

CODE

Council of Ontario Directors of Education

CODE HEALTH AND SAFETY COMMITTEE

Student Safety: A Guide for Supervisory Officers, Principals and Vice-Principals



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About this guide

Developed by a team of educators and health and safety professionals as a support to the Student Injury Prevention Initiative, this guide will help school leaders to know, recognize and respond to their responsibilities and duties regarding health and safety in science labs and technological facilities (Ontario Ministry of Education, Memorandum, George Zegarac, Deputy Minister, January 30, 2013). The information contained in this resource was compiled through a series of consultations with school board educators and school board health and safety representatives, and with partner organizations that offer health and safety services to the education sector. This guide is not intended to convey nor should be considered as legal advice regarding the health and safety of students, staff or school volunteers. When there are questions pertaining to the liability of boards and board duties and responsibilities, boards may wish to consult legal counsel.

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Importance of Managing Health and Safety

Through proactive management, school boards can help maintain a healthy and safe environment for all students, employees and visitors. When used in conjunction with the companion guides,* this document will assist supervisory officers and administrators in the development of an effective health and safety management system to prevent the occurrence of injuries.



** Student Safety in Elementary Science and Technology Grades 7 and 8; Student Safety in Secondary Science Education Grades 9 to 12; and Student Safety in Secondary Technological Education Grades 9 to 12.*

Legal Responsibilities of Supervisory Officers

Ensuring health and safety in schools is an essential part of any supervisory officer's responsibilities. To do this successfully, an effective health and safety management system needs to be in place.

In Ontario, school boards have safety obligations to:

- ◆ Students, under the Education Act (EA);
- ◆ Employees, under the Occupational Health and Safety Act (OHSA); and
- ◆ Everyone after the fact if a critical injury or death occurs.

This document primarily focuses on the responsibilities under the EA and OSHA, but does not preclude additional safety requirements found in the Fire Protection and Prevention Act, Regulation 213/07, http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07213_; Ontario Electrical Safety Code, Workplace Safety Insurance Act, 1977 http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_97w16_e.htm and other legislation.

While the Education Act sets out the specific duties and responsibilities of boards, supervisory officers, principals, teachers, parents and students, it is widely acknowledged that student safety and well being is a shared responsibility. Boards establish clear and accessible policies to reduce the possibility of student injuries and promote “safety mindedness” in their schools.

Board policies are supported and reinforced by operational procedures and safety requirements and expectations at the school level. The Education Act states that in assigning or appointing a teacher to teach in a division or to teach a subject in a school, the principal of the school shall have due regard for the provision of the best possible program and the safety and well-being of the pupils. Principals have a duty to give assiduous attention to: the health and comfort of pupils; the cleanliness, temperature and ventilation of the school; the care of all teaching materials and other school property; and the condition and appearance of the school buildings and grounds.

It should also be noted that there is an expectation (commonly referred to as the “Reasonably Prudent Parent Doctrine”) that a school board and its employees or volunteers provide the same standard of care for students as would be provided

by a reasonably careful or prudent parent. The duty of care is to protect students from all reasonably foreseeable risks of harm (Good Governance: A Guide for Trustees, School Boards, Directors of Education and Communities. Chapter 6 Legal Responsibilities and Liabilities Ontario Public School Boards' Association).

The OHSA sets out the duties and obligations of employers, supervisors and workers for health and safety practices in the workplace. The act also requires employers and supervisors to be knowledgeable of the requirements of the Act and its Regulations, as well as their responsibilities. The OHSA also outlines the fines and penalties for employers and supervisors that are found to be in breach of the OHSA.

Being the employer (as defined in the OHSA), the board is responsible for employee workplace health and safety. Generally, a board will designate the Director of Education (who may in turn designate supervisory officers) to have responsibility over the areas in which they control (note that principals and vice-principals are also considered supervisors as defined in the OHSA). The duties and responsibilities of the school board and its supervisors are found in Sec. 25, 26 and 27 of the OHSA (Appendix A – Summary of Duties and Responsibilities).

When making regulations and guidelines under the authority of the OHSA, the Ministry of Labour may cite specific standards from different certifying or standard-setting organizations. One of these is CSA International, commonly known as the Canadian Safety Association. The First Aid Regulation 1101, under the Workplace Safety and Insurance Act, outlines the obligations of the employer to set up and maintain a first aid program in the workplace. The regulation outlines specific requirements for first aid kits and/or facilities, training, and the documentation of any first aid treatment provided (visit <http://www.wsib.on.ca> and search for “first aid regulation 1101”).

