



AGM Health and Safety Orientation

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Introduce myself and a little background

Introductions around the room

1. Name
2. Position/affiliation with CCBC
3. Experience or level of knowledge of H&S in BC

- Hold questions until the end
- Explain that all references and further information are in the footnotes of the PowerPoint Presentation. CCBC has ownership of and can be shared amongst clubs.

Photo: CCBC Photo Gallery



Where does your organization fit in?

- **Pursuing Excellence** - go above and beyond basic compliance, they are chasing safety excellence
- **Compliance Based** – understand the value of safety, but are at or just past meeting minimum compliance
- **Reluctant Compliers** – don't have all the facts and do what they are told WHEN they are told
- **Willful Non-Compliance** – knowingly roll the dice everyday

Alan Quilley in his book *“Practical Based Safety Culture”* recognizes that there are four types of organizations that manage safety:

PURSUING EXCELLENCE –Actively chase safety excellence, going above and beyond, setting the bar and leading by example.

COMPLIANCE BASED – Understand value of safety, but may not have the resources to achieve excellence. They are meeting basic compliance or just above.

RELUCTANT COMPLIERS –Don't have all facts, only do what they are told, when they are told.

WILLFUL NON-COMPLIANCE - Know what is required of them, choose not to value safety, knowingly roll the dice everyday.

Where does Cross Country BC fit in?



Why do People Get Hurt?



- Lack of training/experience
- Do not know legal rights
- Afraid to ask questions
- Trying to balance several responsibilities
- Distractions
- Eager to please supervisor
- Cutting corners/not following procedures
- **Complacency** (Human factor)

Photo: Google images



Learning Objectives

We will Discuss:

- WorkSafe BC and Legislative requirements
- Employer, Supervisor and Worker responsibilities
- Bill-C45
- The four cornerstones of Due Diligence
- The Canadian Code and WorkSafe BC for Volunteer Involvement
- Formal and Informal Health and Safety Programs
- New and Young Worker Orientation
- Key Recommendations for CCBC and Clubs



Why is this important?

- Protect the health and well-being of yourself, your employees and volunteers
- Be pro-active in prevention
- Build and protect the Organization's reputation



The Ice Berg Effect:

- TOP
- WorkSafe BC premiums
- Claims and compensation

- BOTTOM
- Medical bills
- Damage to buildings, equipment and materials
- Administration and management time
- Costs of hiring or re-training
- Loss of business and production
- Loss of goodwill and reputation

Photo: Google images



What does legislation say?

It is the legal responsibility of Cross Country BC to provide all employees and volunteers:

“the information, instruction, training and supervision necessary to ensure the health and safety of workers carrying out their work and ensure the health and safety of other workers at the workplace” - WCA Part 3 115 (e)



Reference: WCA Part 3 115 (e)

Photo: Google Images



Who are WorkSafe BC?

- Partner with Employers and Employees
- Prevention, Compensation, Assessment
- Mandated to govern all Occupational Health and Safety related matters in British Columbia
- Enforce the Workers Compensation Act and The Occupational Health and Safety Regulation



1. 1st recorded compensation system 1888 in Germany
2. 1st in North America 1915 in Ontario
3. BC Compensation system (WCB) 1917

- ✓ Provides “no fault” insurance to workers in BC.
- ✓ Ensures a healthy work force
- ✓ Paid for by employers through the accident fund
- ✓ Eliminates “contributory negligence”
- ✓ Injured workers can no longer sue their employer

There are two levels of legislation that apply in BC:

WCA gives existence to the OHSR

The OHSR has two sets of explanations: Policies and guidelines

Mission Statement for

WorkSafe BC:

|To Provide Occupational Health and Safety
Services to Assist Employers in Fulfilling
Their Responsibility to Provide a Healthy
and Safe Working Environment”



Who are the Employers' Advisers Office?

- Represent Employers in BC
- Authority given in WCA Section 94
- Provide assistance, advise, represent and educate employers
- Independent from WorkSafe BC
- No charge for services



Employers' Advisers Office is a branch of the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.

- They are funded by the assessment rates paid by employers to the workers' compensation system.
- Services provided are at no charge to employers operating in British Columbia.
- There are eight offices in BC: Richmond, Nanaimo, Victoria, Abbotsford, Kamloops, Kelowna, Prince George and Trail.

Reference: <http://www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office>



What Law and Policy Should We Follow?

