

# Safety Training and Documentation – Compliance Game Plan



Providing training without keeping the right documentation won't ensure OHS compliance.

## **Do you provide safety training to your workers'**

If and when government OHS inspectors pay a call to your workplace, this will likely be the first question they'll ask you, especially if they're responding to an incident or complaint. If you answer NO, you're a sitting duck for fines, stop-work orders and other penalties. But answering YES won't necessarily get you out of the woods. Inspectors will want proof that you not only provided the required training but also verified that it was effective and that trainees actually understood it. Here's a compliance game plan effectively documenting OHS training. ([Click here](#) to look up the OHS training records retention requirements in your province.)

## **Why Documenting Safety Training Is So Crucial**

Documentation of OHS training isn't something you can just scare up at the last moment after an inspector shows up. 'Trying to pull together training records is very difficult after the fact,' warns an Alberta OHS lawyer. 'Workers may tell the inspector that you didn't train them, either because they forget or deliberately to get you into trouble.' That's why you need a policy and proactive strategy to document key information about your training activities, including who, when and how you train each of your workers. Many a company and OHS coordinators have learned this lesson the hard way. Consider the following examples:

### **Company Convicted Because It CAN'T Document Training**

A worker operating an excavator at a public highway construction project didn't see the flagger and ran him over. The Newfoundland court found the victim's employer guilty of failing to provide proper safety training. Although the company had an extensive safety training program that addressed the dangers of getting too close to an operator, it couldn't provide documentation showing that the victim or operator ever completed the training, let alone that they understood and were capable of actually applying it while performing their duties [*R. v. Concord Paving Ltd.*, [2012] CanLII 31899 (NL PC)].

## Company Not Charged Because It CAN Document Training

The victim of a serious workplace incident told the Ontario MOL investigator that the company had never trained her and that she didn't know about the hazard. But the company had written records showing that training sessions were held and that the victim had attended them. When she saw her signature on the attendance sheet, the victim suddenly 'remembered' that she had been trained after all, according to the company's OHS manager relates. No charges were ever filed.

## Take 2 Steps to Document Safety Training

As OHS coordinator charged with protecting your company from liability, you need to ensure there's a system in place for proper documentation of safety training. While methods can vary from sophisticated digital solutions to simple paper recordkeeping, there are 2 things that **all** training documentation systems should do:

### 1. Document that Training Was Actually Provided

Keep logs of the training provided not just to new workers but to all workers that list the details of all training sessions, including:

- The name and position of the worker trained;
- The time and date of training;
- The name and title of the person who provided the training (to verify that the trainer was qualified and competent to deliver the training);
- The subject of the training and the specific information it covered; and
- The minimum required frequency of such training.

In addition to providing a written record, maintaining training logs helps prevent injuries, incidents and OHS violations by enabling you to:

- Verify that workers are qualified to perform the jobs and operate the equipment you assign them;
- Track when the worker last received training and whether retraining or refresher training is necessary; and
- Identify patterns that enable you to diagnose and correct hazards, for example, analyzing the logs may raise a red flag about a particular supervisor if they show that a series of recent incidents all involved workers who received training from that supervisor.

### 2. Verify that Training Was Effective

OHS laws require employers to provide not just safety training but **effective** safety training. 'It is not enough . . . to orally order workers to conform to certain safety procedures and send them pamphlets that reinforce that order,' explains one Alberta court in a famous case. 'If that were so, [a company] could fulfill its training obligations under the *OHS Act* by holding meetings and distributing pamphlets' [*R. v. Ledcor*, 2005 ABPC 169 (CanLII)]. **Bottom Line:** Companies that think they're providing adequate, if not world-class training, get into trouble for failing to verify that trainees are absorbing their lessons.

**Example:** Instead of fresh water, an inexperienced trainee added recycled water to a tank used to manufacture resin, triggering a chemical reaction that caused the tank to rupture. And because he didn't recognize that the white stuff spewing out of the tank was toxic, he didn't get the heck out of the building the way his experienced co-workers did. They later found him dead near the ruptured tank with chemical burns all over his body.

There was no dispute that the victim received training. Among other things, the Ontario chemical plant gave him a 'production batch sheet' listing the proper resin ingredients and instructions on how to mix them. But nobody took steps to verify that the victim actually understood the training and instructions before assigning him to the mixing operation. And because the victim clearly **didn't** know what to do, this tragic omission resulted in an avoidable death and a slew of OHS charges against the plant.

### **Signed Acknowledgement Isn't Proof**

Like many companies, you may ask workers to sign a form after training sessions acknowledging that they understood the lesson and will put it into practice. Don't let these forms lull you into a false sense of security. 'Most workers will just sign these things without even reading them, let alone making sure that they understood everything you told them,' says a BC OHS lawyer. This is especially true if the training and instructions are complicated.

**Example:** A worker was hit on the head with a falling bucket while installing a storm pipeline in a drainage ditch. OHS inspectors cited the employer for not having an adequate protective system to guard against cave-ins. The employer disputed the citation, pointing to the victim's signature on a form acknowledging that he had read and understood the trenching safety manual. But the safety rules were complex and the court ruled that the signed acknowledgement form wasn't enough to prove that workers actually understood them.

## **4 Ways to Verify Safety Training**

While a signed acknowledgement won't do the trick, there are 4 techniques you can use to verify that workers understand their safety training:

### **Method 1. Post-Training Quiz**

The most recommended technique is to have workers take a quiz after the training session to test their understanding of the key points. Workers who don't score a certain percentage should get additional training. Repeat the quiz a few weeks or months later to ensure that workers retain what they were taught.

### **Method 2. Participant Demonstration**

After you explain the right way to perform a job, have the worker demonstrate how to perform it. For example, watch whether forklift operators are stacking pallets the right way and driving safely. 'Simply asking the worker whether he understands what you told him isn't enough,' notes an Ontario OHS consultant. 'Workers may tell you that they understood what you said even if they didn't, either because they don't want to seem dumb or because they want to get training over with.' With a demonstration workers can't hide what they did and didn't

absorb. Moreover, actual performance of the technique is also a good teaching device. 'Demonstrating the technique shows the worker how to perform it better than anything else,' notes the consultant.

### **Method 3. Post-Training Evaluation**

Use evaluation forms or other techniques to get workers' feedback on the training you provide them, such as interviews, questionnaires, focus groups or informal chats.

### **Method 4. Post-Training Observation**

The only sure way to know if training is effective is to observe what workers do when they get back to the jobsite. Observation should take place immediately after training and on an ongoing and regular basis. In addition, incidents and injuries should automatically raise red flags that the most recent training may not be effective and needs to be reinforced.