The *Occupational Health and Safety (OHS) Act* and its regulations is workplace legislation that aims to protect employees’ health and safety. Employers are responsible to provide a safe work environment. They must assign competent\* supervisors to oversee the work of employees and verify that employees are sufficiently supervised. \*\*

**What does competent\* mean?**

Competent is defined in General Regulation 91-191 as:

1. qualified, because of such factors as knowledge, training, and experience, to do assigned work in a manner that will ensure the health and safety of persons,
2. knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and
3. knowledgeable about potential or actual danger to health or safety connected with the assigned work

**Who is a supervisor?**

A **supervisor** is defined in *OHS Act* as “a person who is authorized by an employer to supervise or direct the work of the employer’s employees.”

**Any person** in a workplace (for example, a team lead or a lead hand) who supervises or directs the work of an employee is a supervisor.

**Who is a competentsupervisor?**

Competent supervisors:

* understand workplace legislation
* inform, educate, and instruct employees to work safely
* lead by example and follow legislation and company rules
* aware of the hazards and risks of the employees’ jobs
* understand how to control hazards
* correct unsafe employee actions

**What happens if supervisors are not competent?**

If supervisors are not competent or don’t provide sufficient supervision, workplace incidents and injuries will happen. Failure to follow health and safety legislation is a serious offence. **Under the *OHS Act*, employers, supervisors and employees can be fined and/****or** [**imprisoned**](https://laws.gnb.ca/en/ShowPdf/cs/O-0.2.pdf) **if they don’t follow the *OHS Act* and its regulations.**

**Why use this assessment tool?**

Employers are responsible to make sure that supervisors are competent. To do this, employers must assess supervisors’ knowledge of the *OHS Act* and its regulations. This assessment tool is designed to help employers identify gaps in supervisors’ knowledge.

The first step is to meet with each supervisor and complete all parts of this assessment. Then review the answers to determine if gaps in knowledge about the *OHS Act* and regulations exist. If gaps are discovered, you need to develop an action plan to close each gap.

**Helpful tips to complete the Assessment**

* Before beginning the assessment, explain that the assessment will help identify areas for learning and development.
* Limit sharing the responses with only the people who can act on the gaps
* Ask open-ended questions and follow-up questions.
* Encourage supervisors to provide as much **detail** as possible for each question.
* Provide enough time to fully complete the assessment.
* If a supervisor does not know an answer to a question, proceed to the next question. Try not to provide them with the answers.
* The supervisor is not expected to recite sections of the *OHS Act* and regulations

**Part 1 – Knowledge of the Supervisor’s Roles and Responsibilities**

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| Supervisor’s Name |  | Title |  |
| Department where they work  Does this person supervise more than one department? If yes, list all departments the supervisor oversees: |  | How many people do you supervise?  The supervisor identifies the total number of full-time, part-time, casual employees, subcontractors, contractors, and volunteers  Example: I supervise ten full-time, two-part time and one casual employee |  |
| Person conducting assessment |  | Date |  |

If you are looking for more information on the topics below, click the **blue and underlined topic** and you will be directed to the [WorkSafeNB website](https://www.worksafenb.ca/)

