

# Appendix 2:

## DUE DILIGENCE CHECKLIST

### What is the *standard* of due diligence?

Taking all reasonable care to protect the well-being of employees or co-workers.

### What is the *defense* of due diligence?

All reasonable precautions to comply were taken in the circumstances.

### What is the *test* of due diligence?

Documentation of an effective OH&S program; an effective OH&S program includes:

- A written OHS program that has been implemented.
- An employer who takes steps to control or eliminate specific hazards.
- Written safe work procedures that are understood and followed by workers.
- Workers who are provided with adequate instruction, training, supervision and discipline to work safely.

### How can this checklist help?

The following checklist is intended to help employers determine if they have sufficient documentation of an effective OH&S program. Other due diligence factors to consider include health and safety performance in the workplace, the employer's history of compliance with the Workers Compensation Act and OH&S Regulation, the degree of hazard associated with violations, etc. This checklist is only a guideline.

*Workplace (specify):*

### Part 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. Lockout, 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"/> Joint OH&S Committee meeting reports showing steps taken to address health and safety issues
<input type="checkbox"/> Subcontractor pre-qualification documents	<input type="checkbox"/> Equipment log books and maintenance records
<input type="checkbox"/> First aid records, medical certificates, hearing tests	<input type="checkbox"/> Forms and checklists showing 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"/> OH&S related budget items and purchase orders	<input type="checkbox"/> Statistics on the frequency and severity of accidents

### Part 2: Do the employer's records or documents show an effective OH&S Program?

Do records/documents indicate that the employer/management:		
1. State and communicate a clear workplace OH&S policy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Assign responsibility and resources for implementing OSH Program to identified person(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Include workplace OH&S issues on management meeting agendas	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Require contractors to conform to OH&S regulations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Ensure records are maintained (See Part 1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Review statistics on the frequency and severity of accidents, as well as injury and illness trends over time	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Assign responsibility for identifying hazards and conducting risk assessments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Implement appropriate controls (engineering, work practice/administrative, PPE) for identified hazards (e.g. machine guarding, lockout, bloodborne pathogens, confined space, falls from elevation, chemical hazards, repetitive strain injury, etc.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Implement a preventative maintenance schedule as required by manufacturers' and industry recommendations and standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Address Joint Health & Safety Committee or health & safety representative recommendations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Review OH&S Program activities (e.g. once a year) and make improvements as needed	<input type="checkbox"/> Yes	<input type="checkbox"/> No

# DUE DILIGENCE CHECKLIST

<b>Do records/documents indicate that supervisors:</b>		
12. Receive training to perform 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 orientation	<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 in areas where they have responsibility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21. Correct employees 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

<b>Do records/documents indicate that workers:</b>		
24. Receive orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
25. Receive specific job instruction	<input type="checkbox"/> Yes	<input type="checkbox"/> No
26. 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
27. Demonstrate the skills/knowledge necessary to perform their jobs safely	<input type="checkbox"/> Yes	<input type="checkbox"/> No
28. Report injuries and hazards	<input type="checkbox"/> Yes	<input type="checkbox"/> No
29. Participate in inspections	<input type="checkbox"/> Yes	<input type="checkbox"/> No
30. Participate in incident/accident investigations	<input type="checkbox"/> Yes	<input type="checkbox"/> No

<b>When dealing with disciplinary procedures for workers, supervisors and managers who don't follow safety rules or safe work procedures:</b>		
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

Checklist completed by (name): \_\_\_\_\_ Date: \_\_\_\_\_

## Employer's Action Plan

Item #	Action Required (specify)	Action by (name)	Target Date	Completed
				<input type="checkbox"/>
				<input type="checkbox"/>
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For more information on OH&S Programs or answers to other health and safety questions, contact your local WCB officer or the Prevention Information Line at 1 888 621-SAFE (7233) or 604 276-3100.