



GUIDE

»» for Board Members

TABLE OF CONTENTS

Introduction 3

Questions for Board Members to Ask About Workplace Safety and Health 4

Questions for Board Members to Ask About Workers Compensation..... 5

Information About Creating Safe and Healthy Workplaces 6

 Collaborating for Safety - Ensuring a Safer Manitoba 6

 Applicable Laws 8

 What is Safety Culture? 10

 What are Leading and Lagging Indicators for Safety and Health?..... 11

Glossary 12

Sources/For More Information..... 14





INTRODUCTION

We all have a role to play in building safe and healthy workplaces, and in creating a genuine culture of safety for all Manitobans. This includes Board Members who have the ability and the legal responsibility to ensure workers are protected from injury and illness in the workplace. An unsafe workplace can lead to missed customer deadlines, high staff turnover and absenteeism, unplanned shutdowns, declining reputation and – most importantly – injuries and loss of life. Just because there has not been an incident in the past, does not mean that there is no risk of occurrence in the future. If a Board Member is found to be negligent in carrying out their duties, they may be charged under *The Workplace Safety and Health Act*. Board Members may also be held accountable for the safety and health of employees by their stakeholders or the general public.

This *Guide for Board Members* was developed by SAFE Work Manitoba, the public agency dedicated to the prevention of workplace injury and illness. It is intended to give you a high-level overview of the information you need, as a Board Member, to understand how risks related to safety and health are managed in your organization. The “Questions for Board Members to Ask” will assist you in obtaining this information from executive management. The “Additional Information” and “Sources” are provided to give context to the information you receive from executive management, and help you understand how risk and performance are evaluated and discussed in the safety and health industry.



BOARD MEMBERS' RESPONSIBILITIES ARE NO DIFFERENT WHEN IT COMES TO
WORKPLACE SAFETY AND HEALTH THAN FOR ANY OTHER TYPE OF RISK.



QUESTIONS FOR BOARD MEMBERS TO ASK ABOUT WORKPLACE SAFETY AND HEALTH

Board Members should ask and gain assurance regarding the following:

1. What are the biggest risks in the company, including safety?

- What is the likelihood of occurrence, and what would be the impact if a particular risk resulted in an incident?
- What is management's mitigation plan?

2. What does management do to ensure that the organization is in compliance with safety legislation?


- Are there policies and procedures in place regarding safety? Are they updated regularly?
- Do managers and supervisors understand and have the competencies to ensure the safety and health of all workers? How do we know?
- Are there training plans in place?
- Is there an active and effective workplace safety and health committee?
- Are inspections completed regularly to identify safety hazards and implement control measures?
- Are periodic audits conducted to assess the effectiveness of safety management structures?
- Does our organization hold a recognized safety and health certification or accreditation (for example, SAFE Work Certified programs)?
- Does our organization require contractors to hold a recognized safety and health certification or accreditation?

3. Do our organization's employees, managers, supervisors, workers and contractors understand their legal duties and responsibilities?

- Are they trained to competently carry out their duties?
- Is safety part of the performance management system at all levels?
- Do employees understand the job related hazards and risk?
- Are workers involved with hazard identification and the implementation of control measures?

4. How would management describe the safety culture of the company?

- Is prevention of workplace injuries and illnesses a priority?
- How are workers encouraged to report hazards and be involved in preventing workplace injury and illness?
- Are there workers who may be more at risk to injury (e.g., young workers, and casual, temporary and contracted workers) and how are they protected?
- Is safety integrated into executive management's plans?
- What goals and measures does management use to direct and assess our safety culture?
- Do managers and supervisors model safe behaviours and attitudes?

- 
5. **What are the performance indicators used regarding safety issues? Regular (annual, semi-annual, quarterly) reports should be received for high-level indicators.**
 6. **Is there a balance in reporting on prevention efforts (leading indicators) and incidents (lagging indicators)?**
 7. **How does this company's injury prevention and incident record compare with others in the industry?**
 8. **What is the status of any improvement orders or stop work orders (reported quarterly)? The Board should receive a high-level report from management on follow-up and how corrective action will be planned and executed.**
 9. **What has management learned from any incidents and what changes have been made to ensure the same incident does not occur again?**

QUESTIONS FOR BOARD MEMBERS TO ASK ABOUT WORKERS COMPENSATION

Board Members should ask and gain assurance regarding the following:

1. **Is our organization in an industry with mandatory WCB insurance and is our WCB account up-to-date?**
 - If we are not in an industry with mandatory WCB insurance, do we hold optional coverage from the WCB or comparable coverage from another provider?
2. **Does our organization have a robust injury reporting system that ensures timely reporting?**
3. **Does our organization have an effective disability management and return to work program that helps injured workers get back to health, and meaningful work quickly and safely?**
4. **What is the status of any violations, investigations or administrative penalties from the WCB? The Board should receive a high-level report from management on follow-up and how corrective action will be planned and executed.**
5. **Are contractors and subcontractors required to have WCB coverage?**



DIRECTORS SHOULD ASK HOW MANAGEMENT WOULD DESCRIBE THE SAFETY CULTURE OF THE COMPANY.



