



DUE DILIGENCE & YOU

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DUE DILIGENCE - DEFINITION

Due diligence is the level of judgement, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances.

Applied to occupational health and safety, due diligence means that employers shall take all reasonable precautions, under the particular circumstances, to prevent injuries or accidents in the workplace. This duty also applies to situations that are not addressed elsewhere in the occupational health and safety legislation.

To exercise due diligence, an employer must implement a plan to identify possible workplace hazards and carry out the appropriate corrective action to prevent accidents or injuries arising from these hazards.

DUE DILIGENCE - NON-LEGAL DEFINITION

- Taking care
- Taking every precaution reasonable in the circumstances to protect the health and safety of all workers.
- Main defence available to a person or corporation charged under the Ontario Occupational Health & Safety Act
- Proactive, powerful tool that can aid in the disciplined and systematic identification and assessment of specific workplace hazards and the establishment of control measures to prevent incidents.

Due diligence components

- good workplace health & safety program
- provisions for:
 - hazard identification,
 - communication,
 - allocation of responsibilities,
 - record keeping,
 - training,
 - regular workplace inspections
 - regular H&S program audits

DUE DILIGENCE - 3 KEY PARTS

KNOWLEDGE



ACTION

DOCUMENTATION

Note : Without documentation, it will be hard to prove due diligence in a prosecution.

DUE DILIGENCE & YOU



Roles & Responsibilities

Workers Duties

Supervisors Duties

Employers Duties

WORKER DUTIES (s. 28)



Worker - definition

“A person who performs work or supplies services for monetary compensation”

Duties

1. Use or wear equipment, protective devices, or clothing that is required by the employer.
2. Follow all safety procedures and rules and work in compliance with the Act.
3. Report hazards to their employer or supervisor

SUPERVISOR DUTIES s. 27



Supervisor - definition

“A person who has charge of a workplace or authority over a worker”

Duties

1. Ensure that workers under their control, use, or wear the equipment, protective devices, or clothing that the employer requires or is required by the Act.
2. Ensure that workers work in the manner and with the protective devices, measures and procedures required by the Act and applicable regulations.
3. Advise workers under their control of potential or actual hazards.
4. Provide workers with written instructions on the measures and procedures that are to be followed.
5. Take every precaution reasonable in the circumstances to protect worker health and safety.

EMPLOYER DUTIES s. 25,26



Employer - definition

“A person who employs one or more workers or contracts for the services of one or more workers”

Duties

1. Provide equipment, materials and protective devices as prescribed by the Act and regulations
2. See that this equipment is maintained in good condition
3. See that the equipment, materials and protective devices are used as prescribed
4. Provide information, instruction and supervision to workers to protect their health and safety

EMPLOYER DUTIES - continued



Duties - continued

5. Appoint *competent* supervisors as defined by the Act.

Competent Person - definition

- is qualified because of his/her knowledge, training and experience to organize work and its performance.
- is familiar with the provisions of the Act and regulations that apply to the work.
- has knowledge of actual or potential dangers to health and safety in workplace.

6. Inform workers of any hazards in the workplace and in how to safely handle, store, use, dispose of and transport any article, device, equipment or biological, chemical, or physical agent.

7. Carry out the measures and procedures required by the Act and regulations.

EMPLOYER'S DUTIES - continued



Duties - continued

8. Assist and cooperate with the Joint Health & Safety Committee
9. Take every precaution reasonable in the circumstances to protect workers

REFERENCES

1. Ontario Occupational Health & Safety Act and Regulations
2. ABCs of OH&S - Ontario
3. I.A.P.A.
Industrial Accident Prevention Association
4. Worker Health and Safety Centre
5. OML - Ontario Ministry of Labour
6. WSIB - Workplace Safety & Insurance Board
7. CCOHS - Canadian Centre for Occupational Health and Safety