#### **NORTHWEST TERRITORIES & NUNAVUT**

## **CODES OF PRACTICE**

In accordance with the Northwest Territories and Nunavut Safety Acts; and Occupational Health and Safety Regulations

## Occupational Health and Safety Education

# **SUPERVISORS**





## Code of Practice

# Occupational Health and Safety Education **SUPERVISORS**

Workers' Safety & Compensation Commission Northwest Territories and Nunavut

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## **PREVENTION SERVICES**

Industrial Safety: 867-669-4418 Mine Safety: 867-669-4412

If you would like this code of practice in another language, please contact us.



## **FOREWORD**

The Workers' Safety and Compensation Commission (WSCC) provides this industry code of practice in accordance with subsections 18(3) and 18(4) of the Northwest Territories and Nunavut Safety Acts. The Occupational Health and Safety Education – Supervisors (June 1, 2015) code of practice applies to all workplaces subject to the Northwest Territories and Nunavut

The WSCC gratefully acknowledges our stakeholders, including government, industry and educators for their valuable input in the development of this code.

The Code of Practice applies to all workplaces covered by the Northwest Territories and Nunavut Safety Acts and Occupational Health and Safety Regulations.

The Occupational Health and Safety Education – Supervisors relates to section 4 of the Safety Act and sections 12 and 16 of the Occupational Health and Safety Regulations.

This code is in effect as published in the in the Northwest Territories *Gazette* and Nunavut *Gazette*, in accordance with the *Safety Acts and Occupational Health and Safety (OHS) Regulations*.

IN EFFECT DATES:

Northwest Territories: June 1, 2015

Nunavut: May 31, 2016

Copies of this code are available online from the WSCC at: wscc.nt.ca or wscc.nu.ca

Acting Chief Safety Officer, WSCC

### Disclaimer

This publication refers to obligations under workers' compensation and occupational health and safety legislation as administered by the Workers' Safety and Compensation Commission.

To ensure compliance with legal obligations always refer to the most recent legislation. This publication may refer to amended or repealed legislation. Information on the latest legislation can be checked at wscc.nt.ca or wscc.nu.ca or contact the WSCC at 1-800-661-0792.

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## WHAT IS A CODE OF PRACTICE?

WSCC codes of practice provide practical guidance to achieve the safety requirements of the Northwest Territories and Nunavut *Safety Acts* and related *Regulations*.

As per subsection 18(3) of the Northwest Territories and Nunavut *Safety Acts*, "For the purpose of providing practical guidance with respect to the requirements of any provision of this Act or the regulations, the Chief Safety Officer may approve and issue such codes of practice as he or she considers are suitable for that purpose."

WSCC codes of practice apply to workplaces in the Northwest Territories and Nunavut. The Chief Safety Officer approves codes of practice for use by all occupational health and safety (OHS) stakeholders. Codes of practice come into effect in each territory on the day they are published in the *Northwest Territories Gazette* and *Nunavut Gazette*.

Codes of practice do not have the same legal force as the *Safety Acts* and related regulations. A person or employer cannot face prosecution for failing to comply with a code of practice. However, in legal proceedings under the *Safety Acts* and related *Regulations*, failure to observe a code of practice may be a consideration when determining whether a worker or employer complies with the *Safety Acts* and related *Regulations*.

Employers and workers should follow WSCC codes of practice unless there is an alternative course of action that achieves the same or better occupational health and safety outcomes.

## **A Code of Practice**

- Provides practical guidelines.
- Adapts to individual work sites.
- May serve as evidence.
- Should be followed unless there's a better way.

## INTRODUCTION

The Occupational Health and Safety Education – Supervisors code of practice provides information to employers on occupational health and safety education for supervisors. This code of practice includes an outline of what a regulations familiarization course must include, and informs supervisors on what they must know to comply with safety legislation and work competently.

Employers are obligated through the occupational health and safety legislation of the Northwest Territories and Nunavut to ensure supervisors understand their role and responsibilities to workplace health and safety and provide supervisors training and education to that end.

Supervisors must ensure workers under their direction and control receive proper instruction to safely perform their duties. They are responsible for ensuring workers perform their duties without undue risk, in compliance with any requirements of the *Safety Acts* and related *Regulations*. Failure to ensure the proper instruction and supervision of workers may result in penalties under the authority of the *Safety Acts*.

Employers and supervisors confirm that supervisors meet their legislative requirements concerning supervisor education by ensuring supervisors' knowledge and skills enable them to:

- 1. Competently supervise worksites.
- 2. Have sufficient knowledge in, but not limited to, the following:
  - Occupational health and safety programs applicable to workers at a specific worksite;
  - The safe handling, use, storage, production, and disposal of hazardous substances.
  - The need for and safe use of personal protective equipment.
  - Worksite emergency procedures.
- 3. Know and comply with the Safety Acts, Regulations, and company policies.

Employers and supervisors demonstrate due diligence by ensuring supervisors complete an educational course or training that familiarizes them with the specific legislative requirements of the and Nunavut Safety Acts and General Safety Regulations.

## **DEFINITIONS**

**Competent:** in respect of a function, task or duty, possessing the knowledge, experience and training to perform the function, task or duty;

**Contractor:** a person or company contracted to supply products or services.

**Dangerous Occurrence:** an occurrence that does not result in, but could have resulted in an accident causing serious bodily injury,

**Due Diligence:** taking all precautions, reasonable under the circumstances, to protect the health and safety of workers. Due diligence applies to actions before an event occurs, not after.

**Employer:** means every partnership, group of persons, corporation, owner, agent, principal contractor, subcontractor, manager or other authorized person having charge of an establishment in which one or more workers perform work;

**Hazard:** any situation, thing, or condition that may expose a person to risk of injury or occupational disease.

**Hazard Control:** all steps necessary to protect workers from exposure to a substance or system, and the procedures required to monitor worker exposure and their health to hazards such as chemicals, materials or substance, or other types such as noise and vibration. A written workplace hazard control program should outline which methods are in use to control the exposure and the means for monitoring the effectiveness of the controls.

Hazard Identification: formal identification and documentation of hazards.

**High-risk Work:** work that exposes workers to hazards that, should an incident occur, may result in a fatality or permanent disability.

**Imminent Danger:** any place, matter, or thing, which could reasonably be a source of likely danger to the health or safety of persons employed on or in connection with the work or worksite.

**Incident:** an unplanned, undesired event that causes or could cause injury, damage, or loss (also called *accident* or *near miss*).

**May**: gives permission (in legislation – gives powers, but does not force their use).

**Principal Contractor**: a person who signs an agreement to undertake a project for an owner. May include an owner who undertakes all or part of a project themselves or by one or more employers.

