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Safety for Supervisors



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Safety for Supervisors

Program intent

General

- To make supervisors aware of their legal duties under the Provincial Safety and Health Legislation.
- Provide the tools and approaches to meet these requirements
- To comply with a regulatory requirement to train supervisors

Approach

- Provide a broad overview of supervisory duties in terms of safety and health
- Provide links to available reference documentation
- 4 modules



What does it mean to be a supervisor?

Outline Module 1

Topics

- Manitoba health and safety legislation
- Who are supervisors
- What is required of them
- What is required of the University in terms of supervisors
- Standard for compliance
- U of M policy and procedure



MB Safety and Health Legislation

Workplace Safety and Health Act (W210) and regulations (MB217/2006)

- In this province we are governed by the Workplace Safety and Health Act and regulations
- They are the legal standards for safety compliance in Manitoba and apply to all employers including the University.



Who is accountable for safety and health

Defined in the Workplace Safety and Health Act

The Employer
Supervisors

General duty clause

"Every supervisor shall so far as is **reasonably practicable** take all precautions necessary to protect the safety and health of a worker under his or her supervision"

Note: Criminal Code of Canada (C-45) only applies if "wanton and reckless disregard" shown



Who are "supervisors"

Defined in the Workplace Safety and Health Act

A supervisor

" means a person who has charge of a workplace or authority over a worker "

Under this definition anyone from the President of the University to a lead hand to a lab supervisor has duties under the Act



Supervisors – Legal Requirements

Take all steps reasonably practicable to

- Protect the safety of workers under their supervision
- Ensure workers comply with the requirements of the Act and regulations
- Ensure that workers are trained on the hazards that may exist in their workplace and the precautions taken to minimize those hazards
- Comply with Act and regulations
- Cooperate with anyone else trying to comply with their duties under the Act and regulations, for example, workers raising safety concerns or safety committees inspecting a workplace.



University - legal requirements

Take reasonable steps to ensure that supervisors are:

Competent

- Based on experience training and knowledge so the expectation is that someone in a supervisory role understands the work that they are supervising

Understand the requirements of Act and regulations

- Supervisors need to be aware of their responsibilities



Standard for compliance

- It is important to understand that the standard by which compliance is judged is not perfection, or the absence of any injury or accident.
- The standard for judgement is whether “reasonable steps” have been taken to minimize or eliminate workplace hazards.
- The reasonable steps must be documented by way of a Safe Work Procedure, Job Hazard Analysis, or Controls.



Standard for compliance

What is reasonable (*aka* due diligence)?

In Canada, the courts are determining it is reasonable

- To obey existing laws (WSH Act and Regulation)
- To obey internal rules (University Policies and Procedures)
- To enforce rules (if rules are put in place, they must be followed)
- To respond to issues you are aware of (or should be aware of)
- Have a system to manage safety (not enough to deal with safety issues as they arise)



Standard for compliance

- To consider what others are doing to deal with similar issues (other Universities)
 - Guidelines
 - Standards
 - Best practices
- To consult others when dealing with an issue. There is no expectation that you need to become a safety and health expert on all topics you may face.

You will not be punished for trying



Provincial legislation

Provincial orders

Will generally be issued to the supervisor directly responsible for the workplace where the suspected contravention took place.

Provincial Safety and Health Officers can issue two types of orders:

Improvement Order (*will contain the following information*)

- Basis of the order
- Period for correction/response
- Can include multiple items

Stop work Order

- Issued where imminent risk exists (*will contain the following information*)
 - Activity stopped
 - Can require area to be vacated
 - Will be lifted when SHO satisfied



Provincial legislation

Penalties

Administrative

Failure to comply with an order

- The supervisor will be notified
- Maximum fine \$5000/item

Offences

Serious contraventions involving

- Serious injury/incident *and*
- Badly flawed program
- Maximum fine \$250,000/count



University Policy and Procedure

Health and Safety

- Revised Policy adopted in 2011
- Revised procedures also adopted in 2011
- The University policies and procedures are consistent with the requirements of Manitoba health and safety legislation.
- Clearly assign accountability for health and safety to:
 - The Employer
 - Supervisors

A complete list of the University of Manitoba governing documents can be found at:

<http://umanitoba.ca/admin/governance/571.html>



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Safety for Supervisors

Module 2



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Others Involved in Health and Safety

Outline Module 2

Topics

- The University
- EHS
- Safety committees
- Workers
- Students
- Visitors



The University

As the employer, senior administration has a responsibility to ensure that there is a system to manage safety.

That system would include:

- Protection for staff, students & visitors
- Training and support for supervisors
- Safe facilities
- Adequate resources to deal with safety and health
- Assessing the effectiveness of programs
- Worker participation

The framework for the University's safety system is captured in the Safety Management Procedure.



