

HEALTH AND SAFETY MANAGEMENT SYSTEM GUIDE



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ABBREVIATIONS

| | |
|-------|--|
| board | Workers' Safety and Compensation Board |
| ERP | emergency response plan |
| HSMS | health and safety management system |
| JHSC | joint health and safety committee |
| Act | <i>Workers' Safety and Compensation Act</i> |
| WHMIS | Workplace Hazardous Materials Information System |

INTRODUCTION

This guide provides an overview of the requirements for a health and safety management system (HSMS) specified in the Yukon *Workers' Safety and Compensation Act* (Act) and it offers some related best practices and tools. Refer to part 3 of the Act for details of the requirements.

As of July 1, 2022, employers who regularly employ 20 or more workers are required to establish and maintain an HSMS. Under the 2002 *Occupational Health and Safety Act*, (repealed on July 1, 2022) employers who regularly employ 20 or more workers were required to implement a safety program.

WHAT A HEALTH AND SAFETY MANAGEMENT SYSTEM IS



Legal

A health and safety management system means a co-ordinated system of procedures, processes and other measures that is designed to promote continuous improvement in workplace health and safety.
-section 25 of the Act

The objective of an HSMS is to integrate health and safety into workplace practices. An HSMS is a tool to promote workplace health and safety, and prevent illness and injury.

Along with the joint health and safety committee (JHSC) or the worker health and safety representative, an HSMS helps build an internal responsibility system by encouraging workplace parties to know their roles and responsibilities. An HSMS is developed in consultation with the JHSC, if there is one.

REQUIRED ELEMENTS

The Act requires an HSMS to have the following 12 elements:

A. Health and safety policy

The purpose of a workplace health and safety policy is to:

- demonstrate management's commitment to health and safety; and
- guide actions to protect and maintain the health and safety of workers at the workplace.

A health and safety policy is often combined with the statement of workplace health and safety responsibilities (see D., below).

A health and safety policy may also include the following best practices:

- a statement of the employer's commitment to health and safety, including a statement that workers are encouraged to bring health and safety concerns forward without fear of reprisal;
- the goals and objectives for health and safety.



Tools

A policy template is included in the Appendix. (The policy template is also available as a modifiable Word document at wcb.yk.ca/HSMS.)

B. Hazard assessment

A hazard assessment:

- identifies existing and potential hazards at the workplace;
- includes physical, chemical, biological and psychosocial hazards; and
- states the measures taken to eliminate or control those hazards.



While employers with fewer than 20 workers are not required to have a HSMS, they must still meet following hazard assessment requirement.



An employer who has fewer than 20 workers regularly performing work for them must, in consultation with their workers and the worker health and safety representative, if any, conduct hazard assessments for each of their workplaces in order to identify and eliminate or control existing and potential hazards to workers or other persons at or near the workplace.

-section 45 of the Act

Find more information in our publication, Hazard Assessment and Control: a handbook for Yukon employers and workers, which can be found on our website at wcb.yk.ca/ha. Additional details can be found in Part 1 - General of the *Workplace Health and Safety Regulations* – (sections 1.03.1 and 1.04).

C. Emergency response plan

An emergency response plan (ERP) identifies the people, resources and procedures needed to deal with emergencies.



To meet the requirements of subsection 1.69(2) of the *Workplace Health and Safety Regulations*, (in Part 1 - General), an ERP must be developed, implemented and appropriate to the workplace needs and conditions.

To ensure the ERP meets these requirements, it is necessary to reference any workplace hazard assessments related to the workplace.

An ERP should include, but is not limited to, the following:

- the identification of potential emergencies;
- the procedures for dealing with the identified potential emergencies;
- the identification of, location of, and operational procedures for emergency equipment;
- the requirements for emergency response training;
- the location and use of emergency facilities;
- the requirements for fire protection;
- the requirements for alarm and emergency communication; and
- the requirements for first aid services.

An ERP could also include, for example:

- procedures for rescue and evacuation; and
- the names of the designated rescue and evacuation workers.



An ERP template is included in the Appendix. (The ERP template is also available as a modifiable Word document at wcb.yk.ca/HSMS.)

D. Statement of health and safety responsibilities at the workplace

Employers, supervisors and workers have legal responsibilities for health and safety in the workplace.

Creating a statement of responsibilities helps to ensure that each party knows what theirs are. The statement of health and safety responsibilities is often included in the health and safety policy.