**Project Owner**: the worker given overall responsibility and authority for the successful completion of a project.

**Project Supervisor**: the worker responsible for monitoring contractor safety performance. Reports to the Project Owner.



**Qualified Individual:** an individual who possesses a recognized degree, certificate or professional standing, and has demonstrated, by knowledge, training and experience, an ability to deal with problems related to a particular subject matter or work.

**Risk**: the chance or probability of a person getting harmed, or experiencing an adverse health effect if exposed to a hazard.

**Risk Assessment**: the process to identify a hazard; an analysis or evaluation of the risk associated with that hazard; and a determination of the appropriate ways to eliminate or control the hazard.

**Shall**: forms a statement of command indicating a duty and obligation.

**Subcontractor**: a person or company contracted to supply products or services to a contractor.

Supervisor: an individual who is authorized by an employer to oversee or direct workers.

**Unusual Danger:** in relation to any work, a danger that does not normally exist in that work, or a danger under which a person engaged in that work would not normally encounter when carrying out their work.

**Tailgate Meeting**: a documented safety meeting to assess and document hazards that exist in the job or on the site, and suitable corrective actions. Some organizations call these meetings Toolbox Safety Talks.

Worker: a person engaged in work for an employer, with or without remuneration (payment).

**Workplace:** a general setting where people perform work, such as an office or factory.

Work Site: a physical location where a worker is, or is likely to be, engaged in work

## SUPERVISOR SAFETY FAMILIARIZATION EDUCATION

Under the *General Duties* section 12 in the *Occupational Health and Safety Regulations*, employers must provide training necessary to protect the health and safety of workers.

## Occupational Health and Safety Regulations Northwest Territories and Nunavut

## **General Duties of Employers**

**12.** (c) provide information, instruction, training and supervision that is necessary to protect the health and safety of workers;

Employers must ensure that supervisors complete regulatory familiarization training that meets the approval of the Chief Safety Officer of the Northwest Territories and Nunavut.

The education program should effectively introduce supervisors to occupational health and safety legislation, in particular the *Safety Acts* and *Occupational Health and Safety Regulations*. The in-depth course should clearly define a supervisor's direct role and responsibilities toward workplace safety, offer best practices in identifying and controlling hazards, include instruction in contractor safety management, and provide practical industry-relevant exercises.

## Occupational Health and Safety Regulations Northwest Territories and Nunavut

## Supervision of work

- **16.** (1) An employer shall ensure that, at a work site,
  - (a) work is sufficiently and competently supervised;
  - (b) supervisors have sufficient knowledge of the following:
    - (i) any occupational health and safety program applicable to workers supervised at the work site.
    - (ii) the safe handling, use, storage, production and disposal of hazardous substances,
    - (iii) the need for, and safe use of, personal protective equipment,
    - (iv) emergency procedures required by these regulations,
    - (v) any other matters that are necessary to ensure the health and safety of workers;
  - (c) supervisors have completed an approved regulatory familiarization program; and
  - (d) supervisors comply with the Act and these regulations.
  - (2) A supervisor shall ensure that workers comply with the Act and these regulations as they apply to the work site.

A supervisor must be competent in their work and knowledgeable of the *Safety Acts* that govern their industry. A complete list of the *Safety Acts* and related *Regulations* is available at <a href="http://www.wscc.nt.ca/occupational-health-safety/ohs-information/safety-legislation">http://www.wscc.nt.ca/occupational-health-safety/ohs-information/safety-legislation</a>

It is an employer's responsibility to ensure supervisors participate in a familiarization program that is delivered in a format suited to the supervisor's level of knowledge, training and experience. Upon successfully completion of the program, supervisors should understand their roles and responsibilities under the legislation and can competently oversee the work of others. Implementing a comprehensive supervisor safety education program demonstrates an employer's due diligence.

A Supervisor Safety Familiarization Education Program must include, but is not limited to, the following topics:

- NWT Legislation
  - Safety Act
  - Occupational Health and Safety Regulations
  - Codes of Practice
- Joint OHS Committees
- Occupational Health and Safety Program
- Internal Responsibility System (IRS)
- Worker Rights
- Offences & Punishments
- Employer Responsibilities
- Supervisor Responsibilities
- Worker Responsibilities and Rights
- Hazard and Risk Management
  - Hazard Assessment
  - Hazard Identification Methods
  - Hazard Prevention
  - Monitoring and Reporting
  - Contractor Safety Management
    - Contractors and Subcontractors
    - Project Safety Planning
- Reporting
  - o Injury Reporting under the Compensation Act
  - Notices to the Chief Safety Officer
  - Incident Reporting
  - Record Keeping
  - o Documentation
- Work site Accident/Incident Investigation
- Work site Inspections
- Safety Leadership
  - o Ensure workers understand their role in safety
  - Lead by example
  - Learn how to direct and manage

Recommended Return to Work



To meet regulatory requirements, Supervisor Safety Training Familiarization must be approved by the Chief Safety Officer (CSO). Ensure that your training provider offers an approved course.

The CSO evaluates the course using the following criteria:

- Objectives (learning outcomes);
- Content;
- Learning materials (workbooks, presentation, handouts);
- Training method (facilitated group learning, lecture and skills practice in teams, self-directed);
  - Delivery method (in classroom, mixed on-line and in classroom;
  - Course duration (2-day, 3-day, in weekly one-hour modules);
- Trainer qualifications;
- Assessment of competency (how will the trainer assess the learning and competency: written assessment, oral assessment, assignments, simulations exercises, role playing); and
- Course evaluation (for participants to evaluate course content and relevance of material and presentation, and whether the course met objectives.)

(See Appendix A: Training provider Supervisor Safety Course Review - Submission for Approval by the Chief Safety Officer.)

## **REGULATORY REQUIREMENTS**

Supervisors need to be aware of the legal responsibility associated with ensuring safety as an integral part of workplace activity, and the consequences if they do not meet safety obligations. In addition to injuries or damages to property or materials, under territorial and federal legislation, employers, supervisors, and workers may be subject to financial and imprisonment penalties.

## Occupational Health and Safety Regulations Northwest Territories and Nunavut

## **Health and Safety**

- 4. (1) Every employer shall
  - a) a maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;
  - take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her establishment; and
  - c) provide the first aid service requirements set out in the regulations pertaining to his or her class of establishment.
  - (2) If two or more employers have charge of an establishment, the principal contractor or, if there is no principal contractor, the owner of the establishment, shall coordinate the activities of the employers in the establishment to ensure compliance with subsection 4(1).

## Offenses and Punishment Employer

**22.** (2) Every employer or person acting on behalf of an employer or person in charge of an establishment who is guilty of an offence under this Act or the regulations is liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year or to both.

