

The prevention program

What you need to know

*Prevent
and cure*

 **CSQ**
Centrale des syndicats
du Québec

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The *Act respecting occupational health and safety* (AROHs) provides mandatory prevention and participation mechanisms in the workplace for the realization of its object:

Section 2. The object of this Act is the elimination, at the source, of dangers to the health, safety and physical and mental well-being of workers.

This Act provides mechanisms for the participation of workers, workers' associations, employers and employers' associations in the realization of its object.

The prevention and participation mechanisms established by the AROHS at the time of its passing in 1979 only applied to some of Québec's workers. The *Act to modernize the occupational health and safety regime* (AMOHSR), passed in October 2021, allowed to extend it to all.

To that effect, this document presents the AROHS and quotes sections of the Act as modified by the AMOHSR once all the provisions become effective.

PREVENTION AND PARTICIPATION MECHANISMS

The AROHS defines two prevention mechanisms: the **prevention program**, mandatory for workplaces with 20 or more workers, and the **action plan**, mandatory for workplaces with less than 20.

The Act also provides for three participation mechanisms: the **implementation of a health and safety (OHS) committee** as well as the **appointment of an OHS representative** (previously identified as the prevention representative) for workplaces with 20 or more workers or the **appointment of a liaison officer** for workplaces with less than 20.

This document mainly focuses on the prevention program, which constitutes a more complete version of the action plan. The latter's content is addressed on pages 20 and 21.

The AROHS usually refers to dangers, but sometimes also to risks. There is a difference between the two that needs to be considered.

Danger takes into account the potential for damages to the worker, while **risk** refers to contact with a danger.

Eliminating risk thus equates eliminating danger. Therefore, the objective of any prevention mechanism should focus on eliminating risk first.

THE PREVENTION PROGRAM

The prevention program, provided for in section 58 of the AROHS, is the main tool for establishments with 20 or more workers or for establishments for which the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) requires that one be prepared and implemented.

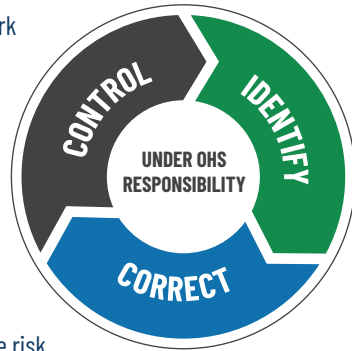
This program, which aims to eliminate dangers at the source, helps shape and organize the prevention process specific to the establishment, all the while meeting the obligations included in the AROHS.

THE PREVENTION PROCESS

It involves a continuous improvement process with the objective of choosing the appropriate preventive measures as well as making sure the best methods and practices are used for the workers' health and safety.

Consisting of three steps (identify, correct and control), this progressive approach calls for regular follow-up according to results to guarantee the sustainability of the improvements and efforts. The implementation and respect of the process are synonymous of responsible prevention management by the organization.

- 1 Identify** : know what the risks related to work activities are in the organization.
- 2 Correct** : act on the measures that can be taken to correct dangerous situations and eliminate risk or reduce it to a minimum.
- 3 Control** : evaluate the effectiveness of the measures put in place to eliminate or reduce risk.



IDENTIFY

The AROHS provisions help target the risks to be identified in the prevention program. In this regard, the Act mentions:

Section 59, paragraph 1. The identification and analysis of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, and the risks that may affect the workers' safety.

The different types of risks are generally grouped in six categories:

- **Chemical:** all raw materials and by-products of a process or product which arise from mechanical action, evaporation, combustion, decomposition or chemical reaction.
- **Biological:** living organisms like plants, animals and biological agents (viruses, bacteria, parasites, fungus) that can have a toxic effect.
- **Physical:** energy forms or forces like noise, vibration, electricity, temperature, pressure and radiation.
- **Ergonomic:** repetitive tasks, use of equipment whose design is not adapted, excessive effort, uncomfortable or static positions.
- **Psychosocial:** factors related to the work's nature or organization such as harassment, violence and aggression, role ambiguity, lack of respect, work overload, fast work pace, task complexity and inappropriate training.
- **Related to safety:** moving parts of machines and equipment, internal angles, parts and materials' shapes, tools and equipment handling, work at height or in enclosed spaces, slippery or irregular floors, vehicles, aggressive clientele, projection of materials, inappropriate mechanical resistance, fires and explosions.

