Risk Management
(and Systems, the IRS, and Due Diligence)

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Risk Management

- Two types of risk management
- Risk concepts
- Formal risk management
- OHS management system
- The Internal Responsibility System (IRS)
- Informal risk management
- Due diligence factors
Risk Management – Two Types

**Formal Risk Management:**
- Organization wide
- Flowcharts
- Quantitative
- Complex and detailed
- Takes time
- Results in OHS management system elements
- Risk reduction through organizational due diligence
Risk Management – Two Types

Informal Risk Management:

• Done by supervisors and workers
• Qualitative
• Possibly checklists, but not detailed flow charts
• Minute by minute decision-making
• Results in risk reduction through personal due diligence
Linked Concepts

• Incident/accident causation
• The Internal Responsibility System (IRS)
• Due diligence
• Risk
• The OHS management system
What do we want to do?
Reduce Risk to Get Zero Loss

Drive down risk of:

• fatalities, injuries, ill health
• property damage, production interruption, environmental harm, etc. (total loss approach)
Federal Act

Purpose
Prevention of accidents and injury
205.009 (1) The purpose of this Part is to prevent accidents and injury arising out of, linked to or occurring in the course of employment to which this Part applies, in particular by

(a) allocating responsibility for occupational health and safety among the Board and the persons, unions and committees having obligations under this Part; and

(b) establishing a framework for them to exercise their rights and carry out their obligations.
How should this be done?

Link IRS and Due Diligence

1. Ensure that an Internal Responsibility System is working well

2. Ensure that individuals within the IRS can apply due diligence concepts on a day to day basis
How else should this be done?

Design the occupational health, safety and environmental management system (or risk management system) around the "people framework" of the IRS
Who should be doing these things?

• **Everyone** is engaged in **due diligence** activities at all levels

• **Everyone** is part of the **IRS** and works within its problem-solving and communication processes
Who should be doing these things?

• **Everyone** adopts **risk** concepts into how they think about improving processes

• **Everyone** is using tools provided by the management system
Hazards and Risks

Do we know what we are talking about?
“Safety” means to me:

a. Compliance with the regulations
b. I have accepted the risk
c. There is zero risk
d. The risk is as low as it can reasonably go
In most surveys of workers, the answers are usually split evenly between the choices.
Confined Space Entry

Worker:

“Is it safe to go in?” (zero risk)

You:

“Yes, it’s safe.” (risk as is low as it can reasonably go)
A “hazard” can be many things. A hazard is usually an energy source.
Categories of Hazards

- People hazards
- Equipment hazards
- Material hazards
- Environment hazards
People Hazards

- Not qualified
- Complacency
- Influence of drugs/alcohol
- Fear
- Fatigue
- Violence
Equipment Hazards

• Suited for the job
• Mechanical
• Electrical
• Hydraulics
• Proper operating condition
Material Hazards

- Corrosives
- Solvents
- Asphyxiants
- Toxins
- Carcinogens
Environment Hazards

- Weather
- Confined space
- Elevated work
- Radiation
- Temperature
- Excavation
Hazards vs. Risks

A hazard is anything, which by its nature (inherent, intrinsic), has the potential to do harm.

Risks flow from hazards. A hazard can have many risks.

A risk is the probability and severity of a harm.
Risk = probability x severity.
Risk is Not a Single Concept

The two extremes are:

1. Extremely high probability but low severity – paper cut.
2. Extremely high severity but low probability – nuclear reactor cracks open.
Probability and Severity

- Getting hit by a meteorite
  - Low probability, high severity

- Paper cut in an office
  - High probability, low severity
Increase in severity.
Increase in probability.
Same severity, but probability increases
Same probability, but severity increases.
Minimum Thresholds

- **Risk is Relevant**
- **Risk not Relevant**

- **Probability**
  - "reasonably foreseeable"

- **Severity**
  - "significant harm"
Risk is Not a Single Concept

In general we are concerned with risks that are reasonably foreseeable and can cause a significant level of harm.
Classic “Source-Path-Worker” Model
Classic “Source-Path-Worker” Model

The Path:

• Is not just a time line, or a causal chain.
• It is literally the movement of energy or material along a trajectory.
• The path can be short or long.
• The movement of energy or material can be slow or fast.
Many possible types of harms
The “event” and the “loss” are not the same thing.
Energy is released. There is an event. No loss. Close call.
Causes of Hazards

Causes of the existence of the hazard

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Multi-causation of Hazards
Too much, too little energy.

• A loss can be caused by an unplanned, unwanted flow of energy from the hazard.

• A loss can be caused by the interruption of a desired and expected flow of energy. An event occurs which cuts off the flow of energy.
Energy is needed for normal functioning.
Event occurs. Energy flow is cut off. Loss occurs.
Zero What??

Zero risk? Is it possible?

Zero loss? Is it possible?
Zero What??

- You can’t get zero risk overall if there are workers working.
- But you can get zero risk from a particular hazard if you can eliminate that hazard from the workplace.
Zero What??

If the risk is pushed down as low as it can reasonable go, and the pressure is kept on it, then we can go for longer and longer periods of time with zero loss.
CAN/CSA-Z1002-12

Occupational health and safety – Hazard identification and elimination and risk assessment and control

September 2012 CSA Group
Shop.csa.ca
Hierarchy of Controls
CSA-Z1002-12
Initial Steps

1) Identify hazards – what can potentially cause harm?
2) Rough assessment of the nature and degree of possible harms.
3) Rough estimate of probability of harm occurring.
4) Can the hazard be eliminated?
5) Can a lesser hazard be substituted?
Hierarchy of Controls

• The “hierarchy of controls” is a classic OHS principle and should hopefully be articulated in an OHS management system’s Principles since it applies to almost all programs in the system.

• There are some variations in expressing it.
Hierarchy of Controls

1. Eliminate the hazard, thus terminating the risk from that hazard.
2. Substitute a lower risk hazard.
3. Isolate the hazard in time and/or space.
4. Engineering controls, starting at the hazard (source).
5. Administrative controls (training, supervision).
6. Personal Protective Equipment (last resort).
Federal Act

Preventive measures

205.009(2) Preventive measures should first aim at the elimination of hazards, then the reduction of the risks posed by the hazards and finally, the taking of protective measures, all with the goal of ensuring the health and safety of employees.
Elimination of the Hazard?

- Can the hazard be eliminated?
- Is it necessary?
- Can it be isolated in time or space?
- If the hazard has a number of risks, can some aspect of the hazard be altered so as to eliminate one or more risks?
Hazard Elimination
CSA-Z1002-12
CAN/CSA-Z1002-12

Occupational health and safety – Hazard identification and elimination and risk assessment and control

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Hierarchy of Controls

CSA-Z1002-12

- Hazard identification
- Estimated intrinsic risk
- Elimination?
- Substitution?
- Engineering controls
- Administrative controls
- Residual risk low enough?
  - Yes
  - Verification, validation documentation
  - No
- Change?
A hazard may have more than one type of risk associated with it.
Hazards May have Different Numbers of Risks

- Hazard A
- Hazard B
- Hazard C
- Hazard D

A hazard may have different numbers of risks.
Eliminate a Hazard and its Risks Go to Zero

Some risks go to zero because the hazard can be eliminated.
Substitution

• Second best after elimination of a hazard is the substitution of a lesser hazard.
• Ultimately, the risk from the lesser hazard is lower than the risk from the original hazard.
• The lesser hazard may be present less frequently. It may contain less energy. The probability of release of energy/material from the hazard may be lower.
Elimination vs. Substitution

Hazard A

Hazard B

Hazard C

Elimination

Substitution

Time
Substitution.
Hazard 2 has less risk than Hazard 1.
The severity of the risk from Hazard 2 is less than the risk from Hazard 1.
Hazard 2 has fewer risks than Hazard 1.
Causes of Hazards and Reduction of Exposure to Hazards

- **Causes of the existence of the hazard**
  - Root
  - Intermediate
  - Direct

- **Hazard**
  - Make changes to the number of barriers and the number, size and alignment of the holes in the barriers

- **Loss**
  - To reduce the length and severity of the exposure to the hazard
  - Make changes to the causes of the existence of the hazard

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Risk Control

Moving from the Hazard to the Risks
Flowing from the Hazard
Risk Reduction

“Actions (use of preventive and protective measures) taken to lessen the likelihood of harm, the severity of harm, or both.”

“Barriers”/ Risk Controls

• A barrier can be physical or non-physical.
• An engineering control is a designed physical barrier.
• An administrative control can be a policy, procedure, training, etc.
• A barrier can be mixed: PPE is a physical barrier but may need administrative controls, such as training, to make it effective.
Engineering Controls

• Entry/exit design
• Grounding
• Blanking off
• Guarding
• Baffles, barriers
• Ventilation
Administrative Controls

• Work procedures
• Training/education
• Coaching
• Supervision
• Talks
• Selection of workers
• Work permits
• Signs, communication
Residual Risk

“The risk remaining after a hierarchy of controls has been implemented.”
Personal Protective Equipment

- Gloves
- Boots
- Head protection
- Hearing protection
- Eye protection
- Respirators
- Aprons
- Creams
- Etc.
James Reason’s Model

- Hazards
- Defences
- Losses
“Barriers” vs. “Dominoes”

A note of caution.

