



Introduction to Occupational Health and Safety and Joint Health and Safety Committees (“JHSCs”)

Version 5 – Summer 2020

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The information is not legal advice. The materials only address Workers Compensation and Occupational Health and Safety. Nothing in this presentation supersedes the WCB Act, OHS Regulations and Policy. There may also be Collective Agreement rights and obligations. This information is for CUPE use only, cannot be used in any other proceeding and is without prejudice and precedent to any labour relations matter, collective bargaining, grievance, arbitration, and WCB claim or appeal. Each case is subject to the fact pattern and to the changing jurisprudence. This information is subject to frequent changes in law, regulation and policy and will vary by both province and jurisdiction. The current law and policy should be reviewed as they change frequently. There were many changes to numbering in the BC Workers Compensation Act in 2020.



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While humour is incorporated in this Power Point occupational health and safety is a very serious matter. There were over 187 fatalities in BC in 2018. Injuries to workers in precarious employment are increasing each year with very high rates of injuries and fatalities for younger workers. Please see the “Injury Prevention for Workers in Precarious Employment & New and Young Workers 2018” CUPE Guide as well.

Risks to safety come
in many forms.
Safety starts with the
Joint Health and
Safety Committee



I. Overview of Presentation

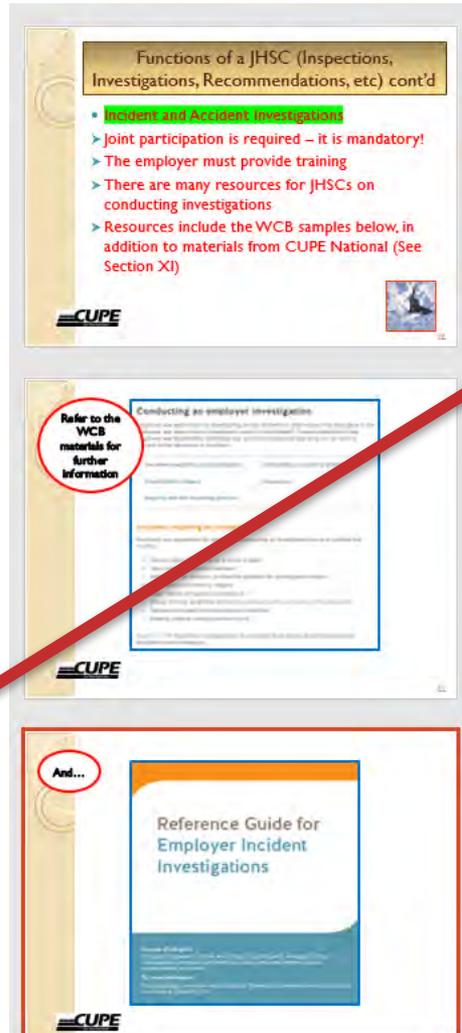
- This presentation is a brief introduction to Health and Safety Programs and Joint Health and Safety Committees in BC.
- CUPE members are advised to also take the CUPE National “Health & Safety Learning Series” modules, the BC Federation of Labour Health & Safety Centre courses and the CLC weeklong Winter School courses.
- This introduction does NOT form part of the annual mandatory JHSC 8 hour training as required by WorkSafeBC (WCB) nor the new member JHSC training.
- This Power Point does not address small employers/Worker Representatives vs JHSCs.

Overview of Presentation cont'd.

- The layout of the Power Point is as follows:
 - Each major section has bullets () describing key points, **with the most important points in red**
 - There are sub-bullets () with explanatory points
 - At the end of each section or subsection there are reference materials, screen shots and links showing where to access the information as the **red circle**
- Within the reference materials, each new type of reference material is started with an **“And...”**

Overview of Presentation cont'd.

Here is how the layout of the Power Point looks. Be careful of older documents used for illustration purposes - watch for warnings.



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Overview of Presentation cont'd.

**Why is the JHSC
so important?**

**Injuries can occur anywhere –
JHSCs can help address
hazards, risks and injuries**



Overview of Presentation cont'd.

Some statistics:

- ❖ Nearly **20%** of both fatalities and injuries for both new and young workers occur during the first month of employment.
- ❖ Women ages 25 to 64 have injury rates **20% to 40%** higher than men in the same job.
- ❖ **Women between 25 and 64 experience more frequent injuries, but less likely to file a WCB claim.**
- ❖ **At 12 weeks of disability there is less than a 50% chance of returning to work.**

Safety may not be obvious to some so we have resources to educate workers



II. The Workers Compensation Act, the OHS Regulations, Policy and Guidelines

General Health and Safety Information:

- ❖ There are overlapping legislation, regulations, policies and guidelines that affect occupational health and safety.
- ❖ The **Workers Compensation Act**, the **OHS Regulations** and the **Prevention Policies** are mandatory.
- ❖ The **OHS Regulation / legislation Guidelines** only interpret the OHS Regulations.
- ❖ JHSCs need to know all 4.



The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

- ❖ Make sure you know how the 4 overlap and are interconnected.
- ❖ It is often called the Legislative Hierarchy as per the BC Employer's Advisors Office document in the next slide.
- ❖ Make sure you know the key sections of each of the 4 as per the BC Employer's Advisors Office documents in the next 3 slides.



**Refer to the
Employers'
Advisers
Office
materials for
further
information**

Understanding the Legislative Hierarchy

It is important for JHSC members to have an understanding of the sources of law governing occupational health and safety in British Columbia and how they relate to one another. The sources are:

- *Workers Compensation Act*
- Occupational Health and Safety Regulation
- Prevention Policies
- Prevention Guidelines

The *Workers Compensation Act* (the Act) is the highest authority for health and safety in the province and its provisions are mandatory. The Act reflects the policies of the provincial government and sets out such matters as:

- when a JHSC is required at a workplace
- how it is to be created
- the duties of the JHSC
- workplace inspections and investigations
- safety enforcement

The provisions of the Occupational Health and Safety Regulation (the Regulation) are created by WorkSafeBC and are also mandatory. The Regulation is designed to support the broad provisions of the Act. For example, the Act requires the employer to ensure the health and safety of its workers. The Regulation sets out safety requirements that apply to all workplaces in the province, (such as right to refuse and working alone provisions); addresses specific hazards, (such as fall protection and chemical exposure), and regulates the work processes for particular industries, (such as construction and forestry).

Prevention Policies are also created by WorkSafeBC and are also mandatory. The policies interpret the provisions of the Act and Regulation to help decision-makers and workplace parties understand and apply them.

Guidelines are also created by WorkSafeBC, but are not mandatory. Rather, they provide further information about how compliance can be achieved under a particular section or regulation, and the approach to compliance that a WorkSafeBC prevention officer can be expected to take in an inspection at a workplace.

The Guidelines communicate information to assist workplace parties in a variety of ways. A Guideline may do one or more of the following:

- explain terms or phrases used in the Act or Regulation
- explain the intent of a legal requirement, or provide background or educational information to enhance understanding of a legal requirement
- provide one or more suggested options for compliance
- prescribe procedures, measures, standards, or training courses acceptable to WorkSafeBC
- communicate the existence of a vice-president directive suspending the application of a regulatory requirement.

Not knowing the hierarchy could lead to landing in hot water...



