

Live Safe! Work Smart!

WORKPLACE LAW



**Health and Safety Resources for
Ontario Secondary School Teachers**

Produced by a partnership of:



SECTION I

Workplace Law

Grade 11

BUSINESS STUDIES

Introduction to Entrepreneurial Studies, Grade 11, College

GUIDANCE AND CAREER EDUCATION

Designing your Future, Grade 11, Open

**Teacher's Note**

Whether they are planning to start a new business or be employed, students should know health and safety legal requirements that business owners must adhere to, as well as their rights and responsibilities as workers. In Grade 10, students taking Career Studies in the Guidance and Career Education program were introduced to occupational health and safety law. In Section II of the Societal Issues chapter in the *Live Safe! Work Smart! Grade 9/10 Edition*, there are lessons that you may want to review before beginning this lesson.

The first overhead in this lesson is designed for students who are in courses aimed at preparation for business management. The lessons that follow cover the various pieces of legislation they should be familiar with — the *Occupational Health and Safety Act* and its regulations, the *Workplace Safety and Insurance Act* and the *Employment Standards Act* are highlighted.

Overhead

Teacher's Notes

Starting your Business – Health and Safety

Starting a Business

- Know the laws that apply to you
- Ask for help from the health and safety system

- Know the laws that apply to you
- Ask for help from the health and safety system

There are some things to know before embarking on a new business.

There are several important laws that you should be familiar with, because, as a business owner, employer or even supervisor, there are responsibilities that must be fulfilled. Saying that you didn't know is not a good defence.

Also, there is a public system of occupational health and safety, called the Occupational Health and Safety (OHS) system. It is made up of government organizations and agencies that exist to communicate, and for some, to enforce, health and safety and related law. These organizations include:

- The Ontario Ministry of Labour (MOL)
- The Workplace Safety and Insurance Board (WSIB)
- Health and Safety Associations, such as the Industrial Accident Prevention Association and the Workers' Health and Safety Centre.

Although the MOL and WSIB both have legislation you must comply with, they and the health and safety associations can provide information, advice and training to help you on your way. Just ask!

OPTIONAL EXERCISE: Business Students

Have students research details of information that they need before starting a new business venture. You may want them to search for specific information that they will find on the Ministry of Labour website. The site contains the information that students will need to be in compliance with labour laws, such as employment standards. In addition, this site will connect them to Ontario Business Connects, which is administered by the Ministry of Consumer and Business Services.

Website: <http://www.gov.on.ca/lab/bus/starte.htm> (“Starting Your Business the Right Way”).

Information on workplace insurance can be found on the website of the Workplace Safety and Insurance Board at <http://www.wsib.on.ca>

BUSINESS STUDIES

Introduction to Entrepreneurial Studies, Grade 11, College

GUIDANCE AND CAREER EDUCATION

Designing your Future, Grade 11, Open

CANADIAN AND WORLD STUDIES

Understanding Canadian Law, Grade 11, Workplace

SOCIAL SCIENCES AND HUMANITIES

Managing Personal and Family Resources, Grade 11, College

TECHNOLOGICAL EDUCATION

Communications Technology, Grade 11, University/College; Workplace

Construction Technology, Grade 11, College; Workplace

Hairstyling and Aesthetics, Grade 11, Workplace

Hospitality, Grade 11, College

Hospitality and Tourism, Grade 11, Workplace

Manufacturing Engineering Technology, Grade 11, College

Manufacturing Technology, Grade 11, Workplace

Technological Design, Grade 11, University/College; Workplace

Transportation Technology, Grade 11, College; Workplace

Overhead**Teacher's Notes**

Being aware of workplace legislation is everyone's business. As a person working in Ontario there are some basics you should know to ensure your rights are protected. If you've been asked to supervise others, in addition to the basic worker knowledge, there are even more things you need to know. If you're starting a business (or even just drawing up plans) you must have an even greater understanding of the requirements of workplace legislation.

Overhead

Teacher's Notes

Workplace Law

What everyone in Ontario ought to know!

- Occupational Health and Safety Act
- Workplace Safety and Insurance Act
- Employment Standards Act
- Codes and other standards

Workplace Law OH 2

Workplace Law – Slide 2

WORK OHSA LAW



Occupational Health and Safety Act and Regulations for Places of Employment

Workplace Law OH 3

Workplace Law – Slide 3

In this section, three Acts that affect the workplace will be covered:

- The *Occupational Health and Safety Act*
- The *Workplace Safety and Insurance Act*
- The *Employment Standards Act*

In addition, there are other codes and standards that may apply to the work you do or the workplace where you work. Some of those codes will be highlighted as well.

OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA)

The OHSA is the provincial legislation that sets standards for workplace health and safety. The main purpose of this law is to prevent injuries, diseases, and deaths caused by workplace hazards. It is an important Act, because it supercedes other legislation — which means that no matter the circumstances, the OHSA must be complied with.

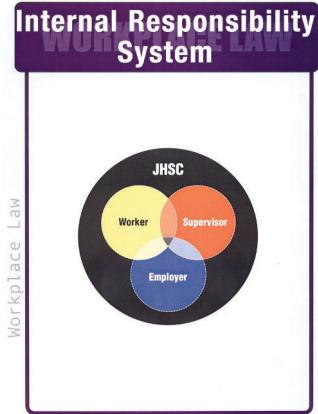
Health and safety rights and responsibilities for owners, employers, supervisors and workers are stated in the OHSA. The Act is administered by the Ontario Ministry of Labour and its inspectors enforce the Act and the regulations under the OHSA, which contain specific requirements.

The OHSA is founded on the philosophy of the “internal responsibility system”, or, as it is more simply called, “the IRS”. The IRS means that health and safety is everyone’s responsibility. In addition to meeting legal obligations, a workplace where there is a good IRS will have good communication between workers and employers, and will be one where health and safety issues are addressed and solved as soon as they’re raised. This will mean there are less injuries, less costs and an all-round better and more productive workplace.

Overhead

Teacher's Notes

Internal Responsibility System (IRS)



Workplace Law – Slide 4

An example of the principle of the IRS in your own life is at home, where there are duties that everyone has when it comes to taking care of themselves and their homes. You may have chores assigned to you, like making sure your room is clean, and your homework is completed. Someone may be assigned to do the laundry on certain days, or to cook on certain days. The interaction in the home, including personal communication within the family, is part of everyday life. Your parents have different responsibilities than you do, but each person contributes to the family. If something is wrong, or someone is experiencing a problem, we often try to talk about it with each other, and solve the problem. If something breaks down, we usually try to fix it, or have our parents fix it.

The IRS in the workplace works the same way. Workers, supervisors and employers have different responsibilities, but everyone works together to accomplish the goal of a healthy and safe work environment. Just like at home, the workplace where responsibilities are clear and understood, and communication flows, will have better productivity and an ability to handle problems when they arise.

Who is not covered by the OHSA?

The following workplaces are not covered by the OHSA:

- Farming operations
- Work done by the owner or occupant, or a servant, in a private residence or on the connected land
- Workplaces under federal (Government of Canada) jurisdiction, such as: post offices, airlines and airports, banks, some grain elevators, Bell Telephone, and inter-provincial trucking, shipping, railway and bus companies.

If you're working in a workplace that's exempt from OHSA requirements, following practices such as the Internal Responsibility System will make for a safer workplace and a better business.

Overhead

Teacher's Notes

Federal workplaces not covered under the provincial OHSA fall under the jurisdiction of the *Canada Labour Code (Part 2)*, which also has health and safety requirements.

Workplace Rights and Responsibilities

People who own the buildings where workplaces are housed have responsibilities under the OHSA to provide a safe building.

Employers, generally people who own the business or run the company, have many responsibilities for the overall and day-to-day health and safety of everyone who comes into the workplace. Overall, they must ensure that the workplace is in compliance with the OHSA and regulations, ensure supervisors are competent to do their work and provide for the health and safety of each and every worker. With regards to workers, the employer's responsibilities include providing them with information, instruction and training to ensure they know how to do their work safely, including making them aware of all hazards in the workplace. Employers must also ensure that personal protective equipment, where required, is provided.

Employers must also establish and post a health and safety policy for their workplace and set out procedures and processes to enact that policy.

Supervisors have strict responsibilities for overseeing the health and safety of workers. These include making sure that workers are following safety procedures and wearing required safety equipment, and providing information and instructions to workers to protect their health and safety. Often “senior students” or “students returning to a summer job” may be appointed as “team leaders”, “supervisors” or play a similar role. Be aware that this title also makes you a supervisor under the OHSA and presents you with responsibilities you must fulfill and potential penalties under the law when you don’t.

Worker Rights

The OHSA is an Act to protect the health and safety of workers, and thus provides workers with rights. These rights are there to protect you, but to get the most out of them, you need to take an active role in asking questions and getting involved.

