

## Chapter 2-Legislative Framework

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### MULTIPLE CHOICE

1. What are the two types of WHMIS labels?
  - a. supplier and manufactured labels
  - b. supplier and workplace labels
  - c. workplace and manufactured labels
  - d. consumer and workplace labels

ANS: b

PTS: 1

REF: p. 34

2. WHMIS contains class and division hazard symbols for different types of hazards (e.g., Class B are flammable materials, which are symbolized by a circle with a flame inside). What does a circle with a skull and crossbones inside represent?
  - a. Class D (poisonous and infectious material)
  - b. Class C (oxidizing material)
  - c. Class E (corrosive material)
  - d. Class F (dangerously reactive material)

ANS: a

PTS: 1

REF: p. 35

3. Which federal legislation sets guidelines for the presentation of information in the material safety data sheet?
  - a. the Hazardous Products Act
  - b. the Workplace Hazardous Materials Act
  - c. the Workers' Compensation Act
  - d. the Hazardous Materials Act

ANS: a

PTS: 1

REF: p.33, 37

4. The Workplace Hazardous Materials Information System (WHMIS) contains class and division hazard symbols for different types of hazards (e.g., Class B are Flammable Materials, which are symbolized by a circle with a flame inside). What does a circle with a large T with a dot on the end represent?
  - a. Class B (Flammable and Combustible Material)
  - b. Class C (Oxidizing Material)
  - c. Class D (Poisonous and Infectious Material; other toxic effects)
  - d. Class E (Corrosive Material)

ANS: c

PTS: 1

REF: p.35

5. Employees who are successfully educated and trained in WHMIS should be able to answer which of the following key questions?
- What are the hazards of the product you are using and what should you do in case of an emergency or spill?
  - What chemicals do not fall under WHMIS??
  - What chemicals can be safely mixed together
  - How to write an MSDS

ANS: a

PTS: 1

REF: p. 41

6. Which of the following WHMIS requirements must employers follow?
- Keep MSDSs on-site for all controlled products and make sure controlled products are properly labelled.
  - Ensure MSDSs and written safe work procedures for each controlled product are kept locked in a secure location.
  - Ensure that only employees with MSDS and WHIMIS training are hired
  - Ensure MSDS labels are attached to hazardous material containers

ANS: a

PTS: 1

REF: p. 37

7. Under WHMIS, which of the following must an employer do?
- train customers on controlled products
  - keep MSDSs on-site for all controlled products and ensure controlled products are properly labelled
  - send copies of all MSDSs to the government for record keeping
  - use only an ABC-type fire extinguisher to control a chemical fire.

ANS: b

PTS: 1

REF: p. 37-38

8. Occupational health and safety is legislated under a variety of mechanisms, including all of the following **EXCEPT** which one?
- acts
  - regulations
  - enforcements
  - guidelines

ANS: c

PTS: 1

REF: p. 24

9. A supervisor's duties include all of the following **EXCEPT** which one?
- taking every reasonable precaution to ensure the protection of workers
  - preparing and signing the OH&S policy
  - providing written instructions if applicable
  - advising workers of possible hazards

ANS: b

PTS: 1

REF: p.29

10. A worker's duties include all of the following **EXCEPT** which one?
- advising co-workers of possible hazards
  - properly using the safety equipment and clothes provided
  - reporting hazards, such as defective equipment to the supervisor
  - complying with the OH&S regulations

ANS: a

PTS: 1

REF: p.29-30

11. An employee expressed her concerns to her supervisor that fumes emitting from her computer were causing her headaches. She requested the supervisor's permission to stop working immediately. However, the supervisor insisted that she continue working. What did the supervisor's behaviour violate?
- the employee's right to refuse unsafe work
  - the employee's right to report unsafe conditions
  - the employee's right to participate in health and safety programs
  - the employee's right to a safe workplace

ANS: a

PTS: 1

REF: p. 31

12. Federal and provincial legislation allows for the rights of workers including which of the following?
- the right to know, the right to rehabilitation, and the right to refuse unsafe work
  - the right to participate, the right to rehabilitation, and the right to refuse unsafe work
  - the right to know, the right to participate, and the right to refuse unsafe work
  - the right to know, the right to be compensated for injury, and the right to refuse unsafe work

ANS: c

PTS: 1

REF: p. 25, 30, 31

13. When can the right to refuse be exercised?
- a. only when a worker has proof that he or she is endangered
  - b. only when a worker believes that he or she is endangered
  - c. only when a worker is told by the certified worker that he or she is endangered
  - d. only when a worker believes dangerous circumstances as defined by the OH&S Act

ANS: b  
PTS: 1  
REF: p.31

14. Under Ontario OH&S legislation, what does the word “prescribed” mean?
- a. something to be undertaken because of legal or employer requirement such as a rule or law
  - b. as issued by a doctor
  - c. requiring strict times on compliance
  - d. part of WCB laws

ANS: a  
PTS: 1  
REF: p. 27

## **TRUE/FALSE**

1. The Hazardous Products Act defines a hazardous product and controls its use by requiring disclosure of the substance(s) and its concentration in a manufactured product.