INFORMATION ABOUT CREATING SAFE AND HEALTHY WORKPLACES

Collaborating for Safety – Ensuring a Safer Manitoba

To ensure a safer province, SAFE Work Manitoba, the Workplace Safety and Health Branch, and the Workers Compensation Board of Manitoba work together to offer prevention, enforcement and compensation services to Manitoba's employers. While these three organizations support employers in different ways, their shared goal is to make our province safer.

SAFE Work Manitoba

SAFE Work Manitoba is the public agency dedicated to the prevention of workplace injury and illness. Working with our partners in the safety community, we provide prevention education, safety programming, consulting and strategic direction to create a genuine culture of safety for all Manitobans.

SAFE Work Manitoba provides:

- support to industry based safety programs in the delivery of safety and health services to employers
- SAFE Work Certified, a safety and health certification program for Manitoba employers
- safety and health workshops
- safety and health consulting
- design and implementation of occupational safety and health programs and strategies
- strategic direction on occupational safety and health matters to help focus prevention efforts
- responses to questions and concerns related to safety and health on the job
- safety initiatives and events to help build a strong culture of safe work in Manitoba
- resources and information related to workplace safety and health through prevention
- social marketing initiatives to raise awareness of the importance of safety and health at work.

Workplace Safety and Health Branch

The Workplace Safety and Health Branch (WSH) is part of the Ministry of Finance of the Manitoba Government. WSH enforces *The Workplace Safety and Health Act* and its associated regulations, in order to protect the safety and health of workers in Manitoba. WSH's inspection and investigation activity focuses on improving legislative compliance in order to eliminate workplace fatalities, injuries and illnesses.

WSH is responsible for:

- workplace safety and health inspections, through routine enforcement activity and in response to reports of unsafe work from the public
- serious incident response and investigations
- receiving permits and notifications for select hazardous work activities
- providing information about legal requirements under the *Manitoba Workplace Safety and Health Act and Regulation*, the *Operation of Mines Regulation* and the *Administrative Penalty Regulation*
- responding to situations where the right to refuse dangerous work has occurred
- administrative penalties and prosecutions for severe and repeated contraventions
- receiving appeals of orders and administrative penalties
- reviewing requests for exemption from legal requirements.



Workers Compensation Board of Manitoba

The Workers Compensation Board of Manitoba (WCB) provides a no-fault injury and disability insurance system for workers and employers, paid for by employers. Employers receive protection against lawsuits from workers injured on the job, while injured workers receive a full range of benefits. The WCB is committed to providing service that is fast, easy, caring, right and clear.

The WCB provides:

- a process to report workplace injuries
- wage loss benefits that begin the next working day after a worker is hurt: in most cases, the injured worker will receive 90 per cent of their net loss of earning capacity medical treatment and medication costs
- dental treatment
- chiropractic or physiotherapy treatments
- return to work services
- vocational rehabilitation services
- lump sum payments for permanent impairments
- pensions
- death benefits.



SAFE WORK MANITOBA, WSH AND WCB SUPPORT EMPLOYERS TO HELP MAKE
OUR PROVINCE SAFER.



Applicable Laws

The following provincial and federal legislation guides the development and implementation of safety and health programs in the workplace:

- *The Workplace Safety and Health Act*
- The Workers Compensation Act
- Section 217.1 of the Criminal Code, commonly known as the “Westray amendment”

Broadly speaking, these laws impose the following obligations and responsibilities on employers.

The Workplace Safety and Health Act

The Workplace Safety and Health Act (the “*WSH Act*”) is designed to protect the safety and health of workers. It requires employers to ensure the safety and health of workers by:

- providing and maintaining a safe and healthy workplace
- providing appropriate training to workers
- ensuring workers are aware of the safety and health hazards present in the workplace and how they can prevent injury
- providing adequate supervision.

Under the *WSH Act*, workers have four rights:

- The right to know what safety and health hazards are present in their workplace.
- The right to participate in safety and health activities in the workplace.
- The right to refuse unsafe work.
- The right to protection from any reprisal as a result of exercising their rights or carrying out their responsibilities under the *WSH Act*.

