

Benson Training Module

Worker Due Diligence



An Introduction to Occupational Health and Safety

- Owners and managers need to understand that by spending time and dollars on adequate training, personal protective devices and the proper maintenance of their equipment, they are ensuring the well-being of their most important asset: their workers.
- Workers need to understand that a safe workplace and working safely begins, and ends, with them. Everyone in a workplace needs to work together to ensure a safe work environment for everyone.

Legal Considerations

- The Ontario Occupational Health and Safety Act requires employers to “take every precaution reasonable in the circumstances for the protection of a worker” (Section 25 (2)(h))
- The legal term used for this requirement is referred to as “due diligence”

Due Diligence

- As a legal defense.
- As a management tool.
- A documented record.
- For measurement of effectiveness and enforcement.

Due Diligence

- What does due diligence mean to your company?
- What measures does your company have in place to support their role in due diligence?
- A legal moral obligation

Due Diligence

- “Due Diligence” is considered to be such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances, not measured by any absolute standard, but depending on the relative facts of the special case. (Turner 1995)

Due Diligence

- Due Diligence does not require a business to prevent all unsafe conditions or acts, but it does require them to take precautions to prevent accidents that can reasonably be anticipated. (Stammer 1994)

Due Diligence

- Working with care and showing that you care.
- A constantly advancing standard of care.
- Being active in communicating workplace hazards.
- The implementation of special preventative measures.

Understanding the Act and the Role You Play

The Foundation of Workplace Safety is the I.R.S

- I = Internal
- R = Responsibility
- S = System

Define Your Role in Support of a Workplace Safety Culture



The Workplace Partnership

- The Occupational Health and Safety Act is designed to support an arrangement known as the **Internal Responsibility System (IRS)**.

Workers Rights

- Right to know
- Right to participate
- Right to refuse unsafe work
- Bilateral work stoppage for dangerous work

Understanding the Occupational Health and Safety Act

- The Occupational Health and Safety Act.
- The Regulations.
- Guidelines, Codes and Standards incorporated by the Occupational Health and Safety Act or Regulations.

Who is Covered by the Act?

- All workers, supervisors and managers who work in Ontario
- The only exceptions to this rule are the federally controlled agencies such as banks, airports, and crown corporations.

Definition of Employer

- **Employer:** a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

Main Duties of Employers

- The equipment, materials and protective devices as prescribed are provided (section 25(1)(a)).
- The equipment, materials and protective devices provided by the employer are maintained in good condition (section 25(1)(b)).
- The measures and procedures prescribed are carried out in the workplace (section 25(1)(c)).
- The equipment, materials and protective devices provided by the employer are used as prescribed (section 25(1)(d)).

Main Duties of Employers

- Provide information, instruction and supervision to a worker to protect the health or safety of the worker (section 25(2)(1)).
- When appointing a supervisor, appoint a competent person (section 25(2)(c)).
- Only employ in or about a workplace a person over such age as may be prescribed (section 25(2)(f)).
- Take every precaution reasonable in the circumstances for the protection of a worker (section 25(2)(h)).

Main Duties of Employers

- Post, in the workplace, a copy of this Act and any explanatory material prepared by the ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers (section 25(2)(i)).
- Prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy (section 25(2)(j)).

Definition of a Supervisor

- **Supervisor:** a person who has charge of a workplace or authority over a worker.

Duties of Supervisors

A supervisor must ensure that a worker:

- Works in the manner and with the protective devices, measures and procedures required by this Act and the regulations (section 27(1)(a)).
- Uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn (section 27(1)(b)).

Duties of Supervisors

- Without limiting the duty imposed by subsection (1), a supervisor shall,
 - Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware (section 27(2)(a)).
 - Where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of the worker (section 27(2)(b)).
 - Take every precaution reasonable in the circumstances for the protection of a worker (section 27(2)(c)).

Definition of a Worker

- **Worker:** a person who performs work or supplies services for a monetary compensation.