E. Workplace inspection

A workplace inspection is a tool to check on the implementation of an HSMS. The workplace inspection is an opportunity to see how well policies and procedures within the HSMS are being adopted.

Also, a workplace inspection may identify hazards that were overlooked or not completely controlled through the hazard assessment. This provides a second opportunity to identify hazards and take action to eliminate or control those hazards.

To decide on the frequency of workplace inspections, consider:

- the type of workplace;
- the work performed;
- the hazards encountered;
- the size of the workplace; and
- the number of workers.



Legal

Paragraph 38(e) of the Act states that a JHSC must participate in inspections of the workplace at regular intervals.



More information

For more on inspections, follow the link to the Canadian Centre for Occupational Health and Safety fact sheet under “More information” on page 7.

F. Multiple employers at a workplace

Employers are obligated to protect, as far as reasonably practicable, persons at or near the workplace who may be affected by hazards originating from the workplace. An HSMS includes written guidance and directions for coordinating the HSMSs of multiple employers; evaluating and selecting other employers for the workplace; and monitoring those other employers at the workplace.

For a project (as defined in the Act), the prime contractor is responsible for coordinating the health and safety programs for the employers or self-employed persons in the workplace. There is always a prime contractor for a project when more than one employer or self-employed person is involved in work on the project at the same time.

If it is not a project, workplaces with multiple employers and/or self-employed persons must work together to coordinate their health and safety responsibilities.

NOTE: If it is a project but there is no prime contractor, the owner takes on the role of a prime contractor.

Co-ordinating health and safety for multiple workplace parties

When there is more than one employer or self-employed person at a workplace, the HSMSs of each need to be coordinated. If an employer is not required to have an HSMS, and chooses not to have one, they must follow the HSMS of the prime contractor. A prime contractor may require all employers to follow their HSMS at a workplace.

Establishing and communicating site-specific health and safety procedures to all employers and self-employed persons at the workplace will help to control hazards and ensure efforts to protect health and safety are consistent.

Evaluation and selection criteria

In a workplace with more than one employer, the selection of other employers or self-employed person is the owner or prime contractor’s responsibility, subject to the terms of their contractual arrangements.



An employer who may at times also be a prime contractor must include in their procedures the health and safety criteria they will use to select and regularly monitor other employers and self-employed persons for whom they are responsible at the workplace.

The JHSC or worker health and safety representatives make recommendations to the employer regarding the evaluation and selection criteria (though not on the actual selection of other employers or self-employed persons).

For more about managing contractors, see our publication, Contractor Safety Management Guide, which can be found on our website at wcb.yk.ca/CM-Guide.

Regular monitoring

Procedures must include criteria for regular monitoring of employers and self-employed persons at the workplace. This means monitoring their participation in and adherence to the employer's own HSMS and/or to the prime contractor's HSMS (as applicable).

Regular monitoring may include inspections or any other activity that verifies compliance with workplace-specific health and safety policies, and with the Act and Regulations.



Tools

Other factors to consider when establishing procedures for multiple employers are listed in the Appendix, see Multiple Employers or Self-Employed Persons at the Workplace: Additional Considerations. (The list is also available as a modifiable Word document at wcb.yk.ca/HSMS.)

G. Health and safety orientation and training for workers and supervisors

Workers with less than six months' experience are three times more likely to be injured than workers with a year or more of experience ([Statistics Canada, Labour Force Survey, 2017](#)). A timely and comprehensive orientation for workers is important to help prepare them to perform their jobs safely.



Legal

Section 27 of the Act states an employer must provide to their workers the information, instruction, training, supervision and facilities necessary to ensure that work is performed in a safe manner.

Training may need to be customized for each workplace and job and should assess a worker's competency at completion.

Supervisors may need additional training on their specific responsibilities and on the hazards experienced by workers under their supervision.



Tools

Templates for a Worker Orientation Record and a Summary Record of Training can be found in the Appendix. (The templates are also available as modifiable Word documents at wcb.yk.ca/HSMS.)

H. Investigating incidents and injuries



Legal

Serious incidents and injuries must be reported immediately to the board. The definition of serious incidents and injuries is outlined in section 57 of the Act.

The following incidents and injuries must be reported to the board immediately after ensuring initial care is given to anyone who may have been harmed and the workplace is secure so no further harm will be caused:

- an incident that results in serious injury to or the death of a worker;
- an incident or injury that results in a worker's admission to a hospital as an inpatient;
- a major structural failure or collapse of a bridge, building, crane, excavation, hoist, mine, mining development, temporary construction support system, tower or any other similar structure;
- a major release of a hazardous substance;

- an explosion or fire that has the potential to cause serious injury to or the death of a worker or other person; and
- an incident, injury or death that is required to be reported by the Regulations or by order of the board.

