



Ken Rayner

Miscapture one health and safety regulation and it could cost your company big, both legally and financially. How can employers ensure their occupational health and safety management system covers all legal and other requirements? Well, that's our discussion today on the *IHSA Safety Podcast*.

Announcer

It's time for the *IHSA Safety Podcast*.

Ken Rayner:

Welcome to the *IHSA Safety Podcast*. I'm your host, Ken Rayner. On this episode, we're diving into a cornerstone of workplace safety: legal and other requirements, and whether you're a supervisor or whether you're an employer or a worker, having clarity regarding your obligations under Ontario's *Occupational Health and Safety Act* or the *Canada Labour - Code Part II*, along with a clear understanding of other requirements is essential for a robust and highly functional system. And to help us better understand how to create a highly functional system, I'm very happy to welcome back to the podcast one of IHSA's subject matter experts in occupational health and safety management systems, Maren Gamble.

Welcome back, Maren.

Maren Gamble:

Thanks, Ken. It's always a joy to get to talk about the things going on in my head.

Ken Rayner:

Yeah, and I know you love these topics. And look, this is why I am excited every time you come on the podcast because from my perspective, hey, this is a great opportunity, for 15 or 20 minutes, for the employers in our sectors to take a listen and take in that advice and that insight that you're providing, in particular on how to build occupational health and safety management systems. And this is no different. So if you're an employer, supervisor, or worker tuning in, hey, stay tuned for the next 15 or 20 minutes because Maren's going to give you an overview on how to make sure that you're casting out your net wide enough to capture all those legal and other requirements, and then how do you do something with it and how do you make sure you're on top of it moving forward. That sound good, Maren?

Maren Gamble:

Sounds fabulous.

Ken Rayner:

Okay, so let's dive into it then. Maren, why don't we start in terms of we have an Ontario employer building their occupational health and safety management system, and they want to and need to ensure compliance to both applicable legal and then all the other requirements. Where do you suggest they start and how do they start?

Maren Gamble:

It's a great question, and I think I better start with a bit of a disclaimer on this episode. It's not going to be an episode on legal advice. I know we say legal and other requirements in the title, but I won't be able to cover everything you need to consider. This is intended to help your occupational health and safety management system builders that are out there to approach these topics. I want to be able to provide a framework for asking the questions rather than providing you all the answers. If you do need legal advice, as always, please contact your usual legal team.

Honestly, when it comes to building occupational health and safety management systems, this is the strategy we use. We frame the right questions to the right people. It's a common trap to feel like we have to have all the answers when we're building the system, but it's really about asking the right questions and sourcing the answers we need so that we can write it all down. Our expertise as system builders is vital, but it's not alone in that process. So I always want to give that context up front.

That said, when it comes to asking the questions about legislation and other requirements like we're going to be doing today, most organizations are going to start with the big pieces of legislation. It's probably not going to be a shock to you, Ken, that the first thing we usually think about is the *Green Book*, which is a primary resource for legislation and regulation if you are provincially regulated, and the *Canada Labour Code - Part II* if you're federal. Today, I really want to take it a step further, beyond the pieces of legislation that are posted on your safety board, and look at how we can really create an underlying process to specifically identify the legal and other requirements that we may otherwise have overlooked.

Ken Rayner:

Great. I'm a little bit upset that you're not going to provide free legal advice today, Maren, because I had some questions I was hoping to pose to you, and so that's off the table now, I guess

Maren Gamble:

I hear you, Ken. If there's one thing I've learned, it's to stay in my lane. It's not my lane.

Ken Rayner:

All right. All right. Let's stay in those lanes. So today's lanes are providing guidance on casting that net to ensure you have captured the legal and other requirements that you need to adhere to to make sure you're in compliance and you're conducting the work as it is expected and intended.

Maren Gamble:

Exactly.

Ken Rayner:

All right, all right. Maren, why don't we use, if we could, one of the things I love doing about podcasts with you is we'd use a lot of fictional examples. We do some role playing, we use some real life examples. Maybe we could do that. We could use a fictional example of, let's say, an Ontario general contractor. So they're operating under provincial regulations, the *Occupational Health and Safety Act*, and the applicable regulations for them building their occupational health and safety management system. I know I've asked you to prepare something in terms of a fictitious example.

Maren Gamble:

That's right.

Ken Rayner:

Tell us about your fictitious Ontario general contractor and their imaginary work, if you will.

