



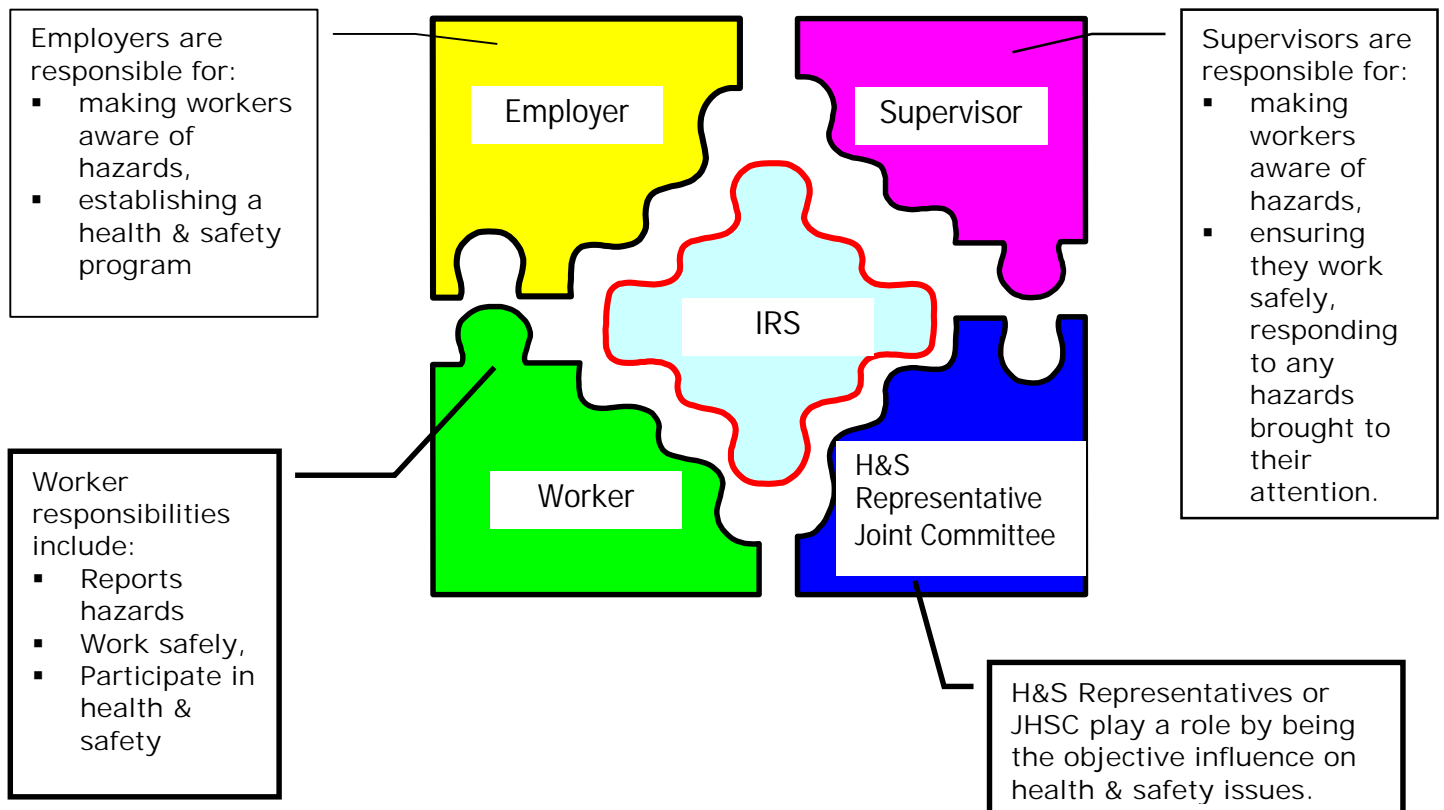
Occupational Health & Safety Act (OHSA)

Internal Responsibility System (IRS)

The Internal Responsibility System (IRS) is a health and safety philosophy based on the principle that every individual in the workplace is responsible for health and safety. It includes the Chief Executive Officer, executives, management and workers.

The success of the IRS depends on the effective partnership between the workplace parties to create a safe and healthy workplace.

“Workplace parties” is a term that refers to the persons who are considered an Employer, Supervisor, worker and contractor or subcontractor. Basically it refers to all persons who enter a workplace for whatever reason.



Giving workplace parties responsibilities and authority is the driving force of an effective health and safety management system.



DUE DILIGENCE

In occupational health and safety, due diligence refers to the employer's legal responsibility to take every reasonable precaution to prevent injuries and illnesses and prove that they did so. This responsibility is in addition to complying with the provisions of the Occupational Health and Safety Act (OHSA) and Regulations and is not limited by them.

When employers are charged under the Occupational Health and Safety Act, they must demonstrate due diligence with respect to worker health and safety. The maximum fine under Section 66 of the OHSA for a corporation is \$500,000. For an individual, it is \$25,000 and imprisonment for up to 12 months.

The most effective way to maintain due diligence is by establishing a health and safety program that is integrated into day-to-day operations and by keeping records.

Establishing a Program

A firm's health and safety program should have the following elements:

- A policy that outlines the firm's objectives including management's commitment and all employee's responsibilities in maintaining a safe workplace
- Prevention activities to achieve the policy statement and to ensure regulatory compliance
- Details specifying when the prevention activities would be done, by whom and how the activity should be recorded. Some examples include:
 - Emergency response program
 - Maintenance schedules
 - Joint Health and Safety Committee: role, size, interval of meetings
 - Lock-out procedure
 - Inspections
 - Accident investigation and reporting
 - New worker or new job orientation
 - First aid
 - Return to Work Program (RTW)



Documentation

Documentation is required so that the firm can demonstrate due diligence and that every reasonable precaution was taken. Documentation can demonstrate vigilance and diligence, and should show that standard operating procedures, control systems and other relevant prevention activities have been implemented and maintained. Records could include:

- Training conducted and when it was conducted
- Minutes from safety meetings
- Hazards identified and how they were corrected (e.g. job hazard analysis or response to worker concerns)
- Maintenance logs of equipment, fire extinguishers, tools, vehicles, forklifts, etc.
- Documentation of breaches of health and safety and disciplinary action
- Audits or inspections conducted, the findings and how any hazards were corrected

Additional resources on the IRS:

Health and Safety Associations www.preventiondynamics.ca,
Canadian Centre for Occupational Health and Safety www.ccohs.ca