



ComplianceEHS

Proactive Compliance: Key Attributes of a Successful Program and Navigating OH&S Regulatory Changes

Make it Safe Online 2024

October 30, 2024



Agenda

Proactive Compliance:

- What is it?
- Benefits

Proactive Compliance Program:

- Attributes

Recent OH&S Regulatory Updates:

- Applying a Proactive Approach to Compliance



Anticipating and addressing compliance requirements before non-compliances occur

What is Proactive Compliance?

Benefits of Proactive Compliance

- ✓ Mitigating Legal Risk
- ✓ Enhancing Confidence / Trust of Stakeholders
- ✓ Strengthening Company Reputation / Competitive Advantage
- ✓ Optimization of operations
- ✓ Strengthening Business Continuity and Resilience
- ✓ Gains Competitive and Financial Advantage



Attributes of a Proactive Compliance Program

- Strategy for Compliance
- Identification of Compliance Requirements
- Risk Assessment & Controls
- Compliance Monitoring & Measurement
- Communication, Engagement and Training
- Auditing, Inspections & Assessments



Strategy for Addressing Compliance Requirements

- Goals and Objectives
- Scope
- Governance & Accountability
- Roles & Responsibilities
- Policies and Procedures
- Training & Awareness
- Record Keeping
- Continual Improvement



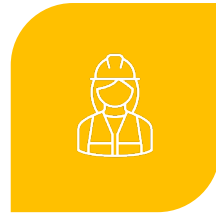
Identification and Understanding of Compliance Requirements



STATUTES / ACTS
& REGULATIONS



LOCAL CITY
ORDINANCES /
BYLAWS



STANDARDS,
CODES OF
PRACTICE



PERMITS /
LICENSES /
APPROVALS



Regulatory



CONTRACT
AGREEMENTS



INDUSTRY
STANDARDS



STAKEHOLDER
OBLIGATIONS



CORPORATE
POLICIES /
PROCEDURES



Other

Compliance Risk Assessment

- Identify the potential compliance risks
- Assess identified risks in terms of probability and severity of non-compliance
- Review existing controls to determine effectiveness of mitigating compliance risks
- Prioritize high risks and develop mitigation strategies
- Implement mitigation strategies and validate results
- Monitor and review controls



		Risk Assessment			
		Disaster	High	Medium	Minimal
Probability	Regularly	Critical	Critical	High	Medium
	Probable	Critical	High	Medium	Medium
	Occasional	Critical	High	Medium	Low
	Rarely	High	Medium	Medium	Low
	Improbable	Medium	Medium	Low	Low

Compliance Operational Controls

Examples of Controls:

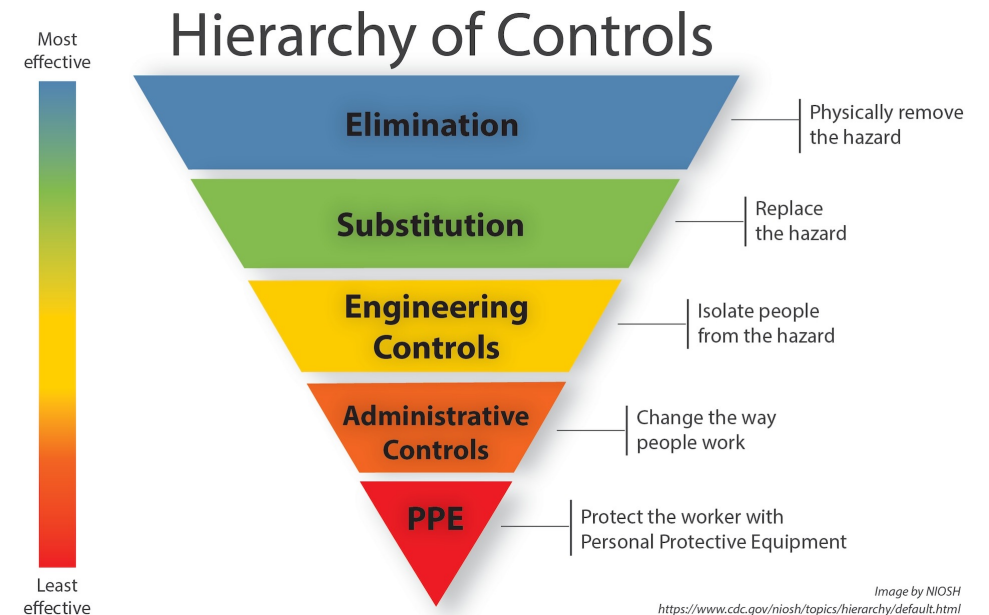
Elimination: Purchase of equipment that is below 85 decibels (dBA)

