

Supervisor Safety Responsibilities

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Presented by: Rick Kroeker
BSc., CHSC

Manager, OH&S, City of Nanaimo

Objectives

- Review Supervisor Obligations
- Cover Applicable Legislation
- Hazards and Controls
- Injury Reporting

Applicable Legislation

- Workers Compensation Act: It is the LAW!
- Occupational Health and Safety Regulations (OSHR)
- OSHR Guidelines

Applicable Legislation

- Workers Compensation Act 117
 - General Duties of Supervisors
 - “Supervisor” means a person who instructs, directs and controls workers in the performance of their duties.
 - Legal obligations under the Workers Compensation Act.

Applicable Legislation

- Bill C-45 added Section 217.1 to the Criminal Code which reads:
 - “Everyone who undertakes, or has the authority , to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task”

Applicable Legislation

- Cc 217.1 Continued
- Also known as the “Westray Bill”
- Charges have been laid in 4 cases
- Transpave Paving Company Supervisor convicted of Criminal Negligence and fined \$100,000
- Newmarket, Ontario Supervisor charged with Criminal Negligence causing death

Applicable Legislation

- OHSR 2.8 – Contravention
- (2): A contravention of this regulation by a supervisor or a worker will be deemed to be a contravention by the Supervisor and will make that **supervisor** liable for any penalty prescribed by the Workers Compensation Act.

Applicable Legislation

Everyone with obligations under the *Act* can be prosecuted

(Owners, Managers, Directors of the Corporation, Supervisors and Workers)

Applicable Legislation

- First Conviction,
 - \$500 000
 - continuing offence, \$25 000 for each day
 - imprisonment for a term not exceeding 6 months
 - or both

Applicable Legislation

- Subsequent Conviction,
 - \$1 million
 - continuing offence, \$50 000 for each day
 - imprisonment for a term not exceeding 12 months
 - or both

Applicable Legislation

- The Three Fundamental Rights
- OHSR 3.9: Remedy without delay
- OHSR 3.10: Reporting Unsafe Conditions
- OHSR 3.12: Right to refuse unsafe work
 - Must investigate and resolve issue
- OHSR 3.13: No Discriminatory Action
 - Section 150-153 Workers Compensation Act

Applicable Legislation

- OHSR 3.9 Remedy Without Delay:
 - *“Unsafe or harmful conditions found in the course of an inspection must be remedied without delay.”*

Applicable Legislation

Typically there are three levels of remediation determined by Hazard level.

Hazard Level A:
Stop work, resolve immediately

Hazard Level B:
Resolve as quickly as possible; policy usually sets time frame

Hazard Level C:
No imminent danger, resolve in 2 to 4 weeks

Applicable Legislation

- OHSR 3.10 Reporting Unsafe Conditions
 - *“where a person observes what appears to be an unsafe or harmful condition or act the person must report it as soon as possible to a supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay”*

Applicable Legislation

OSHR 3.12 Refusal of Unsafe Work

(1) “ a person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create and undue hazard to the health and safety of any person.”

(2) “a worker who refuses to carry outmust immediately reportto his or her supervisor”

Applicable Legislation

- OSHR 3.12 cont'd
 - (3)“ a supervisor or employer receiving a reportmust immediately investigate the matter and
 - (a) ensure the unsafe condition is remedied without delay, or
 - (b)if in their opinion the report is not valid, must so inform the person who made the report.”
 - (4)“If the proceduredoes not resolve the matter and the worker continues to refuse...the supervisor must investigate in the presence of the worker and....(joint committee, WSBC)

Applicable Legislation

- OSHR 3.13 No Discriminatory Action
 - (1) *“A worker must not be subject to discriminatory action as defined in Section 150 of the Workers Compensation Act because the worker has acted in compliance with section 3.12 or with an order made by an officer.”*
 - (2) *“Temporary assignment to alternative work at no loss in pay ...until the matteris resolved is not deemed to constitute discriminatory action.”*

Applicable Legislation

- Section 150-153 WCA Discriminatory Action

(1) “includes any act or omission by an employer or union, or a person acting on behalf of an employer or union, that adversely affects a worker with respect to any term or condition of employment, or membership in a union.”

