

Due diligence for small businesses



When you own a business, regardless of its size, the idea of due diligence is important to keep in mind. "Due diligence" is a legal term that means "reasonable steps that a person takes to satisfy a legal requirement." When it comes to health and safety, that basically boils down to one question, "Am I doing enough to keep people safe?" Exercising due diligence means taking proper care of the people and the business you run. It is about protecting the company's assets, both physical and human.

Employer responsibilities

Employers, whether large or small, need to be sure they have taken every reasonable precaution to prevent harm to their employees and, in many cases, themselves. It isn't enough just to keep a binder of records. Employers always need to be aware of everything that is going on in their organization and how it can affect health and safety. And they have to make sure that what is written down about policies and inspections is actually being done.

Generally, an employer is expected to:

- Create safety policies and procedures.
- Inform employees about health and safety policies and procedures.
- Keep records about health and safety.
 - Monitor the safety progress of the business and evaluate how the policies are being applied.

- Ensure supervisors are competent.
- Document safety meetings and enforce disciplinary actions.
- Keep records of safety inspections.
- Keep equipment records.
- Record details of incidents and investigate them thoroughly.
- Document emergency plans.
- Give employees appropriate training and orientation.

Due diligence checklist

A due diligence checklist is a general guide for employers and supervisors to help them meet their safety obligations. It covers the documents that should be maintained, training requirements, disciplinary procedures, and other key requirements. It can be used as a general guide to help your business maintain a precautionary level of safety in the workplace.

This checklist can be found on the next two pages and in IHSA's *Supervisor Log Book* (RFO08). The log book contains safety talks, inspection checklists, a job safety analysis (JSA) form, a due diligence checklist, and other helpful resources.



Download this checklist at ihsa.ca

Due diligence **checklist**

Workplace:

1. Does the employer keep the following types of records or documents?

<input type="checkbox"/> Worker orientation records	<input type="checkbox"/> Records of worker/supervisor training showing the date, names of attendees, and topics covered (e.g., WHMIS)
<input type="checkbox"/> Inspection reports and records of corrective actions taken to solve problems	<input type="checkbox"/> Incident/accident investigation reports and records of corrective actions taken to solve problems
<input type="checkbox"/> Records of meetings and crew talks where safety issues were discussed	<input type="checkbox"/> Supervisor's notes and logs of safety contacts with workers
<input type="checkbox"/> Records showing use of progressive discipline to enforce safety rules and written safe work procedures	<input type="checkbox"/> JHSC meeting reports showing steps taken to address health and safety issues
<input type="checkbox"/> Subcontractor pre-qualification documents	<input type="checkbox"/> Vehicle and equipment log books and maintenance records
<input type="checkbox"/> First aid records, medical certificates, hearing tests	<input type="checkbox"/> Forms and checklists showing that the employer requires workers to follow safe work procedures (e.g., confined space entry permits)
<input type="checkbox"/> Sampling and monitoring records of exposures to harmful substances	<input type="checkbox"/> Emergency response plan and record of drills and any resulting improvements
<input type="checkbox"/> Budget items and purchase orders related to occupational health and safety (OH&S)	<input type="checkbox"/> Statistics on the frequency and severity of accidents
<input type="checkbox"/> Driver abstracts (updated annually) and qualifications	<input type="checkbox"/> For commercial vehicles, records such as bills of lading, manifests, dangerous goods documents, time records, drivers' daily logs and weigh slips

2. Do the employer's records or documents show an effective OH&S program?

Do records/documents indicate that the employer/management:		
1. States and communicates a clear workplace OH&S policy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Assigns responsibility and resources for implementing OH&S program to identified person(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Includes workplace OH&S issues on management meeting agendas	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Requires contractors to conform to OH&S regulations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Ensures records are maintained (See Part 1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Reviews statistics on the frequency and severity of incidents, as well as injury and illness trends over time	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Assigns responsibility for identifying hazards and conducting risk assessments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Implements appropriate controls (engineering, work practice/administrative, PPE) for identified hazards (machine guarding, lockout, confined space, falls from height, chemical and biological hazards, repetitive strain injury, motor vehicle incidents, etc.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

9. Implements a preventative maintenance schedule as required by manufacturers' and industry recommendations and standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Addresses Joint Health & Safety Committee or health & safety representative recommendations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Reviews OH&S program activities (e.g., once a year) and makes improvements as needed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do records/documents indicate that supervisors:		
12. Receive training to carry out their safety and health responsibilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Give crew talks/conduct safety meetings	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Participate in inspections	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15. Conduct incident/accident investigations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16. Take action to correct reported hazards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
17. Conduct orientations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
18. Conduct on-the-job training	<input type="checkbox"/> Yes	<input type="checkbox"/> No
19. Evaluate training to ensure that it is effective	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20. Monitor work conditions and practices to ensure compliance with legislation and company policies	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21. Correct employees who are not following rules and procedures	<input type="checkbox"/> Yes	<input type="checkbox"/> No
22. Keep records of progressive discipline	<input type="checkbox"/> Yes	<input type="checkbox"/> No
23. Have OH&S considered as an element in their performance evaluation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
24. Give instructions for using safety equipment (e.g., fire extinguishers, flags, flares)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do records/documents indicate that workers:		
25. Receive orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
26. Receive specific job instruction	<input type="checkbox"/> Yes	<input type="checkbox"/> No
27. Receive health and safety training (e.g., responsibilities, hazards, engineering controls, written safe work procedures, use of PPE)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
28. Demonstrate the skills/knowledge necessary to perform their jobs safely	<input type="checkbox"/> Yes	<input type="checkbox"/> No
29. Report injuries and hazards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
30. Participate in inspections	<input type="checkbox"/> Yes	<input type="checkbox"/> No
31. Participate in incident/accident investigations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
32. Are qualified for the type of work they do and the vehicles that they operate	<input type="checkbox"/> Yes	<input type="checkbox"/> No

When dealing with disciplinary procedures for workers, supervisors, and managers who don't follow safety rules or safe work procedures:		
31. Are there disciplinary procedures in place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
32. Are workers/supervisors/managers aware of them?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
33. Are disciplinary procedures used effectively?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
34. Are they monitored by the Joint Health & Safety Committee or health and safety representative?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
35. Are good records kept of progressive discipline used to enforce safety rules and written safe work procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No