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# Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors



## **Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors**

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## Purpose of Product

Ontario employers have an obligation under the *Occupational Health and Safety Act (OHSA)* to ensure that supervisors are suitably qualified to know the work and how to organize it, be familiar with the *OHSA* and the regulations that apply to the work, and know about actual and potential workplace hazards.

Supervisors must have sufficient competency on health and safety to be able to

- meet their legislative obligations
- warn workers of actual or potential hazards
- ensure workers are adequately trained to ensure their health and safety
- take every precaution reasonable to protect workers, as well as respond to situations that may arise, such as work refusals, workplace violence and other hazards, injuries, exposures, occupational illnesses, and incidents.

Beyond meeting this minimum test for compliance, leaders and their actions at all levels set the tone and help establish the culture for safety, good or poor. The *OHSA* sets out requirements that an employer must meet when appointing a competent supervisor and sets out duties of a supervisor. There are other standards, laws, and documents such as those outlined by the Public Services Health and Safety Association (PSHSA), CSA Group (formerly Canadian Standards Association), or training required for the mining sector and established by the Ministry of Training, Colleges, and Universities (MOTCU) as outlined in the mining regulation to meet the requirements of being a competent supervisor.

Employers must ensure that supervisors have completed the Supervisor Health and Safety Awareness training required by the Ministry of Labour (Ontario Ministry of Labour, 2013), although this alone does not ensure that a supervisor is competent on health and safety.

This tool will provide a framework for health care organizations (hospitals, long-term care homes and home care) to assess and supplement their current supervisor training where appropriate to ensure supervisors are competent on health and safety and the specific hazard of workplace violence. Additional training may be required to ensure competency on other hazards. It will allow employers to incorporate supervisory competency training into their existing leadership training.

The tool will establish specific minimum content requirements and suggested training length. The tool will provide reference to established safety association training already available that meets some or all of the requirements. The tool will provide examples of training already in use, as well as case study examples that can be used as part of the training. The tool will provide specific guidance on developing supervisor health and safety competency related to the hazard of workplace violence and general guidance to address other hazards. The tool will provide guidance on establishing who meets the definition of being a supervisor to help determine who should receive the training.

The tool will be used by health care organizations when designing, selecting, or delivering health and safety competency training for supervisors.

## Legislative Background

The Occupational Health and Safety Act (“the Act”) defines the term “supervisor” and sets out specific duties and requirements for employers, supervisors, and other workplace parties. Of particular note for this tool are the requirements for employers and supervisors, which are contained primarily within sections 25, 26, and 27 of the Act. These requirements are lengthy and substantial, and employers need to understand them fully to meet their obligations. A full listing of these three sections is roughly five pages long and is included in Appendix 1: Legislative Duties of Employers and Supervisors. The Act also sets out specific penalties for these parties and others if convicted of a contravention. For brevity the key elements of a supervisor are summarized as follows.

“Your duties as a supervisor

Under the OHSA, every supervisor is also considered to be a worker and has the same workplace duties and rights as a worker. But the OHSA also gives you specific duties related to your role as a supervisor, including

- Telling workers about hazards and dangers and responding to their concerns
- Showing workers how to work safely and making sure they follow the law, and the workplace health and safety policies and procedures
- Making sure workers wear and use the right protective equipment
- Doing everything reasonable in the circumstances to protect workers from being hurt or getting a work related illness” (Ontario Ministry of Labour, 2015)

In addition, the employer has specific obligations when appointing a supervisor.

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“The OHSA says it’s the employer’s duty to appoint a “competent person” as a supervisor. To be a competent supervisor under the OHSA, you must:

- Have knowledge, training and experience to organize work for your workers
- Be familiar with the OHSA and the regulations that apply to the work you are supervising
- Have knowledge of any potential or actual danger to health or safety in the workplace

Your employer must ensure that you are competent before you start supervising. This includes ensuring that you know the OHSA and the Regulations that apply to the work, and that you know about any potential or actual dangers to health and safety in the work you are supervising.” (Ontario Ministry of Labour, 2015)

Beyond this and specific to health care there are additional requirements for employers under the *Health Care and Residential Facilities Regulation* that are of relevance to the employer and supervisor. Sections 8 & 9 (1) places additional responsibilities on health care employers covered by this regulation to develop in consultation with the JHSC or HSR, written measures and procedures for the protection of workers in general and on specific topics, Section 9 (4) requires that employers train and educate workers on measures and procedures that are relevant to their work. Section 10 requires that workers be trained on the use, care, and limitations of personal protective equipment (Queen’s Printer of Ontario, 2018). The specific regulatory requirements are provided in Appendix 1: Legislative Duties of Employers and Supervisors.

Offences under the Act are set out as follows (Queen’s Printer of Ontario, 2018).

### Penalties

**66** (1) Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) an order or requirement of an inspector or a Director; or
- (c) an order of the Minister,

is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1990, c. O.1, s. 66 (1); 2017, c. 34, Sched. 30, s. 4 (1).

Idem

- (2) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$1,500,000 and not as provided therein. R.S.O. 1990, c. O.1, s. 66 (2); 2017, c. 34, Sched. 30, s. 4 (2).

Regulation 297/13 under the *OHSA (Occupational Health and Safety Awareness and Training)* also requires employers to provide supervisor and worker awareness training. This training is very brief and is often misunderstood to be acceptable competency training. It was strictly developed by the Ministry of Labour's office as an awareness tool and in no way should be interpreted as a substitute for the training required under the Act to ensure a supervisor is competent.