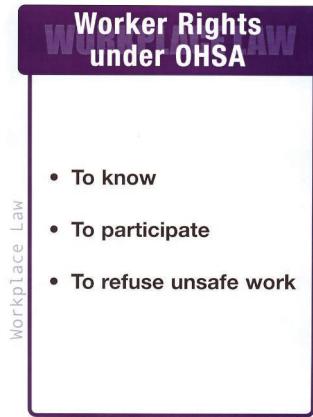
OHSA Responsibilities

Employer:
Overall responsibility for safety of the workplace and workers

Supervisor:
Daily responsibility for the health and safety of workers

Overhead

Teacher's Notes



Workplace Law – Slide 6

1. The Right to Know: The employer must provide you with information about the job you are assigned and any hazards in that job. If you don't get training or are left with questions there are some things you should ask: What hazards are there and how could they affect my health and safety? How do I do this job safely? What protection do I need to ensure I don't get injured or become sick?

2. The Right to Participate: Every workplace with more than five workers must have either a safety representative or a health and safety committee. Anyone selected by their peers can be a member — even you! If there are training sessions, safety talks or any other means of communicating with workers about safety — you have a right to participate.

3. The Right to Refuse Unsafe Work: The OHSA provides every worker with the right to say no if they feel the work they are assigned is not safe.

If you are in a situation at work where you are asked to do something, and you think it is not safe, then your first responsibility is to tell your supervisor that you have a concern about the unsafe work. This should be done as soon as you identify the problem — don't continue to do work you feel is unsafe and risk injury. Your supervisor has the responsibility to address the situation.

Sometimes, this may not happen — either your supervisor does not agree with you, the problem is not properly addressed or you feel that you may be injured. That's when the right to refuse unsafe work should be exercised.

Potential questions to ask yourself: Do I know what I should do if something is not safe? What are my responsibilities and what is management supposed to do? Does it seem that the end result will be an injury or illness to me or my co-workers? Is my supervisor receptive to my concerns? Have they been addressed?

What to expect when you refuse to work

Tell your supervisor that you believe that the situation is not safe, and that you will not continue to perform the task until the situation is investigated. If necessary, let them know that you are exercising your rights under the OHSA to refuse unsafe work.

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Teacher's Notes

Workplace Law – Grade 11

Work Refusal Procedures

- Report it
- Internal investigation
- Resolution, or
- MOL called to investigate and to determine if the situation is likely to or not likely to endanger a worker

Workplace Law OH 7

Workplace Law – Slide 7

By law, your supervisor, and a member of the Joint Health and Safety Committee (JHSC), or a health and safety representative, must investigate the situation that has resulted in your refusal to work. During the investigation, your supervisor will require that you remain in a safe place. A refusing worker at this stage is not reassigned to do something else.

If the problem is resolved, then you can return to work. If you still think that it is not safe, then you can continue to refuse. At this point, your supervisor must call the Ministry of Labour (MOL) to investigate. During this stage, you can be reassigned to do something else at the workplace. The inspector will investigate and provide your employer with his/her decision as to whether or not they feel the work is safe.



Reality Check

Every year, thousands of Ontario workers exercise their right to refuse unsafe work. Approximately 300 of those refusals require a decision from the Ministry of Labour to resolve them. About one third of those situations are found to be dangerous situations that could have endangered a worker.

Protection against Reprisals

Workplace Law – Grade 11

Protection against Reprisals

You can't be fired!



Workplace Law OH 8

Workplace Law – Slide 8

It is against the law for an employer to punish or fire a worker for refusing work that they think is unsafe.

There are provisions under the Act to protect you from “reprisals”. You can report it to the Ministry of Labour, who will guide you either to your union (if there is one) or the Ontario Labour Relations Board who will adjudicate the situation.

If somehow you feel that after a refusal you were treated differently (given less hours, for example) remember that the loss of a job is nothing compared to your health and safety. Give yourself a pat on the back for exercising your rights and protecting yourself and your co-workers.

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Teacher's Notes

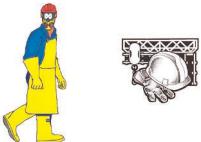
Worker Responsibilities

Workplace Law

You Must:

- Wear the gear
- Use safety devices
- Report hazards
- Never fool around at work

Workplace Law OH-9



Workplace Law – Slide 9

Along with rights come responsibilities. The OHSA sets out things a worker must or must not do.

These include:

- Using or wearing safety equipment the employer requires to be used or worn;
- Using safety devices such as guards on machines and never taking them off or altering them so that they don't work properly;
- Reporting hazards of which you are aware to your supervisor; and
- Never fooling around or engaging in "horseplay" at work.

Joint Health and Safety Committees (JHSCs)

Employers must form a health and safety committee for the workplace when there are 20 or more workers who regularly work there. If there are less than 20 workers, a committee may be required if there is a *designated substance* present, such as asbestos, lead or mercury. In any case, the Ministry of Labour can order that a committee be formed.

At least half of the committee members must be workers, who are selected by the workers in the workplace. Committees must meet once every three months and keep minutes of the meetings. A committee member also participates in periodic workplace inspections. The names of committee members must be posted in the workplace so that everyone can know who they are.

In addition, one management and one worker representative on the committee must receive special training in health and safety. These members are called "certified members" and have additional roles and responsibilities at the workplace.

Workplace Law

Health and Safety Committees

- 20 or more workers; large construction project or a designated substance regulation applies
- At least half of members are workers
- Meet at least once every three months
- Certified members

Workplace Law OH-10

Workplace Law – Slide 10

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Teacher's Notes

Worker Representatives

In smaller workplaces where there are 6–19 workers, a committee is not required, but the OHSA does require that a worker health and safety representative be selected to represent the workers in matters of health and safety.

Workplaces with less than six workers have no requirements for a committee or a representative.

Minimum Ages for Working in or Being at a Workplace

If you're in a position to hire someone for a job or if you're looking for one yourself, knowing that there are minimum ages for work in Ontario is important.

The age requirements are slightly different for different types of workplaces. That's because the nature of the work may be more challenging, and more dangerous in some types of occupations than in others. No matter what age you're permitted to work by law, remember that young workers are 54% more likely to be injured than older workers. In any case, even if the job seems "simple" training and supervision are always required.

Mining: 18 years old if working underground or at the face of a surface mine.

Construction: 16 years old. In fact, you're not even allowed to BE on a construction site until you're 16.

Industrial Workplaces:

Logging/Forestry: 16 years old.

Factories — which includes kitchens, warehouses and any place where goods are assembled or packaged: 15 years old.

Other industrial locations — such as sales work, offices, cleaning jobs: 14 years old.

WORkPLACE LAW

The Occupational Health and Safety Act and safety regulations set minimum ages for working in Ontario.

Overhead

Teacher's Notes

Other workplaces such as health care facilities, schools, libraries, golf courses, and museums don't have a minimum age prescribed in law, but the *Occupational Health and Safety Act* still applies. That means young workers in these types of workplaces still have rights and responsibilities and employers must provide training and supervision.

Reporting of Critical Injuries and Death at the Workplace

Reporting Injuries

Report fatal and critical injuries to the Ministry of Labour...it's the law.



The OHSA also requires that critical injuries be reported to the local Ministry of Labour (MOL) office. These injuries are typically those that involve a broken leg or arm, loss of blood or loss of consciousness. Regulations specify what information should be reported, and local MOL offices can provide assistance.

If a worker is fatally injured, the MOL must be called immediately. No one is to disturb the accident scene where a serious or fatal injury has occurred until the Ministry of Labour is contacted and releases the scene.

Regulations under the *Occupational Health and Safety Act*

The OHSA has over 32 regulations, some of which are for specific industries. The Act states the general duties, but more detailed requirements can be found in regulations for the following workplaces:

- Industrial Establishments, including offices and retail
- Construction Projects
- Health Care, including hospitals and nursing homes
- Mining, including underground and pits and quarries.

There are also separate regulations for the following:

- WHMIS (covered extensively in the Chemical Hazards chapters of Live Safe! Work Smart! in the Grade 9, 10 and 11 materials)
- X-Ray Safety

OHSA and Regulations

OHSA:
General requirements

Regulations:
Specific requirements for different types of workplaces and particular hazards

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Teacher's Notes

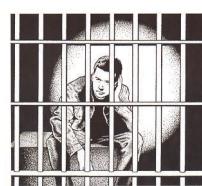
- Designated Substances (substances such as asbestos, mercury, lead and silica have special regulations because of the known health hazards associated with them)
- Biological and Chemical Agents (sets out specific occupational exposure limits for chemicals and substances commonly found in the workplace)

Hazards, such as noise, electrical, heights, etc., are addressed within the industry-specific regulations.

As an **employer** or **supervisor**, you have an obligation to know which regulations apply to your workplace, and further, as an employer, the responsibility to ensure they are complied with.

As a **worker**, you should know that the requirements in the regulations for your workplace must be complied with.

