

Index

ABUSE OF PROCESS

- Generally, **10:25**
- Burden of proof, **10:28**
- Categories of
 - collection of civil debt, **10:32**
 - discipline of employee for exercising legitimate rights, **10:33**
 - government instigation of an offence, **10:30**
 - government intimidation of accused, **10:36**
 - oppressively selective prosecution, **10:34**
 - prejudice to the right to make full answer and defence, **10:35**
 - undertaking not to prosecute, **10:31**
- Charter considerations, **10:29**
- Forum for raising allegation of, **10:27**
- Legal test for, **10:26**
- Remedies for, **10:38**

ACCIDENTS

- American statistics, **1:9**
- Duty not to disturb scene, **8:18**
- Legal liability for not reporting, **6:25**
- Limits on prevention, **1:6**
- Limits on reporting requirements, **6:23**
- Prevention, **2:1**
- Reporting
 - See WORKPLACE ACCIDENTS, STATUTORY DUTY TO REPORT
- Scene not to be disturbed until released by inspector, **8:18**

ACCIDENTS—Cont'd

- Self-incrimination effect of reporting, **6:26**
- Statistics, **1:7**
- Statutory duty to report
 - See WORKPLACE ACCIDENTS, STATUTORY DUTY TO REPORT

ALCOHOL AND DRUGS IN THE WORKPLACE

- Generally, **14:1** to **14:5**, **14:21**
- Definitions, **14:2**
- Policy, alcohol and drug, **14:6** to **14:10**
 - contents of, **14:8**
 - development of, **14:7**
 - human rights considerations, **14:11** to **14:14**
 - Alberta (Human Rights and Citizenship Commission) v. Elizabeth Metis Settlement, **14:13**
 - Alberta (Human Rights and Citizenship Commission, Director) v. Kellogg Brown & Root (Canada) Co., **14:13**
 - Bish v. Elk Valley Coal Corp., **14:13**
 - cross-border transportation, **14:14**
 - Entrop v. Imperial Oil Ltd., **14:12**
 - certification and post-reinstatement drug and alcohol testing, **14:12**
 - mandatory disclosure, reassignment and reinstatement, **14:12**

ALCOHOL AND DRUGS IN THE WORKPLACE—Cont’d

Policy, alcohol and drug, **14:6 to 14:10**—Cont’d
human rights considerations, **14:11 to 14:14**—Cont’d
Entrop v. Imperial Oil Ltd., **14:12**—Cont’d
post-incident and reasonable cause drug and alcohol testing, **14:12**
pre-employment drug testing, **14:12**
random alcohol testing, **14:12**
random drug testing, **14:12**
fitness for duty/work, **14:10**
ATU, Local 113 v. Toronto Transit Commission, **14:10**
Halter v. Ceda-Reactor Ltd., **14:13**
Milazzo v. Autocar Conisseur Inc., **14:13**
Section locale 143 du Syndicat des communications, du l’énergie et du papier v. Goodyear Canada Inc., **14:13**
legal issues regarding, **14:9**
See also policy, alcohol and drug — unionized workplaces and testing in unionized workplaces, **14:15 to 14:20**
for cause, **14:17**
post-incident, **14:18**
post-reinstatement, **14:19**
pre-employment, **14:16**
random, **14:20**
Preventing and managing the problem
See policy, alcohol and drug
Use and abuse of alcohol and drugs costs of, **14:5**

ALCOHOL AND DRUGS IN THE WORKPLACE—Cont’d

Use and abuse of alcohol and drugs—Cont’d
effects of (physical and psychological), **14:4**
statistics re, **14:3**
APPEALING INSPECTORS’ ORDERS AND DECISIONS
Generally, **9:1**
Aggrieved persons, **9:17**
Appeal process by jurisdiction, **9:18**
Method for commencing appeal, **9:18**
Negotiations regarding orders, **9:22**
Notice of appeal, **9:18**
Orders made in error, **9:22**
Practical and strategic considerations in, **9:22**
Remedial authority of decision-maker, **9:20**
Right to appeal, **9:2 to 9:15**
Second level of appeal, **9:21**
Alberta, **9:5**
availability of, **9:21**
British Columbia, **9:4**
federal jurisdiction, **9:3**
Manitoba, **9:7**
New Brunswick, **9:10**
Newfoundland and Labrador, **9:13**
Northwest Territories, **9:14**
Nova Scotia, **9:11**
Ontario, **9:8**
Prince Edward Island, **9:12**
Quebec, **9:9**
Saskatchewan, **9:6**
standard of review, **9:21**
Yukon Territory, **9:15**
Strategic use of appeal of orders, **9:22**
Suspending orders pending appeal, **9:19**
Time periods for, **9:16**