While the OHSA is provincial legislation, the Criminal Code of Canada assigns criminal liability to organizations, including corporations, for the acts of their Representatives. This creates a legal obligation for all persons directing work to take reasonable steps to ensure safety of workers and the public. (Criminal Code, Corporate Liability http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c45&Parl=37&Ses=2)

Protecting Reputation and Assets

As well as complying with the applicable laws, boards also need to protect the organization's reputation as a safe and secure environment that can be destroyed by the adverse publicity that a serious accident will bring. Boards with effective health and safety strategies and programs experience many benefits, including:

- ◆ Fewer injuries to students and staff;
- ◆ Increased productivity;
- ◆ Reduced insurance premiums;
- ◆ Increased staff morale and retention; and
- ◆ Decreased employee absenteeism.



Creating and Sustaining a Positive Safety Culture

A strong safety culture is dependent upon demonstrating a commitment to safety by the senior management of an organization.

School boards can demonstrate this commitment in various ways; for example, by integrating safety into strategic plans, by developing health and safety policies/procedures and by clearly communicating roles and responsibilities for safety within the board.

Integrating occupational health and safety into strategic plans requires a commitment to injury prevention throughout an organization. School boards can integrate safety management into their planning by linking safety goals and objectives to the strategic goals of the board. Key performance indicators (KPIs) need to be determined and monitored, as they provide a means of determining whether a board's policies, procedures and practices that are critical for safety are successful in achieving their desired results. The performance of the plan must be reviewed and shared with senior administrators on the same basis as other operational plans and strategic goals..

The OHSA is based on the principle that everyone has a shared responsibility for health and safety in the school board. The legal duties of the employer, supervisor and workers outlined in the OHSA create what is known as the Internal Responsibility System (IRS). An effective IRS is a key element of a strong safety culture in the workplace. Boards must ensure that the IRS is developed and communicated, and that it performs well. The Ministry of Labour summarizes the key factors in establishing a successful IRS in this document: (http://www.labour.gov.on.ca/english/hs/pubs/mining/syn_minirs_2.php).

OHSA requires school boards to have a written health and safety policy that demonstrates safety as an integral part of the organization. This policy is to be reviewed annually and approved by the board of trustees and signed by the director of education. Boards need to ensure their health and safety policy is communicated to, and understood by, all employees.

To be effective, the policy must clearly communicate the:

- ◆ School board's commitment to the establishment of a safe workplace;
- ◆ Intent to strive towards safety standards that are above the minimum standards set out by safety legislation;
- ◆ Shared responsibility of all employees in maintaining a safe workplace;
- ◆ Accountability of all employees for carrying out health and safety responsibilities; and the
- ◆ Commitment to regular reviews of the policy (and the programs used to implement the policy) to monitor its effectiveness.

A guide to developing a health and safety policy is provided by the Ministry of Labour (http://www.labour.gov.on.ca/english/hs/pubs/ohsa/ohsag_appx_a.php).

Organizing Health and Safety

Supervisory officers have the duty to ensure that all reasonable precautions are taken regarding the safety of workers and students. A formal Health and Safety Program, with written safe work procedures developed to a recognized standard, is considered to be the first step in establishing due diligence. However, a written safety program *by itself* does not establish that all required safety regulations and provisions for student safety have been followed; it is necessary to document that all persons, specifically supervisory officers, have implemented and enforced the safety program.



Elements of Due Diligence include:

- ◆ Written policies, practices and procedures
- ◆ Monitoring to ensure effectiveness of policies and procedures
- ◆ Inspections and other means of hazard identification
- ◆ Communication of any hazard information to workforce
- ◆ Training and instructional programs
- ◆ Accident reporting and investigation
- ◆ Documenting due diligence steps
- ◆ Auditing to ensure effectiveness of steps

Establishment and Communication of Safety Standards

Boards and supervisory officers have the responsibility to ensure that workers are informed about their rights and responsibilities, the hazards they may be exposed to, and the methods used to control those hazards. Some effective methods used to communicate safety standards and responsibilities include:

- ◆ Establishing health and safety policies that include the responsibilities of employees (at all levels);
- ◆ Providing written safe operating procedures for use of specific equipment;
- ◆ Providing training (e.g., new employee orientation, hazard-specific training and refreshers);
- ◆ Having safety as a standing agenda item at departmental meetings;
- ◆ Reporting on health and safety performance objectives; and
- ◆ Building safety responsibilities into job descriptions and performance appraisal systems.