Fines and Penalties



Workplace Law

Workplace Law OH 14

Workplace Law – Slide 14



Reality Check

The following are some examples of actual penalties that were given to employers where a worker was injured or died on the job:

- A manufacturer of cast aluminum auto parts was fined \$50,000 for a violation of the *Occupational Health and Safety Act* that resulted in serious burns to a worker (an explosion occurred in the furnace and hot material spewed out, burning the worker).
- A manufacturer of train parts was fined \$405,000 for an accident involving two separate violations of the *Occupational Health and Safety Act* that resulted in the death of one worker and a broken foot for another. One worker was crushed to death by a 2,800 pound door that was not secured, and the other worker's foot was broken by a 1,500 pound casting.

Overhead

Teacher's Notes

In construction and in some instances in other workplaces, tickets can be issued to workers who are not wearing safety equipment or a summons can be issued to appear in court. The court can assess a fine of up to \$500 to a worker when summoned to appear in court.

Health and Safety HELP

No matter what your position at the workplace is, whether you are a:

- new worker,
- long-time employee,
- supervisor, or
- employer,

there comes a time when you need help and advice. It can be something as simple as finding out what your rights are, or as complex as learning how to reduce welding fumes in your workplace.



Workplace Law – Slide 15

The WSIB's hot line is a good place to start (**1-800-387-0750**). They can direct you to the appropriate safety association. Each provides specialized information and training based on the sector they serve, and the Workers' Health and Safety Centre covers all sectors. Advice is usually free, but training often has a cost associated with it.

If you are an employer, you should know that the premiums you pay to the WSIB pay for these organizations, so find out early which organization serves you and use their services!

The local Ministry of Labour office can also be contacted, especially for questions about the legislation, or if you want wish to report a complaint about unsafe conditions at work. Callers can remain anonymous.

Trade unions, community groups and others can also be a good source of health and safety information and advice.

Suggested Learning Activity: Discussion or Role-playing

The following suggested cases could be provided to students to role-play, or to discuss what they would do for each of the three worker rights. You may want to choose a student to act as the supervisor, and the other as a worker. You can also ask students to come up with their own situations that they may have faced in a work situation, or that they would like to role-play.

The Right to Know:

Situation: Jim the supervisor gives Mary, a worker, a container of a chemical to use for cleaning grease off the stove. The container is not marked. It does not have a WHMIS label (supplier or workplace label). Mary asks Jim what kind of chemical it is, and if he has a Material Safety Data Sheet (MSDS) for it. Jim replies that he will examine the supplier label, read the MSDS, and provide the information to her. He also arranges to get the label put on the container immediately.

Discussion: Mary could have refused right away, but she chose to communicate her concerns first to her supervisor. She recognized that there is a hazard in not knowing what exactly she would be using, assessed the situation and found that she didn't have the information that should be provided to her. Jim listened to Mary, and noticed that the container was lacking the required legal documentation. He found the necessary information so that Mary could work safely, using the proper safety precautions, and so prevented a situation from happening again with the container.

The Right to Participate:

Situation: Paul notices that shelves at the store are too high, and stacked with heavy items that could fall on him or customers. When Julie, his supervisor, asks him to stack more items on top of the other items already on the shelf, Paul is concerned. Everything looks wobbly, and someone could just push it the wrong way and everything would come crashing down. He tells Julie that there is a hazard because items could tip and fall off the shelf. Julie agrees and they safely remove the items, and store them back in the stockroom. When the health and safety committee member is conducting a workplace inspection, Paul suggests that additional shelves could be installed for safer stacking.

Discussion: Paul exercised his right to participate and informed his supervisor of a hazard that could hurt workers or the public. His supervisor followed her duties to ensure that the workplace is safe, by removing the items from the shelf. Paul also participated by informing the health and safety committee member of the situation. The safety committee can make the recommendation to management about additional shelves.

Suggested Learning Activity: Discussion or Role-playing (cont'd.)

The Right to Refuse Unsafe Work:

Situation: A different supervisor, Alex, is covering for Julie. Alex tells Paul to restock the shelves, this time with heavier items. Alex wants all the stock to be up on the shelves, including each of the new fifty-pound items. Paul tells Alex that he and Julie discussed the danger of stacking items too high, especially heavy items. Paul also tells Alex that he now only has a foot-stool since another department is borrowing his ladder, and, in the absence of a ladder, would have to climb on the shelves to reach the top. Alex dismisses this, and curtly tells Paul to get the merchandise off the floor since customers will be coming in soon. The problem will be examined later. Paul refuses work under the OHSA.

Alex and the health and safety committee member that represents workers examine the situation, and conclude that the shelves cannot be stacked with any more items. They tell Paul, who is standing nearby, of their decision. Alex promises the committee member that he will write a memo to management to ask for more shelving.

Discussion: Whether too busy or not, Paul was aware that the shelves were not adequate to hold the material, that it was too high, and that he could be hurt by falling items or fall himself by attempting to climb onto shelves to stack them. He told his supervisor, but the situation was not addressed and he was asked to perform a task he felt was unsafe. By refusing work, Paul exercised his legal right to be safe.

Other situations: You may want to ask students about things at work, school or home, that could cause an injury. You can emphasize the following to help guide your discussions:

- **Recognition:** what is not safe, what is the existing or potential hazard? (chemical hazards, physical hazards, ergonomic hazards, societal issues like violence)
- **Assessment:** what about it does not seem safe? (chemical smell was strong, looked like a fire hazard, floor was slippery)
- **Control:** what can be done to prevent the hazard from happening? (personal protective equipment, good housekeeping to prevent slipping and tripping, using a ladder to climb, unplugging an electrical appliance if something is wrong with it, not smoking near compressed gas, proper ventilation).

Overhead

Teacher's Notes

WORKPLACE SAFETY AND INSURANCE ACT (WSIA)**Workplace Safety and Insurance Act**

- Administered by the WSIB
- Formerly the WCB
- Insurance coverage in case of injury or illness at work

Workplace Law – Slide 16

The WSIA is another important law, which was created to help promote safe and healthy workplaces, to help workers who are injured or ill at work return to work quickly and safely, and to provide compensation benefits while they are off work.

Almost anyone who is starting a new business AND hiring workers must register with the Workplace Safety and Insurance Board (formerly called the Workers' Compensation Board). Not all businesses are required to be registered, but the WSIB will inform you if this is the case. When you register and provide some business information, a WSIB account will be created in your company name. As an employer, you will have to pay for WSIB coverage.

This is essentially no-fault insurance coverage, almost like having automobile insurance. When you have WSIB coverage, if a worker working for you gets hurt at work, they will have some income to replace their loss of earnings if they are off work. The provisions also stipulate that you can't be sued by the injured worker who is receiving compensation.

If an injury occurs...

The WSIA stipulates the information that both employers and workers must provide to each other and the WSIB. Both have to provide information to the WSIB as requested, and follow other requirements under the WSIA. This is essential if an injury occurs and a claim is filed.

If you're the worker who is injured...

Report the injury to your supervisor or to the first aider immediately.

If you're the employer...

The WSIA requires that if an injury or illness occurs in the workplace, then the employer should notify the WSIB within three

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Teacher's Notes

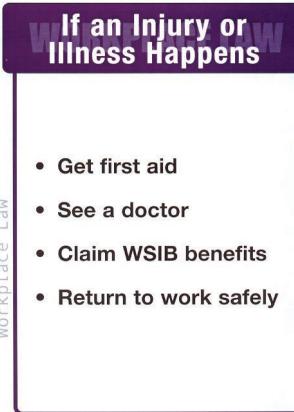
days of learning about the situation. Minor injuries that require first aid only, like a scrape or bruise, do not need to be reported. Other parameters for what kind of injuries should be reported are available from the WSIB.

What kind of work-related injuries will qualify for compensation?

The WSIB has a set of requirements that will determine if an injured worker will be compensated. Each case is handled individually by nurses, account managers and adjudicators. Most claims are approved and compensation provided to the injured worker.

If an injury or illness happens

Worker's procedures:



If an Injury or Illness Happens

- Get first aid
- See a doctor
- Claim WSIB benefits
- Return to work safely

- 1) Get first aid immediately and see a doctor if needed (your employer will pay for travel costs and wages for the day of the injury).
- 2) Report work-related injuries and illnesses to your employer (most companies have a procedure in place to do this).
- 3) Claim WSIB benefits (previously called workers' compensation benefits) as soon as possible if you lose time from work, seek medical treatment, or earn less than what you usually do. The time limit is six months from the date of the injury.
- 4) Focus on getting back to work early and safely. Your doctor will tell you what you can and cannot do as you recover.

Employer's procedures:

- 1) Provide first aid – the WSIB has regulations for first aid stations.
- 2) Arrange transport to medical treatment (as necessary) — employers should pay for it.
- 3) If more serious treatment than first aid is required, transport the worker to the appropriate medical facility. Someone should accompany the worker, or call an ambulance.

