

Chapter 6: General Rights and Responsibilities

Introduction

The Workers Compensation Act and OHS regulation specifically describe the rights and responsibilities of workers, supervisors, and employers, as well as those of suppliers and joint occupational and health committees.

It is important that all BCTS employees are aware of their rights and responsibilities along with specific additional responsibilities described by BCTS.

BCTS has also implemented a program with specific roles and responsibilities described for employees designated as a provincial safety co-ordinator and a business area safety contact. These responsibilities are also described in this chapter.

Workers Rights

Workers have three basic rights to protect them and help them carry out their responsibilities for safety:

Right to Know

Workers have the right to know about the hazards of their jobs. All workers need to know how to recognize and deal with those hazards so they won't cause injury or health problems to themselves or to others.

Right to Participate

Workers have the right to participate in health and safety in the workplace. Employers need to consult with workers on matters that affect workers' safety.

Right to Refuse

Workers have the right to refuse work that they believe to be unusually dangerous to themselves and/or others in the workplace.

The right to refuse work believed to be unsafe is legislated in Section 3.12 of the Occupational Health and Safety Regulation under the Workers Compensation Act.

The right to refuse unsafe work allows a worker to step away from work she or he believes is unsafe to perform or that which they are not competent to perform safely. The right allows the worker to have the refused work investigated, and repaired if it's dangerous.

The worker must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.

A supervisor or employer must immediately address the matter by reviewing the report and the site specific circumstances where practical and:

- ensure that any unsafe condition is remedied without delay; or
- inform the person who made the report that in his or her opinion the report is not valid.

If the worker continues to refuse to carry out the work, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of a worker member of the joint occupational health and safety committee. If this does not resolve the matter both the supervisor/employer and the worker must immediately notify a WorksafeBC officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

During the investigation and repair phase, this right provides that the worker receives pay. A worker is also protected from an employer's possible reprisal, since it's illegal for an employer to fire or discipline a worker who refuses work she or he believes is unsafe. Temporary assignment to alternative work does not constitute discriminatory action.

Responsibilities

General Responsibility to Report Unsafe Acts or Conditions

The OHS regulations tied to the WCA place a general responsibility for reporting unsafe conditions on all persons. This responsibility is:

Whenever a person observes what appears to be an unsafe or harmful condition or act the person must report it as soon as possible to a supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.

BCTS employees, by the nature of their jobs, are often conducting field work or monitoring contract or timber sale operations, and as such, they are in a position to readily observe the work occurring on a variety of worksites on a frequent basis.

The following guidance is provided to BCTS staff in order to deal with this responsibility.

1. This responsibility is on a person, (any person). It is not specific to BCTS employees. BCTS employees are not safety professionals and have varied experience and background in the forest industry. BCTS employees are not expected to observe all unsafe acts or conditions they may encounter in the course of their duties, nor are they expected to be correct in every assessment they make. BCTS employees' responsibilities are limited to reporting what appears to them to be an unsafe or harmful condition or act to a supervisor or employer of the workplace. There is no

- liability associated with not seeing or recognizing a hazard, however, acting in good faith, BCTS employees cannot choose to ignore a hazard if they do observe it and recognize as or believe it to be a hazard to workers.
2. There is no test for “what appears to be” except for showing due diligence (what an average person doing the job would reasonably know). It may also depend on what a person may have reasonably perceived. It would not be reasonable to expect a BCTS worker to know all about how a timber sale holder should safely conduct their work, because most BCTS workers are usually not knowledgeable on the detailed safety aspects of a licensee’s operational work nor are they expected to be.
 3. The person receiving the report (employer, site supervisor or prime contractor) is then responsible to investigate it and determine the necessary corrective action. BCTS staff should document in writing all of the reports they make to a supervisor or employer of a workplace including the time, who it was reported to, the circumstances and the response. Note the obligation is to report, not to try and stop work in progress or prevent access to the work area.
 4. If the situation observed is felt to be urgent or life threatening and the person who receives the report does not react with adequate measures, the BCTS employee should immediately contact his supervisor for further advice and may need to contact WorkSafeBC for assistance or advice if the situation is not mitigated.
 5. If the situation is not immediately urgent but repetitive and not corrected after two or more reports, the BCTS employee should again seek advice from their supervisor and may need to inform WorkSafeBC.
 6. If the employer is a contractor working for BCTS, the BCTS employee’s report should immediately go to the contract administrator to be reviewed and included in the contract administration (Chapter 19). Quick action to stop work or otherwise achieve compliance with the contract may be required.