Required investigation and report



Legal

The prime contractor or, if there is no prime contractor, the employer must:

- investigate an incident, injury or death that is reported under subsection 57(1);
- prepare a written report that outlines the circumstances of the incident, injury or death and the corrective action, if any, that was undertaken to prevent a recurrence of a similar incident, injury or death;
- ensure that a copy of the report is readily available and provided to the board on request;

-section 58 of the Act

An HSMS includes an investigation procedure. It provides direction on responsibilities before an incident occurs, and a reference in a stressful time if an incident has occurred. When developing investigation procedures, include information about:

- the objective of the investigation;
- who is responsible for the investigation;
- who participates in the investigation;
- the type of training the investigators will receive;
- who receives written investigation reports;
- who follows up on corrective action;
- the internal reporting procedures;
- the procedures for reporting to the board; and
- who maintains documents, records, and other documents related to the investigation, such as photographs, video or diagrams.



More information

For more about incident investigations, see our publication, Reporting and Investigating Serious Incidents and Injuries at the Workplace at wcb.yk.ca/SII, and follow the link to the Canadian Centre for Occupational Health and Safety fact sheet under “More information” on page 7.

I. Worker participation in workplace health and safety

It is necessary for workers to be involved in efforts to prevent injuries and occupational illnesses.

The JHSC and worker health and safety representatives are ways workers can participate in workplace health and safety.

The HSMS must identify other ways workers can also participate in workplace health and safety, including in inspections (when it is safe to participate), in investigations of incidents and injuries, and in work refusals.

As part of the HSMS, workers are encouraged to suggest ways to make the workplace safer and healthier.

J. Reviewing and revising the HSMS

Maintaining the HSMS will ensure it continues to support health and safety.

An HSMS includes direction about the employer’s expectation for maintaining the HSMS. At a minimum, the HSMS must be reviewed every three years, or more often if there is a change in circumstance at the workplace that creates or could create hazards to workers.



Examples of changes to consider include the introduction of new technology or production methods, and the discovery of new risks associated with existing conditions.

K. Maintaining required records

Record keeping is an essential aspect of any HSMS and a compliant HSMS will include written expectations for record keeping.

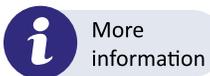
The types of records that must be kept include equipment maintenance records, permits obtained, equipment manuals, JHSC meeting minutes, training provided to workers, hazard assessments completed, measures taken to eliminate or control hazards, and first aid reports. This information helps employers and workers ensure compliance with laws, improve health and safety, and prevent workplace injuries. Record keeping also provides evidence of compliance and due diligence measures taken by the employer that can be provided to officers who perform workplace inspections.

L. Any other requirements that are set out in the Regulations or ordered by the board

While many HSMS requirements are common to a variety of workplaces, some aspects of a workplace, such as the location and the work performed, result in unique health and safety management requirements. These differences may require additional content in the HSMS.

For example, hoists can be found in retail, health care, automotive, construction and many more types of workplaces, but not every workplace. Hoists must be maintained, inspected, and certified. Workplaces with hoists include equipment care and maintenance in their HSMS.

Check the *Workplace Health and Safety Regulations* for other requirements relevant to your specific workplace.



More
information

MORE INFORMATION

Hazard Assessment and Control: a handbook for Yukon employers and workers, wcb.yk.ca/ha

Reporting and Investigating Serious Incidents and Injuries at the Workplace, wcb.yk.ca/SII

Roles and Responsibilities of Workplace Parties, (pending publication)

Canadian Centre for Occupational Health and Safety fact sheets:

- Effective Workplace Inspections ccohs.ca/oshanswers/prevention/effectiv.html
- Incident Investigation ccohs.ca/oshanswers/hsprograms/investig.html

Workplace Health and Safety Regulations, laws.yukon.ca/cms/legislation-by-title.html

Workers' Safety and Compensation Act, laws.yukon.ca/cms/legislation-by-title.html



Contact

CONTACT US

- 1-867-667-5450
- 1-866-661-0443 (answered 24 hours a day)
- worksafe@wcb.yk.ca
- wcb.yk.ca

Disclaimer

The information provided in this guide is solely for the user's information and convenience and, while thought to be accurate and functional, it is provided without warranty of any kind. Further, if there is any inconsistency or conflict between any of the information contained in this guide and the applicable legislative requirement, the legislative requirement shall prevail. If in doubt, please refer to the current edition of the *Workers' Safety and Compensation Act* and the *Workplace Health and Safety Regulations*. The Workers' Safety and Compensation Board, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of the information contained in this handbook.

