

Health and Safety for Growers

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Safe At Work Ontario
Enforcement > Compliance > Partnership >

Ministry of Labour

Overview

- **Occupational Health and Safety System: Mandate, Legislation, Partners**
- **Enforcement of the OHSA**
- **Employment Standards Act, 2000**
- **Enforcement of ESA**

Occupational Health and Safety System: Mandate

- The Ministry of Labour's (MOL's) occupational health and safety mandate is to **set**, **communicate** and **enforce** occupational health and safety legislation and its regulations with respect to Ontario workplaces.
- The program's strategic objective of reducing or eliminating workplace injury or illness is consistent with that of its occupational health and safety system partners.

Occupational Health and Safety System: Legislation

Two statutes support the strategic objective:

- *The Workplace Safety and Insurance Act, 1997 (WSIA)*, which currently provides for the prevention of work-related injuries and illnesses, and sets out a no-fault insurance scheme to protect workers from the financial impact of occupational injury and illness.
- *Occupational Health and Safety Act (OHSA)*, which sets out standards to control workplace hazards and provides for enforcement of those standards.

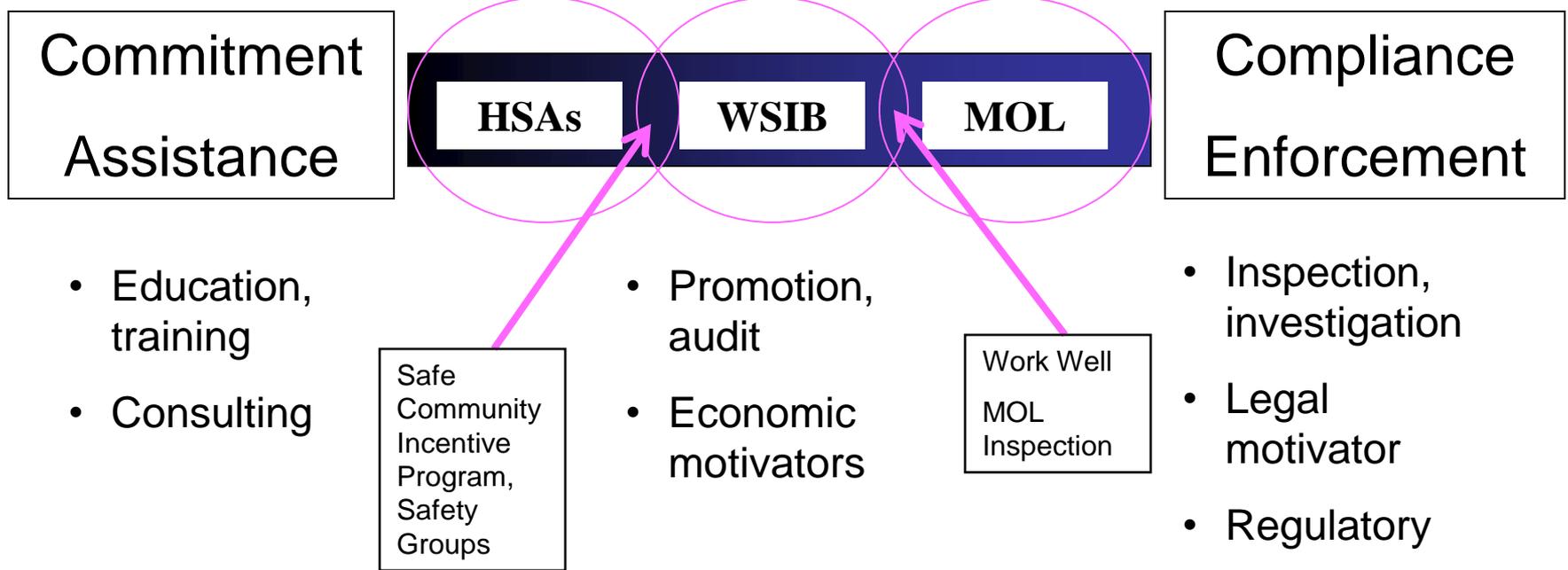
Occupational Health and Safety System: Partners

Current key roles of occupational health and safety system partners are:

- **Ministry of Labour (MOL)** – sets strategic direction for the system; administers the *Occupational Health and Safety Act* (OHSA); develops policy; and sets, communicates and enforces occupational health and safety standards as a means of reducing and eventually eliminating work-related deaths, injuries and illnesses. As of April 1, 2012, the Ministry of Labour will oversee and fund the Health and Safety Associations (HSAs).
- **Workplace Safety and Insurance Board (WSIB)** – administers the *Workplace Safety and Insurance Act, 1997* (WSIA); provides compensation/benefits to injured workers or their survivors; supports early return to work; promotes occupational health and safety through mandate to prevent workplace injuries/illnesses;
- **Health and Safety Associations (HSAs)** – provide occupational health and safety support services (training, consultation and workplace audits) to employers and workers.