In these diagrams, make sure you distinguish between a block that is a cause and a block that is a barrier.
An effective barrier prevents energy from causing an event.
Trigger causes release of energy
Remove trigger
Threshold.
Low level of energy may not cause harm. Must meet threshold for harm to occur.
Reduce energy below threshold.
No loss.
Barriers – The ideal and the reality
James Reason’s Model

Hazards

The ideal

Defences in depth

The reality

Potential losses (people & assets)
The “Trajectory”

Some ‘holes’ due to active failures

Defences in Depth

Other ‘holes’ due to latent conditions
Barriers/Controls
Multiple Failures in a Barrier

Not the Same as Multiple Barrier Failure
Probability of harm increases with the increase in the number of failures in a barrier.
Good. Failures in the barrier are corrected.
Good. Number of failures in the barrier are reduced
Post-Event Barriers

There is Difference Between Preventing an Event and Preventing a Loss
A post-event barrier can prevent a loss from occurring.
A post-event barrier can change nature and severity of loss.
Multiple Barrier Principle
Better. Increase number of barriers.
Pre- and Post-event barriers are desirable
Probability of all barriers failing in coordination is low.
Location of Barriers

Barriers at the Hazard (Source) are Better than Barriers at the Worker
A barrier close to the source allows more opportunities to prevent loss.
A barrier close to the worker, PPE, leaves the environment unsafe.
Strengthening Barriers
Strengthen barrier
Strong, many, close barriers

Diagram showing the relationship between hazards and barriers. Two hazards are depicted, one with weak barriers that are close to workers, resulting in few barriers, and another with strong barriers that are close to the source, resulting in many barriers.
Causes of Barrier Failure
Causes of Barrier Failure
Causes have causes
Many causes of a cause of barrier failure
Parallel branching chains of causation for a barrier failure
Reduce causes,
reduce number of barrier failures
Causes and Barriers

- Causes are bad
- Worker
- Barriers are good
- Hazard
Causes and Interventions
Inspection of Barriers.
No inspections. Few inspections. Poor inspections. Many failures in barrier.
Many and better inspections.
Many and better audits
Stress models can help explain unsafe behaviour. Causes are external to the workplace.
James Reason’s Model
Lines of Defence

There are 2 lines of defence, at “right angles” in the James Reason Model:

1. Multiple barriers across the flow of energy
2. Multiple people at all levels of the organization engaged in due diligence
Integrating Systems and People

If everyone is doing everything they can reasonably do in their circumstances (authority, control, system elements), then chains of causation are broken, risk is driven down as low as it can reasonably go, and we can have longer and longer periods without losses.
Federal Act

205.015 (1) Every operator shall develop, implement and maintain an *occupational health and safety management system* that fosters a culture of workplace safety and that is adapted to the circumstances of the work or activity specified in each authorization issued to the operator, for the purposes of ...
Contents

205.015(2) The system shall be set out in writing and include provisions regarding

(a) the management of risks to the health and safety of employees — including any prescribed risks — and procedures for ...
(i) the ongoing and systematic identification and reporting of all hazards,

(ii) the assessment of risks associated with identified hazards, and

(iii) the implementation of hazard control measures;
The Internal Responsibility System
Examination of the IRS

**Structure** ... pattern of authority, responsibility and accountability

**Function** ... problem solving processes, improvement processes, communication
Internal Responsibility System

**Internal** – many meanings

**Responsibility** – it’s about obligations not rights

**System** – it’s a true system, requiring “systems thinking”
“Internal”

Health and safety is:

- internal to the workplace
- internal to the individual
- internal to the job description of everyone
- internal to routine decision-making
- driven by “internal motivation”
Internal to the Job Description of Everyone

• Everyone, no exception
• Staff and line
• Workers, supervisors, managers, officers and directors
• Personal, individual responsibility
• Do the kind of OHS work that fits with authority and control
Internal to Routine Decision-Making

• OHS not an add-on, an afterthought
• OHS not a separate function
• As you do your ordinary work you think about risk, hazards, controls and adjust your work accordingly
• Easy to see with workers and supervisors
• Hard to see with mid to senior managers and with staff positions
OHS Driven by “Internal Motivation”

• Difference between motivation from within the person and motivation from without
• External “rewards and sanctions”
• Internal “satisfiers” …. pride, sense of achievement, self-development, control, curiosity, self-respect, morality, etc.
• Which works best for “out of sight short cuts”? 
• Which works best for obtaining creativity and initiative for OHS?
Internal versus External

Responsibility

Internal Responsibility
- Employer
- Directors
- All employees
- H&S Committee
- H&S Rep
- H&S Dept.
- Union

External Responsibility
- Government
- Inspectors / Officers
- Workers’ Compensation
- Safety Associations
- Suppliers
- Unions
- Tribunals
- Courts
- Media
Direct versus Contributive

Internal Responsibility

Direct Responsibility:
- Employer
- Director
- President
- Manager
- Supervisor
- Worker

Contributive Responsibility:
- H&S Committee
- H&S Rep
- H&S Dept.
- Union
Basic Structure of the IRS

- Director
- President
- Vice President
- Manager
- Supervisor
- Worker
The IRS — A Brief Description

The IRS is a system, within an organization, where everyone has *direct* responsibility for health and safety as an essential part of his or her job. It does not matter who or where the person is in the organization -- whether President or mailroom clerk. An individual does health and safety in a way that is compatible with the kind of work that person does.

Each person takes initiative on health and safety issues and works to solve problems and make improvements on an on-going basis. A person does this both as an individual and in co-operation with others.
Activities Match Authority & Control

- **Director**: Direction
- **President**: Values, Policy, Vision
- **Vice Presidents**: Systems, Culture
- **Manager**: Planning, Resources, Staffing Programs
- **Supervisor**: Problem-solving, Responding, Training, Coaching
- **Worker**: Problem-solving, Reporting, Co-operating, PPE, Procedures Coaching
Due Diligence
“Due Diligence”

“take all reasonable measures”

“take every precaution reasonable in the circumstances”

“do everything reasonably practicable”

“take all reasonable care”
Myths About Due Diligence

1. Due diligence is an attitude
2. Due diligence is documentation
3. Due diligence is merely regulatory compliance, or rule following
4. There are (e.g.) 10 elements of due diligence
5. The OHS manager can do your due diligence for you.
Where are We Going?

Due Diligence is a rich and subtle set of ideas.

Due Diligence is not a list of rules or a finite list of activities and it is not fixed. Due diligence is a way of thinking, of problem-solving, that involves a potentially infinite array of factors.
Due Diligence

The IRS and Due Diligence

1. Due diligence and IRS are connected through accident theory.

2. Due diligence is how far one goes to reduce risk given one's position in the IRS.
Due Diligence

1. Due diligence has several meanings and functions
2. It is a moral concept
3. It is a management principle ... a performance measure and a risk reduction driver
4. It is a legal defence to a charge that one has breached a statutory duty
5. Most importantly, it is a legal duty in its own right -- the "general duty clauses" -- which are powerful, flexible and open-ended... they require creativity and initiative...not just rule following
Due Diligence

6. It has two other legal functions (1) may avoid a prosecution in the first place and (2) and reduce sentence if done after the accident or if just miss the standard.

7. We aim for risk reduction via the due diligence concept -- that is our main aim; we have due diligence as a defence as a side benefit.
Specific Due Diligence

Due diligence steps will vary depending on the circumstances.

1. What are the specific legal duties that apply to the person?
2. What are the organizational opportunities and constraints?
3. What is the authority and control of the person?
4. What is the degree of knowledge and skill expected of the person?
5. What is the actual knowledge of the person?
6. What is the risk?
Duties

Three sets of duties to consider:

• Your personal duties as an officer, manager, supervisor or employee
• The employer duties
• Personal duties of others
Duties

• You don't know the full scope of your personal duties until you know the full scope of the employer's duties.

• The only reliable way to ensure compliance is through the stimulation of an effective IRS and the development and monitoring of a formal OHS management system.
Due Diligence
as a General Standard

Once due diligence is understood, and everyone in the IRS is striving to be duly diligent, there are enormous gains in areas other than OHS ... the natural "spill over effect"
What do we really mean by *Due Diligence*?
What do we really mean by *Due Diligence*?

Often we worry about:

- what does “reasonable” mean?
- who decides?
- what’s the standard?
- what circumstances are relevant?
- how do you prove it?
Important Distinctions

1. Legal Duty versus Legal Defence

2. Non-legal principle for decision making
Two Forms of Legal Due Diligence

1. Due diligence as a general duty.
2. Due diligence as a legal defence to a charge that one has breached a specific duty.

The standards are similar but the legal processes are different.
Due Diligence as a Duty

• Look for a very generally worded duty in the Act – e.g. “take all reasonable measures”.
• No specific hazard mentioned
• No connection (usually) with the regulations. “Regulation independent duty”. Doesn’t say “as prescribed”
• No specific control mentioned
• Usually refer to a “General Duty Clause”
Due Diligence as a Legal Defence

Here, due diligence is only meaningful if you first have identified a specific legal duty.

You then ask, for this specific legal duty, what would be due diligence? – what would a reasonable person to ensure they fulfilled the duty? – what is implicit in the specific duty?
General Duty Clause

Also called the:
Due Diligence Duty
Basket Clause
Umbrella Clause
Why is it Important?

- It doesn’t give any express guidance as to what to do, and is often over-looked when seeking to “comply with the Act”.
- It’s open-ended.
- It’s what they prosecute you for if they can’t find something specific in the regulations.
- It requires more creative, pro-active work than anything else in the Act.
- It requires hazard identification and risk assessment to catch problems not covered by the regulations.
Many General Duty Clauses

We usually think of the employer’s general duty clause, but there can be general duties for:

• Supervisors
• Managers
• Officers and directors
• Employees
• Owners
• Suppliers
Federal Act

Duty to take reasonable measures

205.012 Every operator shall take all reasonable measures to ensure the health and safety of all employees and other individuals at its workplaces and of all employees or other passengers while — and immediately before? — being transported on a passenger craft to or from any of those workplaces.
Duties of Employers
Duty to take reasonable measures

205.018 Every employer shall take all reasonable measures to ensure

(a) the health and safety of its employees and other individuals at a workplace under its control;
(b) the health and safety of its employees at a workplace that is not under its control, to the extent that it controls their activities at the workplace; and
(c) the health and safety of its employees while — and immediately before — they are transported on a passenger craft.
Federal Act

Duties of Supervisors
Duty to take reasonable measures

205.024 Every supervisor *shall take all reasonable measures to ensure the health and safety of employees* and other individuals that they supervise at a workplace.
Who is a "Supervisor"?

“Supervisor” means an employee who is in charge of a workplace or part of a workplace or who has authority over other employees.

Charge of a Workplace

or

Authority Over a Worker
Federal Act

Duties of Employees
Duty to take reasonable measures

205.026 Every employee at a workplace or on a passenger craft shall take all reasonable measures to protect their own health and safety and that of other individuals at the workplace or on the passenger craft.
Duty of directors and officers of operators

205.036 (1) Every director and every officer of a corporation that holds an authorization shall take all reasonable measures to ensure that the corporation complies with

(a) the provisions of this Part and the regulations made under this Part; and

(b) the occupational health and safety requirements of the authorization, and the occupational health and safety requirements undertaken in the declaration related to the authorization.
General Duty Clause

General duty clauses are the most important clauses in the OHS legislation. They require the organization to go beyond the regulations and identify and assess risks not specifically mentioned in the regulations. It is the source of the organization's own policies, procedures and programs that are organization and risk-specific...that go far beyond the regulations.
General Duty Clause

As well, the existence of best practices and codes from authoritative industry and professional groups informs what is "reasonable". Formal risk management processes will increasingly be seen as part of the due diligence of the larger organizations.
Why Do We Need the Employer General Duty Clause?
What’s the Problem with Regulations?