- The Workers Compensation Act
- The Occupational Health and Safety Regulation
- OHSR - Guidelines, Policies
- Best/Good Industry Practices
- Volunteering and the law



Links:

WCA: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/workers-compensation-act>

OHSR: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation>

OHSR Policies: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-policies>

OHSR Guidelines: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-guidelines>

go2HR GIP's: <https://www.go2hr.ca>

Photo: Google Images

Cross Country Canada: <http://www.cccski.com>

Volunteer: <https://volunteer.ca/content/volunteering-and-law>



115 General Duties of Employers

- Ensure the Health and Safety of Workers
- Remedy hazardous workplace conditions
- Inform workers of rights and responsibilities
- Establish H&S policies and programs in accordance with the OHSR
- Ensure necessary safety equipment is provided, used properly and maintained
- Ensure that safe work procedures are followed
- Provide information, instruction and competent supervision
- Consult and cooperate with JOHSC or worker H&S Representative
- Cooperate with the board

Reference: WCA Part 3 Section 115



117 General Duties of Supervisors

- Ensure the Health and Safety of workers under direct supervision
- Ensure workers are made aware of hazards
- Consult and cooperate with the JOHSC or worker H&S representative
- Inform workers of hazards and train how to do their job safely
- Ensure workers follow safe work procedures
- Ensure workers use equipment and protective devices properly

A supervisor is a person who instructs, directs, and controls workers in the performance of their duties. A supervisor can be any worker — management or staff — who meets this definition, whether or not he or she has the supervisor title. If someone in the workplace has a supervisor's responsibilities, that person is responsible for worker health and safety.

Reference: WCA Part 3 Section 117



116 General Duties of Workers

- Use required personal protective equipment, devices and clothing
- Follow safe work procedures
- Not engage in horseplay or conduct that may endanger others
- Report unsafe conditions and hazards to supervisor or manager
- Not work under the influence of drugs or alcohol
- Cooperate with the JOHCS or worker H&S representative

Reference: WCA Part 3 Section 116



Worker Rights & Responsibilities

- To know about hazards in the workplace.
- To participate in keeping the workplace healthy and safe
- To refuse unsafe work



Reference: WCA – Rights and Responsibilities

OHSR Section 3.12 provides the corrective steps if a worker refuses unsafe work

Photo: Google images



What does WorkSafe say about Volunteers in the Workplace?

The WorkSafeBC Assessment Manual states that “volunteers or other persons not receiving payment for their services are generally not workers.” - AP1-1-5 (b)

However,

Workers’ Compensation Appeal Decisions have found that both cash and “non-cash” payments (e.g. ski lift pass, gift certificates, even food and beer) are sufficient for an individual to be considered a “worker”.

The WorkSafeBC Assessment Manual states that “volunteers or other persons not receiving payment for their services are generally not workers.” The concern for employers to consider is that if an individual is a volunteer and not a “worker” under the WCA, the individual retains the right to sue the employer for any injuries suffered in the course of performing volunteer work

Workers’ Compensation Appeal Decisions have found that both cash and “non-cash” payments (e.g. ski lift pass, gift certificates, even food and beer) are sufficient for an individual to be considered a “worker”.

Reference: <https://www.go2hr.ca/articles/are-volunteers-covered-under-workers-compensation-act>



Bill C-45 or “Westray Bill”

Section 217.1 of the Canadian Criminal Code:

"Every one 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."



Introduced in response to the May 9, 1992 **Westray Mine disaster, 26 miners killed in a methane gas explosion**. It was Canada's worst mining disaster since 1958

“Bill C-45 is federal legislation that amended the Canadian Criminal Code and became law on March 31, 2004. The Bill established new legal duties for workplace health and safety, and imposed serious penalties for violations that result in injuries or death. The Bill provided new rules for attributing criminal liability to organizations, including corporations, their representatives and those who direct the work of others.” – Canadian Center for Occupational Health and Safety

These provisions of the Criminal Code affect all organizations and individuals who direct the work of others, anywhere in Canada. These organizations include federal, provincial and municipal governments, corporations, private companies, charities and non-governmental organizations.

To date there have been 8 charges made under Bill C-45.

Reference: <http://www.ccohs.ca/oshanswers/legisl/billc45.html>

Photo: Google images



What is Due Diligence?