## Offenses by worker and punishment

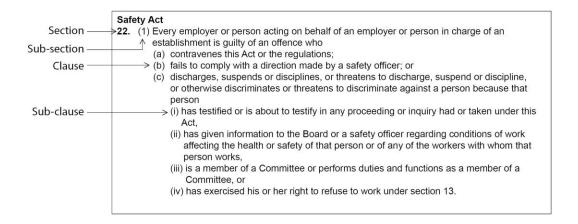
**22.** (4) Every person employed on or in connection with the operation of an establishment who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both.

## UNDERSTANDING SAFETY LEGISLATION

The Safety Acts and related Regulations comprise the laws for worker safety. A supervisor addresses questions or concerns about workplace health and safety by consulting the legislation and their company's safety authority. It is therefore helpful to have an adequate understanding of the hierarchy of law and how to read or refer to legislation.

- An Act is a statute, which is a collection of laws passed by legislative authority.
- A Regulation is a law created by the government executive branch for which an authorized administrative agency (in this case, the Workers' Safety and Compensation Commission) has the power of enforcement. The authority is delegated from the legislative branch.
- A code of practice is quasi-legislation authorized under the Northwest Territories and Nunavut Safety Acts.

Federal, provincial, and territorial legislation use **Sections, Sub-sections, Clauses**, and **Sub-clauses**, rather than page numbers. For example:



It is important to understand the legal implications of the words 'and' and 'or'.

When the word 'and' is used in legislation it means that the responsible person must perform <u>all</u> actions to meet legislative requirements. For example, Section 4 of the *Safety Acts* requires an employer to complete all tasks in the subsection as there is an 'and' connecting clauses (b) and (c) of subsection (1).

When the word 'or' is used in legislation it means that the responsible person must only perform one action to meet legislative requirements. For example, the last word between Section 22, subsection 1, clauses (b) and (c) is 'or."

## **Northwest Territories and Nunavut Legislation**

The Northwest Territories and Nunavut Safety Acts are statutes, which are laws enacted by the Territorial Legislative Assemblies. The Occupational Health and Safety Regulations are official rules that support the actions of the Safety Acts. Codes of practice support the Occupational Health and Safety Regulations and include best practices that allow employers and workers to comply with legislation.

The Safety Acts are the primary legislation governing workplace health and safety in the Northwest Territorial and Nunavut. This legislation exists to protect workers against hazards in the workplace, and to make workplaces and work practices safe for everyone. Regulations made under the Safety Acts regulate workplace health and safety standards, and codes of practice provide practical guidance to address the requirements within the Acts and Regulations.

## Safety Acts:

- Detail the responsibilities of employer and workers;
- Outline what happens when contraventions (violations) occur;
- Direct the formation of OHS Committees;
- Explain workers' rights
  - o to know about hazards in the workplace;
  - o to participate in workplace health and safety; and
  - o to refuse unsafe work; and,
- Explain powers and duties of Safety Officers.

The Safety Acts include the Occupational Health and Safety Regulations, in effect as of June 1, 2015 in the Northwest Territories and March 29, 2016 in Nunavut, incorporating the following General Safety Regulations.

- Asbestos Safety Regulations
- Environmental Tobacco Smoke Work Site Regulations
- Safety Forms Regulations
- Silica Sandblasting Safety Regulations
- Work Site Hazardous Materials Information Systems Regulations
- General Safety Regulations
- Oil and Gas Regulations

## Codes of Practice:

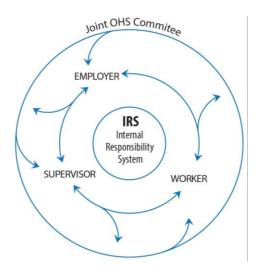
 Provide practical guidance for achieving the safety standards required by provisions of the Northwest Territories and Nunavut Safety Acts and related Regulations.

## JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

A Joint Occupational Health and Safety Committee (OHS Committee) is a forum for employers and workers to improve workplace health and safety together. If a breakdown in safety communications occurs, the OHS Committee participates with the two workplace parties to resolve the issue. If the OHS Committee, with the employer, cannot agree on corrective actions, the WSCC may provide a resolution to the issue.

Employers shall organize a Joint OHS Committee where there are 20 or more workers in one or more areas or settlements. Employers with fewer than 20 workers shall hold documented safety meetings with all workers at least every six months. If there are fewer than 20 workers, each employer designates at least one worker to OHS representative for the workers.

A Joint OHS Committee or OHS representative is an integral part of an OHS Program as employers must consult with the Committee or representative in developing safety policies and procedures.



To create and maintain a safe workplace, the IRS involves employers, supervisors, and workers sharing the responsibility of identifying and controlling hazards.

The Joint OHS Committee, which includes equal worker and employer representation, identifies steps to address health and safety concerns and recommends actions the employer should take to correct any issues.

For more information on Joint OHS Committees refer to the *Code* of *Practice for Joint Occupational Health and Safety Committees* at <a href="http://www.wscc.nt.ca/occupational-health-safety/ohs-information">http://www.wscc.nt.ca/occupational-health-safety/ohs-information</a>

## **Internal Responsibility System**

The Internal Responsibility System (IRS) is the underlying philosophy of occupational health and safety legislation in the Northwest Territories and Nunavut. The foundation of an IRS is that everyone in the workplace, the workers, employers, and OHS Committee, share the responsibility to ensure safe and disease-free workplaces.

Because of the nature, complexity, and diversity of work and worksites, the *Acts* and *Regulations* do not always prescribe specific steps to take to ensure compliance. Instead, they hold employers responsible to determine the necessary steps to ensure the health and safety of their workplaces.

The Internal Responsibility System:

- establishes responsibility sharing systems;
- promotes a safety culture;
- promotes best practices;
- helps develop self-reliance; and
- ensures compliance.

## **Due Diligence in the Workplace**

Due diligence involves managing risk in the workplace by taking all reasonable precautions to protect the health and safety of workers through, but not limited to:

- identifying possible workplace hazards;
- documenting and resolving safety issues prior to work commencing, not during or afterwards;
   and
- taking proper corrective action to prevent accidents and injuries.

Exercising due diligence as a supervisor requires a combination of knowledge and application of the safety policies and procedures outlined in legislation and their employer's safety program.

Generally speaking, there are three reasons to exercise due diligence in the workplace:

- 1. **Moral:** No-one wants to get hurt, injured, killed, or be responsible for someone else getting hurt, injured, or killed at work.
- Legal: If someone faces charges as a result of an accident or injury, they may use the proof of due
  diligence as a legal defence. The defendant must be able to prove they took all reasonable
  precautions under the circumstances to protect the health and safety of the workers. Following
  codes of practice may provide proof of due diligence.
- 3. **Financial**: Working safely is good for business. Documenting and correcting existing or possible workplace hazards helps reduce financial losses from injuries and property damage.

