abuse or misuse on tools, equipment, materials and personal protective equipment.
- Signs of equipment fluid leaks.
- Inoperable or defective safety devices and control indicators.
- Debris and skid mark patterns that may indicate what happened.
- Signs of chemical spills.
- Chemicals not stored properly, or in damaged containers.
- Signs of potential exposure to biological hazards/substances.
- Environmental conditions when the incident occurred, such as noise levels, air quality, lighting, temperature and/or weather conditions.

The supervisor and the investigation team should never move or remove physical evidence until regulatory investigators such as police officers, fire fighters, occupational health officers and environmental protection officers have cleared the scene.



## Documentary evidence:

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

Documents related to the incident can provide valuable insight. Depending on the nature of the incident, you can review documentary evidence to verify worker orientation and training, understand related job procedures, or confirm equipment maintenance. Documents can also help to verify physical and psychological job demands, and verify PPE requirements if that is necessary.

Documentary evidence can provide valuable information about contributing factors.

### Examples of documentary evidence

- Equipment manuals
- Operator log books
- Orientation and training records
- Worker concerns
- Legislation and industry standards for the work performed
- Investigation reports from similar incidents
- Maintenance records
- Inspection records
- Safe work procedures
- OHC minutes

### Review documentary evidence to:

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



### **Interview evidence:**

**Interview evidence is any evidence that is relayed by a witness.**

This includes what they have personally seen, heard, or experienced. Some of the most important information in the investigation comes from witnesses.

Effective witness interviews are critical to the success of an investigation. It is important to plan out interviews and use experienced interviewers.

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

### **Consider the following:**

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



### Conduct interviews

Once the investigation team has reviewed the physical evidence, the documentary evidence and the witness interviews, the investigation team should be starting to piece together what happened. Effective interviews play a key role in incident investigations as they often reveal critical information that explains or clarifies why the incident happened.

Conducting an effective incident investigation interview requires planning and preparation. The investigation team should begin by deciding who they want to interview and why.

For example, the investigation team might want to interview:

- Witnesses to get clarification of certain details or to confirm facts discovered during the investigation.
- Personnel in nearby areas that didn't witness the incident but may have useful information on what was going on prior to the incident.
- Technical specialists to get information such as the potential noise levels produced by equipment being used at the time of the incident, or if emissions from nearby work processes could have contributed to the incident.
- Maintenance employees to clarify information obtained from preventative maintenance records.

The investigation team should prepare a list of questions for each person they want to interview so that they get the specific information or verification they are looking for. There are many ways to ask a question. Using the right technique at the right time will help the investigation team to get the information they need to complete their incident investigation.

As much as is possible, plan to interview witnesses within the first 24 hours of the incident.

Interview witnesses alone, not in a group.

Schedule interviews in a neutral and private place where you can speak without interruption.

When witnesses talk to each other, it can cause contamination around the actual memory of what happened. It is common to see and hear contradictions in witness statements.

Therefore, especially in the first 24 hours, keep witnesses from talking with each other about the incident. This helps ensure that witness statements are recorded while memories are still fresh, and that witness's statements accurately convey their view.

### *Use effective information gathering techniques*

- 1.**
  - Gather basic information from each witness.
  - Start with general questions and then go into detail.
  - Clear up uncertainties. Be an active listener.
- 2.**
  - Ask each witness to describe how they became aware of the incident.
- 3.**
  - Ask each person to describe what they heard, felt and did before, during and immediately after the incident. Let the witness explain events in their own words.

### **When interviewing witnesses, use a combination of the following four types of questions:**

- 1. Specific questions** - Prompt the witness to give specific details about the incident  
Example: What time did you arrive at the scene of the incident?
- 2. Clarifying Questions** - Prompt the witness to give additional details about the incident  
Example: Who else was there?
- 3. Open-ended questions** - Prompt a long and thoughtful response from the witness, allowing them to share more of their perspective of the incident  
Example: Can you describe the position of the damaged tools, equipment and machinery?
- 4. Close-ended questions** - Can be answered with a simple "yes" or "no".  
Limit the use of this type of question  
Example: Did you see the equipment moving?

### Leading questions

Leading questions imply the answer. These types of questions are not useful, because they influence the response the person being interviewed gives and may even distort their memory. Some examples are:

- You saw the machine wasn't locked out, didn't you?
- The parking lot was icy when you arrived, wasn't it?

It is recommended that the investigation team uses open-ended and specific-closed questions when preparing their interview questions.

### Plan the interview

As much as is possible, plan to interview witnesses within the first 24 hours of the incident. Interview witnesses alone, not in a group. Especially in the first 24 hours, keep witnesses from talking with each other about the incident. This helps ensure that witness statements are recorded while memories are still fresh, and that witness's statements accurately conveys their view.

