Occupational Health & Safety in Saskatchewan

Safety Symposium

November 18 & 19, Regina Travelodge Hotel

With 13 sessions to choose from including:

- Addictions in the Workplace
- Safe Lifting
- Violence in the workplace and keeping safe
- Ergonomics
- Slip, Trip, and Falls
- Introduction to Mental Health First Aid
- Shiftwork Stress and Fatigue
- And more!

Celebrate Success 2015
History

• 1972 – First OHS legislation in Canada
• Several changes to the OHS legislation over the years
  – 1977
  – 1993
  – 1996
• Many amendments along the way
  – Two examples from 2007
    • Power Mobile Equipment
    • Protection against falling
History

• **2002** for not a good year for OHS in Sask.

• WCB Lost Time injury rate was **4.95** in Sask.
  – Worst province in Canada

• Everyone committed to improve, Sask. Government, WCB, Employers, Unions, etc.

• Continue to improve not fast enough for some
OUR GOAL THIS YEAR IS ZERO DISABLING INJURIES.

LAST YEAR OUR GOAL WAS TWENTY-SIX DISABLING INJURIES.
History

• The Saskatchewan Employment Act (SEA)
  – In effect April 29, 2014
  – Combine all Ministry of LRWS Acts into 1
    • The Saskatchewan Employment Act
    • Part III – OH&S Act
    • Part V - Radiation Health & Safety Act
Major Changes in the SEA - Employer

SEA – Division 3 Duties, Section 3-8:

Every employer shall

a) Ensure, insofar as is reasonably practicable, the health, safety, & welfare at work of all of the employer’s workers;....

b) Consult & cooperate in a **timely manner** with any OHC,...... for the purpose of resolving concerns on matters of health, safety & welfare at work

c) Make a reasonable attempt to resolve, in a timely manner, concerns raised by OHC,...
Timely Manner
Major Changes in the SEA - Employer

**SEA – Division 3 Duties, Section 3-8, Every employer shall:**

(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 OHS representative for a place of employment, ensure that written records;.... 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;....
OHS Regulations (1996) - Employer

OHS Regulations, Section 12 - The duties of an employer at a place of employment include:

a) Provision & maintenance of plant,…

b) Arrangements for the use, handling, storage & transportation of articles & substances,… (WHMIS)

c) The provision of any information, instruction, training & supervision that is necessary to,…

d) The provision & maintenance of a safe means of entrance to & exit from the place of employment,…
Major Changes in the SEA - Supervisor

SEA – Division 3 Duties, 3.9 General duties of supervisors

Every Supervisor Shall:

(a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor’s direct supervision and direction.

(b) Ensure that workers under the supervisor’s direction comply with this Act and the Regulations

(c) Ensure, insofar as is reasonably practicable, that all workers under the supervisors direct oversight and direction are not exposed to harassment at the place of employment,

(d) Cooperate with any other person exercising a duty imposed by this Act and the Regulations; and

(e) Comply with the Act and the Regulations.
“Don’t step on it... it makes you cry.”
OHS Regulations (1996)- Supervisor

Regulation Section 17, Supervision of work

An employer or contractor shall ensure that:

(1) (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 their direction; and
No changes to Duties of workers in SEA or OHS Regulations, workers must continue to

• Follow the SEA & OHS Regulations.

• Following Companies internal standards – policies, procedures,....

• Identifying defects, contraventions & dangers,...

• Report unresolved problems,...

• Work cooperatively with co-workers, supervisors and others
New to SEA – Prime Contractor
• Prime Contractor applies where a worksite has multiple employers or self-employed persons working in the construction industry, duties include:

As far as reasonably practicable, that all employers and self-employed persons have:
– adequate & appropriate policies, procedures, practice & safe equipment,
– competent workers,
– properly inform,
– ensure compliance with Act & Regulations,
– activities do not put others health and safety at risk,
– responsible for ensuring compliance as far as possible.
Role of the OH&S Division

• OH&S Officers continue to conduct inspections and investigations of accidents/dangerous occurrences

• Changes to fines that can be delivered by the courts for OHS non-compliance
  • Fines for non-compliance doubled
  • Fine for person causing death or serious injury maximum is now $500,000
  • Fine for a corporation causing death or serious injury maximum is now $1,500,000
Role of the OH&S Division

- Additional new compliance tool that OH&S Officers can use
  **Summary Offence Tickets**
- In force July 1, 2014
- Fines range from $250 - $1,000 depending on offence
  - Tickets will mainly be directed towards employers, contractors, owners, self-employed persons & suppliers.
  - Only to workers – for clear failure to use PPE that has been provided by one's employer. Before ticketing a worker, officers will assess:
    - if the worker was provided the correct PPE,
    - received adequate training on its use
    - was clearly directed to use the PPE but chose not to
"We've saved a lot of money with this safety plan so far."
DUE DILIGENCE

Taking all reasonable care to prevent the incident

Every precaution reasonable in the circumstances

“What is reasonable is not absolute perfection or anything superhuman. It is a balanced, wise, prudent judgment that is understandable to others”

(Strahlendorf)
Measuring DUE DILIGENCE

The “reasonable person” is a hypothetical person who is experienced, knowledgeable, motivated, unbiased and without character flaws.