## **EMPLOYER RESPONSIBILITIES**

Employers and supervisors must know and understand the responsibility that comes with their role in the workplace.

## **Occupational Health and Safety Program**

Companies attain acceptable safety standards though an Occupational Health and Safety Program. An essential first step is a written Occupational Health and Safety (OHS) policy. An OHS policy is a formal and public statement of a company's attitude and goals toward workplace safety requirements within the organization. The OHS policy should reflect the special needs of a workplace and receive regular reviews and updates. It should outline the expectations for a safe workplace, giving the supervisor the role and responsibility to enforce it. By coming from management, the policy reflects the employer's commitment to the health and safety of their workers.

An OHS Program includes, but is not limited to, a hazard recognition program; procedures for hazard control including an emergency response plan, a schedule for regular work site inspections, regular review of processes and procedures; plans for the control of hazardous substances, plan for worker training in safety work practices and procedures; investigation procedures for work refusals; and procedures to review and revise the OHS program, at a minimum one every three years.

The employer develops and maintains an OHS program in consultation with their Joint OHS Committee or representative.

## **Supervisor Competency**

Employers must have management systems in place to monitor and ensure compliance with the *Safety Acts* and *Regulations*. It is the employer's responsibility to ensure all workplace parties are competent and meet their respective duties and responsibilities. Employers must provide training and education to their workers so that workers can work safely.

Employers must ensure the person assigned as a supervisor, full-time or temporary, is competent. This means employers must ensure supervisors understand the hazards in the work they oversee and their duties and responsibilities under the *Safety Acts* and *Regulations* as well.

Employers must monitor reports submitted under specific policy and legislation requirements (e.g. Tailgate Meeting forms, Safety Meeting minutes, Work Site Visit forms, Incident Reports). Maintaining proper documentation demonstrates an employer's due diligence.

It is also important that employers and anyone acting as a supervisor understands that the person who performs a supervisory role, whether they are named a supervisor or not, is accountable for all supervisor responsibilities.

Both employers and supervisors must have adequate knowledge (or assistance with) the subject matter to recognise compliance with the *Safety Act, Regulations*, and codes of practice.

A person is competent when their knowledge, training, and experience qualify them to organize the work and how it is performed.

They are familiar with the *Act* and the *Regulations* that apply to the work performed in the workplace.

They know about any potential or actual danger to health and safety in the workplace.

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## SUPERVISOR RESPONSIBILITIES

Supervisors are in a leadership role and act on behalf of the employer. They must meet employers' duties as specified in the *Safety Acts*. They must follow employer safety rules and be aware of the legislative requirements of the *Safety Acts* and *General Safety Regulations*. Supervisors must also understand the rights and responsibilities of the workers and contractors they supervise.

Supervisors have a legal obligation to take every reasonable precaution to protect workers and ensure safety violations do not happen. Supervisors accept responsibility for their subordinates' actions. It is necessary for supervisors to listen to workers' concerns, investigate problems, and explain reasons for subsequent actions.

Temporary or acting supervisors assume the role and responsibilities of a supervisor when it comes to workplace safety.

Supervisors ensure workers follow rules and procedures stated in the territorial and federal legislation and company policies. They oversee and ensure workers perform all tasks necessary to work safely. Documenting their course of action helps demonstrate their due diligence.

The supervisor makes sure employees follow policies, procedures, rules, and regulations. It is their day-to-day responsibility to ensure work gets done safely.

Their responsibilities include, but are not limited to:

- 1. implementing written programs;
- 2. developing safety plans and ensuring implementation;
- 3. monitoring employees' safety performance;
- 4. performing hazard assessments prior to work starting;
- 5. providing advice or take action to resolve safety concerns;
- performing hazard assessments;
- 2. providing advice and counselling to resolve complaints;
- 3. conducting inspections and addressing areas of non-compliance;
- 4. conducting investigations to analyze causes of fatalities and serious injuries; and
- 5. ensuring workers properly conduct vehicle and equipment inspections.

Accurate documentation creates a record of safe work practices and demonstrates due diligence.

See Appendix B for a list of Plans, records and logs required by the OHS Regulations.

#### Supervisors must ensure workers:

- 1. understand their rights (right to know what hazards exist in the work site, participate in workplace safety, and refuse unsafe work);
- 2. immediately communicate anything they see as unsafe;
- 3. ask questions if they don't understand exactly what they are doing;
- 4. use or wear PPE the company requires for each job;
- 5. know of and understand potential or actual dangers to their personal health and safety, and know how to protect themselves (safe/standard operating procedures);
- 6. receive information and instruction on working safely; and
- 7. know all hazardous materials in the workplace; and do not participate in unsafe work.

## **WORKER RESPONSIBILITIES AND RIGHTS**

## **Worker Responsibilities:**

Workers have the day-to-day responsibility to take all reasonable precautions to ensure their own safety and the safety of other persons at the work site.

Workers must use devices and articles of clothing or equipment for personal protection as required by the legislation and their employer's safety procedures.

All workers must know and follow their employer's safety policies and procedures.

A worker has a responsibility to correct, where possible, any unsafe conditions and report the unsafe conditions in the workplace and the actions they took to correct them, to their supervisor.

A worker shall, immediately upon sustaining an injury, use the first aid services and equipment available on the work site or seek medical attention, and notify their employer.

## **Worker Rights:**

Every worker has three basic rights under health and safety legislation:

- 1. Right to **Know** (hazards)
- 2. Right to **Participate** (committees)
- 3. Right to **Refuse** (unsafe work)

Supervisors must make certain that workers are aware of these basic rights and know how to exercise them.

#### 1. Right to Know

Every worker has the right to know of hazards that may affect their health and safety.

To understand what constitutes a hazard, refer to:

- Workplace Hazardous Material Information Systems (WHMIS)
- Transportation of Dangerous Goods (TDG)
- Job Hazard Identification
- Safe Work Procedures
- Previous work incidents, close-calls, and work-related injuries and illnesses
- Equipment Operation training or manuals
- Ergonomics and Safe Lifting
- Safety legislation

#### 2. Right to Participate

Every worker has the right to participate in matters relating to health and safety in their workplace. They have the right to receive training and communication on safety; raise safety concerns at any time; and, if possible, participate on an OHS Committee.

### 3. Steps in Right to Refuse Process

When a worker has reasons to believe there is an unusual danger in their work, they have the right to refuse that work. Unusual danger means a danger that does not normally exist in that work, or a danger the worker would not normally encounter as part of their duties.