Maren Gamble:

Which is perfect. And I'm not going to lie to you, Ken. I've leaned into some things similar to some of my previous experiences because that is my wheelhouse and that's where I feel most comfortable speaking. So let's talk about it. The geography for this firm, let's talk about a general contractor that has 10 to 12 active projects throughout southern Ontario. The age of the firm, let's talk about 15 years of age. The business has been open for 15 years and they're going to specialize in ICI type projects, which is infrastructure, commercial, and institutional. Their workforce is a fairly typical one from all of the org charts that I've seen when I used to audit COR. Project management team, a subcontractor workforce for a lot of the work that's going on, but also a general labour workforce of about 20 general labourers who are conducting foundational tasks like material handling, site cleanup, and minor construction tasks. This is a fairly typical mid-sized general contractor construct, which is, again, something that comes from my experience fairly directly.

I do want to give a caveat with that though. I've made a bunch of choices when I'm building our fictitious firm here, and you can really consider the impacts of each of those choices if you think about them. I chose a geography in southern Ontario for today, but if you are in the far north of Ontario, there will be other requirements based on that location. Consider those who need to use ice roads to bring in materials for all their work for the next summer. Those are going to introduce other considerations that I won't be touching on today.

My example is also a 15-year-old business. Change is going to be a big factor for this firm. Change is hard, but this is going to have different impacts than if I just opened my doors or even if I was a multi-generational family business.

So all the different things that we're picking in terms of setting up this fictitious firm, these are real-life factors that are going to make each and every organization out there unique. And that's why we really need to structure a framework for asking the right questions rather than providing the answers, because the number of combinations is really just infinite in terms of what the firm could be. I say that and I also

like to throw in here usually, if there's something that leaves you sort of stumped that I'm going through and you're not sure how it would apply to your specific organization, you're always welcome to reach out to the IHSA directly. We have consultants who specialize in building these systems and they can help you answer the questions in your specific scenario by chatting with you one-on-one. So please give us a call or an email and we can connect with you if you want to know any more about anything I talk about today.

Ken Rayner:

Yeah, great point. I don't think we can emphasize that enough, Maren. I go back to when we began the COR[®] program many, many years ago and started some of our very first workshops that I remember you were a part of based on helping out when you were still working in industry. And when we gave a survey regarding what would people do differently if they had the chance to start all over again, and the number one response was they would've asked more questions of IHSA to help them along the process. So want to emphasize that if you are struggling with something, if you have a question, don't hesitate. Send it into IHSA, let us address it and help you out and point you in the right direction of where you need to go.

Maren Gamble:

One hundred per cent. That was well said, Ken.

Ken Rayner:

All right, thanks. And hey, Maren. So just again, maybe when we're talking about the business that you just described for our listeners out there, you have described a business where the general contractor, irrespective of whether they're using their labor or subcontractors, has care and control over that site. So when we're talking about legal and other requirements, it is the general contractor's duty as the constructor on that project to ensure that they've captured all of those legal and other requirements and they're being followed. Correct?

Maren Gamble:

That's absolutely correct and a fabulous point. By setting it up as an example with a general contractor, it's going to allow us to touch on a bunch of different trades and a bunch of different considerations in our chat today.

Ken Rayner:

Okay. I think we've touched on the easy one. So again, regardless of the person's lack of knowledge regarding occupational health and safety or whether they're an expert in it, I would think most people would at least know that there's one area that they have to adhere to, which is the overarching health and safety legislation for that jurisdiction. And as you mentioned, in Ontario, for doing provincial work that's known as the *Green Book*, the *Occupational Health and Safety Act*, and its applicable regulations. And then when you're working in federal, it's the *Canada Labour Code - Part II*. So that part has been identified, right, Maren? That's probably the easiest step someone's going to take to be able to identify what they need to comply with. Now they got to go on a little bit of a scavenger hunt per se and find out

everything else. And the better job they do in that scavenger hunt in finding all those other requirements and listing them all together and putting them all together, the greater opportunity they have to work in compliance and create a safe and healthy workplace. Fair?

Maren Gamble:

Absolutely. Let's go on a scavenger hunt, Ken.

Ken Rayner:

Let's go on a scavenger hunt. Let's find all these requirements. Let's help people out and just brainstorm so that as someone's listening to this podcast, "Oh, you know what, I never considered that before. I need to look into that to make sure I've captured all those requirements." So why don't we just start brainstorming on that, Maren? What are some of those requirements that you would say, after the *Green Book* or after the bona fide legislation, someone should be looking at? Which way should they go on their scavenger hunt?

Maren Gamble:

The first thing I want to do on our scavenger hunt is recognize that you and I can't cover all the ground. So we need to think about who else we want to have on the hunt with us, who needs to be in the room for this brainstorm. So Ken, I'm going to throw this to you. If you were thinking about our fictitious GC [general contractor] here, who would you pull into the room to brainstorm about these requirements?

