



Safety Preparation for Student Work Experience Forum

“Roles & Responsibilities”

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Roles



- Focused on Prevention



Workplace Safety & Health Branch



Reasonably Practicable

- ... refers to taking precautions that are not only possible, but that are also suitable or rational given the particular situation. Determining what should be done is usually on a case by case basis. (Supervisors & SAFE Work course)
- ... when determining what is **reasonably practicable**, you should take into account: the likelihood of the hazard or risk occurring. the degree of harm from the hazard or risk. knowledge about ways of eliminating or minimising the hazard or risk. the availability and suitability of ways to eliminate or minimise the risk

<http://www.workcover.nsw.gov.au/law-and-policy/employer-and-business-obligations/reasonably-practicable>)

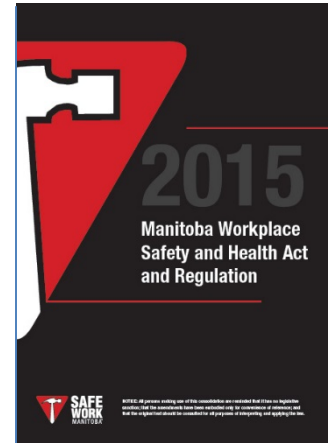
Due Diligence

- Due diligence means that a person has a legal duty (responsibility) to take every precaution reasonable in the circumstances to avoid both harm and an offence against the law. It must be expressed in behavior and attitude in the workplace – it cannot be made up “after the fact”.
- Due diligence essentially means that proactive efforts have been made to consider what hazards might be present and how to mitigate them
- Employer’s should have policies, practices and procedures in place.....

Rights and Responsibilities in the Workplace

● The Workplace Safety & Health Act & Regulation

- ❖ provides us with the legal framework
- ❖ sets out the rights and duties of all parties in the workplace
- ❖ requires workplaces to establish procedures for dealing with workplace hazards
- ❖ provides for enforcement of the law where compliance has not been achieved



Legislation

Document	Examples	Purpose	Legally Binding
Legislation	<i>The Workplace Safety and Health Act W210</i> <i>Criminal Code of Canada</i> <i>Canada Labour Code Part II</i> <i>Employment Standards Act</i>	Broad overarching laws	Yes
Jurisdiction	Legislation		Website
Federal	Canada Labour Code Part II		www.labour.gc.ca
Provincial	The Workplace Safety and Health Act W210, Workplace Safety and Health Regulation 217/2006		www.gov.mb.ca

Regulations

Document	Examples	Purpose	Legally Binding
Regulations	<i>Workplace Safety and Health Regulation</i> <i>Canada Labour Code Regulations</i>	More practical explanations of how the laws are applied in real life	Yes

Manitoba Regulation 217/2006 Workplace Safety and Health Regulation

1. Definitions and General Matters	23. Cranes and Hoists
2. General Duties	24. Pile Driving
3. Workplace S&H Committees and Representatives	25. Work in the Vicinity of Overhead Electrical Lines
4. General Workplace Requirements	26. Excavation and Tunnels
5. First Aid	27. Work in a Compressed Air Environment
6. Personal Protective Equipment	28. Scaffolds and Other Elevated Work Platforms
7. Storage of Materials, Equipment, Machines and Tools	29. Falsework and Flyforms
8. Musculoskeletal Injuries	30. Temporary Structures
9. Working Alone or in Isolation	31. Roof Work
10. Harassment	32. Precast Concrete
11. Violence in the Workplace	33. Demolition Work
12. Hearing Conservation and Noise Control	34. Explosives
13. Entrances, Exits, Stairways and Ladders	35. WHMIS
14. Fall Protection	36. Chemical and Biological Substances
15. Confined Spaces	37. Asbestos
16. Machines, Tools and Robots	38. Electrical Safety
17. Welding and Allied Processes	39. Health Care Facilities
18. Radiation	40. Forestry and Arboriculture
19. Fire and Explosive Hazards	41. Oil and Gas
20. Vehicular and Pedestrian Traffic	42. Firefighters
21. Emergency Washing Facilities	43. Diving Operations
22. Powered Mobile Equipment	44. Repeal and Coming into Force

Codes of Practice

Document	Examples	Purpose	Legally Binding
Codes of Practice	<ol style="list-style-type: none">1. Code of Practice for Confined Space Entry Work2. Code of Practice for Safe Operation of Powered Lift Trucks3. Code of Practice for Working Alone and in Isolation4. Code of Practice for Working with Explosives	Developed by WSH to provide practical guidance on the requirements of Manitoba regulations and how to meet those legislated requirements	No *

*If referenced by legislation, then they are legally binding.

http://www.gov.mb.ca/labour/safety/wshl_cop.html.