“There otta be a law!”

Can we have a law for everything? Can we have detailed regulations for all hazards – all tools, machines, materials, processes, etc.?

Why not?
The Knowledge Problem

1. Regulators can’t know everything because the world is too complex and messy.

2. Even if they did know everything it would only be for an instant, because the world changes too fast.

Regulators can only regulate the known, the common, the universal, the generic ...
Local Knowledge

Only the people in the workplace have “local knowledge” – rich, intimate, unwritten knowledge about tools, machines, materials, processes, the environment, the other people ... (it’s also called “experience”).

To be successful in OHS that local knowledge has to be used. But the regulators don’t possess it.
So, to Cover “Everything” in the Province ....  

1. we have regulations to cover the known and the common 

AND

2. we have a general duty clause in the Act to cover the unknown, the new, the idiosyncratic, the rare, the ever-changing ... to capture and use local knowledge.
Employer General Duty

• Requires a program of hazard identification and risk evaluation to find things that are not covered in the regulations.
• This has to be a continuous cycle (PDCA).
• This results in a OHS Management System elements (programs and procedures) that are company specific.
Employer General Duty

- Organization has to be DD to comply with its own procedures itself because of the general duty clause.
- The organization’s procedures (rules) become partly the personal responsibility of the individuals in the organization.
- The 2\textsuperscript{nd} level of DD rules of the employer “slides over” and become the 2\textsuperscript{nd} level of DD rules of the individual.

[More on this later]
Why Are There General Duty Clauses for Individuals?
What’s the Problem with the Organization’s Procedures?

“There otta be a procedure!”

Can we have an organizational procedure for everything? Can we have detailed procedures for all hazards – all tools, machines, materials, processes, etc.?

Why not?
The Knowledge Problem (Again!)

1. The employer can’t know everything because the workplace is too complex and messy.
2. Even if they did know everything it would only be for an instant, because the workplace changes too fast.

The employer can only make procedures (rules) for the known, the common, the universal, the generic ...
Employees will eventually face a hazard for which there are no rules.
So, to Cover “Everything” in the Workplace ....

1. We have organizational procedures (rules) to cover the known and the common

AND

2. We have a general principle (employees’ DD general duty clause in the Act to [or a management principle to the same effect]) to cover the unknown, the new, the idiosyncratic, the rare, the ever-changing ... to capture and use local knowledge.
Individual’s General Duty

• Requires an individual to engage in a personal process of hazard identification and risk assessment.

• This has to be a continuous cycle (PDCA).

• Results in [for the supervisor] a daily job plan that involves very specific instructions about that day’s hazards and risks.
Recall

Formal Risk Management

Informal Risk Management
Important Distinction

Organization
Versus
Individual
Due Diligence
for the Organization as a Whole

Assume the organization is:

• a corporation
• an employer

The corporation is a separate legal person, distinct from the individuals who own it, run it, and work in it. The corporation employs workers and is an employer.
Due Diligence
for the Organization as a Whole

The “Brain Problem”:

A corporate person is a legal fiction. It has no brain. It doesn’t think. How can it know anything? How can it be reasonable? How can it do anything without a body to go with its non-existent brain?
Due Diligence for the Organization as a Whole

Solution to the Brain Problem – Vicarious Liability.

The corporation is liable for the acts and omissions of its employees.
Due Diligence for the Organization as a Whole

Solution to the Brain Problem – Vicarious Liability.

The legal fiction, the corporate employer as a person, does Due Diligence (or not) through the acts (or omissions) of its employees.
Due Diligence
for the Organization as a Whole

The employee should be able to distinguish:

• am I doing this for the Due Diligence of my employer (on my employer’s DD account)?
• am I doing this for my own personal Due Diligence account?
Due Diligence for the Organization as a Whole

- There is a large overlap between those two.
- In many cases, the employee will be killing two birds with one stone.
- E.g. if the employee is the supervisor and is ensuring a worker is wearing eye protection, the DD activities involved are fulfilling the supervisor’s DD account at the same time as the employer’s DD account.
Due Diligence for the Organization as a Whole

- It is important for senior management to understand the distinction.
- Senior management is usually thinking about the corporate employer’s DD.
- If they view individual employees such as the Supervisor above as merely ensuring the corporate employer’s DD they will not fully harness the supervisor’s self-interest in DD (or everyone else’s).
Due Diligence
for the Organization as a Whole

If everyone is personally duly diligent on their own account, then the corporate employer’s due diligence is largely (not entirely) assured.
Dissecting the General Duty
Every employer shall take all reasonable measures to ensure the health and safety of its employees and other individuals at a workplace under its control …
“Take all reasonable measures...”

There are three parts to the due diligence statement.

1. "Take all measures" is an absolute, zero risk standard that doesn't mean very much on its own. It has to be tempered with what is reasonable.

2. "Reasonable", is a key idea. It means objective common sense, operating at an optimal level ...what would a jury of your peers who are unbiased, knowledgeable and motivated say about your actions?

3. Implicitly ... "In the circumstances"...means that steps for reasonable care will vary depending on the risk, opportunities and constraints, knowledge, authority and other factors.
Dissecting the General Duty

“Every employer shall take all reasonable measures to ensure the health and safety of its employees”

If it said:
“take all measures ...”

... that would include taking unreasonable and irrational measures.
Dissecting the General Duty

“all measures” is balanced by “reasonable”

Implicit: “in the circumstances” means that the reasonable precautions will vary with the nature of the hazards and the degree of the risk.
Reasonable Care

“Reasonable care implies a scale of caring. The reasonableness of the care is inextricably related to the special circumstances of each case. A variable standard of care is necessary to ensure the requisite flexibility to raise or lower the requirements of care in accord with the special circumstances of each factual setting.”
Reasonable Care

“The degree of care warranted in each case is principally governed by the following circumstances:

(a) Gravity of potential harm.
(b) Alternatives available to the accused.
(c) Likelihood of harm.
(d) Degree of knowledge or skill expected of the accused.
(e) Extent underlying causes of the offence are beyond the control of the accused.”
Reasonable Measures/Precautions ...

The measures could arise from, among other things:

a) an internal standard created by the defendant,
b) Another Act,
c) regulation under another Act,
d) a manufacturer’s instructions regarding equipment,
Reasonable Measures/Precautions ...

e) maintenance failures,

f) management plans – the employer has a program but it’s not applied at a particular location

g) uniform practice – there is practice that should be used consistently at a location, or

h) engineering expertise is not sought or followed.
Reasonable Measures/Precautions ...

The measures have to be from an authoritative source. They have to be relevant to the nature of the hazards. They would have to result in protection for a worker.
Trips and Traps
Trips and Traps

Your own documents incriminate you:

Many organizations have well developed OHS management system descriptions. These can be a two edged sword. They are very helpful for organizing everyone’s due diligence activities.

**BUT:** If the employer says in its documents that it is going to do something, then it has largely stated what is “reasonable” to do.
Trips and Traps

Informal, inconsistent “practices” are not procedures:

It is possible for practices to be measures/precautions, but increasingly practices must be formalized into procedures. This is particularly so where the risk is very high. It means in some cases you cannot rely on the experience of tradespeople.
Trips and Traps

General due diligence is not specific due diligence:
Many employers who have well developed OHS management systems believe that the totality of their excellent “safety culture” can be due diligence for all charges.
The required due diligence is very specific to the duty that the employer is charged with.
Trips and Traps

E.g.: If the charge is that guarding is off the moving parts of a machine, then evidence about the employer’s overall OHS system and “safety culture” is irrelevant. The due diligence must be about the specific steps the employer took to ensure the guarding was present and appropriate.
Trips and Traps

“Someone Knew!!”

The corporate employer will be deemed to know what its representatives know even if the employer doesn’t really know.

Pockets of risk knowledge. There should be methods to ensure that no one is harbouring knowledge of high risk and not passing it on. A well-developed OHS system can be brought down by one person’s knowledge.
Trips and Traps

Multi-locations:
Multi-location employers have a big problem: how to ensure that what is known in one location is known in other locations. Hazard X is found in “Location A” (subject of an accident, Order, refusal, inspection report). Is Hazard X also in “Locations B, C, D”? The employer is the same legal entity in all locations. What are methods to ensure that the information flows?
Trips and Traps

Verification

Whether

1. Your own employees, or

2. Contractors and their employees

an increasingly important problem is verifying that something has been done.
Levels of Due Diligence
Confusion #1

People think about Due Diligence without thinking of the “who” question.

“Whose Due Diligence do we mean?”
Organizational Levels

- Employer provides PPE
- Supervisor trains workers on PPE
- Worker wears PPE
Confusion #2

People think about Due Diligence without thinking about the “which” question:

**Which level of Due Diligence do we mean?**

DD for the regulations?
DD for the employer’s own rules
DD for the general duty clause?
Rule Levels

Three levels of due diligence

1. Regulations
   - Because of regulation dependent duties in Act

2. Employer’s rules
   - Because of employer’s general duty clause

3. Rules of the moment
   - Because of individual general duty clause
“Reasonable”
Many people have trouble with the word “reasonable”.

It’s an old idea. The ancient Greeks called it “practical wisdom”. It is not a scientific or statistical concept. It’s not what the average person would do.
Due Diligence as a philosophy, a way of life, requires an individual to constantly assess personal performance against an objective standard that is very high.

Requires thinking, creativity, initiative – not just rule-following and conformance.
Objective Standard

Because the Due Diligence standard is broadly worded, people mistakenly think it is vague and therefore subjective.

Due Diligence is measured by the standard of the reasonable peer, so one must be able to justify decisions in terms of an external standard.
Reasonable Peer

The “reasonable peer” is a hypothetical person who is experienced, knowledgeable, motivated, unbiased and without character flaws.