General Duties and Responsibilities of BCTS as an Employer

BCTS is an employer and as such carries the full responsibilities of an employer (*WCA* Sec. 115): Every employer must:

- Ensure the health and safety of all workers working for that employer and any other workers present at a workplace at which that employer's work is being carried out; and comply with this *Workers Compensation Act*, the regulations and any applicable orders.
- Without limiting the above, remedy any workplace conditions that are hazardous to the health or safety of the employer's workers.

- Ensure that the employer's workers are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work, comply with this Part, the regulations and any applicable orders, and are made aware of their rights and duties under this Part and the regulations.
- Establish occupational health and safety policies and programs in accordance with the regulations.
- Provide and maintain in good condition protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers.
- Provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace.
- make a copy of the *WCA* and the regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review.
- Consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the employer.
- Co-operate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

General Duties and Responsibilities of All BCTS Workers

The responsibilities of a worker apply to every position in BCTS.

Health and Safety is the responsibility of every BCTS employee. Specific duties and responsibilities are as follows:

- Take reasonable care to protect the workers' health and safety and the health and safety of other persons who may be affected by the workers acts or omissions at work.
- Not engage in horseplay or similar conduct that may endanger the worker or any other person.
- Ensure their ability to work is not impaired by alcohol, drugs or other causes.
- Comply with the BCTS Safety Program. Follow all rules, standards, and safe work procedures and practices as developed and set out by the BCTS safety program, *Workers' Compensation Act*, *Workers' Compensation Board Occupational Health and Safety Regulation*, and provisions applicable to collective agreements.
- Seek guidance from their immediate supervisor concerning safety related knowledge and skills required to ensure safe performance on the job.
- Attend and actively participate in safety training programs and meetings as assigned.
- Immediately report to their supervisor any work related incident, injury, or close call using the applicable documents where practical.

- Cooperate with the worksite joint occupational health and safety committee or worker health and safety representative, WCB prevention officer, and any other authorized person carrying out occupational health and safety duties.

General Duties and Responsibilities of BCTS First Line Supervisors

BCTS first line supervisors include planning officers, area foresters, woodland supervisors, business officers, and anyone else put in a supervision role with one or more full or part time positions reporting to them.

Employees of BCTS working in any role which involves or has responsibility for supervision (in addition to understanding and complying with the responsibilities of a worker) of other employees are expected to:

- Ensure that the workers under his or her supervision are made aware of all known or reasonably foreseeable health and safety hazards in the area where they work.
- Ensure workers are able to perform assigned task safely.
- Orient and provide on-the-job training to employees with regards to the health and safety requirements and resources related to the job and work site including rights and responsibilities of employees.
- Arrange training sessions and conduct meetings as required with staff in order to communicate health and safety information, concerns, work habits, policies and procedures, and to promote health and safety awareness on the job.
- Provide input into the safety program and the setting of objectives and goals.
- Immediately report any work related incident, injury or close call, through the appropriate administrative channels (as designated by the Business area management team) and to the appropriate joint health and safety committee.
- Conduct inspections of the work site at appropriate intervals to ensure safe working conditions, methods, practices, procedures, equipment and tools for all work performed by BCTS.
- Take immediate action to correct any unsafe working condition, method, practice, procedure, equipment or tool contrary to BCTS' Safety Program and procedures including the Workers' Compensation Act and Workers' Compensation Board Occupational Health and Safety Regulation, the Health and Safety Accord and provisions applicable to collective agreements.
- Assess the health and safety performance of employees as part of their regular performance appraisal process and provide feedback on a scheduled basis.
- Consult with employees to assess the health and safety related knowledge and skills required to ensure safe performance of the employee on the job, arranging training as appropriate, and taking necessary corrective action.

