INDEX

ACCIDENTS. See WORKPLACE INCIDENTS AND ACCIDENTS

APPEALS OF INSPECTORS' ORDERS AND DECISIONS

hearing, 130-31 notice of appeal, 124 process for filing, 124 reasons to appeal, 131-2, 136-7 remedial authority of OLRB, 131 right to appeal, 123, 143 suspending orders pending appeal, 122, 124-30 time limitation period, 124, 132, 143

ARCHITECTS AND PROFESSIONAL ENGINEERS

defined, 57 duties under OHSA, 57-8

ASBESTOS MANAGEMENT PROGRAM, 81-2

CANADIAN CHARTER OF RIGHTS AND FREEDOMS, RIGHTS UNDER, 10, 118, 138, 142-3, 148

CERTIFIED MEMBERS, 22, 29-37

authority of, 30 defined, 22, 29, 31 legislative background, 30-32 requirement for, 22, 30 training programs and providers, 29-37 equivalency, 37 payment for time spent becoming certified, 25 work stoppages and, 30, 97-107

CHIEF PREVENTION OFFICER, 29-33

COMPLIANCE IN HEALTH AND SAFETY

benefits of, 200 business challenges, 156-9 standard of, 14

CONSTRUCTORS

definition, 40 duties under OHSA, 31, 40-42 filing notice of project, 42 project responsibility, 41

CORPORATIONS. See OFFICERS AND DIRECTORS OF CORPORATIONS

CPO (CHIEF PREVENTION OFFICER), 29-33

CRIMINAL CODE

Bill C-45 amendments, 8-10, 109 charges under, 133 criminal negligence, 8-10 "reasonable steps" to prevent death or bodily harm, 5, 9-10 search and seizure rights, 10, 141 sentencing in prosecutions, 153-4

DEFINITIONS

accident, 163 agent, 20 architect, 57 C. 85 certificate of offence, 146 certified member, 22, 29, 31 competent person, 42, 45, 49 constructor, 40 controlled product, 62 critical injury, 110 critical task, 184 dangerous circumstances, 100 designated substance, 75 director, 58 due diligence, 11-12 employer, 43 exposure, 84 Hawthorne effect, 176-7 hazardous material, 62

Index 207

DEFINITIONS — continued information, 146 internal responsibility system, 1 licensee, 56 loss, 163 non-critical injury, 113 officer, 58 organization, 8, 9 owner, 54 procedure, 185 professional engineer, 57 psychological detention, 138 reason to believe, 93-4 representative, 8, 9 senior officer, 9 **STEL**, 85 summons, 147 supervisor, 49 supplier, 55 supplier label, 65 task, 184 task safety analysis, 183 TWA, 85 worker, 51-2 workplace, 20 workplace harassment, 189 workplace label, 64 workplace violence, 189

DIRECTORS OF CORPORATIONS. See OFFICERS AND DIRECTORS OF CORPORATIONS

DOCUMENT MANAGEMENT, 199

components of, 199 equipment and facilities records, 199

DUE DILIGENCE, 11-16, 150-52, 161, 186, 199. See also HEALTH AND SAFETY MANAGEMENT SYSTEM defence of, 150-52

establishing all reasonable precautions taken, 14-16, 152 general duty clause, 13 representatives and committees, role in, 25-7 senior management's role in, 155-6

EMPLOYEES

discipline for OHSA violations, 16-17 suspension, 17 termination, 17 verbal or written warning, 17 duties under OHSA, 16

EMPLOYERS

defined, 43 duties under OHSA, 19-20, 22, 31, 43-9 appoint competent supervision, 45 comply with regulations, 46 employ lawfully aged workers, 45-6 health and safety committee ---assist, 46 ensure one is maintained, 22 health and safety representative ---assist, 46 ensure one is appointed, 19-20 occupational health and safety policy, establish, 44 post copy of OHSA, 47 provide health and safety awareness training, 47-9 provide safe work environment, 44 take every reasonable precaution to protect workers, 13, 47