The “reasonable peer” is less than superman, but more than the “average peer”.
Reasonable Peer

Superman
Reasonable Peer
Average Peer
Reasonable Person
Average person
State of Mind

When we say you must “put yourself in the shoes of the reasonable peer”, we mean you must put yourself in a certain state of mind with a certain body of knowledge and skills.
We get Specific with the Reasonable Peer

• What would the reasonable supervisor do on a construction site?
• What would the reasonable employer do in mine?
• What would a large employer with a high level of engineering expertise do in a chemical plant?
Due Diligence Variables
Due Diligence Variables

- What industry are you in?
- What are the intrinsic risks of the industry?
- Who are you in terms of position, authority?
- What are your duties?
- What knowledge and skill should a person like you have?
- What are existing standards?
Due Diligence Variables

• What constraints are you under?
• Who are you responsible for?
• What area are you responsible for?
• What risks have emerged today?
• What controls are available to you?
• What special or specific knowledge do you have today?
Due Diligence and Risk
Due Diligence and Risk

We do not want risk assessment to be done solely in a staff function; done globally for the organization – Formal Risk Management

We want risk assessment to be done daily by individuals as they are routinely making decisions – Informal Risk Management
Risk

Personal assessment of risk allows an individual to figure out:

- what techniques to use
- when to use them
- how often to use them
- with what emphasis
- what to forego, as resources are limited
Distinction -- Risk

Formal (Engineering) Risk Assessment:
Specialized techniques for system safety design.
   Formal. Usually quantitative. Done by risk experts.

Informal Risk Assessment:
Minute to minute. What the reasonable peer would do in the circumstances. Usually Qualitative. Done by individuals.
Risk and the System

"Doing Risk"

• At the System level
• At the Program level
• At the level of the Individual

Many systems today do risk solely at the systems level (e.g. ISO models) – this is not effective.
Due Diligence and Risk

Circumstances where risk is high are circumstances where greater efforts are required in order to be duly diligent.

The concept of risk should be thought of as a framework that can be used to set the boundaries of specific due diligence.
Risk Factors and Losses

- Fatality
- Major injury
- Minor injury
- Close call

Few

Number of Events

Many

Low

High

Probability

Low

High

Severity
Risk Factors and Losses

Risk = probability x severity = same
Novelty and High Energy

- Novelty is an important aspect of risk. We know that many accidents are associated with something new being introduced into the workplace. Greater due diligence steps are probably going to be necessary with anything new.

- High energy sources are clearly associated with the severity aspect of risk. The workplace should be continually monitored for the introduction or development of high energy sources. Greater efforts regarding due diligence apply.
Risk is Always Shifting

Risk varies with:

Novelty – people, location, tools, equipment, materials, processes, technology

Energy – forms of energy

Complexity
Risk is Always Shifting
Matching Activities to Risk

Think of a gradient of risk.
Think of a gradient for each due diligence activity.
Match the level of due diligence with the level of risk.
In a world of scarce time and resources, you must be able to show that your “balance” of effort is reasonable in the circumstances.
Matching Activities to Risk

- High Risk: Do more
- Low Risk: Do less
- Relevant Precautions
Distinction -- Acceptable Risk

Outside the Workplace:
Risk is lowered to where the person subject to the risk would accept the risk.

Inside the Workplace:
Risk acceptance by the worker is not allowed. Historically the worker was not free to choose. Risk should be as low as it can reasonably go (in the eyes of the reasonable peer – not the worker and not the employer).
“Acceptable Risk”

In OHS, “acceptable risk” is a meaningful term only if it means “risk is as low as it can reasonably go”.
Distinction – Static versus Dynamic Risk Levels

Get Risk to a Fixed (Static) Zone:
This implies that we stop pushing down on risk when we’ve achieved our fixed target. Not a proper approach in OHS.

Keep the Pressure on Risk (Dynamic):
It’s always an open question whether we can reasonably push risk further down. If this weren’t the case, then we’d stop doing anything about OHS in inherently low risk workplaces.
Psychological Problems

• People “see” but don’t “recognize” hazards
• People don’t recognize problems with what they are familiar with
• People quit looking early for what they expect to be rare
• People tend to agree with what the group has implicitly decided is a problem or not a problem
Psychological Problems

• People avoid changing what they’ve invested in
• People “smooth out” recollections of problems so as to reduce fault (subconsciously)
• People tend not to raise a concern if people with authority are perceived to have acquiesced in the existence of the problem
Proactive Risk Assessment

An opportunity to discuss:

• The difference between hazards and risks
• The barrier concept
• The importance of continuous, informal risk assessment by everyone in addition to formal processes
• The two factors of risk – probability and severity, The difficulties in determining risk
Proactive Risk Assessment

An opportunity to discuss:

• How risk can change quickly and the importance of responding quickly and effectively

• The importance of behaviour observations as well as the cognitive psychological problems of risk perception
Due Diligence: Other Variables
Cost

Does cost affect what is “reasonable”?

Is there a set amount of money that is reasonable in all circumstances?

Always need to combine cost with risk.

How much risk reduction can you get for your money?
Cost

$1 million is reasonable for a nuclear power plant, but is not reasonable for papercuts in an office.
Size of Organization

Do large, rich organizations have to do more than small organizations for due diligence?

All must reach the minimum standards in the regulations.

For general duty clauses, what would the reasonable PEER do? Larger must do more.
Industry

Is there an acceptable level of risk that is the same for all industries?

Once you reach that level of risk you can quit taking due diligence steps to further reduce risk?

No, get risk down as far as you can reasonably go ... different end points in different industries. End points are never fixed.
As technology improves, the standard for due diligence activities goes up.

New technologies often involve unknown risks, so caution ...

Due diligence does not mean latest technology, but is high risk, can mean “best practice”.

Requires constant surveillance of external environment.
Knowledge

Knowledge changes everything.

What would the reasonable peer do, not knowing of specific defects, contraventions and hazards? -- proactive due diligence.

What would the reasonable peer do, knowing of specific defects, contraventions and hazards? -- reactive due diligence.
Knowledge

You’re Told
You Know!!

Proactive
Due Diligence

Reasonable measures
when you don’t know
of specific hazard
continuously reduce risk

Reactive
Due Diligence

Reasonable measures
once you do know of
specific hazard

Reports Change Due Diligence
Due Diligence
-- Proactive versus Reactive

1. Proactive versus reactive due diligence -- both are necessary
   • What would a reasonable person in your shoes do do to reduce risk when not knowing of the existence of an actual danger, contravention...?
   • What would a reasonable person in your shoes do once told of a danger or contravention...?
Due Diligence
-- Proactive versus Reactive

2. Proactive due diligence comes largely from the general duty clauses; it goes beyond the regulatory requirements; it is creative and requires risk assessment and monitoring.

3. Reactive due diligence is a failsafe device for proactive due diligence; it drives the dynamic model of the IRS (one must respond to reports or lose the protection of proactive due diligence).

4. The contextual aspect of due diligence means that the standards are always going up -- continuous improvement.
Due Diligence and the Management System
OHS System

• the policies, programs, accountabilities and auditing that work together to drive down occupational risk

• the due diligence of the most senior people consists largely of the OHS system
Due Diligence
and the OHS System

The OHS System should enable each individual and the organization to be duly diligent and to provide the evidence of due diligence should it be needed.

Too often the OHS management system is referred to only in the context of the employer’s due diligence.
What are the Elements of an OHS System?

An Occupational Health and Safety (OHS) System is comprehensive (covering all functions, positions and activities) and is workplace-specific.
Generic OHS Management System
OHS Management System

It consists of:

1. An OHS **Policy** Statement that provides the overarching set of values that the OHS System is designed to promote;

2. A set of prescriptive **Principles** that further develop the meaning and intent of the OHS Policy Statement;
3. Organizational Statements that outline the distribution of authority, responsibility, and accountability for OHS throughout the organization;

4. An interlocking set of OHS Programs, where each Program is associated with a set of OHS concerns and sets out the responsibilities, procedures, standards and so forth that address those OHS concerns; and
OHS Management System

5. Special OHS programs, the **Change Control Program** and the **OHS System Audit program**, which ensures that the other system elements are implemented, maintained current and are continuously improved.
OHS System

• the OHS system enables everyone else to be duly diligent

• the IRS is the "people framework" of authority, responsibility, accountability, communication, problem-solving, creativity, etc. within the OHS system
OHS Management System

What is the Achilles Heel of Management Systems?
- *The Individual*

What is the Holy Grail of Management Systems?
- *Individual Motivation*
Systems and Due Diligence

The OHS management system should have processes for identification of hazards and risk assessment. Novel or specific or unusual hazards that are not covered by the regulations will be caught and system controls developed. This will help ensure that the general duty clauses are complied with.

Other programs in the OHS management system will be designed to comply with specific requirements in the regulations, e.g. WHMIS.
Distinction -- Problem

Some people adopt an extreme “systems approach”. All accidents are caused by the root causes in the OHS management system. “People don’t cause accidents, systems do.”

Some people adopt an extreme worker behaviour approach. All accidents are caused by the unsafe behaviour of workers. “Systems don’t cause accidents, people do.”
Linking Systems and People

In the diagram below, if everyone is engaged in due diligence activities appropriate to their level of authority in the organization (the IRS), and those due diligence activities are elements of the OHS management system, then we speak of systems and people simultaneously and never systems alone or of people alone.
Integrating Systems and People

IRS

Director →
President →
V.P. →
Manager →
Supervisor →
Worker

[Diagram showing a hierarchy with links between levels and sections for Accident Causation and Due Diligence]

Accident Causation:
- People Failures → Losses → System Failures

Due Diligence:
- Principles
- Policies
- Systems
- Programs
- Programs, Resources
- Coaching
- Problem-solving etc.
- Initiative
- Problem-solving
- Conformance Reporting
Linking Systems and People

In the diagram above, imagine all individuals in the IRS have a list of OHS management system elements they are personally responsible for taped to their backs.