- Take appropriate disciplinary action to deal with horseplay by employees, impaired employees, or any other actions employees may engage in which might endanger themselves, other employees or other workers.
- Educate workers on the organization's injury management and return to work program.

General Duties and Responsibilities of BCTS Managers

Definition of Senior Management of BCTS

This group includes the Assistant Deputy Minister for BCTS, three BCTS headquarters directors, and twelve timber sales managers.

Definition of Local Management of BCTS

This group includes the timber sales manager and woodlands managers relative to business areas, and relative to headquarters includes the, Senior manager, Financial Operations, the Associated Director Organizational Effectiveness, Manager Tenure Opportunities, and Manager Business Information and Technology.

Other positions may also need to consider these duties and responsibilities including all excluded staff as well as planning officers, area foresters, and business officers when these positions take on a management role.

General Duties and Responsibilities of Both Senior and Local BCTS Management

- To maintain an ongoing effective safety program that meets regulatory and other approved standards.
- To provide resources for the ongoing maintenance of the safety program and to enable prompt corrective and preventative action to improve the program.
- Provide safe working conditions and practices at the work site including the management and deployment of resources consistent with the safety program.
- To ensure instruction, supervision, and training is provided to employees on formal safety requirements including on the job training to confirm and improve employee competency.
- To conduct performance evaluations and provide feedback to staff on safety roles and responsibilities.
- To provide support for local occupational health and safety committees.
- To establish a safety rewards and recognition program aimed at recognizing and providing incentive for high performance in maintaining and promoting efficient safe work practices.
- To ensure provisions are in place for prompt investigation of incidents.
- To ensure the maintenance of records and statistics of data required by legislation or other standards or specified in the BCTS safety program.

Specific Duties of Senior BCTS Management

- To review and approve a provincial BCTS safety program including revisions as needed.
- To approve and communicate safety policies and guidelines to staff for dealing with employees and employee workplaces, licensees, contractors and consultants, visitors and the public and maintenance of BCTS roads and infrastructure and other broad issues affecting safety in the BCTS Program as required.
- To communicate the approved safety program to BCTS staff, MOFR staff, licensees and contractors, the forest industry in BC and the public.
- To conduct provincial annual reviews of the Safety Program to consider the applicability of the system for the ongoing needs and activities of BCTS.
- To conduct a work site tour, annually, of at least three business areas preferably one in the southern interior, northern interior and coast to specifically validate the organization's safety performance and discuss pertinent safety issues with employees on the jobsite (ADM or Ops Director).
- To maintain and promote an injury management and return to work program for BCTS.
- To include safety as an agenda item on senior management (TSLT) meetings.

Specific Duties of Local BCTS Management

- To ensure verbal and written instructions are provided to all employees on the safe performance of their work.
- To conduct an annual review of the Safety Program to ensure continued applicability of the system for the activities of BCTS at the business area level, and to summarise the review results as set out in procedures and present these at the senior management provincial annual review.
- To conduct training seminars and information sessions as required to provide understanding of hazard, risk, and competency issues, and to review the components of the safety program.
- To conduct and document a combination of formal office and field work site tours (minimum of 4 times annually) to validate the organization's safety performance and discuss pertinent safety issues with employees on the jobsite.
- To review at scheduled management meetings, the need for safety bulletins and newsletters to communicate safety issues.
- To review, on a scheduled basis, the Incident/Accident report files to ensure that significant incidents are reported, accidents are properly investigated, and root causes properly identified and remedied.
- To verify through periodic record analysis that work site monitoring and inspections are occurring and corrective and preventative action is being undertaken.