FINES AND OTHER PENALTIES UNDER OHSA, 6-7, 156. See also CRIMINAL CODE

FIRE PREVENTION AND MANAGEMENT PROGRAM, 186-8

development of, 187-8 objectives of, 186-7 program, contents of, 187

GHS. *See* GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS (GHS)

GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS (GHS)

background, 69-70 generally, 62 implementation in Canada, 70 WHMIS, effects on, 70-73

HAWTHORNE STUDIES, 176-7

HEALTH AND SAFETY COMMITTEE. See WORKPLACE JOINT HEALTH AND SAFETY COMMITTEE HEALTH AND SAFETY MANAGEMENT SYSTEM accident reporting and investigation program. See WORKPLACE INCIDENTS AND ACCIDENTS asbestos management program, 81-2 document management. See DOCUMENT MANAGEMENT factors addressed by, 161-2 fire prevention and management program. See FIRE PREVENTION AND MANAGEMENT PROGRAM health and safety training program. See HEALTH AND SAFETY TRAINING PROGRAM job safety analysis program. See JOB SAFETY ANALYSIS PROGRAM management theories and principles. See MANAGEMENT PRINCIPLES material handling/MSD prevention program. See MATERIAL HANDLING/ MSD PREVENTION PROGRAM total loss control and, 162-7 training program, 197-8 workplace violence and harassment prevention program. See WORKPLACE VIOLENCE AND HARASSMENT PREVENTION PROGRAM **HEALTH AND SAFETY POLICY**

duty to have under OHSA, 44, 152, 158 sample, 201

HEALTH AND SAFETY REPRESENTATIVE

duties under OHSA, 20-21 paid by employer for time taken to carry out duties, 21 requirement for, 19-20

HEALTH AND SAFETY TRAINING PROGRAM

content of training, 197 planning model for training, 197-8 records of training, 198 supervisory training, 198

HERZBERG'S TWO-FACTOR THEORY, 180-81

HUMAN MOTIVATION MANAGEMENT PRINCIPLES, 177-81

INCIDENTS AND ACCIDENTS IN WORKPLACE. See WORKPLACE INCIDENTS AND ACCIDENTS

INSPECTORS, MINISTRY OF LABOUR, AUTHORITY OF

entering workplace without search warrant or notice, 117-18

INSPECTORS, MINISTRY OF LABOUR, AUTHORITY OF — continued

inspections of workplaces, 118, 138
obstruction of, prohibited, 121
orders, issuing of, 121-2, 143
appeals of orders/decisions. *See* APPEALS OF INSPECTORS' ORDERS AND DECISIONS
seizure of property, 119-20, 139-43
stop work orders, issuing of, 122
tests, ordering of, 120
witness statements, taking of, 138-9, 143

INTERNAL RESPONSIBILITY SYSTEM, 1, 2, 6, 11, 21, 25, 39, 89, 97, 115, 151

JOB SAFETY ANALYSIS PROGRAM

defined, 183 steps to developing, 183-6

LICENSEES

defined, 56 duties under OHSA, 56-7 ensure employer/logger compliance with legislation, 57 health and safety of workers in licensed area, 57 overview of duties, 56

MANAGEMENT PRINCIPLES

classic approaches to management administrative principles approach, 174 bureaucratic approach to organizational management, 175 Hawthorne studies, 176-7 science of motion studies, 173-4 Taylorism and scientific management, 172-3 four general management functions, 169-70 controlling, 170 leading, 169-70 organizing, 169 planning, 169 generally, 167-71 human motivation management principles, 177-81 Herzberg's two-factor theory, 180-81 Maslow's hierarchy of human needs, 177-9 Theory X and Theory Y managers, 179-80 managerial roles, 170-71 decisional category, 171

Index 211

MANAGEMENT PRINCIPLES — continued

managerial roles — *continued* informational category, 171 interpersonal category, 170-71 modern approaches to management, 181-3 forecasting techniques qualitative, 182 quantitative, 182-3 problem-solving intuitive, 181-2 systematic, 181-2 performance effectiveness and efficiency, 168

