

# FUNDAMENTAL PRINCIPLES PROCESS AND LEGISLATION

## QUICK REFERENCE CARD

### WHAT IS AN OCCUPATIONAL HEALTH & SAFETY PROGRAM?

An Occupational Health and Safety (OHS) program is a system to manage health and safety issues in the **workplace**. It is intended to prevent **injury** or **illness** to **people**, and **damage** to **property** or the **environment**.

### WHAT ARE THE BASIC PRINCIPLES OF OHS?

- All Incidents Are **Preventable**
- Occupational Health and Safety is an **ethical** responsibility
- Occupational Health and Safety is **good business**
- Occupational Health and safety is a **shared** responsibility
- Occupational Health and Safety is a culture
- Occupational health and safety has **objectives** and **goals**
- Occupational Health and Safety is **universal**

### WHY HAVE AN OCCUPATIONAL HEALTH & SAFETY PROGRAM?

There are two main reasons to have An OHS program:

- Business advantage
- Legal requirement

### OHS LEGISLATION

Every province has occupational health and safety legislation that applies to workplaces, employers, supervisors, workers and others regulated by the province. Federally regulated employers are subject to the requirements of the **Canada Labour Code, Part II**. Failure to comply with these requirements can subject organizations and individuals to **financial penalties** and/or **court cases**.

### BC LEGISLATION

In BC, there are two major pieces of legislation that govern occupational health and safety.

- Workers Compensation Act (**WCA**)
- Occupational Health & Safety Regulation (**OHSR**)

### WCA CONTENT

The Workers Compensation Act (WCA) is the legislation passed by the **provincial legislature** that gives WorkSafeBC the legal authority to set and enforce the Act and the OSHR.

### OSHR CONTENT

The Occupational Health and Safety Regulation (OHSR) can be separated into three separate areas. Parts 1 - 4 contain the **Core Requirements**, Parts 5 - 19 contain the **General Hazard Requirements** and Parts 20 - 32 contain **Industry Specific Requirements**. Do not confuse Core Requirements of the OHSR with the term OSSE.

### DEFINITIONS

We also need to be aware of and understand the definitions found in the Workers Compensation Act and in the Occupational Health and Safety Regulation. Definitions are found at the beginning of Part 1 and Part 3 of the **WCA**. In addition, definitions are found in Parts 1, and at the beginning of most other Parts of the **OHSR**.

### GUIDELINES AND POLICY

Guidelines and policies exist and support many parts of the **WCA** and **OHSR** providing direction for:

- Interpretation of the legislation
- Means of complying with legislation
- Best industry practices

### DUE DILIGENCE

This concept of due diligence is not written in stone, but rather reflects a **constantly evolving** standard of care based on:

- Legislation
- Industry Standards
- Court Decisions

### THE 3 PRIORITY FACTORS OF OHS LEGISLATION

- Foreseeability
- Preventability
- Control

### THE BEST DEFENCE - PREVENTION

You and your organization **must**:

- Know your legal responsibilities.
- Know and stay aware of regulatory and Canadian Criminal Code (CCC) requirements.
- Know and evaluate the industry accepted standards of practice.
- Develop organizational standards if necessary to ensure reasonable care.
- Monitor compliance with standards of practice within your organization, evaluate effectiveness of such standards and revise deficient standards.
- Communicate legal responsibilities and applicable standards to all members of your organization.

### DUTY OF PERSONS – CCC PART 217.1

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

## REGULATORY ENFORCEMENT OR CRIMINAL PROSECUTION

The intent of regulatory enforcement under the WCA and OHSR is to **deter** not **punish** organizations and individuals. Penalty assessments are normally only imposed after consultation, inspection, written orders and failure to comply have occurred.

## MANAGEMENT PRINCIPLES

The health and safety program is built on certain **management** principles

- Management Commitment
- Leadership
- Assigned Responsibilities and Accountabilities
- Worker Involvement

## OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEM PROGRAM

The elements of an Occupational Health & Safety program as identified by **legislation** are as follows:

### ELEMENT A - MANAGEMENT LEADERSHIP & COMMITMENT

Employers should have the following:

- Health and safety policy
- Defined roles and responsibilities
- Communication of information
- Annual objectives

### ELEMENT B - HAZARD IDENTIFICATION & CONTROL

Hazards are categorized into one of the following classes:

- Physical
- Chemical
- Biological
- Psychosocial

### ELEMENT C - INDUSTRY SPECIFIC CONTROL PROGRAMS

Specific hazardous activities within a workplace will call for more stringent **programs** and **procedures** in order to minimize the risk to workers and others.

### ELEMENT D - INSPECTION OF WORKPLACE, EQUIPMENT & WORK PRACTICES

Every employer should have a **documented inspection process** which includes the following items:

- Written Instructions
- Assigned Responsibilities
- Inspection Documents
- Communication
- Training

### ELEMENT E - INCIDENT INVESTIGATION

An **incident** is defined in the OHSR as “an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease”. The **intent** of an incident investigation is to determine what **circumstances** and **actions** contributed to occurrence, determine the **root** as well as **contributory causes** and to make recommendations to **prevent** recurrence.

### ELEMENT F - TRAINING & INSTRUCTION

Training is an essential part of an occupational health & safety program and must include workers, supervisors, managers and OHS representatives to be effective. Training must be verified by **testing** or **assessment** to ensure it was understood by participants. Training must also be **documented** and kept as a filed record.

### ELEMENT G - HEALTH AND SAFETY PROGRAM ADMINISTRATION

In order to achieve continuous improvement an organization **must** be able undertake long planning to set targets and goals.

This process should include the following:

- Annual goals and targets
- Management, review and retention of required documentation
- Regular review of regulatory requirements and changes
- Regular monitoring of elements in the health and safety program to ensure effectiveness

### ELEMENT H JOINT HEALTH AND SAFETY COMMITTEE

The Joint Health and Safety Committee found in workplaces with **20** or **more** employees is a requirement of the **WCA**.

- Appropriate selection of worker representatives, identified terms of reference, duties and functions
- Annual education/training of representatives
- Monthly meetings
- Meeting minutes posted in workplace or otherwise communicated to staff
- Management support of committee and recommendations

### ELEMENT I - EMERGENCY PREPAREDNESS

At a minimum, an employer should have the following:

- Written emergency response plan including all identified hazards
- Designated emergency coordinator
- Regular emergency drills to evaluate effectiveness of response
- Evaluation of drills to identify deficiencies
- Communications procedure for informing employees
- Emergency contact names and numbers
- First aid services
- Evacuation procedures
- Sufficient resources to maintain plan
- Adequate training of involved employees