

**WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION
OF NEWFOUNDLAND AND LABRADOR**



**2013 PRIME Audit
Large Employers**

Firm Number:
Firm Name:
Audit Date:
Health and Safety Advisor:



Executive Summary

Health and Safety Recommendations

Prime Result

NOTE: Meeting PRIME requirements do not ensure compliance with Provincial Occupational Health and Safety (OHS) legislation. Please refer to the Newfoundland and Labrador OHS Act and Regulations for additional legislative requirements.

Worksites Visited:

Leadership and Administration

1. DOC Does the OH&S program contain a written OH&S and Return-to-Work policy statement? **Yes** **No**

Prime Criteria:

- These policy statements may be separate or combined into a single policy.
- The statements must be signed and dated by the current highest ranking official in the business/organization and/or workplace which could include CEO, president, regional manager, or designate.
- Statements must be posted in a prominent place in hard copy or available electronically at all workplaces.
- The statements must be reviewed at least annually and updated, as required.
- Employers must ensure that all workers are informed of the policy and how it applies to their specific workplace.
- In addition to the above, the OH&S policy must:
 - include a statement of the employer's commitment to co-operate with the Occupational Health and Safety Committee, Worker Health and Safety Representative or Workplace Health and Safety Designate in the workplace.
 - outline the respective responsibilities of the employer, supervisors, Health and Safety Committee and/or Health and Safety Representative/ Designate, other employees as well as contractors (persons contracted by the employer or for the employer's benefit) in carrying out their collective responsibility for health and safety in the workplace.
- In addition to the above, the return-to-work statement must :
 - demonstrate the employer's commitment to return to work in accordance with the Commission's Policy RE-18: Hierarchy of Return to Work and Accommodation and section 100 of the Workplace Health, Safety and Compensation Act, 2022 (the Act).
 - reflect a re-employment obligation under section 101 of the Act (refer to Policy RE-05 "Re-employment Obligation") . This only applies to employers with a re-employment obligation.
 - include references to:
 - communicating with the worker during the return to work process
 - protection of confidential information
 - commitment to cooperation
 - outline the roles and responsibilities of the parties involved in return to work including, but not limited to: the employer, injured worker, health care provider(s), co-workers, the Commission and where appropriate, the union, return to work representatives etc..
 - For employers with greater than \$48,000 in assessments, the return-to-work statement must include:
 - a reference to joint consultation with workers in the development, monitoring, evaluation and revision of the return to work program.
 - be developed in joint and meaningful consultation with workers as defined in Criteria 5 of Policy PR-06 for provincially regulated employers and Policy PR-07 for federally regulated employers.

Advisor Comments:

OH&S Committee/Worker Health and Safety Representative/Designate

2. DOC Does the business/organization have a functioning OH&S committee/WH&S representative/designate where appropriate? **Yes** **No**

Prime Criteria:

- The OH&S committee must meet to discuss health and safety issues at least once every three months during regular working hours.
- The minutes of the OH&S committee meetings must be forwarded to the Workplace Health, Safety and Compensation Commission.
- The OH&S committee must record and maintain its own meeting minutes and minutes of meetings must be posted in the workplace.

Advisor Comments:

3. DOC Have the OHS& committee members/WH&S representatives/designate completed certification training? **Yes** **No**

Prime Criteria:

- Worker Health and Safety Representatives, Workplace Health and Safety Designates and/or Occupational Health and Safety Committee members must receive the Occupational Health and Safety Certification training set out by the Commission
 - Worker Health and Safety Representatives, Workplace Health and Safety Designates and/or Occupational Health and Safety Committee members shall hold a valid training certificate issued by the Commission by December 31st of the PRIME year.
 - Training records (i.e. certificates and training numbers) must be available.

Advisor Comments:

Education and Training

4. DOC Does the business/organization conduct OH&S and Return-to-Work orientation with workers? **Yes** **No**

Prime Criteria:

- A checklist must accompany the orientation program and must review:
- the OH&S and Return-to-work policies
 - the accident/incident reporting procedures
 - the workplace inspection procedures
 - the health and safety rules
 - the basic rights of workers
 - procedures for recognizing, evaluating and controlling hazards
 - the emergency response plan
 - Safe work practices and procedures

Advisor Comments:

Workplace Inspections

5. DOC Does the business/organization conduct workplace inspections? **Yes** **No**

Prime Criteria:

- Employers must develop procedures to ensure that workplace inspections are conducted at the workplace.
- An employer must conduct a minimum of two (2) inspections of the entire workplace per year.
- These workplace inspections must be documented using workplace inspection checklists and reports to ensure that corrective actions are taken for items noted during the inspection.
- Workplace inspection reports should be signed by an OH&S Committee member, Worker Health and Safety Representative and/or Designate.
- All workplace inspections and related documents should identify existing and potential hazards, as well as, their underlying cause(s), including recommendations for corrective actions, and communication to workplace parties.