- To initiate a general Business wide meeting of BCTS staff, at least once annually, which will include among other business, a specific discussion of:
 - the organization's expectations relative to safety
 - The organization's continued commitment to safety.

Responsibilities of Joint Occupational Health and Safety Committees

BCTS will co-operate and participate with MOFR and other employers working in common offices as determined by their management. At these locations, BCTS will nominate and support selected bargaining agreement staff to maintain joint OHS committees.

The functions of the joint committee are:

- Identifying situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to these situations.
- Ensuring that regular inspections are conducted in the work place, work practices, procedures, tools and equipment and that prompt action is being taken to correct any hazardous conditions found.
- Considering and expeditiously dealing with complaints relating to the health and safety of workers.
- Making recommendations to the employer on educational programs promoting health and safety of workers, compliance with the Workers Compensation Act and regulations and to monitor their effectiveness.
- Determine that investigations are being conducted in the case of work related incidents or close calls or complaints relating to the health and safety of workers.
- Participating when possible and through designated committee member(s), in work place inspections and investigations of incidents or close calls.
- To establish its own rules of procedure including rules respecting how it is to perform its duties a terms of reference.
- Consulting with workers and the employer on issues related to occupational health and safety.
- Meeting monthly in order to review and make recommendations on health and safety matters to the responsible manager, carry out any other duties and functions prescribed by regulation and prepare minutes of these meetings.
- Reviewing periodically Safe Work Practices and policies for legislative compliance and application.
- Advising the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- Carrying out any other duties and functions prescribed by regulation.

Provincial Co-coordinators and Business Area Contacts

BCTS Business Area and HQ safety contacts will maintain the local procedures which form part of the manual. These local Procedures will be maintained by the headquarters/business area safety contact. The contacts will submit the local procedures to the provincial coordinator to review and determine if they need to be included in the manual on a provincial basis. *Reference Chapter 1 and 10*

Headquarters and business area safety contacts ensure the current policy is posted on the website and on bulletin boards¹ in BCTS offices.
Reference Chapter 2

Headquarters and business area safety contacts will ensure the current Accord is posted on the website and on bulletin boards in BCTS offices.
Reference Chapter 3

Headquarters and business area safety contacts ensure the current goals and objectives are posted on the website and on bulletin boards in BCTS offices.
Reference Chapter 5

Headquarters and business area contacts: *Reference Chapter 6*

- Consult with management on health and safety needs assessment (e.g. training), program evaluation and health and safety program development;
- Prepare data for annual reports and management reviews.
- Plan, organize, and develop, and seek input for the improvement of health and safety programs, policies and guidelines to meet BCTS' safety goals for senior management approval.
- Collaboratively monitor and evaluate health and safety performance with management, health and safety committees and regulatory agencies.
- Monitor and ensure the use of central records systems for the BCTS Safety Program.
- Provide information to management, health and safety committees and individual employees on health and safety issues, training opportunities and resources.
- Advise on the application and interpretation of statutory requirements, the BCTS health and safety procedures, and requirements of regulatory agencies.
- Assist managers with the promotion of health and safety awareness among employees.
- Consult with and assist health and safety committees.
- Ensure that the health and safety policy and program and its revisions are publicized to the BCTS community by maintaining the manual on provincial website and issuing bulletins on updates or revisions.

¹ Posting on Bulletin Boards can be achieved by posting a reference to a website or folder that is readily available to all staff.

- Review, on a scheduled basis, the Incident/close call report files to ensure that significant incidents are reported, accidents are properly investigated, and root causes properly identified and remedied.
- To verify through periodic document analysis that work site monitoring and inspections are occurring and corrective and preventative action is being undertaken.
- Provide and maintain access through computer links, websites and hard copy all applicable legal, regulatory, and jurisdictional documents.