When witnesses talk to each other, it can cause contamination around the actual memory of what happened. It is common to see and hear contradictions in witness statements. Lastly, schedule interviews in a neutral and private place where you can speak without interruption.

When conducting interviews, remember that an incident investigation interview is not an interrogation.

Contradictions and conflicts in witness statements are normal. People interpret information differently. The same events seen from different angles and distances may look different.

### When interviewing witnesses, create a positive environment by following these interview tips:

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



### **Analyze evidence**

Once the investigation team has collected the evidence, the next step is to identify and analyze which factors contributed to the incident. There are many different models of causation and there is no requirement under Saskatchewan OHS legislation to use a specific model.

The investigation team should go through each event before, during, and immediately after the incident and identify all the contributing factors. For each contributing factor, ask why this situation was allowed to exist.

Analyzing evidence is examining findings in detail, explaining it, and interpreting it.

### 3

#### **ANALYZE EVIDENCE**

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

Many causation models have been proposed since Heinrich's 1931 domino theory.

This course uses the five factors model of incident causation because it is a simple way to illustrate that the causes of any incident can be grouped into five categories:

- People
- Material
- Task
- Environment
- Equipment

## Analyze the incident factors

Analyze evidence by going through each stage of the incident to evaluate how people, material, task, environment, and equipment may have contributed to the incident.

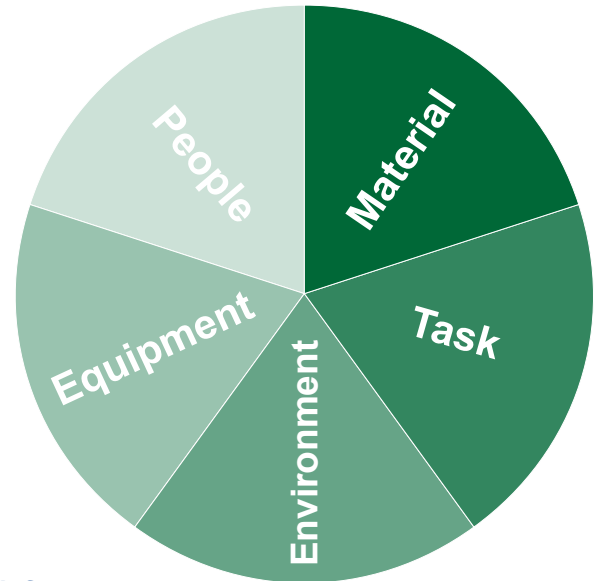
### People factors

Examining people factors can help to gain an understanding of why the people involved in the incident behaved the way they did and what their physical and mental conditions were.

Some examples of questions to ask for people:

- 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?
- Was there direct supervision?
- Could the workers have been tired?

People



### Material factors

Examining material factors can help to determine what substances and materials were involved in the incident and how they might have affected the outcome.

Some examples of questions to ask for material:

- Were hazardous substances involved?
- Were hazardous substances clearly identified?
- What was the weight of the materials being lifted and/or carried?
- Was the material on the pallets properly secured?
- How and where were the materials being stored?

Material

### Task factors

Examining task factors can help to determine if and how existing work standards were being followed at the time of the incident or perhaps there was no existing standard in the first place!

Some examples of questions to ask for task:

- Was the proper safe work procedure being used?
- Was the appropriate PPE available and used?
- Was there adequate supervision?
- Was a proper lockout procedure used?
- Have jobs been ergonomically assessed?
- Was the worker(s) involved aware of the existing standards and procedures?

Task

### Environment factors

Examining environment factors can help to determine if there were sudden environmental changes, such as weather, or other physical work environment factors that affected the incident.

Some examples of questions to ask for environment:

- Was noise a contributing factor?
- Was poor housekeeping a contributing factor?
- Was there adequate light or a glare?
- What were the weather conditions?
- Were toxic gases, dusts, or fumes present?

Environment

### Equipment process

Examining equipment factors can help determine if equipment was involved in the incident and in what way it was involved.

Some examples of questions to ask for equipment:

- Do records confirm that regular maintenance occurred?
- Was regular maintenance carried out?
- Was there an equipment failure?
- Was the right tool being used for the task?
- Were all safety guards in place on the machine?
- Was the tool damaged in any way?

Equipment

During the analysis of evidence there can be multiple factors involved, so the investigation team should be aware of investigator bias.

Investigator biases to avoid include, but are not limited to:

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

### Determine the direct, indirect and root causes

Once your analysis is done, you can determine the incident's direct, indirect, and root causes.

If any additional information is needed at this point, follow-up interviews may be necessary.

#### *Direct cause*

The direct cause is what produced the actual physical harm. The direct cause can be described as an exchange of energy. It usually occurs immediately before an incident. There is usually only one direct cause.