<p>APPEALING INSPECTORS' ORDERS AND DECISIONS —Cont'd</p> <p>What may be appealed</p> <p>Alberta, 9:5</p> <p>British Columbia, 9:4</p> <p>federal jurisdiction, 9:3</p> <p>Manitoba, 9:7</p> <p>New Brunswick, 9:10</p> <p>Newfoundland and Labrador, 9:13</p> <p>Northwest Territories, 9:14</p> <p>Nova Scotia, 9:11</p> <p>Ontario, 9:8</p> <p>Prince Edward Island, 9:12</p> <p>Quebec, 9:9</p> <p>Saskatchewan, 9:6</p> <p>Yukon Territory, 9:15</p> <p>Who may appeal, 9:17</p> <p>ASBESTOS</p> <p>See HAZARD PROTECTION</p> <p>ASSAULT</p> <p>See also VIOLENCE IN THE WORKPLACE</p> <p>Aggravated, 7:11 to 7:17, 7:32</p> <p>Causing bodily harm, 7:11 to 7:17, 7:32</p> <p>Sexual assault, 7:32</p> <p>With a weapon, 7:11 to 7:17, 7:32</p> <p>ASSOCIATIONS, INDUSTRY AND TECHNICAL STANDARDS</p> <p>Generally, 1:3</p> <p>BILL 31</p> <p>Generally, 9:8, 9:17, 9:18</p> <p>BILL 32</p> <p>Generally, 10:44</p> <p>BILL 79</p> <p>Generally, 4:2</p> <p>BILL 180</p> <p>Generally, 4:2</p>	<p>BILL 208</p> <p>Generally, 1:1, 2:10, 2:11, 3:1, 5:33, 10:45</p> <p>BILL C-12</p> <p>Generally, 2:6, 2:10, 3:1, 3:4, 3:34, 4:8, 7:1 to 7:9, 8:16, 8:18, 9:3</p> <p>BILL C-45</p> <p>Generally, 1:1, 1:5, 1:8, 10:1, 10:55, 11:1, 11:6</p> <p>BOARD OF DIRECTORS</p> <p>See DIRECTORS AND OFFICERS</p> <p>CANADIAN CHARTER OF RIGHTS AND FREEDOMS</p> <p>See PROSECUTIONS — Canadian Charter of Rights and Freedoms and</p> <p>CANADIAN HEALTH AND SAFETY LAW GENERALLY</p> <p>Industry standards, role of, 1:3</p> <p>associations that develop standards, 1:3</p> <p>Internal responsibility system, 1:1, 1:4, 1:5, 2:1, 2:2, 3:1, 3:4, 4:1, 4:4, 5:1, 8:1</p> <p>Legislative powers, division of, 1:2</p> <p>Limitations of law in preventing accidents, 1:6</p> <p>Origins of, 1:1</p> <p>Policy models</p> <p>See POLICY MODELS</p> <p>Regulations, role of, 1:3</p> <p>Statistics re: accidents and injuries, 1:7</p> <p>Statutes, role of, 1:3</p> <p>Work stoppages, 5:33</p> <p>CROWN PROSECUTION</p> <p>See PROSECUTIONS</p> <p>DANGEROUS GOODS</p> <p>See TRANSPORTATION OF DANGEROUS GOODS</p>
--	--

DIRECTORS AND OFFICERS

- Charities, of, **11:1**
- Definition of, **3:18**
- Duties and responsibilities, **3:18, 11:1**
 - civil standard of care, **11:3**
 - statutory, **11:23**
- Functions of, **11:3**
- Liability of, **3:18, 11:1, 11:3**
 - categories of, **11:4 to 11:8**
 - civil, **11:3, 11:5**
 - criminal, **11:6**
 - direct, **11:8**
 - regulatory, **11:7**
 - vicarious, **11:8**
 - due diligence and, **11:24**
 - establishing, **11:20 to 11:23**
 - indemnification, **11:25**
 - Bata decision, **11:26**
 - insurance against, **11:27**
 - policy issues, **11:9 to 11:19**
 - against director/officer liability, **11:15 to 11:19**
 - in support of director/officer liability, **11:10 to 11:14**

DISCIPLINE OF EMPLOYEES

- Due diligence and, **10:22**
- Joint health and safety committees and, **2:4**
- Violence in the workplace and, **7:9, 7:36**
- Whistle-blowing protection against, **5:34**
- Work refusals and, **5:3, 5:34, 5:35**
 - frivolous work refusals and, **5:35**
 - legitimate work refusals and, **5:37**

DUE DILIGENCE

- See also PROSECUTIONS
- Benefits of committees, **2:13**
- Branches of, **11:7**
- Case law, **10:21**
- Defence of, **10:20 to 10:22**
- Directors and officers, **11:24**

DUE DILIGENCE—Cont'd

- Emergency response duties
 - See EMERGENCY RESPONSE
- Employee discipline and, **10:22**
- Foreseeability factor, **10:20**
- Proof of, **10:21**
- Transportation of dangerous goods offences and, **15:16 to 15:25, 15:27, 15:28**

DUTIES AND RESPONSIBILITIES OF WORKPLACE STAKEHOLDERS

- Generally, **3:1**
- Contractors, **3:47**
- Directors and officers, **3:18, 11:1**
- Employers
 - See EMPLOYERS — duties and responsibilities
- Engineers, **3:1**
- Legal liability arising from, **3:49**
- No legal duties, stakeholders with, **3:48**
- Prime contractors, **3:47**
- Stakeholders other than directors and officers, employers, supervisors and workers, **3:47**
- Supervisors
 - See SUPERVISORS — duties and responsibilities of
- Workers
 - See WORKERS' DUTIES AND RESPONSIBILITIES

EMERGENCY RESPONSE

- See also VIOLENCE IN THE WORKPLACE
- Alberta, **3:53**
- British Columbia, **3:52**
- Evacuation plan, **12:9**
- Federal jurisdiction, **3:51**
- Manitoba, **3:55**
- New Brunswick, **3:58**
- Newfoundland and Labrador, **3:61**
- Northwest Territories, **3:62**

