

WMABC Conference

Workplace Responsibilities, Statistics, OHS Program Requirements And Information Resources

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Presentation elements

- WorkSafeBC overview
- Legal Framework for OHS in B.C.
- Legal Responsibilities of Employers and Supervisors;
Worker Rights and Responsibilities
- Industry Statistics
- OHS Program Elements for Large and Small Employers
- Resources

WorkSafeBC Overview

WorkSafeBC Overview

- Independent statutory agency
- Serves almost 2.2 million workers and 220,000 employers
- Funded by employer premiums and investment returns
- “Historic” 1917 compromise
 - workers gave up right to sue for a no-fault insurance program fully paid for by employers
- Dedicated to promoting safe and healthy workplaces, providing RTW rehabilitation and legislated compensation benefits

WorkSafeBC – Prevention operations

- **Prevention Field Operations**

- OSOs, OHOs and SROs
- OSOs conduct inspections, consultation and enforcement
- OHOs focus on evaluating / controlling chem & bio hazards

Investigations

- IOs determine causation and compliance issues

ILS

- Works w/ external partners to develop industry HSAs, disseminate OHS compliance and best practices, build strategic partnerships, support small funding projects

Legal Framework for OHS in BC

Legal framework for OHS in BC

The “hierarchy of authority”:

- *Workers Compensation Act (WCA)*
- *Occupational Health and Safety Regulation (OHSR)*; other regulations are cited
- Prevention policies
- Guidelines

Legal framework for OHS in BC

Part 3 *Workers Compensation Act (WCA)*

- *WCA 107*: to “promote a culture of commitment on the part of employers and workers to a high standard of occupational health and safety”
- Part 3 includes:
 - Rights and responsibilities of workplace parties
 - Joint Occupational Health and Safety committees
 - Protection against OHS-related discrimination
 - Incident reporting, investigations, enforcement, offences

Legal framework for OHS in BC

Occupational Health and Safety Regulation (OHSR)

- Purpose is to promote OHS, protect workers and other persons from work-related health and safety risks
- Contains (*the minimum*) legal requirements that must be met by workplaces under WorkSafeBC jurisdiction
- Many parts have associated policies and guidelines

WCA and *OHSR* set out *legally binding* requirements on employers, workers, prime contractors and other workplace parties

Legal framework for OHS in BC

Policies

- Intended to provide direction on compliance
- Policies are issued by the WorkSafeBC BoD; binding on WorkSafeBC decision makers

Guidelines

- Provide information to all stakeholders
- Cannot conflict with *WCA* or *OHSR*
- Policies takes precedence over guidelines

Legal Duties of Employers, Supervisors and Workers; Worker Rights

Employer Responsibilities

- WCA 115
- Responsibilities include:
 - *Must* ensure safety of their workers and others
 - Establish safety policies and OHS program
 - Provide direction about safety responsibilities;
 - Provide supervisors with support / OHS training
 - Provide information, instruction, training and supervision

“Have I done all I reasonably can to ensure worker safety?”

Supervisor Responsibilities

- WCA 117
- “A person who instructs, directs and controls workers in the performance of their duties”
- Must know and comply with OHS requirements
- Responsibilities include:
 - Ensure safety of all workers under direct supervision
 - Ensure their workers are made aware of all known or *foreseeable* hazards
 - Investigate reported unsafe conditions; take corrective actions without delay

Supervisor Responsibilities

Some examples - you must be able to show that you:

- Can describe hazards your workers will be exposed to (*WCA 117*)
- Know when / how to conduct worksite inspection (*OHSR 3.5–3.8*)
- Know what orientation, education and training, is required for workers you supervise (*OHSR 3.23, 4.22, 4.30, 4.51, 5.2, 5.6–5.7, 6.34, 6.50*)
- Can describe the process for worker refusal of unsafe work (*OHSR 3.12–3.13*)

Worker Rights and Responsibilities

- WCA 116
- Rights
 - The 4 basic “Rs”
- Responsibilities include:
 - Perform work in a safe manner; learn and follow SWPs
 - Be alert to hazards and report unsafe situations
 - Use PPE, devices and equipment provided
 - No horseplay, no work while impaired (*OHSR 4.20*)
- BTW, supervisors can be workers too!