When a serious incident occurs in a workplace, it must be reported to Workplace Safety and Health.

The Workers Compensation Act

The Workers Compensation Act (the “*WCA*”) provides no-fault injury insurance to workers. It provides benefits to injured workers and protects employers from lawsuits arising from work-related injuries. Eight broad industry sectors are within the WCB’s compulsory coverage. Businesses that do not fall within these sectors may also purchase WCB coverage.

The WCA requires employers to:

- report workplace injuries and illnesses within five business days of becoming aware of them
- not discourage workers from filing an injury claim
- advise the WCB when injured workers return to work following an absence due to a workplace injury
- pay injured workers for their entire shift on the date of the injury
- offer to re-employ workers who have been employed by the business for at least 12 continuous months before the date of their injury or illness (this obligation applies only to employers with 25 or more full-time or regular part-time workers)
- submit accurate payroll information in a timely manner in order for the WCB to determine premiums
- pay premiums in a timely manner and not pass on the cost of coverage to workers
- make sure that the contractors or subcontractors with whom the business works comply with WCB requirements.

The Westray Amendment

Bill C-45, also known as the *Westray amendment*, is federal legislation that amended the Criminal Code and became law on March 31, 2004. It established new legal duties for workplace health and safety, and imposed serious penalties for violations that result in injuries or death. It provided new rules for attributing criminal liability to organizations, including corporations, their representatives and those who direct the work of others.

The *Westray amendment* added Section 217.1 to the *Criminal Code* and reads:

“217.1 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 amendment also added Sections 22.1 and 22.2 to the *Criminal Code* imposing criminal liability on organizations and its representatives for negligence (22.1) and other offences (22.2).

Employers can limit their liability and reduce the chances of being charged under the provisions of the *Criminal Code* by implementing an effective workplace health and safety program.

What is Safety Culture?

The term *culture* is widely used and is often defined in relation to the workplace as “the way we do things around here.” When combined with safety, however, culture is so much more complex than this. Two companies can be the same size, do the same work and even have similar safety and health programs, but that doesn’t mean they will have the same safety culture.

Safety culture does not exist in isolation. It’s a reflection of a company’s overall organizational culture and is required to meaningfully reduce workplace injuries and illnesses and sustain prevention efforts.

SAFE Work Manitoba worked with the Institute for Work and Health and Manitoba stakeholders to develop this definition, which we think will help guide our efforts to ensure a strong and sustained safety culture – across the province – for generations to come:

A positive safety culture exists when a set of shared values and beliefs about workplace safety and health influences and drives practices for preventing workplace injuries and illnesses.

Values and beliefs underpin a strong safety culture.

In a strong safety culture, people value and expect: a safe and healthy workplace; that people in the workplace are considered to be the most valuable resource; and that safety and health is valued along with productivity, quality and pay.

In a strong safety culture, people believe that: workplace injuries and illnesses can be prevented; leaders drive improvement; and everyone plays a part in building safe and health workplaces.

A workplace with a strong safety culture includes the following dimensions:

- safety and health hazards and concerns are addressed
- leaders demonstrate commitment to safety and health
- trust and respect permeate the work environment; workers feel safe to voice concerns
- everyone is held accountable to health and safety
- the work environment is inclusive; all workers are considered and have input
- continuous learning is a feature of the organization.

Development of a safety culture in the workplace takes time. It is dependent on leadership and commitment on all levels, from Board Members to executive, supervisors and front-line employees. Cultural shifts rely on leadership – if employers want their employees to be safe at work, the belief that unsafe work is unacceptable has to come from the top.

What are Leading and Lagging Indicators for Safety and Health?

Indicators – observable measures – allow employers to assess workplace safety, a concept that is difficult to measure directly. Leading indicators and lagging indicators can both be used to measure safety performance.

Leading indicators often measure inputs and can be used to **predict** future trends. In occupational safety and health, leading indicators often measure prevention efforts, including:

- training programs, tools and resources, including safety orientations for new workers
- the effectiveness and involvement of safety and health committees
- compliance with workplace safety and health laws
- accessibility of prevention information
- workplace inspections and audits
- annual reporting
- employee reports of hazards and near-miss incidents.

Lagging indicators measure outcomes or outputs. They follow events and confirm trends. In safety and health, these may include:

- consequences of enforcement, such as prosecutions, convictions and improvement and stop work orders
- the number and causes of workplace injuries and illness
- penalties for late reporting or suppressing injury claims.



LEADING INDICATORS FOR SAFETY AND HEALTH INCLUDE TRAINING AND ORIENTATION PROGRAMS, REGULAR WORKPLACE INSPECTIONS AND THE EFFECTIVENESS OF SAFETY AND HEALTH COMMITTEES.