## **Legislation and Regulations Related to Violence in Ontario Workplaces**

As of the writing of this tool, violence and harassment policy, programs, risk assessment, and communication is legislated under the *OHSA*, Part III.O.1. Supervisor training must include reference to legislative requirements and cover whatever information is most up to date. Current legislated and/or regulated and required content includes but is not limited to the following.

- Definitions of Violence and Harassment
- Policy requirements and review of organizational policy
- Program requirements and review of organizational programs
- Risk assessment and re-assessment
- Domestic Violence
- Provision of information on the risk of violence from those with a history of violent behavior
- Provision of information and instruction to workers
- Investigation of incidents and complaints
- Involvement of Joint Health and Safety Committee/Health and Safety Representative
- Requirements for written safe work measures and procedures and their review

## **Mining Sector**

Specific to the mining sector, R.R.O. 1990, Reg. 854: *Mines and Mining Plants* requires employers in this sector to establish training programs for workers and supervisors and to ensure that this training is provided as appropriate. (Queen's Printer for Ontario, 2018) The program standards for this specific training is established by the Ministry of Training, Colleges and Universities. This training standard was developed as a result of an inquiry into safety in mines, causing the regulation to be updated to include core and comprehensive worker and supervisor training. More detail on this content is provided in the section Baseline Training for Competency and, depending on the materials covered and training provider, can include up to twenty days of detailed training covering a wide spectrum of hazards in mines.

## Case Law

Employers should also look to Case Law to help guide them in assessing their compliance with Health and safety training for supervisors such as *OPSEU v. Ministry of Solicitor General and Correctional Services [1998] O.O.H.S.A.D. No. 163* (“Whitby Jail”)

In that case the Board held:

*... at a minimum, persons in supervisory positions should be provided training on the following:*

- Understanding of the OHSA and Regulations applicable to the specific workplace.
- Work refusal procedure, the function of the Joint Health and Safety Committee.
- Duties imposed on the employer, supervisors and employees under the Act.
- Knowledge of emergency contingency plans for fire, hostage situations, bomb threats, security equipment, and other matters.
- Delegation of authority and names and contact information of people with whom to consult.
- Safety procedures applicable to the workplace.
- Knowledge of a supervisor’s job duties.

In addition, the Board found that training must be specific to the workplace. For example, in the context of a correctional institution, training was to include mace training and standing orders for emergency situations including evacuation of prisoners and liaising with police and fire departments. Therefore a generic training program will not fully meet this standard without additional workplace specific training.

## Overview of Ministry of Labour Inspections

Ministry of Labour inspectors as part of their check of employers’ compliance with *OHSA* and its regulations may issue orders or include a discussion in their field visit narrative related to supervisor competency and training. Some examples of what may be checked by inspectors in health care workplaces includes but is not limited to:

- Employers provide competent supervision for workers.
- Employers provide information, instruction, and supervision to a worker to protect the health and safety of the worker.
- Employer, in consultation with and in consideration of the recommendation of the joint health and safety committee, develops, establishes, and provides training and educational programs in health and safety measures and procedures for workers that are relevant to the workers’ work, which include workplace violence measures and procedures.

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- Supervisors inform workers of potential or actual dangers that the supervisors are aware of
- Supervisors are familiar with the *OHSA* and their supervisory responsibilities as well as the regulations that apply to the work (e.g. Health Care and Residential Facilities Regulation, 67/93, etc.).
- Supervisors take both the mandatory Supervisor and Worker Health and Safety Awareness Training programs.
  - The *Occupational Health and Safety Awareness and Training Regulation* contains a limited exemption for supervisors who completed an awareness training program for supervisors before July 1, 2014. In such a case, a supervisor would not have to complete an awareness training program for workers. See the [Guide to the OHSA Requirements for Basic Awareness Training](#) for more information on the Regulation, including exemptions.
- Supervisors take every precaution reasonable in the circumstances for the protection of a worker.

## Identifying Who is a Supervisor

In Ontario the *OHSA* defines a Supervisor as “a person who has charge of a workplace or authority over a worker.” (Queen’s Printer of Ontario, 2018) This is a broad definition that can apply to many different people in a health care workplace.

The Ministry of Labour has prepared a document entitled “Who is a Supervisor under the Occupational Health and Safety Act” to assist employers in this matter. It contains guidance on when a charge nurse might also be considered a supervisor, particularly when there is no-one else present in the workplace that is a formal supervisor by job title, and what the MOL requirements are in those situations. This is provided in full in Appendix 2: Identifying a Supervisor.

The Public Services Health and Safety Association (PSHSA) has also prepared a guidance document to assist employers in determining who meets these definitions. This is also provided in Appendix 2: Identifying a Supervisor.

A key message to health care employers is that you cannot determine who is a supervisor from the title alone and this can include union members as well.

### Good to Know

It is critically important that each person in the workplace understands their role and obligations. Confusion as to whether a specific individual has the duties of a supervisor can lead to a failure of the internal responsibility system and undue risk to those in the workplace.

## **Assessing, Addressing, and Communicating Risk of Violence**

This section will address the importance to employers and supervisors of understanding the hazard and risk present in their specific workplace, including workplace violence.

