Criminalizing Corporations

Re: Session RT 209 - Criminalizing Corporations – Implications For The Hygiene Profession In Canada
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About Trail Operations
• Located in Trail, British Columbia
• One of the largest integrated zinc/lead smelter complexes in the world
• 1,461 employees; 47 Research employees
• 19 production processes

Products of the Operation
- Zinc Oxide
- Lead
- Arsenic
- Cadmium
- Thallium
- Mercury
- Indium
- Silver
- Bismuth
- Antimony
- Selenium
- Tellurium
- Ammonia
- Sulphur Dioxide
- Chlorine
- Nitrogen Oxides
- Sulphuric Acid Mist

Bill C-45 – Due Diligence
• Changing environment
  ➢ All levels of the organization
  ➢ More evidence based
  ➢ Higher burden of proof

Bill C-45 – Due Diligence
• Hierarchy of Responsibility
  ➢ Worker
    • Qualified, & Know Expectations
    • Provided with Resources
    • Supervised
    • Disciplined Where Required
  ➢ Supervisor
    » Qualified & Know Expectations
    » Provided with Resources
    » Understand Legal Requirements
    » Effectively Supervise
Bill C-45 – Due Diligence

- Hierarchy of Responsibility
  - Manager
    - O.H.& S. Responsibilities
    - Resources & Effective Direction
    - Effective H&S Policies & Processes
    - Monitor Supervisor’s Performance
    - Provide Consequences

Bill C-45 – Due Diligence

- Hierarchy Of Responsibility
  - Corporate/Directors
    - O.H.,&S. Responsibilities
    - Expectations for Company
    - Audit Conformance
    - Monitor Performance
    - Hold Accountable

Bill C-45 – Due Diligence

- Training/Instruction
  - What – Needs Assessment
    - “At Risk” Issues
    - Historical Information
    - Potential Weaknesses

Bill C-45 – Due Diligence

- Training/Instruction
  - Who
    - Workers
    - Supervisors
    - Managers

Bill C-45 – Due Diligence

- Training/Instruction
  - Workers
    - Safety Crew Talks
    - 20 Target Regulations
    - Field Verification

Bill C-45 – Due Diligence

- Training/Instruction
  - Supervisors
    - Written Examination
    - 20 Target Regulations
    - Audit Process
Bill C-45 – Due Diligence

• Training/Instruction

➤ Managers

  ▪ 20 Target Regulations
  ▪ Written Examination
  ▪ Employer Responsibilities
  ▪ Written Examination

Due Diligence - Summary

1. Policies, practices & procedures
2. Monitor & ensure effectiveness of policies & procedures
3. Identify & communicate hazard information
4. Review OSH Program elements for effectiveness
5. On-going training & supervision of workers
6. Discipline process
7. Accident investigation & reporting
8. Document due diligence steps

Due Diligence

THE DEFENCE NEVER RESTS

Your best defense against prosecution is a good offence against accidents and injuries on the job