Duties of Workers

- Work in compliance with the provisions of this Act and the regulations (section 28(1)(a)).
- User or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn (section 28(1)(b)).
- Report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker (section 28(1)(c)).

Duties of Workers

- Report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows (section 28(1)(d)).

No worker Shall

- Remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately (section 28(2)(a)).

Duties of Workers

- Use or operate equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker (section 28(2)(b)).
- Engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct (section 28(2)(c)).

Unsafe Work Refusal

- A worker may refuse to work, or do particular work, where he/she has reason to believe that:
 - Any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker (section 43(3)(a)).
 - The physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself/herself (section 43(3)(b)).

Unsafe Work Refusal

- Any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely endanger himself, herself or another worker (section 43(3)(c)).

Bilateral Work Stoppage Due to Dangerous Circumstances

- Work can only be stopped if a dangerous circumstance exists (section 44(1)). In order to be classified as a dangerous circumstance under the Occupational Health and Safety Act three (3) separate criteria must be met:
 - Part of the Occupational Health and Safety Act or regulations are being violated.
 - The violation poses a danger or hazard to a worker.
 - Any delay in controlling the danger or hazard may seriously endanger a worker.

The Due Diligence Defense

- The law accepts due diligence as a defense in the occupational health and safety law.
- To demonstrate due diligence the defendant needs to show, on the balance of probabilities, that all reasonable care was taken in the circumstances to prevent the occurrence of the contravention.

Sentencing Guidelines

- The amount of the fine will be determined by a complex of considerations, including the size of the company involved, the scope of the economic activity in issue, the extent of the actual and potential harm to the public, worker, and the maximum penalty prescribed by the statute. Above all, the amount of the fine will be determined by the need to enforce regulatory standards by deterrence. The fine must not appear to be a mere license fee for illegal activity. (v. Cotton Felts Ltd. 1982)

Practicing Due Diligence

- Recognition/Identification of the specific hazards in the workplace.
- Understanding of the statutory/regulatory requirements relevant to the hazard.
- Implementation of measures to control/reduce the hazard.
- Monitoring the ensure compliance.
- Documentation of all the above.

Hazard Control Methods

- Pre-Contact Control
 - Policies and Procedures
 - Lockout and Tag out
 - Confined space training
 - Supervisor and Worker Training
 - And more

Hazard Control Methods

- Contact Controls
 - Suppression
 - Barriers
 - Modification
 - Isolation
 - Enhancing Strength

Hazard Control Methods

- Post Contact
 - Give medical aid or assistance
 - Disable equipment
 - Investigate with JH&SC, Supervisor and project manager
 - Complete accident report
 - Review policy and make changes
 - Hold safety meeting to communicate issues

Source-Path-Human

- **At the Source:** Engineering chemicals to travel through pipes or in closed lines.
- **Along the Path:** Using a hood overtop of a workstation to catch and ventilate fumes.
- **At the Human:** Wearing the necessary personal protective equipment as prescribed under the Occupational Health and Safety Act and Regulations

Health Hazards

- Physical Hazards
 - Noise
 - Temperature
 - Vibration
 - Radiation

Toxic Substances: Chemical and Biological Hazards

- **Chemical agents:** chemical substances that may cause health effects to the human body or its functions. Chemical agents include fuels, cleaners, paints, thinners, coolants and many more.
- **Biological agents:** organisms or toxic substances produced by living things that can cause illnesses or diseases in humans. Biological agents include bacteria, viruses, fungus, parasites and insects.

Occupational Exposure Limits

- **Time weighted average exposure value – (TWAEV):** the average of the airborne concentrations that a worker can be exposed to during the course of an eight (8) hour workday or forty (40) hour workweek.
- **Short Term Exposure Value – (STEV):** the maximum concentration to which a worker can be exposed to in any fifteen (15) minute period.
- **Ceiling Exposure Value – (CEV):** the maximum concentration to which a worker can be exposed to at any time.