GLOSSARY

Administrative penalty: A monetary penalty issued to an individual or company for failure to comply with an improvement order issued by a safety and health officer for a violation of The Workplace Safety and Health Act. There are also administrative penalties under the WCB system.

Canada Labour Program: The Canada Labour Program is responsible for protecting the rights and well-being of both workers and employers in federally regulated workplaces. They work closely with provincial and territorial governments, unions, employers, international partners, and other stakeholders to promote fair, safe and productive workplaces and collaborative workplace relations.

Due diligence: Everyone with responsibility for safety and health must take every precaution reasonable in the circumstances to avoid a work-related injury or illness.

Hazard: Any activity, situation or substance that has the potential to cause harm. Hazards can be in many forms such as physical, chemical, biological or psycho-social. Workplace hazards are divided into two broad categories: safety hazards and health hazards.

Improvement order: A request to a person or company (including owners, employers, prime contractors, supervisors, suppliers and workers) to correct a violation of The Workplace Safety and Health Act. The improvement must occur by a specific date, known as the compliance date.

Manitoba workplace safety and health officers have the legal authority to issue an improvement order.

Incident: An event or occurrence that causes physical or mental harm to a worker.

A near miss is an event or situation that could have resulted in a workplace injury or illness, but did not. Near miss incidents must be reported.

Injury: A physical or mental harm that arises out of or during the course of duties in the workplace.

Lagging indicators: Indicators that measure outcomes or outputs. Lagging indicators follow events and confirm trends.

Leading indicators: Indicators that change before patterns or trends may be observed in the system (or culture); they often measure inputs. Leading indicators can be used to predict future trends, but are not as accurate in identifying trends as lagging indicators.

Occupational disease: An illness which occurred as a result of the work environment. May include such illnesses as black lung disease (mining), carpal tunnel syndrome (office work) and many cancers.

Risk: The likelihood a hazard will cause harm. It refers to the probability and severity of potential incidents, dangerous occurrences, near misses and emergencies.

Risk assessment: The process of creating awareness of hazards and risks; identifying who and what may be at risk; determining if existing control measures are adequate; prioritizing hazards and control measures; and addressing the hazards that pose the greatest risk first.

Safety culture: A positive safety culture exists when a set of shared values and beliefs about workplace safety and health influences and drives practices for preventing workplace injuries and illnesses.

SAFE Work Certified: SAFE Work Certified is Manitoba's safety and health certification standard that helps make workplaces safer and provides a financial reward to employers that take proactive steps to prevent workplace injuries and illnesses.

Built around the safety essentials of leadership commitment, hazard identification and risk control, as well as worker participation, SAFE Work Certified can provide employers with benefits such as lower WCB premiums over time, improved employee engagement, and also assistance in meeting legal safety requirements.

Stop work order: An order to cease work and/or vacate the premises, issued by a Workplace Safety and Health officer if they believe activities in the workplace pose an imminent risk of injury or when the employer has not complied with an improvement order.

Training: The program or programs implemented in a workplace to provide information and practical safety training to new and experienced employees. Training may be conducted on or off-site by a third-party or in-house by qualified internal trainers.



SOURCES/FOR MORE INFORMATION

SAFE Work Manitoba has great resources and information available on a variety of safety and health topics. Please visit, www.safemanitoba.com.

Industry-Based Safety Programs

Industry-based safety programs (IBSPs) work closely with organizations to guide and support them in their safety and health efforts.

Current IBSPs include:

Construction

- Heavy Construction: Manitoba Heavy Construction Association WORKSAFELY™ (MHCA)
www.mhca.mb.ca
- Industrial, Commercial and Residential Construction: Construction Safety Association of Manitoba (CSAM)
www.constructionsafety.ca

Manufacturing

- Made Safe
www.madesafe.ca

Transportation

- RPM Trucking Industry Safety Program (RPM)
www.rpmsafety.ca

Sales and Service

- Sales and Service Safety Association
www.s2sa.ca

Agriculture

- Manitoba Farm Safety
www.kap.ca/manitoba-farm-safety/

Oil and Gas

- Energy Safety Canada
www.energysafetycanada.com

Mining

- Mining Association of Manitoba Inc.
www.mines.ca

If your industry is not currently associated with one of the above IBSPs, please contact SAFE Work Manitoba:
Phone: (204) 957-SAFE or toll free: 1-855-957-SAFE (7233) Email: information@safeworkmanitoba.ca

