



WHAT IF SOMETHING AWFUL HAPPENED?

If one of your employees were seriously injured on the job, or was involved in an incident which caused damage to the environment, what would the government investigators be looking for? The investigation would focus on how the employer, and the supervisor of the person who was involved in the incident, assigned the task and trained and supervised the employee in accordance with the requirements of the legislation and the corporation's own policies and procedures. To defend yourself against charges under the Workplace Safety and Health Act, the Environment Act and the Dangerous Goods Handling and Transportation Act, you must be in a position to demonstrate that you were familiar with the applicable Acts and regulations, and that you took reasonable care to ensure that accidents were prevented.

The Workplace Safety and Health Act places general duties on employers to provide a safe and healthful workplace. As well, there are thirteen regulations which specify how an employer must identify and control workplace hazards and ensure the continuing safety of the workplace. Some of these regulations also set out mandatory requirements for worker education, for example, where workers are exposed to loud noise, handle hazardous materials or operate machinery and equipment such as cranes or forklifts. Where workplace hazards cannot be completely controlled to adequately protect workers, the employer is required to provide personal protective equipment and ensure that employees are trained and supervised to wear it. Implicit in the requirements of this legislation is the requirement for health and safety policies and safe work procedures which describe the employer's commitment to providing a safe workplace and the measures to be taken to ensure that supervisors and employees know and follow them.

Environmental legislation is contained in a number of federal and provincial statutes. They govern the movement of dangerous goods to and from the workplace, the control of the emissions and the transfer of hazardous wastes resulting from workplace processes. This legislation also establishes the levels for mandatory reporting of releases to the environment. These regulations also specify requirements for the training of employees who handle, offer for transport or transport dangerous goods, including hazardous wastes.

As an employer, you must be familiar with the legislation which applies to your company, and be in a position to demonstrate that you took reasonable measures to comply. This requirement underlies the concept of Due Diligence, defined as taking all reasonable precautions to prevent accidents, incidents and injuries. This is the most important defense available to any person or corporation charged with an environmental or workplace health and safety

infraction. While we all hope that nothing awful will happen, hoping is not enough! It is in the best interest of employers, supervisors and employees to develop, implement and document preventive measures so that if an accident or incident occurs you can demonstrate that you had done what you could to prevent it.

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