Advisor Comments:

Accident/Incident Investigation

6. DOC Does the business/organization conduct accident/incident investigations? **Yes** **No**

Prime Criteria:

- Employers must develop a procedure to ensure that all hazardous occurrences are promptly reported and investigated as required.
- Standardized accident/incident investigation forms must be completed for all accidents and incidents that have occurred in the PRIME year.
- These forms must identify causation and the recommendations for corrective actions to prevent recurrences.
- Completed forms should also be available for claims that have had been submitted to the Commission.

Advisor Comments:

Return-to-Work

7. DOC Does the organization have an Injury Reporting System? **Yes** **No**

Prime Criteria:

- Employer must provide a written process that is communicated to all workers which outline the steps to be taken in the event of a work injury. This process would include but not limited to:
 - A designated person(s) to whom an injury(ies) will be reported
 - Employer transport of the worker to appropriate health care (as per section 98 of the Act)
 - Submitting forms to the Commission
 - Injured worker return of the employer's copy of the Physician's Report of Injury or Chiropractor's Report of Injury
- Employer must demonstrate that the Commission forms are available either in paper copy or online access. These forms would include:
 - Form 6 – Worker's Report of Injury
 - Form - 7 Employer's Report of Injury
 - Early and Safe Return to Work Plan Form or an alternate form acceptable to the Commission
- Forms that are considered acceptable to the Commission must include the following:
 - Employee Name
 - Claim Number
 - Pre-Injury Position
 - RTW Schedule including dates, hours, hourly wage
 - Signed and dated by the employee and employer
- For large PRIME assessment employers the injury report system must be developed in joint and meaningful consultation with workers as defined in Criteria 5 of Policy PR-06 for provincially regulated employers and Policy PR-07 for federally regulated employers.

Advisor Comments:

8. DOC Does the organization have a return to work planning protocol? **Yes** **No**

Prime Criteria:

- Employer must provide documentation indicating that return to work planning is done in accordance with the section 100 of the Act (refer to Policy RE-02 "The Goal of Early and Safe and the Role of the Parties") and section 101 of the Act (refer to Policy RE-05 "Re-employment Obligation").
- Protocol must outline the steps to be followed from the time of the injury to the completion of return to work and reflect Policy RE-18 Hierarchy of Return to Work and Accommodation.
- Protocol must be supported by using the appropriate forms such as the Early and Safe Return to Work Plan or alternate form acceptable to the Commission to ensure that workers are involved in the development of the return to work plan.
- Protocol must indicate that confidential information is protected (refer to Policy RE-03 Functional Abilities Information for Return to Work).
- Protocol must demonstrate that employer communicates with the Commission as required by section 100 of the Act.

Advisor Comments:

9. DOC Does the organization have a documented return to work program?

Yes No

Prime Criteria:

- Employer must provide policies and/or procedures which outline the roles, responsibilities and accountabilities of the parties involved in the return to work program as outlined in the RTW policy statement.
- Policies and/or procedures must include guidelines for addressing workplace accommodation issues required by legislation for the specific employer.
- Policies and/or procedures must include guidelines for advising the Commission of disputes between the workplace parties regarding a return to work plan.

Advisor Comments:

10. DOC Does the organization have a joint mechanism in place that involves consultation between management and employees?

Yes No

Prime Criteria:

- Employer must demonstrate that they jointly consult management and employees on the return to work program elements.
- Employer must demonstrate that they jointly consult management and employees on complex return to work issues. Please refer to Appendix A of this document for clarification on requirements for joint consultation.

Advisor Comments:

11. DOC Does the organization evaluate the RTW Program in consultation with workers designated by co-workers or union constitution where applicable?

Yes No

Prime Criteria:

- Employer must provide documentation to verify that the RTW Program is evaluated on an annual basis.

Advisor Comments:

12. DOC Does the organization have a communication protocol that has been developed in consultation with workers designated by co-workers or union constitution where applicable? **Yes** **No**

Criteria:

- Employer must provide documentation verifying that a communication protocol exists that allows for the communication of the RTW Program to all employees.

Advisor Comments:

Hazard Recognition, Evaluation and Control

13. DOC Is there a system in place to support the recognition, evaluation and control of workplace hazards? **Yes** **No**

Prime Criteria:

There must be a system to recognize, evaluate and control hazards that includes:

- Procedure(s) for recognizing hazards that may include, but is not limited to, any or all of the following:
 - workplace inspections, accident/incident investigations,
 - Workplace Hazardous Materials Information System (WHMIS),
 - job safety analyses,
 - accident/incident trends, and
- The procedure(s) must outline how hazards will be recognized and evaluated based on risk and how measures will be identified and implemented to control them.
- The employer must provide completed hazard reporting and hazard assessment forms to support compliance with this requirement.

