



CAUGHT IN THE MIDDLE: THE SUPERVISOR AND OCCUPATIONAL HEALTH AND SAFETY



This PSHSA Fast Fact is intended to help JHSC members, other workers, supervisors, managers understand the role of supervisors in occupational health and safety.

Supervisors are defined in the Occupational Health and Safety Act (OHSA) as a person who has charge of a workplace or authority over a worker. Supervisors play a key role in organization's health and safety program and business plan. In the Ministry of Labour's view, they have direct responsibility for occupational health and safety.

WHO IS A SUPERVISOR?

Supervisors are accountable to the organization for the activities of their department or service, including health and safety activities. This definition makes it easy to understand that a supervisor can be anyone from a department manager, to a charge nurse, to the chief executive officer (CEO) of an organization. Labour relations decisions have qualified the definition to some extent. To be a supervisor, a person must be able to set and reinforce policy and must have managerial functions relating to hiring, dismissing, promoting and disciplining employees.

In most cases, this type of authority rests with supervisors at the level of department heads up to senior management. However, even when a charge nurse or front-line supervisor can only recommend such actions, the OHSA considers such people to be supervisors because they have charge of a workplace or authority over a worker.



If you are in doubt about your situation, review your job description. You cannot tell a supervisor from the title alone. Any person with supervisory responsibilities can be considered a supervisor even if they are a member of a union.

WHAT OH&S RESPONSIBILITIES DO SUPERVISORS HAVE?

Under the OHSA [Sec. 27. (1)], a supervisor shall ensure that a worker:

- Works in a manner and with protective devices, measures and procedures required by the Act and the regulations.
- Uses or wears the equipment, protective devices or clothing that her/his employer requires to be used or worn.

Under the OHSA [Sec. 27. (2)], additional duties of supervisor — without limiting the duty imposed by subsection (1), a supervisor shall:

- Advise a worker of the existence of any potential or actual hazards to the health or safety of the worker of which the supervisor is aware.
- Provide, where prescribed (i.e., in a regulation under the OHSA), a worker with written instructions about measures and procedures to protect the worker.
- Take every precaution reasonable given the circumstances to protect workers.

Further details on supervisor duties and responsibilities can be found through the OHSA:

<https://www.ontario.ca/laws/statute/90o01>

HOW DOES A SUPERVISOR ENSURE THEY ARE MEETING THEIR LEGAL OBLIGATIONS?

Many managers and supervisors find it difficult to manage their departments. They feel pulled in different directions — by the edicts from senior management, the demands of workers and their legal responsibilities outlined in the OHSA. Supervisors must consider workplace health and safety to be an integral part of the daily operations and sound management strategy. If it is considered a nuisance, supervisors will always be waiting for someone else to take action. Hazards will be identified only after something has gone wrong. Reported incidents will take on crisis proportions.

And the incidents will probably be repeated, because the supervisors are not committed to investigating thoroughly and taking effective corrective action. In the long run, employee morale, productivity, financial success and departmental planning ability will be affected.



On the other hand, if a supervisor incorporates some basic guidelines into their daily managerial practices and normal business routines, workplace health and safety will be easier to achieve. Here is a list of ways a supervisor can ensure that they are meeting their legal obligations:

- Know, understand and consistently enforce the organization's health and safety policies and procedures.
- Instruct and monitor the workers to ensure they know and follow safe work practices.
- Encourage workers to report hazardous acts and conditions, and assess and correct these hazards in a timeframe appropriate to the hazard.
- Ensure that only authorized and adequately trained workers operate machines or equipment.
- Encourage workers to report accidents/incidents to you immediately and conduct an investigation as indicated in the organization's policy and procedure.
- Conduct regular inspections of the area and take corrective action as required to eliminate and minimize the identified hazards.
- Ensure equipment is properly maintained.
- Promote safety awareness to all workers.

NEED MORE HELP?

For more help to clarify your responsibilities as a supervisor, consult with the CEO, other senior managers, experienced supervisors or health and safety professionals, a member of the JHSC or your local PSHSA Consultant for more information and assistance. Find your local PSHSA consultant on:

<https://www.pshsa.ca/consulting/find-a-consultant>