#### **Examples of direct causes include:**

- A worker fell to the same level.
- An object Hit the worker's foot.
- The worker's tool contacted an energy source.
- An object dropped off the shelf.
- The worker slipped on ice.

#### *Indirect causes*

The indirect cause identifies what working conditions set the stage for the incident. Think about what substandard acts and conditions contributed to the incident. There is often more than one indirect cause.

#### **Examples of indirect causes include:**

- inadequate PPE
- insecurely stored materials
- inadequate ventilation
- defective equipment
- improper lifting
- substandard housekeeping

### *Root causes*

The root cause is the fundamental, underlying, system-related reason why an incident occurred. It is root causes allow the substandard act and conditions to exist. Usually, they involve gaps in the employer's health and safety system. An incident can have more than one root cause.

#### **Examples of root causes include:**

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

### **The 5 Why's technique to determine root cause**

To find the root cause, the investigation team can use the 'five Why's technique.

#### **Step 1: Define the problem.**

This is the direct cause of the incident.

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

This is usually accomplished after five questions.



What is the problem?	
Why?	
Why?	
Why?	
Why?	
Why?	

Define the problem:	<i>Failing to use safety glasses with side shields.</i>
<b>WHY?</b>	There is a wet spot on the ceiling tile indicating that the water came from the floor above.
<b>WHY?</b>	The employee wears eyeglasses and the safety glasses provided don't fit over eyeglasses.
<b>WHY?</b>	The company will pay for safety glasses with prescription lenses. The employee didn't know.
<b>WHY?</b>	The supervisor failed to tell the employee about the policy.
<b>WHY?</b>	The supervisor wasn't aware that the employee wasn't wearing safety glasses.
<b>WHY?</b>	The supervisor is responsible for multiple installation crews that work off site and there isn't enough time to monitor them all for PPE use.
Root cause:	<i>Employer failed to verify that all work at a place of employment is sufficiently and competently supervised.</i>

A quality incident investigation will identify gaps in the employer's health and safety system. The corrective actions implemented to address those gaps are a proactive way to prevent recurrence of an incident.

### **Complete the incident investigation report**

Once the investigation team knows what happened and why, they can prepare a written report. The report must be written in clear, easy to understand language that explains what and why this happened. Most importantly, the written report must contain recommendations for corrective actions to address

or control the direct, indirect and root causes, so a similar incident never takes place again.

**Write the report in simple, easy to understand language. Some things the report should cover include:**

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

### Investigation report content

This section will take you through the process of filling out an investigation report form and what to include in each section.

**The sections in an investigation report form are:**

- Summary
- Evidence
- Causes
- Corrective Actions

**For the first section of the report, summarize the incident or dangerous occurrence.**

**Include:**

- The name and occupation of the worker(s) involved.
- The nature of the injury and body area affected by the injury (if applicable).
- The date, time, and specific worksite location where the incident occurred.
- A description of the task including the equipment or tools involved.
- A description of the working conditions and circumstances at the time.
- A detailed account of the events leading up to, during, and following the incident.

**Unlike committee meeting minute forms, there is no standard investigation report form. Your company can develop their own form to suit their organizational needs.**

Next, **include the evidence collected during the investigation.** Include if applicable:

Maps

Drawings or  
sketches

Photographs  
and video

Documentary  
evidence

Witness  
statement

Be sure to **summarize the identified direct, indirect, and root cause(s).** Include details about what was found and how it was found.

The corrective actions required will depend on workplace needs. In this section of the report, **identify the immediate corrective actions that were taken.** Think about what was done to immediately prevent a re-occurrence of the incident.

Next, **identify the long-term corrective actions that will be taken,** or if no corrective action was taken list the reasons why not. Long-term action should correct the root cause of the incident. We will review in the next step how to provide recommendations for corrective actions.

### Develop recommendations

The goal of the OHC is to provide the employer with clear recommendations that address the identified root cause(s).