Hazard Identification and Risk Assessment

One of the key activities in a good health and safety management system is the identification and assessment of hazards. There are two approaches to this: proactive and reactive.

Proactive identification and assessment of hazards allows for the early elimination or mitigation of the potential risk and the prevention of accidents. Activities that support proactive hazard identification include educating supervisors and employees to hazard recognition and control, developing hazard reporting processes, performing compliance audits and developing a system for conducting hazard assessments of jobs/tasks in the organization. Proactive hazard identification allows school boards to control a hazard *before* it becomes significant and results in an injury.

Reactive identification of hazards, such as trending of injury data and accident investigations, identify the hazards and deficiencies in the health and safety system *after* an event has occurred. Action plans developed for correction and improvements become part of a continuous process that can be incorporated into annual safety plans.

A hazard assessment of the jobs and tasks performed assists school boards and principals with their responsibilities of informing and educating employees of the hazards in the workplace. A hazard assessment provides a summary of what hazards exist in the workplace, what control measures are in place, and the effectiveness and deficiencies of the control measures.

Information from the hazard assessment can identify the need for further development of policies and procedures, hazard-specific training and additional control measures (e.g., personal protective equipment, machine guarding).

A hazard assessment should not be a one-time event. Assessments should be conducted whenever a:

- ◆ New job position is created.
- ◆ New process is introduced into the workplace.
- ◆ Significant change to a job or process has occurred that could create a new hazard.

Training and Supervision

Supervisory officers have the responsibility to inform employees about their rights and responsibilities (as listed in the OHSA) and to provide instruction on hazards in the workplace. Safety orientation is an essential element of a health and safety management system – especially to those who are at a higher risk of injury, such as young workers or employees who are new to a position.

School boards must provide all employees with a safety orientation. The Ministry of Labour has developed an employee awareness training package for employers (http://www.labour.gov.on.ca/english/hs/pubs/worker_awareness.php).

Using the information collected from the hazard assessment, a training matrix can be developed that identifies hazard-specific training requirements for each job category. For example, teachers in science labs will require training in the proper handling and disposal of hazardous materials and in emergency spill procedures. The training must include required training from other Acts and Codes if hazards are present that fall within the jurisdiction of those Acts or Codes. Some examples might include laws such as the Ontario Electrical Code if electronic or electrical training is performed or isolation systems are in used, the Environmental Protection Act Regulations if hazardous wastes are created, the Ontario Fire Code if flammable substances are present, etc.

All training needs to be documented on a training roster that includes the topic and date of training, and the participant's signature. It is important to note that evidence of a worker's attendance at a training session does not necessarily prove that the employee has understood the training, nor does it prove that the worker intends to apply the training on the job site.

All training should, therefore, have a tool (i.e., a test or quiz) to assess the knowledge learned. The principal must also take reasonable steps to ensure that the employee understands the training and is able to apply it successfully on the job. Principals should routinely monitor workers and correct unsafe work methods with instruction or refresher training, as needed.

Never assume that a worker will be aware of a hazard just because "it's common sense." Principals must bring every risk – even if it seems obvious – to the attention of the workers they supervise. An effective system of supervision is a key part of the due diligence standard.

Monitoring Health and Safety Performance

The primary purpose of measuring health and safety performance is to provide information on the progress and current status of the strategies, processes and activities used by a school board to control risks to health and safety. Measurement information sustains the operation and development of the health and safety management system. It does this by providing feedback on how safety is being operationalized, by identifying areas where remedial action needs to take place and by providing a basis for continuous improvement.

Steps to Measuring Safety Performance include:

- ◆ Assign roles and responsibilities
- ◆ Identify key issues
- ◆ Select and define indicators
- ◆ Collect and analyze data
- ◆ Report and act on findings

When measuring safety performance, it is important to select key safety indicators that are clearly defined. This will create consistency across the organization.

There are two main types of indicators in safety: **leading** indicators and **lagging** indicators. The latter has traditionally been used to measure safety effectiveness through (for example) injury stats and accident investigations. These indicators are useful for identifying deficiencies in the safety system, but are not considered preventative. Leading indicators, on the other hand, are proactive and can identify problems *before* a serious event happens (see Appendix D).

