

# 10 OHS Policies You Should Audit Right Now



Keep your OHS policies up to date with fast changing health and safety laws.

The pandemic may have distracted attention from key employment law and societal changes taking place in Canada right now—both COVID- and COVID-related. As OHS director, it's incumbent on you to ensure that your company is monitoring and, if necessary, revising its health and safety policies to keep up with these developments. Here's a rundown of the 10 policies you should be auditing right now (along with links to analysis and policy templates on the OHSI site).

## 1. Workplace Harassment Prevention Policy

The traditional workplace harassment policy is quickly becoming obsolete as a result of sweeping new OHS laws, most notably Bill C-65, which took effect for federally regulated employers on January 1. But new harassment laws have or soon will take effect in other jurisdictions, including New Brunswick, Newfoundland, Prince Edward Island, Québec and Yukon. **What To Do:** Implement a harassment prevention game plan that includes review of your current harassment policy, particularly the provisions dealing with hazard assessment, reporting harassment and investigating complaints.

## 2. First Aid Policy

The effort to 'harmonize' the OHS requirements of the 14 jurisdictions in accordance with single, agreed-to standards has begun with first aid, specifically requirements for first aid kits. **What To Do:** Review your current first aid policy and procedures and that you have the necessary first aid equipment.

## 3. COVID-19 Workplace Infection Control Policy

Until the pandemic comes to an official end, businesses will be at risk of fines and even shutdown orders if they fail to implement a plan to prevent COVID-19 at the workplace. **What To Do:** Make sure you have a proper plan that incorporates all elements of current COVID public health guidelines, including cleaning and disinfection, social distancing, workplace screening (including daily health checks) and mandatory facemasks.

## 4. COVID-19 Vaccination Policy

Based on cases involving flu and other infectious illnesses, we know that it may be justifiable for employers to make their workers get the COVID vaccination.

**What To Do:** First, make sure a mandatory vaccination policy is an option for your workplace and situation; and, if it is, implement a legally sound policy. The other option is to strongly encourage but not require vaccination and minimize your liability risks if employees refuse.

## 5. Dangerous Work Refusals Policy

As you might expect, coronavirus generated record volumes of work refusals across Canada. But handling refusals is a perennial challenge for OHS directors, even in normal times. **What To Do:** Carefully audit your work refusals policy and procedures to ensure they're in line with the OHS rules of your jurisdiction and the latest case rulings.

## 6. Fall Protection Policy

Fall protection is a constant struggle not just because falls are the second leading cause of lost worktime injuries but because OHS fall protection rules are constantly changing. **What To Do:** Implement compliance game plans for both vertical and horizontal falls.

## 7. Workplace Drug & Alcohol Use Policies

Legalization of marijuana and recent court cases have changed the legal parameters of keeping workers sober at work. Zero tolerance, while still defensible in principle, has become unworkable as a practical policy thanks to marijuana legalization, privacy and disability discrimination laws. **What To Do:** In addition to keeping on top of the key new court cases on workplace drug testing, there are 2 crucial policies you need to control workplace drug use: i. a fitness for duty policy; and ii. an alcohol/drug testing policy.

## 8. Confined Spaces Policy

Confined spaces remain a leading cause of workplace fatalities and OHS penalties. Compliance is especially tricky if you're federally regulated due to sweeping OHS changes that took effect in 2021. **What To Do:** Do a hazard assessment and if you find that there are confined spaces at your workplace that workers must enter, implement an entry permit program or entry policy that provides for, among other things, safety training, proper ventilation and emergency rescue and evacuation.

## 9. Return to Work Policy

Having a return to work (RTW) program has proven to be cost-effective; and in several jurisdictions, it's legally required. RTW will be especially important as the pandemic winds down. **What To Do:** Make sure your company has an RTW policy that provides for evaluating workers' capabilities and devising an individualized RTW plan in accordance with that evaluation.

## **10. Safety Policy for Workers Working from Home**

Although the pandemic didn't start the telecommuting revolution, it accelerated it. One of the unforeseen effects has been to extend employers' OHS duties to the home office, at least in some jurisdictions. **What To Do:** Make sure you have proper policies for approving telecommuter arrangements and ensuring that telecommuters work safely'which can be separate or combined into one policy.