

Client Services Procedure Manual

Procedure: 507.00

Subject: PRIME Path 2 Employers (OHS Certification) Criteria

507.1 Introduction

Path 2 Employers (OHS Certification) are employers who pays greater than or equal to \$10,000 in average assessments and have 20 or more workers at any provincially and federally regulated worksite.

Employers in this category are required to develop and implement a 15-Element OHS Certification Program to be eligible for PRIME refunds. There is a minimum safety assessment score of 65 per cent per program element, and minimum overall safety assessment score of 80 per cent, for an employer to be eligible for PRIME refunds. This procedure outlines the criteria for the 15-Element OHS Certification Program.

507.2 15-Element OHS Certification Criteria

Element 1 - Leadership Commitment

Employers who are committed to healthy and safe workplaces understand that reducing injuries and illnesses makes good business sense and improves the overall health and well-being of their workers. Employers can support healthy and safe workplaces through engaging senior management, which starts with leadership commitment to healthy and safe practices.

Path 2 employers can show leadership commitment and meet their PRIME requirements by implementing the following criteria:

1.1 Maintain an Occupational Health and Safety (OHS) policy that:

- Includes a commitment from the employer to:
 - Maintain health and safety in the workplace.
 - Establish an OHS committee, worker health and safety (WHS) representative or designate, as appropriate.
 - Co-operate with the OHS committee, WHS representative or designate on OHS matters.
 - Monitor, evaluate and revise the OHS program as needed to achieve continuous improvement.
- Outlines the responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors regarding health and safety.

- Is reviewed, signed and dated at least annually by the highest-ranking person at the workplace.
- Is posted in a prominent location or available electronically at each worksite.

1.2 Maintain an OHS program that:

- Includes the elements outlined in the Path 2 PRIME criteria (see Policy PR-15 PRIME Practice Incentive Path 2 Employers (OHS Certification), at a minimum.
- Is reviewed and evaluated for effectiveness at least every three years.
- Is available to each worksite.

1.3 Communicate the content of the OHS policy and program to workers and provide access to applicable OHS legislation and standards at each worksite.

1.4 Provide WorkplaceNL's Supervisor Health and Safety Certification, or equivalent, to persons who are considered to be supervisors as determined by the Newfoundland and Labrador (NL) Occupational Health and Safety Act, section 2(k.1). Equivalent training must cover the following topics and include refresher training at least every three years:

- An overview of OHS legislation
- Responsibilities and accountabilities for OHS
- OHS programs
- Hazard recognition, evaluation and control
- Workplace inspections
- Emergency preparedness and response
- Incident investigation
- Disability management
- OHS program evaluation

Element 2 - Hazard Recognition, Evaluation and Control

Hazard recognition, evaluation and control (HREC) is the foundation of an OHS program. It is a process to identify, assess and eliminate or reduce risk and is important to hazard communication.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

2.1 Maintain a documented HREC process that includes:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors regarding HREC.
- Procedure(s) for performing, reviewing and updating hazard assessments, which include following the hierarchy of controls.
- Evaluating and monitoring contractor health and safety, if applicable.

2.2 Use a standardized form to record hazard assessments that includes:

- The date(s) the assessment was completed, reviewed or updated.

- Description of the work being assessed.
- Identification of present and potential hazards.
- Evaluation and ranking of the risk for the hazard(s) identified.
- Corrective actions to be taken, the person responsible for the action and a date for completion or follow-up.
- Signature of person who completed assessment.

2.3 Communicate present and potential hazards to workplace parties before work or tasks begin and make completed hazard assessments available to workers.

2.4 Educate and train workers in the HREC process and reporting hazards.

Element 3 - Incident Reporting and Investigation

The purpose of an incident investigation is to gather information to find the root cause and prevent a similar incident from happening again. For some incidents, the employer is required to notify and submit reports to authorities.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

3.1 Maintain incident reporting and investigation procedure(s) that include:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors regarding incident reporting and investigation.
- A requirement for workers to report all incidents to their supervisor or designate immediately.
- Definitions of the types of incidents to be investigated.
- Manage the scene of any incident that results in a serious injury or fatality to minimize the consequences of the incident, protect others at the scene and preserve the scene for investigation.
- Timelines for the investigation of an incident.
- Persons responsible for taking charge of an incident and completing an incident investigation.
- A written investigation process to be followed that is based on a root cause analysis.
- A requirement to follow up on corrective actions to make sure they are complete and to determine their effectiveness.
- A requirement to communicate the results of an investigation and share learnings with workplace parties.

3.2 Use a standardized form to record incident investigations that includes:

- The names of the people involved in the incident and the investigation.
- The date of the incident and the date the investigation was completed.
- Details of the incident, including the events leading up to the incident. This may include witness statements, measurements, pictures or videos, etc.