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and
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for content

Related Law and Policy for Joint Committees

Numerous sections of the Act, Regulation and Prevention Policies outline the duties of the JHSC. The tables below list the provisions that are most relevant to the JHSC. Please note that the tables are not intended to identify all legislative and regulatory requirements that apply to your workplace. Other sections of law and policy may apply to your workplace because hazards and tasks vary from workplace to workplace within the same industry.

Section of Act	Policy(ies) and Guidelines (where applicable)	Description of Requirement
106	None	Definitions
Part 3 Division 3: 115	D3-115-1 , D3-115-2 and D3-115-3	General duties of employers
Part 3 Division 4: 125	D4-125-1	When a Joint Committee is required
126	None	Variations in Joint Committee requirements
127	None	Membership of Joint Committee
128	None	Selection of worker representatives
129	None	Selection of employer representatives
130	None	Duties and functions of Joint Committee
131	None	Joint Committee procedure
132	D4-132/133-1	Assistance in resolving disagreements within the Joint Committee
133	D4-132/133-1	Employer must respond to Joint Committee recommendations
134	D4-134-1	Time from work for meetings and other Joint Committee functions
135	D4-135-1 and G-D4-135-1	Educational leave Guideline: Joint Committee course approval
136	None	Other employer obligations to support the Joint Committee
137	None	Joint Committee reports
138	None	Employer must post Joint Committee information
139	D4-139-1	Worker health and safety representative
140	D4-140-1	Participation of worker representative in inspections

Refer to the
Employers'
Advisers
Office
materials for
further
information.
There have
been
recent
changes in
the
numbering
of the Act.

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Section of Act	Policy(ies) and Guidelines (where applicable)	Description of Requirement
Part 3 Division 9: 167	None	Notice of application to vary a provision of the regulations
Part 3 Division 10: 172	D10-172-1 and G-D10-172-1	Immediate notice of certain accidents Guideline: WorkSafeBC notification of serious injury
173	None	Incidents that must be investigated
174	No Policy G-D10-174-1	Investigation process Guideline: Participation by employer and worker representatives in incident investigations
175	D10-175-1 G-D10-175-1	Preliminary investigation, report and follow-up action Guideline: Preliminary incident investigation and interim corrective actions
176	D10-176-1 G-D10-176-1	Full investigation, report and follow-up action Guideline: Full incident investigation, report, and follow-up actions
Part 3 Division 11: 182	None	Representation on inspection
183	None	Employer must post inspection reports
Part 3 Division 12: 186.1 to 198	D12-186.1-1 , D12-188-1 , D12-191-1 , D12-195-1 , D12-198-1 , D12-196-2 , D12-196-3 , D12-196-4 , D12-196-6 , D12-196-7 , D12-196-8 , D12-196-9 , D12-196-10 , D12-196-11 , D12-196.1-1 , D12-198-1 G-D12-186.1-1 G-D12-196.1-1 G-D12-196-2	Enforcement Guideline: Compliance agreements Guideline: OHS citations Guideline: OHS penalties – High risk violations

Related Regulation(s) for Joint Committees

Regulation	Guideline	Description of Requirement
2.5	None	Inspection Reports
3.3	None	Contents of health and safety program
3.5	None	General requirements for inspections

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Regulation	Guideline	Description of Requirement
3.7	None	Special inspections
3.8	None	Participation of the Joint Committee or representative
3.12	G3.12	Procedure for refusal of unsafe work
3.13	Referred to in G3.12	Repercussions for exercising right to refuse are not allowed; however, temporary assignment to alternative work pending resolution is allowed
3.23(2)(m)	G3.23	Young or new worker orientation and training
3.26	G3.26	Evaluations of Joint Committees
3.27	G3.27	Minimum training requirements for new Joint Committee members or worker health and safety representatives
3.28	G3.28	Participation by employer or representative of the employer and worker representative (Participation in investigations)
4.21(5)	G4.21	Procedures for checking well-being of worker
4.53(1)	G4.53	Consultation (Ergonomics – MSI – requirements)
5.5	None	WHMIS program
5.16	None	Availability of a Safety Data Sheet (SDS)
5.16.1	None	Availability of toxicological data
5.54(3)	G5.54-3	Exposure control plan (Hazardous materials)
5.59(2)	G5.59	Investigating symptoms (Hazardous materials)
5.97(3)	G5.97	Emergency plan
6.10(2)	G6.10	Substitution (Asbestos)
8.4	None	Workplace evaluation (Personal protective equipment)
8.6(1)	None	Annual review (Personal protective equipment)
8.33	G8.33-1	Selection (Respirators)
9.11	G9.11	Qualifications (Confined space, hazard assessment and work procedures)
21.4	G21.4	Blasting log
31.3(1)	None	Health and safety Committee (Firefighting)
31.9	None	Test records (Firefighting)

There are risks to applying these materials in isolation. It is a slippery slope...



The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

❖ Key sections of the revised **Act** include
(Revised April 2020):

- **21 General duties of Employers.**
- **22 General duties of Workers.**
- **23 General duties of Supervisors.**
- **24 Coordination at multiple-employer workplaces.**
- **31 to 46 Joint Health and Safety Committees**



The *Workers Compensation Act*, the OHS Regulations, Policy and Guidelines cont'd.

- I31 Joint committee procedure (Terms of Reference).
- I33 Employer must respond to Committee recommendations.
- I35 Educational leave.
- I36 Other Employer obligations to support Committee.
- I51 Discrimination against workers prohibited.



The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

❖ Key sections of the **OHS Regulations** include
Occupational Health and Safety Programs

➤ 3.1 When program required

Workplace Inspections

➤ 3.5 General requirement

3.7 Special inspections

3.8 Participation of the Committee or Representative



The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

Correction of Unsafe Conditions

- 3.9 Remedy without delay
- 3.10 Reporting unsafe conditions
- 3.11 Emergency circumstances

Refusal of Unsafe Work

- 3.12 Procedure for refusal
- 3.13 No discriminatory action



The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

Young or New Workers

- 3.23 Young or new worker orientation and training
- 3.24 Additional orientation and training

Joint Health and Safety Committees

- 3.26 Evaluation of joint committees
- 3.27 Minimum training requirements for new Joint Committee members or Worker Health and Safety Representatives



The *Workers Compensation Act*, the OHS Regulations, Policy and Guidelines cont'd.

Participation in Investigations

- 3.28 Participation by Employer or Representative of Employer and Worker Representative.



The *Workers Compensation Act*, the OHS Regulations, Policy and Guidelines cont'd.

- Also check the:
 - Canadian Standards Association/CSA Group.
 - International Organization for Standardization.
 - Canadian Centre for Occupational Health and Safety/CCOHS.
- These have numerous resources that explain the concepts involved here and provide templates and resources.



There will be signs
if safety is not
working in your
workplace...



**Refer to
the WCB
materials
for further
information**

Develop a health and safety program

All employers are required to have a health and safety program. The type of program you need depends on the number of workers and the risks associated with the work. Learn more about the required elements of an effective [health and safety program](#), and how they can help prevent workplace injury and disease.

If your workplace has 20 or more workers, you are required to have a [joint health and safety committee](#). The joint committee brings together representatives of the employer and the workers, in equal number, to identify and help resolve health and safety issues in the workplace. We provide training materials for [joint health and safety committee members](#).

<https://www.worksafebc.com/en/health-safety/create-manage/getting-started>

And...

