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Introduction

Why an Occupational Health and Safety Program?

To Protect Employees, Students, Volunteers, Visitors

The Superintendent, Senior Administration, Principals and non-school based department heads have a statutory obligation to provide a safe and healthy environment in which divisional employees, students, volunteers and visitors can perform to the best of their abilities. Many of the components of a proactive workplace Occupational Health and Safety Program are also applicable to student health and safety (e.g., emergency preparedness, hazard identification and control, incident investigation, infection control). These components recognize that all employees have a role to play and are the key to the program's success.

Note: Students are not generally defined as “workers”, and therefore are not covered by this legislation: however, student safety is paramount in the workplace and it is expected by the division that safe work practices extend to all situations.

To Meet Legislative Requirements

Occupational Health and Safety is a legislated requirement in Alberta. Principals and non-school based department heads, as the employer's representatives at each location, have statutory obligations to:

- Ensure that all reasonable precautions are taken in accordance with the Alberta Occupational Health and Safety Act, Regulation and Code and other relevant acts and regulations.
- Ensure that employees are competent to perform their tasks if the work can endanger themselves or others.
- Provide competent supervisors, train workers, and prevent violence and harassment
- Identify possible hazards in the work location and take steps to either eliminate or control them.
- Ensure the correct use of appropriate personal protective equipment.
- Ensure that employees are aware of and follow codes of practice, e.g., safe work procedures.
- Ensure that contractors comply with the legislation.
- Investigate serious injury accidents and incidents that have the potential of causing a serious injury.

- Develop an emergency preparedness plan for the workplace and plan drills and simulations to keep employees in a high state of readiness.
- Ensure that employees are educated in the handling and use of controlled (chemical) products.
- Ensure that employees are aware of their responsibilities and duties under the Occupational Health and Safety Act, Regulation, and Code.

Government officials charged with administering the legislation have the authority to prosecute for contraventions of statutory obligations. Individuals working for the division as well as the division itself can be subject to prosecution, and, where prosecutions result in convictions, fines and/or jail sentences may be imposed.

If an accident or injury occurs at the school or worksite, principals and non-school based department heads may be liable to prosecution unless they can demonstrate due diligence.

To Demonstrate Due Diligence

Due diligence is a legal defense that was defined in 1978 by the Supreme Court of Canada. If an employee is injured on the job, the employer may be charged under the Occupational Health & Safety Act, Regulation and Code for failing to protect the employee's health and safety. The employer's only defense is due diligence by showing that **he or she took all reasonable steps to prevent the injury**. This would consist of anticipating the injury, providing necessary training, ensuring personal protective equipment is being used, safe work procedures and supervision.

Due diligence is demonstrated by developing plans to meet the legislative requirements. One key element of any plan is ensuring the competency of employees. Under section 13(1) of the General Safety Regulation, principals and non-school based department heads **shall ensure, if work is to be done that may endanger a worker, the employer must ensure that the work is done (a) by a worker who is competent to do the work, or (b) by a worker who is working under the direct supervision of a worker who is competent to do the work.**

This manual outlines those aspects of the legislation that apply to various areas within the division. Not all sections will apply to every school or worksite. For instance, Section 9, Confined Spaces, will only apply to those locations that have an identified confined space, e.g., crawl space, chillers or elevator shafts.

The Superintendent, senior administration, principals and non-school based department heads demonstrate due diligence by taking action in three key areas - awareness of legislative requirements, competency of employees and monitoring and compliance.

The first area is awareness of legislative compliance. Ignorance of the law is no defense. The Superintendent, senior administration, principals and non-school based department heads demonstrate due diligence by ensuring that they and their employees are aware of the legal

requirements that pertain to their particular role and responsibilities. The Occupational Health and Safety Act, Regulation and Code have over five hundred sections that apply to employers and employees in Alberta.

The second area is competency of employees. Competency includes awareness of the proper procedures as well as necessary training and development. Principals and non-school based department head demonstrate due diligence by ensuring that their employees are properly trained to handle tasks that could be considered dangerous to their health and safety. For example, what would take place if a cleaner, while handling hazardous cleaning chemicals, is badly burned in a chemical spill at a school?

A provincial investigator would determine if the employee:

- Was competent to handle these chemicals.
- Had received necessary training in identifying and handling hazardous chemicals.
- Knew where information on this chemical was located.
- Knew how to use the appropriate personal protective equipment.

