

OH&S

Due Diligence

KEY COURT MEASURES WHICH DETERMINE WHETHER DUE DILIGENCE STEPS TAKEN

KEY COURT MEASURES	COURT EXPECTATIONS*
KNOWLEDGE OF LEGAL OBLIGATIONS	Complete up-to-date knowledge of relevant, applicable OSHA and regulatory requirements, Codes, Standards, Guidelines. Knowledge by supervisors; knowledge reflected in policies, procedures.
KNOWLEDGE OF HAZARDS	Ongoing assessment of workplace(s) for potential hazards (physical, procedural) utilizing all reasonably available means. Audits performed by competent Company representatives or external consultant on a regular basis. Use of “what could foreseeably go wrong” approach. Taking information available from JHSC audits and from near-miss/accident reports/WSIB claims analysis to assess hazards. Assessment by supervisor before particular task performed, depending on complexity, risks of task.
ONGOING ACTION TO CORRECT HAZARDS	Corrective workplace measures, changes, repairs based on audits, assessments. Development of and ongoing improvements to safe work procedures, policies, practices based on assessments.
WRITTEN HEALTH AND SAFETY POLICIES & PROCEDURES	Written, up-to-date, understandable policies and procedures for all hazardous activities at workplace. Updated as equipment, workplace practices, OSHA requirements or standards evolve. Available to employees in manual/posted as necessary. Policies and procedures which meet or exceed OSHA, Regulations, Guidelines, Standards. Expert assistance in procedure development/approval as reasonable for hazards and Standards involved.
ORIENTATION & TRAINING	Training and knowledge by supervisors/management of OSHA and applicable Regulations, applicable policies and procedures, expectations for safe work in circumstances. “Competent” supervisors. Thorough training of workers. Ongoing training as supervisors/workers transfer/as equipment and work evolves. Supervisory follow-up to confirm training understood and applied. Retraining as necessary for hazard, and reminder meetings (safety meetings, pre-job meetings) to reinforce training and expectations.
SUPERVISORY MONITORING	Ongoing supervisory monitoring with appropriate frequency for risk (increased monitoring for high-risk, complex task, or where there is indication of compliance problem at workplace). Monitoring of compliance with policies and procedures, safe work practices.
COMMUNICATION & COORDINATION	Ongoing communication/coordination of tasks. Communication of change – to equipment/work conditions. Particularly crucial to identify and remind of risks, process issues where multiple parties/contractors present or workers are unfamiliar with new areas or risks.
ENFORCEMENT WITH DISCIPLINE	Enforcement of policies, procedures, safe work practices with discipline. Consistent, significant discipline for significant safety contraventions.
DOCUMENTATION	Notes, records, documents in support of all of the above steps is essential (i.e. training records with agendas/materials/checklists/tests retained; sign-off on rules/procedures; written audits and assessments of hazards and recorded followup; written training plan/training matrix; documentation of dates/content/person providing on-the-job training; documented communication, pre-job and safety meeting records, with agendas/signoffs; checklists/notebooks/forms for supervisory monitoring; written records of discipline).

* each case takes into consideration degree of hazard involved in the workplace, nature of the workplace, nature of the activity, frequency with which worker performs activity, and other relevant matters for specific situation





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OHS & WSIB

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- Strategic, knowledgeable, immediate advice in responding to workplace accidents
- Advice on OHS programs, including compliance with best due diligence practices
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- Guidance on dealing with inspections and investigations, work refusals or stoppages
- Advocacy before Workplace Safety and Insurance Boards and Appeals Tribunals
- Advice on WSIB claims management, assessment and experience rating issues

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