Substitution: Replace solvent-based paint with water-based

Engineering: Install and maintain guardrails to prevent falls

Administrative Controls: Job-rotation to mitigate ergonomics risk

PPE: Eye-protection



Compliance Monitoring & Measurement

- Increase data and process visibility: Single Source of Truth
- Digitize data and records to increase access
- Don't forget about Leading Indicators
- Analyze Trends



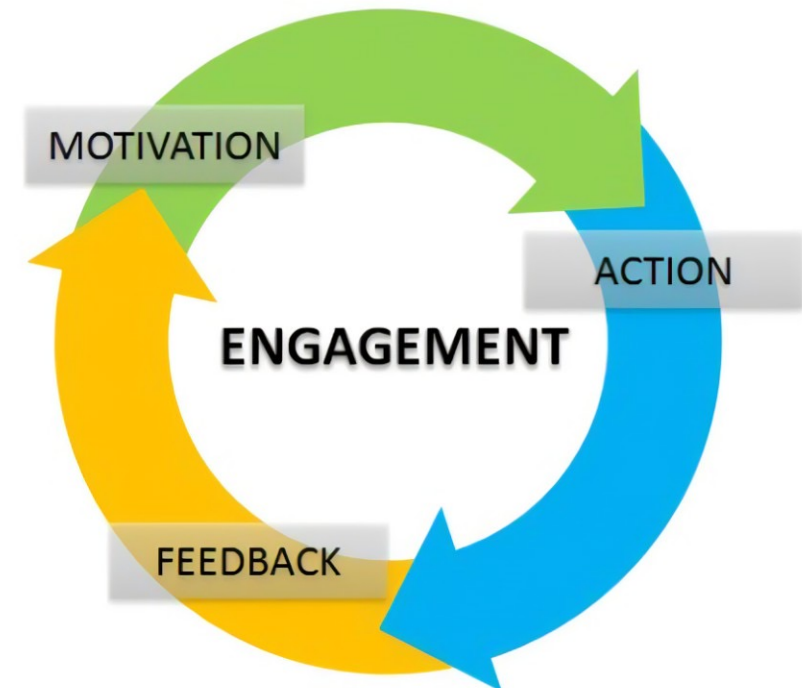
Communication & Engagement and Training & Awareness

Communication & Engagement

- Development / review of the Compliance Strategy and processes
- Identification of regulatory requirements and how to fulfill the compliance requirements
- Assessment of Risks and Opportunities
- Determine Controls and Actions
- Determine what needs to be monitored, measured and evaluated

Training & Awareness

- Compliance Strategy and its goals and objectives
- Necessary knowledge and understanding of the compliance requirements
- Obligations to fulfill the compliance requirements, including controls
- Implications and potential consequences of not conforming to obligations
- Engagement processes



Audits, Inspections & Assessments

A combination of regularly scheduled Audits, Inspections and Assessments demonstrate an overall proactive approach to compliance.

Compliance Audits: verify a broad scope of compliance requirements. Typically performed by an objective and unbiased party. They provide valuable insight into past compliance with recommendations for improvement and potential risks.

Compliance Inspections: verify a narrow scope of compliance requirements, generally focused on one-item at a time to identify defects, deviations or non-compliances. Examples: First Aid, Fire Safety, Chemical Storage Areas.

Assessments: assess the effectiveness or performance of systems and processes in place as they relate to compliance requirements. Performed by individuals with a deep understanding of the systems and processes involved. They aim to identify potential risk and improvements before problems arise, allowing for timely interventions. Risk assessments are an example.

Challenges to Implementing a Proactive Approach to Compliance



Applying a Proactive Approach to Compliance

Canadian OH&S Regulatory Updates

- Sanitation
- Heat Injury and Illness Prevention
- Crane Safety

Sanitation

Proposed Rules:

- Ontario, Canada: Proposed Bill 190, Working for Workers Five Act, 2024 (Proposed May 6, 2024 – in third reading)
 - Constructor must ensure washroom facilities on projects are provided and maintained in a clean and sanitary condition. Records must be kept available of the cleaning.
- Ontario, Canada: O. Reg. 194/24 Construction Projects (proposed to come in force January 1, 2025)
 - Menstrual products to be provided at any project where work is expected to last 3 months or more and where 20 or more workers are regularly employed.