This handbook is current to July 1, 2022. The law is constantly changing with new legislation, amendments to existing legislation and decisions from the courts. It is important that you keep up with these changes and keep yourself informed of the current law.

This guide is for general information only and may be applicable to assist in establishing a health and safety management system. However, it is critical that you evaluate your own unique circumstances to ensure your health and safety management system accurately reflect the nature of your workplace(s). It is recommended you consult relevant professionals (for example health and safety professionals and specialists) to assist in the development of your health and safety management system.

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APPENDIX

The following templates are examples provided to help workplaces meet the requirements of the Act. Modifiable versions in Word are available on our website wcb.yk.ca/HSMS.

These forms are for example purposes only. Completing these forms alone will not necessarily put you in compliance with the legislation. It is important and necessary that you customize these documents to meet the unique circumstances of your workplace. Further, it is essential that these documents are not only completed, but are used, communicated and implemented in accordance with the legislation. The board, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of these forms.

Health and Safety Policy template

Company name: _____

Company health and safety policy

_____ is committed to a health and safety management system that protects our workers, contractors and members of the public who enter onto our workplace.

Management, supervisors and workers at every level are responsible and accountable for our company's health and safety performance. Active participation by everyone, every day, in every job is necessary for the health and safety excellence that our company expects. Health and safety excellence includes promoting and maintaining the highest degree of physical, psychological and social well-being of all employees. Our goal is a healthy, injury-free workplace for all workers. By working together we can achieve this goal.

Management will ensure:

- the health, safety and welfare of workers at the workplace;
- the health, safety and welfare of other persons at or near the workplace who may be affected by hazards originating from the workplace;
- workers are aware of their workplace health and safety rights and duties;
- workers are not subjected to or participants in harassment or violence at the workplace;
- workers are supervised by a person who is competent and familiar with the WSC Act and Regulations;
- they consult and co-operate with the JHSC;
- health and safety concerns are resolved in a timely manner;
- they inform any prime contractor, if working for a prime contractor, of the names of all their supervisors and workers; and
- supervisors and workers are adequately trained for their jobs and the protection of health and safety at the workplace.

Supervisors will:

- ensure they are competent to supervise the workers under their supervision;
- ensure the workers under their supervision work in accordance with company procedures and measures as required by the WSC Act, Regulations and codes of practice;
- ensure the workers under their supervision use all hazard controls and properly use or wear personal protective equipment required by the company or under the WSC Act and Regulations;
- ensure the workers under their supervision are not subjected to or participants in harassment or violence at the workplace;
- take all precautions necessary to protect the health and safety of every worker under their supervision; and
- advise every worker under their supervision of all known or reasonably foreseeable hazards to health and safety in the area where the worker is performing work.
- Will report concerns about an unsafe or harmful workplace act or condition that occurs/exists or has occurred/existed to the employer, and prime contractor if applicable.



Workers will:

- to the extent of their authority, protect the health and safety of themselves and other people at or near the workplace;
- co-operate with their supervisors and employers to protect the health and safety of themselves and others;
- use and wear devices and personal protective equipment required by the employer or the WSC Act and Regulations;
- refrain from causing or participating in harassment or violence; and
- report concerns about an unsafe or harmful workplace act or condition that occurs/exists or has occurred/existed to the employer or supervisor.

In addition, employers, supervisors and workers will:

- co-operate with any person exercising a duty imposed by the WSC Act and Regulations; and
- comply with the WSC Act, Regulations and any workplace policies, procedures and codes of practice.

Other workers (for example, contractors, suppliers, service providers) will comply with the WSC Act, Regulations and workplace policies.

Workers at every level must be familiar with the requirements of the WSC Act and Regulations as they relate to their work.