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| 1. [**Duties of employers, supervisor and employees**](https://www.worksafenb.ca/safety-topics/supervisor/) | *OHS Act* sections: 9 / 9.1 / 9(2)(c.3)(i) / 12 |
| 1. What is your role in health and safety? 2. What is the difference between your health and safety responsibilities and those of your employer? 3. What are the health and safety responsibilities of your employees? 4. What are the health and safety responsibilities of your health and safety coordinator? (If you have one) 5. What type(s) of health and safety training did you receive? 6. Do you know how to access occupational health and safety legislation? |  |
| 1. [**Right to Refuse Hazardous Work**](https://ohsguide.worksafenb.ca/topic/rights.html) | *OHS Act* sections: 9(2)(c.3)(i) / 19-23 |
| 1. Do we have a procedure for employees to refuse unsafe work? If yes, briefly explain the procedure. 2. What do you do if an employee exercises their right to refuse unsafe work? 3. During a work refusal, can you ask an employee to do the job another employee has refused? Explain what you would do. |  |
| 1. [**Discriminatory Action**](https://ohsguide.worksafenb.ca/topic/rights.html)(as it relates to the health and safety) | *OHS Act* sections: 9(2)(c.3)(i) / 24-27 |
| 1. What are the three fundamental health and safety rights of employees? 2. What can you tell me about discriminatory action as it relates to the health and safety rights of employees?[**Form 1**](https://laws.gnb.ca/en/ShowPdf/cr/84-26.pdf) |  |
| 1. [**Reporting Injuries, Exposures and Catastrophic Events**](https://ohsguide.worksafenb.ca/topic/reporting.html) | *OHS Act* sections: 8.2(4)(f),(g) / 9(2)(c.3)(i) / 43 |
| 1. What type of incidents must be reported to WorkSafeNB? Describe how you report an injury, exposure to biological, chemical and physical agent or a catastrophic event to the *Prevention* division of *WorkSafeNB*? 2. Describe how you report an injury or an exposure to biological, chemical and physical agent to the *Compensation* division of *WorkSafeNB*? 3. What are the steps you take if there is a serious incident at your workplace?   d) What types of injuries, exposures to biological, chemical and physical agent and catastrophic events must be investigated by the workplace? |  |
| 1. [**Orientation and Training of New Employees**](https://ohsguide.worksafenb.ca/topic/orientation.html) | *OHS Act* sections: 8.2(4) / 9(2)(c.3)(i) |
| 1. Do new employees receive orientation? 2. Describe your role as a supervisor in orientation training. 3. What health and safety information is provided to employees during orientation? |  |
| 1. [**Safety Policy**](https://ohsguide.worksafenb.ca/topic/safetypolicy.html) | *OHS Act* sections: 8(1) / 9(2)(c.3)(ii) / 17(1) |
| 1. Where would you find our company’s health and safety policy? 2. Can you give me some details about our company’s health & safety policy? |  |
| 1. **[Health and Safety Program](https://www.worksafenb.ca/media/1226/worksafenbhsprogramsguidee-1.pdf)** | *OHS Act* section: 8.1(1) / 9(2)(c.3)(iii) |
| 1. Where would you find a copy of the health and safety program? 2. Can you provide me with some details about your health and safety program? |  |
| 1. [**Hazards and Risks**](https://ohsguide.worksafenb.ca/topic/identification.html) | *OHS Act* section: 9.1(2)(a) |
| 1. Give examples of several types of workplace hazards that employees may encounter.   **Example:** are any employees exposed to any of the following hazards?  **Chemical:** such as cleaners, pesticides, disinfectants, solvents  **Ergonomic:** such as heavy lifting, extended periods of standing or sitting, working overhead for an extended period, using vibrating equipment or tools  **Biological:** such as direct contact with medical waste, living organisms, moulds, or fungi  **Physical:** such as noise, extreme temperatures, congested work areas, being exposed to live electrical equipment, asbestos  **Psychological:** such as working with aggressive customers, working with clients with challenging behaviours, exposure to traumatic events, huge workloads, and long work hours   1. How do you reduce the risk of employees who may be exposed to those hazards? 2. How are hazards and risks identified in your department? 3. How are employees made aware of hazards, risks and ways to reduce or eliminate the hazards? 4. How do employees report hazards and risks? |  |
| 1. [**First Aid**](https://ohsguide.worksafenb.ca/topic/firstaid.html) | *OHS Act* section: 9(2)(c.3)(vi) / Reg 2004-130 |
| 1. Where are the first aid kits located? 2. How many first aid providers have up-to-date certification? 3. Can you provide me details about the transportation procedure? 4. Can you provide me details about the communication procedure? |  |
| 1. [**JHSC and Health & Safety Representative**](https://ohsguide.worksafenb.ca/topic/fixed.html) | *OHS Act* sections: 9(2)(c.3)(vi) / 14 to 18 |
| 1. Does the company have a Joint Health and Safety Committee (JHSC) or health and safety representative? 2. Who are the JHSC members? 3. How do you, as a supervisor, support the work of the JHSC or health and safety representative? 4. What is the role of the JHSC? |  |
| **11**. [**WHMIS (Workplace Hazardous Material Information System)**](https://ohsguide.worksafenb.ca/topic/whmis.html) | Reg 2016-6: sections 8 to 18 |
| 1. Where are the safety data sheets (SDS) for hazardous products? 2. Do you know what to do if an employee is exposed to a WHMIS product? |  |
| **12.** [**Working Alone**](https://ohsguide.worksafenb.ca/topic/alone.html) | Reg 92-133: section 2, 4 / 6 |
| Do employees work alone? if yes, proceed with the following questions:   1. Is there a written code of practice for people who work alone? 2. How often do you communicate with employees who work alone? 3. How do you maintain contact with employees during their shift? 4. How are employees informed about the hazards and risks of their job(s) when they work alone? 5. If someone is working alone and they are injured, how do they get help? 6. How do you ensure employees have emergency contact information? |  |

**Part 2 – What does *sufficiently supervised*\*\* mean?**Sufficiently supervised\*\* means that supervisors provide enough oversight on the work being done to protect employees’ health and safety.

