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PSRS Lesgislation Checklist

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# Appendix A: PSRS Legislation Checklist

## How to use this tool

1. This tool can be used to help organizations determine whether they have met legislative requirements.
2. The PSRS committee (if one is established), JHSC/HSR and/or working group should complete this tool.
3. Review any policies, measures, procedures, protocols, safe work practices, training and training records that the organization has on PSRS
4. Review the Legislation Check List Statements and determine whether the organization meets the standards set by law.
5. The PSRS committee (if one is established)/JHSC/HSR can identify the gaps in compliance and address them through the PSRS gap analysis and action plan in [Appendix B.](#_Appendix_B:_PSRS)

| **Topic** | **Legislative Requirement** | **PSRS Considerations** | **Compliance**  **Yes / No / Partial** |
| --- | --- | --- | --- |
| **OHSA Employer Duties** | 25. (1) An employer shall ensure that,  (a) the equipment, materials and protective devices as prescribed are provided;  (b) the equipment, materials and protective devices provided by the employer are maintained in good condition;  (c) the measures and procedures prescribed are carried out in the workplace;  (d) the equipment, materials and protective devices provided by the employer are used as prescribed. R.S.O. 1990, c.O.1, s.25(1)  25. (2) an employer shall,  (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker  (h) take every precaution reasonable in the circumstances to protect worker health and safety. R.S.O. 1990, c.O.1, s.25(2). | * Provide workers with PSRS equipment that can summon immediate assistance where workplace violence occurs or is likely to occur * Establish a PSRS device preventative maintenance program that follows manufacturer’s guidelines * Develop a process that ensures that PSRS policies, procedures and other measures are followed by all workplace parties e.g., observation, audits etc. * Establish processes and activities that ensure workplace parties use the PSRS devices appropriately, e.g., observations, audits, inspections etc. * Establish a PSRS education and training program and ensure employees attend * Provide adequate supervision to ensure worker health and safety * Where compliance with use and wearing of PSRS devices is an issue, put in place appropriate measures and procedures to address non-compliance * Ensure every precaution reasonable is taken for the protection workers and prepare to demonstrate due diligence, for example: conduct workplace violence risk assessments that include PSRS; develop/review/revise written PSRS policies, measures and procedures; provide PSRS communications, training and education programs; acquire and maintain PSRS equipment; enforce safety rules and training participation; evaluate PSRS training, policy and practices; maintain PSRS documentation; consult the JHSC and/or HSR and respond to their recommendations related to the PSRS as per the OHSA etc. | Click here to enter text. |
| **OHSA Supervisor Duties** | 27. (1) A supervisor shall ensure that a worker,  (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and  (b) uses or wears the equipment, protective devices or clothing that the worker’s employer requires to be used or worn.  27. (2) Without limiting the duty imposed by subsection (1), a supervisor shall,  (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;  (c) The supervisor shall take every precaution reasonable in the circumstances to protect worker health and safety. | * Establish processes that will ensure supervisors enforce PSRS measures and procedures, and compliance with use and wearing of PSRS devices that are required by the employer * Where compliance with use and wearing of PSRS devices is an issue, put in place appropriate measures and procedures to address non-compliance * Develop processes to ensure supervisors communicate with workers regarding hazards and dangers where workplace violence occurs or is likely to occur * Ensure supervisors are due diligent and take every precaution reasonable in the circumstances to protect workers (e.g., understand and enforce PSRS policies, measures and procedures; provide workers with appropriate PSRS devices, communications, training and education; conduct workplace inspections, observations and audit worker health and safety practices related to PSRS; maintain health and safety documentation for due diligence purposes; and report unresolved PSRS issues not within their ability or authority to their superior or employer etc.) | Click here to enter text. |
| **OHSA Worker** **Duties** | 28. (1) A worker shall,  (a) work in compliance with the provisions of this Act and the regulations;  (b) use or wear the equipment, protective devices or clothing that the worker’s employer requires to be used or worn;  (c) report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and  (d) report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.  28. (2) No worker shall,  (a) remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;  (b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker; or  (c) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. | * Establish processes, training and instruction that ensures workers understand their PSRS responsibilities and compliance expectations including requirements to use or wear PSRS equipment e.g., through training and education programs, supervision, job descriptions, mentoring and reviews etc. * Develop and implement reporting mechanisms for workers to enable reporting of potential or existing hazards such as workplace violence or defective equipment including PSRS devices. * Establish processes to ensure that workers are aware of their right to participate through the JHSC; right to know about hazards and how to protect themselves; and the right to refuse unsafe work | Click here to enter text. |