Supervisors are required to advise workers on potential/actual hazards. Some of these hazards include but are not limited to workplace violence, musculoskeletal hazards, asbestos, anesthetic agents, infectious diseases, slips, trips, and falls, and chemical agents. They are also required to take every precaution reasonable in the circumstances for the protection of a worker. If the risk of violence in a specific workplace has not been assessed, even from a very high level, the supervisor does not have all of the information they need to protect workers and fulfill these obligations under the *OHSA*.

Employers are also obligated to assess and reassess the risk of violence as often as necessary to ensure the employer's violence policy and program continues to protect workers from workplace violence. Supervisors have a vested interest in ensuring that these assessments are conducted to ensure workers are protected, the legislation is met, and that they have the information they need to ensure workers are made aware of the hazards they face. The results of the assessment or a copy of it if it is in writing must be provided to the JHSC/HSR. Supervisors must act on the risks/hazards identified in the assessment or as reported to them by workers or made aware by any other means. Training and involving the supervisor in the risk assessment process is a necessary step to ensuring they can meet the definition of being competent on health and safety and protecting workers as it relates to violence in the workplace and other hazards.

There are detailed tools easily available from the Public Services Health and Safety Association (refer to [Appendix 3: Assessing the risk of violence](#)) that can assist employers, supervisors, and other workplace parties in carrying out risk assessments for workplace violence. (Public Services Health and Safety Association, n.d.)

## **Reporting and Investigation as Part of Risk Awareness and Assessment**

Workplace violence is unacceptable and must not be tolerated in any workplace. A great deal can be done to prevent workplace violence such as proactively identifying and controlling these hazards, however once an incident occurs workplace violence must be reported, investigated and corrective actions implemented and evaluated. Lack of effective workplace violence reporting and investigations can hinder prevention efforts resulting in ongoing workplace violence injuries, illness or worse.

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Supervisors should therefore also be trained in the notice provisions under the *OHSA* to understand the importance of promoting/requiring incident/hazards reporting by all workplace parties. Supervisors should also be trained in their own obligations to inform workers of any hazard of which they may be aware of, including those from a person with a history of violent behaviour. They should also be aware of the significant penalties associated with non-compliance under the *OHSA* individually and to their employer if one of their actions results in a prosecution by the Ministry of Labour under the *OHSA*.

Since employers must provide critical injury/fatality notification immediately to the MOL, the JHSC or health and safety representative as required and the Union, supervisors must receive training in both the requirements of the law and in investigation to help the employer meets its legal obligations.

The time frame to provide notification of accidents and illnesses to the JHSC or health and safety representative, Union and MOL (as applicable) is four days and the notice must include all of the prescribed information which can be found in section 5 of *the Health Care and Residential Facilities regulation* for Hospitals and Long-term care homes. The steps to prevent a recurrence is one of the key prescribed elements. This means the employer, or supervisor acting as an agent of the employer, must conduct an investigation into the accident or illness within four days and provide this information to the above parties to be able to comply with the notification requirements and to prevent harm to other workers in a similar situation. To expect supervisors to be able to do this effectively their training must also cover reporting and investigation.

### **Responding to Violence**

Separate from investigation and follow up as outlined above, supervisors require training on the steps to follow when responding to a concern or incident of workplace violence. For specific recommendations on these steps please refer to the Violence Response Toolkit (add link) and the Workplace Safety Plans Toolkit (add link). Typical steps involved in violence response include the following.

- Measures and procedures to summon assistance, internal and external as appropriate
- Managing and controlling the scene
- Emergency response, provision of first aid, and other supportive care
- Notification and reporting requirements, internal and external to the organization
- Incident debriefing for staff support
- Incident investigation, analysis of contributing factors, and development of corrective actions

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- Development of workplace personal safety plan
- Documentation and communication of lessons learned
- Updating risk assessments and measures and procedures to control the risks identified in the assessment.

### **Baseline Training for Competency**

There is some precedence for what training should be considered to ensure supervisor competency on health and safety. This tool makes reference to the following resources. Each is described in this section and more detail is provided in Appendix 4: Baseline Supervisor Training.

- CAN/CSA-Z1001-18 Occupational health and safety training
- Program content established by the Public Services Health and Safety Association
- Program content established for the mining sector by the Ministry of Training, Colleges, and Universities
- Examples of training in use at various health care settings

### **CAN/CSA-Z1001-18 Occupational Health and Safety Training**

This standard provides voluntary guidance on what elements should be considered for supervisor training. Although not every element applies in every workplace, or even perhaps to every supervisor, a checklist of items to consider is included in Appendix 4: Baseline Supervisor Training is summarized below.

- Roles and Responsibilities; legal and corporate specific
- Internal Responsibility System
- Hazard Identification and elimination and risk assessment and control
- Emergency Procedures
- Incident Investigation
- Conducting planned inspections
- Auditing skills
- Training (adult learning)
- Planned task observation
- Communication skills
- Motivation and discipline
- Managing troubled employees
- Off the job safety
- Problem solving skills

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

- First Aid
- WHMIS / Chemical safety
- Industrial Hygiene and medical surveillance programs
- Duty to accommodate

## Public Services Health and Safety Association (PSHSA) Outline

PSHSA provides competency focused training on Health and Safety for Supervisors and Managers that goes beyond the minimum safety awareness requirements under the Regulation for *Occupational Health and Safety Awareness and Training*. An outline of this two-day training is as follows and includes exercises, scenarios and discussions with participants. A more detailed listing of the various topics is included in Appendix 4: Baseline Supervisor Training.