ANALYZING THE RISKS

The identification process of these risks is not limited to making a list. It must also include an analysis of those risks, since an in-depth knowledge helps put more efficient measures in place.

ESTABLISHING A LIST OF DANGEROUS SUBSTANCES AND LISTING EXPOSED PERSONNEL

The prevention program must also include a list of dangerous substances and contaminants present in the workplace.

Section 59, paragraph 7. The establishment and updating of a list of the dangerous substances used in the establishment and the contaminants that may be released there.

Establishing the list of contaminants and dangerous substances is an employer's obligation. They must also keep it updated and list the workstations associated with those different risks.

Section 52. Every employer shall draw up and keep up to date a register of the contaminants and dangerous substances, identified by regulation, that are present in the employer's establishment. The content of the register, which may include, among other things, a list of the employees exposed to those contaminants or dangerous substances, and the manner in which the register is to be sent to the Commission, are determined by regulation.

INVOLVING STAKEHOLDERS

The AROHS shares the responsibility of identifying the risks to health and safety present in the establishment with all workplace stakeholders.

- **Workers**

As previously stated, the workers, be they members of the health and safety committee or not, have the obligation to participate in identifying the workplace risks as well as to give suggestions to enjoy a safe environment.

Section 49, paragraph 5. Participate in the identification and elimination of risks of work accidents or occupational diseases at his workplace.

Be it comments, complaints or suggestions, these sources of information are important for the design and continued improvement of the prevention program.

- **OHS committee**

The OHS committee, a joint body, also has the function of identifying and evaluating the risks as well as making recommendations for the preparation of the prevention program.

Section 78, paragraph 6. Participate in the identification and analysis of risks that may affect the health and safety of the establishment's workers and in the identification of the contaminants and dangerous substances present in the workplace.

The OHS representative is also required to contribute to the process through their functions:

Section 90, paragraph 9. Cooperate in the preparation and implementation of the prevention program or action plan that must be prepared and implemented by the employer by presenting recommendations in writing to the employer, and to participate in the identification and analysis of risks that may affect the health and safety of the establishment's workers and in the identification of the contaminants and dangerous substances present in the workplace.

- **Employer**

In regard to their general obligations and their responsibility to prepare the prevention program, the employer must ensure the risks identified by them and all stakeholders are taken into account.

Section 51, paragraph 5. Use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker.

Section 58. Every employer must prepare and implement a prevention program specific to each establishment employing at least 20 workers during the year.

To correctly establish the list of risks present in the workplace, it is important to take into account all regular activities, but also less frequent activities, for example tasks related to maintenance, repairs, emergency procedures, any particular situation and work by subcontractors.

Various means exist to identify the risks, and each workplace must rely on all which will make for the most comprehensive identification.

PROCEEDING WITH REGULAR INSPECTIONS

Regular inspection visits must be objective, rigorous and focused on workers' health and safety.

The inspector must know the workplace well so they can have an idea of the possible risks on site or in the performance of tasks or activities. They must also consider the risks associated with buildings, machinery and equipment.

Regular inspection also helps analyze the risk from the perspective of the most appropriate corrective measures to apply to prevent work accidents and occupational diseases.

KEEPING A REGISTER OF EVENTS

The AROHS requires that the OHS committee keep registers of events.

Section 78, paragraph 7. Keep registers of work accidents, occupational diseases and incidents that could have caused them.

These registers constitute an important means to identify risks as well as an efficient source of information about the workplace for the members of the OHS committee, who will thus be better able to assess the severity levels and recurrence of each risk. As they depict real situations, they help shape and prioritize preventive measures all the while facilitating the follow-up of the measures put in place following each event.

COLLECTING THE BEST PRACTICES IN THE INDUSTRY

The experience of other businesses in the same industry or in the same geographic area can be a useful source of information to identify risks in health and safety in the workplace.

