

2023 Updated CUPE Guide - WorkSafeBC Basics of Due Diligence

WorkSafeBC updated the online Basics of Due Diligence bulletin in February 2023.

The updated 2023 CUPE BC Region Guide replaces CUPE Guides from prior to 2023. See: <https://www.worksafebc.com/en/health-safety/create-manage/enhancing-culture-performance/due-diligence> and **Figures 1 to 4** for the updated WorkSafeBC information.

“Due diligence

Due diligence requires taking all reasonable steps to protect workers from harm. "All reasonable steps" is based on the level of judgment and care that a person would reasonably be expected to do under the circumstances. An organization that actively manages health and safety and takes all reasonable steps to protect workers from harm is being duly diligent.

Steps to being duly diligent

Be aware

Ignorance is no defence, so know your legal obligations under the *Workers Compensation Act* and the Occupational Health and Safety Regulation, your health and safety responsibilities and best practices for your industry.

Be objective

Identify issues for your workplace through risk assessments, using appropriately knowledgeable people. Consider using external professionals for certain aspects of this analysis. Review your incidents and trends, inspections, audit findings, program evaluations and input from workers.

Be proactive

Develop a robust health and safety program that includes policies, procedures and practices to minimize risk from specific hazards. Communicate these policies, procedures and practices and ensure all workers are trained on them. Check to make sure procedures are being followed and enforce compliance with the Regulation as well as your own internal policies and procedures.

An active health and safety management approach — one that demonstrates due diligence — ensures that workers are provided with valuable health and safety information, instruction, training and supervision. It also confirms when knowledge and processes are working and corrects for unsafe hazards and practices that are not.

Be vigilant

Review your systems and processes frequently through self-evaluations. Continuously assess health and safety in the workplace. Monitor changes in regulation and industry practices and apply changes to your own operations as necessary.

Be on record

Gather evidence of your health and safety program and all its components. Be able to demonstrate how you are implementing your health and safety policies, procedures and practices and to provide proof of enforcement when necessary. Be able to demonstrate that appropriate checks and reviews are in place to ensure continued vigilance.”

Figure 1 (WorkSafeBC description of the employer’s obligations):

WORKSAFE BC

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Enhancing health & safety culture & performance

Active health & safety management

Planning for health & safety

Leadership & commitment

Engaging workers in health & safety

Due diligence

Due diligence

1

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Be on record
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Due diligence can be summarized as requiring employers to take all reasonable steps to protect workers from harm. This is not an exhaustive list of best practices or the application of the Precautionary Principle. These are only the minimum requirements of WorkSafeBC at this time. Key considerations include:

- Identifying all workplace hazards
- Implementing all necessary preventative measures
- Communicating this to all affected persons

The following new WorkSafeBC bulletin “Basics of Due Diligence” replaces the former “Due Diligence Checklist” and any related CUPE BC Region resources. See:

<https://www.worksafebc.com/en/resources/health-safety/information-sheets/basics-due-diligence?lang=en>.

Figure 2 (the new WorkSafeBC bulletin download site):

The screenshot shows the WorkSafeBC website interface. At the top, there is a navigation bar with the WorkSafeBC logo on the left and links for 'Forms & Resources', 'Law & Policy', 'About Us', 'Contact Us', and a 'Log in / Create an account' button on the right. Below the navigation bar, there is a secondary navigation bar with tabs for 'COVID-19', 'Health & Safety', 'Insurance', 'Claims', and 'I Am a...'. The main content area is titled 'Basics of due diligence'. On the left side of this area, there is a thumbnail image of the PDF document. To the right of the thumbnail, there is a 'Download PDF' button. Below the button, the publication date 'Feb 2023' is displayed. Further down, the file type 'PDF (78 KB)' and the asset type 'Information Sheet' are listed. At the bottom of the page, there is a 'Share via Email (Anonymously)' link.

See **Figures 3 and 4** below for the new bulletin from WorkSafeBC from February 2023 (the bulletin is dated January 2023 but was formally released by WorkSafeBC in February 2023). **This information also replaces (and supersedes) any OHSInsider, HRReporter, CCOHS and other non-WorkSafeBC resources as the legal minimum requirements. Any CUPE health and safety resources should be considered as including the updated information.**

Figure 3 (the new WorkSafeBC bulletin. Page 1 of 2):