Workers Compensation Board of Manitoba

www.wcb.mb.ca/

Workplace Safety and Health Branch

www.manitoba.ca/labour/safety/

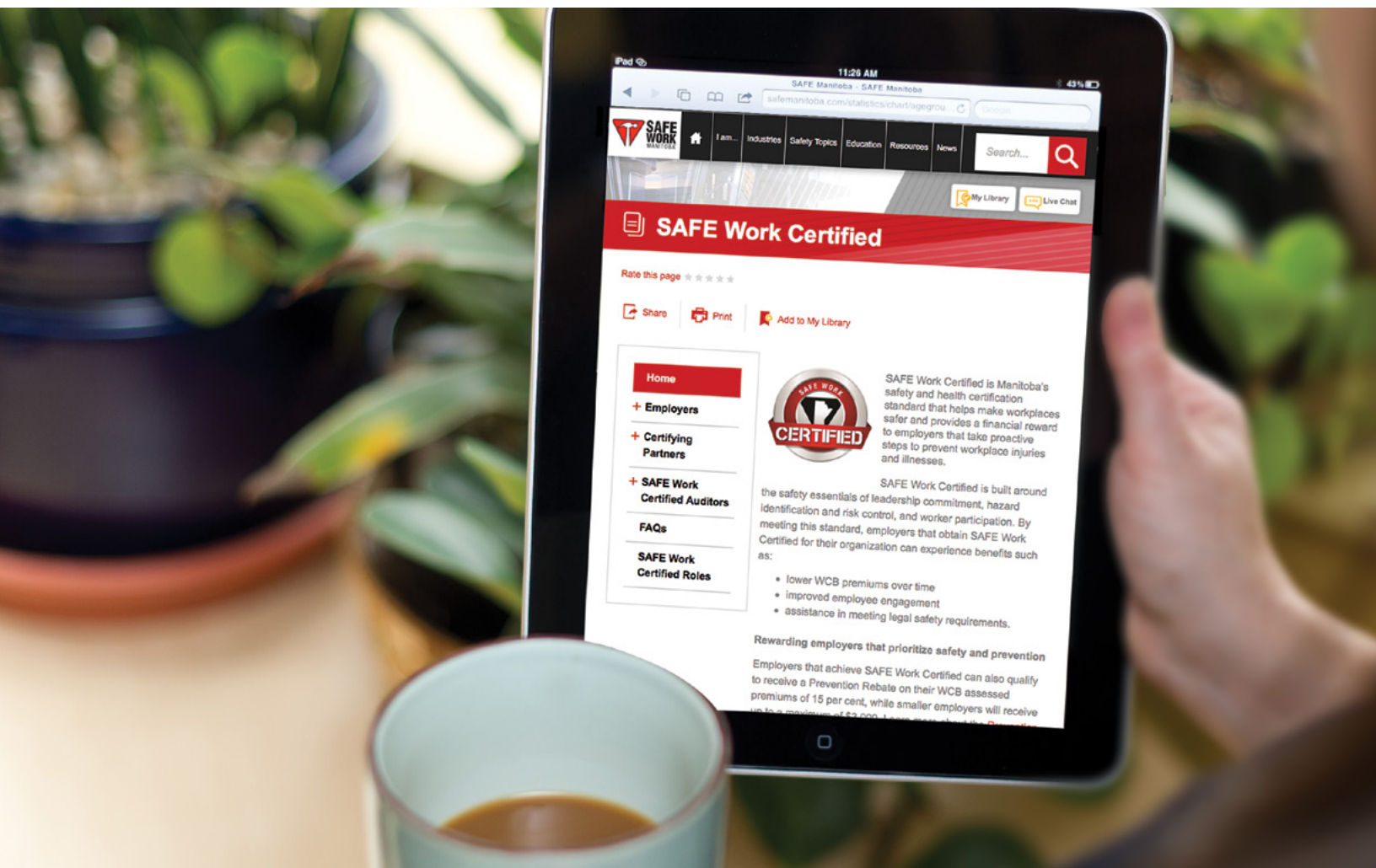
Canada Labour Program

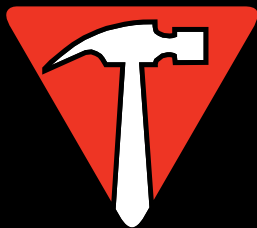
www.canada.ca/en/employment-social-development/corporate/portfolio/labour.html

Canadian Centre for Occupational Health and Safety

www.ccohs.ca/

- Bill C-45 – Overview
- www.ccohs.ca/oshanswers/legisl/billc45.html





**SAFE
WORK**
MANITOBA™

SAFE Work Manitoba

204-957-SAFE (7233)

1-855-957-SAFE (7233)

information@safeworkmanitoba.ca

safemanitoba.com