“Due diligence requires taking all reasonable steps to protect workers from harm. 'All reasonable steps' is based on the level of judgment and care that a person would reasonably be expected to do under the same circumstances.”



"Due diligence" is taking all reasonable care to prevent the occurrence of an incident or event. In the management of safety it is: “a system that provides information, instruction, training, supervision, verification of knowledge, and correction of physical and human hazards.”

It is beyond doing the minimum requirements and actively pursuing compliance with legislation.

Reasonable care refers to the care, caution, or action a reasonable person is expected to take under similar circumstances.

Photo: Google images

Reference: <https://www.worksafebc.com/en/health-safety/create-manage/enhancing-culture-performance/due-diligence>



What is the Defence of Due Diligence?

“A person is not guilty of an offence if the person proves that the person exercised due diligence to prevent the commission of the offence” –
WCA Part 3 Section 215



Due diligence requires that you:

- Identify all workplace hazards
- Implement all necessary preventive measures
- Communicate appropriately to all necessary personnel

Reference: WCA Part 3 Section 215

Photo: Google images



The 4 Cornerstones of Due Diligence

Information

Instruction

Training

Supervision

4 Cornerstones of Due Diligence: Information, Instruction, Training, Supervision

Information + Instruction = Education, class-room, theory, crew talks, one-on-one safety reviews, written or verbal directions

Training = on-the-job, hands-on, demonstration of training standards, demonstrated competencies

Supervision = observation of workers, identification and correction of hazards, correcting unsafe or unwanted behaviors, response to questions and concerns, direction and instruction to workers, documentation

Lack of due diligence looks like:

- You should have known about the hazards, but did nothing to find out about it
- You knew about the hazard but did not take the steps to correct it
- You knew about the hazard, but did not warn or advise your workers about it
- There was a rule or procedure but you did not follow it or ensure others followed it
- You did not engage in any safety talks, safety promotion or job observations



When is a Formal H&S Program Required?

3.1 of the OHSR States that an occupational health and safety program must be initiated and maintained where there is:

- A workforce of 20 or more workers and at least one workplace where there is a moderate or high risk of injury
- Or a workforce of 50 or more workers

3.1 (1) An occupational health and safety program as outlined in section 3.3 must be initiated and maintained

(a) by each employer that has

(i) a workforce of 20 or more workers, and

(ii) at least one workplace that is determined under section 3.16(2)(b) to create a moderate or high risk of injury, or

(b) by each employer that has a workforce of 50 or more workers.

(1.1) If subsection (1)(a) or (b) applies to the employer, the occupational health and safety program applies to the whole of the employer's operations.

(2) Despite subsection (1) an occupational health and safety program may be required in any workplace when, in the opinion of an officer, such a program is necessary.

Benefits of an OHS program for all workplaces

Even though an employer may not be required to initiate and maintain an OHS program, OHS programs can provide a number benefits. For example, OHS programs enable an employer to control its occupational health and safety risks, improve health and safety performance, communicate its health and safety commitments and policies to staff, and provide a framework for attaining its health and safety goals and objectives. Further, OHS programs assist with implementation by delineating roles, responsibilities, and

accountability for tasks, including checking and corrective action as the program evolves. A properly implemented OHS program can be expected to reduce injuries and the associated costs of disability and lost production hours.

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-guidelines/guidelines-part-03#SectionNumber:G3.1>



What should be included in a Formal H&S Program?

There are 8 standard elements:

1. Senior Management / Leadership Commitment
2. Hazard and Risk Identification, Assessment and Control
3. Policies, Safe Work Procedures and Written Instructions
4. Training and Instruction of Workers
5. Workplace Inspection Program
6. Incident Reporting and Investigation
7. Program Administration
8. Joint Occupational Health and Safety Committee

OHSR Section 3.3

Reference: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-03-rights-and-responsibilities#1CEAD44ADD5D4A2D9B5C845A0A278637>



When is an Informal H&S Program Required?

3.2 of the OHSR States that a less formal occupational health and safety program must be initiated and maintained by employers' that have a workforce less than stated in section

3.1. Small employers' must:

- Hold regular health and safety monthly meetings with workers
- Ensure meetings are directed to correction of unsafe conditions and practices
- Maintain a record of the meetings and matters discussed

3.2 Small operations

In any operation where the workforce is less than that referred to in section 3.1(1) the employer must

(a) initiate and maintain a less formal program based on regular monthly meetings with workers for discussion of health and safety matters,

(b) ensure that meetings are directed to matters concerning the correction of unsafe conditions and practices and the maintenance of cooperative interest in the health and safety of the workforce, and

(c) maintain a record of the meetings and the matters discussed.