- The immediate and root cause(s) of the incident.
- Corrective action(s) to be taken, the person(s) responsible for the action(s) and a date for completion and follow-up. Corrective actions must be assigned priority to make sure the highest risk(s) are eliminated or controlled first.

3.3 Follow a process to provide notification to authorities that meets legislative requirements.

- For OHS Division of Digital Government and Service NL:
 - Report serious injuries and fatalities to the OHS Division immediately.
 - Follow up in writing within three days for a serious injury or five days for a fatality.
- For WorkplaceNL:
 - Submit a Worker's Report of Injury (Form 6), through MyWorkplaceNL.
 - Submit an Employer's Report of Injury (Form 7) to WorkplaceNL, through connect, within three days of the injury.
 - Advise the worker to report the incident to their health care provider and get copies of all necessary forms. This could include a Physician's Report (Form MD), a Chiropractor's Report (8/10c), or a Physio Report (PR).

3.4 Communicate the requirements for incident reporting and investigation to workers including:

- Reporting all incidents to the immediate supervisor.
- Reporting early warning signs and symptoms of injury or disease.

3.5 Provide incident investigation training for the investigator that includes investigation methods and techniques specific to the workplace.

Element 4 - Personal Protective Equipment

When a hazard assessment determines that personal protective equipment (PPE) is required, a process for the proper selection, use, inspection, cleaning, maintenance, storage and training of users is required.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

4.1 Maintain PPE procedure(s) that include:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors regarding PPE.
- Selecting appropriate PPE for a hazard(s) in accordance with legislated standards.
- An inventory of selected PPE that outlines where, when and what is required.
- Inspection, cleaning, maintenance, storage and use of PPE in accordance with the requirements of legislation, standards and the manufacturer's instructions.

4.2 Provide and maintain facilities and supplies required for cleaning and storage of PPE.

4.3 Train PPE users and supervisors on:

- Where, when and what PPE is required.

- The inspection, cleaning, maintenance, storage, use and limitations of PPE.
- To whom they should report concerns or incidents involving PPE.

Element 5 - Workplace Inspections

Workplace inspections provide an opportunity to recognize, evaluate and control hazards. Inspections also help monitor the effectiveness of hazard controls and provide a means to see whether new hazards exist.

Workplace inspections must be performed regularly, at a frequency equal to the level of risk. They must also be performed in accordance with applicable legislation, standards and the manufacturers instruction's, at a minimum.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

5.1 Maintain workplace inspection procedure(s) that include:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors, for workplace inspections.
- When and how formal workplace inspections will be performed.
- A requirement for the OHS committee, WHS representative or designate to participate in and review the results of workplace inspections.

5.2 Use a standardized form to record formal workplace inspections (e.g., a workplace inspection checklist) that includes:

- The names of the people involved in the inspection.
- The date of the inspection.
- Details of observed work activities.
- Identification of present and potential hazards.
- Corrective actions to be taken, the person responsible for the action and a date for completion or follow-up.
- Signature of the person(s) who completed the inspection.

5.3 Maintain a preventative maintenance procedure or program that includes:

- A method to make sure tools, equipment and machinery are inspected and maintained in accordance with the manufacturer's instructions, applicable standards and legislation.
- Manufacture's instructions are available to applicable workers.

5.4 Train persons involved in performing workplace inspections.

Element 6 - Safe Work Practices and Procedures

Safe work practices are generally written methods outlining how to perform a task with minimum risk to people, equipment, materials, environment and processes. They are general guidelines for workers to follow.

Safe work procedures are step by step work instructions that guide workers safely through a task where hazards have been identified. Their purpose is to reduce the risk of harm or injury in the workplace and to workers who are required to do the task.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

6.1 Maintain procedure(s) that outline the requirements for safe work practices and procedures (SWPP) that include:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors regarding SWPPs.
- Requirements for SWPPs including:
 - When they are required.
 - Who is responsible for development, review and updating.
 - How often they are reviewed.
- A requirement that SWPPs must be based on a hazard assessment and identify the hazards and controls for each step in a task.

6.2 Make SWPPs available to workers at each worksite.

6.3 Maintain working alone procedure(s), if applicable that include:

- A risk assessment when workers work alone and the identification of hazards and implementation of controls to eliminate, or minimize the risk associated with the hazards.
- A check-in procedure that:
 - Includes a designated contact person to establish contact with the worker at predetermined intervals and record the results.
 - Defines the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency response.
 - Is developed in consultation with the worker assigned to work alone, the OHS committee, WHS representative or designate.
 - Is reviewed at least annually, or more frequently if there is a change in work arrangements that may adversely affect a worker's well-being or safety, or a report that procedures are not working effectively.

6.4 Educate or train workers in SWPPs, including the potential risks and consequences of not following them.

Element 7 - Training and Communication

The aim of training is to provide the workforce with knowledge and skills needed to perform their work in the safest way possible. This includes providing orientation for new workers and workers returning from an extended absence. It also includes job-specific training that is based on the worker's responsibilities.