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Teacher's Notes

- 4) Employers should pay the worker a full day's wages on the day of the accident. WSIB benefits start the working day after the accident occurs.
- 5) Employers must investigate what happened, identify the cause and keep a record of steps taken to correct the problem.

WSIB Forms

Workplace Law

- Employer's Report of Injury/Disease (Form 7)
- Worker's Claim/Consent Form
- Worker's Report of Injury/Disease

Workplace Law OH 18.

Workplace Law – Slide 18

Forms, Forms, Forms!

There are three different forms which, once filled out, will start the process of filing a claim to receive WSIB benefits:

- Employer's Report of Injury/Disease (Form 7), which is a form that your employer must fill out, or
- Worker's Claim/Consent Form (Form 1492), or
- Worker's Report of Injury/Disease (Form 6).

Signing any of these means that you agree to allow your doctor to fill out the functional abilities form that describe what you can and cannot do at work because of your injury or illness. If you don't sign any one of the forms, then you will not be filing for benefits.

Under the WSIA, companies that don't register for compensation can be fined.

In addition to fines, there are also other financial penalties that could result in a higher insurance premium, just like auto insurance. If you get into a car accident, your rates may go up. If your company has a lot of lost-time injury claims, you could be investigated to see why they're happening and what you're doing to prevent them. More claims can mean higher insurance rates.

Fines and Penalties

Workplace Law

- Not registering with WSIB
- Too many lost time injury claims



Workplace Law OH 19

Workplace Law – Slide 19

What You Should See in a Workplace

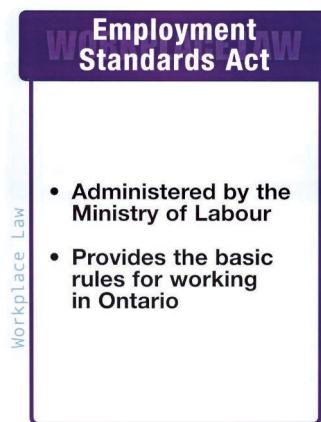
The *Workplace Safety and Insurance Act*, the *Occupational Health and Safety Act* and the *Employment Standards Act, 2000* require employers to post or make available various pieces of information in the workplace so that workers can see them. These items include:

- A Health and Safety Policy
- First Aid Room/Person, Poster, etc. according to Reg.1101 of the WSIA
- OHSA copy (or the “Green Book”)
- Health and safety committee names and work locations (if a committee is required/exists)
- A copy of the latest Ministry of Labour inspection report
- Material Safety Data Sheets (if WHMIS applies)
- The *Employment Standards Act, 2000* poster outlining the rights and responsibilities of employees and employers

Overhead

Teacher's Notes

EMPLOYMENT STANDARDS ACT, 2000 (ESA)



Workplace Law – Slide 20

The Ministry of Labour also administers the ESA and its Employment Standards officers enforce the Act and its regulations. It is the law that contains Ontario's basic rules about working and employing people. Employees and employers have rights and responsibilities under the ESA.

For example:

- Employers must keep employee payroll records for a minimum period of time.
- Employers must issue wage statements (pay stubs) every time they pay an employee.

The ESA and students

This Act applies to you, as long as you work full-time or part-time for employers in Ontario, unless you are employed in an industry regulated by the Government of Canada, such as:

- Post offices,
- Banks, or
- Railways,
- Radio and television companies.

In that case, you are covered by federal law, the *Canada Labour Code*.

Overhead

Teacher's Notes

Minimum Wage

Workplace Law

Minimum Wage Differs by Age, Hours Worked and Occupation

- Over or under 18
- 28 hours per week
- Liquor servers

Workplace Law OH-21

Workplace Law – Slide 21

Important Provisions under the Law

Minimum wage is the lowest wage rate an employer can pay an employee. There is a general minimum wage rate that applies to most employees. There are three minimum wages based on your age, hours worked and whether or not you serve liquor:

- employees over 18 get the highest rate
- for students under 18 years of age who work **28 hours or less** per week, during the school year and school holidays, the rate is slightly less than the first one; and
- for students who serve liquor, the minimum wage is lower than for the other two groups.

**Teacher's Note**

At the time of publishing *Live Safe! Work Smart!*, summer 2001, the minimum wage for employees who are at least 18 years old was **\$6.85/hr.**, the rate for those under 18 and working less than 28 hours per week was **\$6.40/hr.**, and for those serving liquor, the rate was **\$5.95/hr.**

You may want to check the Ministry of Labour's website or have one of your students take on that task to determine if the minimum wage has changed at the time you teach this lesson.

Number of Hours of Work

Workplace Law

- Limited by ESA
- Right to refuse > 8 hrs per day, or beyond the regularly scheduled shift if it's more than 8 hours, > 48 hours per week
- 11 consecutive hours of rest per day

Workplace Law OH-22

Workplace Law – Slide 22

The number of hours you are asked to work is limited by the ESA. Most employees in Ontario have a right to refuse work of more than 48 hours per week. There are also some limits on daily hours.

Daily hours are limited to 8 hours of work a day **or** the number of hours in a regular workday as established by the employer **and** there must be a daily rest period of 11 consecutive hours off in a 24-hour period.

Overhead

Teacher's Notes

Workplace Law

Overtime and Vacation Pay

Overtime Pay

- After 44 hours in 7-day workweek, 1.5 times regular pay

Vacation With Pay

- 4% for every earned dollar
- > 12 months = minimum 2 weeks off work

Workplace Law OH 23

Workplace Law – Slide 23

Overtime pay starts for *most* employees after working 44 hours in any seven-day work week. The pay rate is one and one half times your regular wage (often referred to as “time and a half”).

Most employees who work in Ontario are entitled to **vacation with pay**. For every dollar you earn, your employer must pay you an extra 4 percent. There are certain rules and time guidelines your employer must follow when deciding when to pay you your vacation pay.

For most employees who work for more than twelve months for one employer, the employer must give the employee at least two weeks vacation with pay.

What are the employee's rights if he/she loses his or her job?

If an employee is terminated, or “fired”, “let go”, “discharged”, “dismissed”, or “permanently laid off” in a job, and worked for more than three months, the employer is required to provide a notice of termination to most employees. This is a notice in writing that the employment is going to end permanently. If the employee doesn’t receive any notice, the employee is entitled to termination pay instead of (also called “in lieu of”) notice.

The following outlines how much “**notice of termination**” an employee would be entitled to.

If he/she worked for:

Workplace Law

Notice of Termination or Termination Pay

- Notice in writing required if worked in job > 3 months
- If not provided, termination pay may be required

Workplace Law OH 24

Workplace Law – Slide 24

- 3 months, but under 12 months, the employee is entitled to 1 weeks' notice
- 12 months, but under 3 years, the employee is entitled to 2 weeks' notice
- 3 years or more, the employee is entitled to 3 weeks' notice, plus one week for each additional completed year of employment to a maximum of 8 weeks of notice.

Overhead

Teacher's Notes

The following outlines how much **termination pay** an employee would receive instead of a notice.

If he/she worked for:

- 3 months, but under 12 months, the employee is entitled to 1 weeks' pay
- 12 months, but under 3 years, the employee is entitled to 2 weeks' pay
- 3 years or more, the employee is entitled to 3 weeks' pay, plus one week for each additional completed year of employment to a maximum of 8 weeks pay.

Where 50 or more employees are terminated special rules may apply.

Optional Exercise: What Should Anna Get?

Anna worked as a counter server in a donut shop during the summer break from school. She earned \$6.40 per hour and worked 35 hours per week, for the first 10 weeks. In the last two weeks of August, her employer asked her to work extra hours before she returned to school. The first week she worked 45 hours and the second week she worked 40 hours for a total of 85 hours.

The first week of September, Anna returned to school. How much should her gross pay be for the last two weeks worked and how much should she receive in vacation pay for the 12 week employment period?

Answer:

Wages for the two weeks:

Week one: Regular pay 44 hours @ \$6.40 281.60

 Overtime pay 1 hour @ \$9.60 9.60

Week two: Regular pay 40 hours @ \$6.40 256.00

Total gross wages owed to Anna: \$547.20

Vacation Pay: 4% on all earnings

First 10 weeks: 35 hrs @ 10 weeks = 350 hours @ \$6.40 = \$2,240.00

Last 2 weeks of employment Anna earned 547.20

Anna earned a total of : \$2,787.20 @ 4% = \$111.49 vacation pay owed

Anna is owed a grand total of: \$658.69 (gross pay) on her final paycheck.

Optional Exercise: Jason's Enterprising Adventure

This exercise provides the students a chance to analyze a working arrangement and determine if there have been any irregularities in the pay received and if the employees have any further money owing to them. The exercise can be done in class or assigned as homework. A handout for the full exercise can be found in the Resources section of this chapter.

The answers to the four questions asked in the case study, for your reference, are:

1. Minimum Wage Violation:

On September 1st, Sam Stewart told Jason that he was not returning to school. Jason agreed to keep Sam as an employee. Sam's hourly rate of pay should have been increased from the student hourly rate of \$ 6.40 per hour to the general hourly rate of \$ 6.85 per hour, effective September 1st.

