JANUARY
SAFETY TALK

Supervisor Due Diligence

You have probably heard the term “due diligence” bandied about. But what is it, and how does it affect you?

Due diligence is defined as the level of judgement, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances.

Applied to occupational health and safety, due diligence means that employers – and their supervisors and workers – shall take all reasonable precautions, under the particular circumstances, to prevent injuries or accidents in the workplace. This duty also applies to situations that are not addressed elsewhere in the occupational health and safety legislation.

To exercise due diligence, an employer must implement a plan to identify possible workplace hazards and carry out the appropriate corrective action to prevent accidents or injuries arising from these hazards. Employers delegate these responsibilities to their Managers and Supervisors.

Did you know that under the eyes of WorkSafeBC, you are likely deemed to be a “Supervisor”, even though supervisory responsibilities may not be in your job description or your title?

WorkSafeBC Occupational Health and Safety Regulation, Part 1 Definitions, states: “Supervisor” means a person who instructs, directs and controls workers in the performance of their duties.

An example of this would be a two-person crew from the Public Works Department – a truck driver and a labourer. The truck driver likely determines what equipment they load on the truck before leaving the yard in the morning; when they leave the yard; when they take their breaks, etc. Under the definition by WorkSafeBC, that truck driver is deemed to be the “Supervisor” of that two person crew.

Regardless of where in the organizational chart your position falls, if you direct or control the work of another, you are deemed to be a supervisor.

What does that mean to you? First your employer must establish a safety program, including policies, practices, procedures and training. Then you, as a supervisor, have responsibilities to the others on your crew and to your organization and to yourself, to do everything a reasonable person would do, to ensure the health and safety of yourself and others.

The true test of due diligence is exactly that: What would a reasonable person do in the circumstances? If you don’t know, ask yourself what one of your peers would do in that instance?

How do you prove your due diligence? Mostly through documentation.

Examples of documentation that can be used to prove due diligence include:

- Orientation records
- Training records
- Crew talk/staff meeting minutes
- Supervisors logs
- Tailgate meeting minutes
- Pre-planning meeting minutes
- Records of corrective action

This list goes on and on. Anything that could prove you acted in a reasonable manner in executing your duties and directing the work of others, always with health and safety in mind, could be used to prove your due diligence.

British Columbia Municipal Safety Association

bcmsa.ca