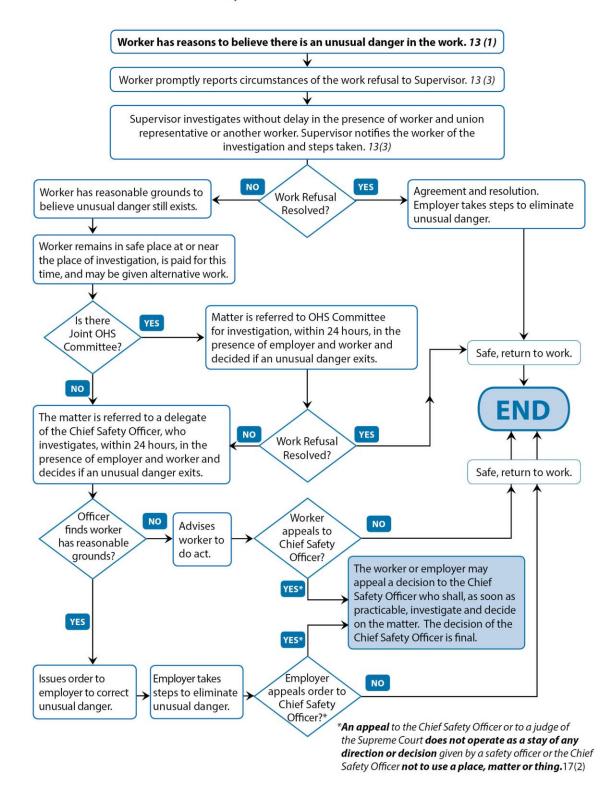
## The work refusal process includes:

- 1. A worker promptly reports circumstances of the work refusal to their supervisor.
- 2. The supervisor investigates the refusal without delay in the presence of the worker, an OHS committee representative, and union representative or another worker.
  - The supervisor notifies the worker of the investigation.
- 3. The employer takes steps to eliminate the unusual danger.
  - The supervisor shall notify the worker of the steps taken to remedy the issues.
- 4. The worker remains in a safe place at or near the place of investigation, is paid for this time, and may receive alternative work.
- 5. Once the employer eliminates the unusual danger the worker returns to work.
- If the worker does not agree that the steps taken eliminated the unusual danger, the worker or supervisor can notify the OHS Committee. If there is no committee, a delegate of the WSCC Chief Safety Officer.
- 7. The OSH Committee or Chief Safety Officer's delegate investigates in the presence of the employer and worker within 24 hours to determine if the unusual danger still exists.
- 8. The employer takes further steps to eliminate the unusual danger if it still exists, and the worker returns to work following a resolution to the issue.

The worker or employer may appeal a decision of the committee to the Chief Safety Officer who shall, as soon as practicable, investigate and decide on the matter. The decision of the Chief Safety Officer is final.

## STEPS FOR WORK REFUSAL

In the Northwest Territories and Nunavut Safety Act



## HAZARDS AND RISK MANAGEMENT

#### **Hazard Assessment**

A hazard assessment process indicates the steps taken to identify, assess, and eliminate or manage workplace hazards and risks to worker health and safety. The assessment is an essential part of an organization's safety culture and safety management system. Supervisors and workers participate in accident prevention by performing hazard assessments, controlling causes, and preventing unnecessary risk to the worker.

Hazard communication begins with the worker's orientation and continues on a day-to-day, task-specific and site-specific basis. Workers must know of the hazards they may encounter and the procedures or methods required to effectively control, or mitigate those hazards.

Hazard assessment and control involves five standard steps to ensure a work site is safe:

- 1. Identify the hazards;
- 2. Assess the risks;
- 3. Develop hazard controls;
- 4. Implement hazard controls; and
- 5. Monitor and report.

Refer to the WSCC code of practice for Hazard Assessment. See <a href="http://www.wscc.nt.ca/node/2576">http://www.wscc.nt.ca/node/2576</a>

## Inspections

Regular inspections of buildings and equipment, and the review of workplace practices and procedures all contribute to eliminating and controlling hazards, and preventing workplace injuries and illnesses or diseases.

Supervisors and workers conduct regular workplace inspections in order to:

- identify and record hazards involving people, buildings, equipment, the environment, processes, and practices;
- take immediate action on any hazards needing immediate attention;
- determine and record if existing hazard controls are adequate and operational; and
- recommend and record corrective action.

## Occupational Health and Safety Regulations Northwest Territories and Nunavut

## **Occupational Health and Safety Program**

- (2) An occupational health and safety program for a work site must include
  - (f) a schedule for the regular inspection of the work site and inspection of work processes and procedures.

## **CONTRACTOR SAFETY MANAGEMENT**

A Contractor Safety Management system ensures contractors deliver services according to safety standards. An effective Contractor Safety Management system reduces safety risk by identifying and correcting unsafe practices.

Contractor Safety Management applies to any job or project in which a contractor performs High-risk work for a company.

There are three main areas of Contractor Safety Management:

- 1. Contract Administration;
- 2. Contractor Management; and
- 3. Contract Monitoring.

#### **Contract Administration**

A Project Owner is the worker given overall responsibility and authority for the successful completion of a project. A Project Owner administers contracts. They:

- appoint a supervisor to manage the project;
- ensure the supervisor clearly understands their authority, responsibilities, and obligations for managing onsite safety, monitoring safety performance, and responding to safety violations; and
- ensure communication with other supervisors to confirm everyone understands the project.

The tender and contract documents should clearly outline the contractor's safety obligations for the project. The contract awarding process should include the submission and review of a contractor's safety program documents.

## **Contractor Management**

**Project Owner Responsibilities:** 

- Inform and communicate with other supervisors.
- Determine the frequency of check-ins with contractors: continuous, daily, weekly, etc., depending
  on the level of risk, complexity of the work, and how familiar the contractors are with company
  operations.
- Review project progress reports, resources, incidents, inspections, work site visits, etc.
- Conduct progress review meetings with contractors that include:
  - reviewing safety observations and incidents of the contractor and subcontractors;
  - keeping records of the meeting minutes; and
  - identifying corrective action taken and noting who is responsible for it.



## Supervisor Management Responsibilities:

- Inform and communicate with other supervisors and workers.
- Conduct pre-construction meetings with contractor representatives to discuss contract-specific safety requirements.
- Ensure contractors complete detailed Project Safety Plans for high and medium-risk projects.
- Submit completed Project Safety Plans to project owners for review prior to starting work, and notify them of project start dates.
- Ensure contractors review Project Safety Plans with all workers on a project.
- Ensure contractors review and update Project Safety Plans every 180 calendar days of a project and for any major scope changes.
  - All contractor and subcontractor workers must receive company safety information and site
    orientations prior to starting any work. This includes review of a company's safety
    expectations and safety requirements specific to the site and project.

## **Contract Monitoring**

Supervisors must regularly monitor contractors engaged with work to ensure the contractors continually operate within company safety standards. Effective monitoring identifies and corrects unsafe practices and is the supervisor's main responsibility.

