

TRAPS TO AVOID: Giving Workers Safety Information Without Education on It



The OHS laws require an employer to provide training, instruction and/or education to workers on various topics, including the hazards they face in the workplace, its safety rules and procedures, and worker rights and responsibilities. But simply giving workers written safety materials and having them sign a statement saying they were trained won't cut it. Just look at what a federal OHS Tribunal had to say about one company's so-called training.

Federal Tribunal Criticizes Documentary Proof of Training

A truck driver made a delivery to a customer. While at the customer's loading dock, he was crushed between the trailer of another truck and the dock. He died from his injuries. After investigating the incident, an OHS officer cited the driver's employer for two violations, including failing to educate the worker on the hazard prevention program (HPP). The employer appealed.

The federal OHS Tribunal upheld the officer's directions. It explained that federal OHS law requires employers to provide 'each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work,' including education on the HPP. The Tribunal concluded that the large number of documents submitted by the employer didn't prove that the deceased driver had gotten the required education. For example, the driver had signed a statement confirming that he understood he was required to keep the employer's 356-page handbook in his assigned vehicle for reference purposes and to comply with the handbook. But there was no evidence confirming that the employer actually provided him with education on 'the voluminous handbook,' noted the Tribunal. Thus, it concluded that the employer hadn't complied with its training and education duties [*H and R Transport Ltd.*, [2015] OHSTC 13, July 9, 2015]].

SOLUTION: Use Written Materials to Supplement Safety Training

Written safety materials should supplement but not replace safety training. As the Tribunal in the case above explained, if you define 'education' as the process of training and developing knowledge or skill, then adequate safety education requires more than simply bringing documents to workers' attention; you must actually educate them on the material provided. In other words, you can't just hand out written safety information to workers, have them sign a statement acknowledging receipt of that information and call it a day. You must explain those materials to them, including what the information means and how it applies

in the workplace, and then take steps to verify that they understood this training. You can do so by:

- Having workers take a quiz after the training session to test their understanding of its key points. Workers who don't get a certain score should receive additional training. Repeat the quiz a few weeks or months later to ensure that workers retained what they were taught;
- Having workers demonstrate what they've been taught. For example, during training on manual materials handling, show workers how to properly lift a heavy box without injuring themselves. Then have workers lift the box themselves to show that they understood the training and proper lifting technique, and can apply it themselves on the job; and
- Allowing workers to provide feedback on training so you can identify which training methods were most and least effective, gaps in training, poor trainers, etc.

Insider Says: Although written materials can't substitute for actual training, documentation is necessary and important for proving you complied with training requirements. In fact, the OHS laws may specifically require you to keep certain training records. For example, federal OHS law says that each time education is provided to a worker, he must acknowledge in writing that he received it, and the employer must acknowledge in writing having provided it. So you should create and retain documents on your education and training efforts, including such acknowledgment sheets, logs showing workers' attendance at safety meetings and training sessions, and safety handouts given to workers. For more on documenting safety training, see 'Safety Training Records: The Records You Need & How Long to Keep Them.'