Communicating OHS information helps foster a positive health and safety culture and provides a way for management and workers to discuss health and safety issues.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

7.1 Maintain a training and communication plan that includes:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors and visitors.
- The responsibilities of the person(s) responsible for:
 - Performing health and safety orientations.
 - Identifying job-specific training needs and making requests for training to the employer (or designate).
 - Identifying when refresher or re-training is required.
- Method(s) to make sure that training development and instruction is completed by qualified persons (e.g., trainers of provincially regulated courses must be approved by WorkplaceNL).
- A means to evaluate training activities to make sure they are effective, such as written, oral or practical testing to determine if workers are qualified or competent.
- A means to track training requirements, completion, and expiration of training (e.g., training matrix).

7.2 Provide workers with job-specific health and safety training based on the workers' responsibilities.

7.3 Provide worksite health and safety orientations to workers and other persons at the worksite including contractors and visitors. This must be recorded on a standardized form (e.g., orientation checklist) that includes:

- The names and signatures of the person performing the health and safety orientation and the person being orientated.
- The date the health and safety orientation was started and completed.
- Roles and responsibilities of employer, supervisors and workers in OHS.
- The three rights of workers.
- The OHS and return-to-work (RTW) policies.
- Names of OHS committee members, WHS representative or designate and their role in OHS.
- General OHS rules for the worksite.
- Safe work practices and procedures applicable to the worker's role.
- Workplace inspection procedures.
- Hazard recognition, evaluation and control procedures.
- Incident reporting and investigation procedures.
- Instruction on the safe inspection, cleaning, care, storage, and use of PPE, as well as any limitations, if applicable.
- Working alone procedures, if applicable.
- Provisions to communicate OHS information and hold OHS meetings.
- WHMIS and chemical management information.
- Emergency preparedness and response information and procedures.

7.4 Communicate OHS information throughout the workplace using at least two methods, which can include, but is not limited to:

- Health and safety bulletin boards or electronic intranets or websites.
- Documented health and safety meetings such as toolbox talks.
- Posters, memos, emails, newsletters and other bulletins.

Element 8 - Emergency Preparedness and Response

When sudden or unexpected events occur, workplaces must be prepared to respond so that they can protect workers and the community, reduce financial losses and resume business. An emergency response plan is an important part of an OHS program that identifies potential emergency situations, sets procedures to follow, makes sure resources are identified and available, and defines the roles and responsibilities that people will follow. Every worksite should have an emergency response plan.

If worksites are engaged in high-risk activities, additional rescue or evacuation plans are also required. High-risk activities can include the following:

- Work at height
- Confined space entry
- Work where there is a risk of entrapment
- Work with hazardous substances
- Underground work
- Work near power lines
- Work on or over water
- Workplaces where there are persons who require physical assistance to be moved

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

8.1 Maintain specific emergency response, rescue or evacuation plan(s) based on a hazard assessment that includes:

- Identify and describe potential hazards of the type of emergency.
- The roles and responsibilities the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors, visitors and rescue team for emergency preparedness and response, as well as any other person(s) identified in the plan.
- Requirements for a rescue team, if applicable. If 911 Service will be part of the primary response, they must be consulted.
- A description of any tools, equipment, PPE or other devices required to protect workers.
- Procedures for:
 - Workers to follow in an emergency.
 - Notification and reporting of emergencies (e.g., persons and phone numbers to contact in an emergency).
 - Communicating emergency response plans to workers.

- The date the plan was last reviewed. Emergency response plans must be reviewed, at a minimum, every three years and when there is a change that could affect the health and safety of workers.

8.2 Provide facilities, equipment and supplies to support emergency preparedness, rescue or response plans.

- This may include, but not limited to:
 - First aid supplies
 - Emergency lighting and exit signage
 - Fire suppression equipment (e.g., fire extinguishers, standpipe systems, sprinklers, etc.)
 - Emergency showers and eye wash facilities
 - Spill response kits
 - PPE
 - Rescue equipment
 - Alarm systems for IDLH (Immediately Dangerous to Life or Health) hazards (e.g., fire, smoke, carbon monoxide, toxic or flammable gases, etc.)
 - Emergency communication systems
 - A means to transport an injured person to a medical facility
- Emergency facilities, equipment and supplies must be readily available, marked and visible. They must be inspected and maintained in accordance with legislation, standards and the manufacturer's recommendations.

8.3 Communicate evacuation routes, muster locations, evacuation procedures, the locations of emergency supplies and equipment, emergency contact information, and the names of first aiders to all workplace parties.

8.4 Train all parties in their role in the emergency rescue or response plan, if applicable. Supplement training with emergency evacuation drills for each occupied worksite at least once a year, at a minimum.

8.5 Provide first aid training and maintain the required number of trained first aiders on each shift. The names of first aiders must be posted in a prominent location at each worksite.

