



GENERAL MANUAL POLICY

APPROVED BY:

Executive Director

CATEGORY: Health & Safety

TOPIC: Duties/Responsibilities - Management, Supervisor, Worker

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POLICY

It is the policy of Community Living Thunder Bay that each staff member will be provided with and trained in their duties under the Occupational Health and Safety Act.

PURPOSE

To ensure that each staff member is aware of and understands his/her duties.

RESPONSIBILITY

It is the responsibility of the Joint Occupational Health and Safety Committee to ensure that each staff member receives appropriate training and a written document containing a description of their duties under the Occupational Health and Safety Act.

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PROCEDURE:

MANAGEMENT RESPONSIBILITIES - (EMPLOYER)

Responsibilities of Management under the Occupational Health and Safety Act are as follows:

Prescribed Duties

The word 'prescribed' means that a regulation must exist in order to put into effect the requirements of that section. Where there is no regulation, the requirements of that section are not in force. Management has an obligation to know which regulations apply to their workplace.

1. Provide and maintain in good condition any prescribed equipment, materials and protective devices - sections 25(1)(a)(b).
2. Carry out any measures and procedures that are prescribed for the workplace - section 25(1)(c).
3. Ensure that the above are used in accordance with the regulations - section 25(1)(d).
4. Ensure that every part of the physical structure of the workplace can support all loads to which it may be subjected, in accordance with the "Building Code Act" and any standards prescribed by the Ministry - section 25(1)(e).
5. Establish and maintain an occupational health service for workers, as prescribed - section 26(1)(a)(b).
6. Keep and maintain accurate records, as prescribed, on the handling, storage, use and disposal of biological, chemical or physical agents - section 26(1)(c).
7. Keep, maintain and make available to workers prescribed records of worker exposure to chemical, biological or physical agents - section 26(1)(d).
8. Notify a director of the Ministry of Labour of the use or introduction into a workplace of any prescribed biological, chemical or physical agents - section 26(1)(e).
9. Monitor, as prescribed, the levels of biological, chemical or physical agents and keep and post accurate records of these levels - section 26(1)(f).
10. Comply with a prescribed standard that limits the exposure of a worker to biological, chemical or physical agents - section 26(1)(g).
11. Establish a medical surveillance program and provide safety related medical examinations and tests, for the benefit of workers - section 26(1)(h)(i).
12. Ensure, where prescribed, that only workers who have taken any prescribed medical examinations, tests or x-rays and who have been found physically fit to work, be allowed to work or be in the workplace - section 26(1)(j).
13. Where so prescribed, provide a worker with written instructions on the measures and procedures to be taken for his or her protection - section 26(1)(k).

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14. Carry out any prescribed training programs for workers, supervisors and committee members - section 26(1)(l).

General Duties

1. Instruct, inform and supervise workers to protect their health and safety - section 25(2)(a).
2. Assist in a medical emergency by providing any information, including confidential business information, to a qualified medical practitioner who requests the information in order to diagnose or treat any person - section 25(2)(b).
3. Appoint competent persons as supervisors - section 25(2)(c).
"Competent Person" has a very specific meaning under the Act:
He or she must:
 - Be qualified, through knowledge, training and experience, to organize the work and its performance,
 - Be familiar with the Act and the regulations that apply to the work being performed in the workplace
 - Have knowledge of any potential or actual danger to health or safety in the workplace.
4. Inform a worker, or a person in authority over a worker, about any hazard in the work and train that worker in the handling, storage, use, disposal and transport of any equipment, substances, tools, material, etc. - section 25(2)(d).
5. Assist committees and health and safety representatives to carry out their duties - section 25(2)(e).
6. Not employ underage workers or knowingly permit underage persons in or near the workplace - section 25(2)(f)(g).
7. Take every precaution reasonable in the circumstances for the protection of a worker - section 25(2)(h).
8. Post in the workplace a copy of the "Occupational Health and Safety Act", as well as explanatory material prepared by the Ministry that outlines the rights, responsibilities and duties of workers. This material must be both in English and the majority language in the workplace - section 25(2)(l).
9. Prepare a written occupational health and safety policy, review that policy at least annually and set up a program to implement it - section 25(2)(j).
10. Post a copy of the Occupational Health and Safety policy in the workplace, where workers will be most likely to see it - section 25(2)(k).