Therefore, for the 3rd month that Sam Stewart worked, he should have been paid:

$$\$ 6.85 \text{ per hour} \times 40 \text{ hours per week} \times 4 \text{ weeks} = \$ 1096.00$$

Therefore, for Sam's entire period of employment he should have earned:

$$1\text{st month} = \$1,024.00$$

$$2\text{nd month} = \$1,024.00$$

$$3\text{rd month} = \$1,096.00$$

$$\text{Total Earnings} = \$3,144.00$$

Sam earned \$3,144.00, but was paid a total of \$ 3,072.00. **Therefore Sam is owed \$72.00, because Jason violated the minimum wage provision of the *Employment Standards Act*.**

2. Vacation Pay:

Sam is owed vacation pay, based on 4% of \$3,144.00 = \$125.76

Bob is owed vacation pay, based on 4 % of \$3,200.00 = \$128.00

3. Termination Pay:

Sam is owed one week of termination pay, because he was employed from July 1st to October 3rd, which is more than three months, but less than one year.

Bob is not entitled to termination pay, because he was not employed for three months.

4. Wage Statements:

Jason Saunders, as an employer, is required by law to provide detailed wage statements to his employees, showing their rate of pay and the number of hours they have worked. He has violated this section of the *Employment Standards Act*.

Overhead

Teacher's Notes

OTHER STANDARDS AND CODES

There are other laws that are related to health and safety. These include the following:

Workplace Law

Acts, Codes and Standards

- Fire Code
- Building Code
- Electrical Safety Code
- Human Rights Code
- TSSA
- TQAA
- CSA

Workplace Law OH 25

Workplace Law – Slide 25

- The Ontario Fire Code comes under the Ministry of the Solicitor General (Office of the Fire Marshall), and is usually enforced by municipalities.
- The Ontario Building Code comes under the Ministry of Municipal Affairs and Housing, and is usually enforced by municipal building inspectors.
- The Electrical Safety Code is under the direction of the Ontario Power Corporation.
- The Human Rights Code protects the rights of minorities and disabled persons in the workplace.
- The Technical Standards and Safety Authority (TSSA) is responsible for fuels safety, amusement devices, stuffed articles and other public safety legislation. The TSSA is a private company that reports to the Ministry of Consumer and Business Services.
- The *Trades Qualification and Apprenticeship Act* sets standards for apprenticeship and trades. This Act is administered by the Ministry of Training, Colleges and Universities.

Other standards to be aware of include:

- Canadian Standards Association (CSA) standards that relate to the workplace include office ergonomics, machine guarding, punch and brake press safety, fork truck safety and other standards for equipment like safety boots, hardhats, electrical appliances, ladders, fall protection, etc. They aren't laws themselves, but sometimes are referred to in Ontario safety legislation as a standard for compliance with the requirements. The CSA marking on equipment gives users the assurance that it has been tested to meet tough Canadian standards.

SCIENCE

Science, Grade 11, University/College; Workplace Physics, Grade 11, University

Question for Discussion: What is an Occupational Exposure Limit (OEL)?

Answer: The MSDS may refer to Occupational Exposure Limits as Time Weighted Average (TWA), Time Weighted Average Exposure Value (TWAEV), or Threshold Limit Value (TLV). These are numerical values which state the limits that an average person can be exposed to of a biological or chemical agent without adverse health effects, for 8 hours per day, five days a week. In Ontario, we refer to them as TWAEV. The Short Term Exposure Limits (STELs) are 15 minute exposures, and Ceiling Exposure Values (CEV) are the maximum values that someone can be exposed to. Each province may have different OELs.

These values are included in the Regulation for Biological and Chemical Agents, and in each Designated Substance Regulation.

Overhead**Teacher's Notes****Exposure Limits in Law****Exposure Limits**

- 12 Designated Substance Regulations
- Regulation respecting Control of Biological or Chemical Agents
- Prescribe occupational exposure limits
- Health and safety requirements

In Ontario, we have exposure limits set in law, called the Regulation Respecting Control of Biological or Chemical Agents. This applies to most Ontario workplaces. In any case, employers are required to ensure that the workplace levels of these agents are below the legal exposure limits.

There are also specific regulations for specific substances that are called “Designated Substances”. There are twelve regulations, often called DSRs (Designated Substance Regulations) that prescribe what is required in a workplace where workers may be exposed to one of eleven substances. There are two regulations dealing with asbestos which is why there are twelve regulations but only eleven substances.

Overhead

Teacher's Notes

The twelve Designated Substance Regulations apply to the following substances:

- Acrylonitrile
- Arsenic
- Asbestos
- Asbestos – on construction projects and in buildings and repair operations
- Benzene
- Coke-oven emissions
- Ethylene oxide
- Isocyanates
- Lead
- Mercury
- Silica
- Vinyl chloride.

Grade 11 Workplace Law Review Questions

Business Studies, Guidance and Career Education

1. The Occupational Health and Safety System is made up of which of the following:
 - a. Ministry of Labour
 - b. Workplace Safety and Insurance Board
 - c. Health and Safety Associations
 - d. none of the above
 - e. all of the above

Business Studies, Guidance and Career Education, Canadian and World Studies, Social Sciences and Humanities, Technological Education

1. Which of the following Acts affect the workplace:

- a. The *Employment Standards Act*
- b. The *Workers Rights Act*
- c. The *Workplace Safety and Insurance Act*
- d. a and c
- e. a and b

2. OHSA stands for:

- a. Occupational Health Standards Administration
- b. *Occupational Health and Safety Act*
- c. Occupational Health and Safety Administration
- d. *Occupational Health Standards Act*

3. IRS is the acronym for:

- a. Internal Revenue Service
- b. Internal Responsibility System
- c. Instigating, Reacting and Solving
- d. none of the above

4. Which of the following workplaces are not covered by the OHSA?

- a. farming operations
- b. Bell telephone
- c. banks
- d. a and c
- e. all of the above

5. Workers have which of the following rights:

- a. the right to know
- b. the right to participate
- c. the right to quit work if feeling unwell
- d. all of the above
- e. a and b

6. True or False? It is against the law for an employer to punish or fire a worker for refusing to do work that the worker thinks is unsafe.

7. True or False? The OHSA requires employees to report hazards they are aware of to their supervisor.

8. A JHSC must be formed when there are X or more workers in an organization. What is X?

- a. 20
- b. 30
- c. 40
- d. 50

9. The minimum age requirement for working in construction is:

- a. 14
- b. 15
- c. 16
- d. 17

10. Which of the following is an example of a designated substance?

- a. asbestos
- b. hydrochloric acid
- c. solvents
- d. none of the above

11. If you work for _____ you are covered under the Canada Labour Code

- a. banks
- b. railways
- c. a golf course
- d. a and b
- e. none of the above

12. Vacation pay adds up to _____% of total wages.

- a. 2
- b. 4
- c. 6
- d. 8

13. If you lose your job, and you have worked at that particular place for 3 months but under 12 months, you are entitled to X weeks' notice before being let go. What is X?

- a. 1
- b. 2
- c. 3
- d. 0

*Science***1. OEL is the acronym for:**

- a. Ontario Exposure Limits
- b. Occupational Exposure Limits
- c. Ontario Employment Limits
- d. Occupational Employment Limits

2. Which of the following is an example of a designated substance?

- a. asbestos
- b. hydrochloric acid
- c. solvents
- d. none of the above

3. Occupational Exposure Limits are often referred to on a Material Safety Data Sheet as:

- a. TWA – Time Weighted Average
- b. TLV – Threshold Limit Value
- c. TWAEV – Time Weighted Average Exposure Value
- d. all of the above

Grade 11 Workplace Law Review Questions (with answers)

Business Studies, Guidance and Career Education

1. The Occupational Health and Safety System is made up of which of the following:

- a. Ministry of Labour
- b. Workplace Safety and Insurance Board
- c. Health and Safety Associations
- d. none of the above
- e. all of the above

(answer e)

Business Studies, Guidance and Career Education, Canadian and World Studies, Social Sciences and Humanities, Technological Education

1. Which of the following Acts affect the workplace:

- a. The *Employment Standards Act*
- b. The *Workers Rights Act*
- c. The *Workplace Safety and Insurance Act*
- d. a and c
- e. a and b

(answer d)

2. OHSA stands for

- a. Occupational Health Standards Administration
- b. *Occupational Health and Safety Act*
- c. Occupational Health and Safety Administration
- d. *Occupational Health Standards Act*

(answer b)

3. IRS is the acronym for the:

- a. Internal Revenue Service
- b. Internal Responsibility System
- c. Instigating, Reacting and Solving
- d. none of the above

(answer b)

4. Which of the following workplaces are not covered by the OHSA?

- a. farming operations
- b. Bell telephone
- c. banks
- d. a and c
- e. all of the above

(answer e)

5. Workers have which of the following rights:

- a. the right to know
- b. the right to participate
- c. the right to quit work if feeling unwell
- d. all of the above
- e. a and b

(answer e)

6. True or False? It is against the law for an employer to punish or fire a worker for refusing to do work that the worker thinks is unsafe.