ANS: T  
PTS: 1  
REF: p. 33

2. One of the most widely understood elements of the WHMIS program is that controlled substances need labelling.

ANS: T  
PTS: 1  
REF: p.34

3. A supplier label must be attached to the container holding a hazardous product when it is delivered to the workplace.

ANS: T  
PTS: 1  
REF: p.34

4. The workplace label must contain a product identifier, safe-handling instructions, and the location of a material safety data sheet.

ANS: T  
PTS: 1  
REF: p. 35

5. The objective of MSDSs is to identify potentially harmful ingredients in products that the worker may be handling.
- ANS: T  
PTS: 1  
REF: p.37
6. If a release of a potentially hazardous substance occurs outside the building, or if the potentially hazardous substance is released into the sewer, storm system, water, or air, it falls under the jurisdiction of the authority enforcing environmental legislation.
- ANS: T  
PTS: 1  
REF: p. 42
7. A corporation and its management can never be criminally prosecuted if found negligent in providing an appropriate standard of occupational health and safety in the workplace that results in an employee injury or death.
- ANS: F  
PTS: 1  
REF: p. 45
8. WHMIS is a safety program providing information about the use of hazardous products in the workplace.
- ANS: T  
PTS: 1  
REF: p.33
9. Suppliers must provide a WHMIS label and transport the controlled product in appropriate containers for each controlled product that they sell.
- ANS: T  
PTS: 1  
REF: p.34
10. A WHMIS label is a technical bulletin that provides detailed hazard and precautionary information for a controlled product.
- ANS: F  
PTS: 1  
REF: p.34
11. An MSDS adds to the information provided on the WHMIS label.
- ANS: T  
PTS: 1  
REF: p.37

12. Employers must educate and train workers to recognize six hazard symbols and know what they mean.
- ANS: F  
PTS: 1  
REF: p.35
13. A regulation is a federal, provincial, or territorial law that constitutes the general concepts for occupational health and safety.
- ANS: F  
PTS: 1  
REF: p. 24
14. Guidelines and policies are specific rules, but are not legally enforceable.
- ANS: F  
PTS: 1  
REF: p. 24
15. Regulations enacted under the statute or act establish the specific framework within which the employer will conduct business in order to comply with the law.
- ANS: T  
PTS: 1  
REF: p.25
16. The primary function of a joint health and safety committee is to provide a collaborative atmosphere where labour and management can work together to create a safer and healthier workplace.
- ANS: T  
PTS: 1  
REF: p.30
17. Small businesses with more than 9 and fewer than 20 regular employees must have a joint health and safety committee.
- ANS: F  
PTS: 1  
REF: p. 31
18. Supervisors are responsible for providing and maintaining the land and premises being used as a workplace in a manner that ensures the health and safety of anyone at or near the workplace.
- ANS: F  
PTS: 1  
REF: p.29

19. In Canada, the word “ensure” has little legal meaning.

ANS: F

PTS: 1

REF: p.26

## SHORT ANSWER

1. Describe the occupational health and safety roles, duties, and responsibilities of employers, owners, and human resource managers.

ANS:

It is the employer’s legal obligation to ensure the workplace is safe. Employers are responsible for ensuring the health and safety of all workers and any other workers at a workplace where the employer’s work is being carried out. This involves establishing an occupational health and safety program (described below), providing a healthy and safe working environment, and providing instruction and training to supervisors and workers. Business owners are responsible for providing and maintaining the land and premises being used as a workplace in a manner that ensures the health and safety of anyone at or near the workplace.