Appendix A: Occupational Health and Safety Act (OHSA) Roles and Responsibilities

Summary of School Board Responsibilities as the Employer

Duties of Employers Section 25 (1)	Examples
<p>i) The prescribed equipment, materials and protective devices are provided, maintained in good condition and used as indicated.</p> <p>ii) The measures and procedures prescribed are carried out in the workplace.</p> <p>iii) A building/structure (or any part thereof) or other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it.</p>	<p>i) Properly exhausted fume hoods and other local exhaust ventilation must be used when there is a likelihood of excessive exposure to air contaminants generated by activity in science labs or technological education facilities.</p> <p>ii) School boards must have written safe-operating procedures for the fume hood/local exhaust ventilation that a) informs the user about safe operation of the equipment and b) outlines required preventative maintenance and documentation requirements.</p> <p>Storage areas must be assessed to ensure they will support the equipment or stored materials before an area is used for storage. This is particularly important for raised platforms common in shops.</p>
Duties of Employers Section 25 (2)	Examples
<p>i) Provide information, instruction and supervision to a worker to protect the health or safety of the worker.</p>	<p>i) Ensure all workers have appropriate knowledge of the proper use, safe operation, special requirements and maintenance requirements of all equipment.</p> <p>Ensure all workers know the potential hazard and safe use of all materials that they either work with or are in the areas where they perform work.</p>

Duties of Employers Section 25 (2) <i>(continued)</i>	Examples
<p>ii) When appointing a supervisor, appoint a competent person.</p> <p>iii) Acquaint a worker (or a person with authority over a worker) with any hazards related to the handling, storage, use, disposal and transport of any article, device, equipment or biological, chemical or physical agent.</p> <p>iv) Provide assistance and co-operation to a committee and a health and safety representative in the carrying out of any of their functions.</p> <p>v) Take every precaution reasonable in the circumstances for the protection of a worker.</p> <p>vi) Prepare and post annually a written health and safety policy and a copy of the OHSA.</p> <p>vii) Develop a process to implement and maintain that program.</p> <p>viii) Share with health and safety committee or safety representative copies of reports or the results of reports that pertain to worker safety.</p>	<p>When there are any doubts or concerns, provide training and/or written instructions on use of the equipment, materials and special services such as dust capture systems, machine guards, lock-out, safe use and storage of chemicals etc.</p> <p>ii) Provide on-going training to supervisory officers as to their roles and responsibilities under OHSA: hazard recognition and control measures, injury reporting and accident investigation.</p> <p>iii) Conduct hazard risk assessments to identify hazards workers are exposed to (and the control measures in place) to eliminate or reduce that risk. Develop safety programs to mitigate the risks e.g., slips/trips/falls prevention program; electrical safety program.</p> <p>iv) This applies to inspections, investigations of concerns, recommendations etc.</p> <p>vii) Undertake written policies and procedures, injury prevention programs, training, accident reporting and investigation, and evaluation of effectiveness of the safety program.</p> <p>viii) Reports of industrial hygiene testing (such as indoor air quality) must be shared with health and safety committees.</p>

Duties of Employers Section 26	Examples
<p>i) This section assigns responsibility to the employer to meet the requirements of all regulations related to hazardous biological, chemical or biological materials including the limiting and monitoring of exposures, health services, training for workers and inventories.</p> <p>ii) Records of all hazardous biological, chemical or biological materials used, stored and disposed of must be maintained.</p> <p>For some hazardous materials medical surveillance may be required.</p>	<p>Generally the regulated responsibilities set out in this section are carried out or coordinated through the Occupational Health and Safety Office working with individual managers/Principals. Often outside resources/consultants are required for assistance.</p> <p>Each work area must maintain its own inventories, storage systems and records.</p> <p>The Central Office must coordinate and advise all work sites on processes and maintain “employer’s” central records.</p>