(answer T)

7. True or False? The OHSA requires employees to report hazards they are aware of to their supervisor.

(answer T)

**8. A JHSC must be formed when there are X or more workers in an organization.
What is X?**

- a. 20
- b. 30
- c. 40
- d. 50

(answer a)

9. The minimum age requirement for working in construction is:

- a. 14
- b. 15
- c. 16
- d. 17

(answer c)

10. Which of the following is an example of a designated substance?

- a. asbestos
- b. hydrochloric acid
- c. solvents
- d. none of the above

(answer a)

11. If you work for _____ you are covered under the *Canada Labour Code*.

- a. banks
- b. railways
- c. a golf course
- d. a and b
- e. none of the above

(answer d)

12. Vacation pay adds up to _____% of total wages.

- a. 2
- b. 4
- c. 6
- d. 8

(answer b)

13. If you lose your job, and you have worked at that particular place for 3 months but under 12 months, you are entitled to X weeks' notice before being let go. What is X?

- a. 1
- b. 2
- c. 3
- d. 0

(answer a)

Science

1. OEL is the acronym for:

- a. Ontario Exposure Limits
- b. Occupational Exposure Limits
- c. Ontario Employment Limits
- d. Occupational Employment Limits

(answer b)

2. Which of the following is an example of a designated substance?

- a. asbestos
- b. hydrochloric acid
- c. solvents
- d. none of the above

(answer a)

3. Occupational Exposure Limits are often referred to on a Material Safety Data Sheet as:

- a. TWA – Time Weighted Average
- b. TLV – Threshold Limit Value
- c. TWAEV – Time Weighted Average Exposure Value
- d. all of the above

(answer d)

SECTION II

Workplace Law

Grade 12

BUSINESS STUDIES

Organizational Studies: Managing a Small Business, Grade 12, Workplace

ARTS

Media Arts, Grade 12, Open

TECHNOLOGICAL EDUCATION

Communications Technology, Grade 12, University/College; Workplace

Construction Technology, Grade 12, College; Workplace

Child Development and Gerontology, Grade 12, College

Medical Technologies, Grade 12, College

Hairstyling and Aesthetics, Grade 12, Workplace

Hospitality and Tourism, Grade 12, Workplace

Manufacturing Engineering Technology, Grade 12, College

Manufacturing Technology, Grade 12, College

Transportation Technology, Grade 12, College; Workplace

**Teacher's Note**

Students should be familiar with workplace legislation and what it's like to read it. Since no one will remember, nor is expected to remember, every detail in every law, they should know where they can find the legislation and get help in interpreting it. The following section gives a few pointers to help take the mystery out of reading and understanding workplace legislation. A handout providing the key points from this lesson, which students can keep for future reference, can be found in Section III, Resources.

Overhead

Teacher's Notes



Workplace Law – Slide 3

What Do These Words Mean?

- “and” = do both
- “or” = you have a choice
- “shall” = you must

Workplace Law – Slide 27

Take the mystery out of reading legislation.

Reading legislation can seem intimidating at first. However, with a little explanation and experience it can soon become familiar and clear. Ideally, everyone in the workplace should know what legislation applies to their workplace, where they can find out what it says and where they can get copies or access it on the Internet.

Three things to remember when reading legislation:

1. Use of “and”, “or” and “shall”

Wherever you see the word “and” it means that the contents of each clause must be complied with.

For example: Section 27(1) of the *Occupational Health and Safety Act (OHSA)* says:

A supervisor shall ensure that a worker,

(a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and

(b) uses or wears the equipment, protective devices or clothing that the worker’s employer requires to be used or worn.

This means that a supervisor must supervise workers to be sure they are working safely **AND** must ensure that workers wear or use any protective devices, such as safety glasses, if they’re required by legislation or by the employer.

The word “or” offers a choice. For example, Section 43(3) states:

“A worker may refuse to work or do particular work where he or she has reason to believe that,

(a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;

Overhead

Teacher's Notes

(b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself; or

(c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or that part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.”

This means that a worker may refuse work if they believe they are in danger from equipment, machines or the general condition of the workplace **OR** there is a contravention of the OHSA that could place them in danger. Any of these conditions could cause a worker to refuse to work.

The word “shall” means must. For example, Section 9(22) states:

A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.

This means that a joint health and safety committee **must** keep minutes of their meetings and make them available to a Ministry of Labour inspector if he/she asks for them.

2. There are often definitions for otherwise commonly used words and an index to help you find what you’re looking for.

Legislation may have definitions at the beginning. These are often for commonly used words, but to be clear, the authors of the law have defined them as they specifically apply in the law.

When words are not defined within the legislation, the Oxford dictionary would be a source for understanding the words.

Help is in Your Hand!



- Index
- Definitions

Overhead

Teacher's Notes

Examples of words that are defined in the OHSA are:

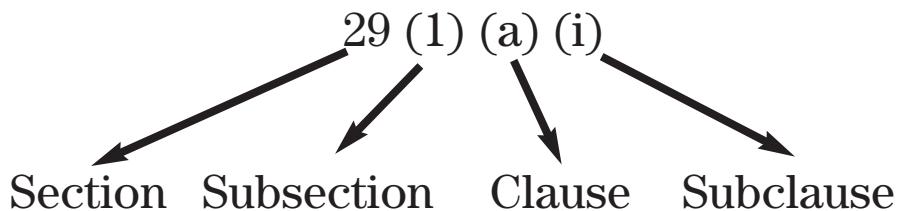
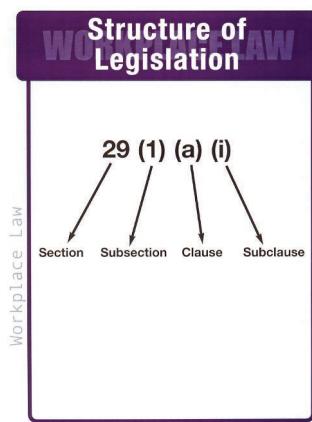
“employer” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

“worker” means a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program.

Legislation often has an index to help you find the section you’re looking for. Even seasoned veterans turn to the back of the Industrial or Construction regulations to get help in finding the information they’re looking for. Those regulations will have items listed like “ladders”, “machine guarding”, “scaffolds”, etc.

3. Legislation is written in a certain structure.

Legislation is always written in a certain structure with sections and clauses. Each of these is numbered using a consistent method so that reference can be made to specific parts of the legislation without confusion.



Overhead

Teacher's Notes



Teacher's Note – Workplace-related Acts

Information about workplace legislation, including the *Occupational Health and Safety Act* (OHSA), was introduced in the Grade 11 Workplace Law chapter. You could begin this section in Grade 12 by reviewing that material. It is essential that students know their basic rights and responsibilities under the *Occupational Health and Safety Act* and the *Employment Standards Act*. In addition, several regulations expand on the OHSA and provide legislation on specific topics for particular types of workplaces.

The handout “Overview of the *Occupational Health and Safety Act*”, found in the Resources section of this chapter, should be handed out and reviewed with students. They will then have a permanent guide to what’s in this legislation, which applies to the majority of Ontario workplaces.

You may access a full copy of most workplace legislation on the Ministry of Labour’s website at www.gov.on.ca/lab or purchase copies from the Publications Ontario (416-326-5300 or 1-800-668-9938). A great idea for teachers teaching Workplace Law is to obtain the *Guide to the Occupational Health and Safety Act*, which will provide explanatory material that can help you pass on important lessons to your students. It’s available on the Ministry of Labour website or may be purchased from Publications Ontario at a minimal cost.

The Occupational Health and Safety Act

- Established over 20 years ago
- 10 major sections
- Over 30 regulations

The *Occupational Health and Safety Act* was proclaimed in 1978 after the passage of Bill 70. The Act evolved from a long history of health and safety legislation in Ontario, with the new Act establishing some new and important provisions.

The Act provides a generic piece of legislation to cover most provincially-regulated workplaces in Ontario. The Act was and is based on the concept of Internal Responsibility. A 1970s report on safety in mines, produced by the Hamm Commission, had determined that in order to ensure health and safety in the workplace, employers, supervisors and workers needed to work together — that communication and co-operation were essential components. That philosophy, Internal Responsibility, lives in the *Occupational Health and Safety Act*. Employers, supervisors and

Overhead

Teacher's Notes

workers are all given responsibilities regarding safety. Health and safety committees must be formed, or, if a committee is not required, a health and safety representative must be chosen, to bring employers and workers together to discuss and resolve health and safety issues.