Establish and maintain a joint health and safety committee

The joint health and safety committee brings together representatives of the employer and the workers to help the employer identify and resolve health and safety issues in the workplace. You need to establish and maintain a joint health and safety committee if your workplace has 20 or more workers. In smaller workplaces, a worker health and safety representative may be enough. We provide training materials for joint health and safety committee members.

<https://www.worksafebc.com/en/health-safety/create-manage/getting-started>

**Refer to the
WCB
materials for
further
information**

The screenshot shows the WorkSafe BC website. At the top left is the WorkSafe BC logo. To the right are navigation links: Forms & Resources, Law & Policy, About Us, and Co. Below the logo is a horizontal menu with tabs for Health & Safety, Insurance, Claims, and I Am a... A breadcrumb trail reads: Home > Health & Safety > Create & manage a healthy & safe workplace > Getting started (the basics). The main heading is 'Getting started (the basics)'. Below it is a paragraph: 'To get started with creating and managing a safe and healthy workplace, follow the links below for more information and resources on the basic requirements.' A list of eight items follows, each with a plus sign icon to its right:

- Know about rights and responsibilities for health and safety
- Meet first aid requirements
- Manage risk in the workplace
- Develop a health and safety program
- Perform regular workplace inspections
- Ensure workers are trained and oriented
- Establish and maintain a joint health and safety committee
- Investigate and report incidents

And...

Beyond the basics

There are a number of steps you can take to improve your health and safety culture and performance, beyond just meeting the basic requirements. Follow these links for more information and resources on these topics:

- Enhancing health & safety culture & performance
- Active health & safety management
- Planning for health & safety
- Leadership & commitment
- Supervising for health & safety
- Engaging workers in health & safety
- Due diligence
- Certificate of recognition (COR)
- Injury management & work disability prevention

And...

For Employers

How Do I...

- Learn my responsibilities
- Get help after a critical incident
- Request a review of a decision
- Make a complaint
- Submit an employer incident investigation report (EIIR)

Health & Safety

- Create & manage a healthy & safe workplace
- Reporting incidents to WorkSafeBC
- Conducting an employer investigation

Insurance

- Apply for coverage
- Know how much coverage costs
- Report payroll & pay premiums
- Get a clearance letter

News & Events

- WorkSafeBC is a Builders Code partner**
Published on: March 27, 2019
- WorkSafeBC offers new safety resources as craft-brewery industry bubbles with growth**
Published on: March 18, 2019
- Food trucks can pose explosion risk**
Published on: March 06, 2019
- High Risk Strategies and Industry Initiatives updated with 2019 focus**
Published on: March 06, 2019

Claims

- Report a workplace injury or disease
- Benefits & services
- Manage a claim
- Recovery & work

Just for you

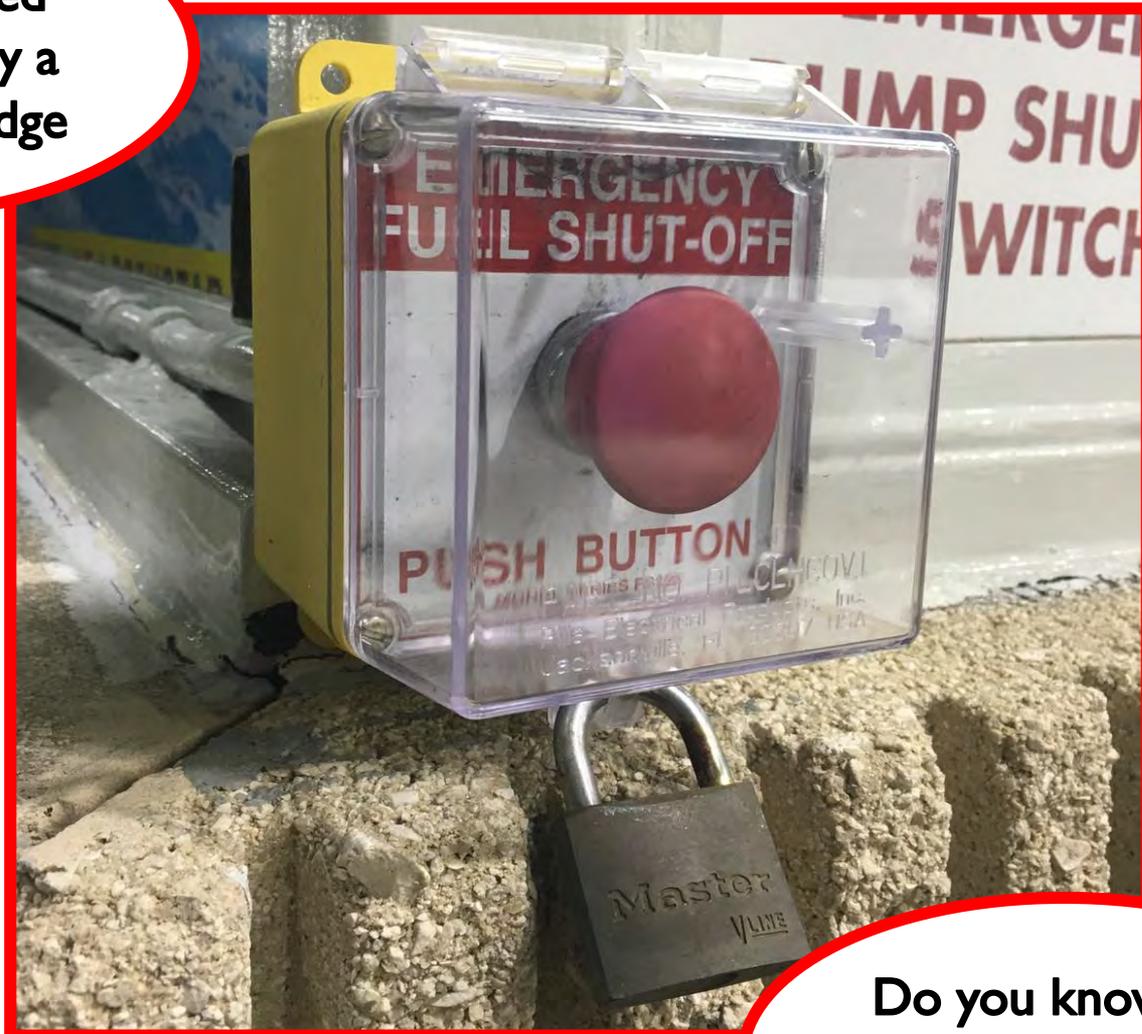
- Submit a Notice of Project form
- Employers' advisers
- Respond to discriminatory action complaints
- Need a new employee?

Law & Policy

- Searchable OHS Regulation & related materials
- Workers Compensation Law

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Don't be locked out of safety by a lack of knowledge



Do you know the 4 Rights and how to apply them?

III. Health and Safety Programs

What does a Health and Safety Program need:

I. General Requirements:

- Employer, supervisor, worker, owner, supplier and contractor (including sub-contractor) duties
- Risk and hazard assessments
- Health and safety rules and work procedures
- Employee orientation
- Training and education
- Workplace inspections



Health and Safety Programs cont'd.

- Right to refuse
- Reporting and investigating accidents and incidents
- Emergency procedures
- Medical and first aid
- Joint occupational health and safety committee
- Health and safety promotion
- Workplace specific items



Health and Safety Programs cont'd.