## Supervisor Monitoring Responsibilities:

- Ensure communications happen between all relevant stakeholders.
- Ensure all contracted worker qualification certificates are current and available upon request (for example, driver's licenses, WHMIS, TDG, confined space, rigging and hoisting, trades tickets). This includes long-term contracted workers such as cooks.
- Make reasonable enquiries to ensure contractor equipment operators are competent (trained, qualified, and experienced).
- Review contractor equipment operator competence (trained, qualified, and experienced).
- Ensure specialized equipment inspection and maintenance records are current and available on site.
- Review the quality of contractor-conducted safety and site orientations.
- Review the frequency and quality of contractor and subcontractor safety meetings.
- Review the frequency and quality of contractor and subcontractor tailgate meetings.
- Submit regular progress reports to the project owner.
- Immediately notify a contractor's supervisor of safety violations, and monitor the corrective actions.
- Immediately stop work on not suitably-controlled hazards (imminent danger).
- Ensure the company receives copies of written orders that regulators issue to contractors; for example: the WSCC, Environment & Natural Resources, Aboriginal Affairs & Northern Development Canada, and Department of Fisheries & Oceans.
- Complete and submit Contractor Post-work Evaluation forms for review, and retain copies in the project file.
- Conduct contractor post-work evaluation meetings with contractors to review their safety performance during projects, including safety observations and workplace incidents. Record all meetings and retain the minutes.

## **PROJECT SAFETY PLANNING**

A Project Safety Planning Process ensures the safe planning, monitoring and management of all projects.

The Project Safety Planning Process focuses on:

- 1. Project Risk Assessment;
- 2. Project Safety Plans;
- 3. Tailgate Meetings; and
- 4. Monitoring.

## Step 1: Risk Assessment

A project risk assessment determines the general level of risk to workers on a project —High, Medium, or Low—. Complete this before the project begins.

## **Step 2: Project Safety Plan**

A project safety plan considers and addresses all hazards related to each major step of a project. By completing the plans during the planning stage of a project, a project owner ensures safety is an important consideration from the start. Contractors must also complete detailed project safety plans. As the expert hired to complete the work, Contractors must demonstrate they have considered safety in all aspects and steps of the project.

## **Step 3: Tailgate Meetings**

A tailgate meeting is a short, documented discussion of the work to be done, the hazards present, and the safety measures in place to control risk. Tailgate meetings help prevent workplace incidents by advising workers of all possible hazards and risks associated with the job.

### Step 4: Monitoring

Project monitoring is mandatory for all work sites and all risk levels of work. Work sites require regular visitation. One means for supervisors to monitor projects to determine how well it is meeting safety practices and procedures is conducting work site inspections. Work site inspections help ensure all work is occurring safely, as planned.

## **DOCUMENTATION**

Accurately documenting work activities helps ensure employers, supervisors, and workers know and follow safe procedures; assists them to properly inspect and maintain equipment; and shows that workers have appropriate training to perform their work.

Good record keeping promotes consistency from one person to another and can be passed from one person to another, allowing for continuity. Information is easily retrievable and can demonstrate due diligence and compliance with the *OHS Regulations*.

See Appendix B for a summary list of written plans and records employers must develop and maintain under the *Occupational Health and Safety Regulations*. Documents must be written and available to workers at work sites, and submitted to the Joint Occupational Health and Safety Committee upon request.

## **INCIDENT REPORTING**

## INTERNAL REPORTING PROCEDURES

Reporting and addressing the cause of near-miss and first-aid incidents can reduce the number of accidents and prevent major losses from occurring. These events represent opportunities for review and focus on reduction of the nature and frequency of at-risk behaviours.

Actions to take after an incident (either a near-miss or first-aid):

- 1. The worker must immediately notify the supervisor;
- 2. The supervisor and worker (or, if the worker is unable, the supervisor) must complete an *Incident Report Form*;
- 3. The supervisor must review the *Incident Report*, comment, and recommend actions;
- 4. The supervisor must submit the *Incident Report* to their manager, or in accordance to company policy, within 24 hours of the incident;
- 5. If the incident involves a contractor, the supervisor must ensure the contractor completes, submits, and forwards the *Incident Report* form to the project owner; and
- 6. The OHS Committee must receive all *Incident Reports* for review.

#### Reporting

Under the Safety Act: Occupational Health and Safety Regulations

The *OHS Regulations* have several reporting requirements in which employers must give notice to the Chief Safety Officer in a manner approved by the Chief Safety Officer. The WSCC has developed forms to assist employers reporting available at <a href="http://www.wscc.nt.ca/occupational-health-safety/ohs-information/incident-reporting-requirements">http://www.wscc.nt.ca/occupational-health-safety/ohs-information/incident-reporting-requirements</a>



## Occupational Health and Safety Regulations Northwest Territories and Nunavut

## **Part 1 Preliminary Matters**

## **Giving Notice to Chief Safety Officer**

- 3. (1) Where these regulations require a notice to be given to the Chief Safety Officer, the notice must be in a form approved by the Chief Safety Officer.
  - (2) Notice is deemed to have been given under subsection (1) when the notice is actually received by the Chief Safety Officer.
  - (3) In the case of a notice required by subsection 7(1) or (2), an employer shall give notice by telephoning a safety officer and, in addition, give notice in the manner set out in subsection (1).

Note that employers must both phone a safety officer and submit the notice to the Chief Safety Officer.

#### **PART 2 REPORTING**

## **Accidents Causing Serious Bodily Injury**

**8** (1) An employer shall, as soon as is reasonably possible, give notice to the Chief Safety Officer of an accident causing serious bodily injury.

## **Dangerous Occurrences**

**9** (1) An employer shall, as soon as is reasonably possible, give notice to the Chief Safety Officer of a dangerous occurrence that takes place at a work site, whether or not a worker sustains injury.

## **Annual Statistical Report**

**11.** An employer shall provide to the Chief Safety Officer, or to a person or organization that the Chief Safety Officer may designate, a report setting out details of person hours worked and work-related injuries during the preceding year that occurred in the Northwest Territories.

Under the *Workers' Compensation Act*, employers must complete and submit an *Employer's Report of Injury* within 3 days of the incident to the Workers' Safety and Compensation Commission (WSCC).

It is important to note that reporting an injury under the *Workers' Compensation Act* is **NOT** a substitute for reporting the incident, no matter the type of injury, to the Chief Safety Officer.

## **RETURN TO WORK**

Having a Return to Work Program is considered a best practice and falls under the *Canada Human Rights Act* duty to accommodate. The *Act* requires that employers make alternative arrangements to accommodate a worker with disabilities so they can participate in meaningful work. When a worker is injured and has limitations on their functional abilities, supervisors should know return to work procedures, including identifying modified work for the injured worker that does not affect the worker and coworkers' health and safety.