Element 9 - OHS Committees, WHS Representatives and Designates

Provincial and federal employers must establish an OHS committee, WHS representative or designate based on the number of persons employed at a worksite. Federal employers must also establish a policy health and safety committee, where they employ more than 300 workers at a worksite.

An OHS committee is an advisory group made up of management and worker representatives that encourages collaboration between the employer and the workers to address health and safety concerns.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

9.1 Maintain an active OHS committee, WHS representative or designate.

- The committee holds documented meetings at least once every three months.
- The names of OHS committee members, WHS representative or designate are posted in a prominent location at each worksite.

9.2 Maintain terms of reference for the OHS committee and policy health and safety committee (where applicable) that includes:

- How the committee members will be selected.
 - The OHS committee must consist of:
 - Not less than two and no more than twelve persons; at least half are workers who are not connected with management of the workplace.
 - Enough management representatives must be appointed for the committee to function.
 - The OHS committee members must be elected, designated or appointed.
 - The worker and manager co-chairs must be elected by their respective groups.
 - The worker representative(s) must be designated, through election by other workers, or is appointed in accordance with the constitution of their labour union and not connected with the management of the workplace.
 - The employer representative(s) must be appointed and connected to the management of the workplace.
- How the OHS committee will perform their responsibilities for OHS in accordance with legislation.
- Procedures and schedules for holding meetings.
 - Provincial OHS committees must meet at least once every three months.
 - The first meeting must be held within two weeks of the committee's establishment and must include the election of the co-chairpersons.
 - OHS committee meetings must meet quorum. Quorum means that at least one-half of the OHS committee members are present, with the number of employer members not exceeding the number of worker members.
 - Federal OHS committees must meet nine times a year, at regular intervals.
 - Federal policy health and safety committees must meet at least once each quarter.
- A process to record, distribute and submit OHS committee meeting minutes.
 - Meeting minutes for regular and special meetings must be recorded in accordance with WorkplaceNL.
 - One copy of the minutes must be retained on file with the OHS committee, one copy must be submitted to WorkplaceNL and one copy must be posted in a prominent location at each worksite.
- The terms of reference must be developed or reviewed in consultation with the OHS committee and policy health and safety committee (where applicable).
- The terms of reference must be reviewed by the committee every three years, at a minimum.

9.3 Maintain documented responsibilities for the WHS representative or designate, according to OHS legislation.

9.4 Train the OHS committee, WHS representative or designate, and policy health and safety committee (where applicable).

- Training must be completed by December 31 of the PRIME year.
- Provincial employers must provide and pay for OHS Committee, WHS Representative or Designate certification training and compensate worker(s) for participating, as if the training were part of regular work.
 - For all members of the OHS committee, where 50 or more persons are employed at a worksite.
 - For the co-chairs of the OHS committee, where 20 to 49 persons are employed at a worksite.
 - For the WHS representative or designate, where less than 20 persons are employed at a worksite.
 - Training must be provided by a training provider approved by WorkplaceNL.
- Federal employers must train OHS committee members or WHS representatives in OHS and their responsibilities under the Canada Labour Code, Part II.

Element 10 - Return to Work (RTW)

Employers are obligated to accommodate, and re-employ injured or ill workers under the Workplace Health, Safety, and Compensation Act, 2022 (the Act). Managing work-related injuries and illnesses helps get workers back to meaningful work in an early and safe manner that promotes their recovery. It also helps employers retain knowledgeable and skilled staff.

For RTW to be effective, both the employer and worker must co-operate in the RTW process, including joint development of RTW plans and timely submission to WorkplaceNL.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

10.1 Maintain a RTW policy that includes:

- A commitment from the employer to:
 - Support the early and safe RTW of workers with injuries by supplying the financial and human resources to develop, maintain and continuously improve RTW.
 - Contact the injured or ill worker as soon as possible following the injury or illness.
 - Communicate and co-operate with those involved in the RTW process.
 - Maintain confidentiality and protect personal information.
 - Provide suitable and available employment options to advance the worker to full recovery and pre-injury earnings as soon as possible.
 - Re-employ the worker in the pre-injury or illness position that the worker held on the date of injury or provide alternative employment that is comparable to the worker's employment on the date of injury where the worker is medically able to perform the essential duties.

- Offer the worker the first opportunity to accept suitable employment that may become available with the employer where a worker is medically able to perform suitable work but is unable to perform the essential duties of the worker's pre-injury employment.
- Accommodate the work or the workplace for a worker who has been unable to work as a result of an injury to the extent that it does not cause the employer undue hardship.
- When an employer claims undue hardship, the employer who is required to accommodate is responsible for proving to WorkplaceNL that the accommodation will cause the employer undue hardship.
- Develop and maintain the RTW element in joint consultation with workers, and develop a process for monitoring, evaluating, and changing the element as needed to achieve continuous improvement.
- Provide reference to standards used for the development of the RTW element.
- The responsibilities of the employer, supervisors, OHS committee, WHS representative or designate, worker experiencing an injury or illness, union representatives, healthcare provider, WorkplaceNL, and other party involved in the management of a claim or RTW plan.
- The policy must be signed and dated annually by the highest-ranking person onsite.
- The policy must be posted in a prominent location or available electronically at each worksite.