Applicable Legislation

- Discriminatory Action cont'd
 - (2) "without restricting subsection (1), discriminatory action includes:
 - Suspension, lay-off or dismissal
 - Demotion or loss of opportunity for promotion
 - Transfer of duties, change of location of workplace, reduction in wages or change in working hours
 - Coercion or intimidation
 - Imposition of discipline, reprimand or other penalty &
 - the discontinuation or elimination of the job of the worker.

Applicable Legislation

- Discriminatory Action cont'd
 - “Reverse onus” legislation
 - Employer is guilty unless they can PROVE innocence
 - Worker has up to one year to file
 - OSO handles initial complaint
 - Remedies can be significant and include penalty to employer or supervisor.

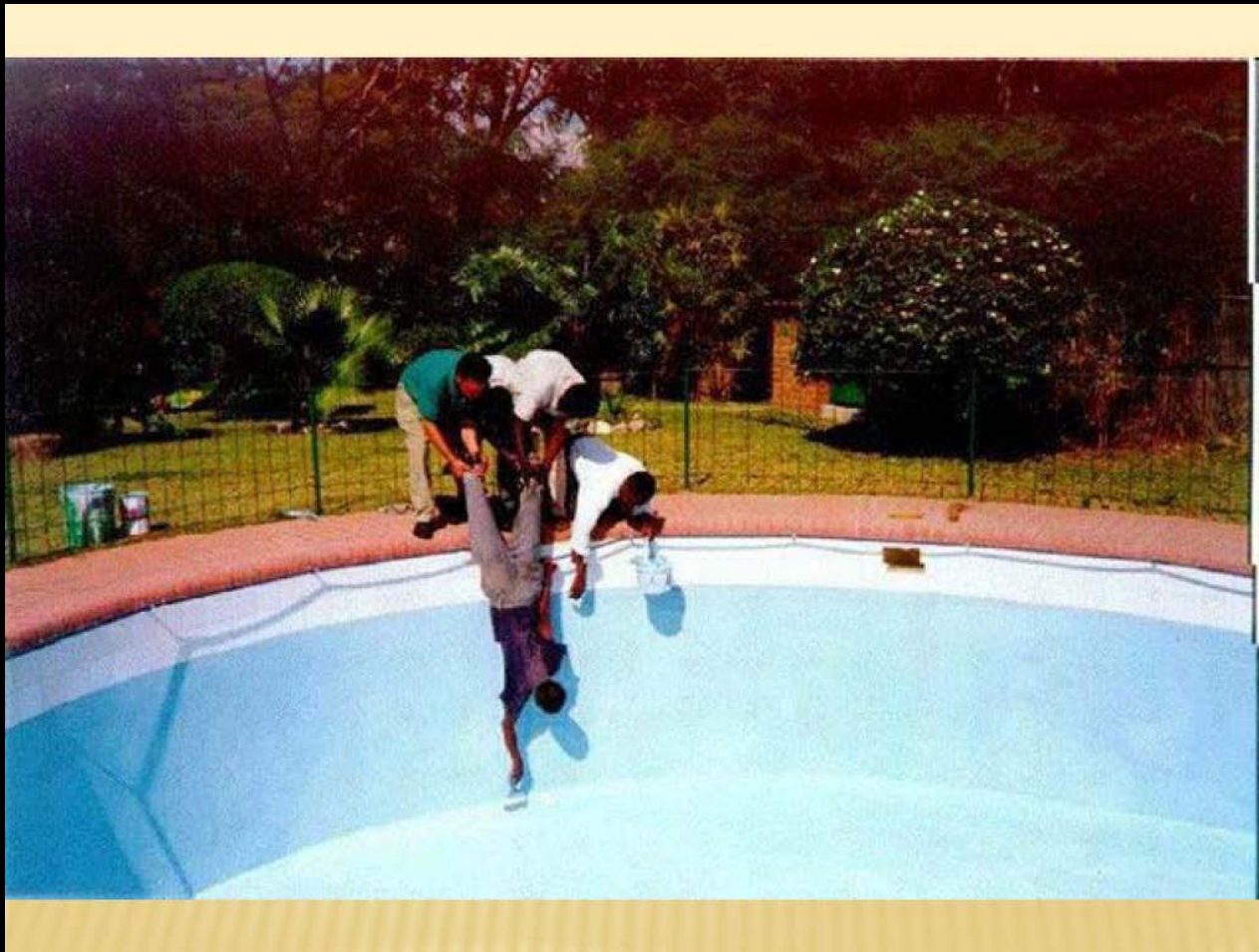
Applicable Legislation



Applicable Legislation



Applicable Legislation



Applicable Legislation



Applicable Legislation



Applicable Legislation

- OHSR 3.22 & 3.23 – Young and New Workers
- “An Employer Must ensure that before a young or new worker begins work in a workplace, the young or new worker is given a health and safety orientation and training specific to that young or new workers workplace”

Applicable Legislation