- Legislation, Standards, Codes, Accreditation
- Internal Responsibility System
- Due Diligence
- Hazard Awareness and Control
- Incident causation and investigation
- Management responsibility
- Safety Culture
- Leadership Style and practical approaches

## Mining Sector

Justice Campbell concluded a decade ago in his SARS report that hospitals are as dangerous as mines and factories (Campbell, 2006). As a result of numerous fatalities and other injuries mining industry employers now make safety a priority and require all of its supervisors to be fully competent under the Act.

Health care employers can learn from the supervisor competency standards set in the mining industry and compare their training to that required by the mining industry. Currently in Ontario supervisors in mines must complete the Mining Common Core for First Line Supervisors training. This additional core training was developed as a result of a recent review of safety in mines and is currently being refreshed. The program can take up to twenty days to complete depending on the specific hazards covered by the mine where the work is being performed. A summary of this comprehensive training and course description for this program is as follows. An example of the various topics covered and course lengths is provided in Appendix 4: Baseline Supervisor Training.

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

- *OHSA* and Mining Regulations
- Introduction to Mining Safety Programs
- Planned Inspection and Observation
- Incident Investigation
- Prepare for Emergencies: Underground Mining
- Occupational Health and Industrial Hygiene
- Practice Effective Communication
- Manage Employees
- Ground Control: Underground Mining
- Mine Ventilation: Underground Mining

## Centre for Addiction and Mental Health (CAMH)

CAMH requires participants to take a total of three days of Training for Leaders. Two of the days are in-classroom with Public Services Health and Safety Association's Leadership Training program that contains information on legal requirements and obligations under the *Occupational Health and Safety Act (OHSA)*. In addition to this CAMH has developed with the Unions and JHSC members, an additional day of in-house training that familiarizes supervisors and leaders with CAMH-specific health and safety policies, measures and procedures which operationalize the requirements in the *OHSA*.

This course invites participants to work from their own experience and build their knowledge through developing a collective analysis. Refer to Appendix 5: Sample Training Materials for a sample organizational framework for this additional day of supervisor competency training and sample facilitator notes.

### **Dr. Catherine Zahn, President and CEO of CAMH had this to say about the training:**

"I had the opportunity to participate in the 'LEAD' the Way to Health and Safety supervisor competency training alongside CAMH's union partners – a very useful 3-day in-classroom training program that all our leaders will be taking. The training consists of two days of Public Services Health and Safety Association Health and Safety for Leaders Training and a one-day in-house health and safety leadership training program developed jointly with our Unions. At CAMH, a priority is to ensure that leaders at every level of the organization are equipped with the skills to identify hazards, inform workers and respond quickly. This program is helping CAMH to embed a culture of safety for staff and patients. I believe that this should be a standard in the province, replicated across health care organizations."

Everyone from the CEO to supervisors have or will be taking this training.

## The Ottawa Hospital (TOH)

TOH provides the following training to leaders, covering all supervisors up to and including the CEO, that support competency on safety and hazards related to workplace violence. There are other training topics related to other hazards.

- Safety Awareness for Leaders
- Safety Awareness for Workers
- New Leader Onboarding: Safety Leadership, Responsibilities, and Just Culture. A full day in class. Covers essentials of the duties of workplace parties and regulatory requirements such as work refusals and critical injuries, domestic violence, current TOH safety performance, engaging staff in hazard identification and development of safe work practices, supports available to leaders for training, incident reporting and follow up, and inspection follow up, emergency protocols, supporting staff with injuries and other accommodation needs, and wellness supports including psychological supports.
- Due Diligence: The *Occupational Health and Safety Act* for leaders. One full day of in class training specific to the Act and regulations relevant to health care
- Just Culture for Leaders. Roughly eight to twelve hours of online content and one half day in class. Training covers TOH's approach to Values and Expectations, System design for safety, Basics of Incident Investigation, Corrective Actions, Learning Systems (Incident Reporting), and fostering a transparent learning culture that supports continuous improvement, reporting, and follow up on issues.
- Coaching: One half day in class. Hands on training using examples and role play in small group to teach leaders on how to listen to staff, provide effective feedback, and coach for safety.
- *Being implemented, roughly half of all leaders complete*: Incident Investigation for Leaders: One half day in class. Supplements Just Culture training. Provides hands on example based training on incident investigation and determination of causal factors (root causes).
- Violence Prevention Management at TOH: Roughly two hours in class. Review of violence prevention policy and programs as well as supports available to leaders and their role in activities such as risk assessments and incident follow up.
- Safety Leadership for Charge nurses: specific training for nurse leaders and staff on expectations of the charge nurse related to safety and supports available.
- *Under evaluation, not fully implemented*: Safety Culture Leadership. In Class two-hour training for leaders on practical approaches they can take to support development of a healthy safety culture in their team.

