

BILL 160

RECOMMENDATIONS FROM THE EXPERT PANEL REVIEW OF THE OHSA

Expert Panel review of the Occupational Health & Safety Act

On Christmas Eve 2009, a deadly accident took place in Toronto that saw six workers fall 13 stories when their swing-stage scaffolding broke. One worker was wearing a fall arrest system but the remaining five men fell – four of them to their deaths. The fifth man was seriously injured. The Labour community called for criminal charges (Bill C-45) to be laid against Metron Construction. The government responded with a plan to have an Expert Panel review the Occupational Health & Safety Act (OHSA). This review is the first in 30 years.

The Expert Panel report, released in December 2010, contained 46 recommendations to the Minister of Labour to improve worker health and safety in Ontario. Out of the Expert Panel's recommendations emerged Bill 160. The First Reading of Bill 160 took place on March 03, 2011. By June 1, 2011 it had received Royal Assent. The Bill became law on April 1, 2012.

One of the most positive improvements of the Bill is the transfer of the Prevention Branch at the WSIB to the Ministry of Labour. George Gritzotis, Chief Prevention Officer (CPO), is now responsible for establishing a provincial occupational health and safety strategy. The CPO's duties include reporting annually to the Minister of Labour on the performance of Ontario's occupational health and safety system, and ensuring that prevention activities are aligned across all workplace health and safety system partners.

Other CPO duties include:

- advising on the prevention of occupational injuries and illnesses;
- advising on proposed changes to the funding and delivery of prevention services;
- setting standards to enhance health and safety training;
- working with Ontario's Health and Safety Associations to establish effective delivery of prevention programs and services; and
- monitoring those associations' compliance with standards set by the minister.

Due to the number of changes in the OHSA it will take time to develop new requirements. Currently, working groups are researching different subjects to find the best improvements.

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To date, the following has been accomplished:

- The Prevention Branch of the WSIB has been transferred to the Ministry of Labour.
- A new “Health & Safety at Work” poster must be posted in every Ontario workplace. As of October 2012 Inspectors will be writing orders to employers if the poster is not present in the workplace.
- Every supervisor must complete Supervisor Health & Safety Awareness training either in class or online. This is a starting point with hopefully more training to come in the future. The training requirements are enforceable as of July 1, 2014.
- Every worker will need to complete Worker Health & Safety Awareness training either in class or online. The course provides very basic health & safety information. The training requirements are enforceable as of July 1, 2014.
- The Ministry of Labour has appointed eleven people who will take part in the eleven member Prevention Council. The Council is comprised of representatives from labour, non-union workers, employer, occupational health and safety and one WSIB representative. The eleven Prevention Council members are:

Patrick Dillon

Business Manager and Secretary Treasurer of the Provincial Building and Construction Trades Council of Ontario

Colin Grieve

Occupational Disease Worker Advocate for Hamilton and Ontario Professional Firefighters

Nancy Hutchison

Secretary Treasurer, Ontario Federation of Labour

Derek Johnstone

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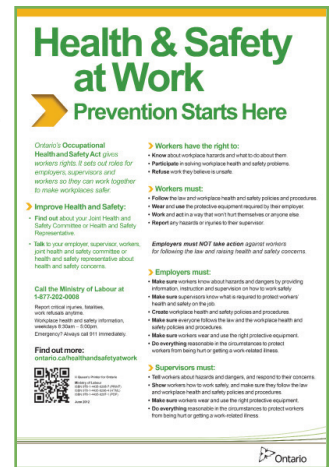
President and Partner, Anchor Shoring & Caissons Ltd.

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Susanna Zagar

Chief Strategy Officer, Workplace Safety and Insurance Board



Highlights of Bill 160

- OHS Section 9 (19.1) – If the committee fails to reach consensus on recommendation, after attempting in good faith to do so, either Co-chair can put forth a written recommendation to the employer.
- Training for Health & Safety Representative under OHS section 8 (Workplaces with fewer than 20 employees) – Details of the training criteria have not yet been released.
- OHS section 50 will allow MOL Inspectors to refer a matter to the Labour Board where a worker feels that the employer has violated the provisions against reprisals by the employer.
- Offices of the Workers Advisor and Employer Advisor can now handle cases for reprisal for non-union workers.
- OHS Part 11 is amended by adding: The Minister is responsible for the administration of the Act. To promote health and safety. To promote prevention of workplace injuries and occupational disease. To educate employers, workers and other persons about occupational health and safety. To make grants to support health and safety.

For updates on the OHS changes visit the Ministry of Labour website at www.labour.gov.on.ca

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