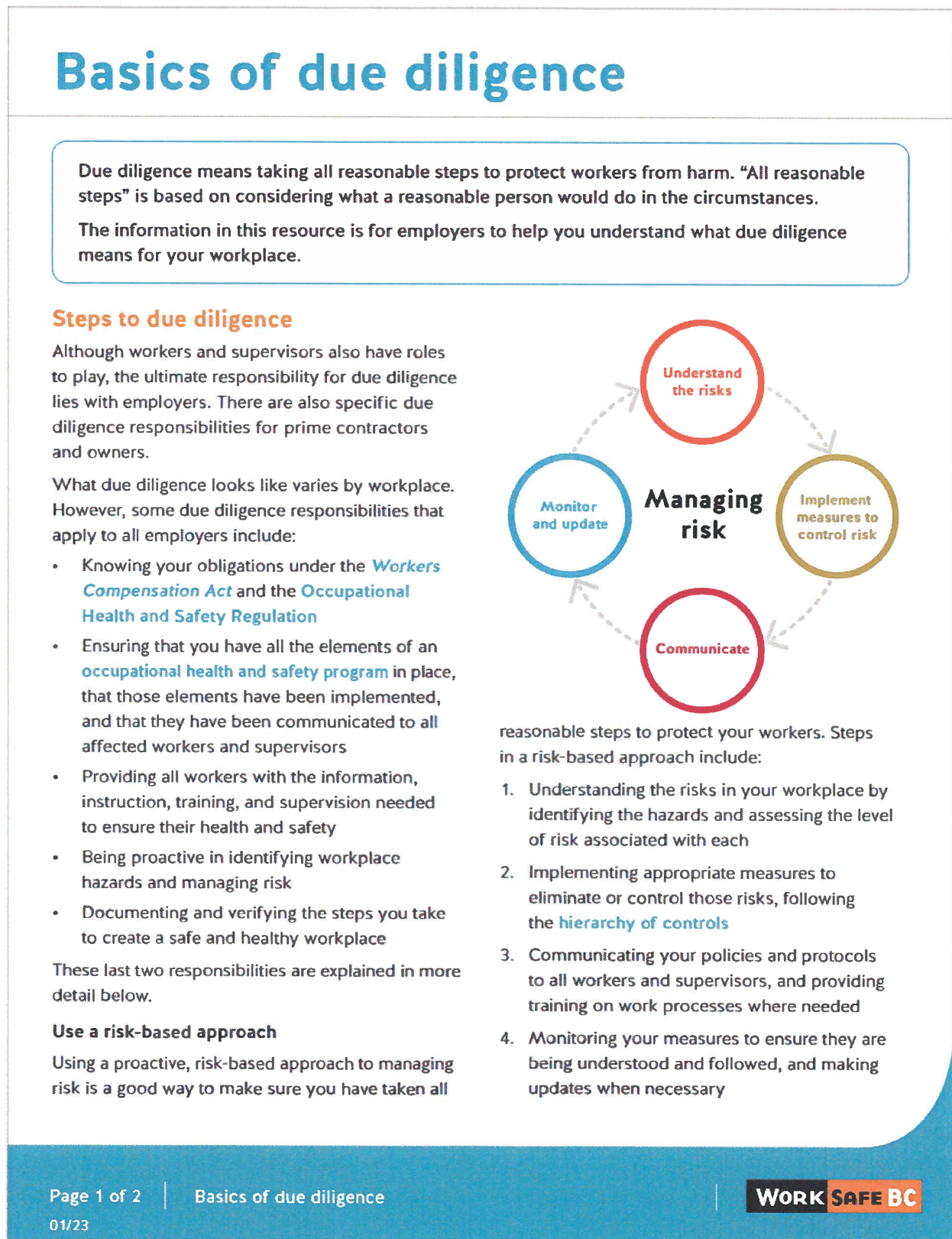


Figure 4 (the new WorkSafeBC bulletin. Page 2 of 2):

Your workers have first-hand knowledge about key risks in your workplace. Be sure to engage with everyone in your workplace to assess risks and discuss appropriate controls. This includes talking with front-line workers and supervisors, as well as with your joint health and safety committee (or worker health and safety representative) if you have one.

Document the steps you take

Clear documentation is an important part of due diligence. Documentation is about more than just paperwork — it is an effective tool to help you check that you are implementing all your health and safety practices. Any gaps in your documentation can clearly signal areas where your health and safety measures are lacking.

Your documentation can also be used as evidence if you ever need to prove your due diligence (e.g., during a WorkSafeBC inspection or following an incident).

Maintaining thorough documentation such as the following can help you track and verify that you are taking the proactive steps of due diligence:

- Your overall health and safety program, as well as any specific programs that apply to your workplace such as:
 - Noise control and hearing conservation
 - Violence prevention
 - Working alone or in isolation
 - Combustible dust management
 - Confined space entry

- Key risk inventories, risk assessments, and controls implemented
- Written safe work procedures
- New and young worker orientation records
- Worker certification records
- Notes from regular safety meetings
- Equipment pre-use checklists and maintenance logs
- Records of regular inspections of machinery, facilities, and work practices
- Sampling and monitoring records (e.g., noise, hazardous substances)
- Incident investigation reports, particularly any corrective actions taken after an incident
- Written recommendations from your joint health and safety committee, and your responses to those recommendations
- Records of supervision activities such as positive reinforcement of workers' safe behaviours, correction of unsafe behaviours, and checking workers' understanding of safety procedures

To be effective in showing due diligence, your documentation should include details such as times, dates, and observations about what is happening in your workplace. Talk to your workers to ensure they understand and can validate the success of the measures you put in place.

Be sure to review your documentation regularly to confirm it is up to date, and to check that your procedures are effective in maintaining a safe and healthy workplace.

For more information

Visit [Due diligence](#) and [Managing risk](#) on [worksafebc.com](https://www.worksafebc.com) for more information and resources.

You can also call our Prevention Information Line at 1.888.621.7233 if you have questions about workplace health and safety.