



**OCCUPATIONAL
HEALTH AND SAFETY
MANAGEMENT SYSTEM**

Department of Occupational Health and Safety

Revised December 2009

Occupational Health and Safety (OHS) Management System

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1. INTRODUCTION

This document outlines York University's Occupational Health and Safety ("OHS") Management System.

The OHS Management System consists of the following elements:

- *Occupational Health and Safety Policy*;
- Occupational Health and Safety Program;
- Department of Occupational Health and Safety;
- Internal Responsibility System for Health and Safety
 - Local Management Responsibility, Oversight and Accountability
 - Area Health and Safety Officers (HSOs); and
- Joint Health and Safety Committees.

2. BACKGROUND

2.1 Legislation

The *Occupational Health and Safety Act* is the principle legislation governing health and safety in the workplace. Other applicable legislation includes *Workplace Safety and Insurance Act*, *Criminal Code of Canada* and *Human Rights Code*.

The *Occupational Health and Safety Act* as well as the *Workplace Safety and Insurance Act* is based on the concept that every individual in the organization is responsible for health and safety. This concept is known as the Internal Responsibility System.

The *Criminal Code of Canada* establishes a positive duty on individuals and organizations to take "reasonable steps to prevent bodily harm" to workers, the public and others involved in workplace activity.

The OHS Management System provides a strategy to comply with this legislation.

2.2 Management of Health and Safety

Health and safety is managed effectively as follows:

- (1) each individual has an accountability role in health and safety;
- (2) a health and safety control component is integrated into the management of all workplace activities and the person who manages a workplace activity manages the risks of that activity and its associated health and safety requirements;
- (3) each area has its own health and safety management system (see 4.3.1 (c));
- (4) each area, through the Area HSO, provides an annual report to the Department of Occupational Health and Safety; and

- (5) the Department of Occupational Health and Safety provides an annual report to the Board of Governors on the performance of the OHS Management System.

3. GENERAL PRINCIPLES

3.1 Responsibility of the University

York University, through the University's management, ensures that statutory health and safety requirements are met and appropriate standards are applied.

3.2 *Occupational Health and Safety Policy*

The *Occupational Health and Safety Policy* (a copy of which is attached as Appendix II and posted at <http://www.yorku.ca/univsec/policies/>) promotes a positive health and safety culture at the University. The policy is reviewed and approved annually by the Board of Governors.

Whenever an employee of the University does not work in accordance with the *Occupational Health and Safety Policy*, corrective action is taken. A dangerous working condition is dealt with by the person in charge of the workplace, in accordance with the policy, practices and applicable legislation.

3.3 Occupational Health and Safety Program

The Occupational Health and Safety Program consists of the following:

- resources and expertise in legal and regulatory frameworks;
- education and training of faculty, staff and managers;
- development and implementation of hazard control systems, programs and procedures that support the *Occupational Health and Safety Policy* (at both the institutional and unit level);
- monitoring for compliance through regular inspection and auditing.

The Department of Occupational Health and Safety administers and executes the Occupational Health and Safety Program.

3.4 Accountability

The legislation holds the organization, senior management and those individuals, who have charge of a workplace or authority over workers, accountable for health and safety of the workplace.

The defined chain of responsibility for health and safety for all levels of the organization is set out in the flow chart attached as Appendix III.

Senior management may delegate routine responsibilities for the day-to-day administration and enforcement of safety practices to suitable and qualified staff but these senior administrators remain legally responsible and accountable.

Therefore, senior management must:

- (1) appoint staff that act effectively on its behalf;
- (2) provide appropriate training;
- (3) establish adequate communication, reporting and supervisory links with the staff involved; and
- (4) provide adequate direction and resources to staff that act on its behalf.

4. THE OHS MANAGEMENT SYSTEM

4.1 Internal Responsibility System

The Internal Responsibility System consists of the following participants:

- ◆ Board of Governors
- ◆ senior officers which include the following:
 - President
 - Vice-Presidents
 - Chief Marketing Officer
 - Chief Information Officer
 - Associate and Assistant Vice-Presidents
 - Secretary and General Counsel of the University
 - Deans
 - Principal of Glendon College
 - University Librarian
- ◆ Supervisors, as defined under the *Occupational Health & Safety Act* (a person who has charge of a workplace or authority over a worker). Supervisors include Executive Directors, Directors, Executive Officers, Academic Chairs, College Masters, operational/office managers and supervisors, unionized supervisors, as well as individual faculty members who have charge of a workplace (e.g., a laboratory) or who have some degree of authority over individuals such as teaching assistants, administrative staff, or other University employees.
- ◆ Workers or employees, as defined under the *Occupational Health and Safety Act* (persons who perform work or supply services for monetary compensation).