EMERGENCY RESPONSE**—Cont'd**

- Nova Scotia, **3:59**
- Ontario, **3:56**
- Prince Edward Island, **3:60**
- Quebec, **3:57**
- Saskatchewan, **3:54**
- Yukon Territory, **3:63**

EMPLOYEE DISCIPLINE

- See **DISCIPLINE OF EMPLOYEES**

EMPLOYERS

- Generally, **3:4 to 3:17**
- Definition of, **3:4 to 3:17**
 - contract workers and, **2:5, 3:10**
- Discipline by and prohibition against reprisals, **5:34**
- Duties and responsibilities
 - Alberta, **3:7**
 - American duties, **1:9 to 1:18**
 - British Columbia, **3:6**
 - federal jurisdiction, **3:5**
 - Manitoba, **3:9**
 - New Brunswick, **3:12**
 - Newfoundland and Labrador, **3:15**
 - Northwest Territories, **3:16**
 - Nova Scotia, **3:13**
 - Ontario, **3:10**
 - appoint competent supervision, **3:10**
 - assist health and safety representative, **3:10**
 - comply with regulations, **3:10**
 - educate and train workers, **3:10**
 - employ lawfully aged workers, **3:10**
 - establish an occupational health service, **3:10**
 - have occupational health and safety policy, **3:10**

EMPLOYERS—Cont'd

- Duties and responsibilities—Cont'd
 - Ontario, **3:10**—Cont'd
 - keep records of biological, chemical and physical agents, **3:10**
 - post copy of statute, **3:10**
 - provide a safe work environment, **3:10**
 - provide written instructions, **3:10**
 - take every precaution reasonable, **3:10**
 - Prince Edward Island, **3:15**
 - Quebec, **3:11**
 - Saskatchewan, **3:8**
 - Yukon Territory, **3:17**

ENGINEERS

- Government, **10:38**
- Liability of, **3:6**
- Workplace duties, **3:1**

ERGONOMICS

- Generally, **3:6, 7:31, 12:1, 12:5, 12:30**

EXECUTIVES, LIABILITY OF

- See **DIRECTORS AND OFFICERS**
 - liability of

FIRST AID REQUIREMENTS

- Generally, **12:8 to 12:21**
- Alberta, **12:10**
- British Columbia, **12:11**
- Federal jurisdiction, **12:9**
- Manitoba, **12:12**
- New Brunswick, **12:13**
- Newfoundland and Labrador, **12:14**
- Northwest Territories, **12:20**
- Nova Scotia, **12:15**
- Ontario, **12:16**
- Prince Edward Island, **12:17**
- Quebec, **12:18**
- Saskatchewan, **12:19**
- Yukon Territory, **12:21**