Control of Toxic Substances

- Designated Substance Regulations
- Regulation to Control Exposure to Biological or Chemical agents.
- Workplace Hazards Material Information System (WHMIS)

Health Effects from Toxic Substances

- **Acute Effects:** a change in the body, parts of the body, or systems that happen a short time after exposure to a toxic substance.
- **Chronic Effects:** a change in the body, parts of the body or systems that happens over a long period of time for a one time exposure or multiple exposures to a toxic substance.
- **Systemic Effect:** an ill effect enters the body and causes harmful effects to the entire body system(s) or parts of the system.
- **Local Effect:** an ill affect that will harm the areas at the point of contact.

Routes of Entry

- **Inhalation:** Breathing in through the nose and or mouth. Some substances can be absorbed through the mucus membrane of the nose and sinuses.
- **Ingestion:** A major route of entry is through the mouth and digestive tract. Once swallowed, the substances enter the digestive tract and may enter the blood stream.
- **Absorption:** Many substances can enter the body through the skin.
- **Injection:** A less common route of entry is by injection below the skin. This is not a very common hazard in most workplaces.

Contributing to Health and Safety Hazards

- People
- Equipment
- Materials
- Environment
- Process

Workplace Hazard Control: R.A.C. System

- Recognition
- Assessment
- Control

Benson Safety Points to Remember

- **Workers have 4 rights:**
 - Right to know
 - Right to participate
 - Right to refuse unsafe work
 - Bilateral work stoppage for dangerous work

Benson Safety Points to Remember

- Workplaces with 19 or less employees require a Safety Rep
- Contact Cal Seymour if this is required

Benson Safety Points to Remember

- Workplaces with 20 or more employees require a JHSC of at least 2 people (1 certified worker and 1 certified management rep)

Benson Safety Points to Remember

- Benson Autoparts has an extensive online training program.
- Please ensure that you contact your manager to complete training that you require to work in a safe manner.



Benson Safety Points to Remember

- Monthly Workplace Inspections (ISF015) must be completed and posted (current one) on the Health and Safety Boards while all the old ones are kept in your H&S file.

Worker Health and Safety Awareness (4 Steps)

Everyone has a role in safety

A new job is a chance for a fresh start. You're learning new skills and meeting new people. But every job has hazards, no matter how safe it looks. The number of people in Ontario who suffer work-related illness or injury each year would fill the seats of a dozen big hockey arenas.

Worker Health and Safety Awareness (4 Steps)

How the Occupational Health and Safety Act works

The OHSA is a set of laws that spells out the duties of employers, supervisors and the rights and duties of workers. There are also different Regulations that are attached to the OHSA. They contain more detailed laws about how to make the workplace safe in specific situations. For example, several Regulations explain what is needed to work safely with chemicals and other hazardous materials. This includes training, warning labels on the products and information sheets. There are also Regulations for different types of workplaces, such as construction projects, health care facilities, industrial establishments and mines.

Worker Health and Safety Awareness (4 Steps)

Step 1: Get On Board

The whole point of the OHSA and regulations is to keep workers from getting hurt or sick on the job. There are inspectors from the Ministry of Labour who make sure the laws are followed and may issue orders or lay charges if they aren't. If a person is convicted of breaking the law, there are penalties such as fines and time in prison.

The OHSA gives everyone in the workplace duties. These duties are connected to the level of authority each person has in the workplace. To sort out all the duties the OHSA breaks them down into three main levels of authority:

1. The employer (who is in charge of everything)
2. The supervisor
3. The worker (you)

Worker Health and Safety Awareness (4 Steps)

Step 1: Get On Board

Duties of the employer

Here are some of the things the OSHA says every employer has to do as part of their job:

- ✓ Make sure workers know about hazards and dangers in the workplace and how to work safely.
- ✓ Make sure every supervisor knows how to take care of health and safety on the job.
- ✓ Create health and safety policies and procedures for the workplace.
- ✓ Make sure everyone knows and follows the health and safety procedures.
- ✓ Make sure workers wear and use the right protective equipment.
- ✓ Do everything reasonable to keep workers from getting hurt or sick on the job.