4.2 Organizational Structure

The organizational structure that supports the OHS Management System takes into account the following:

- (1) formal delegation of responsibility and authority for health and safety to individuals throughout all levels of the organization, e.g., by including health and safety functions in job descriptions;
- (2) acknowledgement of their authority, legal responsibilities and accountabilities to the Board of Governors, University's senior officers, and all who have charge of a workplace or authority over workers;
- (3) maintenance of a consultation process on health and safety matters, e.g., the Joint Health and Safety Committees;
- (4) establishment of a department to deliver an institution-wide Health and Safety Program as described in 3.3; and
- (5) a requirement for each area to appoint a Health and Safety Officer for the coordination of health and safety activities.

4.3 Management Structure for Health and Safety

4.3.1 Senior Officers (President, Vice-Presidents, AVPs, Deans, Principal and University Librarian)

Senior officers are required to be familiar with their legal responsibilities under the *Occupational Health & Safety Act*. They are expected to exercise relatively broad oversight on health and safety by setting up a management system, which assures them that health and safety matters are under control. They may delegate the performance of health and safety duties to trained and competent staff. They must, nevertheless, provide a clear, decisive lead that gives health and safety the importance they require. Where senior officers are engaged in supervisory roles, they also fulfill the responsibilities of supervisors as stated in the *Occupational Health and Safety Act*.

This oversight role of Senior Officers includes:

- a) fostering a culture of health and safety in the workplace (e.g., by regularly communicating the importance of safety in all operations; through awareness of health and safety issues, trends and injuries within the Division or Faculty; etc.);
- b) complying with all legal requirements and standards associated with work activities;
- c) ensuring that a health and safety management system is in place in each department or unit within the senior officer's purview; and
- d) fulfilling the responsibilities of a supervisor (e.g., provide safety orientation, ensure completion of mandatory health and safety training, etc.) and responding to health and safety concerns brought to their attention.

The health and safety management system for each department or unit includes:

1. Identifying work areas (e.g., laboratories, workshops, studios, etc.) and major job activities with significant health and safety risks and ensuring that a safety plan is in place for each identified risk. The plan should identify measures implemented to monitor and control hazards and mitigate risks, including:
 - Worker safety orientation and training
 - Implementation of relevant hazard control programs
 - Standard operating procedures for hazardous activity (e.g., operation of lab or heavy equipment)
 - Workplace inspection schedule (including, where applicable, equipment inspection, maintenance/calibration, etc.)
 - Accident reporting and investigation
 - Record keeping (i.e., worker training, workplace/equipment inspection, accident and investigation reports)
2. Ensuring that Area Health and Safety Officers have been appointed in every Faculty, department and major operating unit (see Appendix IV for functions of Area HSOs).

4.3.2 Department Heads (e.g., Academic Chairs, Non-Academic Directors and Executive Directors, etc.)

Department Heads ensure compliance with the *Occupational Health and Safety Act* by:

- a) reviewing job hazards within the department, rated as “high risks” (refer to York University’s Job Hazard Analysis database in e-Reports: <https://ereports.its.yorku.ca/ereports/portal/hr.isp?category=3>);
- b) ensuring that hazard control plans are in place for each hazard identified; the plan may include worker safety orientation and training, standard operating procedures, workplace inspection schedule, equipment maintenance/calibration, record keeping (i.e., worker training, workplace/equipment inspection, accident and investigation reports);
- c) fulfilling the responsibilities as a supervisor (e.g., provide safety orientation, ensure completion of mandatory health and safety training, etc.) and responding to health and safety concerns brought to their attention; and
- d) where applicable, appointing competent¹ supervisors that can act effectively on their behalf.

¹ “Competent” means, according to Section 1(1) of the *Occupational Health and Safety Act*, a person who, (a) is qualified because of knowledge, training and experience to organize work and its performance, (b) is familiar with this Act and the Regulations that apply to the work, and (c) has knowledge of any potential or actual danger to health and safety in the workplace.

4.3.3 Supervisors (including Academic Staff who have Supervisory Responsibilities)³

Supervisors ensure that those activities over which they have control are conducted in a safe manner and in accordance with the University's policies and applicable legislation. Supervisors are responsible for escalating workplace health and safety concerns to department heads, as appropriate (e.g. inadequate resources, implications for policy and operational procedures, potential liability, etc.).

Supervisors ensure that those activities over which they have control are conducted in a safe manner and in accordance with the University's policies, programs and applicable legislation. This is achieved through:

- responding promptly to employee health and safety concerns;
- attending mandatory health and safety training;
- reviewing reports of job task risk assessment for their department/unit to ensure that employees receive appropriate training and that controls are in place to prevent injuries;
- conducting and recording regular (e.g., semi-annual, annual) workplace inspections;
- developing, implementing and maintaining emergency response and standard operating procedures/guidelines on work activities;
- implementing and enforcing relevant safety rules and programs (e.g., use of personal protective equipment; advising staff of the existence of any potential and existing health and safety hazards; ensuring staff work in accordance with established instructions, procedures and guidelines; etc.);
- investigating workplace accidents that occur, identifying root cause(s) and implementing remedial and preventative action.