II. Specific to BC – OHS Regulations:

3.3 Contents of program

The occupational health and safety program must be designed to prevent injuries and occupational diseases, and without limiting the generality of the foregoing, the program must include

(a) a statement of the employer's aims and the responsibilities of the employer, supervisors and workers,



Health and Safety Programs cont'd.

- (b) provision for the regular inspection of premises, equipment, work methods and work practices, at appropriate intervals, to ensure that prompt action is undertaken to correct any hazardous conditions found,
- (c) appropriate written instructions, available for reference by all workers, to supplement this Occupational Health and Safety Regulation,
- (d) provision for holding periodic management meetings for the purpose of reviewing health and safety activities and incident trends, and for the determination of necessary courses of action,



Health and Safety Programs cont'd.

(e) provision for the prompt investigation of incidents to determine the action necessary to prevent their recurrence,

(f) the maintenance of records and statistics, including reports of inspections and incident investigations, with provision for making this information available to the joint committee or worker health and safety representative, as applicable and, upon request, to an officer, the union representing the workers at the workplace or, if there is no union, the workers at the workplace, and



Health and Safety Programs cont'd.

(g) provision by the employer for the instruction and supervision of workers in the safe performance of their work.



Health and Safety Programs cont'd.

WorkSafeBC Due Diligence Checklist states:

DUE DILIGENCE CHECKLIST

Page 1 of 2

What is the *standard* of due diligence?

Taking all reasonable care to protect the well-being of employees or co-workers.

What is the *defense* of due diligence?

All reasonable precautions to comply were taken in the circumstances.

What is the *test* of due diligence?

Documentation of an effective OH&S program; an effective OH&S program includes:

- A written OHS program that has been implemented.
- An employer who takes steps to control or eliminate specific hazards.
- Written safe work procedures that are understood and followed by workers.
- Workers who are provided with adequate instruction, training, supervision and discipline to work safely.

How can this checklist help?

The following checklist is intended to help employers determine if they have sufficient documentation of an effective OH&S program. Other due diligence factors to consider include health and safety performance in the workplace, the employer's history of compliance with the Workers Compensation Act and OH&S Regulation, the degree of hazard associated with violations, etc. This checklist is only a guideline.



Health and Safety Programs cont'd.

Part 1: Does the employer keep the following types of records or documents?

<input type="checkbox"/> Worker orientation records	<input type="checkbox"/> Records of worker/supervisor training showing the date, names of attendees and topics covered (e.g. Lockout, WHMIS)
<input type="checkbox"/> Inspection reports and records of corrective actions taken to solve problems	<input type="checkbox"/> Incident/accident investigation reports and records of corrective actions taken to solve problems
<input type="checkbox"/> Records of meetings and crew talks where safety issues were discussed	<input type="checkbox"/> Supervisor's notes and logs of safety contacts with workers
<input type="checkbox"/> Records showing use of progressive discipline to enforce safety rules and written safe work procedures	<input type="checkbox"/> Joint OH&S Committee meeting reports showing steps taken to address health and safety issues
<input type="checkbox"/> Subcontractor pre-qualification documents	<input type="checkbox"/> Equipment log books and maintenance records
<input type="checkbox"/> First aid records, medical certificates, hearing tests	<input type="checkbox"/> Forms and checklists showing the employer requires workers to follow safe work procedures (e.g. confined space entry permits)
<input type="checkbox"/> Sampling and monitoring records of exposures to harmful substances	<input type="checkbox"/> Emergency response plan and record of drills and any resulting improvements
<input type="checkbox"/> OH&S related budget items and purchase orders	<input type="checkbox"/> Statistics on the frequency and severity of accidents



Health and Safety Programs cont'd.

Part 2: Do the employer's records or documents show an effective OH&S Program?

Do records/documents indicate that the employer/management:		
1. State and communicate a clear workplace OH&S policy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Assign responsibility and resources for implementing OSH Program to identified person(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Include workplace OH&S issues on management meeting agendas	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Require contractors to conform to OH&S regulations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Ensure records are maintained (See Part 1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Review statistics on the frequency and severity of accidents, as well as injury and illness trends over time	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Assign responsibility for identifying hazards and conducting risk assessments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Implement appropriate controls (engineering, work practice/administrative, PPE) for identified hazards (e.g. machine guarding, lockout, bloodborne pathogens, confined space, falls from elevation, chemical hazards, repetitive strain injury, etc.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Implement a preventative maintenance schedule as required by manufacturers' and industry recommendations and standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Address Joint Health & Safety Committee or health & safety representative recommendations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Review OH&S Program activities (e.g. once a year) and make improvements as needed	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Health and Safety Programs cont'd.

DUE DILIGENCE CHECKLIST

Page 2 of 2

Do records/documents indicate that supervisors:		
12. Receive training to perform their safety and health responsibilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Give crew talks/conduct safety meetings	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Participate in inspections	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15. Conduct incident/accident investigations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16. Take action to correct reported hazards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
17. Conduct orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
18. Conduct on-the-job training	<input type="checkbox"/> Yes	<input type="checkbox"/> No
19. Evaluate training to ensure that it is effective	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20. Monitor work conditions and practices in areas where they have responsibility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21. Correct employees not following rules and procedures	<input type="checkbox"/> Yes	<input type="checkbox"/> No
22. Keep records of progressive discipline	<input type="checkbox"/> Yes	<input type="checkbox"/> No
23. Have OH&S considered as an element in their performance evaluation	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Health and Safety Programs cont'd.

Do records/documents indicate that workers:		
24. Receive orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
25. Receive specific job instruction	<input type="checkbox"/> Yes	<input type="checkbox"/> No
26. Receive health and safety training (e.g. responsibilities, hazards, engineering controls, written safe work procedures, use of PPE)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
27. Demonstrate the skills/knowledge necessary to perform their jobs safely	<input type="checkbox"/> Yes	<input type="checkbox"/> No
28. Report injuries and hazards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
29. Participate in inspections	<input type="checkbox"/> Yes	<input type="checkbox"/> No
30. Participate in incident/accident investigations	<input type="checkbox"/> Yes	<input type="checkbox"/> No

When dealing with disciplinary procedures for workers, supervisors and managers who don't follow safety rules or safe work procedures:		
31. Are there disciplinary procedures in place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
32. Are workers/supervisors/managers aware of them?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
33. Are disciplinary procedures used effectively?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
34. Are they monitored by the Joint Health & Safety Committee or health and safety representative?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
35. Are good records kept of progressive discipline used to enforce safety rules and written safe work procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Health and Safety Programs cont'd.

Employer's Action Plan

Item #	Action Required (specify)	Action by (name)	Target Date	Completed
				<input type="checkbox"/>

For more information on OH&S Programs or answers to other health and safety questions, contact your local WCB officer or the Prevention Information Line at 1 888 621-SAFE (7233) or 604 276-3100.



Health and Safety Programs cont'd.

What does CUPE suggest should be in Health and Safety Programs:

Kit contents may also be downloaded:

- Health and Safety Committee Members and Representatives Guide
- Incident and Occupational Disease Investigations Guide
- Terms of Reference for (Joint) Health and Safety Committees
- Sample Hazard Prevention Program
- Four steps to resolving a Health and Safety problem
- Four myths about workers' compensation
- Health and Safety Fact Sheet: Refusing Unsafe Work
- Health and Safety Committee Recommendations
- Refusing Unsafe Work fact sheet
- Health and Safety Learning Series Pamphlet
- Hazard vs Risk
- Conducting Surveys for Investigations
- Sample Incident Investigation Checklist
- Sample Safety Inspection Checklists
- Legislation Applying to Health and Safety Committees in Canada by Jurisdiction
- Workplace Inspection Guide
- Four myths about workers' compensation
- Four Steps to Resolving a Health and Safety Problem
- Legislative Inspection Requirements fact sheet
- Violent Incident Report form
- Incident Report form



Health and Safety Programs cont'd.



