

Federally registered employers: National intervention model

Federally registered employers have another way to promote healthier and safer workplaces thanks to a tool from Human Resources and Skills Development Canada (HRSDC).

Federal health and safety officers making proactive visits to high-risk or targeted industries are using a tool called the national intervention model. The model is designed to identify non-compliance and systematic weakness, and to strengthen the internal responsibility system to achieve a higher level of voluntary compliance.

Health and safety officers use the same selection template, the same policy and procedure templates, and look for the same specific hazards across Canada. There is no regulation involved. Rather, a proactive approach is being used which aims to provide employers and employees with a positive experience.

The national intervention model is designed to support voluntary compliance through education and consultation while ensuring that enforcement, when required, is fair, foreseeable, and nationally consistent. Here's how it works:

Stage 1 Appraisal

Selection of employer

Various sources of information are used to indicate which occupations have a higher risk of injury or illness and which worksites have the highest accident rates. Federal employers with 300 or more employees will be selected and contacted by HRSDC Labour Ottawa, and smaller employers will be selected and contacted by the local HRSDC offices situated in each province.

Employer commitment

This step includes an on-site meeting with the employer where the process is explained, and their "buy-in" is encouraged by the employer signing a letter of acknowledgement. This is an important step because the program is meant to be voluntary with the focus on prevention and education.

Occupational health and safety appraisal and development

During this stage, an overview appraisal of the health and safety components at the workplace is completed. The health and safety officer will review the health and safety board and the employer's occupational health and safety policy. The officer will ask to see any hazardous-occurrence investigation reports, the employer's annual hazardous occurrence report, and the annual workplace health and safety committee report.

Stage 2 Assessment

Occupational health and safety assessment

This is a formal assessment of workplace components such as a review of the employer's hazard prevention program including

- safe working procedures
- health and safety education and training
- hazardous occurrence investigation, recording, and reporting
- health and safety representatives, workplace committee, and policy committee
- violence in the workplace
- the internal complaint-resolution process.

The following specific hazards are reviewed if applicable:

- level of sound
- hazardous materials
- work on electrical equipment
- confined spaces
- machine guarding
- material handling equipment
- personal protective equipment (PPE)
- manual lifting
- ergonomics-related hazards
- other regulatory requirements.

Occupational health and safety analysis and joint work plan

This step of the process is the analysis of the information gathered to date, and the determination if there are any deficiencies in the employer's health and safety program. The intention is not to evaluate or audit the workplace for compliance purposes. It's to perform an assessment and develop a joint work plan to address any deficiencies with specific but reasonable compliance dates. The health and safety officer may offer assistance such as counselling, seminars, or other resources such as contacting the Infrastructure Health & Safety Association (IHSA).

Stage 3 Follow Up

Maintenance of the workplace occupational health and safety program

The labour program monitors the work plan and agreed-upon compliance dates as a means of determining success and frequency of future interventions. Compliance with the assessment components serves as an indicator of the likely success of the overall occupational health and safety program in a given workplace.

It is worth noting that the approach to implementing the intervention model at the level of the workplace is completely voluntary. It is a collaborative and non-confrontational approach, designed to be a positive experience for all stakeholders and to assist in the establishment of an effective internal responsibility system in targeted workplaces.

Refusal or non-compliance

If an employee refuses to participate in the intervention-model process, the health and safety officer will conduct a thorough evaluation and assessment of the workplace and, if required, a direction will be issued. A direction is a written notice ordering the employer or employee to terminate a contravention of the *Canada Labour Code* within a specified period. Directions are also issued whenever a danger exists, and whenever there is a major

contravention to the Code. In addition, directions will be issued whenever an AVC (Assurance of Voluntary Compliance) is not obtainable or has not been fulfilled. This would also include non-compliance with the agreed-upon joint work plan. There may be other situations which require directions being issued.

When the degree of risk requires a more stringent time frame for compliance, then the officer will reconsider whether the situation in fact constitutes a danger, and issue a direction under s.s. 145(2) accordingly.

Appeal of directions

Part II of the Code provides a mechanism for appealing directions. Under this provision, any employer, employee, or trade union that considers itself to have been aggrieved by a direction given by a health and safety officer may request an appeal by an appeals officer. This request must be made within 30 calendar days of the date of the direction being issued.

Prosecution

Where a health and safety officer has determined through an investigation that a contravention has been committed, a prosecution may be undertaken.

It is departmental policy to initiate prosecution when there are serious contraventions or when corrective action has not been taken.



Summary

The intervention model's overall goal is to focus on high-risk sectors and employers, and to work in partnership with employers and employees to enhance their capacity to resolve workplace health and safety matters quickly, efficiently, and autonomously.

The intervention model offers employers and employees another way to work cooperatively to implement the type of workplace health and safety policies and procedures that make sense for their workplaces. Workplace parties can all focus their efforts where the needs and potential benefits are greatest. ●