10.2 Maintain procedures to be followed from the time of injury or illness to the completion of the RTW that includes:

- Steps to follow from the time of injury or illness to the completion of the RTW.
 - This must include a requirement for RTW plans to be submitted to WorkplaceNL within five working days of receiving the injured or ill workers functional information.
- Processes to address any problems that may arise during the RTW plan with WorkplaceNL, including accommodation issues and reporting disputes.
- A list of essential duties within organizational roles that can be used to support RTW planning prior to an injury or illness occurring.
- Processes to protect confidential information.
- Process for RTW plans to be developed in consultation with the worker experiencing an injury or illness and be reviewed as necessary to make sure the plan is effective at progressing the worker toward pre-injury duties.

10.3 Use a standardized form, or WorkplaceNL's Early and Safe Return-to-Work Plan form, to record RTW plans that includes:

- Worker's name
- Claim number
- Pre-injury position
- RTW schedule including dates, hours, and hourly wage
- List of restrictions

- List of new duties being performed different from the pre-injury duties
- Signed and dated by the employer
- Indication that the injured or ill worker was involved in the development of the RTW plan

10.4 Make sure WorkplaceNL-prescribed claim forms are available at each worksite in person or electronically, including Form 6 (Worker Report of Injury) and Form 7 (Employer Report of Injury).

10.5 Communicate RTW processes to workers (e.g., the injury reporting system, the availability of RTW, procedures to be followed from the time of injury or illness to the completion of the RTW, etc.).

10.6 Train parties involved in developing and managing RTW plans.

10.7 Evaluate the effectiveness of the RTW element of the OHS program, at a minimum, annually and if there is a change to applicable legislation or standards. The annual evaluation is useful to identify the strengths and weaknesses of the program. This may include:

- Worker knowledge of RTW program
- Worker satisfaction with RTW outcomes
- Costs associated with injuries
- Workers compensation costs and premium
- Injury duration

Element 11 - Fall Prevention

Falls are a common cause of injury in the workplace. Fall prevention includes protecting workers from falls, whether they are caused by slips and trips or falls from height.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

11.1 Maintain a fall protection procedure that includes:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, and contractors.
- The responsibilities of person(s) developing fall protection plans and performing or scheduling inspection and maintenance of equipment and devices used to work at height, if applicable.

11.2 Conduct hazard assessment(s) that identify where workers are at risk of slips, trips or falls and put appropriate controls in place.

11.3 Where workers work at height, develop a job-specific fall protection plan that is based on a hazard assessment, that includes:

- A description of work and the work location.
- The location and description of present or potential fall hazards.

- Roles and responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors, and visitors in the fall protection plan.
- Control measure(s) to protect workers working near fall hazards, such as guardrails, barriers and signage.
- A method to determine appropriate anchorage points, if applicable.
- A method for a qualified person to calculate free fall distance and the minimum clearance required, if applicable.
- Procedures for storing or otherwise securing equipment, tools and materials at height, to protect workers below.
- Procedures to inspect, maintain, assemble, disassemble, use and store fall arrest systems or personal safety nets in accordance with the manufacturer, applicable standards and legislation.
- Procedures to inspect, maintain, use and store ladders, scaffolding, stages or work platforms, if applicable, in accordance with the manufacturer, applicable standards and legislation.
- Procedures for the prompt rescue of:
 - A worker who has fallen and is suspended by the fall arrest system or personnel safety net, and is able to participate in their own rescue.
 - A worker who has fallen and is suspended by the fall arrest system or personnel safety net, but is unable to effect self-rescue.
- The dates the plan was developed, reviewed or updated.
- The dates the plan was communicated to applicable workers and a list of their names.

11.4 Train and educate workers in fall prevention to include:

- The fall prevention procedure.
- Slip, trip and fall awareness.
- Using ladders, scaffolding, stages, work platforms or other relevant equipment.
- Current and valid fall protection training, provided by a WorkplaceNL approved training provider, for workers that work at height.
- Rescue training for any worker who is part of a rescue team or will be expected to perform rescue at height.