When trying to decide if the workplace is sufficiently supervised, the employer and the supervisor must understand the workplace. Employers and supervisors must maintain a safe and healthy workplace. To do this effectively, there must always be **sufficient supervision**.

**Factors to determine how much supervision is needed to make sure work is sufficiently supervised include:**

* The type of work being supervised.
* Availability of detailed, written instructions.
* The knowledge, skill and the level of experience of the employee being supervised.
* The types of hazards and level of risks at the workplace.

**Does your workplace experience any of these challenges?**

* Language barriers
* Literacy and numeracy levels
* No standard orientation training for employees
* No or little on-going training for employees
* New employees come to you with limited skills, experience and knowledge about the work they are hired to do
* The work is dangerous and complex
* The work has the potential to cause severe injury or death
* There are few supervisors at the workplace
* Employees do not like change or following rules
* Employees who take risks
* Employees have limited knowledge about the *OHS Act* and regulations
* You employ transferred, casual, seasonal, young and temporary employees

In these situations, direct, hands-on supervision is recommended.

**Some things a supervisor can do to provide sufficient supervision**

* Observe how employees work
* Check-in and talk more often with employees
* Confirm that employees understand what it means to temporarily take on the role of a supervisor (lead hand, team lead, etc.)
* Provide verbal and written instructions for jobs
* Correct unsafe actions and behaviors
* Make sure that employees comply with the *OHS Act* and the regulations
* Discipline employees

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| **Sufficiency of Supervision** |  |
| **13.**  What type(s) of work or task(s) do you supervise?  **The answer should focus only on the jobs/tasks the supervisor oversees** |  |
| **14**. Do you feel you provide sufficient supervision to the workers you supervise? Please explain. |  |

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| **Action Plan Example** | | | |
| **Gap(s) Identified from the Assessment** | **Legislation**  Reference the legislation that pertains to the gap identified | **Action Plan**  Outline actions or recommendations to address the gap identified and specify who is responsible to complete the action item | **Target Date to be Completed** |
| **Question #2 – Do you understand the work refusal process?**  **Response:** I’m somewhat familiar | ***OHS Act* sections 19-23**  **WorkSafeNB resources**:  [**Right to Refuse Hazardous Work**](https://ohsguide.worksafenb.ca/topic/rights.html)  [**WorkSafeNB | Your Rights**](https://www.worksafenb.ca/workers/health-safety/your-rights/) | Review legislation in *OHS Act* and online resources – Manager and Supervisor(s)  Safety Talk topic (pre-shift meeting(s) with opportunity for Q and A) – all supervisors and department heads  Topic for discussion at JHSC meeting – Manager to bring to JHSC meeting  Outline the JHSC’s role/responsibility during a work refusal in JHSC’s TOR - JHSC  Include procedure into *Employee Orientation* handbook – Managers and HR |  |

**Resources**

Additional information on occupational health and safety legislation and supervisor obligations (competent and sufficient supervision):

[**WorkSafeNB website**](https://www.worksafenb.ca/)

[**Supervisor Obligations**](https://www.worksafenb.ca/safety-topics/supervisor/)

[**WorkSafeNB’s Guide to OHS Legislation**](https://ohsguide.worksafenb.ca/index.html)

[**WorkSafeNB E-Courses (no cost)**](https://www.worksafenb.ca/education-and-training/e-courses/)

[**New Brunswick Occupational Health and Safety legislation**](https://www.worksafenb.ca/policy-and-legal/legal/acts-and-regulations/)

[**Guide to Workplace Health and Safety Programs**](https://www.travailsecuritairenb.ca/media/1226/worksafenbhsprogramsguidee-1.pdf)

[**HEALTH and SAFETY ORIENTATION GUIDE for Employers**](https://www.worksafenb.ca/media/1227/worksafenborientationguide_e-1.pdf)

[**WorkSafeNB | Online access to CSA standards**](https://www.worksafenb.ca/education-and-training/online-access-to-csa-standards/)

Questions can be directed to WorkSafeNB at 1 800 999-9775 or email[**prevention@ws-ts.nb.ca**](mailto:prevention@ws-ts.nb.ca)