



Health and Safety Responsibilities of Directors, Officers and Board Members

In practical terms, safety is about doing what **you** can do to make sure the people who work on your woodlot or community forest make it home safely once work is done. Often those people are members of your community – acquaintances, neighbours, even family. So, you likely feel a moral responsibility to do what you can to watch out for them.

There are also legal obligations attached to your role as a **director, officer or board member of the organization** (e.g., first nations, private company, municipality) that holds the tenure licence. Those duties arise from two main sources – occupational health and safety legislation and the *Criminal Code*.

Provincial occupational health and safety legislation

As a **director or officer**, you have a responsibility to take all reasonable care and exercise due diligence to ensure that the organization you represent takes the steps necessary to protect worker safety. An important part of that is complying with requirements described in the *Workers Compensation Act* (WCA) and the *Occupational Health and Safety Regulation*.

[Section 27](#) of the WCA requires that every director and every officer of a corporation must ensure that the corporation complies with the occupational health and safety provisions, the regulations and any applicable orders. Your role is to do what you can to ensure your organization meets those requirements.

Criminal Code

Stemming from the 1992 Westray coal mining disaster, [Bill C-45](#) came into effect in 2004. It made changes to the *Canadian Criminal Code* regarding corporate and management liability for worker safety.

Those changes created a legal duty for all persons directing work to take "reasonable steps" to ensure the safety of workers and the public. It established rules for attributing criminal liability to organizations for the acts of their representatives and it created serious penalties for violations that result in injuries or death.

[Section 217.1](#) of the *Criminal Code* specifies that any person who directs, or has the authority to direct, how another person does their work or performs work-related tasks has a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

What can you do?

If you are a **director, officer or member of the board of an organization** that employs people who work on a woodlot or community forest licence area, here are a few key questions you must ask:

1. Does our organization have the necessary health and safety program in place?
2. Does that program include effective policies and safe work procedures?
3. Do we have effective safety communications with staff?
4. Do we regularly review our organization's safety management system?
5. Do we have a continual improvement process in place?
6. If we have a safety incident, is it reported, investigated and reviewed? Do we follow through with appropriate corrective actions?
7. Do directors and officers have enough time and resources to execute their safety responsibilities?

Periodic audits are a great way to ensure your safety program adheres to industry standards. If your organization doesn't have the expertise to do audits internally, a qualified individual from outside your organization can provide an unbiased opinion by reviewing the program and field-checking operations. You should expect to see and review audit results. Those results should convince you and the auditor that your organization is living up to its safety responsibilities. If not, the report should explain what your organization needs to do in order to meet its obligations.

Organizations that hire contractors to work in a woodlot or community forest need a mechanism to select qualified, competent contractors and to confirm those contractors are satisfying safety requirements. **Directors, officers and board members** need to know that contractors have the necessary processes in place and that those processes are working. You should see evidence that each contractor has a sound safety program and their work proceeds as their program says it will – operators are qualified, workers follow safe work procedures, tailgate meetings occur, etc. You should know that someone in your organization (perhaps you) is receiving contractor incident reports and that the contractor is taking actions to prevent future incidents.

None of this is necessarily onerous. But it is one of the responsibilities that **directors, officers and board members** have. You need to receive reports and see results that convince you the company is meeting its obligations. You need to take all reasonable actions to ensure the organization you represent lives up to its responsibilities – and workers on your woodlot or community forest get home safe each night.

Resources – click on the links below

[Workers Compensation Act – Section 27](#)
[Summary of Bill C-45 - An Act to Amend the Criminal Code](#)
[Westray Bill \(C-45\) – Overview](#)

[BC Forest Safety - Incident Tracking and Reporting Form](#)
[BC Forest Safety – Corrective Action Log](#)
[BC Forest Safety – Policy Examples and Forms](#)