## Summary of Recommended Content and Timing

A summary of the recommended minimum general and workplace specific training content to be provided to supervisors in a health care environment to help ensure they are competent on health and safety and specifically the hazard and risks associated with workplace violence is provided in the table below. For more details on the suggested general training content see Appendix 4: Baseline Supervisor Training and Appendix 5: Sample Training Materials for specific workplace training. Training length is suggested for guidance and planning purposes and should not be considered prescriptive or compliance with the legislation; the suggested length amounts to a minimum of three days and is based on the references provided as part of this tool. Organizations should evaluate this against training that they are already providing and competencies that their supervisors already demonstrate and determine where they have opportunities to supplement what they are already providing. A detailed review of training programs already available and in place has been provided elsewhere in this tool and those resources can be used directly or as guidance to help each organization determine their training content for each section.

Item	Topic	Objective	Length
1	Health and Safety Awareness for Leaders	Supervisors will have an awareness of the requirements of the <i>Occupational Health and Safety Act</i> , the rights and responsibilities of workers, supervisors, and employers, and an introduction to hazard recognition and follow up using teamwork and the internal responsibility system. It meets the regulated awareness training requirements.	Online, one hour.
2	Worker Health and Safety Awareness Training	This training introduces workers to the <i>Occupational Health and Safety Act</i> . It focuses on the health and safety rights and responsibilities of workers, supervisors and employers. It also serves as a general introduction to workplace health and safety.	Online, one hour
3	Regulatory Due Diligence	Supervisors will have an understanding of the regulatory requirements, roles and responsibilities in Ontario. They will have an understanding of their responsibilities under policies and programs in place with their employer. They will understand how the internal responsibility system	In person with support materials available. Four to eight hours.

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Item	Topic	Objective	Length
		works, their role and the role of other workplace parties specific to their workplace.	
4	Hazard awareness, risk assessment and control	Supervisors will have an understanding of general workplace hazards and the hazards associated with their workplace. They will be familiar with tools and processes to help identify hazards, assess risk, and implement measures to control and mitigate risk.	In person, highly dependent on the workplace. General review of hazards in four hours. Often combined with regulatory due diligence as regulations can be specific to hazards.
5	Emergency Response	Supervisors will know and be able to implement emergency response procedures specific to their organization. They will be able to direct others during an emergency. They will know how to identify when individuals require accommodation to ensure safety during an emergency.	Online or in person, highly dependent on organization. Two hours, considering most supervisors will be familiar with procedures as former front line workers.
6	Incident reporting, investigation and root cause analysis	Supervisors will be familiar with the regulatory reporting requirements in Ontario for various types of incidents and illnesses.  Supervisors will understand their organizations reporting procedures and how to encourage workers to use these actively to report incidents, near misses, and good catches. Supervisors will understand how to investigate reports and identify contributing factors and root causes so that permanent corrective actions can be developed and implemented. They will have the opportunity to practice using case studies.	In person, four to eight hours. Supplemented with online or physical resources.
7	Safety leadership, culture, and communications	Supervisors will have an understanding of their role in setting a positive safety culture in their organization. They will be able to use	In person. Two to four hours.

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Item	Topic	Objective	Length
		practical skills to communicate with workers and involve them in problem solving and continuous improvement for health and safety. They will understand and be able to implement fair approaches to providing training and ensuring workers are able to and do meet their own duties and responsibilities for health and safety.	
8	Violence Prevention and Response at your organization and Violence Regulation in Ontario	Supervisors will be familiar with the regulatory requirements related to violence in the workplace in Ontario.  Supervisors will understand the programs in place at their workplace to assess, prevent and respond to workplace violence, including domestic violence. They will be able to fulfil their roles in these programs. They will be given time to review and practice problem solving in a group setting using case study examples.	In person, two to four hours.

### Ongoing Training

Most organizations consider training for supervisors and other leaders when the supervisor is first assigned or as one time training for all supervisors when a gap in knowledge is identified. It is important for employers to recognize that while initial training is important, supervisors will also benefit from ongoing training. Several examples of where training updates should be considered are provided below.

- Legislative and Regulatory changes that affect worker safety requirements or supervisor accountabilities.
- When a new hazard or significant change in risk awareness occurs. Workplace violence awareness is a good example of this. Up until very recently, violence in health care was seen by most as “part of the job” and the risk was not well understood. Supervisors have an important role in changing this culture and should be provided training to ensure they have the tools to discuss the hazards and solutions with their workers.
- A supervisor may change roles and either have a new scope with different hazards and safe work requirements, or a promotion with new safety accountabilities.

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

Beyond these simple examples, all people (workers and supervisors) tend to drift in their behaviour and may accept higher and higher risk over time, take shortcuts, or skip steps. Supervisors should be provided regular coaching and awareness updates to ensure that they are regularly updated on the employer's expectations and their responsibilities.

The most recent safety in mines review identified ongoing training as an element that they should look at more closely and consider in an updated training curriculum.

This training does not have to be across the board for all of an employer's supervisors. Gaps can be identified and tailored to individuals using information from performance reviews, injury and illness data at a departmental level, information from engagement or other similar staff surveys, incident investigations, Ministry of Labour visits, and individual feedback.

### Case Examples

There are numerous case examples that you may wish to use to build your additional day of training but for the purpose of this tool the examples will be related to the hazard of workplace violence. Questions that can engage participants include but are not limited to:

- Which of our policies apply to this situation?
- How does the legislation apply to this situation?
- What are your legal obligations as a supervisor to respond, follow up, and address this incident and/or unresolved safety concern to ensure workers are protected?
- What actions would you take as the supervisor?
- Is there a role for the JHSC/HSR? the union? the MOL? Another department or unit?