One of the fundamental rights given to workers in the legislation is the right to refuse unsafe work. Workers who feel that the work they have been assigned may endanger their health and safety have the right to say no to these tasks and have the situation investigated without the risk of reprisal.

The Act has ten major sections that cover everything from general administration to penalties to rights and responsibilities.

There are over 30 regulations established under the *Occupational Health and Safety Act*. The largest are the “sector regulations” covering Construction, Industrial Workplaces, Mining and Health Care. Other regulations cover hazardous substances, WHMIS, and certain specialized work, and sometimes address an administrative matter, such as providing a definition for the term “critical injury”, which appears in the *Occupational Health and Safety Act*.



Teacher's Note

WHMIS is extensively covered in the Chemical safety lessons in Grade 9, 10 and 11 Live Safe! Work Smart!. The following provides a brief summary of the general areas covered by WHMIS to remind all students of the major components of this important legislation that applies to so many workplaces.

Overhead

Teacher's Notes

Workplace Hazardous Materials Information System (WHMIS)

WHMIS is a legislated requirement that applies to all workplaces where hazardous chemicals are used or stored.

The legislation establishes something called “controlled products”. These are products, materials or substances that are covered by the Controlled Products Regulation (Canada) under the *Hazardous Products Act* (Canada) because they pose a hazard to users. Both pieces of legislation are federally enacted.

When a product is manufactured, imported or supplied for sale, and it contains any amount of a controlled product, it must comply with all of the stipulations.

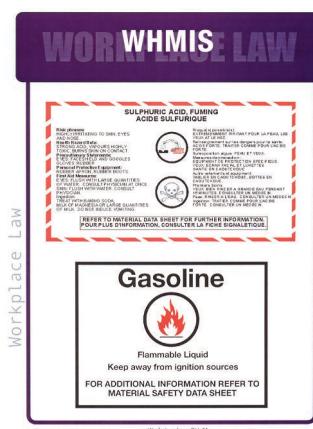
The first visible sign that a product contains hazardous ingredients is the WHMIS label. A distinctive hatch mark border makes the label easy to identify.

If the employer receives the WHMIS regulated product in a large container and decants the product into smaller bottles or containers, a workplace label must be put on the small containers. This new label must include the name of the product, a risk phrase that tells of the hazard and a direction as to where to find the Material Safety Data Sheet (MSDS) for the product.

An employer should never accept a shipment of WHMIS controlled products without receiving the MSDSs that match the product. The MSDS tells you about the hazards that are in the product, how to use it safely and what to do if there is an emergency.

Here are some questions any worker should ask when reading an MSDS:

- Do you have the right MSDS for the product?
- Is the MSDS up-to-date? If it's more than 3 years old, the answer is no.
- Can the product burn or explode? Check the Fire and Explosion section.



Workplace Law – Slide 31

Overhead

Teacher's Notes

- Is the product reactive with other chemicals? Check the Reactivity section.
- What harmful health effects are possible? Check the Toxicological Properties of Material section.
- Do you need to wear protective equipment when handling the product? Check the Preventive Measures – Personal Protective Equipment section.
- Are there special handling precautions? Do you know what to do in case the product leaks or spills? Check the Preventive Measures section.
- Do you know what to do in case you come into contact with the product? Check the section that talks about First Aid.

The WHMIS Regulation requires that employees be trained on the risks and hazards of any hazardous product prior to first using, handling or storing it.

**Teacher's Note: The *Employment Standards Act***

Section 1 of the Workplace Law chapter contains a lesson on the *Employment Standards Act*. This legislation is important for students to be familiar with as it establishes minimum wage, overtime requirements, termination standards and similar important employment rules. Whether they work for someone or decide to set up their own small company, the information in the *Employment Standards Act* is a NEED TO KNOW.

You may want to pick up a few of the overheads and lessons from the Grade 11 lesson and include them in your class, depending on the interests and needs of your students.

Bright Idea!



Teacher's Note: *The Workplace Safety and Insurance Act*

The *Workplace Safety and Insurance Act* was introduced in the Grade 11 Workplace Law chapter, providing an overview of the legislation for both workers and employers. You may wish to review that section in Grade 12. The final lesson in this chapter, which is for Business Studies students, also includes information on the Workplace Safety and Insurance Board.

Bright Idea: The Workplace Safety and Insurance Board has a website at www.wsib.on.ca that has information for workers and employers on injury and illness prevention, what to do if an injury happens, and the forms to use. It also provides links to Ontario's health and safety system. Ask students to browse through different parts of the website and summarize for the class the information that is available.

Overhead

Teacher's Notes

Smoking in the Workplace Act

Smoking in the Workplace Act

- Established as a provincial standard in 1990
- More restrictive municipal by-laws take precedence over this Act



The *Smoking in the Workplace Act* was established in 1990. It sets minimum standards that limit exposure to tobacco smoke in the workplace. These standards include establishing designated smoking areas, consultation with workers on establishing these areas, and accommodation of workers who request to be moved away from a designated smoking area.

Since 1990, many workplaces have had municipal or federal workplace smoking restrictions placed upon them or have chosen to set their own restrictions for smoking in the workplace. The *Smoking in the Workplace Act* states that the more restrictive of the laws applies, thus this Act now applies in very few municipalities.

It's hard to imagine that in the 1980s it was common to see people smoking at their desks or while working on machinery! Today, the majority of workplaces totally prohibit smoking.

ARTS
Media Arts, Grade 12, Open**TECHNOLOGICAL EDUCATION**

Communications Technology, Grade 12, University/College; Workplace
Hairstyling and Aesthetics, Grade 12, Workplace
Hospitality and Tourism, Grade 12, Workplace
Manufacturing Engineering Technology, Grade 12, College
Manufacturing Technology, Grade 12, Workplace
Transportation Technology, Grade 12, College; Workplace

**Teacher's Note: Industrial Regulation**

The following section introduces the Industrial Regulation. This is the regulation that applies to all factories, warehouses, repair shops, retail stores and similar operations. For the technical students in secondary school, this is the provincial regulation that covers worker safety in workplaces associated with the course areas of Communications (except TV and radio and any CRTC-regulated operations), Hairstyling, Hospitality and Tourism, Manufacturing and Transportation (specifically auto repair shops).

The handout “Overview of the Regulation for Industrial Establishments” should be provided and reviewed with students so they can become familiar with some of the major topic areas covered. The second part of the lesson focuses on becoming comfortable with reading some important sections of the Regulation. All handouts for this chapter can be found in Section III, Resources.

Note that although this regulation applies to the workplace, when “construction” is being done (this is defined in the OHSA), such as building an addition to the workplace, then the Construction Regulation will have to be followed for the construction project.

Optional Exercise: Sampling the Industrial Regulations

Understanding Regulations

This section means:

As a worker I would:

Two common ways workers are injured in manufacturing are from getting caught in machines and falling. The following exercise gives students the chance to read some of the relevant sections from the Industrial Regulation that address these hazards, and to explain what they mean.

The student handout includes excerpts from the Regulation for Industrial Establishments. In the handout two questions are asked: what does this section of the regulation mean and what do you as a worker need to do? Answers to these questions follow. An overhead is also included for you to write the students' points on during the discussion.

Workplace Law – Slide 33

Preventing Falls – Questions and Answers

1. In your own words, describe what you think this section means.

- Floors and other surfaces workers may walk on must be clear of trip hazards and not be slippery.
- A guardrail that is between 91 and 107 cm in height must be placed anywhere a worker could fall from a height.
- Loading docks, roof maintenance and assembly line and vehicle maintenance pits are excluded.

2. What do you as a worker need to do?

- Help keep aisles and floors clear of obstructions and trip hazards.
- Do not remove or tamper with guardrails.
- Tell your supervisor about unsafe conditions immediately.

Machine Guarding – Questions and Answers

1. In your own words, describe what you think this section means.

- If there is a possibility of getting caught in a machine, it must be guarded in such a way that your hands, hair or clothing cannot become entangled.

2. What do you as a worker need to do?

- DO NOT tamper with or remove guards.
- DO NOT work on an unguarded machine. Tell your supervisor immediately. Use your right to refuse unsafe work if you cannot get the issues resolved.

TECHNOLOGICAL EDUCATION

Transportation Technology, Grade 12, College; Workplace



Teacher's Note

In addition to the information in the previous section, transportation students should be aware of particular sections of the Regulation for Industrial Establishments. These have to do with inspection of hoists, tire inflation and eye protection. The following activity highlights these areas.

Optional Activity: Sampling the Industrial Regulations for Transportation Students

Understanding Regulations

This section means:

As a worker I would:

The student handout, which can be found in Section III, Resources, includes excerpts from the Industrial Regulation involving hoists, tire inflation and eye protection. In the handout two questions are asked: in your own words, describe what this section of the regulation means and what do you as a worker need to do? Answers to these questions follow. An overhead is also included for you to write the students' points on during the discussion.