4.3.4 Employees/Workers

All employees of the University are "workers" under the *Occupational Health and Safety Act*. Employees, in addition to the duties imposed by legislation or contract, are responsible for:

- (a) complying with the rules and procedures, developed within the University's Occupational Health and Safety Program (and its supporting, hazard control programs), for performing work in a safe and healthy manner;
- (b) reporting promptly to the supervisor(s) any observed contravention of the OHS Act or regulations, or of the rules and procedures developed under the University's Occupational Health and Safety Program (and its supporting, hazard control programs);

³ Under the *Occupational Health and Safety Act*, individual faculty members who have charge of a workplace (e.g., a laboratory) or who have some degree of authority over individuals such as teaching assistants, laboratory demonstrators, administrative staff, or other University employees are considered supervisors.

- (c) reporting promptly to the supervisor(s) any workplace hazard of which they are aware; and
- (d) refraining from any activity which may jeopardize the health and safety of the employee/worker or others.

4.3.5 Employees who Hire/Oversee Independent Contractors

Any employee of the University who is responsible for hiring or overseeing an independent contractor that performs work within a University workplace must ensure that:

- (a) contract documents incorporate the applicable requirements for complying with the *Occupational Health and Safety Policy* and the relevant supporting program(s); and
- (b) relevant information relating to workplace hazards and occupational health and safety is communicated to the contractor;

4.3.6 Director, Occupational Health and Safety

The Director of Occupational Health and Safety is responsible to the Vice-President Finance and Administration for coordinating the University's activities regarding the development, implementation, monitoring and maintenance of all elements of the Occupational Health and Safety Program, as outlined in 3.3.

4.4 Health and Safety Resources

4.4.1 Department of Occupational Health and Safety (DOHS)

DOHS acts as a resource to the York community on issues related to health and safety. It consists of professional personnel with expertise in various areas (e.g., radiological, biological and chemical safety; ergonomics; laser safety; indoor air quality; and hearing conservation.). DOHS works cooperatively with the University community, providing expertise/consultation on health and safety legislation; hazard identification and assessment; and safety education and training.

DOHS advises the University-at-large on a wide range of health and safety issues and undertakes a central coordinating role for the development, implementation and maintenance of health and safety programs. DOHS plays a key role in developing the University's workplace safety policies and in maintaining the University's OHS Management System.

4.4.2 Joint Health and Safety Committees

Joint Health and Safety Committees (JHSCs) are required under the *Occupational Health and Safety Act*. Committees consist of equal representation of worker members and management members, and

function as advisory bodies on health and safety issues affecting University employees.

JHSCs are responsible for recognizing workplace hazards; making recommendations for the improvement of the health and safety of workers; providing input to the development of hazard control programs; conducting workplace inspections; and being consulted about occupational hygiene testing. Each Committee is required under the legislation to meet at least once every three months.

Recommendations of JHSCs are normally directed to the Vice-President Finance and Administration, but may be directed specifically to any representative of the employer.

The University has four JHSCs (YUFA, YUSA/APUY, CUPE 3903 and CUPE 1356/1356-1) representing the majority of employee groups on campus. Additionally, there are two Health and Safety Representatives for employee groups that are too small to form a JHSC – one represents the International Union of Operating Engineers (IUOE), Local 772 and the other represents the employees of the York University English Language Institute (YUELI) who are members of the Ontario Public Service Employees Union (OPSEU), Local 578.

The terms of reference for each committee are available from DOHS.

4.4.3 Area Health and Safety Officers

The appointment of Area Health and Safety Officers (HSOs), who coordinate health and safety activities within their areas and serve as links to DOHS, is one of the key elements of the OHS Management System. Typical functions for Area HSOs are included in Appendix IV.

An HSO is appointed for each area by the individual specified in Appendix I. The Senior Officer assigns the tasks for the Area HSO. In large areas or departments, the Area HSO may act as a coordinator, facilitating health and safety tasks performed by several employees.

5. EDUCATION AND TRAINING

There are two levels of responsibility for ensuring that all employees or workers working within a unit have received requisite health and safety training. This responsibility rests with both the direct Supervisor of the employee or worker and the Department Head of the unit.

The DOHS shall develop and provide for all employees or workers (faculty and staff) a manual or guide about Occupational Health and Safety that includes relevant information such as the *Occupational Health and Safety Policy*, workplace roles and responsibilities as prescribed by legislation, hazard reporting, accident reporting and investigation, addressing health and safety concerns, emergency assistance, etc. The DOHS provides to all hiring supervisors a safety orientation checklist for new employees/workers.