Case studies that are recommended include the following topics and examples:

- **Inspection follow up** – During the workplace inspection required under section 9 (23) of the *OHS Act*, the JHSC member identifies numerous workers and the manager in a particular unit not wearing their personal panic alarms. They brought this to the manager's attention stating personal panic alarms linked to security were made available to workers over 6 months ago and a written procedure outlining the employer's expectations for care, use (including testing) and limitations was also developed. Workers were to receive their alarms and be trained on the procedure.

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- **Investigation** – A crisis worker, a doctor, and a patient’s mother are all assaulted in an emergency room incident involving a formed patient. The doctor sustains a broken wrist and a nurse in this same assault is also beaten beyond recognition.
  - Facts: the emergency room was over capacity with 15 formed patients versus the 4 that can be accommodated in the emergency room. Security was watching a camera on the unit but did not attend to cries for help. There was no means to summon immediate assistance as alarms had been taken away months prior to the incident as they were too costly to maintain and the patient history of violence was not known to staff although was known to the employer. The unit was short staffed and the charge nurse on the prior shift and shift the morning of the incident had asked the supervisor for additional security and staffing resources but was declined. The assault ends when a porter enters the unit and takes down the patient. In addition to the suggested questions, what are your responsibilities as a supervisor under the *OHSA* to investigate and what relevant information might you ascertain to prevent a recurrence in the future?
- **Worker reporting a hazard:**
  - A. A worker who works in a mental health facility reports to her manager that a patient has threatened to kill her and that the patient has friends ‘on the outside’ who can carry this out when she leaves. She is fearful for her safety and reports this threat to her manager.
  - B. A worker reports to her manager that the personal panic alarms provided do not summon immediate assistance and only make noise so no one attended when she tested her alarm. She also reports that the alarms are too large and get in the way when performing resident care and are constantly fall off their clothing making them impossible to activate in an attack if they have fallen to the floor.
  - C. The service provider organization (SPO) has completed the first home visit safety checklist prior to assigning a home care worker to a home visit with Mrs. P. The SPO has determined that the only other person expected to be in the home during any home visit is the client’s husband. After the intake process, the client’s son moved back into the home. He is showing signs of verbal aggression to his parents and disregard for the workers. The worker reports this change to their supervisor.
- **Work refusal specifically related to violence** – A health care worker previously assaulted by a patient with a known history of violence learns at the start of her shift that the same patient was admitted the night before and she has been assigned to care for this patient. The nurse expresses concern for her safety to her supervisor and states she is not comfortable caring for this particular patient without additional protection.

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- **Risk assessment, for a situation like a short staffing.** A worker shows up for her shift and learns that the patient acuity for violent behaviour is high and that they are short staffed this shift by 2 workers due to staff illness. It is also the night shift and doing rounds in pairs as per policy will not be possible given the staffing shortage.
- **Weapons case study, actual ones and makeshift.** In a busy Emergency department a patient gets hold of a set of scissors and starts stabbing another patient. The police are already in the emergency room tending to another patient and respond. Nursing and other health care staff are trying to tend to the wounded patient while frantically moving other patients to safety while risking their own safety. The patient (perpetrator) does not stand down despite police attempts to get the patient to disarm. The patient starts charging towards the officers and while nursing and other staff are in the line of fire the police start shooting and shoot the patient dead.
- **Critical Injury.** A forensics patient with a history of assaulting police officers and staff is escorted by the nurse to the washroom. The patient exits the washroom and lunges at the nurse stabbing her numerous times in the head and neck with a pen just missing her carotid artery. There is blood everywhere. The worker needs to be rushed to emergency and other workers are traumatized and fear their safety as the patient remains on the unit.
- **Control measures.** An inpatient medical unit learns that a patient with a history of violent behaviour is being admitted. Workers on the unit ask the supervisor to implement safety measures for their protection.
- **Escalation and closing the loop to implement short term and permanent corrective actions.** A patient with a history of violent behaviour must be transferred to another hospital and a nurse is asked to escort the patient in the back seat of a taxi. The nurse is extremely concerned for her safety and tells her supervisor that she has no problem escorting the patient provided she is protected and not at risk. The supervisor is also concerned for the nurses' safety but must get this patient transferred.
- **Case example using hierarchy of controls.** Your team is doing the workplace violence risk assessment and you identify that workplace violence is a risk for your workers. Last month alone, there were 20 incident reports submitted, Code Whites, most of them involving a few patients/residents. From analyzing the reports, you notice that a number of incidents arise during mealtime, a very busy and noisy time, when patients/residents all congregate in the meal area. You are designing measures and procedures to reduce this risk.

To address this hazard, identify at least one control from every level: Control at the source, control along the path, and control at the worker.

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## Appendix 1: Legislative Duties of Employers and Supervisors

Sections 25, 26, and 27 of the Act provide the key duties for employers and supervisors. This is up to date as of October 24, 2018. For the most current version please refer to the following link.

<https://www.ontario.ca/laws/statute/90o01>

### Duties of Employers

25 (1) An employer shall ensure that,

- (a) the equipment, materials and protective devices as prescribed are provided;
- (b) the equipment, materials and protective devices provided by the employer are maintained in good condition;
- (c) the measures and procedures prescribed are carried out in the workplace;
- (d) the equipment, materials and protective devices provided by the employer are used as prescribed; and
- (e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,
  - (i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,
  - (ii) in accordance with such other requirements as may be prescribed, or
  - (iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply. R.S.O. 1990, c. O.1, s. 25 (1); 2011, c. 11, s. 9.