Ken Rayner:

I'd love to have lots of diversity, and I'm not necessarily talking about gender or the likes. I'm talking about diversity of experience, in terms of make sure that we have a fulsome look because, Maren, your experience is very different than my experience when it comes to construction safety. And so I would want to assemble a team that's going to essentially touch all the bases, to make sure that, again, as we're talking about that scavenger hunt or that casting that net, that we know every nook and cranny to the best of our ability, leveraging the resources that we have within our team to be able to identify those because everybody has most likely an expertise or a specialty that we can leverage to be able to identify those.

So I'm going to look at every aspect probably of the organization. I want to have someone who's a supervisor. I want to have the health and safety rep. If I have someone from human resources, I'd like to have them involved in it, because they've got a completely different perspective on casting that net and what else we have to do. There's a couple. What else did you have in mind, Maren?

Maren Gamble:

Beautiful. Worker trades committees, if it's applicable, available members from our trades, if we can get them. Union representation, if that's applicable in our organization. And I also want to say that it's not necessarily that we need to get 50 people into a room to do this all at once. We could if that's how we feel it'll be most effective, but it could also be a series of smaller brainstorming sessions that are going to target different areas that we as the system builders will combine at the end of the process. So we

really, like you said it, we just want that diverse representation of experience so that we can get as many different perspectives in on this as possible. It's a true brainstorm. So we have-

Ken Rayner:

The one piece that you mentioned already, but you get to a point where you're fairly certain that you've cast a wide net, why not contact IHSA? Why not ask to speak to a health and safety consultant and just validate and bounce off them in terms of when you've got to that point and completed it? Have I missed anything? Is there any glaring omissions? Is there anything else that you would suggest? I mean, that's another external resource that they can turn to, correct?

Maren Gamble:

I absolutely agree with that. That would be a fabulous point to turn to us and say, "Hey, can you take a look?"

Ken Rayner:

Right on.

Maren Gamble:

So if we have a group, Ken, and we're ready to take the next step. The first thing I would usually start with is really taking a step back. And before I consider any specific project that we have going on, I want to consider every project. We're looking to collect the overarching requirements that we have that apply to everything we do into a central registry, listing, essentially a place that we will be able to reference back to after this brainstorming session and maintain as part of our occupational health and safety system.

Ken Rayner:

I was just going to say, Maren, it sounds like a process that you've explained before on other podcasts in regards to identifying hazards across all projects-

Maren Gamble:

Funny enough.

Ken Rayner:

...And collecting all them. So it sounds like a very, very similar process. So if someone's gone along that, if someone's already utilized that process to be able to cast the net wide and collect all those hazards and identify all those hazards, it's somewhat similar, right?

Maren Gamble:

Absolutely, it is. I honestly like to think about this in terms of a concept that you'll actually see in our *Investigating and Reporting Incidents* course where there's this acronym PEMEP, which stands for

people, equipment, materials, environment, and process. So in that course, we see these as the sources of possible deficiency that we're looking at in an investigation, but these are also the sources that we looked at in hazard assessment, and they are also the aspects that we can look at when we're brainstorming for requirements. So there's a lot of overlap in terms of these five elements being what makes up the scope of what we're doing and what can impact the safety of our work.

Ken Rayner:

Right on. And when we are casting that net, one thing maybe just to touch on, Maren, if we haven't gotten into this enough specifics, we've talked about the *Occupational Health and Safety Act*, but we also know that within the construction regulations, there are a multitude of regulations that apply to different processes. And so it's, I guess, as you're looking at all your projects and if only one project has confined space work being done, or one project has the potential for working with asbestos, looking to see what regulation applies to those specific tasks is really important as well. Right?

Maren Gamble:

Really important. That's absolutely true, yeah. And I think we'll be able to get into that a little further down the podcast again, Ken, but it's very important and there are resources to help us figure out which pieces of regulation do apply to those topics when they appear for us.

Ken Rayner:

Okay. Have we touched on all of the legislation that we should touch on? If we're going to go down into other aspects or other requirements, have we touched on all the legal aspects, at least at this point, that people need to cast that net out and cover?

Maren Gamble:

I'd say no, but in a way that it's okay because as we go through looking at the people, equipment, materials, environment, and process, we're going to find those moments that lead us to digging into those regulation and legislation pieces as well. So why don't we start by looking at requirements that will impact our people. This is one that doesn't necessarily always fall into that legislation bucket. One thing that comes up immediately to my mind in this case would be training. So as an organization, do our members of staff maintain any designations? Maybe those are mandatory for the role, but maybe they're not. Maybe they're things that we've decided we value in our staff. Training is definitely something that we want to look at in terms of requirements for our staff. Some of that will be legislated, some of it may not. Any other ideas that you have, Ken?

Ken Rayner:

Well, just wondering on that last one. I know you and I in the past have talked about difference requirements, not just being legal and other, but also being external and internal.

Maren Gamble:

Yes.