Headquarters and business area safety contacts ensure the current links to legal requirements are posted on the website and on bulletin boards in BCTS offices.

Reference Chapter 7

In the future as additional hazards are determined or described, the provincial safety co-ordinator will utilise the 12 business area safety contacts and risk rank any new hazards and include them in revisions to the BCTS task inventory analysis. *Reference Chapter 9*

Business Area Safety contacts: *Reference Chapter 12*

- Maintain the corrective action log
- Post the corrective action log on bulletin boards and websites
- Review the corrective action log with managers and supervisors
- Provide current corrective action logs to provincial co-coordinators.

Timber sales managers and business area contacts are responsible for sending and receiving safety alerts from other BCTS offices and MOFR offices. All safety alerts will be sent to the provincial coordinator. Before sending all TSM's will approve local safety alerts for distribution. *Reference Chapter 16*

Business area contacts: *Reference Chapter 24*

- Organize and co-ordinate aspects of the audit in the specific business area including auditor travel, interview scheduling and staff availability.
- Organize and have available information, files, documents, checklists, records and reports, corrective action logs and all necessary data for the auditor to review.
- Receive reports from the audit and communicate and follow-up on needed corrective action in the business area.

The business area safety co-ordinator will provide the data (Management Review Data) to local management for review and will summarize the results of the data in a consistent provincial format for submission to the provincial co-ordinator.

Reference Chapter 25

- Review, on a scheduled basis, the incident/close call report files to ensure that significant incidents are reported, are properly investigated, and root causes properly identified and remedied.

- Manage corrective Action Logs to ensure comprehensive tracking of hazards identified and responses undertaken as well as timelines and responsibilities.
- To verify through periodic document analysis that work site monitoring and inspections are occurring and corrective and preventative action is being undertaken.
- Provide and maintain access through computer links, websites and hard copy all applicable legal, regulatory, and jurisdictional documents.
- Manage or ensure adequate management of WHMIS program, info available, and list of products in use.

Local Procedures

None.

Forms and Checklists

Appendix 6-1 Management Field Office Review Checklist

All other Appendices and Forms.

BCTS General Internal Responsibilities for Health and Safety

| Responsibilities | Workers | Supervisors | Managers | Employer /Senior Management |
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| For work | Perform job | Assign tasks and schedule work. | Determine objectives. | Establish goals and objectives |
| For people | Support and mentor direct helpers/new hires. | Orientate and train new hires. | Select and develop and support supervisors. | Establish hiring policies. Select and develop managers. |
| For work performance | Use training, knowledge and skills to perform work. | Specify who does what including use of safe work practices and assign authority. | Assign jobs to supervisors and delegate authority. | Determine who does what and delegate authority |
| For direction of work | Follow safe work practices and cooperate with supervisor. | Follow safety policies and programs. | Implement safety policies and programs. | Establish safety policies, programs and procedures. |
| For relations with people | Follow policies, programs and procedures. | Coordinate implementation of programs, policies and procedures on shop floor. | Implement policies. Conduct daily business in compliance with employer's policies and legislation | Determine policies, procedures and programs and ensure compliance. |
| For facilities and equipment | Safely use tools, equipment and machinery. | Provide adequate tools, equipment and machinery. | Provide supervisors with adequate resources | Authorize expenditures and assign adequate resources to managers. |
| For input and practice at the workplace | Take an active role in training, reporting, input and membership in the JOHSC. Cooperate with committee. | Implement standards and train workers. Cooperate with committee. | Help employer develop standards. Train supervisors to implement standards. Support JOHSC and maintain active membership. | Determine health and safety philosophy and policies. Maintain and support JOHSC training, membership and activities. |
| For accountability | Inspect tools and equipment. Report hazards to supervisor. | Inspect work areas, tools, equipment and machinery. Report problems to managers and recommend solutions | Develop effective solutions to problems. Accountable to employer for operations | Accountable to directors and society for safe operation of work. |

Adapted from Province of Saskatchewan Ministry of Labour