

Occupational Health and Safety Act

We all share the goal of making
workplaces safe and healthy

Introduction

- The Occupational Health and Safety Act provides us with the framework and the tools to achieve this goal.
- Changes to the Act in 1990 and subsequent years continued the evolution of occupational health and safety legislation in Ontario. These improvements are based on our experiences.

History

- Occupational injuries and illnesses have been present throughout history:
 - Ancient Egypt: stonemasons with respiratory problems
 - Industrial Revolution: introduction of new materials/ processes (asbestos, oils)
- OHS first evident in late 1800's in Ontario with the passage of legislation establishing safety standards (ie. machine guarding). By the 1900's every province had laws that regulated heating , lighting, ventilation, hygiene, fire safety, and accident reporting

History

- 1974 was the start of the OHS system that we see today. The Royal Commission on the Health and Safety of Workers in Mines was formed by the Ontario government.
- This commission was the first to articulate the three principle rights of workers. These three rights still enshrine out current legislation and provides the basis for the OHS programming in Canada.
 1. The right to refuse dangerous work without a penalty
 2. The right to participate in identifying and correcting health and safety problems
 3. The right to know about hazards in the workplace

Current OHSA

The Occupational Health and Safety Act (OHSA) was created to ensure a safe working environment

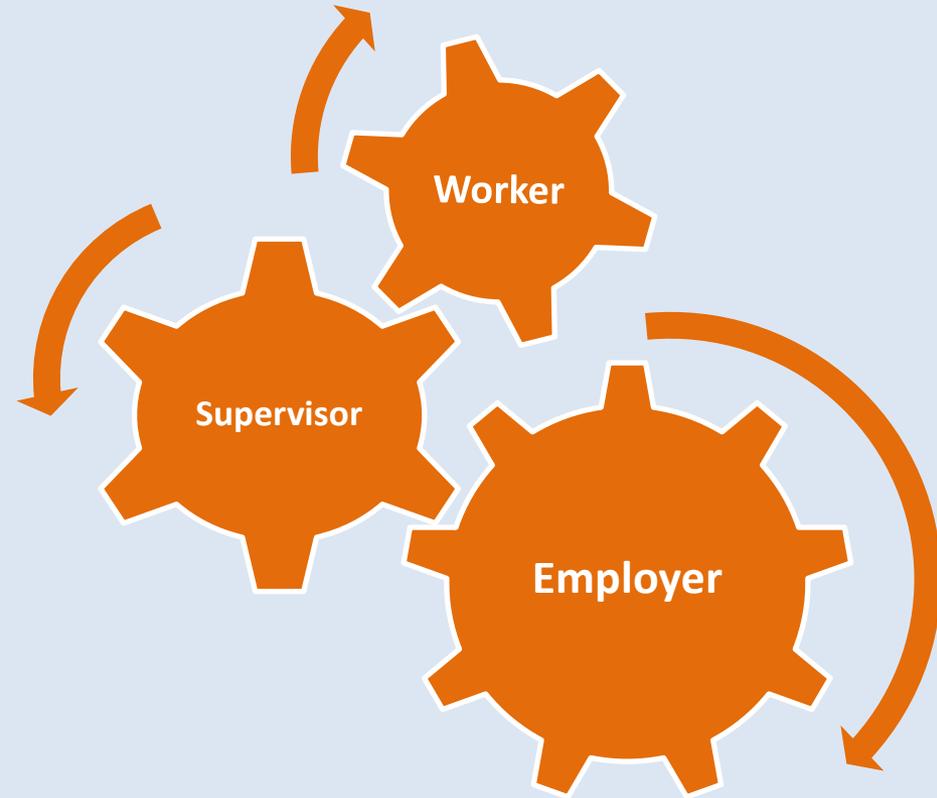
- Encompasses several regulations to cover various industries, working environments, and hazards
- Allows for quantifiable guidelines on exposure to hazards (chemical, physical, biological, safety, ergonomic etc.)
- Used in combination with other Acts and Codes to maintain every worker's basic right: to leave work in the same state they entered

Tragedies that changed the Safety Movement

- Elliot Lake Minor Strike – 1974 – Workers on Strike to protest deplorable health and safety conditions. Catalyst for the health and safety act.
- Westray Mine Disaster 1992 – was the result of actions, omissions, mistakes, incompetence and neglect. Methane gas ignited killing 26 miners. Took several years (2003) amendment to the criminal code now hold corporations and their senior officers accountable for criminal negligence in the workplace.

