

Element 4 Statement of Responsibilities

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Element 4 Statement of Responsibilities

Legislation

Workplace Safety and Health Act section 7.4(5):

“(d): a statement of the responsibilities of the employer, supervisors, and workers at the workplace;”

Purpose

The duty for creating and maintaining a safe and healthy workplace falls on every person in the workplace to the degree they have the authority and ability to do so. Whether they are employers, supervisors or workers, everyone has a personal and shared responsibility for working together to prevent injuries and occupational illnesses. This has been referred to as the **Internal Responsibility System**.

The combination of internal monitoring by workplace safety and health committees, and external monitoring and enforcement by the Workplace Safety and Health Division of the Department of Labour and Immigration ensures better legislative compliance and a more effective internal responsibility system in the workplace. The duties and responsibilities of employers, supervisors and workers, are clearly detailed in Sections 4 through 7 of *The Workplace Safety and Health Act [C.C.S.M c. W210]*.

Duties of Employers

Because employers have the greatest degree of control over the workplace, they also have the greatest degree of legal responsibility for safety and health. This does not relieve supervisors and workers from their duty to control workplace hazards and to take necessary precautions to protect themselves and others from hazards. In general, employers shall ensure, as far as is reasonably practicable, the safety and health of all workers and comply with *The Act* and *Regulations*.

In particular, employers shall:

- ensure that a Workplace Safety and Health Program that meets the requirements of the FSH Policy and *The Act* is developed, implemented and maintained, and that adequate funding is allocated to achieve this result;
- be responsible for providing and maintaining a safe workplace including the necessary equipment, systems and tools that are safe and without risks to health, so far as is reasonably practicable;
- ensure that WSH Committees and Representatives are established, adequately funded, and operating in accordance with *The Act* and shall consult and cooperate with workplace safety and health committees and/or representatives;
- ensure that managers, supervisors, workers, and WSH Committee members are aware of their workplace safety and health responsibilities;

- ensure that managers participate on the WSH Committee;
- respond to all issues raised by the WSH Committee within 30 days;
- provide workers with such information, instruction, training, and supervision, to ensure, so far as is reasonably practicable, the safety and health of all workers;
- ensure that workers have ready access to *The Act*, and to any regulations or codes of practice that apply to the workplace or work done at the workplace; and
- ensure that non-employees are not exposed to risks to their safety or health arising out of, or in connection with activities in the workplace.

Duties of Supervisors

Supervisors shall take reasonable precaution to protect workers under their supervision, including advising them of potential job-related risks and ensuring that they follow safe work procedures.

In particular, supervisors shall:

- provide new workers with WSH orientation using the Supervisor’s New Employee WSH Orientation Checklist (p. 87)
- ensure that workers receive training and the proper safety equipment their work requires, and that workers are not placing themselves at risk;
- routinely conduct informal inspections of the workplace;
- assist in identifying WSH hazards, risk factors associated with those hazards, and identifying and implementing appropriate controls for eliminating or mitigating those risks;
- attend the “Supervisors & Safe Work” course offered by the WSH Division within Labour and Immigration or by FSH, in order that they clearly understand their responsibilities under *The Act*; and
- ensure that all equipment is properly maintained and meets currently legislated safety and health standards.

Duties of Workers

While acknowledging that workers generally have the least amount of control over the workplace, workers share the responsibility for ensuring a safe and healthy workplace in accordance with the Internal Responsibility System. In addition, workers have the right to refuse to perform work where that worker has reasonable grounds to believe and does believe that the work is dangerous to the worker’s safety or health or the safety or health of another worker or any other person.

In particular, workers shall:

- take reasonable care of their own safety and health and that of others who may be affected by their acts or omissions at work;
- be responsible for immediately reporting any unsafe or unhealthy working conditions to their supervisor;
- be responsible for complying with established safety and health procedures and wearing personal protective equipment if required;
- be responsible for cooperating with employers, supervisors, and WSH Committees or Safety and Health Representatives on safety and health issues;
- be responsible for reporting accidents, near accidents or injuries to their supervisor immediately; and
- attend WSH training as directed by supervisor, especially those which have been identified as mandatory training for the worker.

Resource 1: Supervisor's New Employee WSH Orientation Checklist

Under the WSH Act, supervisors are responsible for taking reasonable precaution to protect workers under their supervision. This includes providing workers with pertinent safework information, advising of potential job-related risks, and ensuring that workers follow safework procedures.

Following is a checklist designed to assist supervisors in identifying and communicating pertinent WSH information with workers. Before providing WSH orientation to new workers, please have on hand a WSH Orientation package that contains all relevant material to hand out to the worker. Please go over this checklist with each new worker under your direction. **Supervisors** must check off each item after they have discussed them with the new employee, and the **new employee must initial** each item. The completed checklist should be given to:

General FSH Workplace Safety and Health Information:

Employee Initials

- Reviewed Safety and Health Policy

- Reviewed responsibilities of employers/supervisors as they relate to the WSH Act

- Reviewed the responsibilities of workers as they relate to the WSH Act

- Reviewed the rights of workers as they relate to the WSH Act

- Reviewed Harassment and Violence Prevention Policy

- Reviewed procedures for voicing WSH Hazard Concerns

- Reviewed steps in exercising a Right to Refuse

- Reviewed procedure for reporting injury

Worksite specific Workplace Safety and Health Information:

- Informed worker of location of WSH Bulletin Board and reviewed posted Materials

- Provided worker with building evacuation procedures

- Notified worker of WSH Intranet site and where to obtain a hard copy of the WSH Program Manual

- Informed worker of location of nearest fire exit, pull alarm, fire extinguisher, First Aid kit and other emergency equipment

- Reviewed worksite specific Working Alone Safework Procedures

- Reviewed Ergonomic Safework Procedure, if applicable

- Reviewed chemical and biological hazards, including location of MSDSs, control measures, and proper handling and disposal, if applicable

- Reviewed use of Personal Protective Equipment, if applicable, including when to use PPE, how to use PPE, how to care for and store PPE, which PPE the employer will provide and which the worker must provide (shoes and headwear for certain types of work)

- Notified worker of any potential hazards or risks related to their specific duties and safe work procedures to address risks (please list all worker specific training

provided to worker and have worker initial each one – add additional pages if necessary):

Workplace Safety and Health Orientation Packages should include the following:

Checklist of WSH material provided by the Safety and Health Unit to Supervisors for orienting new worker

FSH WSH Policy

List of responsibilities of the supervisor

List of responsibilities of worker

The 3 Basic WSH Rights of Worker

FSH Violence and Harassment Prevention Policy

Steps for Resolving Workplace Hazard Concerns

Steps in Exercising the Right to Refuse

WSH Resources – website address, e-mail, phone contacts

Procedures for reporting injuries (location of WCB claim forms to be provided by supervisor)

Worker Hazard Concern Form

Ergonomic Checklist if applicable

Workplace documentation to be provided by the supervisor

Workplace building evacuation plan

Safework procedures based on critical occupational inventory and job hazard analysis – all safework procedures must be developed with the input of the workers in the workplace

Safework procedures for working with specific biological or chemical hazards if applicable and Material Safety Data Sheets for any controlled substance that the worker may be exposed to

Workplace specific working alone guidelines

Worker specific list of required or recommended WSH training opportunities

Manufacturer's instructions and any appropriate documentation on the proper use of equipment including Personal Protective Equipment