Industry Statistics

Industry Statistics

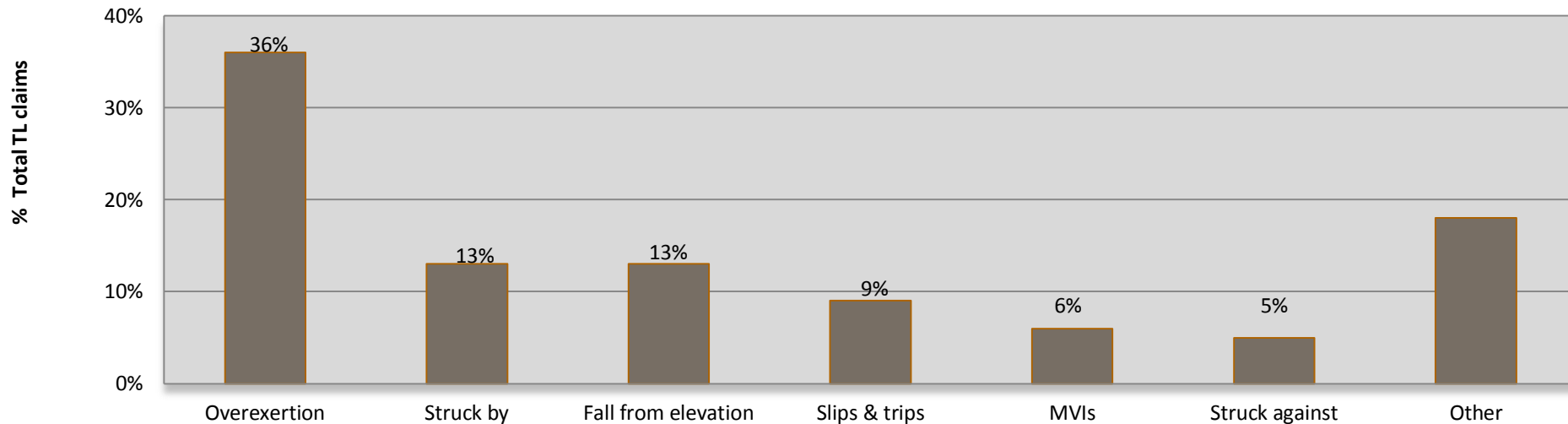
Garbage, Debris, Industrial Waste, or Recyclable Material Removal CU (732018): approximately **440 B.C. employers**

Injury Statistics: 5-Year Average (2011 – 2015)

	Garbage, Debris, Industrial Waste, & Recyclable Material Removal CU (732019)	Transportation & Related Services Subsector (7320)	All BC Employers
Time-loss Claims	225	4,100	48,400
Days lost	9,950	250,000	2.24 million
Total claims costs	\$4.1 million	\$103.1 million	\$874 million
Injury rate*	6.8	4.6	2.3

Four fatalities between 2011 and 2015

Industry Statistics



Who is getting hurt?