Element 12 - Occupational Health

Occupational health conditions (e.g., cancer, respiratory diseases, hearing loss, etc.) are caused by exposure to hazardous substances or environments in the workplace or as part of work activities. Preventing these conditions requires the elimination or reduction of hazardous exposures, and the control of risks. It is important that employers and workers take an active role in preventing exposures that are known to cause an occupational disease.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

12.1 Maintain occupational health plan(s) or program(s) as required by legislation that include:

- Conducting hazard assessment(s) that identify health hazard(s) and put appropriate controls in place.
- A process to maintain, review and update the occupational health plan(s) or program(s) required by legislation.
- Procedure(s) to make sure exposure to a hazardous agent is kept as low as reasonably practical, and does not exceed the occupational exposure limit, if one exists.
- Procedure(s) to use and maintain engineering controls (e.g., ventilation, wet dust suppression, etc.) that are required for a worker's protection from an occupational health hazard.
- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, contractors, and visitors, as well as, persons with a specific role in an occupational health plan or program, including performing health surveillance. A process to train persons assigned roles in the occupational health plan or program in their responsibilities.

12.2 Conduct occupational health hazard assessments as required by legislation.

- Procedures for health hazard assessments that include:
 - How the assessments will be performed.
 - How external parties performing occupational health assessment are deemed qualified.
- Completed occupational health hazard assessments that include:
 - The date(s) of the hazard assessment.
 - The details of the hazard(s) assessed.
 - Details of the work area and workers being assessed, if applicable.
 - How the hazard was assessed, including how measurements were collected and analyzed (i.e., sampling methodology, laboratory methodology, etc.), if applicable.
 - The occupational exposure limit for the hazard(s) being assessed, if one exists.
 - The results of the assessment (i.e., whether the measured exposure(s) during the assessment exceeded the occupational exposure limit).
 - Corrective actions to be taken where the result(s) of the assessment(s) indicate that workers are at risk of overexposure (i.e., where the measured exposure exceeds the action limit or occupational exposure limit), including the person responsible for the action, the timeline for completion, date of completion and date to follow up for effectiveness.
 - A plan to communicate the results of the assessment, including any corrective actions, to workers.
 - The signature and date of the person(s) who performed the assessment.

12.3 Maintain a health surveillance program, as required by the occupational health plan and OHS legislation, that includes:

- A requirement for medical examinations to be performed during normal working hours without loss of pay to workers.
- A commitment from the employer to keep records of a health surveillance program for as long as the worker is employed.

- A statement that demonstrates the employer's commitment to the protection of confidential personal health information.
- Communicating the health surveillance program to workers.

12.4 Train workers on occupational health hazards and controls required for their protection, including:

- Fit testing for workers who use respiratory protection.
- Legislative training, when required (i.e., asbestos abatement training).
- Health hazards, control measures, and safe work practices and procedures.
 - In-house training must include:
 - What the hazard is
 - How the worker may be exposed
 - Control measures, including PPE requirements

Element 13 - Musculoskeletal Injury (MSI) Prevention

When aspects of work or the workplace challenge or stress the human body beyond its abilities, it can result in an injury. These injuries are often referred to as musculoskeletal injuries (MSIs). MSIs can develop gradually and can range from short-term discomfort to a life-long injury. The key to preventing MSIs from becoming long-lasting is to identify them early and put control measures in place to stop the injury from occurring.

Path 2 employers can meet their PRIME requirements by implementing the following criteria.

13.1 Maintain an MSI prevention procedure that includes:

- The responsibilities of the employer, supervisors, workers, OHS committee, WHS representative or designate, and contractors regarding MSI prevention.
- Processes for reporting and investigating signs and symptoms of MSIs and concerns of potential MSI hazards.

13.2 Conduct hazard assessment(s) to identify and address MSI risk factors in the workplace.

13.3 Communicate existing and potential MSI risk factors to workers before work or tasks begin.

13.4 Provide WorkplaceNL's MSI Certification, or equivalent to workers. Equivalent training must include the following topics:

- The early signs and symptoms of MSIs.
- The potential health effects.
- Reporting early signs and symptoms of MSIs, and concerns of potential MSI hazards.
- Specific and potential hazards and control measures (e.g., safe work procedures, lifting equipment, PPE, etc.) to be used to prevent MSIs.
- How to modify the work or tasks to reduce the risk of MSIs, including when and how to use rest breaks and task variation.

- Healthy working postures.
- Proper body mechanics during manual material handling, if applicable.

Element 14 - Workplace Violence, Harassment, and Psychological Health and Safety

Employers are required to perform a risk assessment to identify the risk of workplace violence, and develop procedures and work environment arrangements to minimize the risk to workers. They must inform workers of the risks and the control measures to take for their protection. Employers are required to have a harassment prevention plan (HPP) which includes policies and procedures to minimize the risk to workers, and train workers on the contents of the HPP. Employers are required to make sure that workers are protected from hazards that are a risk to their psychological health and safety (PHS).