If the investigator determined that the cleaner was not competent to handle this chemical, the head custodian and/or the principal or the non-school based department head could be held liable and charged under the legislation.

The third area of due diligence concerns monitoring and compliance. It is not enough for the Superintendent, senior administration, principals and non-school based department heads to make employees aware of their legal requirements and provide proper training. They shall also monitor their school or worksite to ensure that employees are complying with the legislation and working in a safe and healthy manner. If a serious accident or incident occurs, provincial investigators will want to determine:

- If proper monitoring processes are in place.
- If employees are receiving ongoing training.
- If hazards are being identified and controlled.
- If incidents and accidents are investigated.
- If emergency procedures are reviewed and updated on a regular basis.

The Superintendent, Senior Administration, Principals and non-school based department heads demonstrate due diligence by ensuring that these processes are in place, utilized on a regular basis and documented. In determining how much diligence is enough, each situation will differ. The greater the likelihood of an incident occurring, the more stringent the monitoring system should be.

To Reduce the Cost of Accidents and Incidents

Accidents and incidents are costly, both from a human or financial perspective. The division has a responsibility to provide a safe and healthy environment for employees, students, volunteers and visitors.

In addition to the human cost, there is a significant financial cost to the division when employees are injured on the job. The division pays a premium each year to the Workers' Compensation Board (WCB) to cover costs of medical aid and lost wages for injured employees who are covered by Workers' Compensation. The assessment is partly based on the division's accident experience, as compared with that of other school divisions in Alberta. The majority of teaching staff are not covered by WCB but are eligible for division benefits if they are injured on the job.

When an employee is injured, there are other additional costs incurred to cover hiring, wages of replacement staff, property damage, reduced efficiency, overtime, etc.

Accidents are preventable through appropriate risk management.

Demonstrating Commitment to Occupational Health and Safety

The division's commitment to occupational health and safety is manifested in three important ways: Division Administrative Procedure, Roles and Responsibilities of Staff and the Occupational Health and Safety Program.

Roles and Responsibilities of Employees/Workers

The responsibilities of the Superintendent, senior administration, principals and non-school based department heads, as employer representatives, under the Occupational Health and Safety Act, Regulation and Code were outlined in the section of Due Diligence on page 3.

In addition, the Occupational Health and Safety Act, Regulation and Code makes all employees, including the Superintendent, senior administration, principals and non-school based department heads, responsible for:

- Protecting their own and others' health and safety at worksites and refraining from violence and harassment.
- Following codes of practice and safe work procedures established by the division and implemented at the worksite.
- Knowing and complying with all occupational health and safety regulations.
- Knowing their three basic rights:

- The right to refuse dangerous work and be protected from reprisal for exercising that right.
 - The right to know of potential hazards and have access to basic health and safety information in the workplace.
 - The right to participate in health and safety committees and be involved in safety discussions.
- Having knowledge of hazards of their particular job.
 - Reporting any hazardous or potentially hazardous situations to their supervisor.
 - Reporting any injuries or occupational illness immediately to their supervisor.
 - Participating in health and safety training.
 - Wearing the required personal protective equipment.
 - Making sure all equipment, including personal protective equipment, is in proper working order.
 - Knowing the location, type and, if so designated, the operation of emergency equipment.
 - Asking questions if they do not know the proper safe work procedure.
 - Refusing to perform work that could be dangerous (as referenced in Section 2, *Refusing Dangerous Work* in this Manual).

Please refer to Administrative Procedures:

[AP 405 – Workplace Health and Safety](#)

[AP 406 – Employee Non-Medical Use of Drugs and/or Alcoholic Beverages](#)

Joint Worksite Health and Safety Committee (JHSC) - Terms of Reference

Purpose of the Committee

The purpose of the Joint Worksite Health and Safety Committee (JHSC) is to facilitate discussions that identify and evaluate concerns, make recommendations for corrective and preventative action, and help to establish a unified safety management system.