Analyzing tasks according to the ITEM method

Risk identification can also be done by analyzing the different tasks that are performed during regular activities. The ITEM method helps analyze the four components of the acronym. For each of them, we must ask ourselves a series of questions.



► Individual

- Do the workers have sufficient knowledge to carry out their work?
- Did the workers receive the necessary training to carry out their work?
- Are the workers appropriately trained to carry out their work?
- Do the workers receive the appropriate supervision to carry out their work?
- Do new workers and those assigned to new tasks receive training adapted to their needs?

► **Task**

- What are the tasks to be performed?
- What are the aspects associated with these tasks that can present a risk (for example, handling, movements performed, working alone, interaction of multiple teams, special clientele, aggressive clientele, work organization)?
- Are the working methods in place to perform these tasks safe?
- At what frequency are those tasks performed?
- When are those tasks performed (day, evening, weekend, beginning, middle or end of the work shift, in overtime, etc.)?

► **Environment**

- Are the premises in good condition and unobstructed (for example, floor, workstation, circulation route, access route, road, exterior courtyard)?
- Are the premises safe? Are contaminants, noise, dust, vibrations present? Are the lighting, temperature, humidity, thermal stress, and air quality appropriate?
- Are the premises designed to ensure the workers' protection?
- Does the environment present specific risks? Are there, for example, enclosed spaces, isolated locations where one cannot request assistance, places where the work is done in high places or a dangerous substances storage space?
- Is the building in good condition?

► **Materials**

- Are the equipment and materials required to perform tasks (tools, machines, vehicles, safety footwear, safety harness, respiratory protection, etc.) including personal protective equipment (PPE) available?
- Are the equipment and materials in good condition?
- Are the equipment and materials maintained according to the manufacturer's recommendations?
- Is the PPE used, maintained and stored appropriately?
- Are dangerous substances used?

PRIORITIZING THE ACTIONS TO TAKE

As previously stated, identifying the risks is important, but each of them must be analyzed in order to evaluate their probability and severity. Here are the criteria to evaluate risks so as to prioritize them:

- They could lead to severe and immediate consequences
- They are deemed important by the employer and the workers
- They could cause an accident or an incident
- They could lead to consequences

To efficiently prioritize, it is essential to free up the necessary resources and budgets, to be objective and to ensure the participation of the relevant individuals. To that effect, the OHS committee's role is important, since it can make recommendations and representations to the employer to make sure every effort is made so that the prevention program is complete.

To help with the writing and updating of the prevention program, the CNESST offers to workplaces its *Outil d'identification des risques* [Risk identification tool], which facilitates risk identification and analysis.

CORRECT

The object of AROHS is to eliminate dangers to the health, safety and physical and mental integrity of workers at the source. Making risks disappear at the source is thus the ultimate goal to aim for in the preparation of a prevention program, as stated by the Act:

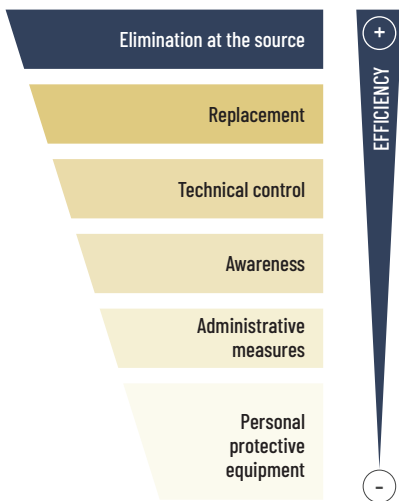
Section 59, paragraph 2. The measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the responsibilities of the different actors and the scheduling to accomplish the measures and priorities.

It is of course unrealistic to think that all risks can be eliminated at the source. As such, limiting exposure to a risk and its consequences is the objective to aim for in many cases.

A hierarchy of preventive measures can be used to ensure the best possible choice for the health and safety of workers.

This hierarchy, depicted in the adjacent figure, includes six steps, from risk elimination to individual protection. The latter is the last choice, as it is always less efficient than collective measures.

