

Spot The Safety Violation: Supervisors Should Know Better



Does this scaffolding look like the work of a competent supervisor'



In many ways, supervisors are a company's first line of defense against safety incidents and violations. They're expected to ensure that workers follow safety rules and to lead by example.

The dangerous makeshift scaffolding depicted in this picture was sent to the Victorian WorkCover Authority in Australia by a safety inspector. It's clearly an accident waiting to happen. But as the safety inspector put it, 'The scariest part about this situation is that the person who put it together has a builder's license for projects up to \$5 million, a site supervisor's ticket and safety supervisor's ticket.'

What kind of example is this supervisor setting for his workers'

It's bad enough when workers put together improvised equipment on the job. But there's no excuse for a supervisor to take such shortcuts'especially when proper scaffolding could easily have been used for this job.

3 Steps to Ensure Supervisor Competency

You can't simply make an employee a supervisor without ensuring that they're qualified and competent to supervise workers. For example, the OHS laws may impose specific duties on supervisors. So you must ensure that supervisors understand these duties as well as the safety rules and procedures in your OHS program and the hazards in the workplace.

To ensure that your supervisors are competent, take these three steps:

Step #1: ID supervisors. First, identify who in your workplace would be considered 'supervisors' under the OHS law. But note that supervisor status isn't based on job title but actual functions. So someone who doesn't have a supervisory-type title, such as supervisor, plant manager or foreman, may still be considered a supervisor under the OHS law and thus need training. What should you look at in determining whether someone qualifies as a 'supervisor' Consider whether the person has supervisory authority, such as the power to hire and fire; promote and discipline; or schedule work.

Step #2: Train supervisors. Provide proper training to those individuals you've identified as supervisors to ensure that they can fulfill their supervisory duties. Such training should cover, at a minimum:

- Requirements for supervisors under the OHS laws;
- The Internal Responsibility System and roles of employers, workers and supervisors in it;
- Rights and responsibilities of workers, including work refusals and the supervisor's duties in handling refusals;
- The company's OHS program, including roles, duties and responsibilities;
- Risk management;
- Hazard assessment;
- Safe work procedures, including why each step in a procedure is required;
- Workplace inspections;
- Incident investigations;
- Near miss reporting;
- Emergency procedures;
- WHMIS/GHS;
- PPE; and
- Dealing with safety infractions by workers.

Step #3: Test supervisors. As with workers, you can't assume that supervisors understand their training. So test them afterwards to ensure that they

understood their training and verify they're able to provide competent supervision. For example, review their work to make sure that they're applying what they learned. (Use this Supervisor Competency Checklist to evaluate whether your supervisor training is effective.)

If a supervisor isn't adequately trained and fails to fulfill his safety duties, your company may be held liable for this failure.

Example: A safety officer saw two workers and a supervisor on a steeply sloped roof without any fall protection while distributing materials received by crane. The employer was penalized for a fall protection violation.

The BC Workers' Compensation Appeals Tribunal rejected the employer's due diligence defense, finding that it didn't take adequate steps as to its supervisors. The Tribunal explained that part of an employer's duty to provide adequate supervision was to ensure that those with supervisory duties got the necessary supervisor training and had the attitude necessary to ensure safety in the workplace.

Here, the supervisor in question hadn't received all of his supervisory training before starting work as a supervisor. He also said he wasn't sure how seriously he took safety and discipline. For example, when the officer asked the supervisor why they weren't using fall protection, he said he 'knew better but the crane was charging by the hour' [WCAT-2014-00331 (Re), [2014] CanLII 44460 (BC WCAT), Jan. 31, 2014].

The OHS Insider's Supervisor Compliance Centre has many articles, tools and other resources on supervisors, such as seven lessons on supervisors and due diligence.