**Recommendations should align with the following best practices:**

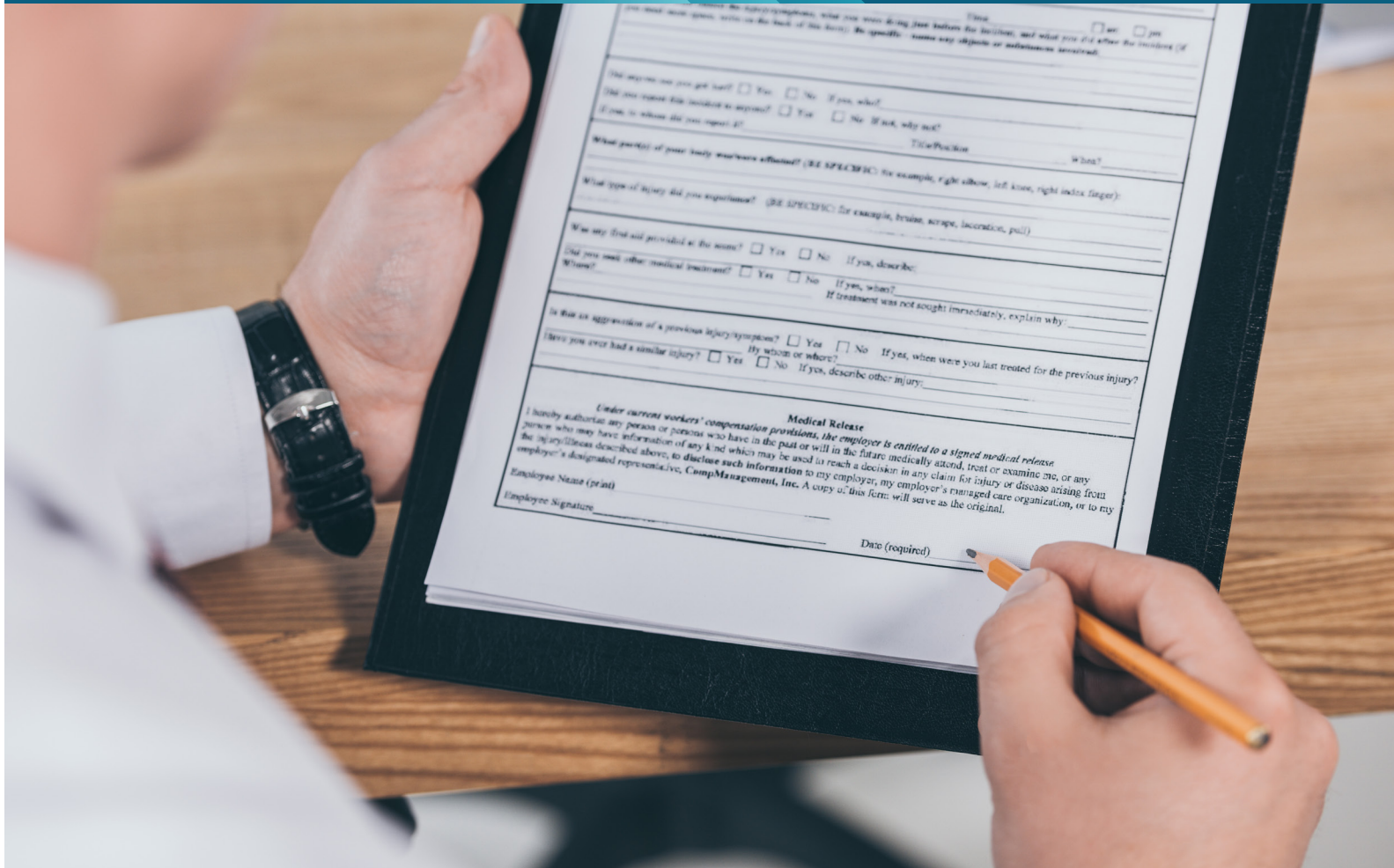
- They should be specific and easy to understand.
- They should be written in a constructive way.
- They should address root cause(s) of hazards.
- They should identify all contributing factors (indirect causes).
- They should include a suggested timeline to keep track of implementation progress.

### Instead of:

Remind employees to pay attention when walking.	
<i>Specific</i>	No.
<i>Measurable</i>	No. There would no records or anything concrete to follow up on to verify implementation.
<i>Achievable</i>	Sort of, but it doesn't specify who is going to remind employees.
<i>Relevant</i>	Yes.
<i>Time-bound</i>	No.

### Try this:

Corrective action:		
The June safety meeting/toolbox talk agenda for all departments will include slip, trip and fall prevention on the plant floor.		
<b>Assigned to:</b>	<b>Target date:</b>	<b>Completion date:</b>
C. Black Branch Manager	May 31, 2021	June 30, 2021
<i>Specific</i>	Yes.	
<i>Measurable</i>	Yes. There would be records of safety meeting/toolbox talk agendas or meeting minutes to verify implementation.	
<i>Achievable</i>	Yes.	
<i>Relevant</i>	Yes.	
<i>Time-bound</i>	Yes.	



The employer should take appropriate corrective action based on the report and inform the OHC. Supervisors can inspect the effectiveness of the corrective action and monitor the corrective action to assist the OHC.



Any controls that the employer decides to implement should ultimately prevent a reoccurrence of similar incidents. Consider the hierarchy of controls when writing your recommendations. Remember some situations may require more than one control.

As reviewed earlier in the course, short-term recommendations temporarily control the hazard and can be implemented immediately to protect workers until a permanent solution can be implemented. Long-term recommendations remove (or control) the root cause and address underlying causes of the substandard act or condition.