Imagine that the OHS management system elements described in that 3-ring binder each list the names or positions of the people who will carry out some aspect of the system element.
The IRS and Breakthrough Performance

Traditional View
• The IRS is about:
• Conformance with standards
• Solving problems
• Defects
• Anomalies
• Contraventions
• Dangers
• Conflicts
Modern View -- What the Best Performers Do

• The IRS is also about:
• Creativity
• Initiative
• Continuous improvement
• Leadership at all levels

If everyone, at all levels of the organization, is trying to continuously improve the processes that person is involved in, then among the many benefits will be a reduction in risk.
Summary

The IRS is a wonderful framework for a sophisticated and effective OHS management system whereby risk can be dramatically reduced and accidents brought to zero. Due diligence is a subtle, flexible concept that people can use to guide them in choosing what risk reducing actions to take on a daily basis.
Summary

If everyone is personally duly diligent, using elements of a well-designed OHS management system, and being on the lookout for novel situations, then risk is pushed down as low as it can reasonably go and we can go for longer and longer periods of time without loss.
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IRS Quiz

a. T  h. T
b. F  i. F
c. T  j. F
d. T  k. T
e. F  l. T
f. T  m. T
g. F
The Internal Responsibility System
Examination of the IRS

- Origin in accident theory
- How do we know it's effective?
- **Structure** ... pattern of authority, responsibility and accountability
- **Function** ... problem solving processes, improvement processes, communication
Internal Responsibility System

**Internal** – many meanings

**Responsibility** – it’s about obligations not rights

**System** – it’s a true system, requiring “systems thinking”
Health and safety is:

- internal to the workplace
- internal to the individual
- internal to the job description of everyone
- internal to routine decision-making
- driven by “internal motivation”
Internal to the Job Description of Everyone

- Everyone, no exception
- Staff and line
- Workers, supervisors, managers, officers and directors
- Personal, individual responsibility
- Do the kind of OHS work that fits with authority and control
Internal to Routine Decision-Making

• OHS not an add-on, an afterthought
• OHS not a separate function
• As you do your ordinary work you think about risk, hazards, controls and adjust your work accordingly
• Easy to see with workers and supervisors
• Hard to see with mid to senior managers and with staff positions
OHS Driven by “Internal Motivation”

• Difference between motivation from within the person and motivation from without
• External “rewards and sanctions”
• Internal “satisfiers” .... pride, sense of achievement, self-development, control, curiosity, self-respect, morality, etc.
• Which works best for “out of sight short cuts”?
• Which works best for obtaining creativity and initiative for OHS?
Internal versus External

Responsibility

Internal Responsibility
- Employer
- Directors
- All employees
- H&S Committee
- H&S Rep
- H&S Dept.
- Union

External Responsibility
- Government
- Inspectors / Officers
- Workers' Compensation
- Safety Associations
- Suppliers
- Unions
- Tribunals
- Courts
- Media
Direct versus Contributive

Internal Responsibility

Direct Responsibility:
- Employer
- Director
- President
- Manager
- Supervisor
- Worker

Contributive Responsibility:
- H&S Committee
- H&S Rep
- H&S Dept.
- Union
Basic Structure of the IRS

- Director
- President
- Vice President
- Manager
- Supervisor
- Worker

Authority / Responsibility

Accountability
The IRS — A Brief Description

The IRS is a system, within an organization, where everyone has *direct* responsibility for health and safety as an essential part of his or her job. It does not matter who or where the person is in the organization -- whether President or mailroom clerk. An individual does health and safety in a way that is compatible with the kind of work that person does.

Each person takes initiative on health and safety issues and works to solve problems and make improvements on an on-going basis. A person does this both as an individual and in co-operation with others.
Activities Match Authority & Control

- **Director**: Direction
- **President**: Values, Policy, Vision
- **Vice Presidents**: Systems, Culture
- **Manager**: Planning, Resources, Staffing Programs
- **Supervisor**: Problem-solving, Responding, Training, Coaching
- **Worker**: Problem-solving, Reporting, Co-operating, PPE, Procedures Coaching
Direct Causes of Losses

- A few problems fixed by Senior Management
- Some problems fixed by co-operation between the Supervisor and the Worker(s)
- Majority of problems fixed by individual Worker(s)
Root Causes of Losses

- A few issues identified and reported by Workers
- Some issues dealt with by Supervisors
- Some issues dealt with by Managers
- Majority of issues dealt with by Officers
- Some issues dealt with by Directors
The IRS — Oversight

It is one of the personal responsibilities of the senior people in the organization to ensure that the entire system of direct and personal responsibility for health and safety within the organization is established, promoted, monitored, and improved over time.
The IRS — Results

A successful IRS will result in risk being continually driven down so that there will be progressively longer intervals between accidents or work-related illnesses.
The IRS – Activities at Each Level

The IRS is based on an integration of OHS into every individual’s job at every level of the hierarchy. Examples...
For Front-line Workers

- Following regulatory procedures
- Following employer's procedures
- Following supervisor's procedures
- Identifying defects, contraventions and dangers
- Identifying opportunities for improvement
- Applying discretion to solve OHS problems
- Reporting unsolvable problems and opportunities for improvement
For Front-line Supervisors

- Coaching and training
- Job observation
- Job Planning
- Safety talks and tailboard conferences
- Enforcement of rules and regulations
- Discipline
- Taking problems and opportunities to senior management
Critical role of FLSs

• Transformational role, not just police role
• Understand the progressive stair step model of deterrence when correcting improper behaviour
• Every worker is unique and one-on-one coaching necessary to determine unique concatenation of individual internal motivators
For Managers

- OHS Performance evaluation
- Holding others accountable
- Implementing programs
- Considering system wide problems
- Taking problems and opportunities to more senior management
For Senior People

- Policy
- Competent Professionals
- Sufficient Resource Allocation
- Leadership
- Holding Subordinates Accountable
- Ensuring the development of an OHS System
- Ensuring Periodic "System Audits"
The IRS is a "Dynamic Machine"
The IRS is a "Dynamic Machine"

- The IRS is dynamic, not just a static list of responsibilities.
- Most OHS problems are dealt with on an on-going basis while doing the operative work.
- When an operative worker sees a problem beyond his or her authority or skill, it is tossed as a "hot potato" to the supervisor -- duty to report upwards.
Problem-solving

- Worker fixes it, or reports...
- Supervisor fixes it, or reports...
- Manager fixes it, or reports...
- Senior Manager fixes it, or reports...
The IRS is a "Dynamic Machine"

- Supervisor works with worker to resolve issue
- Most OHS problems received by the supervisor can be dealt with by the supervisor; those that can't get tossed upwards ...and so on.
- Issues are "filtered" up the IRS ... the more "system oriented" the issue, the higher it goes
- Receiving a "hot potato" triggers the need to show reactive due diligence.
The IRS is a "Dynamic Machine"

• This is not a "passing the buck" idea -- the first step is always to solve the OHS problem yourself if you can.

• The two ideas....duty to report upwards and duty to respond (reactive due diligence) together drive the IRS.

The "backup failsafe devices" linked to the IRS (the worker rep, the right to refuse work, the Ministry Officer/Inspector) deal with break downs in this "hot potato" model.
Initiative and Response

- However many levels in the organization
- Whatever the job title is
- There is both initiative and response at all levels
Horizontal Information Flow

- Everyone ↔ H&S Committee
- Everyone ↔ OHS Personnel
- Supervisor ↔ Supervisor
- Shift ↔ Shift
- Location ↔ Location
- Dept. ↔ Dept.
- Employer ↔ Contractor
Stop, Correct, Report ... Innovate
The IRS Requires Initiative and Creativity at All Levels

One way of looking at the dynamic model of the IRS is that it is reactive for people above the operative worker. Wait for a problem to come up from below. However, the IRS has the greatest power when it is understood that each person at each level is responsible for identifying ways that OHS can be improved from that person's perspective.
The IRS Requires Initiative and Creativity at All Levels

How can I improve the processes I am involved in so that OHS is ultimately improved? How can I be creative, take initiative, exercise leadership without waiting for someone below me to raise an issue? I can see opportunities for improvement that no one below me (or even above me) in the organization can see.
The IRS model can fail in practice. We expect it to have defects that have to be addressed. Where can the IRS go wrong? It can fail at any or all levels.... apathetic workers, wilfully blind supervisors, managers who don't want to hear bad news, senior people who'd like the committee or someone else to manage safety. We should all be able to engage in "IRS analysis" to see behind the obvious OHS problems to failures in the IRS.
Communicating the IRS

1. Need clear definition
2. Need clear descriptions
3. Everyone is the audience, everyone should be able to explain it (and his or her role)
4. Understand the myths and the false versions and the language problems
5. Understand the relationships between IRS and accident theory, due diligence, the OHS management system, quality principles, etc.
Communicating the IRS

6. Individuals must accept the values implicit in the IRS -- "value alignment"

7. Everyone should be capable of communicating the concepts in turn

8. Communicate....Persuade...Agree.....

...ReCommunicate

9. Revisit and rearticulate the concepts. Don't turn the IRS into this year's fad. It has to be refreshed, recast, new metaphors, new examples.
Methods of Communicating the IRS

1. Policy statement
2. OHS Management System description
3. OHS Department mandate
4. Bulletin boards
5. Newsletters
Methods of Communicating the IRS

6. Websites
7. Training material introductory statements
8. Safety talks, tailgate sessions, toolbox talks
9. Orientation training
10. Work specific training
11. Refresher training
Role of the OHS Department/Professional

... Given the IRS
Role of the OHS Department/Professional

Given the nature of the IRS, the role of the OHS department/professional becomes clear. The people in the IRS "do health and safety" as a routine part of their jobs. The OHS professional assists everyone with their OHS responsibilities. It is up to senior management to ensure there is an effective IRS, but the OHS professional plays a key advisory role in the on-going development of the IRS.
Role of the OHS Department/Professional

In terms of holding people in the IRS "accountable", that is an intrinsic attribute of the IRS. The OHS professional does not (normally) have any authority to hold people in the IRS directly accountable. The OHS professional may do more than what is listed below, but the theme that runs through the following points is that the OHS professional does not "do health and safety" for other people, but helps everyone do health and safety.
Role of the OHS Department/Professional

The OHS professional:

• Is to be a resource about health and safety for everyone in the workplace
• Educates all levels of the organization about the IRS
• Is to be an advocate for an effective IRS
• Monitors the IRS and suggests ways to improve it
• Assists with the development and implementation of the health and safety management system
Role of the OHS Department/Professional

The OHS professional:

• Audits, or arrange for the audit of, the elements of the health and safety system — including audit of the IRS — and suggests improvements

• Audits the organization for compliance with the Act, regulations and organizational procedures

• Reports to management on the health and safety status of the organization

• Advises workers, supervisors and managers on technical safety and health matters
Role of the OHS Department/Professional

The OHS professional:

• Liaises with outside resources to obtain up-to-date information on safety and health issues for the organization
• Liaises with the government Officer on compliance issues
• Advises trainers on the safety and health content of training courses
• Etc.
Power of the IRS

It is the only philosophy that captures the knowledge, experience, skill, insight, observational position, initiative, creativity and enthusiasm of every human mind in the workplace.