Worker Health and Safety Awareness (4 Steps)

Duties of the supervisor

Here are some of the things the OSHA says every supervisor has to do as part of their job:

- ✓ Tell workers about hazards and dangers in the workplace and show them how to work safely.
- ✓ Make sure workers follow the law and use the workplace health and safety policies and procedures.
- ✓ Make sure workers wear and use the right protective equipment.
- ✓ Do everything reasonable to keep workers from getting hurt or sick on the job.

Worker Health and Safety Awareness (4 Steps)

Duties of the worker

Now here are some of the things the OSHA says every worker has to do as part of their job:

- ✓ Follow the law and workplace health and safety policies and procedures.
- ✓ Always wear or use protective equipment that the employer requires.
- ✓ Work and act in a way that won't hurt them or any other worker.
- ✓ Report any hazard they find in the workplace to their supervisor.

Worker Health and Safety Awareness (4 Steps)

The people who made the OSHA thought about that question too. The Act says that your supervisor and your employer have to **“take every precaution reasonable in the circumstances for your protection.”** That means they have to do everything that is reasonable to protect you on the job.

Worker Health and Safety Awareness (4 Steps)

Rights of the worker

Your employer has the responsibility to make the workplace as safe as possible and to tell you about any hazards in the work you do. Your supervisor has the same duty. They also have to make sure you know how to avoid those dangers and work safely. You have the right under the OSHA to be told about the hazards in the work you do and to be instructed on how to do your work safely.

If someone asks you to do work that you don't know enough about, your employer and supervisor are responsible for making sure you know how to do the work safely. That's why you have the right to speak up and ask questions – even if you are shy or unsure. People can get hurt on the job if they don't have the right information and training.



Worker Health and Safety Awareness (4 Steps)

You should never have to be worried that you will get in trouble for asking questions or reporting a problem. Its against the law for your employer or your supervisor to punish you in any way for doing what the OSHA says or for asking your employer or supervisor to do what the OSHA expects them to do. This is called a “reprisal”. Its even against the law for you supervisor or employer to threaten to punish or fire you for doing these things.

You also have the right to refuse to do unsafe work if you have a reason to believe it puts you or a fellow worker in danger. We will look at this right and your protection from reprisals in more detail later.

**Prevention start here,
but it doesn't end here.**



Worker Health and Safety Awareness (4 Steps)

Step 2: Get In The Know

You need to know the hazards

Some people say that what you don't know can't hurt you. That's not true at work. On some jobs, what you don't know can kill you. A hazard is anything in the workplace that could hurt you or the people you work with.

All of us have heard about a worker or group of workers who were killed on the job. We have heard of workers falling from heights, getting caught in equipment or being electrocuted and burned. Events like these send a shockwave through the workplace and the community, and it's a tragic loss for the victim's family and friends.

Unfortunately, this kind of event happens not once or twice but dozens of times each year in Ontario.

Worker Health and Safety Awareness (4 Steps)

There is a hazard at the root of every work-related death, injury or sickness. A hazard can take many forms. Sometimes more than one hazard can combine to make an even bigger hazard. You need to know about the hazards in your workplace before you start working.

Worker Health and Safety Awareness (4 Steps)

You also need to think about less visible hazards related to your work – things like chemicals, fumes, and toxic dust. Or germs and viruses in labs and healthcare workplaces. Some of these hazards can make you very sick. Sometimes they make you sick right away; other times you don't know that you are sick until months or even years later. That's why its important to know about these hazards now.

Worker Health and Safety Awareness (4 Steps)

It's the **employer's duty** to make sure that the supervisor knows enough and has enough experience and training to keep workers safe and healthy while they work.

