

OHS Safety Training Records & Documentation Compliance Game Plan



Do you provide [safety training](#) required by OHS laws to your workers?

This is likely to be one of the first things a government OHS inspector visiting your workplace will ask you, especially if they're responding to a safety incident or complaint. If you answer NO, you're a sitting duck for fines, stop-work orders, and other penalties. But answering YES won't necessarily get you off the hook. Inspectors will want written records or other documentation proving that you not only delivered the required training but also took steps to verify that workers understood it. Here's an 8-step Game Plan for complying with OHS training record requirements.

Safety Training Records This Game Plan Does & Doesn't Cover

In addition to general safety training, workers must receive certification training to perform certain jobs, such as serving as a first aid attendant, working on high voltage electrical equipment, or operating a crane. Such training is typically provided not by the employer but a third-party vendor or agency approved by the government. While employers must ensure that all workers have the necessary certifications to do their particular jobs, this Game Plan is about training that employers typically provide to their workers either directly or via a competent supervisor or other in-house trainer.

Step 1. Keep Written Records of All Safety Training You Provide

While the obligation to **provide** safety training applies in all parts of Canada, OHS rules on maintaining records of required training vary. New Brunswick, Yukon, and the Federal jurisdiction have the broadest rules requiring employers to keep records of the general training they provide under their OHS or hazard prevention program. BC, Manitoba, and New Brunswick also require records of [new and young workers](#) safety orientation training. Most jurisdictions expressly require employers to keep records only for training provided on particular hazards or hazardous operations. The most common examples:

- Confined space entry (FED, AB, BC, NB, ON, YK);

- Work involving exposure to asbestos or other hazardous substances or agents (FED, BC, NL, PEI);
- Traffic control (BC, NT, NU, SK);
- Work requiring the use of respiratory protective devices (NT, NU, SK); and
- Work requiring the use of fall protection (NB, ON, PEI).

Nova Scotia and Québec don't say anything specific about employers' keeping records documenting the safety training they provide.

Best Practice: Keep electronic or written records of all the training you deliver even if it's not specifically required by your province. **Explanation:** Documentation of OHS training isn't something you can just scare up at the last moment after an inspector shows up. "Trying to pull together training records is very difficult after the fact," warns an Alberta lawyer. "Workers may tell the inspector that you didn't train them, either because they forget or deliberately to get you into trouble." Many companies have learned this lesson the hard way. Consider the following examples:

Company Convicted Because It DOESN'T Have Safety Training Records

A worker operating an excavator at a public highway construction project didn't see the flagger and ran him over. The Newfoundland court found the victim's employer guilty of failing to provide proper safety training. Although the company had an extensive safety training program that addressed the dangers of getting too close to an operator, it couldn't provide records showing that the victim or operator ever completed the training, let alone that they understood and were capable of actually applying it on the job [[R. v. Concord Paving Ltd.](#), [2012] CanLII 31899 (NL PC)].

Company Avoids OHS Charges Because It DOES Have Safety Training Records

The victim of a serious workplace incident told the Ontario MOL investigator that the company had never trained her and that she didn't know about the hazard. But the company had written records showing that training sessions were held and that the victim had attended them. When she saw her signature on the attendance sheet, the victim suddenly "remembered" that she had been trained after all, according to the company's OHS manager. No charges were ever filed.

Step 2. Ensure Training Records Include the Necessary Information

Keep [OHS training logs](#) or other records documenting that you provided and the worker received the training and listing key information, including:

- The name of the worker trained;
- The date you provided the training;
- The name and signature of the person who provided the training (to verify that the trainer was qualified and competent to deliver the training); and
- The subject of the training and the specific information it covered.

Ideally, the person who delivered the training should create the training record.

Step 3. Use Training Records Proactively to Control Hazards & Prevent Injuries

In addition to providing a written record, maintaining training records helps prevent injuries, incidents, and OHS violations by enabling you to:

- Verify that workers are qualified to perform the jobs and operate the equipment you assign them;
- Track when the worker last received training and whether retraining or refresher training is necessary; and
- Identify patterns that enable you to diagnose and correct hazards, for example, analyzing the logs may raise a red flag about a particular supervisor if they show that a series of recent incidents all involved workers who received training from that supervisor.