Advisor Comments:

Emergency Preparedness/Response

14. DOC Does the business/organization have a documented emergency response plan? **Yes** **No**

Prime Criteria:

A documented emergency preparedness/response plan that:

- Ensures there are an adequate number of workers trained in first aid (as outlined in the Occupational Health and Safety First Aid Regulations)
- Contains the list of emergency response phone numbers must be posted in the workplace.
- Contains documented evacuation procedures.

Advisor Comments:

Safe Work Practices and Procedures

15. DOC Is there a plan in place for training workers in safe work practices and procedures? **Yes** **No**

Prime Criteria:

- Employers are responsible for ensuring their workers know the safest way to do their work. This includes knowing the hazards of their jobs and their workplace and knowing how to control these hazards.
- Employers must have a written plan for training workers and must ensure safe work practices and procedures are clearly communicated.
- A continuous training plan should be available, as well as, written safe work practices and procedures that guide workers in performing their job safely.
- The continuous training plan may:
 - Include a training matrix outlining who needs training, how much is needed and the time required
 - Supervisors and workers may sign off on reviewed safe work practices and procedures
 - Orientation training may be an element of this plan.

Advisor Comments:

16. DOC Have safe work practices and procedures been developed for tasks where hazards have been recognized? **Yes** **No**

Prime Criteria:

- The employer must develop, for all workers employed in their workplace, written safe work practices and procedures for tasks where hazards have been recognized.
- The safe work practices and procedures should address hazards that have been identified, evaluated and controlled in hazard assessments.
- The Commission may ask to review all safe work practices and procedures or a sample thereof to ensure compliance with this requirement.

Advisor Comments:

Communication

17. DOC Does the business/organization communicate information about occupational health and safety? **Yes** **No**

Prime Criteria:

- A process for communication of occupational health and safety information throughout the workplace is required.
- This may be accomplished through the use of health and safety bulletin boards, documented health and safety meetings such as toolbox talks, posters, memos, newsletters and other bulletins.
- The employer must show evidence that OH&S issues are being communicated to the entire workplace.

Advisor Comments:

APPENDIX A JOINT MECHANISM AUDIT CRITERIA

Large PRIME assessment employers, as defined in Policy PR-01 “PRIME - Overview”, are required to have a return to work program.

All of the elements of the return to work program must be developed by *provincially and federally regulated employers* through a joint mechanism for meaningful consultation with employees designated either by their co-workers or through union constitution, where applicable.

Definitions:

Meaningful consultation is consultation that: (1) provides information to all parties to enable full participation, (2) provides opportunities for input and (3) assesses the input of the parties in the program design, implementation, monitoring, evaluation and revision.

Joint Meaningful Consultation: The labour standard definition is as follows:

- The Management must give notice to the union (labour) of the issue that necessitates a meeting;
- Management must arrange and facilitate the meeting;
- Share information on the issue to all parties to enable full participation;
- Disclosure process of relevant facts, issues, policies, etc.; and
- Management must provide an opportunity for input and assess the input from all parties when designing, implementing, monitoring, evaluating and revising the program

The final decision is Managements’ however; the process towards making the final decision must be “open minded”.

Requirements:

Half of the participants in the joint mechanism for consultation must be representatives of workers; however, more worker participation may be agreed to by the parties.

Documentation:

Documentation is writing that provides information of an official nature and can be used as evidence to demonstrate joint and meaningful consultation.

Documentation would include date, person’s involved and official nature of meeting.

Examples of documentation would include minutes of meetings, newsletters communicating the consultation process or any other information that is determined appropriate by the Commission.

Criteria Unionized Employers

- Documentation that verifies there was a meeting of any group of individuals consisting of at least half management and half non management people whereby the non management people were selected by the union(s) representing the workers. This group must engage in meaningful consultation on the RTW elements as defined in Policy PR-06 or PR-07.
- Documentation to verify that the employer contacted the union(s) for consultation in accordance with Policy PR-06 or PR-07 and the union declined the offer or failed to respond to the offer to participate.

Criteria Non Unionized Employers

- Documentation that verifies there was a meeting of any group of individuals consisting of at least half management and half non management people whereby the non management people were selected by the co-workers or through a process that was open to all employees. This group must engage in meaningful consultation on the RTW elements as defined in Policy PR-06 or PR-07.
- Documentation to verify that the employer contacted the employees for consultation in accordance with Policy PR-06 or PR-07 and the employees declined the offer or failed to respond to the offer to participate.