It is the ultimate expression of respect for the human element in the workplace.
Power of the IRS

• The IRS is the “people framework” around which the management system is built.

• An OHS management system without the IRS is lifeless.

• Programs and techniques are built on top of and around the IRS.

• A weak IRS will sabotage any other OHS initiative.
The IRS is NOT ...

• An OHS management system
• An off-the-shelf program you buy
• Something you don’t have
• A “partnership” between labour and management
• Collectivist (groups)
The IRS is NOT ...

- Bipartite
- Labour relations
- The health and safety committee
- Primarily about rights
- The same as due diligence
- Regulatory compliance
The IRS is ... 

- An element of the OHS management system
- Something you already have
- Individualistic
- About the personal responsibility of each individual
- Is primarily about duties
The IRS is ...

• Is monitored and supported by the committee
• Is connected to due diligence (tells us who must be duly diligent)
• If it works well will ensure regulatory compliance
The Usefulness of the IRS Model

1. IRS is more effective than anything else at reducing risk
2. Effective IRS and OHS management system is main part of due diligence defence for senior people
3. Effective IRS and OHS management system enables due diligence defence for others
The Usefulness of the IRS Model

4. Costs and losses...based on modern accident theory and "total loss concept", IRS means great reduction in costs

5. Reduce likelihood of extreme events that destroy company's name

6. Reduce "moral liability"

7. Excellence in quality and productivity start with an IRS and loss control
Does a Well-functioning IRS Actually Reduce Risk?
MOL IRS Study

IRS audit in 6 Ontario mines showed that an IRS audit can measure the IRS and that a high IRS score goes with a low accident rate, while a low IRS score means more accidents.

The results from 4 of the mines (the other 2 didn’t have appropriate data) were:
TMI = 31 - 0.53("Score") \ r = 0.99

LTI = 5.3 - 0.12("Score") \ r = 0.94
Internal to the Workplace

• OHS is the responsibility of the workplace parties (as individuals)
• OHS is “self-regulated”, “self-monitored” to a very large extent
• External Responsibility System not directly responsible for OHS
External Responsibility System

• Ministries/Depts of Labour
• Safety Councils
• Safe Workplace Associations
• Compensation Boards

Set standards, enforce, educate, etc. but don’t do it for you
IRS and ERS

Do MOL personnel understand AND agree with true meaning of the IRS?
Is enforcement policy built around the true IRS?
Do WSIB and the SWAs educate about and promote the proper model of the IRS?
IRS and ERS

• Which sections in the OHSA are most closely connected with the IRS?
• How does an understanding of the IRS affect interpretation of the OHSA?
• How does an understanding of the IRS affect the Inspector’s role?
IRS and ERS

How does an understanding of the IRS affect the Inspector’s handling of:

- complaints
- work refusals
- accident investigations
- issuing orders
- routine inspections
- education, promotion
- prosecutions
Wrong Descriptions of the IRS
Wrong IRS Description

“The IRS is a partnership between labour, industry and government to ensure a safe and healthy workplace.”

Refers to a tripartite policy-making process (e.g. the development of WHMIS), but not the IRS.
IRS as Tripartitism

The IRS as 3 parties

Labour

Management

Government
Wrong IRS Description

“IRS is a set of three rights:
1. To know about hazards
2. To refuse unsafe work
3. To participate (through committee)”

Missing the main element – personal duties of everyone
IRS Solely as Rights

- The Right to Know
- The Right to Refuse

The IRS as Rights

The Right to Participate
IRS is Duties and Rights

The Right to Know

The IRS as Duties

The Right to Refuse

The Right to Participate
Wrong IRS Description

“A group of people working together to improve health and safety in the workplace”

Vague. Unhelpful ... unless you want to slip the Titanic through the gap.
Wrong IRS Description

“Labour and management co-manage OHS through the Committee. The Committee IS the IRS.”

The “labour relations” version of the IRS. Missing personal contribution of individuals.
IRS as Bipartitism

Workers collectively → Reps → The Committee is the IRS → Reps → Management collectively
IRS as Bipartitism

The IRS as two parties
1. Employer
2. Employees

ERS Inspector / Officer
Wrong IRS Description

“The company/employer is responsible for OHS, not the government.”

Fails to raise the “corporate veil” and identify all individuals as personally responsible.
Wrong IRS Description

“The IRS is a good OHS management system.”

The IRS is part of the management system – not a competing idea, nor is it synonymous with it.
How Does the IRS “Self-Correct”?
IRS is Duties and Rights

The Right to Know

The IRS as Duties

The Right to Refuse

The Right to Participate
Internal Self-Correction

Main self-correction:

➢ Each person holds the person below them accountable for their performance in the IRS.

➢ Each person evaluates the people above for their performance in the IRS.

➢ Senior people monitor the entire IRS for results of such evaluation.
Internal Self-Correction

Ultimately senior management personally responsible for the health of the IRS as part of their mandate to get the “corporate culture” right.

OHS professionals also monitor the IRS performance at all levels and advise corrective measures.
“Failsafe Devices”

James Ham aware that the IRS could fail. The “Three Rights” originally seen as “failsafe devices” to ensure correction of the IRS.

- Right to know about hazards and controls
- Right to refuse unsafe work
- Right to participate in OHS through worker reps and Committee
Health and Safety Committees and the Internal Responsibility System

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April, 2016
The Internal Responsibility System
Examination of the IRS

• Origin in accident theory
• How do we know it's effective?
• Structure ... pattern of authority, responsibility and accountability
• Function ... problem solving processes, improvement processes, communication
Internal Responsibility System

**Internal** – many meanings

**Responsibility** – it’s about obligations not rights

**System** – it’s a true system, requiring “systems thinking”
"Internal"

Health and safety is:

- internal to the workplace
- internal to the individual
- internal to the job description of everyone
- internal to routine decision-making
- driven by “internal motivation”
Internal to the Job Description of Everyone

- Everyone, no exception
- Staff and line
- Workers, supervisors, managers, officers and directors
- Personal, individual responsibility
- Do the kind of OHS work that fits with authority and control
Internal to Routine Decision-Making

• OHS not an add-on, an afterthought
• OHS not a separate function
• As you do your ordinary work you think about risk, hazards, controls and adjust your work accordingly
• Easy to see with workers and supervisors
• Hard to see with mid to senior managers and with staff positions
OHS Driven by “Internal Motivation”

• Difference between motivation from within the person and motivation from without
• External “rewards and sanctions”
• Internal “satisfiers” .... pride, sense of achievement, self-development, control, curiosity, self-respect, morality, etc.
• Which works best for “out of sight short cuts”?
• Which works best for obtaining creativity and initiative for OHS?
Internal versus External

Responsibility

Internal Responsibility
- Employer
- Directors
- All employees
- H&S Committee
- H&S Rep
- H&S Dept.
- Union

External Responsibility
- Government
- Inspectors / Officers
- Workers’ Compensation
- Safety Associations
- Suppliers
- Unions
- Tribunals
- Courts
- Media
Direct versus Contributive

Internal Responsibility

Direct Responsibility
- Employer
- Director
- President
- Manager
- Supervisor
- Worker

Contributive Responsibility
- H&S Committee
- H&S Rep
- H&S Dept.
- Union
Basic Structure of the IRS

Director
President
Vice President
Manager
Supervisor
Worker

Authority / Responsibility
Accountability
The IRS — A Brief Description

The IRS is a system, within an organization, where everyone has direct responsibility for health and safety as an essential part of his or her job. It does not matter who or where the person is in the organization -- whether President or mailroom clerk. An individual does health and safety in a way that is compatible with the kind of work that person does.

Each person takes initiative on health and safety issues and works to solve problems and make improvements on an on-going basis. A person does this both as an individual and in cooperation with others.
Activities Match Authority & Control

- **Director**: Direction
- **President**: Values, Policy, Vision
- **Vice Presidents**: Systems, Culture
- **Manager**: Planning, Resources, Staffing Programs
- **Supervisor**: Problem-solving, Responding, Training, Coaching
- **Worker**: Problem-solving, Reporting, Co-operating, PPE, Procedures Coaching
Direct Causes of Losses

- A few problems fixed by Senior Management
- Some problems fixed by co-operation between the Supervisor and the Worker(s)
- Majority of problems fixed by individual Worker(s)
Root Causes of Losses

- A few issues identified and reported by Workers
- Some issues dealt with by Supervisors
- Some issues dealt with by Managers
- Majority of issues dealt with by Officers
- Some issues dealt with by Directors
The IRS — Oversight

It is one of the *personal* responsibilities of the senior people in the organization to ensure that the entire system of direct and personal responsibility for health and safety within the organization is established, promoted, monitored, and improved over time.
The IRS — Results

A successful IRS will result in risk being continually driven down so that there will be progressively longer intervals between accidents or work-related illnesses.
The IRS – Activities at Each Level

The IRS is based on an integration of OHS into every individual’s job at every level of the hierarchy. Examples...
For Front-line Workers

- Following regulatory procedures
- Following employer's procedures
- Following supervisor's procedures
- Identifying defects, contraventions and dangers
- Identifying opportunities for improvement
- Applying discretion to solve OHS problems
- Reporting unsolvable problems and opportunities for improvement
For Front-line Supervisors

- Coaching and training
- Job observation
- Job Planning
- Safety talks and tailboard conferences
- Enforcement of rules and regulations
- Discipline
- Taking problems and opportunities to senior management
Critical role of FLSs

• Transformational role, not just police role
• Understand the progressive stair step model of deterrence when correcting improper behaviour
• Every worker is unique and one-on-one coaching necessary to determine unique concatenation of individual internal motivators
For Managers

- OHS Performance evaluation
- Holding others accountable
- Implementing programs
- Considering system wide problems
- Taking problems and opportunities to more senior management
For Senior People

- Policy
- Competent Professionals
- Sufficient Resource Allocation
- Leadership
- Holding Subordinates Accountable
- Ensuring the development of an OHS System
- Ensuring Periodic "System Audits"
The IRS is a "Dynamic Machine"
The IRS is a "Dynamic Machine"

• The IRS is dynamic, not just a static list of responsibilities.
• Most OHS problems are dealt with on an on-going basis while doing the operative work.
• When an operative worker sees a problem beyond his or her authority or skill, it is tossed as a "hot potato" to the supervisor -- duty to report upwards.
Problem-solving
The IRS is a "Dynamic Machine"

- Supervisor works with worker to resolve issue
- Most OHS problems received by the supervisor can be dealt with by the supervisor; those that can't get tossed upwards ...and so on.
- Issues are "filtered" up the IRS ... the more "system oriented" the issue, the higher it goes
- Receiving a "hot potato" triggers the need to show reactive due diligence.
The IRS is a "Dynamic Machine"

• This is not a "passing the buck" idea -- the first step is always to solve the OHS problem yourself if you can.
• The two ideas....duty to report upwards and duty to respond (reactive due diligence) together drive the IRS.