To determine if you need a formal or informal H&S program visit:

<https://www.worksafebc.com/en/health-safety/create-manage/health-safety-programs?origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fsearch%23q%3Dinformal%2520program%26sort%3Drelevancy%26f%3Alanguage-facet%3D%5BEnglish%5D&highlight=informal+program>



Organizational Standards for Volunteer Involvement



1. Mission-based approach
2. Human Resources
- 3. Program planning and Policies**
- 4. Program Administration**
5. Volunteer Assignments
6. Recruitment
7. Screening
- 8. Orientation and Training**
- 9. Supervision**
10. Recognition
- 11. Record Management**
- 12. Evaluation**

The Canadian Code for Volunteer Involvement:

Reference: <http://hrcouncil.ca/hr-toolkit/documents/CodeEngJune2006.pdf>

Standard 3: Program Planning and Policies and procedures are adopted by the organization to provide a framework that defines and supports the involvement of volunteers.

Standard 4: Program Administration The organization has a clearly designated individual with appropriate qualifications responsible for the volunteer program.

Standard 8: Orientation and Training Each volunteer is provided with an orientation to the organization, its policies and practices, including the rights and responsibilities of volunteers. Each volunteer receives training customized to the volunteer assignment and the individual needs of the volunteer.

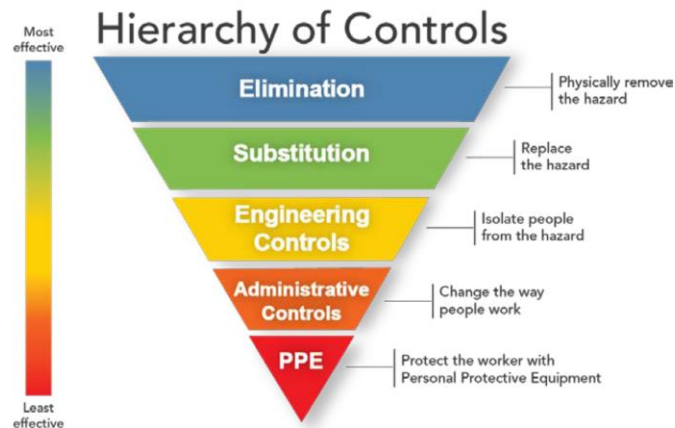
Standard 9: Supervision Volunteers receive a level of supervision appropriate to the task and are provided with regular opportunities to give and receive feedback.

Standard 11: Record Management Standardized documentation and records management practices are followed and in line with relevant legislation.

Standard 12: Evaluation The impact and contribution of volunteers and the volunteer program are continually evaluated to ensure the needs of the organization are being met in fulfilling its mandate.



WorkSafe BC Standard for Minimizing Hazards



The Hierarchy of controls

When reducing risk in a task or job process it is important to follow the hierarchy of controls in order, rather than start with the easiest control measures like PPE.

Note: Controls are listed in order of effectiveness, but all types of controls should be considered. They often work best in combination. For example, first responders cannot eliminate risks by choosing not to enter a burning building, but they can use engineering controls, administrative controls, and personal protective equipment and clothing to minimize the risks when they enter that building.

Reference: <https://www.worksafebc.com/en/health-safety/create-manage/managing-risk/controlling-risks>



New and Young Worker Orientation Training

A young worker is anyone under 25 years of age and a new worker is any age who is:

- new to the workplace
- facing hazards that have changed or developed while they were at work or absent from work
- in a new workplace or location that has different hazards than the old one

WorkSafe BC Publications:

3 Steps to Effective Worker Education and Training:

Reference: <https://www.worksafebc.com/en/resources/health-safety/books-guides/3-steps-to-effective-worker-education-and-training?lang=en>

Support for Employers: Training and Orientation for New Workers

Reference: <https://www.worksafebc.com/en/resources/health-safety/books-guides/support-for-employers-training-and-orientation-for-young-and-new-workers?lang=en>



New and Young Worker Orientation Training

OHSR 3.23 Topic Requirements:

- Name/contact info of supervisor(s)
- Worker rights and responsibilities
- Workplace H&S rules
- Hazards including robbery, assault or confrontation
- Working alone or isolation
- Violence in the workplace



NOTE: H&S Orientation must be done prior to commencing work

OHSR Guideline: Objectives of the orientation topics

Under section 3.23 employers will be required to provide young and new workers with orientation and training about safe work procedures and how to recognize hazards on the job. It lists a number of topics that must be addressed.