Idem

- (2) Without limiting the strict duty imposed by subsection (1), an employer shall,
- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;
  - (b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

- (c) when appointing a supervisor, appoint a competent person;
- (d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
- (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
- (f) only employ in or about a workplace a person over such age as may be prescribed;
- (g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
- (h) take every precaution reasonable in the circumstances for the protection of a worker;
- (i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
- (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- (k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
- (l) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
- (m) advise workers of the results of a report referred to in clause (l) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety;
- (n) notify a Director if a committee or a health and safety representative, if any, has identified potential structural inadequacies of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, as a source of danger or hazard to workers. R.S.O. 1990, c. O.1, s. 25 (2); 2017, c. 34, Sched. 30, s. 1 (1).

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Idem

- (3) For the purposes of clause (2) (c), an employer may appoint himself or herself as a supervisor where the employer is a competent person. R.S.O. 1990, c. O.1, s. 25 (3).

Same

- (3.1) Any explanatory material referred to under clause (2) (i) may be published as part of the poster required under section 2 of the Employment Standards Act, 2000. 2009, c. 23, s. 2.

Idem

- (4) Clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed. R.S.O. 1990, c. O.1, s. 25 (4); 2011, c. 1, Sched. 7, s. 2 (2).

Same

- (5) Clause (2) (n) does not apply to an employer that owns the workplace. 2017, c. 34, Sched. 30, s. 1 (2).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 2 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (2) - 30/03/2011; 2011, c. 11, s. 9 - 1/06/2011

2017, c. 34, Sched. 30, s. 1 (1, 2) - 14/12/2017

Footwear

25.1 (1) An employer shall not require a worker to wear footwear with an elevated heel unless it is required for the worker to perform his or her work safely. 2017, c. 22, Sched. 3, s. 1.

Exception

- (2) Subsection (1) does not apply with respect to an employer of a worker who works as a performer in the entertainment and advertising industry. 2017, c. 22, Sched. 3, s. 1.

Definitions

- (3) In subsection (2),

“entertainment and advertising industry” means the industry of producing,

- (a) live or broadcast performances, or
- (b) visual, audio or audio-visual recordings of performances, in any medium or format; (“industrie du spectacle et de la publicité”)

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“performance” means a performance of any kind, including theatre, dance, ice skating, comedy, musical productions, variety, circus, concerts, opera, modelling and voice-overs, and “performer” has a corresponding meaning. (“représentation”, “artiste”, “interprète”) 2017, c. 22, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 22, Sched. 3, s. 1 - 27/11/2017

Additional duties of employers

26 (1) In addition to the duties imposed by section 25, an employer shall,

- (a) establish an occupational health service for workers as prescribed;
- (b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
- (c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
- (d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
- (e) notify a Director of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;
- (f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;
- (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
- (h) establish a medical surveillance program for the benefit of workers as prescribed;
- (i) provide for safety-related medical examinations and tests for workers as prescribed;
- (j) where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;
- (k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and
- (l) carry out such training programs for workers, supervisors and committee members as may be prescribed.

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Idem

- (2) For the purposes of clause (1) (a), a group of employers, with the approval of a Director, may act as an employer. R.S.O. 1990, c. O.1, s. 26 (1, 2).

Idem

- (3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,
  - (a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;
  - (b) the worker's reasonable travel costs respecting the examinations or tests; and
  - (c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 26 (3); 1994, c. 27, s. 120 (3).

### Duties of Supervisor

27 (1) A supervisor shall ensure that a worker,

- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
- (b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

- (2) Without limiting the duty imposed by subsection (1), a supervisor shall,
  - (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
  - (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
  - (c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1990, c. O.1, s. 27.

Sections 8, 9 and 10 of the *Health care and Residential Facilities Regulation* provide additional requirements specific to workplaces covered under the Regulation that are of relevance to supervisor competency.

**8.** Every employer in consultation with the joint health and safety committee or health and safety representative, if any, and upon consideration of the recommendation thereof, shall develop, establish and put into effect measures and procedures for the health and safety of workers. O. Reg. 67/93, s. 8.

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**9.** (1) The employer shall reduce the measures and procedures for the health and safety of workers established under section 8 to writing and such measures and procedures may deal with, but are not limited to, the following:

1. Safe work practices.
  2. Safe working conditions.
  3. Proper hygiene practices and the use of hygiene facilities.
  4. The control of infections.
  5. Immunization and inoculation against infectious diseases.
  6. The use of appropriate antiseptics, disinfectants and decontaminants.
  7. The hazards of biological, chemical and physical agents present in the workplace, including the hazards of dispensing or administering such agents.
  8. Measures to protect workers from exposure to a biological, chemical or physical agent that is or may be a hazard to the reproductive capacity of a worker, the pregnancy of a worker or the nursing of a child of a worker.
  9. The proper use, maintenance and operation of equipment.
  10. The reporting of unsafe or defective devices, equipment or work surfaces.
  11. The purchasing of equipment that is properly designed and constructed.
  12. The use, wearing and care of personal protective equipment and its limitations.
  13. The handling, cleaning and disposal of soiled linen, sharp objects and waste.
- (2) At least once a year the measures and procedures for the health and safety of workers shall be reviewed and revised in the light of current knowledge and practice.
- (3) The review and revision of the measures and procedures shall be done more frequently than annually if,
- (a) the employer, on the advice of the joint health and safety committee or health and safety representative, if any, determines that such review and revision is necessary; or
  - (b) there is a change in circumstances that may affect the health and safety of a worker.