The “reasonable peer” is the reasonable person plus industry or trade knowledge ... is less than superman, but more than the “average peer”.

Is what I am about to do (or not do) something that a jury of reasonable peers – knowing what my circumstances are right now – would do (or not do)?
Three Levels of Due Diligence

Level One
• Take every precaution reasonable / reasonable steps to ensure compliance with external standards – Act & Regs, CSA,….

Level Two
• Take every precaution reasonable / reasonable steps to ensure compliance with internal standards – company rules.

Level Three
• Take every precaution reasonable / reasonable steps for any residual risk not covered by above – other people yes/no
CAUTION

THIS SIGN HAS SHARP EDGES

DO NOT TOUCH THE EDGES OF THIS SIGN

ALSO, THE BRIDGE IS OUT AHEAD
What Do I Need to Know / Do
“Give the ticket to my husband. He taught me to drive.”
# OHS Due Diligence

**KEY COURT MEASURES WHICH DETERMINE WHETHER DUE DILIGENCE STEPS TAKEN**

<table>
<thead>
<tr>
<th>KEY COURT MEASURES</th>
<th>COURT EXPECTATIONS*</th>
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<tbody>
<tr>
<td><strong>KNOWLEDGE OF LEGAL OBLIGATIONS</strong></td>
<td>Complete up-to-date knowledge of relevant, applicable OHSAs and regulatory requirements. Codes, Standards, Guidelines. Knowledge by supervisors; knowledge reflected in policies, procedures.</td>
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<tr>
<td><strong>KNOWLEDGE OF HAZARDS</strong></td>
<td>Ongoing assessment of workplace(s) for potential hazards (physical, procedural) utilizing all reasonably available means. Audits performed by competent Company representatives or external consultant on a regular basis. Use of “what could foreseeably go wrong” approach. Taking information available from JHSA audits and from near-miss/accident reports/Westibl claims analysis to assess hazards. Assessment by supervisor before particular task performed, depending on complexity, risks of task.</td>
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<tr>
<td><strong>ONGOING ACTION TO CORRECT HAZARDS</strong></td>
<td>Corrective workplace measures, changes, repairs based on audits, assessments. Development of and ongoing improvements to safe work procedures, policies, practices based on assessments.</td>
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<tr>
<td><strong>WRITTEN HEALTH AND SAFETY POLICIES &amp; PROCEDURES</strong></td>
<td>Written, up-to-date, understandable policies and procedures for all hazardous activities at workplace. Updated as equipment, workplace practices, OHSAs requirements or standards evolve. Available to employees in manual/posted as necessary. Policies and procedures which meet or exceed OHSAs, Regulations, Guidelines, Standards. Expert assistance in procedure development/approval as reasonable for hazards and Standards involved.</td>
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<tr>
<td><strong>ORIENTATION &amp; TRAINING</strong></td>
<td>Training and knowledge by supervisors/management of OHSAs and applicable Regulations, applicable policies and procedures, expectations for safe work in circumstances. “Competent” supervisors. Thorough training of workers. Ongoing training as supervisors/workers transfer/transfer equipment and work evolves. Supervisory follow-up to confirm training understood and applied. Refresher training as necessary for hazard, hazard meetings (safety meetings, pre-job meetings) to reinforce training and expectations.</td>
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<tr>
<td><strong>SUPERVISORY MONITORING</strong></td>
<td>Ongoing supervisory monitoring with appropriate frequency for risk (increased monitoring for high-risk, complex task, or where there is indication of compliance problem at workplace). Monitoring of compliance with policies and procedures, safe work practices.</td>
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<td><strong>COMMUNICATION &amp; COORDINATION</strong></td>
<td>Ongoing communication/coordination of tasks. Communication of change – to equipment/work conditions. Particularly crucial to identify and remind of risks, process issues where multiple parties/contractors present or workers are unfamiliar with new areas or risks.</td>
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<tr>
<td><strong>ENFORCEMENT WITH DISCIPLINE</strong></td>
<td>Enforcement of policies, procedures, safe work practices with discipline. Consistent, significant discipline for significant safety contraventions.</td>
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<td><strong>DOCUMENTATION</strong></td>
<td>Notes, records, documents in support of all of the above steps is essential (i.e. training records with agendas/materials/checklists/lectures retained; sign-off on rules/procedures; written audits and assessments of hazards and recorded followup; written training plan/training matrix; documentation of dates/content/person providing on-the-job training; documented communication, pre-job and safety meeting records, with agendas/signoffs, checklists/notesheets for supervisory monitoring; written records of discipline).</td>
</tr>
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* Each case takes into consideration degree of hazard involved in the workplace, nature of the workplace, nature of the activity, frequency with which worker performs activity, and other relevant matters for specific situation.
Questions? More Information?

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