Ken Rayner:

So is that training piece one that an employer may want to look at that and say, "Okay, I need to separate the training by external requirements and then internal requirements, because I may as an employer have decided that I want to have all of my staff trained," I'm giving IHSA as an example, "all of our staff are trained in first aid and CPR." That is not a legislative requirement. That is not an external requirement. That is an internal requirement.

Maren Gamble:

Correct.

Ken Rayner:

To have all of our staff trained, all 180 of our staff. So that would be an internal requirement rather than external requirement. And so identifying that.

Maren Gamble:

Yeah, I love that example because how I mentioned before, we want to create a list or a registry of these requirements. It's good to add another column in there that's identifying where they're coming from. Is this something that's imposed externally or is this something that we've decided internally? Keeping track of that will help you make your review of this go faster down the road because you know where it's coming from and how much control you have over that decision.

Ken Rayner:

Absolutely. And if you've made that decision to have that internal requirement, there's probably a really good reason you have. So let's continue with the fortitude and make sure that everyone's adhering to it. If you've established that criteria, make sure it's adhered to, make sure condition expected is condition found. Right?

Maren Gamble:

Absolutely.

Ken Rayner:

What about equipment? I mean, there's lots of equipment that's used on construction projects. How much of it has to have, does the operator have to have specific training in it? Is it again external? Is it internal? Do they have to have a license to operate some of that equipment? That would all need to be captured, wouldn't it?

Maren Gamble:

Absolutely. Taking it a step further, we might ask that people on our staff have completed designations, if that's a requirement that we've set internally. So maybe you're looking at the NCSO® or NHSA™ safety designations that you can get. Maybe it's CRSP®. Maybe it's a journey person status that you need. That's actually an external requirement. Do you need a driver's license? Health and safety basic awareness training, that's going to be a legal requirement that we need. Depending on circumstance, externally required *Working at Heights* might come into play. And then a big one is if you are in a union environment, you're going to need to consider your collective bargaining agreement because that does impact your people and is likely to have additional requirements that go beyond legislation and apply to your organization.

Ken Rayner:

Excellent. And you think about a driver's license. So who's maintaining that information? How often are you validating that that license is still active and the individual can still safely, or legally I should say, be driving for your company, because they have a license that is in good standing. And then things like getting an abstract to validate that? So that's an external requirement. What about the internal ones where you might say, well, I'm going to require our staff to take IHSA's distracted driving course? It's a free course, it's we're going to take it every three years. That's not an external requirement. That's an internal requirement, however you've decided that that's important. So you want to capture it on that registry to make sure it's being completed as intended.

Maren Gamble:

And you bring up a good point there, Ken, because just like our hazard registry that we may have talked about, or any of our other document registry that you may have, these are really the first step in a lot of things where you're identifying the full scope of that topic because then it gives you the opportunity to have an itemized list that you can look at to determine, okay, how do I accomplish all these things. Do I need to actually do from here? So it helps create the foundation of that process that you're going to take further to make sure you're accomplishing those goals.

Ken Rayner:

Maren, with all your experience, can you see any which way that an employer would be able to track all of these requirements without creating some sort of registry where all this information is captured?

Maren Gamble:

I have not come across such a thing yet, Ken. Definitely there's value here in keeping a record of what's being found. I've mentioned one column that you'd add already. There's definitely other columns that you'd want to add to that document as well to help you build in function. We'll talk about that a little bit, I think, later in the podcast. But just like you've mentioned, there needs to be people who are accountable for these things. There need to be timelines that we're following up on to make sure that we're actually not only identifying them, but now that we've identified them, we have a process in place to stay on top of them.

Ken Rayner:

Right. So you have a registry, you have your staff that work at Heights, they have to have training every three years. You want to stay on top of that. You don't want that training to expire. So the only way to do it is to have it in a registry that is being tracked, so that you can ensure compliance with that. There is a training standard for *Working at Heights*, and there's expectations that workers are going to receive that training every three years. First time, a full course, then refresher, refresher, refresher, and that has to be done. So how else would you do it unless you're tracking it on some sort of registry or something that has listed all of those requirements?

Maren Gamble:

Absolutely. And so I think we've looked at a bunch of examples now that really relate to the people aspect, right? We've talked about training, we've talked about other aspects that relate to people, but I mentioned a whole bunch of letters in that acronym. So if I were to then look at the process side of things, the process side of things is where I would place that legislation as well that we already talked about in terms of provincial legislation, we'd need to consider construction regulations, the *Ontario Health and Safety Act*. We're going to consider the *Workplace Safety and Insurance Act*, and first aid regulations. There's a lot of different bits and pieces that are going to be needed to be considered in terms of legislation in that part. If we work federally, we're going to look at a slightly different list and be looking at *Canada Labour Code - Part II*.