- 4.19 – Physical or Mental Impairment
 - Worker must report impairment to supervisor and must not knowingly do work where this may create risk
- 4.20 – Impairment by alcohol, drug or other substance
 - Worker must not enter workplace if so impaired, employer must not knowingly allow worker to remain

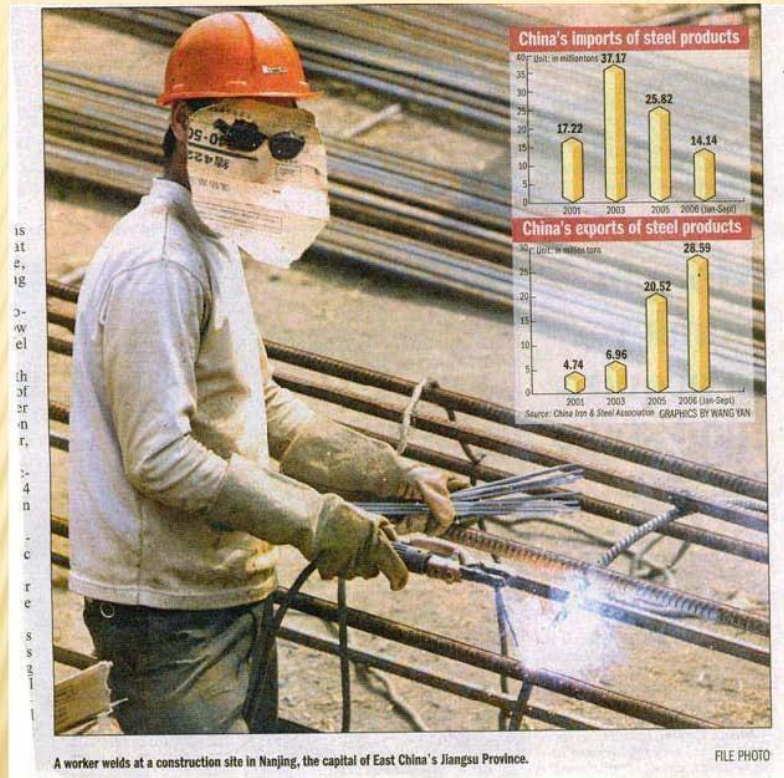
Applicable Legislation

- PPE Responsibilities
- 8.7 Instruction & 8.8 Supervisors Responsibilities:
- “The supervisor must ensure that appropriate PPE is:
 - (a) available to workers
 - (b) properly worn when required
 - (c) properly cleaned, inspected, maintained and stored

Applicable Legislation



Applicable Legislation



Applicable Legislation



Applicable Legislation



Provide appropriate supervision

- Satisfy yourself that those workers reporting to you know how to do the job safely (knowledge)
- Ensure workers follow the safe work procedures and the applicable regulations (behavior)
- Document your observations

Know your workers

- Ensure only trained workers use equipment or machinery.
- Ensure workers with impairments are not assigned to do tasks that put them or others at risk.
- Ensure workers impaired by drugs or alcohol are removed from the worksite.