It's the **employer's and supervisor's duty** to inform workers of health and safety hazards. It's the **worker's duty** to report hazards they know of to the supervisor or employer as soon as possible so they can fix it.

Worker Health and Safety Awareness (4 Steps)

Employers, supervisors and workers work together to make the workplace safer.

Here are four important questions about your job that you need to know the answers to.
If you don't know, ask your supervisor:

1. What are the hazards of this job?
2. Is there any special training needed for this job?
3. Do I have the right protective equipment for this job?
4. If I ask any questions about safety, who do I ask?

Worker Health and Safety Awareness (4 Steps)

Protecting you from hazards

There are many ways that your employer can protect you from workplace hazards. The best way is to get rid of or eliminate the hazard completely. A good example is replacing toxic cleaning chemicals with ones that are non-toxic.

If the hazard can't be eliminated, your employer can try to reduce the hazard. This can be done by reducing how much of the hazard you are exposed to. An example of this is improving ventilation systems, or putting a barrier around the dangerous piece of equipment. These are called "engineering controls".

Worker Health and Safety Awareness (4 Steps)

Another way to reduce hazards is to reduce how long or often you come in contact with the hazard. This can be done by arranging the work differently so that you are not exposed as long. These are called “administrative or work practice controls”.

If the hazard still exists after trying to control it through elimination, engineering controls and administrative or work practice controls, your employer may require you to use protective equipment and/or protective devices.

Worker Health and Safety Awareness (4 Steps)

Protective equipment and devices

The OSHA says that one of your duties as a worker is always wear or use the protective equipment that your employer requires. You may think that a hardhat, safety glasses, steel-toed boots or some other protective clothing or equipment are uncomfortable or slow you down. But if the OSHA or your employer says you have to wear or use these things to do the work, you have to.

Some of the machinery in your workplace may have a guard. The guard protects you from coming into contact with the moving part. If the employer or one of the OHS Regulations says that the guard has to be used, it has to be used.



Worker Health and Safety Awareness (4 Steps)

The OSHA says that you must never remove or disable any protective device that is **required**. If the device has to come off for any reason, you should not use the equipment without a replacement device. Taking shortcuts by removing the guards is unsafe – and it's against the law.

The OSHA says you have to make sure you don't use any equipment or machine in a way that you could hurt you or any other worker. You also can't act or behave in a way that could hurt you or someone else. That means no playing games, pranks or acting in other ways that could hurt someone.



Worker Health and Safety Awareness (4 Steps)

Other ways to find out about hazards

There are other ways you can find out about hazards in your workplace. Your employer may have some of the workplace health and safety procedures in writing. These procedures are about the work you do and the machines and equipment you use. Your employer has to make sure that you know and understand them when you start work. Your employer is also responsible for making sure the procedures are followed by everyone.

Worker Health and Safety Awareness (4 Steps)

The law says every worker has to have information and training about chemicals or hazardous materials in the workplace. The Workplace hazardous Materials Information System (WHMIS) Regulation says that you need to receive information and instruction on how to use, store and get rid of hazardous materials safely. This information is available on warning labels and information sheets.

Worker Health and Safety Awareness (4 Steps)

If your job involves using equipment, your employer and supervisor must instruct you on how to operate that equipment safely. One way to get information on the safe use of machinery is from the operator's manual. It tells you about the hazards and has instructions on how to use the equipment safely. Your employer should make sure anyone can check the manual if they need information. If there is no manual available for the equipment you are using, you should ask your supervisor for information on how to operate the equipment safely.

Worker Health and Safety Awareness (4 Steps)

Another important way that you can learn about hazards is through training.

Sometimes your employer will give you the training at your workplace; sometimes you will be sent somewhere else for training. Your employer also has to tell you how and where to get first aid, and what to do in an emergency.