**GLOBALLY HARMONIZED
SYSTEM OF
CLASSIFICATION AND
LABELLING OF
CHEMICALS**

Generally, 4:1

HAM ROYAL COMMISSION
Generally, 1:1, 1:5, 2:1

HARASSMENT

See also VIOLENCE IN THE
WORKPLACE

Generally, 7:1 to 7:9

Discipline and, 7:36

Health and safety hazard, as, 7:1 to
7:9

Inappropriate proximity, 7:10

Prohibiting, 7:10

Sexual, 7:35

Violence, as distinct from, 7:10

HAZARD PROTECTION

Generally, 12:1

Categories of hazards

 biological, 12:4

 chemical, 12:2

 ergonomic, 12:5

 physical, 12:3

Controlling hazards, 12:7

Ergonomics, 12:30

Exposure to hazards, 12:6

First aid requirements

 See FIRST AID REQUIRE-
 MENTS

Regulation of hazards, 12:22 to
12:30

 biological hazards, 12:29

 chemical hazards, 12:22

 ergonomic hazards, 12:30

 noise

 See NOISE

 physical hazards, 12:23 to 12:28

 asbestos

 background, 12:28

 diseases related to, 12:28

HAZARD PROTECTION—Cont'd

Regulation of hazards, 12:22 to

12:30—Cont'd

 physical hazards, 12:23 to 12:28

 —Cont'd

 asbestos—Cont'd

 health effects of, 12:28

 legislative requirements,
 12:28

 types of, 12:28

 ionizing radiation, 12:26

 lighting, 12:27

 noise, 12:24

 See also NOISE

 non-ionizing radiation, 12:25

 working alone, 12:31 to 12:38

 Alberta, 12:32

 British Columbia, 12:33

 Manitoba, 12:34

 New Brunswick, 12:35

 Northwest Territories, 12:38

 Ontario, 12:36

 Saskatchewan, 12:37

**HEALTH AND SAFETY
INSPECTORS**

See INSPECTORS/OFFICERS

**HEALTH AND SAFETY
PROSECUTIONS**

See PROSECUTIONS

**HEALTH AND SAFETY
REPRESENTATIVES**

Generally, 2:2

Duties and responsibilities of, 2:2

General requirement for, 2:2

Immunity from legal liability, 2:12

Policy note, 2:2

Representing the interests of the
workers, 2:2

Right to call in a government safety
inspector, 2:2

Workplace accident investigations
and, 2:2

HEALTH HAZARDS

See HAZARD PROTECTION

**IMPROVING WORKPLACE
HEALTH AND SAFETY**

Generally, 1:4

United States, 1:10 to 1:18

INDUSTRIAL HEALTH

See HAZARD PROTECTION

**INDUSTRY AND TECHNICAL
STANDARDS**

Generally, 1:3

INJURIES

American trends regarding, 1:10 to 1:18

Ergonomic, 3:6

Reporting of, 6:25

Statistics, 1:7

INSPECTORS/OFFICERS

Generally, 8:1

Accident scene not to be disturbed until released by, 8:18

Appealing inspectors' orders and decisions

See APPEALING INSPECTORS' ORDERS AND DECISIONS

Authority of, 8:2 to 8:15

Alberta, 8:5

British Columbia, 8:4

federal jurisdiction, 8:3

Manitoba, 8:7

New Brunswick, 8:10

Newfoundland and Labrador, 8:13

Northwest Territories, 8:14

Nova Scotia, 8:11

Ontario, 8:8

Prince Edward Island, 8:12

Saskatchewan, 8:6

Yukon, 8:15

INSPECTORS/OFFICERS**—Cont'd**

Dangerous goods, transportation of, and, 15:3, 15:9 to 15:11, 15:21, 15:23

Dealing with, practical considerations regarding, 8:21

Duty to co-operate with, 8:16

Establishment of, 8:1

Legal immunity of, 8:20

Limits on authority of, 8:19

Orders

review of

See APPEALING INSPECTORS' ORDERS AND DECISIONS

right to appeal

See APPEALING INSPECTORS' ORDERS AND DECISIONS

significance of, 9:1

Prohibition against obstructing, 8:17

Release of accident scene, 8:18

**INTERNAL RESPONSIBILITY
SYSTEM**

Generally, 1:1, 1:4, 1:5, 2:1, 2:2, 3:1, 3:4, 4:1, 4:4, 5:1, 8:1

**INTERNATIONAL TRENDS IN
OCCUPATIONAL HEALTH
AND SAFETY LAW
ENFORCEMENT**

Australia, 1:16

Brazil, 1:17

Chile, 1:18

China, 1:15

Denmark, 1:10

Germany, 1:11

India, 1:14

Japan, 1:13

United Kingdom, 1:12

**JOINT HEALTH AND SAFETY
COMMITTEES**

Generally, 2:1

**JOINT HEALTH AND SAFETY
COMMITTEES—Cont'd**

Activities of, 2:3
Advisory capacity of, 2:9
Arguments in favour of, 2:1
Authority of, 2:9
Basic certification training, 2:10, 2:11
Bilateral work stoppage powers, 2:10, 2:11
Bipartite nature, 2:4
Certified members, 2:11, 2:12, 7:31
work stoppages and, 5:33
Chairs and co-chairs, 2:15
Composition of, 2:7
Core certification training, 2:10, 2:11
Definition of, 2:3, 2:4
Due diligence, 2:13
Duties of, 2:15
Effectiveness and efficiency of, 2:14
assessing effectiveness, 2:14
improving effectiveness, 2:15
Tuohy and Simard report, 2:14
Function of, 2:6
Immunity of committee members from legal liability, 2:12
Internal responsibility system, part of, 2:1
Keeping records, 2:8
Knowledge, level of, 2:15
Legally required, 2:1
Meetings, 2:8
minutes of, 2:8
Nature of, 2:4
Payment of committee members for committee work, 2:9
Performance standards, 2:15
Policy committees, 2:10
Posting names of committee members, 2:9
Preparation time, 2:8
Purpose of, 2:6
Recommendations of, 2:10, 2:11

**JOINT HEALTH AND SAFETY
COMMITTEES—Cont'd**

Recording secretary, 2:15
Regular meetings, 2:8
Requirement for, 2:5
Role of, 2:4, 2:15
Threshold requirements, 2:5
Unilateral work stoppage powers, 2:10, 2:11
Union involvement, 2:3

JUDICIAL REVIEW

See APPEALING INSPECTORS' ORDERS AND DECISIONS

LEGISLATIVE POWERS

Generally, 1:2

LIABILITY

See also DIRECTORS AND OFFICERS — liability of
Absolute, 10:3, 10:20
Accidents, for not reporting, 6:25
Actus reus, 11:6, 11:7
Civil, 11:5
Criminal, 11:6
Direct, 11:8
Limited, 11:2
Methods, 11:20 to 11:23
Perpetrator of the offence, 11:21
Quasi-criminal, 11:7
Regulatory, 11:7
Statutory duties and, 11:10, 11:23
Vicarious liability, 11:8, 15:16, 15:17, 15:20, 15:22 to 15:25, 15:28
WHMIS contraventions, for, 4:8

MODELS OF REGULATIONS

See POLICY MODELS

NOISE

Generally, 12:24
Controlling, 12:24
Definition of, 12:24
continuous noise, definition of, 12:24