Internal Responsibility System (IRS)

The internal responsibility system is the underlying philosophy of the occupational health and safety legislation in all Canadian Jurisdictions. Its foundation is that everyone in the workplace – both employees and employers – are responsible for his or her own safety and for the safety of co-workers



Enforcement

- If the internal responsibility system fails to address the health and safety issues in a workplace, the ministry of labor (<http://www.labour.gov.on.ca/english/>) has the authority to enforce the law

Who is Covered by the Act?

- Almost every worker, supervisor, employer and workplace in Ontario is covered by the act.

Work and Workplace Not Covered

- Work done by the owner or occupant, or a servant, in a private residence
- Farming operation
- Workplaces under the federal government
 - Post offices
 - Airlines and airports
 - Banks
 - Some grain elevators
 - Telecommunication companies
 - Trucking, shipping and railway
 - Federal workers are covered under a different law: The Canada Labor Code

The rights of Workers

- **The Right to Participate:** Workers have the right to part of the process of indentifying and resolving workplace health and safety
- **The Right to Know:** Right to know about any potential hazards to which they may be exposed. This is done through WHMIS
- **The Right to Refuse Work:** Right to refuse dangerous work.

Duties of Employers

- The Act imposes duties on those who have any degree of control over the workplace, the materials, and equipment in the workplace and direction of the workforce.
- There is a general duty on employers to take all reasonable precautions to protect the health and safety of workers.

Duties of Supervisor

- Supervisor shall ensure that the workers works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
- The worker uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Duties of Supervisor

- Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
- Provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
- Take every precaution reasonable in the circumstances for the protection of a worker.

Duties of Workers

- Work in compliance with the provisions of this Act and the regulations;
- Use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;
- Report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and
- Report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

Duties of Workers

- Use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker; or
- Engage in any prank, contest, feat of strength, unnecessary running or rough conduct.

Joint Health and Safety Committees

- A joint health and safety committee is required:
- At a workplace at which twenty or more workers are regularly employed;
- At a workplace with respect to which an order to an employer is in effect under section 33; or
- At a workplace, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies.

Duties of the Committee

- Identify situations that may be a source of danger or hazard to workers.
- Make recommendations to the employer and the workers for the improvement of the health and safety of workers.
- Recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers.

Composition of the committee

- A committee shall consist of,
- At least two persons, for a workplace where fewer than fifty workers are regularly employed.
- At least four persons, for a workplace where fifty or more workers are regularly employed.

Challenge Question

I am a competent person as defined by the Occupational Health and Safety Act

I.....

- am qualified because I have the knowledge, training and experience to organize the work and its performance
- have knowledge of any potential or actual danger to health or safety in the workplace
- am familiar with this Act and the regulations that apply to the work

Challenge Question

A supervisor can be charged personally for a violation of the Occupational Health and Safety Act of Ontario

Yes

No

Challenge Question

An employee comes to you and states that they believe a task is unsafe (using a piece of equipment). Do you.....

- A. Discuss why they believe the work is unsafe and reach an agreement as to how the issue will be investigated and resolved
- B. State that you don't have enough money in your budget to replace equipment – you'll look into it next fiscal year

Summary

- Health and safety awareness has a long history. There is evidence efforts go back as far as the Egyptian pharaohs and the time of the Romans.
- H & S milestones in Canada are: Workers' compensation programs in 1914, right to refuse work in 1976, WHMIS 1987, and the Westray Bill in 2003
- Organized labor played important role in H& S
- Tragedies has changed the face of health and safety.
- The health and safety movement today is characterized by professionalization and integration. A H & S team in a large company may include an industrial chemist or engineer, radiation control specialist, industrial safety engineer, occupational nurse, counselor, psychologist.

References

- The occupational health and safety act - <http://www.e-laws.gov.on.ca>
- Seneca College's Health and Safety Department