5.1 Safety Orientation

The hiring supervisor ensures that a new employee/worker (faculty or staff) receives a copy of the DOHS manual or guide on Occupational Health and Safety. The hiring supervisor also completes the safety orientation checklist with the new employee on the first day or within the first week of work. In addition, the hiring supervisor provides a safety orientation within the department/ unit, including a tour of the immediate work area of the new employee/worker.

5.2 Training

An integral part of the OHS Management System is training related to the hazards associated with the workplace.

The responsibility to ensure that all staff working within a department or unit have received the appropriate training rests with the direct supervisor and ultimately with the Department Head. This applies to training prescribed by legislation (e.g. WHMIS, Radiation Safety etc.); that which is mandated by internal policy and procedures (e.g. Accident Investigation, *Occupational Health and Safety Act*); and that which is discretionary based on identified needs and requests (e.g. back safety, lifting, ladder safety, etc).

As the person with direct knowledge of the hazards associated with the work to be performed by the new employee/worker, the immediate supervisor is responsible for providing job-site specific training, including training on all applicable standard operating procedures and use of personal protective equipment. The DOHS serves as a resource to provide additional hazard control training, as may be required.

5.2.1 Senior Officers (President, Vice-Presidents, AVPs, Deans, Principal and University Librarian)

Senior Officers play a vital role in the management of health and safety (as outlined in 4.3.1). Newly appointed senior officers require compulsory education and training as follows:

- i) familiarization with the OHS Management System including a meeting between the Director of the DOHS with newly appointed senior officers during their first month; and
- ii) training on the roles and responsibilities of senior officers under the *Occupational Health and Safety Act*, to be arranged through DOHS.

5.2.2 Directors, managers and supervisors

The hiring supervisor of a director, manager or supervisor ensures that a newly hired director, manager or supervisor attends the following mandatory training offered by DOHS:

- i) Occupational Health and Safety Act
- ii) Workplace Hazardous Material Information System (WHMIS)
- iii) Accident Investigation
- iv) Workplace Inspection

5.2.3 Worker/Employee (faculty and staff), Workplace Hazard-Specific Training

Where a job-related hazard has been identified, the supervisor provides or arranges specific hazard control training through the DOHS.

The DOHS provides resources to identify and assess job hazards and offers hazard control training programs.

5.3 Record Keeping

A record of all safety training completed by a worker or employee is to be maintained by the immediate supervisor. This includes the safety orientation checklist completed by the hiring supervisor with the new employee on the first day or within the first week of work (under 5.1 above). A copy of each record shall be forwarded by the supervisor to DOHS where the information is maintained in the University's Human Resources Management System.

6. MONITORING: INSPECTION AND AUDITING

In order to verify and document the functioning and effectiveness of the OHS Management System and hazard control programs, a system of proactive (before accidents happen) and reactive monitoring (accident investigation and follow up) is maintained.

The principal monitoring function is a departmental responsibility that ascends the management chain to the Senior Officers of the University. The Area HSO may assist in monitoring health and safety performance and report observations back to the Department Head. Monitoring including reviewing reports of inspection, audit, or accidents or responses to health and safety concerns received from employees.

The DOHS holds the central monitoring function for the OHS Management System. The DOHS monitors the appointment, replacement and performance of Area HSOs; the regular review of the *Occupational Health and Safety Policy* and hazard control programs; the administration of the Joint Health and Safety Committees; the execution of workplace inspections by department/unit management, particularly in high risk operations; and the follow up on serious or potentially serious accidents. The DOHS also conducts compliance audits (by both department/unit and hazard category).

6.1 Inspection

The principle behind conducting an inspection is to conduct a physical tour of work areas in a department/unit to identify the presence of hazards or non-

compliant practices requiring control measures or other remedies, and to provide an opportunity for local management (manager/supervisor/department head) to correct any problem(s) so that a loss does not occur.

Under the *Occupational Health and Safety Act*, the Joint Health and Safety Committee worker members are required to inspect a portion of the workplace monthly and to ensure that the entire workplace is inspected yearly. Many regulatory agencies (e.g. Canadian Nuclear Safety Commission, Workplace Safety and Insurance Board, etc.) also conduct compliance inspections and/or audits, as detailed by their respective pieces of legislation.

The Department Head works with the Area HSO to develop and maintain an ongoing health and safety inspection system for monitoring compliance and to ensure that deficiencies are followed up and corrected.

DOHS can be contacted for advice and training in workplace inspection. In departments/units considered high risk operations, the health and safety inspection system should include a DOHS representative to participate in the annual inspection with the Area HSO.

6.2 Auditing

Auditing supports safety management by providing independent assurance of health and safety performance. A Health and Safety audit may be an OHS Management System audit, a Hazard Control compliance audit, or both.

Each year, departments/units or specific hazard categories (e.g. machine guarding, electrical safety, etc.) are audited to measure the level of compliance by the areas with this OHS Management System and/or the control of hazards. In consultation with the Department of Internal Audit, the DOHS establishes a multi-year Health and Safety audit plan and conduct/coordinate audit activity.