Address improper conduct

- Physical force
- Threatening statements
- Horseplay
- Practical Jokes

Defence of Due Diligence

- The Act establishes:
 - A person who contravenes a provision of the Act, the regulations or an order commits an offence
 - A person is not guilty of an offence if the person proves that they exercised due diligence to prevent the commission of the offence
 - A worker is not guilty of an offence if the worker proves that the offence was committed
 - as a result of instructions given by employer or supervisor
 - despite the worker's objection

You need a systematic approach:

- Maintain training records, including initial orientation & training, training on equipment, tailgate meetings and monthly safety meetings.
- Maintain maintenance logs for equipment.
- Document your observations of your subordinates' work on an ongoing basis to ensure workers follow safe work practices.
- Discipline workers who know the safe work procedures but refuse to follow them. Document your actions.

You need a systematic approach:

- Know your workers and assign tasks according to their ability/skills.
- Address improper conduct.
- Document hazard identification process – both the worker's report of a hazard and your investigation and response.
- Investigate accidents & near misses and take corrective action.

You need a systematic approach:

- Investigate any refusals of unsafe work
- Never discipline a worker for raising occupational health & safety issues
- Conduct inspections
- Cooperate with Board Officers

Hazard/Risk Control

- Risk vs. Hazard
- Hierarchy of Controls
- Hazard Identification
- Risk Assessments
- Severity X Probability X Frequency = Risk

Hazard Assessments

Worksite:	Date:
Job details:	
Hazard:	

(Enter initial severity on left hand side, severity after control measures on right hand side)

SEVERITY ASSESSMENT		
A = Death		C = Minor injury
B = Major injury		D = No injury
Severity	Control Measures:	Severity
	<input type="checkbox"/> department specific control or WSBC Regulation	
	<input type="checkbox"/> workers trained	

If severity can not be reduced to a "C" or less then call the OHS department ASAP

WorksafeBC Hierarchy of Controls for Risk Assessment

1. Eliminate the hazard
2. Substitute the work
3. Engineer controls
4. Administrative controls
5. Personal Protective Equipment (PPE)

(1 and 2 are dealt with in Hazard Identification Form)
 (Enter initial Risk on left hand side, enter risk after controls on right hand side)

RISK ASSESSMENT		
1 = Extremely likely to occur		3 = Unlikely to occur
2 = Somewhat likely to occur		4 = Highly unlikely to occur
Risk	Control Measures:	Risk
	<input type="checkbox"/> 3.Engineering controls	
	<input type="checkbox"/> 4.Administrative controls	
	<input type="checkbox"/> 5.Personal Protective Equipment	

Hazard/Risk Control



Injuries and Reporting

- workplace incidents and accidents must be investigated.
- accident investigations are part of a Safety Program.
- The OHSR lists the information that must be included in a report.
- Reports go to the Joint Committee or Worker Representative as well as management.
- Supervisors may be required to implement the recommendations

Injuries and Reporting

- WCA 172
- An employer must immediately notify the Board of the occurrence of any accident that:
 - (a) resulted in serious injury to or the death of a worker,
 - (b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,
 - (c) involved the major release of a hazardous substance, or
 - (d) was an incident required by regulation to be reported.

Injuries and Reporting

- WCA 173
- An employer must immediately undertake an investigation into the cause of any accident or other incident that
 - (a) is required to be reported by section 172,
 - (b) resulted in injury to a worker requiring medical treatment,
 - (c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or
 - (d) was an incident required by regulation to be investigated.

Summary

- Know the law and how it applies to you
- Never let your guard down – always be aware and vigilant
- Lead by example
- Document EVERYTHING
- If all else fails... ask for help
- Have Fun!