Canada Labour Code Part II: Hazard Prevention Program

http://canadagazette.gc.ca/partII/2005/20051214/html/sor401-e.html

PART XIX
HAZARD PREVENTION PROGRAM

Hazard Prevention Program

19.1 (1) The employer shall, in consultation with and with the participation of the policy committee, or, if there is no policy committee, the work place committee or the health and safety representative, develop, implement and monitor a program for the prevention of hazards in the work place that is appropriate to the size of the work place and the nature of the hazards and that includes the following components:

(*a*) an implementation plan;
(*b*) a hazard identification and assessment methodology;
(*c*) hazard identification and assessment;
(*d*) preventive measures;
(*e*) employee education; and
(*f*) a program evaluation.

(2) Subsection (1) applies in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity.

Implementation Plan

19.2 The employer shall

(*a*) develop an implementation plan that specifies the time frame for each phase of the development and implementation of the prevention program;
(*b*) monitor the progress of the implementation of the preventive measures; and
(*c*) review the time frame of the implementation plan regularly and, as necessary, revise it.

Hazard Identification and Assessment Methodology

19.3 (1) The employer shall develop a hazard identification and assessment methodology taking into account the following documents and information:

(*a*) any hazardous occurrence investigation reports;
(*b*) first aid records and minor injury records;
(*c*) work place health protection programs;
(*d*) any results of work place inspections;
(*e*) any employee reports made under paragraph 126(1)(*g*) or (*h*) of the Act or under section 15.3;
(*f*) any government or employer reports, studies and tests concerning the health and safety of employees;
(*g*) any reports made under the *Safety and Health Committees and Representatives Regulations*;
(*h*) the record of hazardous substances; and
(*i*) any other relevant information.

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(2) The hazard identification and assessment methodology shall include

(*a*) the steps and time frame for identifying and assessing the hazards;

(*b*) the keeping of a record of the hazards; and

(*c*) a time frame for reviewing and, if necessary, revising the methodology.

Hazard Identification and Assessment

19.4 The employer shall identify and assess the hazards in the work place in accordance with the methodology developed under section 19.3 taking into account

(*a*) the nature of the hazard;

(*b*) the employees' level of exposure to the hazard;

(*c*) the frequency and duration of employees' exposure to the hazard;

(*d*) the effects, real or apprehended, of the exposure on the health and safety of employees;

(*e*) the preventive measures in place to address the hazard;

(*f*) any employee reports made under paragraph 126(1)(*g*) or (*h*) of the Act or under section 15.3; and

(*g*) any other relevant information.

Preventive Measures

19.5 (1) The employer shall, in order to address identified and assessed hazards, take preventive measures to address the assessed hazard in the following order of priority:

(*a*) the elimination of the hazard;

(*b*) the reduction of the hazard, including isolating it;

(*c*) the provision of personal protective equipment, clothing, devices or materials; and

(*d*) administrative procedures.

(2) As part of the preventive measures, the employer shall develop and implement a preventive maintenance program in order to avoid failures that could result in a hazard to employees.

(3) The employer shall ensure that any preventive measure shall not in itself create a hazard and shall take into account the effects on the work place.

(4) The preventive measures shall include steps to address newly identified hazards in an expeditious manner.

Employee Education

19.6 (1) The employer shall provide health and safety education to each employee which shall include the following:

(*a*) the hazard prevention program implemented in accordance with this Part to prevent hazards applicable to the employee, including the hazard identification and assessment methodology and the preventive measures taken by the employer;

(*b*) the nature of the work place and the hazards associated with it;

(*c*) the employee's duty to report under paragraphs 126(1)(*g*) and (*h*) of the Act and under section 15.3; and

(*d*) an overview of the Act and these Regulations.

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(2) The employer shall provide education to an employee

(*a*) whenever new hazard information in respect of a hazard in the work place becomes available to the employer; and

(*b*) shortly before the employee is assigned a new activity or exposed to a new hazard.

(3) The employer shall review the employee education program, and, if necessary, revise it

(*a*) at least every three years;

(*b*) whenever there is a change in conditions in respect of the hazards; and

(*c*) whenever new hazard information in respect of a hazard in the work place becomes available to the employer.

(4) Each time education is provided to an employee, the employee shall acknowledge in writing that they received it, and the employer shall acknowledge in writing that they provided it.

(5) The employer shall keep, in paper or computerized form, records of the education provided to each employee, which shall be kept for a period of two years after the employee ceases to be exposed to a hazard.

Program Evaluation

19.7 (1) The employer shall evaluate the effectiveness of the hazard prevention program and, if necessary, revise it

(*a*) at least every three years;

(*b*) whenever there is a change in conditions in respect of the hazards; and

(*c*) whenever new hazard information in respect of a hazard in the work place becomes available to the employer.

(2) The evaluation of the effectiveness of the prevention program shall be based on the following documents and information:

(*a*) conditions related to the work place and the activities of the employees;

(*b*) any work place inspection reports;

(*c*) any hazardous occurrence investigation reports;

(*d*) any safety audits;

(*e*) first aid records and any injury statistics;

(*f*) any observations of the policy and work place committees, or the health and safety representative, on the effectiveness of the prevention program; and

(*g*) any other relevant information.

Reports and Records

19.8 (1) If a program evaluation has been conducted under section 19.7, the employer shall prepare a program evaluation report and submit a copy of it to the Minister as part of the employer's annual hazardous occurrence report referred to in subsection 15.10(1).

(2) The employer shall keep readily available every program evaluation report for six years after the date of the report.

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