<p>NOISE—Cont'd</p> <p>Ear, 12:24</p> <p>Exposure, types of, 12:24</p> <p>Hearing loss, 12:24</p> <p>Hearing protection, 12:24</p> <p>Intermittent, 12:24</p> <p>Legislation and regulation, 12:24</p> <p>Physics of sound, 12:24</p> <p>Pitch, 12:24</p> <p>OCCUPATIONAL HEALTH AND SAFETY</p> <p>INSPECTORS/OFFICERS</p> <p>See INSPECTORS/OFFICERS</p> <p>OCCUPATIONAL HEALTH HAZARDS</p> <p>See HAZARD PROTECTION</p> <p>OFFENCES</p> <p>Absolute liability, 10:3, 10:20</p> <p>Mens rea offences, 10:3, 10:20, 11:6, 11:7</p> <p>Regulatory offences, 1:1, 3:49</p> <p>Strict liability, 10:3, 10:20, 11:6, 11:7</p> <p>Transportation of dangerous goods legislation, under, 15:12 to 15:14</p> <p>Vicarious liability</p> <p>See LIABILITY</p> <p>OFFICERS</p> <p>See DIRECTORS AND OFFICERS</p> <p>ONTARIO LABOUR RELATIONS BOARD</p> <p>Generally, 9:8, 9:18 to 9:21</p> <p>ONTARIO MINISTRY OF LABOUR</p> <p>Generally, 2:11, 6:25</p> <p>ORIGINS OF CANADIAN HEALTH AND SAFETY LAW</p> <p>Generally, 1:1</p> <p>POLICY COMMITTEES</p> <p>Generally, 2:10</p>	<p>POLICY MODELS</p> <p>Generally, 1:4</p> <p>Collective bargaining, 1:4</p> <p>Criminal sanctions, 1:4</p> <p>Health and safety tax, 1:4</p> <p>Regulatory partnering, 1:4</p> <p>PROSECUTIONS</p> <p>Generally, 10:1</p> <p>Abuse of process</p> <p>See ABUSE OF PROCESS</p> <p>Acquittal, 10:19</p> <p>Burden of proof, 10:18, 10:19</p> <p>Canadian Charter of Rights and Freedoms and, 10:7</p> <p>counsel, right to, 10:8</p> <p>delay, unreasonable, 10:9</p> <p>Commencement of, 10:4</p> <p>Counsel, right to, 10:8</p> <p>Crown disclosure to the defence, 10:6</p> <p>Martin committee report, 10:6</p> <p>Crown's burden of proof, 10:18, 10:19</p> <p>Delay, unreasonable, 10:9</p> <p>Directed verdict of acquittal, 10:19</p> <p>Due diligence, defence of</p> <p>See DUE DILIGENCE</p> <p>Elements of the offence</p> <p>establishing, 10:18, 10:19</p> <p>failure to prove, 10:19</p> <p>Environmental, 11:24</p> <p>Evidence at trial, 10:12 to 10:16</p> <p>expert witnesses, 10:12 to 10:15</p> <p>criteria for, 10:14</p> <p>jurisprudence re, 10:15</p> <p>role of, 10:13</p> <p>non-expert and expert opinions, 10:16</p> <p>Failure to preserve accident scene, 6:25</p> <p>Failure to report accidents, 6:25</p> <p>Fair play and decency, 10:38</p> <p>Fair trial, 10:38</p> <p>Foreseeability factor, 10:20</p>
--	--

PROSECUTIONS—Cont'd

Full answer and defence, **10:6, 10:35, 10:38**
Jail term, **10:21**
Legal character of prosecutions, **10:3**
Liability, establishing, **10:3**
Mens rea offences, **10:3, 10:20**
Mistake of fact, **10:21**
Particulars of the charges, **10:5, 10:18, 10:19**
Penalties, **10:1**
See also SENTENCING — penalties
Plea bargaining and plea bargain agreements, **10:17**
Practice points, **10:54**
Preparation for trial, **10:54**
Presumption of innocence, **10:18, 10:19, 10:23**
Procedure at trial, **10:10 to 10:16**
evidence at trial, **10:12 to 10:16**
expert witnesses, **10:12 to 10:15**
criteria for, **10:14**
jurisprudence re, **10:15**
role of, **10:13**
non-expert and expert opinions, **10:16**
intra-trial rulings
review, reconsideration and reversal of, **10:11**
Proof of due diligence, **10:21**
Prosecutorial discretion to lay charges, **10:2**
Proving the charge beyond a reasonable doubt, **10:18, 10:19**
Rise and fall of the presumption of innocence, **10:23**
Sentencing
See SENTENCING
Time limits, **10:4**
Transportation of dangerous goods legislation, under
See TRANSPORTATION OF DANGEROUS GOODS

PROSECUTIONS—Cont'd

Victim surcharges, **10:45**
Withholding full disclosure, **10:35**

REPLACEMENT WORKERS, ASSIGNMENT OF

Generally, **5:19 to 5:32**
Alberta, **5:22**
British Columbia, **5:21**
Federal jurisdiction, **5:20**
Manitoba, **5:24**
New Brunswick, **5:27**
Newfoundland and Labrador, **5:30**
Northwest Territories, **5:31**
Nova Scotia, **5:28**
Ontario, **5:25**
Prince Edward Island, **5:29**
Quebec, **5:26**
Saskatchewan, **5:20**
Yukon Territory, **5:32**

REPORTING WORKPLACE ACCIDENTS

See WORKPLACE ACCIDENTS, STATUTORY DUTY TO REPORT

RIGHT TO REFUSE TO DO UNSAFE WORK

Generally, **5:1**
Assignment of replacement workers, **5:19 to 5:32**
Canada Labour Relations Board, **5:35**
Case law
frivolous work refusals, **5:35**
legitimate work refusals, **5:37**
personal comfort, **5:36**
Certified member work stoppages, **5:33**
Dangerous circumstances, **5:3, 5:19 to 5:32, 7:31**
Emergency services, **5:2**
Employer discipline and prohibition against reprisals, **5:34**
Exemptions from, **5:2**