A HIERARCHY OF PREVENTIVE MEASURES



ELIMINATING RISK AT THE SOURCE

The most efficient preventive measure is always the one that consists of eliminating the risk at its source, for example buying or using equipment with a safe design and that complies with regulatory requirements, or removing dangerous equipment from the work environment.

When risk elimination is not possible, we must ideally combine at least two preventive measures among the following, for each risk present in the establishment. This way, we can ensure that a “plan B” is always in place to guarantee the efficiency of corrective measures.

REPLACING MATERIALS, PROCESSES OR EQUIPMENT

When the risk cannot be eliminated at its source, the most efficient corrective measure often consists of replacing the risky elements by alternative elements. For example, the employer could provide for the use of equivalent, but less toxic chemical products, or materials that emit less dust, gas or vapour.

ESTABLISHING TECHNICAL CONTROLS

Technical controls must be applied each time it is impossible to eliminate the risk, as they help reduce the probability of a dangerous event happening. They also help reduce the risk by preventing or limiting access or exposure to that risk, by reducing the available energy or changing the way to be in contact with it. Technical controls include, for example:

- Installation of a protective guard
- Implementation of a high-performance ventilation system
- Design of furniture that ensures the protection of the personnel working with potentially aggressive clienteles

USING SYSTEMS THAT INCREASE AWARENESS

Raising the personnel's awareness of the risks improves the workers' ability to detect them and be vigilant. These measures can take various forms, such as:

- Delimit the work area and dangerous zones
- Use signalling devices in the presence of a risk, for example a sound alarm, a warning light or a poster

ESTABLISHING ADMINISTRATIVE MEASURES

Administrative measures improve the personnel's ability to work safely. They include, for example:

- Rotating tasks' schedule to reduce risk exposure
- Well-defined work and maintenance methods
- Clear and known emergency measures
- Training
- Supervision mechanisms
- Policies and instructions about work organization, tasks distribution and occupational health and safety responsibilities

PROVIDING AND USING PPE

When all other preventive measures are not enough to ensure workers' health and safety, PPE allows the personnel to perform their work safely. Wearing PPE cannot be the only preventive measure in place. Its use must be combined with another measure.

While all corrective measures must be identified in the prevention program, some of them are specifically provided for by the Act:

Section 59, paragraph 5. Occupational health and safety training and information programs.

Section 59, paragraph 4. Identification of the individual protective means and equipment which are both in compliance with the regulations and best adapted to meet the needs of the establishment's workers.

The determination of those two measures is part of the OHS committee's functions, including:

Section 78.

3° Establish, within the prevention program, training and information programs in matters of occupational health and safety.

4° Select the individual protective means and equipment which, while complying with the regulations, are best adapted to the needs of the workers of the establishment.

The CNESST's *Outil d'identification des risques* [Risk identification tool] also addresses risk corrective measures.

CONTROL

Once the risks are corrected, they must be controlled permanently. Sadly, this step of the prevention process is often neglected. Yet, a consequence is the recurrence of work accidents or occupational diseases that could have been avoided.

Thus, the prevention program must include:

Section 59, paragraph 3. Supervision, evaluation, maintenance and follow-up measures to ensure that the identified risks are eliminated or controlled.

For the preventive measures to stay in place and remain efficient, it is important to identify and detail control measures for each. A minimum of two control measures should be chosen for each established preventive measure.

Various types of control measures can be put in place:

- **Preventive maintenance:** helps to ensure that equipment is in good condition (the implementation of a preventive maintenance program should be considered).
- **Inclusion of control measures in training determined by the OHS committee:** allows all people involved to know and apply the control measures, be it during an initial training, a refresher training, or any task- or equipment-specific training.
- **Information transfer:** no matter how it is done, it can inform and refresh important concepts.
- **Regular equipment and general workplace inspections:** allow for the observation of what goes well and what could not go well. It is indeed an important function of the OHS representative, but also an obligation for workers.