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

14.1 Assess the risk of workplace violence.

- The workplace violence risk assessment must consider:
 - Previous instances of violence in the workplace.
 - Violence experienced in similar workplaces.
 - The location of the work.
 - Type of work being performed.
 - Workplace characteristics including demographics, culture and the presence of new workers.
 - Issues raised by the OHS committee, the WHS representative or designate.
- This assessment must be completed on a standardized form that includes:
 - The date(s) the assessment was completed, reviewed or updated.
 - Description of the work or location being assessed.
 - Identification of workplace violence hazards.
 - Evaluation of the risk for the hazard(s) identified.
 - Corrective actions to be taken, the person responsible for the action, and a date for completion or follow-up.
 - Signature and date the assessment was completed.

14.2 Maintain workplace violence procedures and work environment arrangements to eliminate or minimize workplace violence, to include but not limited to, procedures for:

- Reporting incidents of workplace violence.
- Investigating workplace violence incidents.
- The protection of worker(s) where an employer becomes aware, or ought reasonably to be aware, of family violence that would likely expose a worker to physical injury, may occur in the workplace.

14.3 Communicate the risk of workplace violence:

- Inform workers who may be exposed to the risk of violence about the nature of the risk and any precautions to be taken.

- Include information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

14.4 Maintain a harassment prevention plan, that includes:

- The employer's commitment to:
 - Providing workers with employment free from workplace harassment.
 - Eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment.
- The worker's obligation to take reasonable care to not engage in bullying or workplace harassment, report observations or experiences of bullying and workplace harassment, and comply with the harassment prevention plan.
- The supervisor's obligation to make sure the health and safety of workers, including the supervisor's obligation to apply and comply with the harassment prevention plan.
- A statement that any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint or where required by law.
- Procedures for reporting, investigation and notification of results, to include:
 - Procedures for workers to report instances of harassment to an employer or supervisor or where the employer or supervisor is the alleged harasser, the procedures to report harassment to an external third party.
 - Procedures to be followed after a complaint of workplace harassment is received and the manner in which a complaint is investigated. The employer is responsible to investigate complaints of workplace harassment.
 - Procedures for notifying involved parties the results of investigations and any actions to be taken.
- A statement that the harassment prevention plan is not intended to discourage a worker from exercising their rights under the Human Rights Act, the Criminal Code (Canada) or any other law of the province or of Canada.
- Include a statement that the employer shall protect workers from retaliation and provide support to workers when workplace harassment occurs.
- The requirement for training on harassment prevention and the harassment prevention plan.
- The harassment prevention plan must be reviewed annually.
- The harassment prevention plan must be developed or reviewed in consultation with the OHS committee, WHS representative or designate.

14.5 Train workers in harassment prevention and the employer's harassment prevention plan.

14.6 Assess the workplace for psychological health and safety (PHS) hazards, in consultation with workers.

14.7 Support workers psychological health and safety by implementing control measures for the identified PHS hazards.

14.8 Provide education on PHS, the PHS hazards identified in the hazard assessment, and the control measures implemented.

Element 15 - Management Review, Records and Statistics

Effective documentation, statistics and record keeping are an important part of mitigating and controlling workplace hazards. Records and statistics will help find problems before an incident takes place. They also give management a picture of the current state of OHS and show how it changes over time.

Path 2 employers can meet their PRIME requirements by implementing the following criteria:

15.1 Maintain a Management Review, Records and Statistics procedure that includes:

- The responsibilities of the employer, management, and the OHS committee, WHS representative or designate.
- The scope and frequency of OHS statistical summaries.
- A statement that demonstrates the employer's commitment to the protection of confidential personal health information.

15.2 Use a standardized form to record OHS statistical summaries, that includes:

- The names of the people involved
- The date of the completion
- The date range for the data
- OHS data for at least the following:
 - Orientations and training
 - Incidents and incident investigations
 - Return to work
 - Workplace Inspections

15.3 Review OHS statistical trends to determine if there are opportunities for continuous improvement or any corrective actions are needed.

- This review must be completed by management and documented, including the persons present and any issues discussed.
- Management must communicate the results of this review with workplace parties.

Merits and Justice

Where the individual circumstances of a case are such that the provisions of this procedure cannot be applied or to do so would cause an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

507.3 Abbreviations

HREC – Hazard Recognition, Evaluation and Control

OHS – Occupational Health and Safety

PPE – Personal Protective Equipment

RTW – Return to Work

SWPP – Safe Work Practices and Procedures

WHMIS – Workplace Hazardous Materials Information System

WHS – Worker Health and Safety

507.4 Definitions

Accommodation - any change or adaptation to the work, hours of work, work duties or workplace, and includes equipment or assistive devices being provided.

Competent - a person who is qualified because of that person's knowledge, training and experience to do the assigned work in a manner that makes sure the health and safety of every person in the workplace, and is knowledgeable about the provisions of the Act and these regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work.

Contractor - a person or company hired under contract to provide materials or labour to perform a service or do a job for an organization.

Corrective Action - the steps taken to address and fix a problem or hazard to prevent it from happening again.

Employer - a person who employs one or more workers.

Hazard - any source of potential damage, harm or adverse health effects on something or someone.