Step 4. Verify that Safety Training Was Effective

Companies that think they're providing adequate, if not world-class, safety training may get into trouble for failing to verify that trainees are absorbing their lessons. That's because OHS laws require employers to provide not just safety training but **effective** safety training. **Example:** [WHMIS](#) regulations say that employers must ensure as far as "reasonably practicable" that workers are able to apply the information they receive on hazardous products as necessary to protect their health and safety. "It is not enough . . . to orally order workers to conform to certain safety procedures and send them pamphlets that reinforce that order," explains one Alberta court in a famous case. "If that were so, [a company] could fulfill its training obligations under the *OHS Act* by holding meetings and distributing pamphlets" [[R. v. Ledcor](#), 2005 ABPC 169 (CanLII)].

Step 5. Implement an Effective Safety Training Verification Method

There are 4 techniques you can use either alone or in combination to verify that workers understand their safety training:

Method 1. Post-Training Quiz

Have workers take a quiz after the training session to test their understanding of the key points. Workers who don't score a certain percentage should get additional training. Repeat the quiz a few weeks or months later to ensure that workers retain what they were taught.

Method 2. Trainee Demonstration

"Simply asking the worker whether he understands what you told him isn't enough," notes an Ontario OHS consultant. "Workers may tell you that they understood what you said even if they didn't, either because they don't want to seem dumb or because they want to get training over with." Instead, have trainees demonstrate their understanding and competence after the training. In 3 jurisdictions (NT, NU, SK), the actual definition of to "train" includes requiring "a practical demonstration" that the worker has acquired knowledge or skill" related to the subject matter of the training. Some jurisdictions require employers to get workers to provide such practical demonstrations before letting them engage in certain kinds of hazardous operations like diving, operating a powered lift truck or using a powder-actuated tool.

Method 3. Post-Training Evaluation

Use evaluation forms or other techniques to get workers' feedback on the training you provide them, such as interviews, questionnaires, focus groups, or informal chats.

Method 4. Post-Training Observation

The only sure way to know if training is effective is to observe what workers do when they get back to the jobsite. Observation should take place immediately after training and on an ongoing and regular basis. In addition, incidents and injuries should automatically raise red flags that the most recent training may not be effective and needs to be reinforced.

Step 6. Don't Rely on a Signed Acknowledgement as Proof of Training

Like many companies, you may ask workers to sign a form after training sessions acknowledging that they understood the lesson and will put it into practice. Don't let these forms lull you into a false sense of security. "Most workers will just sign these things without even reading them, let alone making sure that they understood everything you told them," says a BC lawyer. This is especially true if the training and instructions are complicated.

Example: A worker was hit on the head with a falling bucket while installing a storm pipeline in a drainage ditch. OHS inspectors cited the employer for not having an adequate protective system to guard against cave-ins. The employer disputed the citation, pointing to the victim's signature on a form acknowledging that he had read and understood the trenching safety manual. But the safety rules were complex and the court ruled that the signed acknowledgement form wasn't enough to prove that workers actually understood them.

Step 7. Ensure Safety Training Records Are Readily Available

OHS laws require employers to not only keep training records but ensure they're in a location and format that's readily available to OHS inspectors and the workplace [joint health and safety committee](#) or health and safety representative.

Step 8. Retain Safety Training Records for Required Period

Some jurisdictions require employers to retain safety training records for at least a certain amount of time. There are 3 different approaches:

- Manitoba and Nova Scotia have blanket rules requiring that all training records required by the OHS regulations be retained for 5 years;
- Newfoundland, Québec, and Yukon don't specify a retention period for any OHS training records; and
- The remaining jurisdictions specify retention periods only for particular kinds of training records, for example, in B.C., records of training provided to workers exposed to asbestos-containing materials must be kept for 10 years.