The "backup failsafe devices" linked to the IRS (the worker rep, the right to refuse work, the Ministry Officer/Inspector) deal with break downs in this "hot potato" model.
Initiative and Response

- However many levels in the organization
- Whatever the job title is
- There is both initiative and response at all levels
Horizontal Information Flow

- Everyone ⇄ H&S Committee
- Everyone ⇄ OHS Personnel
- Supervisor ⇄ Supervisor
- Shift ⇄ Shift
- Location ⇄ Location
- Dept. ⇄ Dept.
- Employer ⇄ Contractor
Stop, Correct, Report ... Innovate
The IRS Requires Initiative and Creativity at All Levels

One way of looking at the dynamic model of the IRS is that it is reactive for people above the operative worker. Wait for a problem to come up from below. However, the IRS has the greatest power when it is understood that each person at each level is responsible for identifying ways that OHS can be improved from that person's perspective.
How can I improve the processes I am involved in so that OHS is ultimately improved? How can I be creative, take initiative, exercise leadership without waiting for someone below me to raise an issue? I can see opportunities for improvement that no one below me (or even above me) in the organization can see.
The IRS model can fail in practice. We expect it to have defects that have to be addressed. Where can the IRS go wrong? It can fail at any or all levels.... apathetic workers, wilfully blind supervisors, managers who don't want to hear bad news, senior people who'd like the committee or someone else to manage safety. We should all be able to engage in "IRS analysis" to see behind the obvious OHS problems to failures in the IRS.
Communicating the IRS

1. Need clear definition
2. Need clear descriptions
3. Everyone is the audience, everyone should be able to explain it (and his or her role)
4. Understand the myths and the false versions and the language problems
5. Understand the relationships between IRS and accident theory, due diligence, the OHS management system, quality principles, etc.
Communicating the IRS

6. Individuals must accept the values implicit in the IRS -- "value alignment"

7. Everyone should be capable of communicating the concepts in turn

8. Communicate....Persuade...Agree.....
   ...ReCommunicate

9. Revisit and rearticulate the concepts. Don't turn the IRS into this year's fad. It has to be refreshed, recast, new metaphors, new examples.
Methods of Communicating the IRS

1. Policy statement
2. OHS Management System description
3. OHS Department mandate
4. Bulletin boards
5. Newsletters
Methods of Communicating the IRS

6. Websites
7. Training material introductory statements
8. Safety talks, tailgate sessions, toolbox talks
9. Orientation training
10. Work specific training
11. Refresher training
Role of the OHS Department/Professional

... Given the IRS
OHS Professional

• The OHS professional (manager, coordinator, advisor, etc.) is virtually never mentioned in OHS Acts across Canada.

• The off-shore OHS legislation is unusual.
Federal Act

Occupational health and safety coordinator

205.045 (1) If an operator establishes a workplace for six months or less, the operator shall — unless there is already an occupational health and safety committee for the workplace that meets the requirements of subsections 205.044(1), (2) and (6) — designate an employee at that workplace who has been approved by the Chief Safety Officer to act as an occupational health and safety coordinator in respect of that workplace.
Federal Act

Duties of coordinator

(2) The coordinator shall

(a) receive, consider, investigate if necessary, and promptly dispose of matters and complaints related to occupational health and safety;

(b) assist their employer in carrying out the employer’s duties under paragraph 205.022(f);
205.022(f) if employees at the workplace may be exposed to hazardous substances, investigate and assess the potential exposure in the manner that is prescribed, with the assistance of the workplace committee or the coordinator, as the case may be;
Federal Act

205.045(2)(c) maintain records in a form and manner approved by the Chief Safety Officer, and provide a copy of those records, on request, to a health and safety officer, or to any person within a class of persons that is prescribed; and

(d) perform any other duties that are assigned to them by the Chief Safety Officer.
Federal Act

Recommendations

(3) The coordinator may make recommendations, for the improvement of occupational health and safety, to the operator and the employers and employees at the workplace and to any supplier, owner or provider of services that has duties or functions under this Part.
Query?

The coordinator shall receive, consider, investigate if necessary, and promptly dispose of matters and complaints related to occupational health and safety;

Can this undermine the handling of OHS issues within the main part of the IRS: worker to supervisor to manager to CEO?
Role of the OHS Department/Professional

Given the nature of the IRS, the role of the OHS department/professional becomes clear. The people in the IRS "do health and safety" as a routine part of their jobs. The OHS professional assists everyone with their OHS responsibilities. It is up to senior management to ensure there is an effective IRS, but the OHS professional plays a key advisory role in the on-going development of the IRS.
Role of the OHS Department/Professional

In terms of holding people in the IRS "accountable", that is an intrinsic attribute of the IRS. The OHS professional does not (normally) have any authority to hold people in the IRS directly accountable. The OHS professional may do more than what is listed below, but the theme that runs through the following points is that the OHS professional does not "do health and safety" for other people, but helps everyone do health and safety.
Role of the OHS Department/Professional

The OHS professional:

• Is to be a resource about health and safety for everyone in the workplace
• Educates all levels of the organization about the IRS
• Is to be an advocate for an effective IRS
• Monitors the IRS and suggests ways to improve it
• Assists with the development and implementation of the health and safety management system
Role of the OHS Department/Professional

The OHS professional:

• Audits, or arrange for the audit of, the elements of the health and safety system — including audit of the IRS — and suggests improvements

• Audits the organization for compliance with the Act, regulations and organizational procedures

• Reports to management on the health and safety status of the organization

• Advises workers, supervisors and managers on technical safety and health matters
Role of the OHS Department/Professional

The OHS professional:

• Liaises with outside resources to obtain up-to-date information on safety and health issues for the organization
• Liaises with the government Officer on compliance issues
• Advises trainers on the safety and health content of training courses
• Etc.
Power of the IRS

It is the only philosophy that captures the knowledge, experience, skill, insight, observational position, initiative, creativity and enthusiasm of every human mind in the workplace.

It is the ultimate expression of respect for the human element in the workplace.
Power of the IRS

• The IRS is the “people framework” around which the management system is built.
• An OHS management system without the IRS is lifeless.
• Programs and techniques are built on top of and around the IRS.
• A weak IRS will sabotage any other OHS initiative.
The IRS is NOT ...

- An OHS management system
- An off-the-shelf program you buy
- Something you don’t have
- A “partnership” between labour and management
- Collectivist (groups)
The IRS is NOT ...

- Bipartite
- Labour relations
- The health and safety committee
- Primarily about rights
- The same as due diligence
- Regulatory compliance
The IRS is ...

- An element of the OHS management system
- Something you already have
- Individualistic
- About the personal responsibility of each individual
- Is primarily about duties
The IRS is ...

- Is monitored and supported by the committee
- Is connected to due diligence (tells us who must be duly diligent)
- If it works well will ensure regulatory compliance
The Usefulness of the IRS Model

1. IRS is more effective than anything else at reducing risk
2. Effective IRS and OHS management system IS main part of due diligence defence for senior people
3. Effective IRS and OHS management system enables due diligence defence for others
The Usefulness of the IRS Model

4. Costs and losses...based on modern accident theory and "total loss concept", IRS means great reduction in costs

5. Reduce likelihood of extreme events that destroy company's name

6. Reduce "moral liability"

7. Excellence in quality and productivity start with an IRS and loss control
Does a Well-functioning IRS Actually Reduce Risk?
MOL IRS Study

IRS audit in Ontario mines showed that an IRS audit can measure the IRS and that a high IRS score goes with a low accident rate, while a low IRS score means more accidents.
LTI = 5.3 - 0.12("Score")  r = 0.94

"Score" (Q1a*Q1b) of IRS effectiveness based on workers' responses
Internal to the Workplace

• OHS is the responsibility of the workplace parties (as individuals)
• OHS is “self-regulated”, “self-monitored” to a very large extent
• External Responsibility System not directly responsible for OHS
External Responsibility System

- Ministries/Depts of Labour
- Safety Councils
- Safe Workplace Associations
- Compensation Boards

Set standards, enforce, educate, etc. but don’t do it for you
IRS and ERS

Do ERS personnel (officers/inspectors) understand AND agree with true meaning of the IRS?

Is enforcement policy built around the true IRS?
IRS and ERS

• Which sections in the OHS statute are most closely connected with the IRS?
• How does an understanding of the IRS affect interpretation of the OHS statute?
• How does an understanding of the IRS affect the Inspector/Officer’s role?
IRS and ERS

How does an understanding of the IRS affect the Inspector/Officer’s handling of:

- complaints
- work refusals
- accident investigations
- issuing orders
- routine inspections
- education, promotion
- prosecutions
Wrong Descriptions of the IRS
Wrong IRS Description

“The IRS is a partnership between labour, industry and government to ensure a safe and healthy workplace.”