Hazard Assessment - the overall process of hazard identification, risk analysis, and risk evaluation.

Hierarchy of Controls - a step-by-step approach to eliminating or reducing workplace hazards. It ranks controls from the most effective level of protection to the least effective level of protection.

Immediate Cause – the direct cause of an incident.

Incident - an occurrence, condition, or situation arising in the course of work that resulted in or could have resulted in injuries, illnesses, damage to health, fatalities, or damage to property.

Occupational Disease - a disease prescribed by regulations under the Workplace Health, Safety and Compensation Act, 2022 and another disease peculiar to or characteristic of a particular industrial process, trade or occupation.

Occupational Health and Safety (OHS) Committee – an advisory group made up of management and worker representatives. The committee encourages collaboration between the employer and the worker to address health and safety concerns in the workplace. Committees identify and evaluate concerns, make recommendations for corrective action and promote health and safety in the workplace to reduce accidents and injuries.

Occupational Health and Safety (OHS) Program – a system to manage health and safety issues in the workplace. It must include an OHS policy, as well as additional elements necessary to prevent injury and illness at the specific workplace.

Orientation – overview of, and introduction to, the organization's policies and procedures. Generally carried out with workers, contractors, visitors, etc., who are new to an organization or worksite, or returning after an extended period away.

Personal Protective Equipment (PPE) - equipment worn by a worker to minimize exposure to specific hazards. Examples of PPE include respiratory protection, hearing protection, fall protection, protective clothing, head protection, eye and face protection, foot protection, etc.

Preventive Maintenance – a system that attempts to eliminate incident caused by malfunctioning equipment through a proactive approach.

Qualified - being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination of them.

Records - anything (such as documents, photographs, etc.) providing permanent evidence of or information about past events.

Return to Work – the process or strategy of safely returning employees to the workplace in a timely manner. The goal is to return the worker to their pre-injury position through complete employee and employer cooperation.

Risk Analysis – a process for comprehending the nature of hazards and determining the level of risk.

Risk Evaluation – the process of comparing an estimated risk against given risk criteria to determine the significance of the risk.

Risk Control – actions implementing risk evaluation decisions.

Root Cause – the underlying reason for an event or incident.

Root Cause Analysis – a process to identify the underlying factors that led to the conditions that caused the incident.

Safe Work Practice - generally written methods outlining how to perform a task with minimum risk to people, equipment, materials, environment, and processes. They are general guidelines for workers to follow.

Safe Work Procedure - step by step work instructions that guide workers safely through a task where hazards have been identified.

Serious Injury – an injury of a serious nature, as defined by the NL Occupational Health and Safety Act, section 54(3) and the NL Occupational Health and Safety Regulations, 2012, section 10(1). A serious injury does not include injuries that may be treated through first aid or medical treatment; where the worker is able to return to their work either immediately after treatment or at their next scheduled shift.

Statistics – A quantifiable method used to compile information used to measure performance.

Supervisor - means a person authorized or designated by an employer to exercise direction and control over workers of the employer.

Supplier - a person or organization that provides something needed such as a product or service.

Worker - a person engaged in an occupation.

Worker Health and Safety (WHS) Representative - a representative at worksites with fewer than twenty workers, who's role is to monitor the health, safety and welfare of workers and support OHS activities in the workplace. The employer must make sure that a worker not connected with management is selected as the WHS representative. The WHS representative must be either elected by their peers or appointed by the labour union.

Workplace Health and Safety (WHS) Designate - when a WHS representative is impractical (e.g., companies with high turnover or all part-time staff) and the workplace has less than six workers, an employer may appoint a WHS designate. The WHS designate can be a worker connected with management. If that is not possible, the employer can be the WHS designate.

Working Alone - to work in circumstances where assistance would not be readily available to the worker in case of an emergency, or in case the worker is injured or in ill health.

Workplace - a place where a worker or self-employed person is engaged in an occupation and includes a vehicle or mobile equipment used by a worker in an occupation.

Workplace Inspection – an observation tour of the workplace for the specific purpose of determining the levels of compliance with established safe work practices, procedures, safety rules, and OHS legislation.

Amendment History

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Reference:

NL Occupational Health and Safety Act, sections 2(k.1) and 54(3)

NL Occupational Health and Safety Regulations, 2012, section 10(1)

Workplace Health, Safety, and Compensation Act, 2022 (the Act)

Policies:

EN-22 Merits and Justice

PR-15 PRIME Practice Incentive Path 2 Employers (OHS Certification)

RE-01 Return to Work Overview

RE-02 The Goal of Early and Safe Return to Work and Roles of the Parties

RE-03 Functional Abilities Information for Return to Work

RE-05 Re-employment Obligation

RE-06 Alternate Work Comparable to the Pre-injury Job

RE-07 Undue Hardship

RE-08 Compliance with the Re-employment Obligation

RE-18 Hierarchy of Return to Work and Accommodation