



Health and Safety Responsibilities of Directors and Board Members

In practical terms, safety is about doing what you can do to make sure the people that work on your woodlot or community's forest make it home safely. Often those people working there are members of your community – acquaintances, neighbours, even family. So, you likely feel a moral responsibility to do what you can to watch out for them.

There are also legal obligations attached to your role as a director, officer or board member of the organization (e.g. first nations, private company, municipality) that holds the tenure. There are two main sources – occupational health and safety (OHS) legislation and the *Criminal Code*.

Provincial OHS legislation

As a director or officer of the organization, you have a responsibility to take all reasonable care and exercise due diligence to ensure that the organization you represent takes the steps necessary to protect worker safety. An important part of that is complying with requirements described in the *Workers Compensation Act* (WCA) and the *Occupational Health and Safety Regulation* (OHSR).

Specifically, Section 121 of BC's *Workers Compensation Act* requires that every director and every officer of a corporation must ensure that the corporation complies with Part 3 of the WCA, the OHSR and any applicable orders. Your role is to do what you can to ensure the organization meets those requirements.

See: <http://www2.worksafebc.com/Publications/OHSRegulation/Policies-WorkersCompensationAct.asp#SectionNumber:D3-121-1>

Criminal Code

Stemming from the 1992 Westray coal mining disaster, Bill C-45 came into effect in 2004. It made changes to the *Canadian Criminal Code* regarding corporate and management liability for worker safety.

Those changes created a legal duty for all persons directing work to take "reasonable steps" to ensure the safety of workers and the public. It established rules for attributing criminal liability to organizations for the acts of their representatives and it created serious penalties for violations that result in injuries or death.

Section 217.1 specifies that any person who directs, or has the authority to direct, how another person does their work or performs work-related tasks has a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task. For more information, see:

http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c45&Parl=37&Ses=2 and <http://www.ccohs.ca/oshanswers/legisl/billc45.html>

What can you do?

If you are a director or officer of the organization that employ the people that complete works on a woodlot or community forest, here are a few key questions you must ask:

1. Do we have the necessary OHS program in place?
2. Does that program include effective policies and safe work procedures?
3. Do we have effective safety communications with staff?
4. Does management regularly review the safety management system?
5. Do we have a continual improvement process in place?
6. If we have a safety incident, is it reported, investigated and reviewed. Do we follow through with appropriate corrective actions?
7. Do directors and officers have enough time and resources to execute their safety responsibilities?

Periodic audits are a great way to ensure your safety program adheres to industry standards. If your organization doesn't have the expertise to do those audits internally, a qualified individual from outside the organization can provide an unbiased opinion by reviewing the program and field checking operations. As a director or officer, you should expect to see and review audit results. Those results should convince you and the auditor that the organization is living up to its safety responsibilities. If not, the report should explain what the organization needs to do in order to meet its obligations.

Organizations that hire contractors to work in a woodlot or community forest need a mechanism to select qualified, competent contractors, and confirm those contractors are satisfying safety requirements. As a director or officer, you need to know that such a process is in place, and that it is working. You might want to see evidence that the contractor has a sound safety program and their work is proceeding as their safety program says it will – operators are qualified, workers are following safe work procedures, tailgate meetings occur, etc. You should know that someone in your organization (perhaps you) is receiving contractor incident reports and that the contractor is taking necessary actions to prevent future incidents.

None of this is necessarily onerous. But, it is part of director or officer responsibilities. You need to receive the reports and see the results that convince you that the company is meeting its legal obligations. You need to take all reasonable action to do what you can to ensure the organization lives up to its responsibilities – and those workers on your woodlot or community forest get home safe each night.