A lot of firms, especially in my example, after 15 years, there's a good chance we have a lot of that base legislation covered, but what I want to talk about today is, what else is there in process? Can we just stop at those big pieces of legislation or is there more? And I mean, you probably know me well enough at this point, Ken, to know that if I'm asking that question there is more. What are your company's special initiatives? What do I mean? Are you planning for an audit? Are you doing a COR® audit or an ISO audit? Are you participating in the WSIB's Health and Safety Excellence program for rebates? These are special initiatives that your company may have chosen to take on that are going to impact the requirements in your system. While legislation is going to lay out for us a bare minimum that we have to follow for compliance, your company may have added in special initiatives that are going to allow best practice for your organization. So what's mandatory in your company is also what makes you special and highlights how you're going above and beyond legislation. So this is one of my favourite categories to brainstorm in because it really highlights those good things that you're doing.

Ken Rayner:

I like that part. I like that a lot. I've actually never heard anybody put it quite like that. That's a really special way to note that what you develop as part of your own internal procedures, practices, policies, what you make your system to be really is what makes you as a company unique.

Maren Gamble:

Truly.

Ken Rayner:

Or can make unique.

Maren Gamble:

Yeah. And once we have this list and this registry in front of us, Ken, it's something to be proud of. This is our company's commitment on paper to all the little bits and pieces that we've decided to do, and it goes beyond those pieces of legislation, and that's what's so cool about this.

That said, Ken, I know you've talked to a lot of people in our industry. Any other special initiatives that you've heard about out there that we might consider?

Ken Rayner:

Well, I think one thing that we're using as a fictitious example, an Ontario general contractor, I think one thing that probably sets some contractors apart from others is the manner in which they're able to successfully and positively and efficiently manage their subcontractors to make them part of that project, to make sure that everyone is singing from the same songbook, that everybody's operating the same, everyone's working in unison as best as can be done. That's where the real success happens, where there is miscommunication or lack of communication, where there's lack of clarity regarding the work that needs to be done or how it's going to be done. It's a very, very different situation. To me, that would be a real game changer for a contractor who has a means to be able to help their subcontractors identify all their legal and other requirements and make sure that everybody on that project is working in unison.

Maren Gamble:

That is a fabulous example because it really does have an impact and the requirements that would come out of that initiative are internal, but important and critical to adhere to in order to make it work.

Ken Rayner:

Absolutely. Yeah. Go ahead. Sorry.

Maren Gamble:

Another thing that I've seen out there is firms who are looking ahead to new initiatives that are appearing in the industry and implementing new programs around things like mental health and addiction. So if you have a program that's going above and beyond what we see in the typical program these days, then those are also things you want to add in. It's not separate to your occupational health and safety management system. It's an important piece of your health and safety management system, and it needs to be considered the same way rather than being put in a separate bucket.

Ken Rayner:

I guess anything that you're going to make a requirement can go on this list.

Maren Gamble:

One hundred per cent.

Ken Rayner:

And why not?

Maren Gamble:

Yeah.

Ken Rayner:

Well, you're not searching all over for what you need to do. It's all in one spot.

Maren Gamble:

Yeah. I mean, we're doing this for health and safety, but it doesn't even have to be limited to health and safety if you want. If it's a functional piece of your business, one of the beautiful things about systems is they often improve not only health and safety, but also productivity and efficiency as well across your organization.

Ken Rayner:

And Mar, could I jump into things like could we get into equipment at this point? Because that's going to be a major part of any work that's being done in a construction project. So whether that is scaffolding as an example or heavy equipment, they all come with certain requirements, and those would be external requirements, at least some external requirements. I'm sure there could be internal requirements if you have decided to do things a certain way above and beyond the minimum requirements, but-

Maren Gamble:

Absolutely.

Ken Rayner:

Maybe what about some of those examples in terms of just continuing to cast that net on requirements?

Maren Gamble:

Perfect. In order to find out a lot of these equipment references that you're talking about, Ken, I might even pull out our hazard registry, job hazard assessment, those kinds of things, if you already have them. Because like we said before, in identifying hazards, we probably did identify some of the equipment being used as well. But scaffold, you mentioned scaffold, and I think it's just a fabulous example when we're looking at requirements because within that one piece of equipment, scaffold, there's a lot of different requirements we should consider. There are scaffold drawings that we probably need to be looking at. There's requirements for scaffold inspection.

The Scaffold Industry Association of Canada has codes of safe practice in Ontario that are often referenced in those drawings as requirements for how you're going to do the setup of those scaffold. Does your scaffold need to be set up with tarps on it? Is it winter? Are we tarping it in for winter heat?

How does that change the requirement of how I'm setting up my scaffold and how I'm maintaining it? So just one thing like scaffold, there's a lot of different requirements that we're going to ask about and brainstorm about in order to add them to that list.