Responsibilities

Supervisors – must protect their workers, implement training and enforce safe work procedures and ensure the use of proper equipment (PPE), advise workers of all known or foreseeable risks to safety and health in the workplace

Who is a supervisor?

Someone who has charge of a workplace or authority over a worker - *in a school setting, this person is generally the principal/administrator.*



Role of the Teacher

Although a teacher is required as part of his or her occupation to supervise the activities of students, this does not mean that the teacher is a “supervisor” as contemplated under section 4.1 of the Act. The “supervisor” provision under the Act applies to a person who supervises “workers”.

The teacher is a “worker” under the Act and has a duty under section 5 to ensure that his or her work does not put workers or other persons (students or volunteers) at risk. A significant role of the teacher as a worker is to supervise students in his or her class. In this role, the teacher must ensure that the supervision he or she provides does not put students at risk.

(continued on next slide, 1 of 2)

The information contained in this document is intended as a general guide. It remains that the facts of each situation would have a bearing on the issue at hand.

Role of the Teacher

This would include ensuring that students are trained to perform tasks safely; that students use all safety devices and wear all protective equipment required; and that all equipment used by students is maintained, and safe.

In the case of a school, in appropriate circumstances, the activities of a school principal or a department head, etc, may deem them to be supervisors of teachers or other workers at the school.

(W210 defines a supervisor = “a person who has charge of a workplace or authority over a worker.”)

The information contained in this document is intended as a general guide. It remains that the facts of each situation would have a bearing on the issue at hand.

Responsibilities

Workers – must follow safe work procedures, use all devices/PPE required by the employer or the regulations, consult and cooperate with the safety and health committee or representative





Sec 2(2)(e) of the *WSH Act* provides every worker, including supervisors and managers with four basic rights:

- 1.Right to Know
- 2.Right to Participate
- 3.Right to Refuse Dangerous Work
- 4.Right for Protection from Discriminatory Action

Bulletin #255 – Orientation of workers

Workers Rights

- The right to know - the employer must ensure the worker is.....
 - ❖ Informed about the hazards at work
 - ❖ Trained to recognize hazards
 - ❖ Informed about their rights
 - ❖ Trained in safe work procedures and provided information to protect their safety and health

Workers Rights

- The right to participate – every worker has the right to participate in safety and health issues by.....
 - ❖ Being a safety and health committee member
 - ❖ Electing worker members to the safety and health committee
 - ❖ Bringing forward safety and health concerns

Workers Rights

- The right to refuse dangerous work

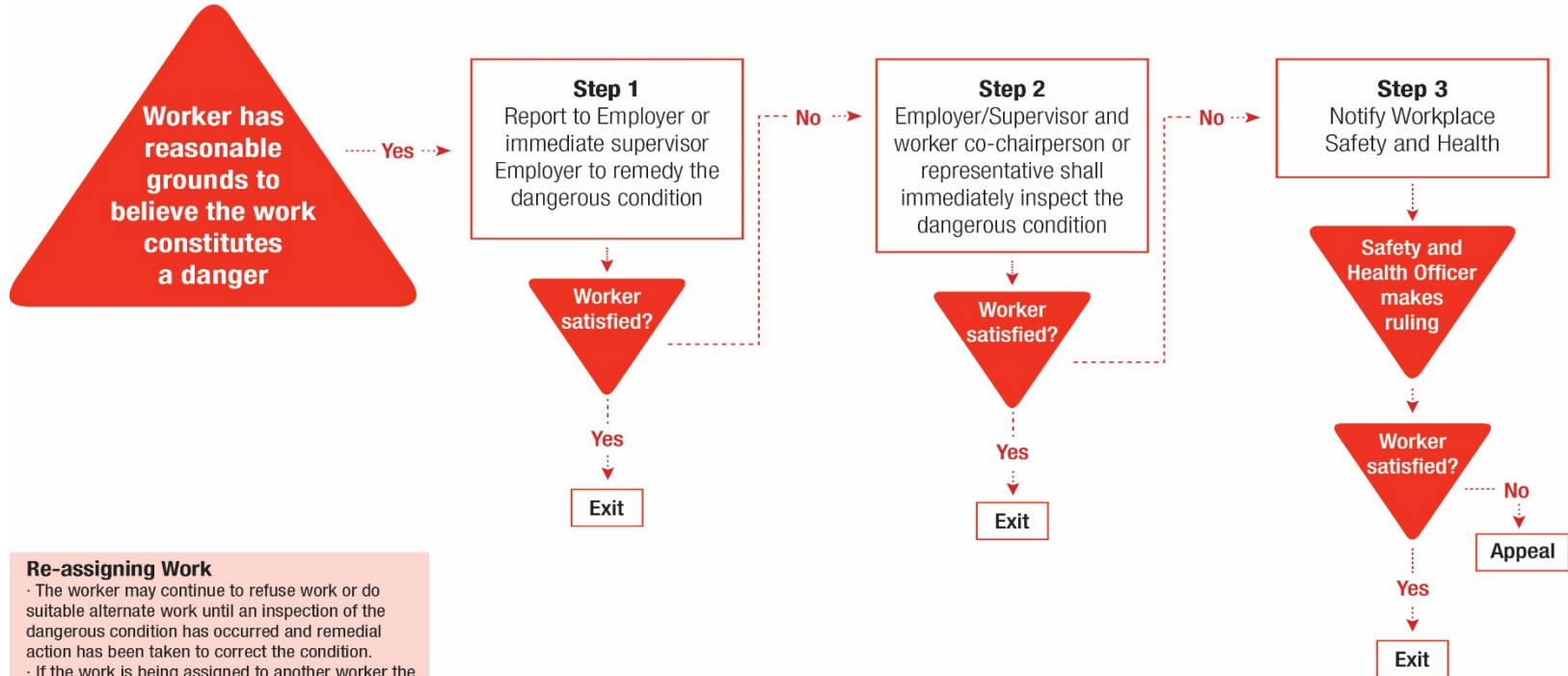
A worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his/her safety or health or to the safety or health of another worker or person