According to the BC Workers’ Compensation Act, an employer must meet the standard of due diligence. To meet this standard, an employer must take all reasonable care to protect the well-being of workers. An ongoing occupational health and safety program that controls specific hazards in the workplace forms the basis of due diligence. An employer that has all the occupational health and safety program elements required by the regulation in effect and working well is acting with due diligence. The minimum occupational health and safety program elements are outlined below:

- Statement of aims and responsibilities
- Inspection of premises, equipment, and work
- Written instructions
- Management safety committee meetings
- Investigation of accidents/incidents
- Maintenance of records and statistics
- Instruction and supervision of workers

Refer to the WCB Occupational Health and Safety Regulations and the booklet *Effective Health and Safety Programs—The Key to A Safe Workplace and Due Diligence*  
[http://www.worksafebc.com/publications\\_](http://www.worksafebc.com/publications_)

PTS: 1

REF: p. 27-29

2. What is the standard of due diligence? Describe the essential elements for an effective OH&S program and why they are critical in showing due diligence.

ANS:

Due diligence means taking all reasonable care to protect the well-being of workers or co-workers. An occupational health and safety program that controls workplace hazards is the basis of due diligence and generally includes the following minimum elements: statement of aims and responsibilities; inspection of premises, equipment, and work; written instructions; management meetings; investigation of accidents/incidents; maintenance of records and statistics; and instruction and supervision of workers.

Refer to the WCB publications *Effective Health and Safety Programs—The Key to A Safe Workplace* and *Due Diligence and the Summary of OH&S Requirements for Small Business*  
<http://www.worksafebc.com/publications>.

PTS: 1

REF: p. 42

3. What does WHMIS stand for? List and describe the three central elements of a WHMIS program.

ANS:

WHMIS is the Workplace Hazardous Materials Information System, a nationwide program providing information about the use of hazardous materials (controlled products) in the workplace. Labels, Material Safety Data Sheet (MSDS), and worker education and training are the three communication elements of WHMIS. Labels on controlled products alert workers to potentially hazardous products, MSDSs provide workers with detailed information on the hazardous ingredients and safe handling of the product, and education provides employees with the information and practices that they need to know to work safely with controlled products.

PTS: 1

REF: p. 33-34

4. List the three main WHMIS participants and how they are involved in implementing WHMIS into the workplace.

ANS:

Suppliers must provide a Material Safety Data Sheet (MSDS) and WHMIS label for each controlled product they sell or produce. An MSDS is a technical bulletin that provides detailed hazard and precautionary information for a controlled product. An MSDS supplements the alert information provided on the WHMIS label. Employers must keep MSDSs on site for all controlled products, ensure controlled products are properly labelled, ensure employees know the location of MSDSs and written safe work procedures for each controlled product, and ensure that employees are educated and trained so they understand the information on MSDSs and WHMIS labels. Employees must learn the information provided and follow safe work procedures.

PTS: 1

REF: p. 34, 37, 41



5. A human resource manager can assess if employees are successfully educated and trained in WHMIS by ensuring that they can answer four key questions. What are these four questions?

ANS:

- a) What are the hazards of the product you are using?
- b) How do you protect yourself?
- c) What should you do in case of an emergency or spill?
- d) Where do you get more information on this product?

PTS: 1

REF: p. 33-41

## PROBLEM

1. What would be an HRM's planned response if she received work refusals from a few employees who felt that their workplace was unsafe? How could she balance the workers' right to refuse unsafe work against staffing needs?

ANS:

An employee may refuse to carry out any task he or she believes is unduly hazardous to the health and safety of any person; in this case, he or she must inform the employer. The employer/HRM must immediately investigate and correct the situation without delay. The employer/HRM is required to develop and implement an exposure control plan to address the specific risks and hazards faced by workers in these work settings. Employees need to be educated and provided specific information from specialists and experts concerning health and safety issues about their workplace. They need to be shown how to prevent unsafe conditions and provided with examples of safe work practices. Objective and immediate communication channels and staff forums need to be established where employees can talk about these concerns and what they feel uncomfortable about. All fears, concerns, social issues, and discomfort, biases, and beliefs need to be dealt with until the employees feel safe. The critical issue in this situation is that the employees were afraid to enter their workplace. They believed that their workplace was unsafe, whether it was or was not safe. Unless the employer/HRM conducts a thorough investigation, educates the employees, and implements an exposure control plan in which the employees feel safe, the work refusal will continue. The organization may need to include controls that may not be necessary but make the employees feel safe. If a worker refuses to perform a task that he or she believes is unsafe, the employer can suggest another approach, but cannot discipline, reduce the worker's wages, change working hours, or suspend the worker. The regulation also provides the following rights to employees: job-protected leave, no penalties for emergency leave, and payment for those not working because of quarantines (Workers Compensation Board of BC Occupational Health and Safety Regulation: Section 3.12 to 3.13).

PTS: 1

REF: p. 31-32