The audit review process achieves three objectives:

- 1) identifies opportunities for operational and process improvements that add value to the department/unit and contribute to better health and safety management of a workplace;
- 2) provides a formal opportunity for Senior Officers and Department Heads to identify areas of concern which directly impact on their health and safety responsibilities; and
- 3) provides the Board of Governors and Senior Officers of the University with an overview of each area's level of compliance with the required legislation and policies of the University.

7. REVIEW AND REPORTING

The review and reporting process applies to each individual area and to the University as a whole.

7.1 Health and Safety Officer Annual Reports

Near the end of each calendar year, DOHS sends to each Area HSO a questionnaire, entitled “Health and Safety Officer Annual Report”. This reporting document is to be completed by the HSO and signed off by the Department Head. Copies of each report are to be sent to:

- the Senior Officer (Dean, Vice President or President) to whom the Department Head reports; and
- the Department of Occupational Health and Safety (DOHS).

The questionnaire requires the HSO to provide information relating to workplace safety and hazard control and issues arising over the course of the previous 12 months and actions taken or planned. The completed HSO Annual Reports:

- serve as tools for Department Heads to be accountable for their health and safety responsibilities, as outlined in 4.3.2;
- enable Senior Officers to fulfill their oversight role, as outlined in 4.3.1; and
- provide information to DOHS to support its role in executing the University’s Health and Safety Program, as outlined in 3.3.

7.2 Annual Review of York University OHS Policy

The Board of Governors reviews and re-approves the *Occupational Health and Safety Policy* annually. The Director of Occupational Health and Safety initiates an annual review process in consultation with the Joint Health and Safety Committees prior to the Board review and re-approval. Recommendations, to either amend or renew the policy, are forwarded to the Vice-President Finance and Administration and proceed to the Board through its Governance and Human Resources Committee.

The annual policy review and re-approval is a legislated requirement under the *Occupational Health and Safety Act*.

7.3 OHS Annual Report

For each calendar year, the DOHS provides an Annual Report to the relevant Committee of the Board of Governors that addresses:

- a) level of compliance by the University with the legal requirements of applicable health and safety and environmental legislation;
- b) number of Workplace Safety and Insurance Board claims and days lost;
- c) number and nature of recommendations issued by the Joint Health and Safety Committees;

- d) any governmental inspection/contact;
- e) Occupational Health and Safety Program performance indicators (including significant audit observations); and
- f) issues relating to the performance of the OHS Management System.

The OHS Annual Report provides management accountability to the Board of Governors in ensuring that statutory health and safety requirements are met and appropriate standards applied.

Appendix I

Organizational Areas of the University and Positions with Responsibility for Nominating Health and Safety Officers*

Organizational Areas	VP, Dean, Director or Other with Responsibility for Nominating Health and Safety Officers
Office of the President Marketing & Communications Division Office of the University Secretary & General Counsel Office of Institutional Research & Analysis Office of University Events & Community Relations Centre for Human Rights	President Chief Marketing Officer University Secretary & General Counsel Executive Director Executive Director Director
Office of the Vice-President Academic & Provost Faculty of Education Faculty of Environmental Studies Faculty of Fine Arts Faculty of Graduate Studies Faculty of Health Faculty of Liberal Arts & Professional Studies Faculty of Science & Engineering Glendon College Osgoode Hall Law School Schulich School of Business Libraries York International York University English Language Institute Art Gallery of York University	Vice-President Academic & Provost Dean Dean Dean Dean Dean Dean Dean Dean Dean Principal Dean Dean University Librarian Associate Vice-President International Director Curator
Office of the Vice-President Finance and Administration Department of Campus Services & Business Operations Department of Faculty Relations Department of Finance Department of Human Resources & Employee Relations Department of Occupational Health & Safety Department of Internal Audit University Information Technology	Vice-President Finance and Administration Assistant Vice-President, CSBO Executive Director, Faculty Relations Assistant Vice-President, Finance & CFO Assistant Vice-President, ER & HR Director Director Chief Information Officer
Office of the Vice-President Research & Innovation	Vice President Research & Innovation
Office of the Vice-President Students Office of Admissions, Communications & Client Services Office of the Registrar and Student Financial Services Student Community & Leadership Development Student Conduct & Dispute Resolution Career Centre Sport and Recreation Alumni Office	Vice-President Students Senior Director Registrar Director Director Director Director Senior Director

***Unless otherwise noted above, responsibility for nominating Area Health and Safety Officers includes responsibility for all subordinate areas as indicated on the York organizational chart and as may be specified from time to time at**

<http://maya.yorku.ca/atlas>

December 2009

University Policies, Procedures & Regulations Database

University Policy

Occupational Health and Safety

: Pol 008

Description:

Notes: Approved by UEC: 1996/09/16; Re-Approved by the Board of Governors: 1991/05/13; 1992/10/26; 1993/10/18, 1995/04/10; 1996/10/07; 1997/03/03; 1998/01/26; Approved and Revised by Board Audit Committee: 1998/12/08; Approved by the Board of Governors: 1998/12/14, Re-Approved by the Board of Governors: 1999/12/06, 2001/06/25, 2002/04/29, 2003/04/28, 2004/04/26, 2005/05/02, 2006/05/01, 2007/04/30, 2008/06/23; 2009/06/23.