In many workplaces some of the requirements in section 3.23 will already be in place as part of the general safety measures in the workplace. To conduct proper orientation, the topics must be provided to young and new workers.

There may be topics beyond those listed in section 3.23 that an employer would wish to include in the orientation. The *Regulation* sets a minimum standard, which employers may exceed. In some cases, one or more of the topics may not be applicable in a given workplace and would not need to be included.

Photo: CCBC Photo Gallery

Reference: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-guidelines/guidelines-part-03#426F6D0913DB46DFBBD73EB7C1C5C9CA>



New and Young Worker Orientation Training Continued...

OHSR 3.23 Topic Requirements:

- Personal protective equipment
- Location and summoning first aid, reporting illness and injury
- Emergency Procedures
- Instruction and demonstration of workers task/process
- Employer's H&S program (if required under section 3.1)
- WHMIS (as applicable)
- Contact information to the JOHSC or Worker H&S Representative

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Joint Health & Safety Committee or Health and Safety Representative?



JOHSC Requirements: WCA Section 130 – Duties and Functions of the Joint Committee

Determining if you need a joint health and safety committee or worker health and safety rep

If your workplace is large enough, you may need to have a joint health and safety committee. In smaller workplaces, a worker health and safety representative may be enough. The joint committee or worker representative can help you in rolling out and maintaining your workplace health and safety program.

If there are nine or fewer workers no JOHSC is required. More than nine workers but fewer than twenty, will require a Worker health and safety representative. Twenty or more workers require a Joint health and safety committee of a minimum of four people.

Reference: <https://www.worksafebc.com/en/health-safety/create-manage/health-safety-programs?origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fsearch%23q%3Dinformal%2520program%26sort%3Drelevancy%26f%3Alanguage-facet%3D%5BEnglish%5D&highlight=informal+program>

Photo: Google images



Documentation and Record Keeping

- New and young worker orientation records
- Worker/Supervisor training records
- Copies of inspection records
- Crew talks and safety meetings
- Supervisor notes and logs
- Incident Investigations
- Job specific orientations
- Management meeting records
- Records of progressive discipline
- H&S meeting minutes
- Equipment logs
- Forms & Checklists
- Statistics on frequency and severity of accidents

The 'Test' of Due Diligence: Documentation and Record Keeping

Reference: http://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-occupational-health-safety/due_diligence_checklist1.pdf



Key Recommendations

1. Implementing a blanket CCBC health and safety policy
2. Implementing a general CCBC new worker/volunteer orientation
3. Establishing a formal/informal health and safety program for workers and volunteers
4. Electing a health and safety representative for each club and hold monthly meetings
5. Including health and safety in the Annual General Meeting agenda

1. Implementing a blanket CCBC Health and Safety Policy

- WorkSafe BC Guideline G3.1
- A blanket H&S policy that CCBC establishes and maintains for all clubs to be in compliance with including roles, responsibilities and accountability for worker and employer representatives .

2. Implementing a CCBC general new worker/volunteer orientation

- Worksafe BC Regulation OHSR 3.23
- All clubs have access to the orientation training via online E-learning or PowerPoint with a facilitator
- Clubs can tailor the training session to suit their needs (i.e.: additional information for their area)

3. Establishing a formal/informal OHS program to suit each clubs needs

- WorkSafe BC Regulation OHSR 3.1 and 3.2
- Some health and safety topics could be developed and implemented at the CCBC level to share with all clubs, or
- depending on the clubs size, individual clubs can build and establish their own H&S programs depending on hazards and requirements.

4. Electing and implementing a Health and Safety Representative for each club

- Workers Compensation Act Section 139
- Workplaces with less than 20 people do not need a Joint Health and Safety Committee, but do require a representative to oversee all H&S matters and ensure compliance with regulations and standards.
- Workplaces with over 20 people do require a JOHSC

5. Including Health and Safety in the Annual General Meeting agenda

- To evaluate and improve the effectiveness of H&S among the organization and its affiliated clubs



Photo: Google images