- Public works maintenance equipment operators / related workers — 53%
- Public works and maintenance labourers — 11%
- Transport truck drivers — 11%
- Material Handlers — 7%
- Other — 18%

Industry Statistics – Top 10 orders cited

WCA 115(2)	Employer duties (remedy, policies, equipment)
OHSR 4.3	Safe equipment
OHSR 3.16	Basic first aid, assessment
OHSR 20.112	Hazardous materials
WCA 115(1)	Employer Duties (must ensure health and safety)
WCA 194(1)	Requirement for compliance reports
OHSR 8.24	Hi-vis apparel (Type 1, 2 or 3 vest, circumstances)
OHSR 3.2	Small operation (meetings, unsafe conditions, records)
OHSR 8.22	Suitable footwear (meets CSA, ANSI etc.)
OHSR 3.23	Young or new worker orientation, specific topics

OHS Program Requirements for Large and Small Employers

OHS Program Requirements

- Large Employers - formal OHS Plan
- Small employers - “informal” (basic) OHS program; may be required to develop a formal program
- Most effective OHS programs are jointly developed
- Program elements include:
 - OHS Policy
 - Regular Inspections
 - Written instructions
 - Supervision of workers
 - Management Meetings
 - Investigations
 - Records and Stats

OHS Program – Large Employers

OHS Policy

- Signed statement of company's OHS aims
- Includes:
 - The employer's commitment to the OHS program
 - The employer's commitment to protect workers
 - Employer, supervisors OHS responsibilities; worker rights and responsibilities
- It should be dated and reviewed annually
- All workers should be made aware of policy and its importance

OHS Program – Large Employers

Regular Inspections

- Includes *OHSR* 3.3b, 3.5 to 3.8, 4.3
- Regular workplace inspections intended to:
 - Identify unsafe conditions and unsafe acts
 - Prevent unsafe work conditions from developing
 - Implement corrective measures
- Three main inspection types:
 - Regular
 - Equipment
 - Special (ensure that work does not resume until it is safe to do so)

OHS Program – Large Employers

Written Instructions / Procedures

- *OHSR 3.3(C)*
- Helps training; establishes consistent level of safe work
- Benefits to safety, productivity, QC
- Certain SWPs required (e.g. confined space, asbestos, working alone)
- Not all tasks require SWPs; consider:
 - OHSR requirements
 - Identified hazards; frequency, severity
 - # of workers; their experience
 - Recommendations from inspections / investigations

OHS Program – Large Employers

Supervision (as discussed)

Management meetings

- To review OHS activities and incident trends
- Used to:
 - Review existing policies and procedures
 - Review worker feedback
 - Consider JOHS reports and information; respond to recommendations
 - Address questions or concerns
 - Review reports
 - Review industry OHS information

OHS Program – Large Employers

Investigations

- WCA 173
- Employers are responsible for conducting investigations (knowledgeable about work, W and E)
- To identify cause / causes (look for the root cause)
- Recommend preventative steps
- Incidents to investigate include:
 - Serious injury or worker death
 - Injury requiring medical treatment
 - Minor injury / near-miss with injury potential
 - Major release of hazardous substances
 - *Not MVIs!*

OHS Program – Large Employers

Investigations

- Reports must contain specific information (reference guide available online)
- **Reports to be produced (WCA 175 and 176)**
 - Preliminary report (within 48 hours; provide to committee / rep)
 - Interim corrective report (provide to committee / rep)
 - Full report (submit to WorkSafeBC / JOHS / rep within 30 days)
 - Full corrective actions report (provide to committee / rep)
- Be mindful of the personal privacy issues

OHS Program – Large Employers

Records and Statistics

- *OHSR* 3.3.(f)
- Record requirements include:
 - Inspection reports & corrective actions taken
 - Incident investigation reports
 - Orientation, worker and supervisor training
 - Safety meetings and crew talks
 - Joint committee meeting reports
 - Subcontractor pre-qualification documents
 - Maintenance records
 - First aid records
 - Sampling and monitoring

OHS Program – Large Employers

Records and Statistics

- Incident and injury numbers useful for identifying trends measuring OHS program effectiveness
- Compare monthly and annual results
 - Compare type of work or activity
 - Compare shifts
 - Compare worker experience and training
- *Employer Safety Planning Tool Kit*
- Look at industry data