Health and Safety **Guidelines**

**Guide for Health and Safety
for Committee Members
and Representatives**

Health and Safety Programs cont'd.

Contents

- Introduction
- Part I: Basics of Health and Safety Legislation
- Jurisdiction
- Act vs Regulations
- Worker Rights
- The General Duty Clause.....
- Legislated Role of the H&S Regulator
- The Internal Responsibility System (IRS).....
- Health and Safety Plan
- Due Diligence
- The Criminal Code of Canada.....
- Workers Compensation
- Part II: Health and Safety Committees.....
- Committee Makeup
- Committee Member Selection.....
- By-Laws
- Terms of Reference.....
- Meeting Schedule and Agenda
- Training



Health and Safety Programs cont'd.

- Part III: Tasks of Health and Safety Committees.....
- Providing Guidance for other Members
- Agenda and Meeting Preparation.....
- Minutes
- Minutes: Content
- Minutes: Recording Practices
- Minutes: Retention
- Minutes: Approval
- Minutes: Posting
- Inspections
- Notices
- Investigations.....
- Developing Control Recommendations
- Control Consideration Steps
- Selecting controls.....
- Temporary Controls
- Documenting Recommendations
- Monitoring controls
- Disagreement or Recommendation Rejection.....
- Health and Safety Assessment/Evaluation or Audit ..
- Conclusion.....
- Additional Health and Safety Resources.....



IV. The 4 Rights

- There are 4 rights, 3 of which have been referred to in the *Act* and Regulations. These are the:
 - Right to Know.
 - Right to Refuse.
 - Right to Participate.
 - Right to no retaliation/discrimination/reprisal.
(Labour argues there is also the right to education – a 5th right)



The 4 Rights cont'd.

- The 4 rights all relate directly and indirectly to JHSCs.
- For example, the Right to Refuse may result in a joint investigation, discussion in the next JHSC meeting and follow-up recommendations. It may also indicate a need for education of both JHSC members and workers in general.
- Know how each Right relates to the Hierarchy of Control (see Section V below).



YOUR FOUR RIGHTS

HEALTH AND SAFETY



ONE

THE RIGHT TO KNOW

Workers have the right to know what health and safety hazards are related to their work. It is an employer's legal obligation to tell workers of any hazards they may encounter, the likelihood of being exposed, and the severity of harm if they are exposed. Additionally, employers must ensure that workers know how to keep themselves safe when they deal with hazards that cannot be avoided.

TWO

THE RIGHT TO PARTICIPATE

Workers have the right to participate in the decision making that impacts their health and safety. This is done by workers selecting a union health and safety representative to discuss health and safety issues with the employer, or by having worker committee members on the Health and Safety Committee. The right to participate also means that workers must report hazards they become aware of to their supervisor, health and safety representative or committee member.

THREE

THE RIGHT TO REFUSE

Workers have the right to refuse to perform work that they believe is unsafe either for themselves or for their co-workers. While procedures and circumstances around the right to refuse may be different between provinces and jurisdictions, just about all workers have the legal right to say no to dangerous work.

FOUR

THE RIGHT TO NO REPRISAL

All jurisdictions have language in their laws that makes it illegal for employers to punish workers when they are following the occupational health and safety laws in good faith. This includes reporting hazards, participating on a committee, and exercising the right to refuse dangerous work. This is an important right because a worker who fears punishment for protecting their health and safety will be less likely to participate in the employer's system.

For more information about your rights or any additional health and safety questions, contact your CUPE Servicing Representative, CUPE National Health and Safety Representative, or visit our website at cupe.ca/health-and-safety

CUPE

The 4 Rights cont'd.

ONE

THE RIGHT TO KNOW

Workers have the right to know what health and safety hazards are related to their work. It is an employer's legal obligation to tell workers of any hazards they may encounter, the likelihood of being exposed, and the severity of harm if they are exposed. Additionally, employers must ensure that workers know how to keep themselves safe when they deal with hazards that cannot be avoided.



The 4 Rights cont'd.

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The 4 Rights cont'd.

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The 4 right is
combined with the
3rd right at
WorkSafeBC



The 4 Rights
should be applied
broadly...



Hazards take many
forms and change
constantly

V. Composition of JHSCs

- If your workplace has **20 or more workers**, you need a JHSC.
- This includes any workplace where there are 20 or more workers employed at the workplace for longer than a month.
- The WCB may also order that a joint committee be established in any other workplace – **do you need a variance? See Section 34 of the Act - Selection of Worker Representatives.**



Composition of JHSCs cont'd.

- If your workplace has **more than 9 but fewer than 20 workers**, you need to have a Worker Health and Safety Representative.
- **This is not discussed in this presentation.**
- This includes any workplace where there are 10 or more workers employed at the workplace for longer than a month.
- **No less than 50% of the JHSC should be Worker Representatives.**



Composition of JHSCs cont'd.

- The Employer must NEVER choose the worker JHSC members.
- Worker Representatives should not perform management functions.
- Casual/Auxiliary, part time, temporary etc., workers can be on the JHSC.
- The Union(s) chose the Worker Representatives where it is a unionized workplace.
- The term is usually 2 years.



Composition of JHSCs cont'd.

- If the Union fails to appoint or elect Worker Representatives e.g. according to the Collective Agreement or Local Bylaws, the Employer must seek out and assign persons to act as Worker Representatives.
- See Section 34(1)(d) of the Act.
- It is imperative Unions identify and appoint or elect Worker Representatives.



Composition of JHSCs cont'd.

- Factors to consider (a few examples):
 - Hazards and risks in the work area/department.
 - Number of employees.
 - Number of departments.
 - Number of Unions.
 - Different shifts.
- Make sure the JHSC Terms of Reference address these issues (see the CUPE Terms of Reference template handout) See Section V below.



Do new worker
representatives
know what is
expected?



**Refer to the
WCB
materials for
further
information**

34 Selection of worker representatives

- (1) The worker representatives on a joint committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:
 - (a) if the workers are represented by one or more unions, the worker representatives are to be selected according to the procedures established or agreed on by the union or unions;
 - (b) if none of the workers are represented by a union, the worker representatives are to be elected by secret ballot;
 - (c) if some of the workers are represented by one or more unions and some are not represented by a union, the worker representatives are to be selected in accordance with paragraphs (a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety;
 - (d) if the workers do not make their own selection after being given the opportunity under paragraphs (a) to (c), the employer must seek out and assign persons to act as worker representatives.
- (2) The employer or a worker may request the Board to provide direction as to how an election under subsection (1)(b) is to be conducted.
- (3) The employer, or a union or a worker at a workplace referred to in subsection (1)(c), may request the Board to provide direction as to how the requirements of that provision are to be applied in the workplace.

Don't be squeezed by
a poorly constructed
Terms of Reference
and lack of role
clarity!