MASLOW'S HIERARCHY OF HUMAN NEEDS, 177-9

MATERIAL HANDLING/MSD PREVENTION PROGRAM

ergonomics, 192 falling hazards, 193 machine safety, 193 materials and effect on human body, 193 Ministry of Labour and, 192

MINISTRY OF LABOUR (MOL), 29-37

MOL. See MINISTRY OF LABOUR (MOL)

MSD (MUSCULOSKELETAL DISORDER), 192

MUSCULOSKELETAL DISORDER (MSD), 192

OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA)

contravention of duties under, 60. *See also* PROSECUTION UNDER OHSA duties under. *See* ARCHITECTS AND PROFESSIONAL ENGINEERS; CONSTRUCTORS; EMPLOYEES; EMPLOYERS; LICENSEES; OFFICERS AND DIRECTORS OF CORPORATIONS; OWNERS; SUPERVISORS; SUPPLIERS OF RENTAL EQUIPMENT; WORKERS history of, 2-3 non-compliance costs, 6-7 penalties under, 6-7, 60, 156. *See also* CRIMINAL CODE theory behind, 3-6 collective bargaining theory, 3-4 criminal sanctions theory, 4-5 health and safety tax theory, 4 internal responsibility system, 6 regulatory partnering model, 5-6

OCCUPATIONAL HEALTH AND SAFETY AWARENESS TRAINING, 47-9

OFFENCES. See PROSECUTION UNDER OHSA

OFFICERS AND DIRECTORS OF CORPORATIONS

defined, 58 duties under OHSA, 59-60 comply with orders of Ministry of Labour and inspectors, 59-60 ensure legislative compliance, 59 overview of, 59

OHSA. See OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA)

OWNERS

defined, 54 duties of non-project owners under OHSA, 54-5 duties of project owners under OHSA, 54

PENALTIES UNDER OHSA, 6-7, 156. See also CRIMINAL CODE

PROFESSIONAL ENGINEERS. See ARCHITECTS AND PROFESSIONAL ENGINEERS

PROSECUTION UNDER OHSA. See also CRIMINAL CODE

charges, 133-4 initial actions when charges laid, 144-5 laying of charges, circumstances under which likely, 134-6 due diligence, defence of, 150-52 senior management's role in, 155-6 pre-charge precautions generally, 136-7 rights of corporations and individuals, 138-43 orders, 143 search and seizure of evidence, 139-43 witness statements, 138-9, 143 procedure in OHSA prosecution, 145-50 certificate of offence, proceeding by, 146 information, proceeding by, 146 disclosure of prosecution evidence, 148-9 first court appearance, 147-8 judgment of the court, 150 service of subpoenas, 149 summons, 147 trial date, setting, 149 trial procedure, 149-50

PROSECUTION UNDER OHSA — continued

senior management and, 155-6 sentencing, 152-4

REFUSAL OF UNSAFE WORK. See also WORK STOPPAGES

discipline of refusing worker, 97 overview of, 89-90 payment of refusing worker, 96 procedure for unsafe work refusal, 92-7 basis for, 89, 90, 93-4 Ministry of Labour inspector, role of, 95 replacement workers warned of refusal, 95-6 reporting of, to supervisor, 94 stage 1 refusal, 93-4 stage 2 refusal, 93-4 stage 2 refusal, 94-6 right of, 89 limitations on right, 90-92 whistle-blowing protection, 97

SCIENCE OF MOTION STUDIES, 173-4

SUPERVISORS

defined, 49 duties under OHSA, 13, 49-51 advise workers of danger, 51 compel workers to comply with legislation, 50 ensure use of safety equipment, devices, clothing, 50-51 every reasonable precaution taken to protect workers, 13, 51

SUPPLIERS OF RENTAL EQUIPMENT

defined, 55 duties under OHSA, 55-6 maintain in good condition, 56 supply in good condition, 55