Recommended OHS Practices

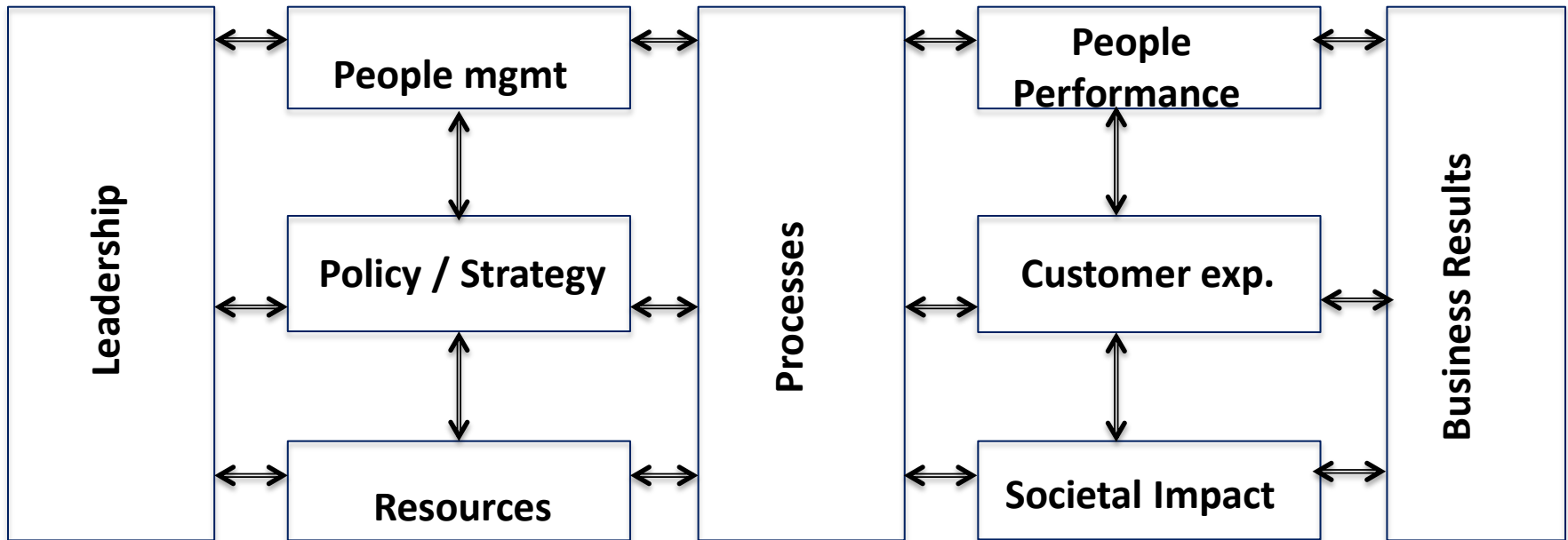
Recommended OHS Practices

Focus areas (takeaways)

- Management leadership
- Effective supervision
- Engagement with workers / worker participation
- Engaged and supported JOHS committee / rep
- Education and training
- System to identify and correct hazards
- Industry support through HSAs

Recommended OHS Practices

Business Excellence Model



Resources

- WorkSafeBC.com
 - Resources (handout)
 - Employer Safety Planning Tool Kit
 - Industry Safety Information Centre
 - Supervising for Safety (www.supervisingforsafety.com)
- WorkSafeBC Prevention Information Line : 604 276-3100 / 1 888 621-7233 (621-SAFE) toll-free
- SafetyDriven (Trucking Safety Council of BC)
- BCMSA
- Employer's Advisers office

Get involved!

- Road Safety at Work Week:

Fleet van or personal sedan:
You are responsible for
employee safety.



Be a part of Road
Safety At Work Week,
March 6-10, 2017



- NAOSHWeek



NAOSH
week
20TH
ANNIVERSARY

MAY
7-13
2017

NORTH AMERICAN OCCUPATIONAL
Safety and Health Week

naosh.ca

Thank you

Questions?

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