Environmental Health and Safety (EHS)

EHS has been assigned two roles at the University that are captured in the University's Health and Safety procedure:

Roles

1. Provide technical support or expertise to University Staff to assist them in making good decisions about the health and safety issues that they need to deal with.
2. Bringing forward unresolved issues that require the attention and decisions by senior administration. The second part of the reporting role is to provide senior administration with metrics that allow them to determine whether programs are effective and that their objectives are being met.



Safety Committees

Mandated roles

1. Provide a resource for worker in situations where they feel that their supervisor has not dealt with a safety concern.
 - Worker can approach any member of the safety committee
2. Make supervisors or the employer aware of safety issues that may exist in the workplace.
 - The committee has the right to offer recommendations
3. Safety committees will participate in:
 - Workplace inspections
 - Accident investigations
 - Right to refuse investigations



Workers

Manitoba's workplace safety and health legislation also places duties on workers in terms of health and safety.

Workers must:

1. Take reasonable care to protect
 - Their own safety
 - Safety of others
2. Report to direct supervisor
 - Potential hazards/concerns
 - Injuries and near misses
3. Workers are expected to cooperate with their supervisor and the employer to comply with the requirements.
 - Safe work procedures
 - Provided Personal Protective Equipment to do a particular task



Students

At the University students may also have multiple functions

- Summer/In session employment

Manitoba legislation does place a responsibility on the employer to take reasonable steps to protect the health and safety of persons who are in their workplace for reasons other than employment.

- Students
- Visitors
- Contractors

Basically this means that we have to consider students when we are looking at safety and health issues.

- Working alone
- Sharing space
- Lack of experience



Students

University Procedure

Students are expected to:

- Take reasonable care for their own safety and the safety of others around them
- Comply with directions
 - Laboratory procedures will be followed
 - Fieldwork assignments
- Report any hazards that they become aware of and report injuries.
- Seek guidance on safety concerns from
 - Instructor
 - Supervisor



Visitors

Another group that we need to consider are people who visit our campus.

- Vendor representatives
- Individuals attending events
- Outside contractors

Some of these visitors may be outside contractors or University staff entering a workplace they are not familiar with.

- Ensure that they are not put at risk by the nature of our activities.

Visitors have responsibilities when they are in particular workplace

- Taking reasonable care for their own and others safety
- Complying with direction
- Report hazards



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Module 3



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Critical Processes for Supervisors

Outline Module 3

In the first part we will be discussing:

- Worker rights
- Responding to worker's concerns
- The requirements for inspection of workplaces
- Requirements to ensure training is provided
- What to do in the event of an accident and injury
- What steps you need to take should there be a right to refuse

The module will end with an outline of two critical requirements that will affect all supervisors. Including :

- Responding to safety committee recommendations
- Requirements for a safety management program
- Field work and travel for staff and students



Direct supervisors

Worker rights

1. **Workers** have a right to know about the hazards associated with their workplace.
2. **Workers** have a right to participate in health and safety activities.
3. **Workers** have the right to refuse dangerous work.
4. **Workers** have a right to not be discriminated against as a result of being active on health and safety issues.



Direct supervisors

Responding to worker concerns

Workers should always report concerns to direct supervisor

Direct supervisor needs to:

- Respond in a timely fashion (*dependent on the severity of the issue*)
- Assess issue using any resource (*such as*)
 - Other workers
 - Peers and supervisors
 - Safety committee
 - Technical resources (*EHS*)
 - External resources
- Notify worker of response (*document*)

By consulting with others the supervisor demonstrates due diligence and can make an informed decision regarding the issue that can be supported if questioned.



Direct supervisors

Inspection and training

Workplace Inspection

- Regularly inspect workplace
- Correct items
- Document

Training

- Ensure workers receive training
 - Specific to workplace, eg. safe work procedures
 - Other required training, eg. general orientation
- Document



Direct supervisors

All accidents and injuries

- Provincial legislation requires that the University have a system to investigate accidents and injuries that occur in workplaces under their control.
- University procedure places this duty on the supervisor that is directly responsible for the workplace where the incident occurred.
- Direct supervisors must
 - Investigate
 - Report
 - Document

Details of accident and injury investigation and templates for investigation appear on the EHS website



Direct supervisors

Serious incidents

In terms of workplace accidents and injuries Manitoba legislation creates a special category of an accident called a “serious incident”.

Serious incidents are workplace accidents that involve:

- Worker fatalities
- Injuries to workers requiring emergency medical treatment (*ambulance*)
- The failure of a structure
- Explosions
- Fire or flood involving worker injury and
- Uncontrolled spills of hazardous materials.



