

Supervisor Guidelines for Enforcement of OHS Rules



Educate your supervisors on how being too lenient hurts the company.

Workers who disobey safety rules are a danger to others and to themselves and must be disciplined. But disciplining workers for a safety violation'or any other reason'can be an unpleasant experience, especially if the offender is in a labour union. Consequently, supervisors may be tempted to 'let the offender off' with just a warning or not impose any discipline at all, particularly with first offences. But leniency can backfire. Here's a notice you can use to deliver that message to your supervisors.

One of your most important responsibilities as a supervisor is to enforce the rules ABC Company has put in place to ensure that work is carried out safely and in accordance with the requirements of [province] Occupational Health and Safety (OHS) laws. To meet that responsibility, you must be prepared to discipline workers who violate those safety rules.

We recognize that disciplining workers can be a difficult thing to do. There are all sorts of reasons why it may be tempting to avoid discipline.

- Maybe you genuinely like and sympathize with the worker who committed the violation;
- Maybe you're concerned about stirring up a dispute, especially if the offending worker is in a union;

- Maybe you think the worker deserves some slack, especially since this is a first offence.

While these misgivings and concerns are understandable, you must not allow them to prevent you from doing your job. The reason discipline must be meted out on all occasions it is deserved is that even occasional leniency can have unforeseen legal consequences to you and the Company. Specifically, it can:

- Lead to inconsistency that makes safety rules harder to enforce in the future;
- Undermine any due diligence defence in a future OHS prosecution against the Company or yourself; and
- Result in liability for illegal discrimination, particularly where offenders who get leniency are white males while those who do not get leniency are members of minorities protected by human rights laws.

Bottom Line Reminder

When you become aware that a worker has committed a safety violation, you must implement appropriate disciplinary action.

Of course, discipline does not mean meting out justice as you see fit. You must follow the rules and procedures set out in the Company's Progressive Discipline Policy. What you **cannot do**, though, is make exceptions or give workers who deserve discipline a break, even if you regard the situation as a one-time, isolated exception.