Summary of Examples of Principal/Vice-Principal Responsibilities as Supervisors

Duties of Employers Section 27	Examples
<p>i) Ensure that any equipment, protective device or clothing required by the employer is used or worn by the worker.</p> <p>ii) Advise worker of any potential or actual health or safety dangers known by the supervisor.</p> <p>iii) If prescribed, provide a worker with written instructions about the measures and procedures to be taken for the worker's protection.</p> <p>iv) Take every precaution reasonable in the circumstances for the protection of workers.</p>	<p>Regular inspections of work areas to observe workers. Ensure that staff and students are wearing appropriate personal protective equipment e.g. splash goggles when working with chemicals, hearing protection during operation of equipment.</p> <p>Safety orientation specific to the job tasks and hazards and on-going education/training to ensure worker safety competency.</p> <p>Written procedures to ensure that equipment or machinery is isolated from all potentially hazardous energy and locked out or tagged out before workers perform any servicing or maintenance activities.</p> <p>Document activities that demonstrate due diligence: hazard assessments, inspections and corrective action taken, training rosters, safety items on agenda and meeting minutes, safety on performance appraisals.</p>

Appendix B: Supervisor Competency Checklist Template

The Ontario Occupational Health and Safety Act imposes a strict duty on boards, as an employer, to appoint competent supervisors. Section 25(2)(c).

Key Questions an Employer Should ask	Yes/No
Is the supervisor aware of the Occupational Health and Safety Act and its regulations?	
Does the supervisor have knowledge of the broader legislative framework i.e., other regulations and standards which are relevant to safety? (CSA standards, First Aid Regulation, Fire Code, Workplace Safety and Insurance Act)	
Is the supervisor conversant with the board's health and safety program and policies?	
Does the supervisor have the knowledge to anticipate and recognize types of hazards?	
Does the supervisor know the rights of workers under the OHSA and how those rights are exercised?	
Does the supervisor know the responsibilities of the various parties within the structure of a workplace i.e., employer, supervisor and worker?	
Does the supervisor have the knowledge to control hazards through the hierarchy of controls?	
Does the supervisor know how to conduct a job hazard analysis?	
Does the supervisor know the structure, functions and duties of the Joint Health and Safety Committee?	
Does the supervisor know the legal requirements set out in the OHSA and Workplace Safety and Insurance Act for the reporting of workplace accidents?	
Does the supervisor know how to conduct a workplace accident investigation?	
Does the supervisor know how to conduct a workplace inspection?	
Does the supervisor know how to respond to and resolve a work refusal?	
Does the supervisor know how to respond to and resolve a work stoppage?	

Appendix C: Health and Safety Report for Board Template

Date:

To: The Board of Trustees

From: (Senior Administrator Responsible for Health and Safety)

For the (time period) ending (date), the management of (School Board Name) provides the following health and safety report:

OCCUPATIONAL HEALTH AND SAFETY ACT

1. The written Health and Safety Policy of (school board name) was reviewed and re-issued on (date).
2. The Joint Health and Safety Committee inspected all or part of the workplace at least once per month and met its legal obligations.
3. The Joint Health and Safety Committee has met (# of times), fulfilling the legal obligation of meeting a minimum of once every 3 months.
4. The employer received (# of) written recommendations from the Joint Health and Safety Committee and the # of employer responses within the required 21 days.
5. The employer was visited by the Ministry of Labour Inspector on (dates) at which time no orders were issued (or the attached orders were issued and have been addressed or will be addressed by (date).

INJURY OCCURANCES

6. There were (# of) critical injuries (or fatalities) which required reporting to the Ministry of Labour under Section 51 of the Act.
7. There have been (# of) worker related injuries/occupational illnesses that resulted in lost time from work.
8. There have been (# of) student injuries that required first aid or medical treatment.

HEALTH AND SAFETY PROGRAM COMPLIANCE

9. The employer has a written Health and Safety Program and Procedures which was last reviewed on (date) in accordance with board policy.
10. In accordance with the Health and Safety Program, (% of) supervisors have received training to ensure they met the definition of competent as per the definition under the Act.
11. In accordance with the Health and Safety Program, workers are provided with training in respect to health and safety. (Provide summary of training delivered during reporting period.)

Appendix D: Sample Health and Safety Metrics

ELEMENT	METRIC
Management Commitment	Number of safety presentations to the Board Percentage of safety objectives or goals in operational plan Number of safety training sessions attended by supervisory officers Percentage of purchasing contracts that include safety stipulations
Employee Participation	Number of safety based observations Number of safety suggestions brought forth Number of safety committee projects/successes Number of safety committee meetings
Training and Education	Percentage of employees trained in a specified training Number of training sessions conducted
Compliance	Results of compliance audits (number of non-compliance) Number of Ministry of Labour orders
Hazard Recognition and Control	Number of incidents Number of WSIB claims/insurance claims Number of inspections performed Percentage of hazards corrected