In a safe and healthy workplace, everyone knows about hazards. **If you see a hazard on the job or a “close call”, report it to your supervisor or employer right away.** That way, someone who knows how to fix it can deal with it so that no one gets hurt. “Prevention starts here” when everyone knows about hazards.



Worker Health and Safety Awareness (4 Steps)

Step 3: Get Involved

Working together for safety

Understanding the Occupation Health and Safety Act is all about knowing the health and safety duties of employers, supervisors and the duties and rights of workers and putting them into action. We all have to get involved.

If an employer knows about a hazard and doesn't try to eliminate or reduce it, or make sure the workers are told about it and how to deal with it, that employer is not doing what the law requires.

If a supervisor knows about a hazard and doesn't explain to the workers how to deal with it, that supervisor is not doing what the law requires.

Worker Health and Safety Awareness (4 Steps)

If a worker knows about a hazard and doesn't report it to the supervisor or employer, that worker is not doing what the law requires.

If you see a hazard on the job, you have a duty to speak up. This includes reporting equipment that isn't working right, and any other hazards that may be present as a result of not following OSHA or Regulations. It's important that you report to your supervisor or employer any injury, incident or close call, so that they can prevent those kinds of things from happening again in the future.



Worker Health and Safety Awareness (4 Steps)

The Right to Participate in Health and Safety

The OSHA gives you the right to participate and get involved in keeping your workplace safe and healthy. There are many ways you can do this.

Below are three ways that you can participate in keeping your workplace safe:

- 1. Report hazards to your supervisor(s)**
- 2. Provide prevention solutions**
- 3. Become a health and safety representative or a member of the health and safety committee**

Worker Health and Safety Awareness (4 Steps)

Here are four good ways to get involved in keeping your workplace safe, but there are many more:

1. You can ask questions when you're not sure about something.
2. You can volunteer to become a worker health and safety representative or a worker member of the joint health and safety committee.
3. You can help your health and safety representative or joint health and safety committee with the health and safety inspections by pointing out possible hazards in your work area.
4. You can take your health and safety training seriously and put what you learn into practice in your job.

Worker Health and Safety Awareness (4 Steps)

Health and safety representatives and joint health and safety committees

The OSHA says that workplaces with 6 to 19 workers need to have a health and safety representative or a joint health and safety committee. In most larger workplaces with 20 or more workers, the OSHA says that a joint health and safety committee has to be set up. Committees have to have at least two people on them, the worker or their union, if any, pick one of them and the employer pick the other. In workplaces where there are 50 or more workers, the committee must have at least four members, and at least half of the members have to represent the workers.

Worker Health and Safety Awareness (4 Steps)

What to look for and what to ask

The OSHA says that your employer must post the OSHA and other health and safety information in your workplace, such as an occupational health and safety poster. Look for the posted names of the health and safety representative or joint health and safety committee members – these are people you can talk to if you need help. And if your workplace has more than five workers, your employer has to post the company health and safety policy.

If you can't find any of this information in your workplace, talk to your supervisor about it. Health and safety is an important part of his or her job. You can also talk to the people you work with and benefit from other's experience.

Worker Health and Safety Awareness (4 Steps)

Always be on the lookout for hazards to yourself or others. Before you start your work day, ask yourself questions like:

- Is any of the machinery broken?
- Are there any warning labels or signs?
- Is there any moving equipment I could get caught in?
- Is there something I could slip or trip on?
- Do I need protective equipment?
- Do I know how to do this job safely?

Worker Health and Safety Awareness (4 Steps)

Step 4: Get More Help

Ministry of Labour inspectors can't be in all workplaces at all times. But the ministry wants to hear if there's a problem on the job that isn't fixed anywhere in Ontario. So it has a toll-free number that you can call. Calling that number connects you to the Health and Safety Contact Centre that takes calls 24 hours a day, seven days a week. If you don't want to give your name when you call the Health and Safety Contact Centre, you don't have to. Here is the number:

1-877-202-0008