Right to Refuse

Procedure Summary for Investigating Right to Refuse Situations

Reference: Manitoba Workplace Safety and Health Act Section 43



Re-assigning Work

- The worker may continue to refuse work or do suitable alternate work until an inspection of the dangerous condition has occurred and remedial action has been taken to correct the condition.
- If the work is being assigned to another worker the employer must provide the alternate worker a written copy of the reasons for the first worker's refusal, information on the worker's right to refuse dangerous work and the reason the task does not present a danger to the alternate worker, another worker or person.
- Where practicable the worker who has refused work has advised the alternate worker of the work refusal and the reasons for it.

Workers Rights

- The right to protection from discriminatory action – no employer, union or person acting on behalf of an employer or union shall take or threaten discriminatory action against a worker for.....
- Exercising a right under the *WSH Act* or *Regulation*
- Testifying in a proceeding under the *WSH Act*
- Giving information about workplace conditions
- Performing duties as a member of a committee
- Refusing dangerous work
- Taking reasonable action to protect the safety or health of another person
- Complying with the *WSH Act and Regulation* and/or attempting to have the *WSH Act/Regulation* enforced

Discriminatory action cannot be threatened or taken against a worker for any of these reasons!

Workers Rights

If a complaint is made directly to WS&H – a Safety & Health Officer investigates and determines if a Discriminatory Action has occurred. The Safety & Health Officer can....

- ❖ Order the discriminatory action to STOP
- ❖ Order the worker to be re-instated
- ❖ Order that lost wages be paid
- ❖ Order a removal of any relevant documentation from the worker's file
- ❖ The employer may be subject to an administrative penalty

Roles and Responsibilities of the School Division/School

School divisions have a responsibility to ensure that students are safe in work experiences and leave school with workplace safety and health knowledge and skills.

In assessing whether the work experience placement is suitable for a student, schools should:

- Contact the employer and conduct a work placement assessment and visit.
- Establish a communication system involving the student, school/school division Workplace Safety and Health Committee and the employer.

Roles and Responsibilities of the School Division/School

- Ensure that students receive suitable safety and health training before being placed with host employers.
- Ensure the tasks the student will be doing at the placement and the related safety and health training required to do the tasks are outlined and understood.
- Consult, cooperate and coordinate with the host employer to ensure all relevant orientation and training is covered and competent supervision is provided.

NOTE: *Also important to consider responsibilities for school staff, such as Educational Assistants, who may be directed to join the student at the workplace.*

Roles and Responsibilities of the Host Employer

Section 4(1) Every employer shall in accordance with the objects and purposes of this Act

(a) ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers; and

(b) comply with this Act and regulations.

- Provide a new-worker orientation.
- Provide appropriate information, equipment, devices, personal protective equipment(PPE) and training so work can be performed safely.
- Provide and allow for worker participation and engagement in safety and health matters.