Date Effective: 1991/05/13; *This policy must be approved annually by the Board of Governors.*

Approval Authority: Board of Governors

Signature: "M. Shoukri"

Policy

York University is committed to the prevention of illness and injury through the provision and maintenance of healthy and safe conditions on its premises. The University endeavours to provide a hazard free environment and minimize risks by adherence to all relevant legislation, and where appropriate, through development and implementation of additional internal standards, programs and procedures.

York University requires that health and safety be a primary objective in every area of operation and that all persons utilizing University premises comply with procedures, regulations and standards relating to health and safety.

Occupational Health and Safety

Persons who are supervisors as defined by the Occupational Health and Safety Act shall ensure that persons under their direction are made aware of and comply with all applicable requirements and procedures adherent to this policy. Supervisors shall investigate all hazards of which they become aware and shall take appropriate corrective action.

The University shall acquaint its employees with such components of legislation, regulations, standards, practices and procedures as pertain to the elimination, control and management of hazards in their work and work environment. Employees shall work safely and comply with the requirements of legislation, internal regulations, standards and programs and shall report hazards to someone in authority, in the interests of the health and safety of all members of the community.

Students

Students are responsible for conducting themselves in a manner which is consistent with their health and safety and that of others. Failure to do so may be considered a breach of Presidential Regulations governing student conduct.

Tenants and Contractors

The University will make its commercial tenants and contractors aware of its Occupational Health and Safety Policy and of the requirement that all persons working on its premises conduct their business in accordance with the Occupational Health and Safety Act.

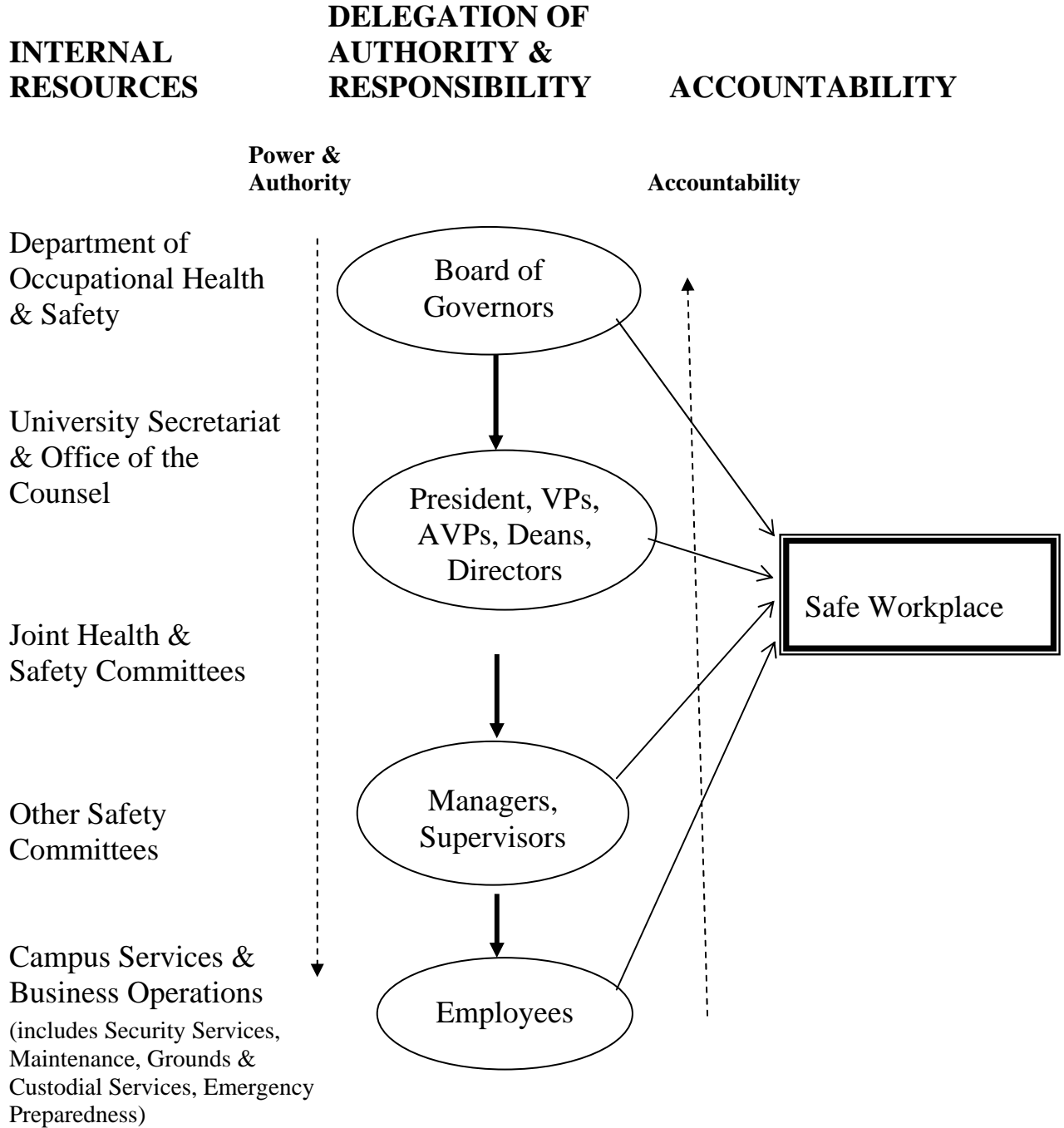
This Health and Safety Policy is promulgated by the Board of Governors and the administration thereof is delegated to the Vice-President Finance and Administration.