Signed _____ Date _____

Emergency Response Plan template

Company: _____

Address or location: _____

Completed by: _____ Date: _____

| | | | | | | | | | | | | | | | | | | |
|---|---|--|--|--|--|--|---|--|--|--|--|--|---|--|--|--|--|--|
| <p>Potential emergencies (Refer to your hazard assessment to determine which hazards could require rescue or evacuation)</p> | <p>The following are identified as potential emergencies:</p> | | | | | | | | | | | | | | | | | |
| <p>Emergency procedures (Detail procedures to be followed for each identified emergency)</p> | <p>If an emergency (identified above) occurs, these steps need to be taken by the assigned personnel:</p> | | | | | | | | | | | | | | | | | |
| <p>Locations of emergency equipment</p> | <p>Emergency equipment is located at:</p> <p>Fire alarm: _____</p> <p>Fire extinguisher: _____</p> <p>Fire hose: _____</p> <p>Panic button: _____</p> <p>Other: _____</p> | | | | | | | | | | | | | | | | | |
| <p>Emergency response equipment training (List the names of workers trained to use each type of emergency equipment)</p> | <p>Name:</p> <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table> | | | | | | <p>Training received:</p> <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table> | | | | | | <p>Frequency:</p> <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table> | | | | | |
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|---|---|
| Location of emergency facilities | The nearest emergency services are located at: |
| | Fire station: |
| | Ambulance: |
| | Police: |
| | Hospital: |
| | Other: |
| Fire protection requirements | Fire protection equipment listed below can be accessed by trained personnel at the following locations (list equipment and its location): |
| | |
| | |
| | |
| Alarm and emergency communication requirements | |
| | |
| | |
| | |
| First aid | Type of first aid kit: |
| | Location: |
| | Other supplies: |
| | First aiders: |
| | Work station and shift: |
| | Transportation arrangements: |
| Procedures for rescue and evacuation | |
| | |
| Designated rescue and evacuation workers | The following workers are trained in rescue and evacuation (name and area of expertise): |
| | |
| | |
| | |

Multiple Employers or Self-Employed Persons at the Workplace: Additional Considerations

Co-ordinating health and safety for multiple workplace parties

Examples of HSMS components that require a co-ordinated, site-specific approach include:

- hazard assessments
- emergency response plans
- inspection procedures and schedule
- health and safety orientation and training for workers and supervisors
- procedures for investigating incidents, injuries and refusals to work
- others, depending on the work being performed at the workplace and the workplace parties involved

Criteria for evaluation and selection of other employers and self-employed persons

When hiring other employers or self-employed persons, the employer must consider health and safety criteria in the selection process.

Evaluation and selection procedures with pass/fail criteria may be developed in consultation with the JHSC or worker health and safety representative. Alternatively, a third party health and safety evaluation service or audit tool (for example, Certificate of Recognition (COR)) may be used.

The employer may request documentation such as:

- health and safety manual
- health and safety policy
- safe work policies and procedures
- workers' compensation information (for example, injury record, clearance letter)
- COR certificate
- HSMS audit results
- hazard assessments
- JHSC meeting minutes
- safety meeting minutes, safety talks or pre-job tailgate meeting records
- worker and supervisor training and certification records
- other, depending on the work being performed at the workplace and the workplace parties involved

This documentation may form part of a contractor pre-qualification process that the employer uses to ensure that other employers and self-employed persons are equipped to address the health and safety requirements of the job.

Regular monitoring

The procedures for monitoring other employers and self-employed persons at the workplace could include:

- defining regular intervals, depending on the type and nature of the work being done at the workplace
- scheduling formal inspections and occasional visual checks (scheduled and unscheduled)
- assessing the employer's performance against their own written procedures workplace-specific health and safety policies, and the WSC Act and Regulations
- identifying processes for dealing with non-compliances



Worker Orientation Record template

This is an example of a checklist you may wish to use when training new workers on health and safety in your workplace.

Worker's name: _____

Date of hire: _____

Date of orientation: _____

Supervisor's name: _____

| Orientation topics covered | Comments |
|---|----------|
| Rights of workers: <ul style="list-style-type: none"> • Right to know • Right to participate • Right to refuse | |
| Company's health and safety policy | |
| Health and safety responsibilities for each party at the workplace | |
| Health and safety rules | |
| JHSC or health and safety rep. | |
| Workplace orientation | |
| Review of hazards | |
| How to report unsafe conditions and other health and safety concerns | |
| How to report incidents | |
| Workplace violence and harassment prevention policy and procedures | |
| Emergency procedures | |
| List your workplace-specific procedures (add additional rows as needed) | |
| First aid | |
| WHMIS training | |
| Care and use of PPE | |
| Add additional items as needed | |

