

OHS Compliance Audit: Do You Post ALL Required Health & Safety Information at YOUR Workplace?



To further workers' 'right to know,' all jurisdictions require employers to post clear and conspicuous health and safety information in the workplace. So, OHS managers need to perform an audit to determine whether their company complies with all posting requirements. Unfortunately, that's not as simple as it sounds because posting requirements aren't consolidated in one place but strewn across a number of statutes and regulations. The good news is that we've gathered up all the posting requirements of all jurisdictions and stuck them into a single chart. And to make things even easier, we'll explain how to do your posting audit.

WHAT'S AT STAKE

Posting requirements are a bit like seat belt laws. The police generally don't stop you for not wearing a seat belt. But if they stop you for another traffic infraction and notice you're not wearing a seat belt, they'll probably add that offence to your ticket. Similarly, OHS inspectors don't usually show up at a workplace because they're worried about posting violations. But it's one of the first things they look for once they're there. And if they don't see the required information posted, according to one OHS lawyer, they'll take it as a red flag of non-compliance and may intensify the inspection.

How Posting Affects Your OHS Liability Risks

In addition to getting you fined and raising the suspicions of inspectors, failure to post required information increases your risks of liability for OHS offences. Example: An Ontario company doesn't post the names of workers qualified to provide first aid at the workplace as required by OHS laws. As a result, a worker who collapses doesn't get the CPR she needs and dies. In the subsequent prosecution, the company claims that it showed due diligence, i.e., used all reasonable efforts to comply with first aid rules and prevent the violation. But because it didn't post the required first aid information, the court pooh-poohs its due diligence defence.

Use the chart to conduct your postings audit And here's the Who, What, Why and How of such an audit.

Why

Posting is all about ensuring that workers get the key information they need to exercise their OHS right to know, specifically with regard to:

- Their rights and responsibilities under OHS laws; and
- The specific hazards to which they're exposed and the precautions required to guard against them.

How

Posting requirements go beyond simply making the information available to workers if they ask for it. It requires you to actually display the information in the workplace in a format that's unobstructed and easy to access. There are 2 principle means of posting:

- Displaying the information on bulletin boards; and
- Posting warning and other signs, placards or permanent displays, e.g., markings on lifting machinery showing the equipment's safe working load.

How Many

The number of required postings varies by jurisdiction. Ontario has the most at 51, Northwest Territories the least at 11. The average is in the vicinity of 26. Regardless of where you're located, OHS managers should do an audit to ensure they comply with all the posting rules of their own jurisdiction.

Where

While a couple of jurisdictions including Manitoba and Sask. require employers to provide a bulletin board to display safety committee information, the laws simply say that the information must be posted in a conspicuous location(s) where workers are likely to see it. Examples: Locker rooms, break rooms and other areas that workers frequent.

How Long

With limited exceptions, the required information must remain posted until it's no longer accurate or up to date. Examples: Minutes of an October safety committee meeting can be replaced with minutes from the November meeting.

What

While rules vary, there are 10 basic kinds of health and safety information that employers must post, including:

1. JHSC information, including members' names and contacts and meeting minutes;
2. Copies of official orders issued by government OHS inspectors;
3. Names of first aid providers, locations of first aid supplies and other first aid information;
4. Emergency contacts;
5. Safe work procedures for certain hazardous operations like confined space

entry;

6. Placards listing hazard information about hazardous products used in lieu of or in addition to WHMIS labels;
7. Warning signs of various types, most commonly signs barring entry to areas where hazards are present, e.g., high voltage, hazardous sound levels, asbestos and other dangerous substances;
8. Posters or notices issued by the jurisdiction's OHS or workers' comp agency, e.g., the Ontario MOL's OHS 'Health + Safety at Work: Prevention Starts Here' poster and WSIB Form 82, aka, the first aid poster;
9. Fire and emergency response procedures; and
10. Copies of the OHS Act and/or Regulations.