Direct supervisors

Serious incidents

- In the event of a serious incident Manitoba legislation is very prescriptive about the actions that must be taken.
- During normal work hours EHS can assist with notifications. After hours please call the Division directly at 204-945-0581.
- Steps to follow:
 1. Immediate notification of WS&H Division
 2. Preservation of scene
 3. LASH Committee co-chairs conduct an investigation
 4. Supervisor should also investigate



Direct supervisors

Right to refuse dangerous work

Legislated right for all workers

- Dangerous work generally involves some task or activity that the worker has reasonable grounds to believe creates immediate risk of serious injury or death to the worker or others in the workplace.



Direct supervisors

Right to refuse dangerous work

- In the event that a worker chooses to exercise their right to refuse dangerous work, the legislation is very prescriptive about the steps that must be taken.

Steps to follow:

1. Worker must notify employer (*supervisor in the workplace*)
2. Employer (*Supervisor*) may correct issue immediately
3. If Supervisor does not believe it to be an issue
 - The supervisor must inspect with worker and LASH Committee worker co-chair
4. If the situation is still unresolved (*no agreement between the worker and supervisor*)
 - MB Safety and Health Officer must be notified
 - Decides whether refusal is justified



Critical Processes for Supervisors

All Supervisors

There are some additional processes that affect both frontline supervisors and upper-level managers

- Responses to safety committee recommendations
- Requirements for safety programs
- Fieldwork and Travel for staff and students

Safety committee recommendations

- Cannot direct workplace activities
- Can make recommendations

Supervisor must

- Assess recommendations (*30 day time limit*)
- Options
 - Accept & implement
 - Accept and provide timeline
 - Reject with reasons



Critical Processes for Supervisors

All Supervisors Safety Programs

Provincial requirement to establish written safety programs for workplaces with over 20 workers. At the University this is done at the Faculty or Unit level. (**Supervisors**)

- Establish safety system
- Worker consultation
- Support staff
 - Allot resources for duties
 - Staff time
 - Facilities
- Monitor performance
- Hold staff accountable
- Report performance



Critical Processes for Supervisors

All Supervisors

Field Work Safety and Risk Assessments

Whether working on campus or not, Supervisors must still provide WS&H due diligence and compliance for their workers and students.

Included in due diligence is the requirement to conduct a risk assessment of any fieldwork or travel.

Once a risk assessment has been conducted, risk mitigation strategies should be implemented.

For resources on conducting a risk assessment please see the EHS Field Safety Manual.



Critical Processes for Supervisors

All Supervisors

Travel Risks and Risk Assessments

Risks of travelling outside the campus exist both domestically and abroad.

Supervisors are required to implement risk mitigation strategies to protect their workers or students while travelling. This may include ensuring safe travel as well as accommodations.

For information on Travel Risks please see the International-SOS webpage. For more information on I-SOS please contact the Office of Risk Management.



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Module 4



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Reasonable Approaches to Safety for Supervisors

Outline Module 4

Topics

- Consultation/Delegation
- Establish Priorities
- Develop and Implement plans
- Follow-up



Consultation / Delegation

Use available resources

Often supervisors feel that they have been left to deal with issues by themselves.

Consultation

- Workers
 - Required duty of employer (*Act and Regulation*)
 - Through safety committees
- EHS and Work Groups

Delegation

- Supervisor retains accountability for Health and Safety (*but*)
 - Can use working groups, technical groups
 - Develop safe work procedures



Establish priorities

What should happen first

It is important to understand the Provincial regulators do not expect that a workplace would be compliant with all the requirements of the Act and regulation.

Using a system to prioritize your risks is reasonable

ERM model

- Create a critical job inventory (*with health and safety in mind*)
- Assess:
 - Likelihood of a *negative outcome*
 - Consequence *should the event occur*
- Risk Rating = Likelihood X Consequence
 - Scale of 1-5
- Use Risk Rating to establish priorities



Develop and Implement plans

What will you do to lower risk?

After using a risk assessment model to establish priorities the next step is to develop and implement plans to lower an identified risk.

Reasonable steps

1. Consult with available resources (*EHS or Safety Committee*)
2. Establish a hierarchy of controls
3. Determine a timeline for implementation
4. Interim steps to achieve final goal
5. Train staff once the plan is implemented
6. Document your steps for future reference



Follow-up

Supervisor can be held accountable

The final step in establishing plans or priorities is to follow-up on the effectiveness of any plan that has been implemented.

Reasonable program includes:

- Monitoring to determine effectiveness
- Enforcement of process
- Reporting
- Elevation of unresolved issues



To complete this program

Must complete a short test

The test is required to

- Demonstrate comprehension
- Document training completion

Please follow this [link](#) when you are ready to take the test

- Test will take 10 – 15 minutes



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INNOVATOR CHALLENGER REBEL VISIONARY

REBEL PIONEER CREATOR EXPLORER TRAILBLAZER INNOVATOR

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