**Section 3-17 of the Regulations states that on written notice by the OHC or the representative of an unsafe condition or a contravention of the law, the employer must:**

1. Take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.
2. Correct the unsafe condition as soon as possible.
3. Inform the OHC or representative in writing, of:
  - a. The actions that the employer has taken or will take.
  - b. The employer's reasons for not taking action.

**The employer corrects problems identified in the investigation report.**

**This includes making final decisions on:**

- Health and safety system improvements to make.
- Hazard controls to use.
- Resources to allocate.
- Responsibilities and accountabilities to assign.

The OHC or representative helps the employer by providing input and checking the effectiveness of the employer's actions.

The corrective action required to correct problems depends on workplace needs. There is no master plan for all workplaces. The employer and workers in each workplace must cooperate to develop solutions suited to their needs.

Use industry health and safety literature (for suppliers, manufacturers, employer associations, etc.), to identify specific workplace hazard controls.

After the investigation is complete, the employer should review the incident report and decide which corrective actions to implement. When the employer is selecting controls, they have a duty to consider the recommendations from the OHC or representative. All corrective actions implemented should be documented in writing in the investigation report.

As we learned from Section 3-18 and 3-20 of the Regulations, if an employer decides not to take action, the reasons for not taking action must be documented in the investigation report.

### The employer has a responsibility to:

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

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

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

(2) On written notice by the committee or the representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer, contractor or owner shall:

(a) take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected or the contravention is remedied;

(b) as soon as possible, take suitable actions to correct the unsafe condition or remedy the contravention; and

(c) inform the committee or the representative in writing of:

(i) the actions that the employer, contractor or owner has taken or will take pursuant to clause (b); or

(ii) the employer's, contractor's or owner's reasons for not taking action if the employer, contractor or owner has not taken any actions pursuant to clause (b).

After the incident and subsequent investigation, the employer and the OHC are required to take additional follow up action. These responsibilities include:

- Inform workers about the incident and the implemented corrective actions.
- Monitor the effectiveness of the corrective actions implemented.

When informing workers about the incident, be careful not to disclose any confidential information or personal details. OHC minutes must be posted in a conspicuous location, and can help to communicate information about the hazards involved in the incident, the short-term controls put in place, and the planned long-term controls.

Return to work (RTW) is an important step for workers who have been injured during a workplace incident. Employers are expected to work alongside with Saskatchewan Workers' Compensation Board and the injured employer to work on a plan that will ensure an effective RTW plan.

When working on a plan for an employer, the employer may ask the supervisor to assist in ensuring the plan is sufficient.

The plan must consider:

1. Pre-injury job modified.
2. Alternate job.
3. Alternate job modified.
4. Re-bundling of suitable work task and duties.

Return to work is consistent with the functional rehabilitation model of care, which uses the restoration of function as the first measure of treatment success and recognizes that successful long-term recovery is associated with a return to function.

The Saskatchewan Workers' Compensation Board recognizes the important role RTW plays in promoting an injured worker's recovery and reducing the risk of chronic disability.

The principle of RTW is to balance an injured worker's medical restrictions/capabilities with assigned work tasks:

- To prevent further injury.
- To maintain remaining capabilities/function.
- To restore function.
- To facilitate optimal recovery (both timeline and outcome).

The initial goal of RTW is to return an injured worker, as soon as medically capable, to safe productive work consistent with the worker's functional abilities.

The ongoing goal of RTW is to balance assigned work with the injured worker's medical restrictions/capabilities to facilitate the healing process and the restoration of function.

The end goal of RTW is to return the injured worker to their pre-injury vocational, health and financial status.

Maintaining the balance between the injured worker's medical restrictions/capabilities and the work assigned involves continually reviewing and revising the injured worker's assigned work tasks, or RTW plan, as their medical restrictions are lifted, and their medical capabilities increase.

This is only an introduction to return to work. It is encouraged for supervisors to take the *Effective Return to Work* course offered by Worksafe Saskatchewan to ensure a full understanding of the roles, expectations, procedures and process.



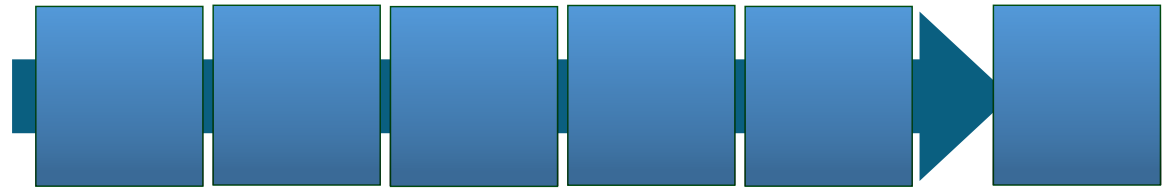
Investigations can identify fundamental weaknesses in hazard controls, suggest improvements and prevent a recurrence. The employer is expected to involve the OHC in investigations, however supervisors are typically included in the investigation throughout some or all stages of the investigation.