Refers to a tripartite policy-making process (e.g. the development of WHMIS), but not the IRS.
IRS as Tripartitism

The IRS as 3 parties

Labour

Management

Government
Wrong IRS Description

“IRS is a set of three rights:
1. To know about hazards
2. To refuse unsafe work
3. To participate (through committee)”

Missing the main element – personal duties of everyone
IRS Solely as Rights

The Right to Know → The IRS as Rights

The Right to Refuse → The IRS as Rights

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- Right to participate in OHS through worker reps and Committee
Health and Safety Committees
Federal Act

Committees and Coordinator

Establishment

205.043 (1) Every operator shall establish one workplace committee for each of its workplaces, other than a workplace established for six months or less, for purposes related to occupational health and safety.
Federal Act

Duties of workplace committee

205.043(4) A workplace committee shall

(a) receive, consider, investigate if necessary and promptly dispose of matters and complaints related to occupational health and safety;
(b) participate in inspections referred to in paragraphs 205.013(q) and 205.019(1)(p), in the investigation of any matter under paragraph 205.022(f) and in the activities of any health and safety officers that pertain to a matter under section 205.049 or subsection 205.05(8) or 205.054(8), and, at the discretion of a health and safety officer, participate in the officer’s activities that pertain to occupational diseases and to accidents, incidents and other hazardous occurrences;
• 205.013(q): operator duty to ensure monthly inspection and participation of committee.
• 205.019(1)(p): employer’s duty as above.
• 205.022(f): assess exposure to hazardous substance, with committee.
• 205.049: duty of employee to report.
• 205.05(8): work refusal.
Federal Act

205.043(4)(c) maintain records in a form and manner approved by the Chief Safety Officer, and provide a copy of those records, on request, to a health and safety officer, or to any person within a class of persons that is prescribed;
Federal Act

(d) keep minutes of committee meetings in a form and manner approved by the Chief Safety Officer and provide a copy of those minutes, on request, to a health and safety officer, or to any person within a class of persons that is prescribed; and

(e) perform any other duties that are assigned to it by the Chief Safety Officer or that are assigned to it under an agreement between the operator and any employers and employees — or the union representing them — at the workplace.
Federal Act

Functions of workplace committee

(5) A workplace committee may

(a) seek to identify those things and circumstances at the workplace that are likely to be hazardous to the health or safety of employees, and advise on effective procedures to eliminate the hazards, to reduce the risks posed by the hazards and to protect against the hazards;
(b) advise the operator and the employers at the workplace on the occupational health and safety policy, the occupational health and safety management system and the occupational health and safety programs — and any procedures — required under this Part;

(c) advise on the provision of personal protective equipment suited to the needs of the employees;
Federal Act

(d) make recommendations, for the improvement of occupational health and safety, to the operator and the employers and employees at the workplace and to any supplier, owner or provider of services that carries out duties or functions under this Part; and

(e) participate in the activities described in subsection 205.079(1).
Right to Participate

Do not confuse the right to participate through representatives and the Committee with the duty to participate in the normal functioning of the IRS.

James Ham recognized that the IRS needs internal auditors and “watchdogs” to correct weaknesses.
Right to Participate

Impoverished view of the Right to Participate:
 “The worker rep can hang around and make sure no one is coerced, and the Committee can be a “bitch session” where people can let off steam.”

Rich view of the Right to Participate:
 “Committee continually review why problems arise through failures in the IRS and make suggestions and recommendations for IRS improvement.”
Right to Participate

The Committee has positive functions of consultation and advice for all aspects of the OHS management system.

Committee has routine function of efficiently pointing external auditor to weaknesses in IRS and OHS management system.
Right to Participate

In cases of serious management malfeasance – the IRS is not self-correcting -- Worker Rep is “failsafe device” to call in external enforcement.

Committee is a “bipartite”, “labour relations” entity, even though the IRS is not, in order to ensure OHS management system and IRS remain “honest”, and that we have fearless champions of OHS in the workplace regardless of IRS failure.
Effective Joint HS Committees

• Why do we have HSCs?
• Where do they get their authority?
• What is their relation to the IRS?
• What are they supposed to do?
• What are they NOT supposed to do?
• What is their relation to the ERS?
Peter Drucker’s Distinction

Effective versus Efficient:

1. Doing the right things well?
2. Doing the right things poorly?
3. Doing the wrong things well?
4. Doing the wrong things poorly?
Effective Committees

1. What are the “right things” that committees should be doing?

2. How can the committee do those “right things” better?
What is the Committee’s Mission?

1. Ensure compliance with law?
2. Ensure everyone is duly diligent?
3. Find hazards for everyone?
4. Handle complaints?
5. Manage the OHS management system?
6. Negotiation for OHS improvements?
7. Liaise with the government agent?
What is the Committee’s Mission?

Are Committees doing too much or too little or doing the wrong things. Maybe Committees are doing the wrong things very well.
Theatre Metaphor

Who is centre stage? Is the Committee centre stage? When it comes to the workplace, is the main player the Committee itself?
Theatre Metaphor

No, everyone in the organization, as an individual, is centre stage. Workers, supervisors, managers, officers and directors are in the middle and front of the stage. They are the main players. This is where the action is and where the drama unfolds.
Theatre Metaphor

Where then is the Committee?

This is difficult, because the Committee and its members have a number of critical roles, but which are not centre stage.
Theatre Metaphor

The Committee and its members have a supporting role on-stage, so they are at the sides and back of the stage. They are also doing some backstage work. The Committee is also in the audience in the important role of Theatre Critic. The play had better be good or the Theatre Critic will reveal all to the world outside.
Committees and the IRS

The IRS and the Committee are not synonymous.

The Committee does OHS indirectly.

The individuals in the organization’s IRS do OHS directly.
The People in the IRS are ...

- the ones being duly diligent
- ensuring compliance
- finding hazards
- managing the OHS management system

DIRECTLY!
The Committee’s Job is to...

• assist the people in the IRS with their tasks
• identify problems with the IRS and seek to resolve them
• monitor and oversee the IRS
• consult w.r.t. the OHS management system so that it gives people in the IRS the proper tools
• etc....
Drucker’s Distinction Again

The more the Committee does the wrong things, but does them very well, the more the people in the IRS cannot do their “right things” well.
Example #1

Under the IRS, workers and supervisors should be continually identifying hazards and controlling them.

An overly enthusiastic Committee can “take over” this function, and induce workers and supervisors to rely on the Committee and so ease off on their own efforts.
Example #2

Under the IRS, senior management should be clarifying policy, setting goals and developing the OHS management system.

A well-intentioned Committee can assume these functions, and senior management will slough off their responsibilities and turn to “more important things”.
Major Error

A belief that these secondary failsafe devices are:

1. How you do OHS
2. How you primarily correct weaknesses in the IRS
The Internal Responsibility System is:

- A set of responsibilities for every individual in the organization
- A hierarchy of responsibility, authority and accountability
- A set of values and principles
- A system of processes and activities
- A pattern of individual creativity
- A true "system". It has built devices for monitoring, feedback and control
“IRS Analysis”
“IRS Analysis”

Analyze every OHS issue in terms of the underlying IRS, e.g.:

- Inspections
- Investigations
- Complaints
- Orders
- Recommendations
- Work Refusals
- JHSC Activities
“IRS Analysis”

1. What went wrong with the IRS?...fix it.

2. What could go wrong with the IRS?...avoid it

3. How can we strengthen the IRS?
“IRS Analysis”

IRS Phase One:
We think of failures in the IRS as failures to raise problems about defects, contraventions and hazards.

IRS Phase Two:
We think of failures in the IRS as failures to be creative, to seek improvement.
Auditing the IRS

It can be measured.
It can be improved.
IRS Audits

We “audit” the workplace and we do “system audits” of the OHS management system.

Can we directly audit the IRS?

Yes, survey individuals at all levels.
IRS Audits

Surveys, interviews and observations to measure the health of the IRS at each level of the organization; identifying strengths and weaknesses with a view to correction.
IRS Audits

Ask questions about:
- understanding
- beliefs
- cooperation
- communication
- involvement
- response time
- recognition for initiative
IRS Audits

Ask questions about:

- individual’s perception of how others are performing in the IRS
- whether “IRS analysis” is applied to problems
- whether internal failsafe devices are working
- about behaviour in addition to beliefs
IRS Audits

• We can measure the climate for the IRS Phase Two
• We ask questions about being encouraged to come up with new ideas, about what happens to new ideas, about senior management’s perceived commitment to creativity.
IRS Audits

• Usually takes a week of on site interviews and questionnaires
• A dozen different questionnaires depending on role
• Questionnaires take 20-30 to complete
• Follow-up discussion/interviews to obtain examples and background to answers
IRS Audits

• Review HSC minutes, policy, existing role descriptions, etc. document review

• Analysis of data takes 2 months

• Result is detailed report analyzing specific strengths and weaknesses and making specific recommendations for improvement

• Provide presentation on results
Worker

Within the last year, has your supervisor emphasized how important it is to bring your health and safety complaints directly to him or her?

Within the last year, has your supervisor asked you to **go beyond** concerns and complaints and **actually come up with new ideas** to improve health and safety your work?
Worker

Within the last three months, have you made complaints to your supervisor about health and safety:

Within the last three months, have you given any *new ideas* to your supervisor on how to improve the work process?
Worker

My supervisor responds promptly and appropriately to every complaint by me about health and safety:

My supervisor responds promptly and appropriately to my new ideas on how to improve work processes:
Worker

Management has effective ways of sharing new ideas about improving the work between different areas and work crews:
Within the last year, has your supervisor discussed with you ways of improving how you can encourage your people to take initiative and come up with new ideas to improve work practices so work will be safer?

Have you taken steps to ensure that your people understand that you want them to do more than just follow the safety rules—that is, that you want them to think of new ideas to improve work practices so work will be safer?
Supervisor

Within the last month, has at least one of your people taken initiative (without your asking) and suggested *new ideas* to improve health and safety performance?

Within the last three months, have you taken the initiative (without your supervisor asking) and suggested to *your* supervisor *new ideas* to improve health and safety performance?
Senior Manager

Within the last month, has at least one of your people taken the initiative (without your asking) and suggested *new ideas* on how to improve health and safety performance?
Senior Manager

We have effective ways of sharing, between different areas and work crews, new ideas about improving the work:
Summary

• Committees play a key role in the IRS.
• The Committee’s role is often misunderstood.
• The Committee participates, advises, consults, recommends – but should not undermine the ownership of OHS by the individuals in the workplace.
• An implicit role for the Committee is as an internal auditor of the IRS.
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