Duties of the JHSC

The duties of a joint work site health and safety committee, as laid out in the OHS Act, include the following:

- a) the receipt, consideration and dispositions of concerns and complaints respecting the health and safety of workers;
- b) participation in the identification of hazards to workers or other persons arising out of or in connection with activities at the worksite;

- c) the development and promotions of measures to protect the health and safety of persons at the work site and checking the effectiveness of such measures;
- d) cooperation with an officer exercising duties under the Act, the regulations and the OHS code;
- e) the development and promotion of programs for education and information concerning health and safety;
- f) the making of recommendations to the employer, prime contractor or owner respecting the health and safety of workers;
- g) the inspection of the worksite (or a portion thereof) quarterly (beginning of the school year and periodically thereafter);
- h) the participation in investigations of serious injuries and incidents at the work site (see Accident/Incident Investigations below);
- i) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee;
- j) participation in the inspection of dangerous work refusals if the dangerous condition is not remedied immediately;
- k) other duties as specified in the Act, regulations and the OHS code.

What are other JHSC duties

In consultation with the JHSC the *employer* must:

- a) develop and implement a violence prevention plan and the harassment prevention plan, and
- b) review the violence and harassment prevention plans when an incident occurs, when the committee recommends it, or every three years.

Employers, contractors and prime contractors have a duty to:

- a) consult and cooperate with JHSC to develop policies, procedures and codes of practice for their work sites,
- b) provide committees with reasonable opportunity to inform workers on OHS matters,
- c) allow committee members to examine records, policies, procedures, codes of practice, reports or manufacturer specifications required under OHS legislation, and
- d) give information or documents addressed to the JHSC as soon as possible after it is received.

Accident/Incident Investigations

The OHS Act states that one of the primary duties of the JHSC is participation in the investigation of all serious injuries and accidents within the workplace. As such, the employer and the JHSC must prepare a plan for investigating incidents, which must include procedures, personnel and resources required to conduct a proper investigation. Effective investigations must identify direct and indirect causes of the incidents and must be provided in a written report. The Division's investigation protocol has been outlined in Section 12 – Accident/Incident Reporting and Investigation of the Division's OHS Manual and must be adhered to for each investigation by the JHSC. Specifically, as per the tables presented in Appendix I of the Divisions OHS Manual, Section 12:

- Investigations for minor incidents are to be conducted locally by a site employee who has investigation training with the participation of the JHSC.
- Investigations for serious incidents fall under the reporting requirements outlined in Section 40(2) of the OHS Act (see below), and will be led by a Division JHSC member with an appropriate level of investigation training (lead investigation training) with support and participation from the sites JHSC.
- Investigations for event incidents that are classified as having Low and Medium impacts are to be conducted by a site employee who has investigation training with the participation of the JHSC.
- Investigations for event incidents that are classified as having High impact will be led by a Division Senior Administrator/Designated Safety Officer with an appropriate level of investigation training (lead investigation training) with support and participation from the sites JHSC.
- Investigations for personal behavior incidents that are classified as having Low or Medium impacts are to be conducted by a site employee who has investigation training with the participation of the JHSC.
- Investigations for personal behavior incidents that are classified as having High impacts are to be conducted by the divisions designated Safety Officer and/or the Human Resources head with the sites JHSC participation and support.

Serious incidents as defined in the OHS Act, Section 40(2), must be also be reported immediately to the JHSC and the Designated Safety Officer. The injuries and incidents that must be reported are:

- a) an injury or incident that results in the death of a worker,
- b) an injury or incident that results in a worker being admitted to a hospital. Admitted to a hospital is defined as when a physician writes an admitting order for the worker to be an inpatient of a hospital. It does not include a worker being assessed in an emergency room or urgent care centre without being admitted,
- c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,
- d) the collapse or upset of a crane, derrick or hoist,
- e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure,
- f) any injury or incident or a class of injuries or incidents specified in the regulations, or
- g) Potentially serious incidents as defined as incidents that had the potential to cause serious injury to a person, but did not.

As per Section 40(5) of the OHS Act, if an injury or incident listed above occurs at a work site or an injury or incident that has the potential to cause serious injury to a person occurs at a work site, the employer shall

- a) report the time, place and nature of the incident to the Director of Business and Operations,
- b) carry out an investigation into the circumstances surrounding the injury or the incident,
- c) prepare a report outlining the circumstance of the injury or incident and the corrective action, if any, undertaken to prevent recurrence of the injury or incident,
- d) ensure a copy of the report is readily available and provide to an OHS officer on demand, and

- e) provide a copy of the report to a Designated Safety Officer and the JHSC.