Occupational Health and Safety System: Partners

Partners understand and respect each other's roles, understand what they can do to help each other, and within the prevention continuum know that communication, cooperation and coordination are vital to success.



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Safe At Work Ontario: Overview

- **Safe At Work Ontario (SAWO) is the occupational health and safety compliance strategy, designed to:**
 - Improve the health and safety culture of workplaces
 - Reduce workplace injuries and illness
 - Lessen the burden on the health care system
 - Avoid costs for employers and the WSIB
 - Provide a level playing field for compliant companies
- **Cornerstones:**
 - Focused inspections
 - Transparent enforcement
 - Intervention and system partnership
 - Sustained compliance through Internal Responsibility System (IRS) focus
 - Continuous improvement

Safe At Work Ontario: Objectives

- **Goal is to reduce fatalities, LTIs and non lost time injuries (NLTIs):**
 - Contribute to system targets
 - Reduce burden on health care system and cost avoidance for employers and WSIB
- **Improve compliance through education and enforcement**
- **Transparency in regulatory direction and continuous improvement obtained through annual stakeholder involvement:**
 - Consulted with stakeholders in January and February 2012 on the 2012/13 plan
 - 154 individuals representing 104 employers attended the consultations
 - Seven sessions held throughout the province
 - Annual sector plans posted on website
 - Blitzes announced in advance with material and results posted within 90 days after completion on website

Integrated Planning

- Starting in 2008/09, the *Safe At Work Ontario* strategy expanded the MOL's ability to select firms based on a variety of factors.
- WSIB provided an annual list of high priority firms to HSAs.
- Over the past three years, through the formalization of an “integrated planning table” which included the MOL, all HSAs and WSIB, this work has expanded to include joint awareness campaigns and greater system support for MOL blitz activities.
- For the 2012/13 year the MOL and the HSAs are more fully integrating planning activities:
 - Includes focusing on common priority hazards; and
 - Better understanding of where each group is putting resources (e.g. blitzes).

Online Resources – Inspector Videos

Auto Body Repair Shops



Forklift Safety



Fall Hazards in Low-Rise Construction



- The MOL has a number of videos describing what inspectors look for during workplace inspections. These are available on the MOL website and on YouTube. Topics include:
 - Auto Body Repair Shops
 - Commercial Diving Safety
 - Fall Hazard Safety in Low-Rise Construction
 - Forklift Safety
 - Heat Stress
 - Infection Prevention and Control in Healthcare
 - Loading Dock Safety
 - Manual Materials Handling: Industrial
 - Manual Materials Handling: Construction
 - Tower Crane Safety
 - Trench Digging and Excavation Safety
 - Safety on Swing Stages
 - Workplace Violence and Harassment

Enforcement

- The MOL takes seriously the need to ensure that its inspectors apply their powers in a consistent, objective, and respectful manner.
- Inspectors receive extensive training when hired to help ensure consistent and fair application of the OHSA and must treat all clients and situations objectively and in an impartial manner.
- Their decisions are to be based on relevant legislation, regulations, standards, government policies and procedures, and amassed evidence.

Enforcement

- On initial contact with a client, an inspector will:
 - Introduce themselves and the ministry they represent;
 - Identify the statutory authority for the inspection;
 - Provide general information regarding the inspection or enforcement process; and
 - Provide contact information should further information or feedback be required.
- The MOL has developed a Policies and Procedures Manual that directs the actions of the inspectors in their enforcement efforts
- The MOL also has provincial policy and program advisory committees to ensure the provincial approach to inspections and enforcement is consistent

Powers of an Inspector

- enter a workplace without notice
- have a machine demonstrated
- require production of records
- remove, copy and then return records
- test any equipment, thing or agent and take samples
- take photographs

More Powers of an Inspector

- bring in and use any equipment or expert person
- ask questions of any person-privately or in a group
- power of seizure
- issue orders
- require a Professional Report i.e. Hygienist, Engineer
- obtain & execute a warrant (Section 56 of the Act)