Ken Rayner:

Love it. And another one that comes to mind that would have similar a multitude of requirements could be propane. If you're using propane-

Maren Gamble:

Absolutely.

Ken Rayner:

...On construction projects, right? Not only do you have the regulation when it comes to TSSA, but you have your staff been properly trained. Are you doing everything from a ventilation standpoint in regards to carbon monoxide? There's a whole host of things there. As soon as you delve into that world of propane or asbestos or confined space, you really almost have to continue to use that net analogy. You got to get another net and cast it over that whole piece and say, did I cover all the requirements for that as well?

Maren Gamble:

And this is where you might want those mini groups too for brainstorming. So you may put propane on your first list and then convene another brainstorming group to dig deeply into propane because like you said, propane, training, safety data sheet, storage, transportation. The list is decently large for requirements and that's likely something that our company's using on every project that they're working on.

Other things that I'd look at, heavy equipment training and experience requirements, proof of competence requirements, any requirements to operate, care for, maintain, looking at the manuals. Manuals are so important when it comes to any piece of equipment because the manufacturer's manuals, the operator's manuals, tell you how to use that equipment. That becomes your requirement. You need to know what's in there. You need to follow the maintenance requirements. You need to follow the inspection requirements and the operating guidelines. Those manuals are your requirements. So that's something that we definitely need to pull and work into this registry that we're working on.

Fall protection equipment also has manuals, so we take training and there's general inspection guidelines and use guidelines, and they're all valuable, incredibly valuable. Don't let me understate that. But you also want to layer on the manual information for your specific gear because it may ask for more inspections than standards do.

Ken Rayner:

Absolutely.

Maren Gamble:

Always dig into those documents.

Ken Rayner:

And a lot of the things you've mentioned, Mar, and one thing we haven't talked about is electrical, but thinking about many of the things that you just mentioned, again, if you have already completed a hazard assessment and you have a hazard registry, go back to that because when we're talking about utilizing propane or working with asbestos, or confined space, or working from heights, or using any particular piece of equipment, or again, electrical, they should all be contained in some hazard registry that you can then apply to go, okay, there must be some either legal or other requirements that are associated with that work. Now I got to find out what those are and make sure that there's clarity between both registries. Is that fair?

Maren Gamble:

Absolutely. And you bring up a good point. When I make a hazard registry or a hazard assessment, often one of my columns in that document as well is "legal and other requirements". So I can even flag it there as I'm going through. As I'm thinking about the analysis of that hazard, I might also put a column there and say, what kind of requirements are coming out of this legal or otherwise? So we really can have it represented systematically at that point as well. But yeah, these things are all coming from that process.

I'm just going to "speed round" a few other things that come to mind, Ken, just in case it triggers some thinking for anyone that's listening. Are we thinking about concrete and masonry, the SDS [safety data sheet] requirements? If we're cutting older asphalt that's out there in the world, there could be asbestos exposure in that case. So then we need to look into asbestos requirements. Spray insulation can include exposure to isocyanates. You did mention propane, but also there's the potential of temporary fuel containers. Do you have a diesel container on site? And what are the TSSA requirements for that?

I could keep going for ages, right? That's the point of this conversation is getting the right people in the room to pull that list and asking the right questions.

Ken Rayner:

Absolutely. And you've touched on a lot, I would say, of the who, so, who needs training, who needs this? And also what, what are some of those examples, some of those tasks and the likes? What about the where? Because I know that's part of it as well. I know you've mentioned it in terms of it would be different from the example you gave of the company if they were perhaps operating in Northern Ontario rather than southern Ontario when you gave the fictitious example, right? So there must be also aspects of a certain project as to where that project is located in proximity to other things that would then bring more requirements into play.

Maren Gamble:

One hundred per cent Ken, and that's great timing because up until now we've really looked at the things that apply to every project, like I said. But there's also a lot that comes into play when we look at

specific projects, the scope of work and also where they're located. So if we create that overarching registry for our organization, we also need to take it a step further and create a project-specific registry, if you will, where we're looking at the project-specific considerations. For that, my first go-to is often to check out the specifications, the drawings, the shop drawings that I would have available because those are outlining project requirements. They tend to form the contract. That is what we are building. Anything unusual in them that would be outside of what we've already put in our registry should really be flagged and added to our list for this project. I'd suggest, if you have estimators at your organization, they can maybe even help with that, even at the stage of project bidding by flagging the weird stuff, the stuff we don't usually do.

Ken Rayner:

What's weird? Give me some weird examples, Maren, if you would.

Maren Gamble:

Maybe it's a historical building. So if it's a historical building, are there aspects that we need to protect and maintain and treat differently? Are we working on a waterway, a waterway that's big enough that there's transit happening on it, that people are moving through it? Is there any specialized equipment that we've never considered before? Do we have to do tree protection? If this is a tall building, are we going to need a temporary lift to move people and equipment up and down? That's got a lot of requirements associated with it. Tower crane, are we needing to bring in a tower crane to lift things up high, multiple tower cranes that need to be coordinated? Do we have forklifts that are going to be driving on various stories over various covered openings that we need to make sure are strong enough?