Research shows that helping injured workers return to work as soon and safely as medically possible helps their recovery. Benefits to employers include:

- Retains experienced, skilled, and knowledgeable workers in the workplace;
- Financial cost benefits (time loss, productivity, rehiring, training costs, etc.);
- Fulfills employer's legislative requirements,
- Improves worker morale and relations; and
- Demonstrates the value of workers.

The key to a successful Return to Work is communication between the employer, the worker, and the WSCC case manager.

## THE RETURN TO WORK PROCESS

### STEP 1: GET FIRST AID AND/OR MEDICAL TREATMENT

- Get medical treatment or first aid as required; and
- If necessary, your employer will provide transportation to a medical centre.

## STEP 2: REPORT THE INJURY

 under the Workers' Compensation Act and the OHS Regulations when an accident causing serious bodily injury occurs.

### Step 3: Communicate And Collaborate

- Employer and worker communicate as soon as possible after the injury occurs and throughout recovery; and
- Employer and worker contact WSCC regularly to share updates.

## Step 4: Identify Suitable Work And Create A RTW Plan:

- Employer and worker discuss the functional abilities and prognosis with the WSCC to identify suitable work, and together develop a RTW plan; and
- Employer and worker document and sign off on the RTW Plan. Submit the plan to WSCC.

## STEP 5: Implement And Monitor RTW Plan:

- Employer and worker check in with each other to monitor the RTW Plan; and
- Employer and worker provide updates to the WSCC every two weeks. Discuss and address any concerns.

## **STEP 6: RTW Completion**

- Worker successfully completes the RTW Plan and returns to their pre-injury job; or
- Worker reaches maximum recovery and requires permanent accommodation.

## **INCIDENT INVESITGATION**

An incident investigation is a fact-finding process that involves identifying and documenting all the causes. It is important the employer prepare and submit accurate incident reports as these are often the starting point for investigations.

The main purpose of incident investigations is to identify the root causes of incidents and all contributing factors. Investigations identify necessary corrective actions employers must take to ensure similar incidents do not happen again.

The supervisor is a key participant in an investigation. Others participants must include the Joint OHS Committee or OHS representative and may include the health and safety department, WSCC Safety Officers, RCMP, and the Coroner in the case of a fatality.

## AN INVESTIGATION MAY BE REQUIRED BECAUSE OF:

- incidents resulting in, or with the potential to result in, a serious injury or fatality;
- incidents resulting in loss or damage to property;
- recommendations by the OSH Committee; and
- directions by company policy or the WSCC.

Under the *Safety Acts*, WSCC Safety Officers can conduct their own independent investigation after an incident occurs to determine what happened, what went wrong, and how to correct the cause of the incident or accident. Supervisors must fully cooperate with WSCC Safety Officers.

### **INCIDENT INVESTIGATION STEPS**

- Thoroughly investigate the accident scene;
- Conduct well-structured interviews with affected parties and witnesses; and
- Review all pertinent documentation; such as incident reports, safe work procedures, job hazard analyses, and police statements.

#### **TIMING**

Conduct incident investigations in a timely manner following employer's policy and procedure. Onsite investigation, as well as interviews of affected parties and witnesses, must happen as soon as possible after the incident occurred. Investigators must carefully document facts.

## PREPARE A WRITTEN REPORT

After completing the investigation of an accident causing serious bodily injury or a dangerous occurrence, the employer with the Joint OHS Committee or an OHS representative must prepare a written report that includes a description of the accident or occurrence, graphics, photographs, video or other evidence that could assist in determining the causes of the accident or occurrence; identification of unsafe conditions, acts, omissions or procedures that contributed to the accident or occurrence; an explanation of the causes of the accident or occurrence; a description of the immediate corrective action taken; and a description of long-term actions that will be taken to prevent the happening of a similar accident or dangerous occurrence, or the reasons for not taking action.

### APPROPRIATE FOLLOW-UP

Once an investigation is complete, it is essential employers and their supervisors address the problems identified in the investigation and follow-up on the corrective actions to ensure the proper implementation of the identified actions.

## **SAFETY LEADERSHIP**

Leadership: the action of leading a group of people or an organization. Leaders show the way, share vision, and influence people. The most effective supervisors are leaders.

Supervisors must understand their role and responsibilities, safety legislation, policies, rules, and procedures.

Being fully aware of a supervisory role and responsibilities is the first step toward safety leadership. A supervisor's commitment is essential in creating and encouraging a safe workplace.

Safety leadership includes three key points:

## 1. Understand Safety:

- Know and understand safety policies, rules, and procedures.
- Understand what a leader's personal responsibilities are for being safe in their role.

## 2. Act Safely:

- Manage workers effectively.
- Coach workers on safe behaviours and solutions to improve safety.
- Lead by example.

## 3. Commit to Safety:

- Set clear safety goals and expectations.
- Communicate safety procedures and practices.
- Ensure workers receive appropriate safety education and training.
- Observe worker behaviour.
- Review and improve safety performance.

Through effective communication, timely action in addressing non-compliance, and documentation, supervisors are leaders in safety who help workers understand the importance of organizational safety.

## **APPENDIX A - COURSE APPROVAL**

Training Providers must submit their course materials to the Chief Safety Officer for approval. Only approved courses meet regulatory requirements.

## **SUPERVISOR SAFETY COURSE REVIEW**

Submission for Approval by the Chief Safety Officer of the Northwest Territories and Nunavut

Course Name
Company Name
COURSE DESCRIPTION  Give the course description you would use for advertising the course.
LEARNING OUTCOME (COURSE OBJECTIVES)  (What do you expect participants to gain from the training.)  On completion of this course, participants will  1. Be able to
2. Gain an understanding of
3. Know how to develop
4. Have the tools to

## PRE-REQUISITES TO TAKE THE COURSE

Indicate previous training, experience, position, or any other pre-requisites participants must have to participate in the course for successful completion.

## **SUPERVISOR SAFETY COURSE REVIEW** page 2

#### **COURSE CONTENT**

Course must include the following:

Provide a course outline and indicate how much time the trainer plans to spend on each subject within the time frame of the course.