<p>RIGHT TO REFUSE TO DO UNSAFE WORK—Cont'd</p> <p>Lawfulness of work refusal, 5:3</p> <p>Limitations on, 5:2</p> <p>Payment of refusing worker, 5:18</p> <p>Procedure to be followed in work refusal, 5:4 to 5:17</p> <ul style="list-style-type: none"> Alberta, 5:7 British Columbia, 5:6 federal jurisdiction, 5:5 Manitoba, 5:9 New Brunswick, 5:12 Newfoundland and Labrador, 5:15 Northwest Territories, 5:16 Nova Scotia, 5:13 Ontario, 5:10 Prince Edward Island, 5:14 Quebec, 5:11 Saskatchewan, 5:8 Yukon Territory, 5:17 <p>Replacement workers</p> <ul style="list-style-type: none"> See REPLACEMENT WORKERS, ASSIGNMENT OF <p>Violence in the workplace as reason to refuse unsafe work, 7:31</p> <p>Whistle-blowing, 5:34</p> <p>Who may refuse unsafe work, 5:2</p> <p>Work refusal for personal comfort, 5:36</p> <p>SAFETY INSPECTORS</p> <ul style="list-style-type: none"> See INSPECTORS/OFFICERS <p>SAFETY OFFICERS</p> <ul style="list-style-type: none"> See INSPECTORS/OFFICERS <p>SECURITY</p> <ul style="list-style-type: none"> Generally, 7:34 <p>SENTENCING</p> <p>Penalties</p> <ul style="list-style-type: none"> Alberta, 10:42 British Columbia, 10:41 federal jurisdiction, 10:40 Manitoba, 10:44 New Brunswick, 10:47 	<p>SENTENCING—Cont'd</p> <p>Penalties—Cont'd</p> <ul style="list-style-type: none"> Newfoundland and Labrador, 10:50 Northwest Territories, 10:51 Nova Scotia, 10:48 Ontario, 10:45 Prince Edward Island, 10:49 Quebec, 10:46 Saskatchewan, 10:43 Yukon, 10:52 <p>Principles, 10:53</p> <p>Transportation of dangerous goods and</p> <ul style="list-style-type: none"> See TRANSPORTATION OF DANGEROUS GOODS — prosecutions <p>SEXUAL ASSAULT</p> <ul style="list-style-type: none"> See also VIOLENCE IN THE WORKPLACE <p>Generally, 7:32</p> <p>SEXUAL HARASSMENT</p> <ul style="list-style-type: none"> See also VIOLENCE IN THE WORKPLACE <p>Generally, 7:10, 7:35</p> <p>SHAREHOLDERS</p> <ul style="list-style-type: none"> Generally, 11:2 <p>SMOKING</p> <ul style="list-style-type: none"> See WORKPLACE SMOKING RESTRICTIONS <p>STAKEHOLDERS</p> <ul style="list-style-type: none"> See WORKPLACE STAKEHOLDERS <p>SUPERVISORS</p> <ul style="list-style-type: none"> Competent, 3:7 Duties and responsibilities of, 3:19 to 3:32 Alberta, 3:22 British Columbia, 3:21 federal jurisdiction, 3:20 Manitoba, 3:24 New Brunswick, 3:27
---	--

SUPERVISORS—Cont'd

- Duties and responsibilities of, **3:19**
- to **3:32**—Cont'd
 - Newfoundland and Labrador, **3:30**
 - Northwest Territories, **3:31**
 - Nova Scotia, **3:28**
 - Ontario, **3:25**
 - Prince Edward Island, **3:29**
 - Quebec, **3:26**
 - Saskatchewan, **3:23**
 - Yukon Territory, **3:32**

SUPPLIERS

- Generally, **3:1**

TRADE UNIONS

- Generally, **3:1, 3:48**

TRANSPORTATION OF DANGEROUS GOODS

- Generally, **15:1**
- Classification of dangerous goods, **15:2**
 - Emergency response
 - danger to public safety or the environment, **15:6**
 - disclosure of information, **15:8**
 - emergency response assistance plan, **15:7, 15:23, 15:27**
 - liability protection, **15:5**
 - reporting requirements
 - air, transport by, **15:4**
 - road, rail or marine, transport by, **15:4**
 - Exemptions, **15:24**
 - Federal law regarding, **15:2**
 - application of, **15:2**
 - History of law regarding
 - Mississauga train derailment, **15:2**
 - unifying the law across jurisdictions, **15:2**
 - Inspectors, **15:3**
 - certification of, **15:3**
 - inspections by, **15:3**

TRANSPORTATION OF

DANGEROUS GOODS

—Cont'd

- Inspectors, **15:3**—Cont'd
 - powers of, **15:3, 15:21, 15:23**
- Legislation governing, **15:15** to **15:28**
 - Mississauga train derailment, **15:2**
 - Offences, **15:12** to **15:14**
 - Permits, **15:9** to **15:11**
 - emergency permits, **15:10**
 - equivalent level of safety permits, **15:9**
 - import and export permits, **15:11**