Failure to abide by this policy or the requirements, regulations, standards or procedures contemplated herein will result in appropriate discipline or sanctions.

Appendix III

YORK UNIVERSITY

HEALTH AND SAFETY INTERNAL RESPONSIBILITY SYSTEM (IRS)



Appendix IV

Functions of Area Health and Safety Officer

1. Provides recommendations to the Department Head, to whom the Officer reports, concerning the development and implementation of local procedures for the area, in support of the University's Health and Safety Policy and associated University-wide programs and requirements.
2. Acts as the area's primary contact with the Department of Occupational Health and Safety (DOHS). Coordinates with DOHS the distribution and dissemination of health and safety material and information to relevant parties in their area.
3. Resolves occupational health and safety concerns of workers, and addresses deficiencies noted on the Joint Health and Safety Committee workplace inspection reports as soon as is reasonably practical or as per established time lines by: taking direct action, referral to the Department Head or appropriate individual, referral to DOHS, or referral to the Joint Health and Safety Committee.
4. Conducts or coordinates regular workplace health and safety inspections such that all workplaces in the area are inspected during the year, and follows up on deficiencies with Department Head and/or Director of Occupational Health and Safety.
5. In consultation with DOHS, coordinates health and safety training activities within the area.
6. Monitors the area for :
 - health and safety records, as required by relevant statutory provisions or institutional policy, such as training records, workplace inspection reports/recommendations, accident reports, etc., to ensure records are maintained and are accessible to the HSO.
 - safety systems or protocols that assure that health and safety facilities such as first-aid boxes, eye wash stations, etc. are provided and maintained in a ready-to-use condition.

Appendix V

Summary of Legislative Requirements

Responsibilities of Employers, Supervisors and Workers under the Occupational Health and Safety Act

(Ref.: York University Occupational Health and Safety Manual)

Responsibilities of Employers (refer to OHS Act Sec. 25)

1. Prepare and post (review and revise at least annually) a written occupational health and safety policy and develop/maintain a prevention program to fulfill that policy.
2. Comply with any orders and requirements of inspectors, directors and other agents from the Ministry of Labour.
3. When appointing a supervisor, appoint a “competent person”. According to OHS Act, a “competent person” means a person who,
 - (i) is qualified because of their knowledge, training and experience to organize the work and its performance,
 - (ii) is familiar with the provisions of this Act and the regulations that apply to the work, and
 - (iii) has knowledge of any potential or actual danger to health and safety in the workplace
4. Provide all equipment, materials and protective devices, as prescribed, and offer training in its safe use and its limitations and ensure it is maintained and used properly.
5. Inform a worker, or a person in authority over a worker, about any hazards in the workplace and outline the control strategies which must be implemented to prevent exposure to that danger.
6. Post in the workplace a copy of the Occupational Health and Safety Act and pertinent Regulations and Workplace Safety and Insurance Board – Form 82 “In All Cases of Injury”
7. Take every reasonable precaution in the circumstances for the protection of a worker.

Responsibilities of Supervisors (refer to OHS Act Sec. 27)

Under the Occupational Health and Safety Act, supervisors have a general legal duty to **take every precaution reasonable in the circumstances for the protection of a worker**. In addition, supervisors must:

1. Be familiar with the provisions of *the Occupational Health and Safety Act* and regulations and the University's health and safety policies and procedures as they apply to the workplace under their control.
2. Be knowledgeable about potential or actual danger to health and safety in the workplace and advise workers about these hazards.
3. Ensure that a worker works in compliance with the *Occupational Health and Safety Act* and regulations by following safe workplace procedures and by ensuring any personal protective equipment, protective devices and/or clothing required to be used or worn by a worker are properly used and maintained.
4. Provide a worker, where prescribed, with written instructions outlining the measures and procedures to be followed for the worker's protection.
5. Provide a worker with instruction and training to protect the health and safety of the worker.