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

- (4) The employer, in consultation with and in consideration of the recommendation of the joint health and safety committee or health and safety representative, if any, shall develop, establish and provide training and educational programs in health and safety measures and procedures for workers that are relevant to the workers' work. O. Reg. 67/93, s. 9.

### **Personal Protective Equipment**

**10.** (1) A worker who is required by his or her employer or by this Regulation to wear or use any protective clothing, equipment or device shall be instructed and trained in its care, use and limitations before wearing or using it for the first time and at regular intervals thereafter and the worker shall participate in such instruction and training.

- (2) Personal protective equipment that is to be provided, worn or used shall,
  - (a) be properly used and maintained;
  - (b) be a proper fit;
  - (c) be inspected for damage or deterioration; and
  - (d) be stored in a convenient, clean and sanitary location when not in use. O. Reg. 67/93, s. 10.

## **Appendix 2: Identifying a Supervisor**

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-2\\_1-Who-is-a-Supervisor-under-the-Occupational-Health-and-Safety-Act.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-2_1-Who-is-a-Supervisor-under-the-Occupational-Health-and-Safety-Act.pdf)

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-2\\_2-Sup-Comp-App-2-LHSFCCEN0810-Caught-in-the-Middle-OHS-PSHSA.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-2_2-Sup-Comp-App-2-LHSFCCEN0810-Caught-in-the-Middle-OHS-PSHSA.pdf)

## **Appendix 3: Assessing the Risk of Violence**

Electronic versions of PSHSA's VARB toolkits are available at the link below.

<https://workplace-violence.ca/tools/>

An online portal that allows the user to create an account, record the results of the risk assessment, and provides recommended follow up actions is available at the link below.

<https://wvra.pshsa.ca/>

## **Appendix 4: Baseline Supervisor Training**

CAN/CSA Z1001-18 Occupational health and safety training can be purchased through the CSA Group at the link below.

[https://store.csagroup.org/ccrz\\_ProductDetails?viewState=DetailView&cartID=&sku=CAN/CSA-Z1001-18](https://store.csagroup.org/ccrz_ProductDetails?viewState=DetailView&cartID=&sku=CAN/CSA-Z1001-18)

### **PSHSA Competent Supervisor Training Outline Detail**

#### **Health and Safety Law**

- Importance of OHS
- Internal Responsibility
- Roles and Responsibilities (Duties under the act)
- Due diligence
- JHSC/HSR
- Constructor Safety
- Work Refusal
- Dangerous Circumstances
- Work Stoppage
- Regulations

#### **Hazard Management**

- Hazards and categories
- Hazard Recognition, Assessment, Control and Evaluation of Control (RACE)
- Contributing Factors (source) and PEMEP – people, equipment, materials, environment and process
- Assessment Methods
- Hierarchy of Controls
- Impact vs Effort

#### **Incident Investigation**

- What to investigate
- Who investigates
- How to investigate
- Critical injury

## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

- Loss causation
- Identifying root causes and recommendations
- Forms, Notices
- Emergency preparedness and role of supervisor

### **Enhancing Health and Safety Culture and Performance**

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-4\\_1-Sup-Comp-PSHSA-HS-Leaders-Classroom-Info.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-4_1-Sup-Comp-PSHSA-HS-Leaders-Classroom-Info.pdf)

### **Mining Sector Program Outline Can Be Found at the Link Below.**

<https://www.workplacesafetynorth.ca/training/mandatory-skills-training/mining-common-core-first-line-supervisors>

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-4\\_-2-Sup-Comp-770121-Common-Core-Training-for-First-Line-Supervisors.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-4_-2-Sup-Comp-770121-Common-Core-Training-for-First-Line-Supervisors.pdf)

## **Appendix 5: Sample Training Materials**

### **CAMH**

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_-1-Sup-Comp-CAMH-Generic-manager-training-2018.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_-1-Sup-Comp-CAMH-Generic-manager-training-2018.pdf)

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_-2-Acting-Together-Against-Workplace-Violence.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_-2-Acting-Together-Against-Workplace-Violence.pdf)

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_3-Sup-Comp-CAMH-Outline-training.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_3-Sup-Comp-CAMH-Outline-training.pdf)

### **TOH**

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_-4-IS-PLEASED-TO-OFFER.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_-4-IS-PLEASED-TO-OFFER.pdf)

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_5-IS-PLEASED-TO-OFFER.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_5-IS-PLEASED-TO-OFFER.pdf)

[https://www.pshsa.ca/wp-content/uploads/2019/05/App-5\\_6-Sup-Comp-TOH-LOP\\_Series-1\\_2\\_Schedule.pdf](https://www.pshsa.ca/wp-content/uploads/2019/05/App-5_6-Sup-Comp-TOH-LOP_Series-1_2_Schedule.pdf)



## Ensuring Supervisor Competency on Health and Safety for Managers and Supervisors

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