The Designated Safety Officer or another Senior Administrator will complete a separate investigation and, if requested, must be accompanied by a JHSC member. However, please note that the employer and JHSC still have a duty to conduct their own written investigation.

Membership of JHSC

The JHSC must have a minimum of 4 members, with at least half representing the workers:

- worker representatives are selected by the workers for a term of not less than one year, unless prescribed by a union agreement
- employer representatives are assigned by the employer for a term of not less than one year, unless prescribed by a union agreement
- at least 1 member of each union should be represented (where applicable)
- If a member departs, a new member must take their place and represent the same union/work group they are replacing keeping in mind that at least half of the members must represent the workers.

The committee must have 2 co-chairpersons:

- worker co-chair is chosen by worker members
- employer co-chair is chosen by employer members

Chair / Co-Chairs

The co-chairs of a joint worksite health and safety committee must ensure that:

- a) minutes of each meeting are recorded,
- b) copies of the minutes approved by the committee are posted or provided by electronic means in the worksite within 7 days after the day the meeting was held,
- c) The co-chairs alternate being chair at each committee meeting.
- d) Any concerns brought forward by a Representative at other site not requiring a local committee are addressed and relayed back to the divisional committee.

Meetings

JHSC meetings must adhere to the requirements outlined in the OHS Act to be considered a valid meeting.

- JHSC members must meet within 10 days after being established, and then once every quarter at minimum.
- Health and safety meetings and functions are to be carried out during normal work hours.
- Meeting minutes must be recorded and made available at any time.
- Representatives will receive notice of the meetings and are encouraged to attend and participate in the discussions.

- Agenda items should be provided 3 (three) days prior to the scheduled meeting, late issues can also be discussed during the general discussion section of the agenda.
- If some members cannot attend a meeting, the meeting can still take place. However, in order for the committee to make decisions, at least half of the committee members must be present and at least half of those present represent workers (meets quorum).

Training Requirements

The employer must provide work site health and safety committee members and representatives with training about the duties and functions of their role.

Committee members and representatives shall be permitted to take the greater of 16 hours or the number of hours they would normally work during two shifts, to attend work site health and training programs, seminars or courses of instruction.

The co-chairs of the committee must receive training respecting the duties and functions of a committee.

Code of Ethics

The JHSC recommends the following code of ethics for the representatives serving on the committee. JHSC representatives shall:

- a) Uphold the honor, integrity and dignity of the occupational health and safety management system and the JHSC.
- b) Strive to achieve the highest levels of personal and professional conduct.
- c) Promote compliance with relevant laws and regulations adopted by the Government of Alberta, including participation in activities with governmental and private agencies.
- d) Demonstrate leadership in occupational health and safety matters of the division.
- e) Provide a good-faith effort at full disclosure, technical accuracy, sound methodology and objectivity in collection, analysis, interpretation and presentation of health and safety information. This includes insuring the integrity, confidentiality and security of records and data.
- f) Pursue to the best of your ability, advancement of occupational health and safety matters within the division.
- g) Fully disclose to the employer any economic or ethical interest(s) that could reasonably be interpreted as a conflict of interest.
- h) Recognize the rights and needs of all individuals.
- i) Reflect sensitivity in interpersonal relationships and seek mutual respect among colleagues.

Appendix I



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Holy Family Catholic Regional Division is committed to the safety and well-being of our employees, students, parents, volunteers, visitors and contractors. We are committed to being an industry leader in health, safety, and environmental practices.

Holy Family Catholic Regional School Division believes that a safe, high quality and satisfying learning environment is dependent upon a healthy and safe workplace.

The division will fulfill this commitment through:

- Having all employees be accountable, responsible, and collaborative in the implementation and maintenance of the Division's Occupational Health and Safety Program (shared responsibility)
- Controlling hazards which have the potential to cause incidents or injuries by implementing the district-wide Occupational Health and Safety program
- Conducting ourselves in such a manner that we meet or exceed all applicable legislation and regulations which have relevance to the operation of the division
- Ensuring all employees, students, volunteers and contractors have the appropriate qualifications, training, and experience to safely perform their assigned tasks
- Communicating, monitoring and continually updating the Divisions Occupational Health and Safety program to ensure optimal performance

Betty Turpin
Superintendent

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