Responsibilities of Workers (refer to OHS Act Sec. 28)

1. Work in compliance with the *Occupational Health and Safety Act* and regulations.
2. Use or wear protective equipment, devices and/or clothing that the employer requires to be worn.
3. Report to their supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger themselves or another worker.
4. Report to their supervisors any contravention of the *Occupational Health and Safety Act* or the regulations or the existence of any hazard of which they are aware.
5. Not remove or make ineffective any protective device required by the regulations or by the employer.
6. Not to use or operate any equipment, machine, device or thing or work in a manner that may endanger themselves or another worker.
7. Not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

**Liability of Corporations, Directors and Employees
under Bill C-45
an Act to amend the Canadian *Criminal Code***

Legislative History²

Bill C-45, an Act to amend the *Criminal Code*, received Royal Assent on November 7, 2003 and was passed and became law on March 31, 2004.

Background

The *Criminal Code* amendments outlined in Bill C-45 are in part a response to the findings of the Westray mining disaster public inquiry³. On May 9, 1992, 26 miners died after an explosion at the Westray coal mine in Plymouth, Nova Scotia. A subsequent inquiry laid blame on Westray management and two provincial government departments.

Summary⁴ of Bill C-45

Bill C-45 amends the *Criminal Code* to

- (a) establish rules for attributing to organizations, including corporations, criminal liability for the acts of their representatives;
- (b) establish a legal duty for all persons directing work to take reasonable steps to ensure the safety of workers and the public;
- (c) set out factors for courts to consider when sentencing an organization; and
- (d) provide optional conditions of probation that a court may impose on an organization.

Overview⁵ of Bill C-45

Bill C-45 is now the new Section 217.1 in the *Criminal Code* which reads:

"**2.17.1** Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task."

The bill established new legal duties for workplace health and safety, and imposes serious penalties for violations that result in injuries or death. It also establishes rules for

² Parliament of Canada. LEGISinfo 37th Parliament-2nd Session. Status of the Bill. Bill C-45

³ Legislative Summaries. Library of Parliament-Parliamentary Information and Research Services. Bill C-45: An Act to Amend the Criminal Code. Prepared by David Goetz. Law and Government Division. July 3, 2003

⁴ Parliament of Canada. House Publications. Summary. Bill C-45

http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&File=11&Parl=37&Ses=2&Mode=1&Pub=Bill&Doc=C-45_4

⁵ Canadian Centre for Occupational Health and Safety. OSH Answers: Bill C-45-Overview (<http://www.ccohs.ca/oshanswers/legisl/billc45.html>)

attributing criminal liability to organizations, including corporations, for the acts of their representatives and also creates a legal duty for all persons directing work to take "reasonable steps" to ensure the safety of workers and the public.

Who does this Criminal Code affect?

This Criminal Code affects all organizations and individuals who direct the work of others, anywhere in Canada. These organizations include federal, provincial and municipal governments, corporations, private companies, charities and non-governmental organizations.

Who is responsible for enforcing this Criminal Code?

Police and crown attorneys enforce Bill C-45. The police and crown are responsible for investigating serious accidents and will determine whether any charges should be laid under the Canadian Criminal Code. The criminal code is a very different set of rules, and should not be confused with "regular" occupational health and safety laws (OH&S) and how they are enforced.

Who is responsible for enforcing occupational health and safety laws?

Depending on your jurisdiction, the Ministry (or Department) of Labour or Workers' Compensation Board (WCB) enforces OH&S laws. Across Canada each province, territory and the federal government are responsible for enforcing their own individual set of occupational health and safety laws. Each jurisdiction employs inspectors who visit workplaces to ensure companies are complying with their OH&S rules. In the unfortunate event of a serious accident, these inspectors conduct an investigation and determine if a charge should be laid under the appropriate section(s) of the OH&S act or regulation. An accused individual or company may then need to appear in court where a fine or other penalty could be imposed if they are convicted. The police are not normally involved in this process.

Does Bill C-45 (Section 217.1 in the Criminal Code) impact on other legislation?

No. Bill C-45 is a separate piece of legislation that applies to the Canadian Criminal Code only. It does not intrude upon, or override, other existing federal, provincial or territorial occupational health and safety statutes and regulations. In the event of a conviction; however, Bill C-45 does require the courts to look at any penalties imposed by other jurisdictions in determining a sentence.

For a copy of Bill C-45 (7 pages), go to:

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?pub=bill&doc=C-45&parl=37&ses=2&language=E&File=16>