And even going to, are there any geographical considerations? So airports, are we close enough to an airport that we have to worry about the height of our equipment if we're bringing in a tower crane or anything else? Do we worry about a workplace violence and harassment risk given a certain area?

Municipal requirements are often fun and varied as well, right? So are there noise bylaws, other bylaws that come into effect that we're expected to follow by? And even is it an active facility that's going to have members of the public coming and going that we need to consider?

Ken Rayner:

You've done this before, Maren, that's a great list of all the "wheres" and all the different aspects. Many of those, I didn't even consider. That's very, very helpful. And it just shows the need to brainstorm. And as you said earlier, the need sometimes to not have one person do it because their one person is going to have one perspective on it. So if I had done that brainstorm just now, I would not have included probably three or four of the things you just said, right? So I would've missed out on all that. So wow.

Maren Gamble:

And that's the value of different individual experience. Honestly, my list, Ken, a lot of it comes from learning the hard way. And it's nice when I can share it like this so other people don't have to. It's another reason to reach out to our consultants if you're wondering because we've seen a lot of the

things that people have gone through and learned over times. And we might note those things, like you said, that are opportunities still on the list.

Ken Rayner:

Absolutely.

Maren Gamble:

And the one last thing I want to mention, after you've done a lot of this, and a lot of this can be done in a pre-construction review without even stepping foot on site, but nothing beats a good old-fashioned walk around before you start the project and at any point after starting, to see if you spot anything else that was unexpected. So are there overhead wires, impacts from migratory birds that are nesting on site, hazardous materials you didn't expect? Is there space for your staging? You really do... Nothing beats putting eyes on the physical scenario to round out your registry list.

Ken Rayner:

Perfect. Love that. Maren, we've covered off, I think, the "what", the "who" the where. We talked about the "why" at the beginning of the podcast. Now, getting into the how, we've now established hopefully a very comprehensive register of all of the requirements, legal and otherwise, that you need to adhere to and follow for all the right reasons, but it's an ever-changing living and breathing list. And so you have to maintain it and you have to make sure it's up-to-date. And as changes come in, you've got to make sure that it stays up-to-date. So what would be your advice on that? What are some things that you could recommend that would help a general contractor maintain that list?

Maren Gamble:

That's a great question, Ken, because this is something that often comes up when we're system building. Not only did we need to brainstorm a list of requirements, but we do also now need to document the requirements for the requirements. So it's a little bit layered. How and when are we doing the above brainstorming? There's a reason that when I was talking to you, I did as much as I could upfront that's going to apply to every job. That's going to let us do that brainstorming list and be able to review it on a regular but not constant basis. So maybe it's twice a year, maybe it's annually, whatever suits your firm and the amount of change that you see, but by looking at those things that are consistent, we can establish a review interval for that that makes sense for that. The project-specific stuff is going to need to be looked at, at least before starting each project, because that is the stuff that is really changing based on the context of each job.

That said, it's not starting with a blank page on each project. We can set up the list of questions. I told you this was all going to be about a framework of asking questions. So we know what kind of questions we need to ask ourselves and we can prepare essentially the blank page for us to answer those questions for each project like we demonstrated earlier. We want to make sure that that process is clear so that anyone involved knows what to do and they're accountable to do it. So we're going to document this in terms of a process. We want to outline roles, responsibility, what are the forms we use to record it? Where are they found? What are the review intervals? And this is really the beauty of building things as a system. It means if you and I can brainstorm this today and created the registry and then tomorrow

someone else needed to do it, they'd be able to follow our exact process because we provided it for them. They'd be able to understand our intentions for review intervals because we provided it for them and they won't have to do the work we already did or guess at what we were trying to do.

So we want it all written down. We got to outline those requirements for the requirements, as funny as that may seem.

Ken Rayner:

Gotcha. I always want to point our listeners in all these podcasts, as often as we can, to free resources that IHSA has available either on its website or through the services we provide that can help you in this regard. So undoubtedly, there's some resources we have, Maren that could assist employers, workers, supervisors as they go through this process. What would you recommend?

Maren Gamble:

Okay, so my number one item, Ken, I'm super, super excited about. Some of the people listening may have had our IHSA Construction Safety App on their phones previously, but we have somewhat recently revamped and relaunched it. This app is so exciting to me because it includes tons of topics that are relevant to construction. And for each of those topics, it's going to include a summary. It's going to include references to legislation, it's going to include specific resources that we have for it, and it's available there in the palm of your hand for completing your system building, but also to have in your pocket on site if you're a supervisor, if you're a member of the frontline staff. Essentially, any topic that pops up and you're going, "Wow, okay, I'm looking at scaffold. How do I know what the requirements are?" there's the opportunity to go into that app and get a bit of a start a cheat sheet, a prompt to look at that.