VI. Terms of Reference for JHSCs

- Often called “Rules of Procedure” by the WCB.
- This is the “Collective Agreement” for JHSCs.
- Should be jointly developed by the JHSC Employer and Worker Representatives.
- Disagreements should be addressed by the WCB.
- Terms of Reference should be reviewed annually.
- There are many templates available. See the CUPE Terms of Reference (TOR) template.



Terms of Reference for JHSCs cont'd.

- Key sections of the Terms of Reference include:
 - Purpose of the JHSC.
 - Jurisdiction of the JHSC.
 - Composition of the JHSC.
 - Selecting Worker JHSC Representatives.
 - Conduct of Meetings.
 - Duties of the JHSC.
 - Functions of the JHSC.



Terms of Reference for JHSCs cont'd.

- Decisions of the JHSC.
- Recommendations of the JHSC.
- Participation in Investigations, Assessments, Inspections, etc.
- Employer and Worker Duties and Functions.
- Records.
- Training and Education.

(Red areas indicate areas where there are often problems and disagreements).



Terms of Reference for JHSCs cont'd.

- If there are Local or Site JHSCs (which are not recognized under the *Act* or *Regulations*) consider including these in the Terms of Reference.
- The same applies to “District” or “Coordinating” JHSCs which oversee multiple JHSCs.
- See the background presentation from CUPE on this issue.



**First page of the
CUPE sample
Terms of
Reference – note:
this will be
updated regularly**

Joint Occupational Health and Safety Committee (JOHSC) Terms of Reference

1. Introduction

The Employer aims to provide a safe, healthy and secure environment in which to carry on the Employer's affairs. All possible preventative measures are taken to eliminate accidental injuries, occupational diseases and risks to personal security.

Compliance with the *WC Act*, OHS Regulations, and related legislation is the minimum standard acceptable. All employees are encouraged to strive to exceed these minimum legal standards and to eliminate unnecessary risks.

2. Purpose of the JOHSC

A JOHSC consists of Employers and employees working together to improve occupational health and safety in their workplace. The JOHSC has a mandate to advise, assist and make recommendations on policy and procedures, which will improve health, safety, and personal security of all workers.

The JOHSC is required to meet at least once each month, or more often if required or needed to:

- Monitor efforts of the Employer to comply with WorkSafeBC OHS Regulations, all applicable Provincial and Federal Safety Legislation, as well as the Employer's own safety policies and procedures;
- Participate in identifying unsafe situations or practices and recommend solutions;
- Address health and safety complaints from workers brought forward;
- Consult on broader health and safety issues;
- Make recommendations around health and safety improvements and educational programs, and monitor the effectiveness of those programs;
- Advise on programs and policies required under the OHS Regulations and monitor their effectiveness;
- Work with all involved Parties to review and advise on proposed changes to the workplace (e.g., machinery or equipment) or work procedures that may affect the health and safety of workers;
- Monitor activities and effectiveness of health & safety programs; and,
- Monitor to ensure that accident/incident investigations and general inspections are completed.

Terms of Reference are more than just optics



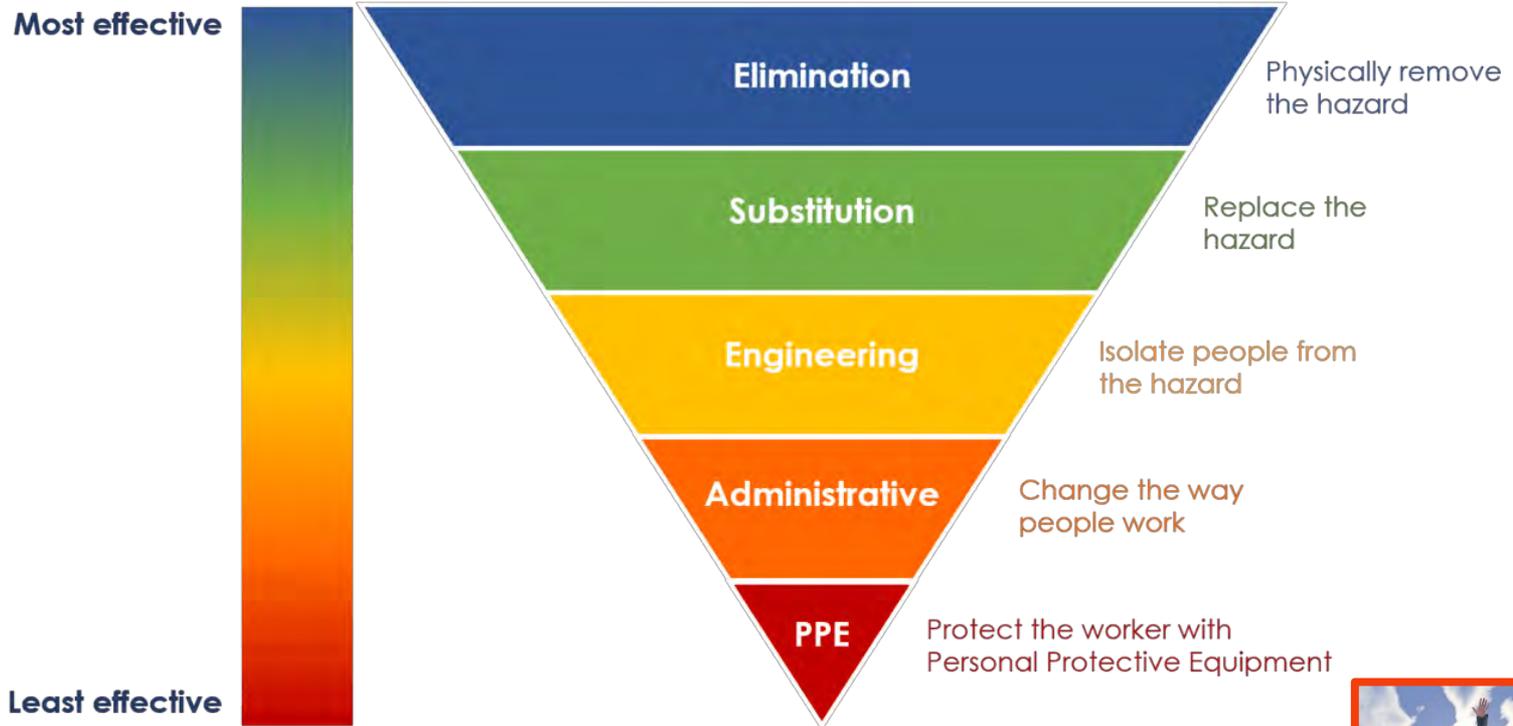
Always address the Hierarchy of Controls in JHSCs via the Terms of Reference

VII. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.)

- The fundamental role of the JHSC can be summarized as enforcing the Hierarchy of Controls.
- There are also core functions associated with the functioning/meetings of the JHSC.
- There are regular, ongoing core functions outside of the JHSC meetings such as inspections; accident and incident investigations; and new worker orientations.
- All functions are tied to the Hierarchy of Control.
- The 3 primary sets of functions are described below.