- **Integrating OHS in the organization's various policies (purchasing, engineering, subcontracting, etc.):** often helps to eliminate risk at the source or plan for risks associated with some equipment or some practices or with the presence of temporary personnel and, as such, to better prepare the workplace to the presence of a risk.
- **OHS-adapted supervision:** can help ensure management of the workplace.
- **Constant surveillance of the work environment's quality:** helps to ensure there is no deterioration or emerging new risk.
- **Regular monitoring of workers' health:** allows to quickly detect health problems that could be linked to the work environment.

Control measures must be noted in the prevention program. The CNESST's *Outil d'identification des risques* [Risk identification tool] offers a grid model that can also be used. Registers should, at a minimum, include the control measures that are in place or to be implemented, the deadline or predicted frequency, as well as the individuals in charge.

While preparing the prevention program, we should ask ourselves various questions, such as:

- How to verify what is done?
- How to make sure what is done will stay that way?
- How to avoid introducing new risks when implementing corrective measures?

In every step of the prevention process, it is recommended to keep evidence or documentation, such as pictures taken before and after the implementation of corrective and control measures. This way, the conclusions will be based on facts instead of impressions, making the choice of corrective measures and of control measures more efficient.

The CNESST's *Outil d'identification des risques* [Risk identification tool] also addresses risk control measures.

WHAT ALSO NEEDS TO BE IN THE PREVENTION PROGRAM

The prevention program must also comply with some obligations established by the regulations. Indeed, employers are under the obligation to maintain a first aid service that is accessible in case of emergency. The prevention program is the means determined by the AROHS allowing for the transfer of information, considering that workers are required to consult this program.

Section 59, paragraph 8. Maintaining of an adequate first aid service to respond to emergencies.

Lastly, some trades and some professions are targeted by regulation requiring that health exams be undertaken at the time of hiring and during employment. The inclusion of this obligation in the prevention program is also an excellent way to remind the employer and workers about it.

Section 59, paragraph 6. Pre-employment medical checkups and medical examinations during employment required by regulation.

WHAT ABOUT THE ACTION PLAN?

The action plan is a prevention mechanism that is somewhat less comprehensive than the prevention program. It only needs to include five of the eight prevention program points, taking into account occupational health programs.

An action plan's objective is to eliminate dangers for the health, safety and physical and mental integrity of the workers at the very source. It must take into account occupational health programs referred to in **section 107** and the regulations applicable to the establishment and, according to **section 61.2**, must notably set out:

- 1° the identification of the risks that may affect the health of the establishment's workers, including the chemical, biological, physical, ergonomic and psychosocial risks related to the work, as well as the risks that may affect the workers' safety;
- 2° the measures and priorities for action to eliminate or, failing that, to control the identified risks, giving precedence to the hierarchy of preventive measures established by regulation as well as the responsibilities of the different actors as well as the scheduling to accomplish the measures and priorities;
- 3° the supervision and maintenance measures to ensure that the identified risks are eliminated or controlled;
- 4° the identification of the individual protective means and equipment that, in addition to being in compliance with the regulations, are those best adapted to meet the needs of the establishment's workers;
- 5° the occupational health and safety training and information.

The employer is required to develop health elements in their action plan only if an occupational health program referred to in section 107, applicable to their establishment, exists.

Thus, the action plan is prepared using the same process as the prevention program.

Of note, however, that the absence of an obligation for the employer in the action plan does not change anything about their responsibility. For example, even if the dangerous substances list is not part of the action plan, the employer is not exempt from keeping a register of dangerous substances and contaminants, as required in section 52 of the AROHS. However, they are not required to include it in the action plan while the list must be part of the prevention program.

PREVENTION MECHANISMS: THE RESULT OF PREVENTION MANAGEMENT

The prevention program and the action plan are the prevention mechanisms provided by the AROHS and are thus the ultimate goal of all actions undertaken by the workplace stakeholders in their management of prevention. The seriousness of the approach demonstrated by the employer, OHS committees, OHS representatives and all workplace stakeholders will ensure effectiveness in the preparation of these documents, which will help implement a prevention culture in all the organization.

Thus, as demonstrated above, the content provided for by the Act for those two mechanisms is conducive to an excellent knowledge of the risks present in the workplace as well as the proper selection of measures to limit or control those risks.

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