

MANUAL OF ADMINISTRATION

TOPIC: HEALTH AND SAFETY	SUBJECT: Health and Safety Responsibilities Senior Management	Code: HS004
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PURPOSE:

To ensure all senior management complies with their specific requirements within the health and safety program.

SCOPE:

These responsibilities include the Occupational Health and Safety Act, its regulations, and the specific company responsibilities identified in the health and safety program.

PROCEDURES:

Review the program on an annual basis to ensure understanding and application to yourself and all staff who report to you or your management staff.

ROLES AND RESPONSIBILITIES:

Senior management must:

- Perform workplace inspections
- Conduct information sessions (safety talks, staff meetings, tail gate meetings)
- Conduct incident investigations
- Conduct employee training
- Correct substandard acts or conditions
- Commend employee and supervisor health and safety performance
- Perform employee safety observations

Senior management responsibilities, as found in sections 25, 26 of the Occupational Health and Safety Act:

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

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- e) a floor, roof, wall, pillar, support or other part of a workplace is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the Building Code Act.

25(2) Without limiting the strict duty imposed by subsection (1), an employer shall,

- a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;
- b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;
- c) when appointing a supervisor, appoint a competent person;
- d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
- e) afford assistance and co-operation to a committee and health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
- f) only employ in or about a workplace a person over such age as may be prescribed;
- g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
- h) take every precaution reasonable in the circumstance for the protection of a worker;
- i) 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;
- j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
- l) provide to the committee or to a health and safety representative results of report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
- m) advise workers of the results of a report referred to in clause (1) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.

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25(3) For the purposes of clause (2) (c), an employer may appoint himself or herself as a supervisor where the employer is a competent person.

25 (4) Clause (2) (j) does not apply with respect to a workplace at which five or fewer employees are regularly employed. R.S.O. 1990, c. 0.1, s. 25.

Additional duties of employers:

- 26(1) In addition to the duties imposed by section 25, an employer shall,
- a) establish an occupational health service for workers as prescribed;
 - b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
 - c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
 - d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
 - e) notify a Director of the use or introduction in to a workplace of such biological, chemical or physical agents as prescribed;
 - f) monitor at such time or times or at such intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;
 - g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
 - h) establish a medical surveillance program for the benefit of workers as prescribed;
 - i) provide for safety-related medical examinations and tests for workers as prescribed;
 - j) where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;
 - k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and
 - l) carry out such training programs for workers, supervisors and committee members as may be prescribed.
- 26(2) For the purpose of clause (1) (a), a group of employers, with the approval of a Director, may act as an employer. R.S.O. 1990, c. 0.1, s. 26 (1,2).

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26(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

- a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;
 - b) the worker's reasonable travel costs respecting the examinations or tests; and
 - c) the time the worker spends to undergo examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as may be proper.
- R.S.O. 1990, c. 0.1, s.26(3); 1994, c.27, s.120(3).

COMMUNICATION:

Written – ensure any documentation required is forwarded as indicated to specific procedures.

TRAINING:

All senior management requires training on their legislative requirements.
Example: as required under element 6.1 (b) of the Workwell Health and Safety Audit (July 2002).

EVALUATION:

A review of the senior management responsibilities will be performed as needed.