The employer and OHC should prepare a plan to investigate incidents and dangerous occurrences before one occurs. Include the necessary procedures, personnel and resources. Follow the proper procedures set out in this module to assist in the step-by-step process of an investigation.

Oftentimes, supervisors are the first to the scene because of their job, so it is important that supervisors know how to properly secure the scene and ensure emergency personnel have access to the site, as required.



1. What are the six (6) steps in the investigation process?



1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

2. Match the term with the definition.

<b>Incident</b>	Any occurrence that does not result in but could have resulted in a condition or circumstance set out in any of the criteria in Section 2-2 of the Regulations.
<b>First Aid Incident</b>	Any work-related event that results in a worker requiring first aid treatment for a minor injury that does not require the services of a health-care provider.
<b>Dangerous Occurrence</b>	Any work-related event that under slightly different circumstances could have caused injury, illness or damage.
<b>Medical Aid Incident</b>	Any unplanned, unwanted event that causes injury or illness or damage. Any work-related event that results in a worker obtaining medical treatment from a health care provider for an injury or illness.
<b>Near Miss Incident</b>	With respect to a particular task or duty, includes a worker who is being trained to perform that task or duty and who is under close

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

Cause	Direct	Indirect	Root
A box fell from a shelf above.			
PPE 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.			

4. Identify the categories in the five factors model:

people

task

material

supervision

training

maintenance schedule

procedure

environment

equipment

root cause analysis

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

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



# Module seven

## Worker concerns and refusals

Learner handbook

**WorkSafe**<sup>™</sup>

S A S K A T C H E W A N

*Work to live.*



## This module will:

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

Supervisors have an important role in resolving worker concerns and investigating work refusals.

When a worker has a work concern, the worker should be encouraged to report concerns to their supervisor. Supervisors are expected to investigate the concern promptly.

As a supervisor, you know these duties. Make sure your workers know too.

Section 3-4 of the Regulations: workers must have access to the legislation (Act and Regulations), and any standards that have been included in applicable work practices or procedures.

### Section 3-4 of the Regulations, *Duty to provide information*

#### **3-4 An employer or contractor shall:**

- (a) make readily available for reference by workers a copy of:
- (i) the Act;
  - (ii) any regulations made pursuant to the Act that apply to the place of employment or to any work done there; and
  - (iii) any standards adopted in the regulations that address work practices or procedures and that apply to the place of employment or to any work done there; and
- (b) if the information mentioned in clause (a) or in section 3-16 of the Act will be posted, provide a suitable bulletin board to be used primarily to post information on health and safety related to the place of employment.



Section 3-6 of the Regulations: workers must be competently supervised, and supervisors must have sufficient knowledge of legislation, the OHS program at their workplace, safe practices for chemical and biological substances at the workplace, the need for and safe use of PPE, emergency procedures, and any matters necessary to protect the workers under their direction.

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

**3-6(1) An employer or contractor shall ensure that:**

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

Section 3-7 of the Regulations: The employer has a duty to inform and provide workers with occupational health and safety legislation. The employer must also convey the message that workers are to comply with the legislation.

### **Section 3-7 of the Regulations, Duty to inform workers**

**3-7 An employer shall ensure that each worker:**

- a) is informed of the provisions of the Act and any regulations pursuant to the Act that apply to the worker's work at the place of employment; and
- (b) complies with the Act and those regulations.

Section 3-8 of the Regulations: Employers have a duty to ensure workers are trained to do their work and do in a healthy and safe manner.

### **Section 3-8 of the Regulations, Training of workers**

**3-8 An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:**

- (a) begins work at a place of employment; or
  - (b) is moved from 1 work activity or worksite to another that differs with respect to hazards, facilities or procedures.
- (2) The training required by subsection (1) must include:
- (a) procedures to be taken in the event of a fire or other emergency;
  - (b) the location of first aid facilities;
  - (c) identification of prohibited or restricted areas;
  - (d) precautions to be taken for the protection of the worker from physical, chemical or biological hazards;
  - (e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and
- (f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.
- (3) An employer shall ensure that:
- (a) the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work; and
  - (b) the worker does not lose pay or other benefits with respect to that time.
- (4) An employer shall ensure that no worker is permitted to perform work unless the worker:
- (a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and the regulations; or
  - (b) is under close and competent supervision.

### Steps to follow when a worker has a concern

#### Step 1: Worker contacts the supervisor

Encourage a worker to first take specific concerns to their supervisor. Many times, concerns can be resolved at this level.

##### The supervisor should:

- **Clarify the concern**

Ensure the concern is fully and accurately understood.

