

ADVISORY BULLETIN

SUPERVISORS CHARGED

Did you know that supervisors are considered to be employers under the Occupational Health and Safety (OHS) Act, and can be charged as such? An "employer" can mean a manager, superintendent, supervisor, overseer or any person having authority over an employee.

Recently, two sawmill supervisors were taken to court for removing an employee's lock from the energy source of a piece of machinery without his knowledge or consent. A lock is a safety device used to ensure that no one can start a machine while an employee is working on it. The lock prevents the machinery from being started – if it is removed without the employee's knowledge, it can put the employee's life at risk.

The repercussions of the incident were significant: both of the supervisors mentioned above were charged for violating the *Occupational Health and Safety (OHS) Act* and had to pay fines, and employees were very concerned that a lock had been removed, putting their safety at risk. Morale at the workplace suffered on many levels.

Employers and employees have rights and responsibilities under the *OHS Act*. If you have any questions about what this means for you, please contact us at 1 800 222-9775.



Under the *OHS Act*, employers must take every reasonable precaution to ensure the health and safety of their employees. Also, paragraph 239(6) of the *OHS Act* states that:

No person shall remove a lock out device or tag on a machine except

- (a) the person who installed it, or
- (b) in an emergency or where attempts made to contact the person referred to in paragraph (a) indicate the person is not available, a competent employee designated by the employer.