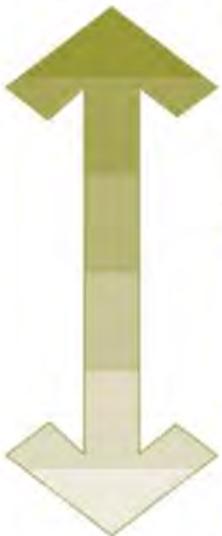
Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- The WCB has its own hierarchy (see Step 4):

Hierarchy of controls from most effective to least effective

<p>Most effective</p>  <p>Least effective</p>	1. Elimination	<ul style="list-style-type: none"> Eliminate human interaction from the process Eliminate pinch points Automate material handling
	2. Substitution	<ul style="list-style-type: none"> Replace a hazardous product, process, or piece of equipment with one that is less hazardous
	3. Engineering controls	<ul style="list-style-type: none"> Mechanical hard stops Guards Interlocked guards Presence-sensing devices Two-hand controls
	4. Awareness controls	<ul style="list-style-type: none"> Warning signs and labels Lights, beacons, and strobes Computer warnings "Restricted Space" painted on floor Beeper Horns and sirens
	5. Administrative controls	<ul style="list-style-type: none"> Safe work procedures Equipment inspections Training Lockout
	6. Personal protective equipment (PPE)	<ul style="list-style-type: none"> Safety eyewear and face shields Hearing protection Gloves Respirators

 See the appendices for a sample committee recommendation.

20 | Handbook for Joint Health and Safety Committees



Work processes can take many forms. How does the Hierarchy of Control apply?



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

The JHSC has many functions. These include:

- Identify situations that may be unhealthy or unsafe for workers, and advise on effective systems for responding to those situations.
- Promptly deal with concerns relating to the health and safety of workers.
- Consult with workers and the employer(s) on issues related to occupational health and safety, and the occupational environment.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Gather and analyze statistics.
- These are called “leading indicators”.
- These indicators include (**partial list only**):
 - Safety meetings – dates, topics, results from.
 - Education and training for workers and JHSCs.
 - Orientation of “new” workers (**broad definition**).
 - Hazards that have been identified and actions taken.
 - Injury statistics such as WCB claims.
 - Inspection findings and observations.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Corrective action from the inspections.
- **Accident and Incident Investigations.**
- **Right to Refuse situations.**
- Surveys.
- New policies and procedures.
- Return to Work programs (caution – see below).
- Training of the JHSC members.
- Activities of the JHSC.
- There are dozens of others.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Advise the Employer on all programs and policies required under the regulations for the workplace, and to monitor their effectiveness (there are exceptions as noted later on in this Power Point).
- Advise the Employer on proposed changes to the workplace, including significant proposed changes to equipment and machinery, or the work processes that may affect the health or safety of workers.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Labour relations and human rights issues (such as Duty to Accommodate, drug testing, etc) are usually not part of the mandate of the JHSC – contact your CUPE National Representative immediately.
- Anything to do with drug testing or alcohol testing should be referred to your CUPE National Representative immediately.
- JHSCs should be extremely careful about Employer substance use and testing policies and should not create nor agree to these policies.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Make recommendations to the Employer and the workers for the improvement of safety of workers.
- Recommendations are the “grievances” for JHSCs while Terms of Reference/Rules of Procedure are the Collective Agreement.
- Make recommendations to the Employer on educational programs promoting the health and safety of workers and the JHSC.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Understand Hazard Identification and Assessment and Control Principles (Inspections, Job Safety Analysis, Work Procedures and Hazard Reporting Methods).
- Participate in investigation of safety complaints.
- Ensure that accident investigations and regular inspections are carried out as required.
- Ensure compliance with the Annual JHSC Evaluation Tool from the WCB.



Refer to the
WCB
materials for
further
information

Handbook for Joint Health and Safety Committees



WORK SAFE BC

Joint Health and Safety Committee Fundamentals Participant Workbook 5 /32

Module 3: Rules of procedure

Rules of procedure – Sample

1. Name of committee

The committee shall be known as the Head Office Joint Health and Safety Committee (the committee).

2. Constituency and composition of the committee

- a) The committee shall consist of 6 members and 2 alternate members.
- b) One worker representative will be elected from each of the following unions:
 - i. Union A as per its selection criteria
 - ii. Union B as per its selection criteria
 - iii. Non-union workers
- c) One employer representative will be appointed from each of the following areas:
 - i. Level 2
 - ii. Level 3
 - iii. Level 4
- d) One alternate worker representative will be selected from all union and non-union workers.
- e) One alternate employer representative will be selected from all employer areas.
- f) Co-chairs: The committee will elect co-chairs from its membership.
 - i. The worker representatives shall select a co-chair.
 - ii. The employer representatives shall select a co-chair.

3. Purpose of the committee

A joint committee is required by the **Workers Compensation Act** and is made up of worker and employer representatives consulting in a co-operative spirit to identify and resolve safety and health problems in support of a planned occupational health and safety program in the place of employment.

4. Duties and functions of the committee

As required by section 130 of the **Workers Compensation Act**, the duties and functions of the committee are to:

- a) Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
- b) Consider and expeditiously deal with complaints relating to the occupational health and safety of workers.
- c) Consult with workers and the employer on issues related to occupational health and safety and occupational environment.
- d) Make recommendations to the employer and the workers for the improvement of the occupational health and safety of workers and compliance with the Occupational Health and Safety Regulation, and monitor the recommendations' effectiveness.
- e) Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor the recommendations' effectiveness.
- f) Advise the employer on programs and policies required under the Regulation for this workplace and monitor their effectiveness.

And...

Joint Health and Safety Committee
Fundamentals

Participant Workbook

WORK SAFE BC

Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

What about inspections, investigations, JHSC recommendations and orientation of new workers?