| **JHSC**  **OHSA** | 9(18) Powers of committee – It is the function of a committee and it has power to,  (a) identify situations that may be a source of danger or hazard to workers;  (b) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;  (c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;  (d) obtain information from the constructor or employer respecting,  (i) the identification of potential or existing hazards of materials, processes or equipment, and  (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge;  (e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety; and  (f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the workplace if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid. R.S.O. 1990, c.O.1, s.9 (18). | * Establish processes for:   + - JHSC to identify hazards including those that are related to workplace violence hazards and PSRS;   + JHSC to make recommendations if any, to the employer or workers including those related to PSRS and workplace violence prevention;   + Employer to respond to recommendations within 21 days as established by the OHSA;   + JHSC to obtain and receive information regarding potential or existing hazards and/or PSRS health and safety information or testing from the constructor or employer   + JHSC to be consulted on and offered the opportunity to be present at any health and safety testing related to PSRS | Click here to enter text. |
| **HSR**  **OHSA** | 8. (10) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his or her findings thereon to the employer, the workers and the trade union or trade unions representing the workers. R.S.O. 1990, c. O.1, s. 8(10).  8. (11) A health and safety representative has the power,  (a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety;  (b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the workplace if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and  (c) to obtain information from the constructor or employer respecting,  (i) the identification of potential or existing hazards of materials, processes or equipment, and  (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge. R.S.O. 1990 | * Establish processes for:   + HSR to identify hazards including those that are related to workplace violence hazards and PSRS;   + HSR to make recommendations to the employer or workers and trade unions regarding workplace prevention including those related to PSRS;   + Employer to respond to recommendations within the 21 days established by law;   + HSR to obtain and receive information regarding potential or existing hazards and/or PSRS health and safety information or testing from the constructor or employer   + HSR to be consulted on and present at any health and safety testing related to PSRS | Click here to enter text. |
| **OHSA Workplace Violence** | 32.0.2. (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a). 2009, c. 23, s. 3.  32.0.2.(2) Without limiting the generality of subsection (1), the program shall,  (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;  (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur  32.0.3(1) Assessment of risks of violence - An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.  (2) Considerations - The assessment shall take into account,  (a) circumstances that would be common to similar workplaces;  (b) circumstances specific to the workplace; and  (c) any other prescribed elements.  (3) Results - An employer shall,  (a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and  (b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.  (4) Reassessment - An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence.  32.0.5(1) Duties re violence - For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence.  (2) Information - An employer shall provide a worker with,  (a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and  (b) any other prescribed information or instruction**.**  (3) Provision of information - An employer’s duty to provide information to a worker under clause 25 (2) (a) and a supervisor’s duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,  (a) the worker can be expected to encounter that person in the course of his or her work; and  (b) the risk of workplace violence is likely to expose the worker to physical injury.  (4) Limit on disclosure - No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury. | * Establish and maintain a Workplace Violence Prevention Policy that includes PRSR and workplace roles and responsibilities * Provide information and instruction on the policy and program, e.g., workplace violence prevention and PSRS training and education program * Establish measures and procedures to summon immediate assistance when workplace violence occurs or is likely to occur - include activities such as identifying and selecting PSRS devices (measures): developing PSRS policies and procedures and additional measures; developing and implementing PSRS education and training. * Ensure a workplace violence risk assessment is completed and reassessments are conducted as often as necessary – determine where PSRS are needed * Develop processes to ensure the JHSC/HSR or workers if there is no JHSC or HSR, are advised of the assessment results and provide a copy to them. The workplace violence risk assessment can help inform the organization of areas needing PSRS and devices. * Develop protocols and processes for the employer and supervisor to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the worker is expected to encounter the person; and the worker is likely to be exposed to workplace violence. Note that a worker exposed or likely to be exposed to workplace violence requires a mechanism to summon immediate assistance for example a PSRS | Click here to enter text. |