TAYLORISM AND SCIENTIFIC MANAGEMENT, 172-3

THEORY X AND THEORY Y MANAGERS, 179-80

TOTAL LOSS CONTROL MANAGEMENT, 162-7

"accident" defined, 162-3 incident to major loss ratio, 163-4 loss causation model, 164-6 "loss" defined, 163 managerial control, 166-7 three "Ps" of workplace loss, 163-4

TOXIC SUBSTANCES REGULATIONS

"designated substance" defined, 75 Ontario Regulation 278/05, Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations, 80-82 application of, 80 asbestos management program, 81-2 notice requirements, 82 training requirements, 82 Ontario Regulation 490/09, Designated Substances, 76-9 application of, 76-8 assessment program, 78-9 control program, 79 history of, 75 personal exposure records, 79 Ontario Regulation 833, Control of Exposure to Biological or Chemical Agents, 83-7 application of, 84 occupational exposure limits, 83, 84 personal protective equipment, 86 regulating, 84 testing workers, 86-7 worker exposure, calculating, 85

UNSAFE WORK, REFUSAL. See REFUSAL OF UNSAFE WORK

WHISTLE-BLOWING PROTECTION, 97

WHMIS. See WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM (WHMIS)

WORK REFUSAL. See REFUSAL OF UNSAFE WORK; WORK STOPPAGES

WORK STOPPAGES

bad faith on part of certified member, provision for, 102
bilateral, 98-102
basis for, 99-100
cancellation of stop work order, 102
"dangerous circumstances" defined, 100
investigation process, 100-101
Ministry of Labour inspector, role of, 101, 102
unilateral, 102-107
application for declaration by OLRB that unilateral work stoppage to apply to workplace, 104-106
basis for, 106
cancellation of stop work order, 107

WORK STOPPAGES — continued

unilateral — *continued* compliance with, by employer/constructor, 106 conditions for, 103-104 investigation process, 106-107 Ministry of Labour inspector, role of, 107

WORKERS

defined, 51-2 duties under OHSA, 52-4 comply with OHSA and regulations, 52 overview of duties, 52 prohibited from horseplay and inappropriate behaviour, 53-4 tampering with safety devices, 53 using dangerous equipment, 53 report dangers in workplace, 53 use safety equipment, devices, clothing, 52 rights of, 25

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM (WHMIS)

controlled products classes, 62 GHS, effects on, 70-73 "hazardous material" defined, 62 introduction of, 61 labels (supplier and workplace), 64-5 material safety data sheets (employer and supplier), 65-6 trade secrets and confidential business information protection, 67-9 medical emergency disclosure of confidential information/trade secrets, 69 worker education and training, 63-4

WORKPLACE HEALTH AND SAFETY, IMPORTANCE OF, 1

WORKPLACE INCIDENTS AND ACCIDENTS

"accident" defined, 163 accident investigations, 193-6 accident reporting and investigation program, 193-6 goals of, 194, 196 steps to take in investigation, 194-6 prevention of, 162-7 records retention, prescribed time, 115 reporting requirements notice of death or critical injury, 109-110

WORKPLACE INCIDENTS AND ACCIDENTS — continued

reporting requirements — *continued* notice of — *continued* death or critical injury — *continued* "critical injury" defined, 110 incident at construction project, mine or mining plant, 111-12 non-critical injury, 110-11 occupational illness/disease, 111 professional engineer's report, 112-13 summary of notices to Ministry of Labour, 113-15 senior management's role, 155-6

WORKPLACE JOINT HEALTH AND SAFETY COMMITTEE

certified members, 29-37. *See also* CERTIFIED MEMBERS due diligence, role in, 25-7 meetings and minutes, 23-4 members' names posted, 24 membership on, 22 payment of members for committee work, 24-5 powers and functions of, 23 requirement for, 21, 30-31 worker trades committee, 22-3 workers' rights, role in fulfilling, 25

WORKPLACE VIOLENCE AND HARASSMENT PREVENTION PROGRAM

definitions, 189 prevention policy, 189-90 prevention program, 190-91 domestic violence and, 191 training re, 190-91 risk assessment, 189 "workplace harassment" defined, 189