Proof of financial responsibility, **15:3**

Prosecutions

defence

due diligence, **15:16** to **15:25**, **15:27** to **15:35**

mistake of fact, **15:32**

reasonable precautions taken, **15:33**

failure of the Crown to prove the charge, **10:19, 15:30**

officially induced error, **15:34**

immunity from liability, **15:19**

limitation period, **15:18**

offences, **15:19, 15:21, 15:22**

penalties, **15:14, 15:16** to **15:28**

proof of the offence, **15:13**

Protective directions, **15:2**

Training, **15:36**

certificate of completion, **15:36**

content of, **15:36**

methods of, **15:36**

who must be trained, **15:36**

Vicarious liability, **15:16, 15:17, 15:20, 15:22** to **15:25, 15:28**

VIOLENCE IN THE

WORKPLACE

Generally, **7:1** to **7:9**

Canadian statistics, **7:5**

Causes of, **7:18**

VIOLENCE IN THE WORKPLACE—Cont'd

Communication and, 7:34

Control of, 7:34

Coroner's inquests

- Lori Dupont, 7:9
- OC Transpo, 7:9

Cost of, 7:7

Counselling of victims, 7:34

Co-workers, 7:16

Criminal Code and, 7:32

Critical incident stress and, 7:40, 7:41

Definition, 7:11

- categories of workplace violence, 7:13 to 7:17
- among co-workers, 7:16
- committed by clients, patients or customers, 7:14
- committed by strangers to the victims, 7:15
- domestic violence in the workplace, 7:17
- legal considerations and, 7:12

Design of work and of the workplace and, 7:34

Discipline and, 7:36

Effects of, 7:8

Emergency response plan, 7:38

Employee assistance program, 7:38

Examples of

- Canadian, 7:2
- foreign, 7:3

General duty clauses and, 7:31

Harassment

- See also HARASSMENT
- as distinct from violence, 7:10

Health effects of, 7:8

High-risk retail situations, 7:1 to 7:9

Human rights statutes, 7:10

Incident

- evaluation and analysis, 7:45
- investigation, 7:44
- reporting, 7:44

VIOLENCE IN THE WORKPLACE—Cont'd

Learning from experience, 7:46

Legislation, 7:19 to 7:30

- Alberta, 7:20
- British Columbia, 7:21
- federal jurisdiction, 7:19
- Manitoba, 7:22
- New Brunswick, 7:23
- Newfoundland and Labrador, 7:24
- Northwest Territories, 7:26
- Nova Scotia, 7:25
- Nunavut, 7:26
- Ontario, 7:27
- Prince Edward Island, 7:28
- Quebec, 7:29
- Saskatchewan, 7:30

Managing, 7:9

Ministry of Labour prosecutions, 7:37

Occupational health and safety hazard, as, 7:1 to 7:9

Physical effects of, 7:8

Police, role of, 7:40

Policies and programs, 7:33

Post-traumatic stress disorder, 7:41

Preventing, 7:9

Prosecutions, Ministry of Labour, 7:37

Psychological effects, 7:8, 7:41

Real physical hazard, 7:1 to 7:9

Security and, 7:34

Staffing, 7:33

Statistics concerning

- Canadian, 7:5
- United States, 7:6

Strangers to the workplace, 7:15

Training and, 7:34

Types of, 7:11 to 7:17

Verbal threats, 7:11 to 7:17

Victim assistance, 7:1 to 7:9, 7:43

Victims of, 7:1 to 7:9

Violent customers/public, 7:14, 7:33

<p>VIOLENCE IN THE WORKPLACE—Cont'd</p> <p>Zero tolerance, 7:9</p> <p>WESTRAY MINE DISASTER</p> <p>Generally, 1:5, 1:8, 2:6, 3:47</p> <p>WHISTLE-BLOWING</p> <p>Generally, 5:34</p> <p>WORKERS' COMPENSATION</p> <p>Accident reporting and, 6:25</p> <p>different from occupational health and safety accident reporting, 6:22</p> <p>British Columbia, 10:21</p> <p>History of, 1:1</p> <p>No fault system, 1:1</p> <p>WORKERS' DUTIES AND RESPONSIBILITIES</p> <p>Generally, 3:33 to 3:46</p> <p>Alberta, 3:36</p> <p>British Columbia, 3:35</p> <p>Federal jurisdiction, 3:34</p> <p>Manitoba, 3:38</p> <p>New Brunswick, 3:41</p> <p>Newfoundland and Labrador, 3:44</p> <p>Northwest Territories, 3:45</p> <p>Nova Scotia, 3:42</p> <p>Ontario, 3:39</p> <p>Prince Edward Island, 3:43</p> <p>Quebec, 3:40</p> <p>Saskatchewan, 3:37</p> <p>Yukon Territory, 3:46</p> <p>WORKING ALONE</p> <p>See HAZARD PROTECTION — regulation of hazards — physical hazards</p> <p>WORKPLACE</p> <p>Accident reports, 6:25</p> <p>Design, security and training, 7:34</p> <p>Harassment</p> <p>See HARASSMENT; VIOLENCE IN THE WORKPLACE</p>