| **HCRFR Equipment** | 44. Machinery or equipment shall be,  (a) suitable for its actual use;  (b) constructed of materials of sufficient size and strength to withstand imposed stresses;  (c) provided with locking devices in order to prevent accidental operation which may be a hazard to a worker;  (e) inspected immediately before its use and at regular intervals as recommended by the manufacturer;  (f) serviced and maintained in accordance with the recommendations and instructions of the manufacturer;  (g) operated by a worker trained in its use and function; and | * Develop and implement processes to ensure the PSRS equipment is selected to ensure suitability of actual use (e.g., able to summon assistance immediately to protect a worker where workplace violence is to occur or likely to occur) * Establish processes to ensure manufacturer’s guidelines are followed regarding PSRS pre-use inspections by trained workers and maintenance * Establish processes to ensure all workers using the PSRS have been trained on its use and function before using it for the first time, and provide refresher training at regular intervals | Click here to enter text. |
| **HCRFR General Duty to Establish Measures and Procedures** | 8. Every employer in consultation with the joint health and safety committee or health and safety representative, if any, and upon consideration of the recommendation thereof, shall develop, establish and put into effect measures and procedures for the health and safety of workers. O. Reg. 67/93, s. 8.  9. (1) The employer shall reduce the measures and procedures for the health and safety of workers established under section 8 to writing and such measures and procedures may deal with, but are not limited to, the following:   * Safe work practices. * Safe working conditions. * The proper use, maintenance and operation of equipment. * The reporting of unsafe or defective devices, equipment or work surfaces. * The purchasing of equipment that is properly designed and constructed. * The use, wearing and care of personal protective equipment and its limitations.   9.(2) At least once a year the measures and procedures for the health and safety of workers shall be reviewed and revised in the light of current knowledge and practice.  9.(3) The review and revision of the measures and procedures shall be done more frequently than annually if,  (a) the employer, on the advice of the joint health and safety committee or health and safety representative, if any, determines that such review and revision is necessary; or  (b) there is a change in circumstances that may affect the health and safety of a worker.  9.(4) The employer, in consultation with and in consideration of the recommendation of the joint health and safety committee or health and safety representative, if any, shall develop, establish and provide training and educational programs in health and safety measures and procedures for workers that are relevant to the workers’ work. O. Reg. 67/93, s. 9. | * Establish a process to consult the JHSC/HSR on workplace violence and PSRS and consider their recommendations * Develop written measures and procedures for workplace violence and PSRS in consultation with the JHSC/HSR and considering their recommendations * Establish a process and plan to review and if required revise the PSRS measures and procedures at least annually in consultation with the JHSC/HSR * Establish a PSRS education and training program in consultation with the JHSC/HSR | Click here to enter text. |
| **HCRFR Personal Protective Equipment** | 10. (1) A worker who is required by his or her employer or by this Regulation to wear or use any protective clothing, equipment or device shall be instructed and trained in its care, use and limitations before wearing or using it for the first time and at regular intervals thereafter and the worker shall participate in such instruction and training.  (2) Personal protective equipment that is to be provided, worn or used shall,  (a) be properly used and maintained;  (b) be a proper fit;  (c) be inspected for damage or deterioration; and  (d) be stored in a convenient, clean and sanitary location when not in use. O. Reg. 67/93, s. 10. | * Develop PSRS training and education program content that includes training and instruction on PSRS use, care and limitations * Ensure the PSRS training and instruction is integrated into existing training program matrices so that it is delivered before a PSRS device is used for the first time and refresher training is provided on at regular intervals * Establish requirements to ensure PSRS training and instruction is mandatory * Establish processes and procedures to ensure that the PSRS device(s) is properly used, stored and inspected e.g., audits, observation, inspections; and properly maintained in accordance with manufacturer guidelines | Click here to enter text. |

(Occupational Health and Safety Act R.S.O. 1990; Health Care and Residential Facilities Regulation 67/93)