- **Take temporary measures to protect workers.**

Take short-term action to control the situation and document the action taken.

- **Gather information about the concern using all available resources.**

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

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

Ask how others may have dealt with a similar concern. Speak with manufacturers, suppliers, other workers, subject matter experts etc. to gather more insight.

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

Take appropriate corrective action where you have the resources, authority and knowledge to do so. Refer concerns you cannot correct to the employer.

- **Communicate**

Tell workers and the OHC or the OHS representative what corrective actions have been implemented.

### Step 2: Worker contacts the OHC co-chairperson or OHS representative

The worker can contact the OHC co-chairperson when the worker does not want to contact supervisor, or the supervisor and worker are unable to resolve the concern.

**Examples of how the co-chairperson can resolve the concern include (but are not limited to):**

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

### Step 3: Co-chairperson involves the OHC

If the co-chairperson cannot resolve the matter, the OHC co-chairperson 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.

### Step 4: Contact the Ministry

If the OHC is unable to resolve the worker concern, any of the parties involved can contact the Ministry for assistance.

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

Every worker has the right to refuse to perform any specific job or task which they have reasonable grounds to believe is unusually dangerous. This is found in Section 3-31 of the Act, *Right to refuse dangerous work*. The refusal to do work remains in place until sufficient steps have been taken to satisfy the worker otherwise or until the OHC has investigated the matter.

The danger may be to them self or any other person at the workplace.

### Section 3-31 of the Act, *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.

Three criteria used to determine if work is unusually dangerous:

A danger that is not normal for the job

A danger that would normally stop work

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

An **unusual danger** could include one, two or all three of the criteria.

#### Examples of a danger not normal for a job include:

- A nurse working at heights.
- A retail clerk apprehending a shoplifter.
- An administrator disposing of sharps.

#### Examples of a danger that would normally stop work include:

- Operating a forklift with a flat tire.
- Repairing a roof in dangerous winds.
- Driving in extreme road conditions.

#### Examples of a situation for which you are not properly trained, equipped, or experienced to do the work include:

- Cleaning windows on a tall building with no fall protection equipment or training.
- Operating equipment without the proper training.
- De-escalating a violent situation without the necessary training or protection.

Work refusals apply only to occupational health and safety issues, not personal issues or labor issues.

When exercising the 'right to refuse', the refusing worker is protected from discriminatory action, and cannot be penalized.

### **Section 3-35 of the legislation, *Discriminatory action prohibited***

3-35 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.

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

The right to refuse is the right of an individual right, not the right of a group.

When a worker refuses to perform a job task, or series of tasks, they are expected to stay at the site unless the employer advises otherwise.

If there is no OHC at the workplace or if the worker or the employer is not satisfied with the decision of the OHC, either may contact the Ministry.

The worker or the employer may request that an occupational health officer investigate the matter.

The worker is entitled to refuse the work until an occupational health officer has investigated the matter and advised accordingly.

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

### ***Investigation by occupational health officer***

**3-32 If there is no occupational health committee at a place of employment or if the worker or the employer is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b):**

- (a) the worker or the employer may request an occupational health officer to investigate the matter; and
- (b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2).

### **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.

The supervisor asks the employee what task or tasks they are refusing and why they believe the work is unusually dangerous.

It is helpful if this is documented in writing.

2. The employee should not leave the worksite without their employer's permission.

This allows the worker to:

- participate in the resolution
- be assigned alternate work

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.

Co-chairpersons can help the supervisor and worker resolve the refusal.

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.

The refusal is escalated to the Ministry when:

- The OHC cannot reach a unanimous decision.
- Either party (worker or supervisor) is unsatisfied with OHC decision.
- There is no OHC at the workplace.

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

6. An occupational health officer will investigate the refusal and provide a written decision on the matter.

The Ministry will assign an officer to investigate the refusal. The officer will provide a written decision on the matter.

### ***Decision of occupational health officer***

**3-33(1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the employer requiring the appropriate remedial action.**

- (2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer shall, in writing:
  - (a) advise the employer and the worker of that decision; and
  - (b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

**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*

### ***Appeal of occupational health officer decision***

**3-53(1) A person who is directly affected by a decision of an occupational health officer may appeal the decision.**

- (2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.
- (3) The written notice of appeal must:
  - (a) set out the names of all persons who are directly affected by the decision that is being appealed;
  - (b) identify and state the decision being appealed;
  - (c) set out the grounds of the appeal; and
  - (d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.
- (4) Subject to subsections (10) and (11) and section 3-54, an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.
- (5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:
  - (a) provide notice of the appeal to persons who are directly affected by the decision; and
  - (b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.
- (6) The written representations by a person mentioned in clause (5)(b) must be made within:
  - (a) 30 days after notice of appeal is provided to that person; or
  - (b) any further period permitted by the director of occupational health and safety.
- (7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).
- (8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:
  - (a) affirm, amend or cancel the decision being appealed; and
  - (b) provide written reasons for the decision made pursuant to clause (a).
- (9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.
- (10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:
  - (a) the notice of appeal;
  - (b) all information in the director's possession that is related to the appeal; and
  - (c) a list of all persons who are directly affected by the decision.
- (11) The director of occupational health and safety may, at any time after an appeal is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding.