<p>WORKPLACE—Cont'd</p> <p>Layout, 3:6</p> <p>Models of regulation, 1:4</p> <p>Organization, 3:6</p> <p>Work activities, physical demands of, 3:6</p> <p>WORKPLACE ACCIDENTS, STATUTORY DUTY TO REPORT</p> <p>Generally, 6:1</p> <p>Differences from workers' compensation reporting, 6:22</p> <p>Due diligence implications of accident reporting obligations, 6:28</p> <p>Government use of information reported, 6:24</p> <p>Legal liability for not reporting, 6:24</p> <p>Limits of accident reporting requirements, 6:23</p> <p>Policy reasons for reporting accidents, 6:2</p> <p>Requirements, 6:3 to 6:20</p> <p>Alberta, 6:7</p> <p>British Columbia, 6:6</p> <p>federal jurisdiction, 6:4, 6:5</p> <p>aircraft accidents, 6:5</p> <p>Manitoba, 6:9</p> <p>New Brunswick, 6:15</p> <p>Newfoundland and Labrador, 6:18</p> <p>Northwest Territories, 6:19</p> <p>Nova Scotia, 6:16</p> <p>Nunavut, 6:21</p> <p>Ontario, 6:10 to 6:13</p> <p>notice of death or critical injury, 6:11</p> <p>construction projects, 6:11</p> <p>health care and residential facilities, 6:11</p> <p>industrial establishments, 6:11</p> <p>mining operations, 6:11</p>
--

WORKPLACE ACCIDENTS, STATUTORY DUTY TO REPORT—Cont'd

- Requirements, **6:3 to 6:20**—Cont'd
- Ontario, **6:10 to 6:13**—Cont'd
 - notice of non-critical injury, **6:12**
 - construction projects, **6:12**
 - health care and residential facilities, **6:12**
 - industrial establishments, **6:12**
 - mining operations, **6:12**
- Prince Edward Island, **6:17**
- Quebec, **6:14**
- Saskatchewan, **6:8**
- Yukon Territory, **6:20**
- Role of legal counsel before reporting, **6:27**
- Self-incrimination effect of accident reporting, **6:26**

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM

- Generally, **4:1**
- Classification system, **4:3**
- Controlled products regulation, **4:3**
- Development of, **4:2**
- Disregarding, **2:4**
- Education and training methods, **4:6**
- Effective implementation of, **4:9**
- Elements of, **4:1**
- Emergency measures, **4:4**
- Globally Harmonized System of Classification and Labelling of Chemicals and, **4:1**
- Implementation of, **4:9**
- Intellectual property rights and, **4:7**
 - applications for exemption from disclosure, **4:7**
 - appeal from decision regarding, **4:7**
- boards and officers responsible for applications and appeals, **4:7**

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM—Cont'd

- Intellectual property rights and, **4:7**
 - Cont'd
 - applications for exemption from disclosure, **4:7**—Cont'd
 - procedure for, **4:7**
- Labelling of hazardous and controlled products, **4:4**
- bilingual implications, **4:4**
- exemptions from, **4:4**
- responsibility for, **4:4**
- risk phrases, **4:4**
- types of labels, **4:4**
- Liability for contraventions, **4:8**
- Material safety data sheets, **4:5**
- Policy and legislative development and purposes, **4:2**
- Training and education of workers, **4:6**
 - self-directed training materials and methods, **4:6**

WORKPLACE SMOKING RESTRICTIONS

- Current anti-smoking legislation, **13:5 to 13:19**
 - Alberta, **13:7, 13:21**
 - British Columbia, **13:8, 13:21**
 - federal jurisdiction, **13:5, 13:6**
 - Non-smokers' Health Act, **13:6, 13:21**
 - Tobacco Act, **13:5, 13:21**
 - Manitoba, **13:9, 13:21**
 - New Brunswick, **13:10, 13:21**
 - Newfoundland and Labrador, **13:11, 13:21**
 - Northwest Territories, **13:12, 13:21**
 - Nova Scotia, **13:13, 13:21**
 - Nunavut, **13:14, 13:21**
 - Ontario, **13:15, 13:21**
 - Prince Edward Island, **13:16, 13:21**
 - Quebec, **13:17, 13:21**

WORKPLACE SMOKING

RESTRICTIONS—Cont'd

Current anti-smoking legislation, **13:5 to 13:19**—Cont'd
Saskatchewan, **13:18, 13:21**
Yukon, **13:19, 13:21**
History of smoking legislation, **13:1 to 13:4**
chronology (provinces, territories and municipalities), **13:4**
federal jurisdiction, **13:1**
Ontario, **13:3**
provinces and territories, **13:2 to 13:4**
Marijuana in the workplace, **13:20**
Overview, **13:21**

WORKPLACE STAKEHOLDERS

Described, **3:1**
Directors and officers
See **DIRECTORS AND OFFICERS**
Duties and responsibilities of, **3:1, 3:47**
directors and officers, **3:18, 11:1, 11:23**
employers
See **EMPLOYERS**
importance of, **3:2**
no legal duties or responsibilities, **3:48**

WORKPLACE STAKEHOLDERS

—Cont'd

Duties and responsibilities of, **3:1, 3:47**—Cont'd
overlap of, **3:2**
stakeholders other than employers, supervisors and workers, **3:47**
supervisors
See **SUPERVISORS**
workers
See **WORKERS' DUTIES AND RESPONSIBILITIES**
Liability, **3:49**

WORKPLACE VIOLENCE

See **VIOLENCE IN THE WORKPLACE**

WORK REFUSALS

See **RIGHT TO REFUSE TO DO UNSAFE WORK**

WORK STOPPAGE

Generally, **5:33**
Certified members (Ontario) and, **5:33**
bilateral work stoppage, **5:33**
unilateral work stoppage, **5:33**
Discipline of workers for, **5:34**
Joint health and safety committee powers re, **2:10, 2:11**