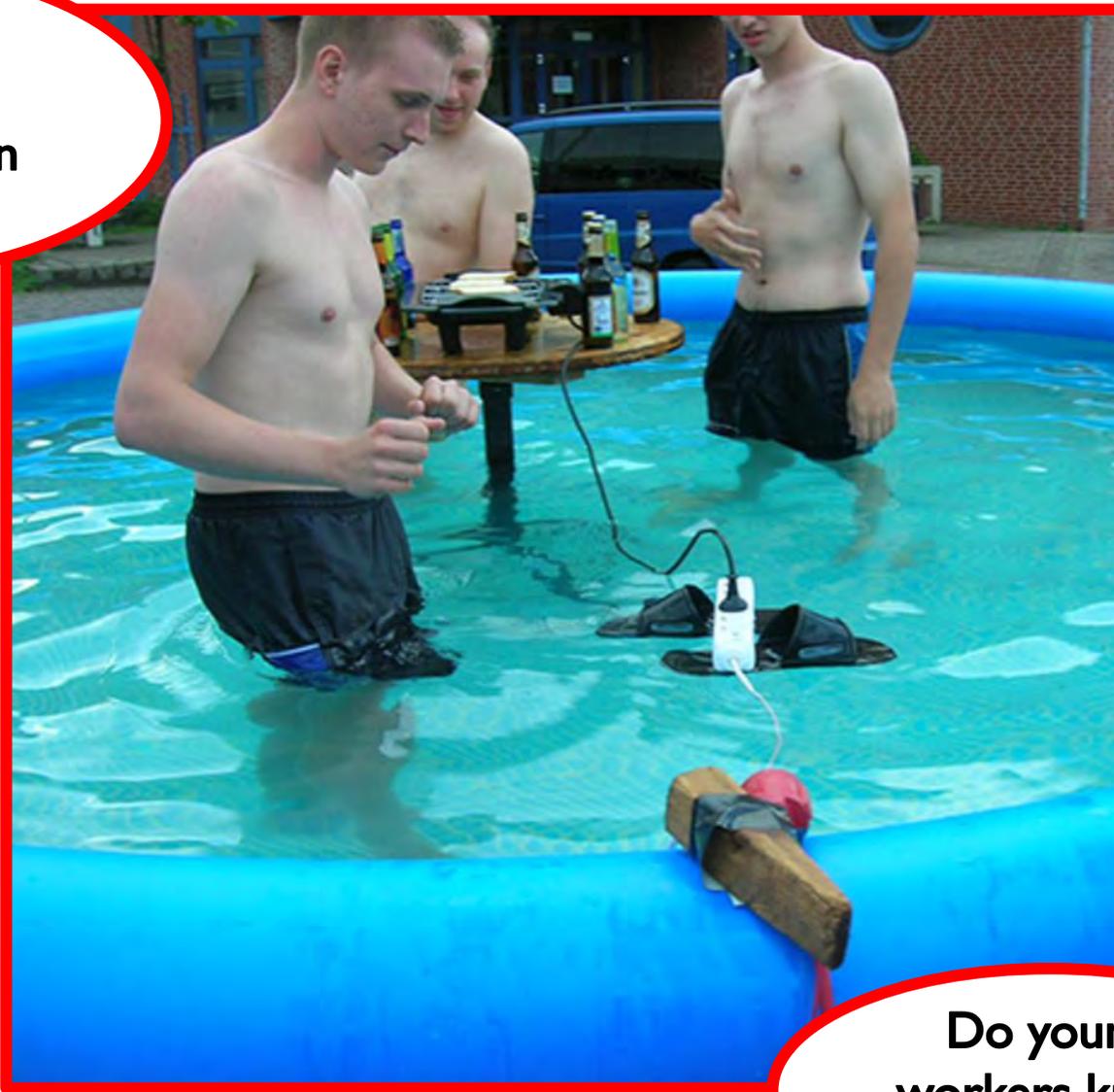


Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Core functions that must occur on a regular, ongoing basis include:
 - Inspections of the workplace
 - Accident and incident investigations
 - Making and following up on recommendations
 - Orientation of new workers (this includes new workplaces, processes, policies, workers returning from leaves, etc.)
- These are described below.



**A lack of
knowledge of
hazards is often
harmful...**



**Do young
workers know
the hazards?**

Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- **Inspections of the workplace**
 - Regular (not defined by the WCB) inspections are a crucial function of the JHSC – perform as frequently as needed.
 - They identify hazards.
 - They assess risk in the workplace.
 - They are part of proactive injury-prevention.
 - They help prevent unsafe working conditions from developing.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Use a checklist to ensure that your inspection is thorough and consistent and nothing is missed.
- What hazards are associated with the job?
- What risks are associated with the job?
- Observe how workers perform tasks.
- Do workers follow safe work procedures?
- Do workers use personal protective equipment as required?



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Ask workers how they perform their tasks.
- Talk to workers about what they're doing.
- Ask workers about concerns they may have about health and safety.
- Record any unsafe actions or conditions that you observe.
- Consider tasks that the worker may also perform that you did not observe.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

➤ Look for:

- ✓ Uncorrected problems from the previous inspection report;
- ✓ Workers not following safe work procedures or procedures that aren't correct;
- ✓ Improper storage of materials (for example, in front of emergency exits or electrical panels, or blocking aisles or stairs);



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- ✓ Accumulation of liquid or grease on floors;
- ✓ Failure to put a sign or barrier near wet floors;
- ✓ Lack of guarding on equipment;
- ✓ Lack of visibility through swinging doors;
- ✓ Poor maintenance of equipment.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

➤ Next steps:

- ✓ Remedy serious hazards or unsafe work practices immediately; this is a legal obligation.
- ✓ Discuss deficiencies at the next JHSC meeting or earlier if safety risks are identified.
- ✓ Prioritize other, less serious hazards and assign someone to remedy each one.



Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- ✓ Follow up on any actions that will take time to complete (for example, purchasing new equipment).
- ✓ Communicate inspection findings to workers.
- ✓ Ensure that the JHSC has access to, and reviews, the inspection reports and process.
- ✓ Remember the CSA mantra – Plan, Do, Check, Act.



**Refer to the
WCB and
CUPE
materials for
further
information**

Perform regular workplace inspections

Workplace inspections are an effective way to prevent injuries and disease. Performing regular workplace inspections will help you identify conditions or unsafe acts, determine what corrective measures need to be taken, and prevent unsafe work conditions from developing. There are three different types of inspections: regular, planned workplace inspections; equipment inspections; and special inspections.

<https://www.worksafebc.com/en/health-safety/create-manage/getting-started>

And...

SAMPLE INSPECTION CHECKLISTS

**The following pages contain the following
sample checklists**

- I. Initial Health and Safety Committee Baseline Checklist**
- II. Standard Basic Inspection Checklist**
- III. Office Safety Inspection list**
- IV. Sample Indoor Air Quality Symptom Survey**

And...

Workplace inspections

Law & policy

Workplace inspections

Workplace inspections are an opportunity to identify hazards and assess risk in your workplace on an ongoing basis. As part of a proactive injury-prevention process, inspections reveal the current state of your workplace and any activities that you can see. Workplace inspections can help you identify hazards and prevent unsafe working conditions from developing.

Conducting an inspection

After the inspection

What to focus on

Related resources

A comprehensive workplace inspection program may include daily inspections of equipment, initial startup inspections, walk-arounds of mobile equipment before use, daily and/or weekly supervisor inspections, and weekly and/or monthly departmental inspections. In addition to regularly scheduled inspections, you need to inspect your workplace after an incident or when you have added a new work process or new equipment.

Conducting an inspection

During an inspection, identify unsafe conditions and activities that may cause injury or illness, so you can take corrective measures. Follow these guidelines:

- Use a checklist to ensure that your inspection is thorough and consistent with previous inspections.
- Ask yourself what hazards are associated with the job that you are observing or that would be performed in that work area.
- Observe how workers perform tasks. Do they follow safe work procedures and use personal protective equipment as required?
- Ask workers how they perform their tasks.
- Talk to workers about what they're doing. Ask them about concerns they may have about health and safety.
- Record any unsafe actions or conditions that you observe.
- Consider tasks that the worker may also perform that you did not observe.

What to focus on

There are different ways to approach safety inspections. Looking at the components of your health and safety program will help. For example, you can focus on the most common tasks your workers perform or on specific issues addressed by your program, such as material handling, confined space entry, or workplace violence. You may wish to break up the worksite into specific segments with focused checklists to look at specific hazards and activities in each area.

Here are some examples of things to look for:

- Uncorrected problems from the previous inspection report
- Workers not following safe work procedures or procedures that aren't correct
- Improper storage of materials (for example, in front of emergency exits or electrical panels, or blocking aisles or stairs)
- Accumulation of liquid or grease on floors
- Failure to put a sign or barrier near wet floors
- Lack of guarding on equipment
- Lack of visibility through swinging doors
- Poor maintenance of equipment

If your inspection reveals a problem, try to get to the root of it. For example, if you see a wet floor, ask why. Possible explanations could include a water leak, a job process that's creating the problem, or a lack of training on how to clean up the hazard. Fix it right the first time and the problem is less likely to occur.

For more information on conducting a safety inspection, see the [Safety Inspections Workbook](#).