So if you're looking at how to find the legislative references, you're looking at how to find those requirements, the items in that app are all going to have those listed for you. So I wholeheartedly recommend checking it out because it's like having an IHSA consultant in your pocket when you're on site.

Ken Rayner:

Perfect. Anything else that you would recommend from a resource perspective? That's a great one and it's so easy and it's accessible and it's free. Love that recommendation.

Maren Gamble:

There's a few other staples that I always recommend checking out when you're looking to just brainstorm and looking for topics and ideas and things that might get that brainstorming going. We have the *Construction Health and Safety Manual* (M029) that you can get from our website, and it goes through just a bunch of topics, a bunch of information on them. It's going to give you some of the information about requirements that may exist, and it's definitely a resource that I recommend looking at.

There's also a lot of other products that it might be worth just poking around the products section of the IHSA website. We've got safety talks. We've got safety advisories. So you can search through there on

the topics that you're interested in and see what kind of products we have available, lots of them for free download, that are going to give you more information to point you towards your requirements as well.

We have a *Training Requirements Chart* (W001). I did mention the training aspect of people is something that you might look at. We have a document that outlines some standard training requirements that you could take a peek at. And then, of course-

Ken Rayner:

Sorry, Mar, just to interrupt on that one, the training requirements chart, we have that both for the federal legislation, as well as the provincial. Just making sure that that's clear. They're broken up that way. Right?

Maren Gamble:

Well said. Yeah, it's important to recognize that we do actually have that for both pieces of legislation.

And then I mentioned earlier that the special initiatives, your organization might be looking at something like COR® or the Health and Safety Excellence program. And if that is the case or you would like to see if that should be the case, you can always check them out on our website. There's a subpage for each of them. And I believe we'll be able to link all of these resources I just mentioned with the podcast?

Ken Rayner:

Absolutely. Yes, we will. Yep.

Maren Gamble:

Perfect.

Ken Rayner:

Absolutely. We'll have them all in. Yep.

And Maren, and I said a long time ago we were going to talk for about 15, 20 minutes. Well, we blew through that a long time ago, but I've had a lot of fun talking about this with you. Any final words in terms of... You provided a lot of guidance, as I said, on the who, what, where, when, how to help get points, employers in the right direction to start looking at how they can, again, cast that net as wide as possible and capture all those requirements and how to continue to utilize them moving forward. Any final words, Maren?

Maren Gamble:

Yeah, I do just want to say that this can feel overwhelming when you're starting the process, because there are a lot of things that are going to end up on your list, and it's one of the processes that in working with different firms to do this, I really do find that it takes that repetitive work at those review

intervals to really fill out that list. We're definitely going to try our best to identify them all, but in my experience, this does take a few reviews to really hit on all the things.

I personally think this is in large part because a lot of the time you're somewhat automatically meeting the many requirements that are out there in your implementation. You're doing the things you need to do even without them being formally identified and documented, but the reason formalizing it is super important, one of the big reasons is the risk of turnover because when things are automatically happening, it's often due to that knowledge, expertise, or leadership of individuals who know the requirements themselves. So if those people are not in the organization anymore, then you lose that expertise and the understanding changes. There's the risk that implementation will no longer happen. So in that case, a requirement that was automatically being met because of an individual's influence is going to be lost. This is why it's important for us to collect this list of things that we're doing so that they never stop being done.

I've also seen firms discover big opportunities through this process too. Things they never knew that they were lucky to have never had going wrong. And those are really exciting moments in system building because it gives us that opportunity to prevent something from ever happening. And that's really what we want at the end of the day.

Ken Rayner:

Love it. And so what I just heard you say is that if you build your system in the right way and you have a robust, high-functioning system, irrespective of people leaving the organization, which may happen, your system will continue to operate, but if you rely on the people and it's not built into the system, when those people leave, the expertise, knowledge, and everything else leaves with them because you've relied on the person, not the system. Is that-

Maren Gamble:

That's right, Ken.

Ken Rayner:

There you go. All right. Maren, it is a pleasure always having you here. Thank you so much for the wisdom that you've shared. I know it's going to be helpful for employers that are out there really trying to figure out how we do this, and you've given a lot of great guidance. So thanks so much, Maren.

Maren Gamble:

Thank you, Ken.

Ken Rayner:

All right, and thank you for listening to the *IHSA Safety Podcast* and our episode on legal and other requirements. Be sure to subscribe and "like" us on your podcast channel and visit us at ihsa.ca for a wealth of health and safety resources and information.

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