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11. Provide the joint committee or the health and safety representative with the results of any occupational health and safety report that the employer has. If the report is in writing, the employer must also provide a copy of the relevant parts of the report - section 25(2)(l).
12. Advise workers of the results of such a report. If the report is in writing, the employer must, on request, make available to workers copies of those portions that concern occupational health and safety - section 25(2)(m).

Notices

1. Where a person has been critically injured or killed, the employer must immediately notify an inspector, the Joint Occupational Health and Safety Committee Certified Members and the union, if there is one. This notice must be by direct means, such as by telephone, telegram or facsimile. Within forty-eight (48) hours, the employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed - section 51(1).
2. If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of work place violence at the workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within 4 days of the occurrence, give written notice of the incident to the JOHSC and the trade union, the director, if an inspector requires notification to the director – section 52(1).
3. If an employer is told that a worker has an occupational illness or that a claim for an occupational illness has been filed with the Workplace Safety and Insurance Board, the employer must notify a director of the Ministry of Labour, the joint committee (or health and safety representative) and the union, if any, within four days. This notice must be in writing and must contain any prescribed information - section 52(2). The duty to notify applies not only to current employees but also to former ones - section 52(3).
4. Even if no one is hurt, the constructor of the project must provide written notice of an accident or unexpected event that could have caused an injury at a construction site. This notice must be given to the director of the Ministry of Labour, the joint committee (or health and safety representative) and the trade union, if any, within two days and must contain any prescribed information - section 53.

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SUPERVISOR RESPONSIBILITIES

A supervisor must:

1. Ensure that a worker works in the manner and with the protective devices and complies with the Act and regulations - section 27(1)(a).
2. Ensure that any equipment, protective devices and clothing required by the employer are used or worn by the worker - section 27(1)(b).
3. Advise a worker of any potential or actual health and safety dangers known by the supervisor - section 27(2)(a).
4. If prescribed, provide a worker with written instructions about the measures and procedures to be taken for the worker's protection - section 27(2)(b).
5. Take every precaution reasonable in the circumstances for the protection of workers - section 27(2)(c).
6. Ensure that employee reports of incidents are completed by employees; recommendations are provided and that completed forms are forwarded to the HR Advisor.
7. Ensure worker receives first aid and/or transportation to emergency/physician if required.
8. Contact the Joint Occupational Health and Safety Committee Certified Members to inspect the area/equipment that created the accident to correct the problem if possible or contact the person that can correct the problem.
9. In the event of a serious accident, block off the area and contact the Occupational Health and Safety Committee Certified members and manager of the department to investigate.

WORKER DUTIES

A worker must take responsibility for personal health and safety insofar as he or she is able.

Under the Act, a worker must:

1. Work in compliance with the provisions of the Act and Regulations - section 28(1)(a).
2. Use or wear the equipment, protective devices or clothing required and provided by the employer - section 28(1)(b).
3. Report to the employer or supervisor any missing or defective equipment or protective device that may be dangerous to himself, herself or another worker - section 28(1)(c).
4. Report any contraventions of this Act of regulations or any known workplace hazard to the employer or supervisor - section 28(1)(d).
5. Not remove or make ineffective any protective device required by the employer or by the regulations - section 28(2)(a).

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7. Not use or operate any equipment or work in a way that may endanger any worker - section 28(2)(b).
8. Not engage in any prank, contest, feat of strength, unnecessary running or rough or boisterous conduct - section 28(2)(c).