☐ NWT Legislation ☐ Safety Acts Occupational Health and Safety Regulations ☐ Codes of Practice ☐ Joint OHS Committees Occupational Health and Safety Program ☐ Emergency Response Plan ☐ PPE ☐ WHMIS ☐ Internal Responsibility System (IRS) ☐ Worker Rights Offences & Punishments  $\ \square$  Employer Responsibilities  $\square$  Supervisor Responsibilities ☐ Worker Responsibilities ☐ Hazard and Risk Management ☐ Hazard Assessment ☐ Hazard Identification Methods ☐ Hazard Prevention ☐ Monitoring and Reporting ☐ Contractor Safety Management ☐ Contractors and Subcontractors ☐ Project Safety Planning ☐ Reporting ☐ Injury reporting under the *Compensation Act* ☐ Notices to the Chief Safety Officer ☐ Incident Reporting ☐ Record Keeping ☐ Documentation ☐ Worksite Accident/Incident Investigation ☐ Work site Inspections ☐ Safety Leadership ☐ Ensure workers understand their role in safety  $\Box$  Lead by example Direct and manage workers

Recommended: Return to Work

## SUPERVISOR SAFETY COURSE REVIEW page 3

## **COURSE MATERIALS** Provide copies of course material: ☐ Other\_\_\_\_\_ ☐ Workbook ☐ Presentations (PPT) Other ☐ Handouts ☐ Learning Assessment Tool ☐ Certificate of Successful Completion ☐ Participant Evaluation Sheet **DELIVERY METHOD** Please indicate how the course is delivered (Indicate all that apply and how you divide time for each.): ☐ Facilitated group learning ☐ Other\_\_\_\_\_ ☐ Lecture and skills practice in teams ☐ Self-directed ☐ On-line self-directed Other\_\_\_\_\_ ☐ Blended –on-line and classroom **COURSE LENGTH** Please indicate expected course length: (For example: Two full days, three full days, 10 weekly 1-hour module sessions) Maximum number of participants. TRAINER QUALIFICATIONS What is your trainer selection process and criteria (certifications, experience, training, adult education and other relevant information )? Note that subcontracting the delivery of the course to another provider must meet the criteria approved in the submitted application. LEARNING ASSESSMENT TOOL How will the trainer assess the learning and competency? What is considered a pass? ☐ Written assessment ☐ Other\_\_\_\_\_ ☐ Oral assessment ☐ Other\_\_\_\_\_ ☐ Assignments ☐ Simulation exercises ☐ Role playing Please provide any assessment tools. Do you provide a certificate of successful completion? $\Box$ YES $\Box$ NO Please provide a copy. **COURSE EVALUATION** Will participants have the opportunity to evaluate course content and relevance of material and presentation, and whether the course met objectives? $\Box$ YES $\Box$ NO If yes, please provide evaluation sheet.

## **APPENDIX B – OHS REGULATIONS**

The New Occupational Health and Safety Regulations are in effect in the Northwest Territories as of June 1, 2015 and March 29, 2016 in Nunavut. The Regulations PDF document is streamlined to make it easier to find information relating to specific workplace topics.

### **TABLE OF CONTENTS**

The *Table of Contents* available at wscc.nt.ca under <u>OHS Regulations Table of Contents</u> gives an overview of the regulations.

The *OHS Regulations* start with preliminary matters of interpretation and applications. They are organized into Parts to relating to types of requirements, for example, *Part 2: REPORTING*, and specific workplace topics, for example, *PART 18: CONFINED SPACE ENTRY*.

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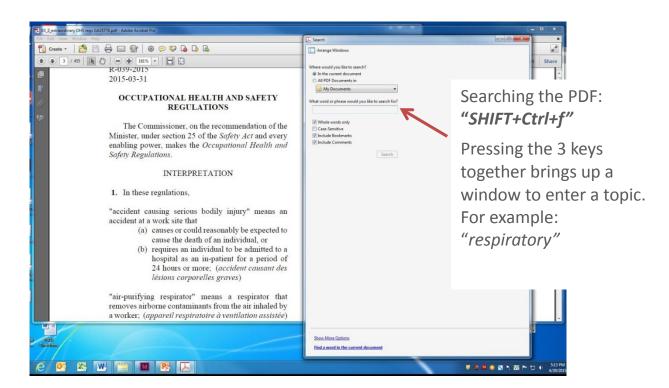


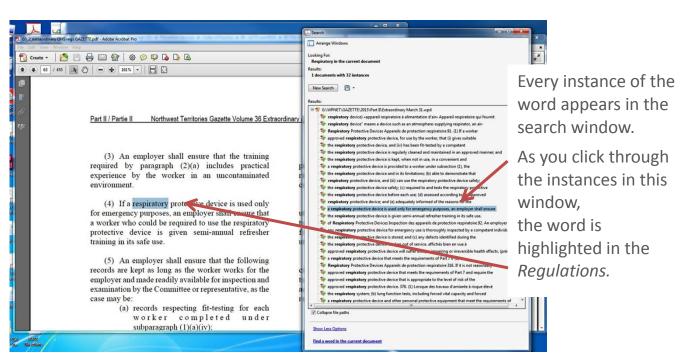
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## Reading the OHS Regulations

The OHS Regulations are available for download at wscc.nt.ca. The PDF has a searchable function that allows users to enter a topic and search the entire document for every instance of that word or phrase.





## APPENDIX C – OHS REGULATION WRITTEN PLANS, RECORDS, AND LOGS

Documenting work activity helps ensure employers, supervisors and workers know and follow safe procedures; properly inspect and maintain equipment; and have appropriate training to perform their work. Documentation required by the Regulations must be written and available to workers at work sites and submitted to the Joint OHS Committee.

#### **PLANS**

## PART 3 GENERAL DUTIES

- Occupational Health and Safety Program
- Plan for the control of hazardous substances
- Plan for training workers

## PART 6

## **GENERAL HEALTH REQUIREMENTS**

• Exposure Control Plan

#### PART 8

### **NOISE CONTROL AND HEARING**

• Hearing Conservation Hearing

#### PART 9

## SAFEGUARDS, STORAGE, WARNING SIGNS AND SIGNALS

- Fall Protection Plan
- Traffic Control Plan

#### **PART 18**

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Entry Plan

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- Diving Contingency Plan

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- Notice of Accident Causing Serious Bodily Injury\*
- Notice of Dangerous Occurrence\*

# PART 6 GENERAL HEALTH REQUIREMENTS

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## FIRE AND EXPLOSION

## **HAZARDS**

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- Hot Work

#### **PART 31**

## ADDITIONAL PROTECTION FOR HEALTH CARE WORKERS

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<sup>\*</sup> Employer must submit to the Chief Safety Officer and provide copies to the Joint OHS Committee, removing names of the workers from the document. See Part 2 of the OHS Regulations for other reporting requirements.



## **ACKNOWLEDGEMENTS**

The Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut appreciates the participation of stakeholders with Occupational Health and Safety developments.

If you have any question or comments, please contact Prevention Services at 1-867-920-3820 or 1-800-661-0792.

Codes of Practice, other safety publications, the *Safety Acts* and related *Regulations* are available on WSCC websites:

Northwest Territories wscc.nt.ca

Nunavut <u>wscc.nu.ca</u>

## **Code of Practice**

# Occupational Health and Safety Education SUPERVISORS



**WSCC Emergency Reporting** 

24-hour Incident Reporting Line

1800661-0792