

OH&S

Due Diligence

KEY COURT MEASURES WHICH DETERMINE WHETHER DUE DILIGENCE STEPS TAKEN

KEY COURT MEASURES	COURT EXPECTATIONS*
KNOWLEDGE OF LEGAL OBLIGATIONS	Complete up-to-date knowledge of relevant, applicable OHSA and regulatory requirements, Codes, Standards, Guidelines. Knowledge by supervisors; knowledge reflected in policies, procedures.
KNOWLEDGE OF HAZARDS	Ongoing assessment of workplace(s) for potential hazards (physical, procedural) utilizing all reasonably available means. Audits performed by competent Company representatives or external consultant on a regular basis. Use of “what could foreseeably go wrong” approach. Taking information available from JHSC audits and from near-miss/accident reports/WSIB claims analysis to assess hazards. Assessment by supervisor before particular task performed, depending on complexity, risks of task.
ONGOING ACTION TO CORRECT HAZARDS	Corrective workplace measures, changes, repairs based on audits, assessments. Development of and ongoing improvements to safe work procedures, policies, practices based on assessments.
WRITTEN HEALTH AND SAFETY POLICIES & PROCEDURES	Written, up-to-date, understandable policies and procedures for all hazardous activities at workplace. Updated as equipment, workplace practices, OHSA requirements or standards evolve. Available to employees in manual/posted as necessary. Policies and procedures which meet or exceed OHSA, Regulations, Guidelines, Standards. Expert assistance in procedure development/approval as reasonable for hazards and Standards involved.
ORIENTATION & TRAINING	Training and knowledge by supervisors/management of OHSA and applicable Regulations, applicable policies and procedures, expectations for safe work in circumstances. “Competent” supervisors. Thorough training of workers. Ongoing training as supervisors/workers transfer/as equipment and work evolves. Supervisory follow-up to confirm training understood and applied. Retraining as necessary for hazard, and reminder meetings (safety meetings, pre-job meetings) to reinforce training and expectations.
SUPERVISORY MONITORING	Ongoing supervisory monitoring with appropriate frequency for risk (increased monitoring for high-risk, complex task, or where there is indication of compliance problem at workplace). Monitoring of compliance with policies and procedures, safe work practices.
COMMUNICATION & COORDINATION	Ongoing communication/coordination of tasks. Communication of change – to equipment/work conditions. Particularly crucial to identify and remind of risks, process issues where multiple parties/contractors present or workers are unfamiliar with new areas or risks.
ENFORCEMENT WITH DISCIPLINE	Enforcement of policies, procedures, safe work practices with discipline. Consistent, significant discipline for significant safety contraventions.
DOCUMENTATION	Notes, records, documents in support of all of the above steps is essential (i.e. training records with agendas/materials/checklists/tests retained; sign-off on rules/procedures; written audits and assessments of hazards and recorded followup; written training plan/training matrix; documentation of dates/content/person providing on-the-job training; documented communication, pre-job and safety meeting records, with agendas/signoffs; checklists/notebooks/forms for supervisory monitoring; written records of discipline).

* each case takes into consideration degree of hazard involved in the workplace, nature of the workplace, nature of the activity, frequency with which worker performs activity, and other relevant matters for specific situation



Prepared by: Cheryl A. Edwards, a former Ontario Ministry of Labour OH&S Prosecutor, and Leader in Heenan Blaikie's national OHS & Workers' Compensation Practice Group. Cheryl has more than 20 years of experience providing strategic, focused, practical advice and in-house training for public and private sector organizations. She also has extensive experience representing clients at trials, complaints, inquests and appeals.

For more information, you can contact Cheryl at: Email: cedwards@heenan.ca
Direct Line: 416 360.2897 Cell: 416 452.4958



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- Strategic, knowledgeable, immediate advice in responding to workplace accidents
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- Advocacy before Workplace Safety and Insurance Boards and Appeals Tribunals
- Advice on WSIB claims management, assessment and experience rating issues

ONTARIO

- Cheryl A. Edwards***
416 360.2897
cell 416 452.4958
cedwards@heenan.ca
- Douglas G. Gilbert**
416 360.3535
dgilbert@heenan.ca
- Jeffrey Goodman**
416 643.6824
cell 647 500.6824
jgoodman@heenan.ca
- Kevin D. MacNeill**
416 360.2602
cell 647 200.5326
kmacneill@heenan.ca
- Jeremy Warning***
416 643.6946
cell 647 407.5732
jwarning@heenan.ca
- Rhonda Shirreff**
416 643.6858
rshirreff@heenan.ca
- Anne Regan**
416 643.6900
aregan@heenan.ca
- Lia Chiarotto**
416 643.6854
lchiarotto@heenan.ca
- Dan Palayew**
613 236.6970
cell 613 296.8830
dpalayew@heenan.ca
- Julie Thibault**
613 236.2161
cell 613 866.2111
juthibault@heenan.ca
- Shane Todd**
416 643.6958
cell 647 267.5486
stodd@heenan.ca

QUEBEC

- Francine Legault**
514 846.2348
flegault@heenan.ca
- Lucie Guimond**
514 846.2304
lguimond@heenan.ca
- Danielle Gauthier**
819 346.8073
dgauthier@heenan.ca
- Jean Boulet**
819 373.4370
jboulet@heenan.ca
- Simon Laberge**
514 846.7248
slaberge@heenan.ca

BC/ALBERTA

- Dean Crawford**
604 891.1162
cell 604 417.4439
dcrawford@heenan.ca
- Jillian Frank**
604 891.1160
jfrank@heenan.ca
- Andrea Zwack**
604 891.1161
azwack@heenan.ca
- Najeeb Hassan**
604 891.1164
cell 604 551.2952
nhassan@heenan.ca

* Former OHS Prosecutor

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