

Solely Providing Safety Training Isn't Enough



If, one of your workers gets killed or seriously injured at work, government occupational health and safety (OHS) inspectors will converge on your workplace. And the first question they'll ask you:

What safety training did the victim receive?

One of the biggest reasons employers get charged with OHS violations is because they don't give inspectors the answer they're looking for. Here's what safety training requirements are really all about.

WHAT THE LAWS SAY

Although specifics vary to some degree, safety training requirements under OHS laws of each province, territory and the federal jurisdiction under the *Canada Labour Code* require employers to ensure that workers receive:

- General health and safety training so they're aware of and prepared to deal with hazards they face on the job; and
- More detailed, technical training related to specific hazards they're exposed to, e.g., working in confined spaces or with dangerous machines.

WHAT THE LAWS MEAN

A company that deliberately fails to train its workers deserves no sympathy. But even "good" employers that take the time and effort to train their workers get socked with OHS training violations because of mistakes they make during the actual training process.

Mistake 1: Not Documenting Safety Training

It's not enough to train your workers; you must also be able to prove you do. Failure to properly document safety training is the first big mistake employers make. This probably isn't the first time somebody has urged you to document your training. But here's a tale of two companies demonstrating why documentation is so important just in case you didn't take the message to heart.

Company A Doesn't Document & Gets Fined: An OHS inspector smells sewer gases in a

trench during a routine inspection. Nobody told us to check for poisonous gases before entering the trench, the workers tell the inspector. When the inspector tells the contractor, he's apoplectic and insists that all the workers received extensive training about atmospheric safety in trenches; but he doesn't have the documents to back up his claims. Result: He's hit with a hefty fine for failing to provide required training.

Company B Documents & Isn't Charged: During an interview with an Ontario Ministry of Labour inspector, the victim of a serious machine accident claims she never received training on machine guarding and safety. But the employer has written records showing that training sessions were held and that the victim attended them. When she sees her signature on the attendance sheet, the victim suddenly "remembers" that she was trained after all. Result: No OHS charges are laid against the company.

Solution: Create a Training Log

One of the best ways to document safety training is by keeping a training log. Your logs can be paper, electronic or both, just as long as they capture the key information you need to prove training was delivered, including:

- The name, department and signature of each worker who attended the training session;
- The date and time of day the training took place and its duration;
- The subject matter covered;
- The name, title and department of the trainer;
- The trainer's credential—OHS laws typically require that safety training be delivered by a "competent person" with experience, knowledge and training in the hazard and the OHS requirements pertaining to it;
- How frequently training is required; and
- What steps were taken to verify that training was effective—this is critically important for reasons that will become clear in the next section of this story.

Mistake 2: Not Verifying Effectiveness of Safety Training

Although it's an absolute must, documentation is just the first step. Remember that OHS inspector we told you about at the start of the story who asks you what safety training a worker who suffers an accident received? Pulling out your training records to prove the victim attended such-and-such training on such-and-such date won't be enough; to satisfy the inspector, you'll also have to show that you took steps to ensure the victim understood the training provided.

Bottom Line: Your duty is not to provide safety training but to provide *effective* safety training.

Explanation: The OHS laws don't actually say this. But as you know if you're experienced in health and safety, in applying the law to actual situations, courts, OHS officials and prosecutors rely on a Supreme Court of Canada rule called due diligence. Under the due diligence rule, employers can commit OHS violations without being held liable if they can show they took reasonable steps to obey the law and ensure health and safety.

Applying this rule to safety training, simply going through the motions, e.g., by handing out pamphlets that nobody can read or holding safety talks that nobody can understand, isn't enough to prove due diligence. The "reasonable steps" an employer must take to comply with safety training requirements includes follow-up to ensure that the training delivered is working.

Example: According to one Alberta court, “it is not enough for [an oil company accused of violations] to orally order workers to conform to certain safety procedures and send them pamphlets that reinforce that order. If that were so, the accused could fulfill its [training] obligations under the OHS Act by holding meetings and distributing pamphlets” [*R. v. Ledcor*, [2005] A.J. No. 766, June 27, 2005].

Solution: Do 4 Things to Ensure Trainees “Get It”

You must make an active, ongoing effort to engage the effort after the training ends to verify that workers actually understand and apply their training lessons on the job. Some good techniques:

Post-Training Quizzes: 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.

Participant Demonstrations: After you explain the right way to perform a job, have the worker demonstrate the method. In addition to smoking out disconnects in understanding that trainees may not admit to, demonstrations are a great teaching technique.

Post-Training Evaluation: You should use at least one method of getting worker feedback on the training, e.g., interviews, questionnaires, focus groups and even informal chats.

Post-Training Observation: To know if training is truly effective, you need to observe what the workers do when they get back to the jobsite.

Caveat: Signed Acknowledgement Is Not Proof

Some companies ask their workers to sign a form after training sessions acknowledging that they understood the lesson and will put it into practice. These forms don’t prove anything and you shouldn’t let them 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,” according to a BC OHS lawyer. This is especially true if the training and instructions are complicated.

[Here’s an example of a quiz](#) that will help you verify that your training program is working. This quiz was adapted from a WHMIS training quiz prepared by the University of Victoria for food services staff. There’s also an answer key at the bottom of the page that you can use to check your workers’ answers (be sure to remove the key before you give them the quiz). As with any model form, you’ll need to make revisions depending on your industry and the kind of operations you perform.