Enacted Rules:

- British Columbia, Canada: B.C. Reg. 296/97 Part 20 Washroom Facilities (in force October 1, 2024)
 - Employers at construction sites with 25 or more workers must provide flush toilets, handwashing facilities and clean washrooms. Records must be kept available for cleaning for at least 30 days.
- Federal, Canada: Occupational Health & Safety Regulations (in force November 30, 2024)
 - Allows all toilets (including all-gender toilet room) to count towards the total number of toilets required.

Heat Injury and Illness Prevention

Proposed Rules:

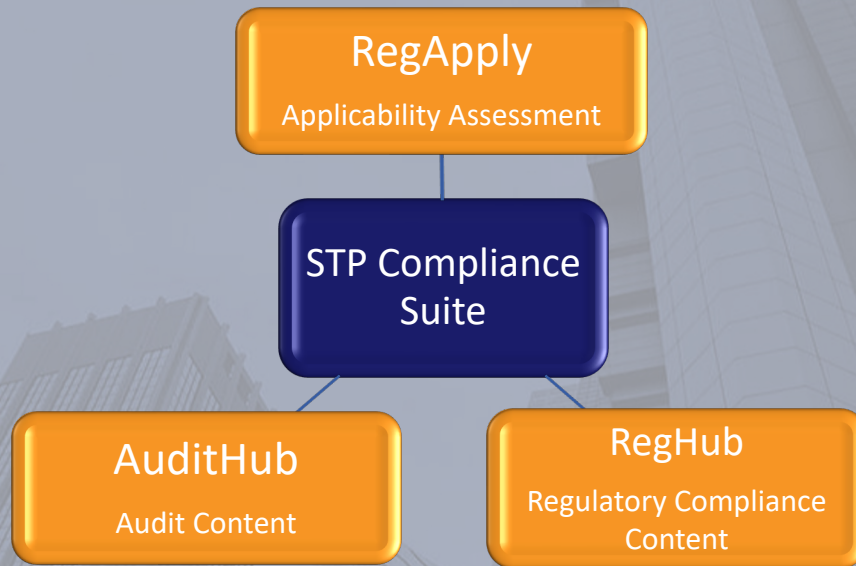
- Ontario, Canada: Proposed Heat Stress Regulation Under the Occupational Health and Safety Act (Proposed August 2023)
 - Heat stress exposure limits based on the ACGIH method
 - Require employers to identify and implement measures and procedures to control heat exposures based on the “hierarchy of controls”
- United States Federal Rule by Occupational Safety and Health Administration (OSHA) regarding 29 CFR Parts 1910, 1915, 1917, 1918, 1926 and 1928
 - New standard: *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings*
 - Applicable to all employers conducting outdoor and indoor work
 - General industry, construction, maritime and agriculture where OSHA has jurisdiction
 - Exposure to temperatures of 80°F for more than 15 minutes in any given 60 minute period
 - Requires employers to create a plan to evaluate and control heat hazards in their workplace
 - Comment deadline: December 30, 2024
 - [Full Proposal Available in the Federal Register](#)

Crane Safety

Enacted Rules:

- Ontario, Canada: O. Reg. 241/23 Construction Projects (In Force January 1, 2024)
 - Clarifying and adding new design, installation, inspection, maintenance and record-keeping requirements
 - More comprehensive inspections of tower cranes
 - New and updating existing references to industry standards related to the design and operation of tower cranes
 - Amending requirements for self-erecting tower cranes
- British Columbia, Canada: B.C. Reg. 296/97 Part 14 Cranes and Hoists (in force October 1, 2024)
 - Revising and adding definitions related to manuals and instructions as well as tower cranes
 - Clarifying provisions on crane or hoist modifications
 - Adding NEW requirements to file a Notice of Project at least 2 weeks prior to erecting, climbing, repositioning or dismantling a tower crane
 - Amending that a qualified supervisor must verify the tower crane activities (not the erector)

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Thank You!