### **A work refusal ends when:**

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

If the worker is satisfied that the work is no longer unusually dangerous, the work refusal ends.

### **Examples of how the work refusal can be resolved include (but are not limited to):**

- Clarification of the task
- Reassignment of the task to a different person who is competent
- Appropriate PPE provided
- Necessary equipment provided
- Additional training provided

### **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 investigated the work refusal and decides that the criteria for unusual danger has not been met.

### **The OHC advises the worker that their refusal was not valid.**

### During the refusal, a supervisor can:

- Reassign the refusing worker

The employer or supervisor may reassign a refusing worker to other temporary work (at no loss in pay or benefits) until the matter is resolved.

This must be meaningful work and not be any form of punishment.

- 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*

**3-34** If a worker has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the employer, in writing, of:

- (a) the refusal and the reasons for the refusal;
- (b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and
- (c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31.

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

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

The worker who takes action pursuant to Section 3-31 of the Act, *Right to refuse*, is protected from discriminatory action.

As a supervisor you will want to be familiar with what employer actions or inactions could be considered "discriminatory action". Read in their entirety, these two sections:

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

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

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

### ***Discriminatory action prohibited***

**3-35 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.



1. 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 (OHC).

2. 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.

3. When assigning a replacement worker to perform a task being disputed, what must the supervisor advise them of? Select all that apply.
- There is an active work refusal and the reasons why.
  - The name of the refusing worker
  - The reason why the supervisor believes the replacement worker can do the task safely.
  - The supervisor's opinion on the validity of the refusal.
  - That the replacement worker also has the right to refuse to do the disputed work.
  - What steps to follow if the replacement worker wishes to exercise their right to refuse.
  - The status of the refusal investigation.

We have learned that supervisors play an important role in the success of the health and safety system.

Good supervisors make a difference in the workplace. Their attitude, support and leadership toward health and safety can make the difference in creating and maintaining a safe and healthy workplace environment.

Throughout the course, the role of the supervisor within the health and safety system was defined. This course covered legislation requirements, safety management systems, orientation and training, workplace inspections and root cause investigations.

It is evident that supervisors are leaders throughout all elements of a safety management system. How supervisors fulfill their role will determine the success of their employer's system.



### This course answered:

- ✓ What are the elements of an occupational health and safety program, as outlined in legislation.
- ✓ Which legislation is applicable to supervisors, what the worker rights are, how to find specific legislation.
- ✓ What the roles, responsibilities, requirements and duties are for employers, supervisors, workers and the occupational health committee (OHC).
- ✓ What is hazard identification, risk assessment and control implementation.
- ✓ What workplace inspections are and the supervisor's role in them.
- ✓ What workplace investigations are and the supervisor's role in them.
- ✓ What is the role of a supervisor in resolving worker concerns and investigating work refusals.

# Appendix A: Incident investigation report form

<b>Incident investigation report form</b> (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.			

# Appendix A: Incident investigation report form

<b>Incident investigation report form</b> (Adapt to suit your needs)
Summarize the direct cause.
Summarize the indirect and root causes.
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.

# Appendix A: Incident investigation report form

Incident investigation report form (Adapt to suit your needs)			
Sketch the site of the incident.			
Physical evidence	Condition	Where stored?	Contact person
Witness	Phone number	Where and when witnesses work	
Investigators	Position on OHC	Signature	
1.			
2.			
Signature of OHC co-chairpersons			
Employer co-chairperson Worker co-chairperson			

# Appendix B: Incident investigation witness interview

<b>Incident investigation witness interview</b> <small>(Adapt to suit your needs)</small>		
Witness:  Position/title:	Interviewer(s):  Position/title(s):	Page ____ of ____  Date:  Time:  Place:
Describe what you saw/did/heard before the incident (attach/staple more sheets as needed).		
Describe what you saw/did/heard during the incident.		
Describe what you saw/did/heard after the incident.		

# Appendix B: Incident investigation witness interview

## Incident investigation witness interview

(Adapt to suit your needs)

Witness:

Interviewer(s):

Page \_\_\_\_ of \_\_\_\_

Position/title:

Position/title(s):

Date:

Time:

Place:

List questions that deal with the statement, knowledge of the hazards, job procedures, training, supervision, etc.

List questions that are not covered by other questions you have asked.

Ask witness how they think the incident may have been prevented.



*Work to live.*