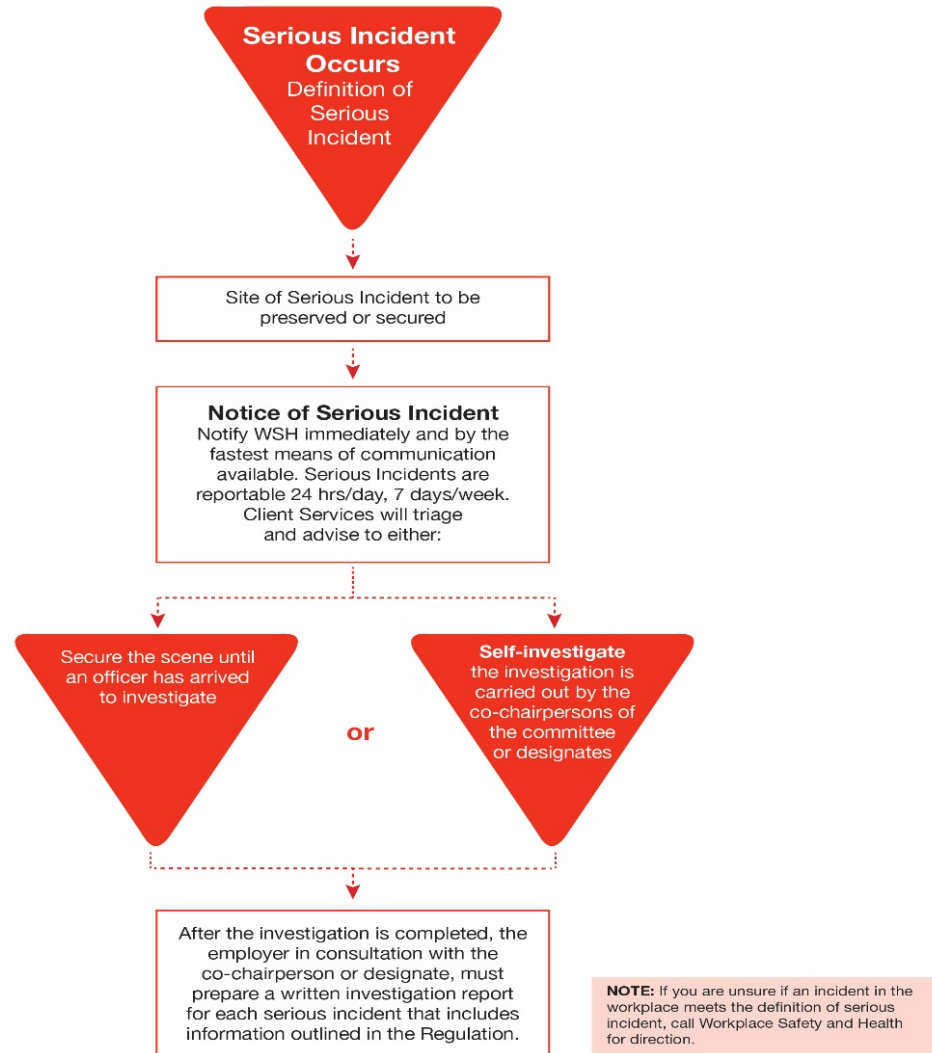
Roles and Responsibilities of the Host Employer

- Notify Workplace Safety and Health of any serious injury.
- Notify school division/school of any worker injury or dangerous occurrence.
- Consider the special needs of young people in the workplace, such as their lack of experience in a work environment and background knowledge in recognizing hazards.
- Ensure they can provide competent supervision for students.
- Ensure students are aware of restrictions on where and when youth workers can work (Employment Standards).

Investigations

Serious Incident Investigation Process

Reference:
Manitoba Regulation 217/2006 Workplace Safety and Health Act and Regulation, Serious Incidents at Workplace, 2.6-2.9(3)
Manitoba Regulation 212/2011 Operation of Mines Regulation, Notices in Cases of Serious Injury or Incident, 2.11(1)-2.15



Roles and Responsibilities of the Student as a Worker

All students, as workers, are obliged to do the following:

- Understand their roles, rights and duties under The Workplace Safety and Health Act and Regulations.
- Take reasonable care of their own safety and health.
- Take reasonable care to protect themselves and others.
- Properly use equipment, devices and personal protective equipment (PPE) provided by the employer.

Roles and Responsibilities of the Student as a Worker

- Follow safety and health rules and safe work procedures at the workplace.
- Cooperate with the Workplace Safety and Health Committee or representative.
- Cooperate with other people on workplace safety and health matters so that they can comply with the Manitoba Workplace Safety and health Act and the regulations.
- Report all near misses, unsafe work conditions and faulty equipment and tools to their supervisors.

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