Internal Responsibility System (IRS) – Inspection Focus

- **Competence**

- Knowledge of occupational health and safety (OHS) and the necessary resources:
 - Training
 - Self-reliant approach to resolving OHS issues internally at the workplace
 - Joint Health and Safety Committee (JHSC) with certified members, frequent meetings, and minutes

- **Commitment**

- Competence in action:
 - Leadership and the duty to make the workplace safe
 - Policies and procedures in place and implemented
 - Zero tolerance regarding contraventions of the OHSA and its regulations

- **Capacity**

- Demonstrated commitment to OHS:
 - Appropriate resources to be self-reliant in addressing issues in workplace
 - Comprehensive health and safety program
 - Referrals to the HSAs and the WSIB

Administrative Audit Elements

Copy(s) of the Act posted

Employer's H&S policy
posted

Employer's H&S program

JHSC

- Composition
- Meetings
- Minutes kept
- Certification training

Workplace inspections

WHMIS training

MSDS availability

Designated Substances

- Asbestos inventory of all buildings
- Asbestos training program

Sample Elements of an H&S Program

Working in Confined Spaces

Working at Heights

Machine Guarding/Lockout

Noise / Noise Surveys

Traffic Control Plans for Road
Crews

Ergonomics

Violence in the Workplace

Young Worker Training/Supervision

Supervisor Training/Competency

Work Refusal Process

Emergency Planning (incl. Pandemic
planning)

Heat/Cold Stress

Flammable Liquid Use/Storage

Sharps (Needles) policies

Training & Training Documentation

TQAA/ACA compliance

Lifting Devices

Frequently Asked for Paperwork

Training Records

Training Materials

Equipment Manuals

Maintenance Records

Worker Employment Records

JHSC/H&S Rep Inspections Records

JHSC Meeting Minutes

PSR Documents

Contracts related to Sub-Contractors

Blitzes

- The MOL regularly conducts inspection blitzes on sector-specific hazards.
- Blitzes are designed to raise awareness and increase compliance with health and safety legislation.
- Blitzes are announced in advance and results are reported after they are completed.
- For more information on the Ministry of Labour's blitzes please visit:
<http://www.labour.gov.on.ca/english/hs/sawo/blitzes/index.php>

Employment Standards Act, 2000 & Regulations

The Employment Standards Act, 2000 (The Act) sets minimum standards employers must comply with for workplaces in Ontario under Provincial Jurisdiction.

Provisions of the Act include:

- Minimum Wage
- Overtime Pay
- Public Holiday Pay
- Vacation Time and Vacation Pay
- Hours of Work Restrictions

Employment Standards Act, 2000 & Regulations

The Employment Standards Act 2000 (The Act) sets minimum standards employers must comply with for workplaces in Ontario under Provincial Jurisdiction.

Provisions of the Act include (continued):

- Payment of Wages and Record-Keeping
- Leaves of Absence
- Termination of Employment and Severance Payments
- Anti-Reprisal Provisions
- Temporary Help Agencies

Employment Standards Act, 2000 & Regulations

The Two Streams of work within the Employment Standards Program:

1) Claims Investigation:

- Roughly 16,000 claims are filed annually in Ontario for issues surrounding unpaid wages, terminations of employment without notice or payment in lieu of notice, severance pay, failure to reinstate following leaves of absence, reprisals by employers, and other employment standards.
- Employment Standards Officers will investigate to determine if an entitlement exists, and if so attempt to arrange voluntary compliance.

Employment Standards Act, 2000 & Regulations

The Two Streams of work within the Employment Standards Program:

2) Inspections:

- The Ministry of Labour has committed to conducting 2,500 proactive inspections across Ontario to confirm employers are complying with the core standards of the Act.
- Employment Standards Officers interview employers and employees of the business, and perform a test audit of payroll records.
- If violations are found, employers are offered an opportunity to resolve the matters voluntarily.

Inspections and Enforcement

Where an employer fails to comply with a decision of an officer, Orders to Pay Wages, Orders to Compensate/Reinstate, Directors Orders to Pay Wages, as well as compliance Orders and Notices of Contravention can be issued. Orders are appealable to the Ontario Labour Relations Board.

Prosecutions can also be initiated where repeat or serious violations have been identified.

Questions ?

Ministry of Labour Contact Information

For Health and Safety questions and concerns:

1-877-202-0008

For Employment Standards questions and concerns:

1-800-531-5551

www.labour.gov.on.ca