Material Handling (hoists) – Questions and Answers

1. *In your own words, describe what you think these sections mean.*

- A hoist must be examined at least once a year by a “competent person” to determine if it can lift its maximum rated load.
- Records of examinations must be kept.
- The maximum load rating should be marked so that workers can see it.
- The hoist has to have controls that automatically return to the neutral position when released.

**Optional Activity: Sampling the Industrial Regulations
for Transportation Students (cont'd.)**

2. What do you as a worker need to do?

- Check to see if the hoist you're using has been inspected and that the controls work like they're supposed to.
- Tell your supervisor immediately if there is a problem.

Tire Inflation – Questions and Answers

1. In your own words, describe what you think this section means.

- When mounting tires on rims, safety devices such as cages must be used to prevent the tire or rim from detaching suddenly and injuring the worker.

2. What do you as a worker need to do?

- Use the safety devices provided.
- Tell your supervisor immediately if there is a problem.

Eye Protection – Questions and Answers

1. In your own words, describe what you think this section means.

- Safety glasses/goggles must be worn wherever there is a chance of eye injury from such things as flying particles, dust or chemicals.

2. What do you as a worker need to do?

- Wear eye protection as required.
- Tell your supervisor immediately if there is a problem.

TECHNOLOGICAL EDUCATION

Construction Technology, Grade 12, College; Workplace



Teacher's Note - Construction Regulations

The following section introduces the Regulation for Construction Projects. This is the regulation that applies specifically to construction sites. Students who will eventually be working in this field should have an overview of what is covered in the Construction Regulations and know where to find the information if they need it.

The handout “Overview of the Regulation for Construction Projects” should be provided and reviewed with students so they can become familiar with some of the major topics covered. The second part of the lesson focuses on becoming comfortable with reading some important sections of the Regulation. All handouts for this chapter can be found in Section III, Resources.

An extra resource for Construction Technology students is the Construction Safety Association of Ontario’s (CSAO) CD on legislation. The CD is lively and interactive and makes a great classroom tool for teachers who have access to a computer and projector. The CD is available at a very low cost and can be obtained from CSAO. Their address and phone number can be found in the Resources section at the very back of *Live Safe! Work Smart!*

Optional Exercise: Sampling the Construction Regulations

Understanding Regulations

This section means:

As a worker I would:

Three common ways workers are injured in construction are: falling from ladders, not having and wearing personal protective equipment and being hit by moving vehicles on road construction sites. The following exercise gives students the chance to read some of the relevant sections from the regulation that address these hazards, and to explain what they mean.

The student handout includes excerpts from the Construction Regulation. In the handout two questions are asked: in your own words, describe what this section of the regulation means and what do you as a worker need to do? Answers to these questions follow. An overhead is also included for you to write the students' points on during the discussion.

Ladders – Questions and Answers

1. What does this section of the Construction Regulations mean?

- Ladders must be well built and suitable for the job being done.
- Ladders must be in good condition and built to certain specifications with respect to rungs and side rails.
- Ladders must be used so that they have a firm footing and are placed at a certain angle to the surface they are leaned against.
- Different types of ladders cannot be more than certain maximum lengths.
- You must not tie two ladders together.
- This section defines an extension trestle ladder.

2. What do you as a worker need to do?

- Use the ladder as it is intended to be used and according to the regulation.
- DO NOT use a ladder that is in poor repair or that is not appropriate for the job.
- Tell your supervisor if ladders are broken or in poor repair. Ask questions if you are not sure that you have the right ladder for the job or if you are unsure about how to use it safely.

Optional Exercise: Sampling the Construction Regulations (cont'd.)**Personal Protective Equipment (PPE) – Questions and Answers****1. *What does this section of the Construction Regulations mean?***

- You must wear your hardhat, safety boots, eye protection and any other personal protective equipment required by your employer.
- Your employer is responsible for making sure that you wear your personal protective equipment.
- Your employer must train you to use and care for your personal protective equipment before you actually use it.

2. *What do you as a worker need to do?*

- Wear or use your personal protective equipment as required.
- Tell your supervisor immediately if there is a problem.
- Make sure you are trained to use your PPE and ask questions if you are not sure.

Directing Traffic on Road Construction Sites – Questions and Answers**1. *What does this section of the Construction Regulations mean?***

- Direct traffic for only one lane at a time.
- Speed limit must be less than 90 km/hr.
- Worker shall be competent, focused on directing traffic and not other simultaneous tasks, and stand in the safest place possible. Employer must supply written instructions, including signals to be used, in a language the worker understands.
- You will wear a special orange and yellow vest with particular markings.
- If directing traffic at night, you must wear reflective silver arm and leg stripes that are a certain size.

2. *What do you as a worker need to do?*

- Wear your protective clothing at all times.
- Make sure you are clear on the signals that are being used.
- Stand where you are the most likely to be out of the way of traffic and danger.
- Tell your supervisor about anything you think is unsafe and ask questions about anything you are not sure of.

TECHNOLOGICAL EDUCATION

Child Development and Gerontology, Grade 12, College
Medical Technologies, Grade 12, College

**Teacher's Note: Health Care and Residential Facilities Regulation**

The following section introduces the Regulation for Health Care and Residential Facilities. This is the law that applies specifically to health care sites, including hospitals, nursing homes, most labs, psychiatric facilities, and child development services or child treatment services (as defined by the *Child and Family Services Act*). Day Care institutions are covered by the *Occupational Health and Safety Act* and do not have specific regulations.

The handout “Overview of the Regulation for Health Care and Residential Facilities” should be provided and reviewed with students so they can become familiar with some of the major topics covered. The second part of the lesson focuses on becoming comfortable with reading some important sections of the Regulation. All handouts for this chapter can be found in Section III, Resources.

Students who will eventually be working in this field should have an overview of what is covered in the Health Care Regulation and know where to find the information if they need it.

Optional Exercise: Sampling the Health Care and Residential Facilities Regulation

Understanding Regulations

This section means:

As a worker I would:

Workplace Law – Slide 33

Three common ways workers are injured in health care are from: broken equipment causing cuts, material handling causing sprains and strains and poor housekeeping causing slips and falls. The following exercise gives students the chance to read some of the relevant sections from the Regulation for Health Care and Residential Facilities that address these hazards and to explain what they mean.

The student handout includes excerpts from the Regulation. In the handout two questions are asked: in your own words describe what this section of the regulation means and what do you as a worker need to do? Answers to these questions follow. An overhead is also included for you to write the students' points on during the discussion.

Equipment – Questions and Answers

1. *What does this section of the Health Care Regulation mean?*

- Any damaged glassware, such as beakers, burettes and pipettes, cannot be used until it is properly repaired. If it cannot be repaired, then it must be disposed of in the appropriate puncture-resistant container.

2. *What do you as a worker need to do?*

- Inspect all glassware prior to use. Don't use damaged glassware.
- Follow workplace procedures for disposal, or notifying appropriate personnel for repair. Inform your supervisor if you encounter problems, for instance if you don't have a puncture-resistant container.

Material Handling – Questions and Answers

1. *What does this section of the Health Care Regulations mean?*

- Any container that holds a hazardous material (material that is hazardous because of its temperature, pressure, toxicity, flammability, etc.), such as a tube carrying a biological specimen, a container of flammable liquid, or a compressed gas cylinder, must be the appropriate container to protect the worker from exposure to the material in it and be protected from physical damage. For example, specimens carried in glassware should be transported in a proper container that is protected from breaking during transport.

Optional Exercise: Sampling the Health Care and Residential Facilities Regulation (cont'd)**2. What do you as a worker need to do?**

- Use safety devices, personal protective equipment as required.
- Follow work procedures.
- Tell your supervisor if there is a problem, such as potential or existing container damage.

Housekeeping and Waste – Questions and Answers**1. What does this section of the Health Care Regulations mean?**

- Any sharp object that is considered waste, including one of the types specified above that have the potential to penetrate/cut the skin, must be disposed of in a special, puncture-resistant container.

2. What do you as a worker need to do?

- Use the appropriate containers for disposal that are provided.
- Tell your supervisor immediately if there is a problem, such as the absence of a proper container.

BUSINESS STUDIES

Entrepreneurial Studies: Venture Planning, Grade 12, College
Organizational Studies: Managing a Small Business, Grade 12, Workplace

**Teacher's Note**

Most employees in Ontario must be registered with the Workplace Safety and Insurance Board (WSIB). It is important for students to be aware of this so they can protect themselves and their future businesses.

Overhead**Teacher's Notes****Workplace Safety and Insurance System**

WORKPLACE LAW

WSIB Workplace Safety & Insurance Board
Ontario
CSPAAT Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

- Employers pay insurance premiums
- Workers receive benefits if injured
- Workers cannot sue
- Employers receive assistance getting workers back to work

Workplace Law – OH 34

Most Ontario workplaces are covered by the *Workplace Safety and Insurance Act*. This means that when they hire employees they must register with the Workplace Safety and Insurance Board (WSIB) and pay insurance premiums for their workers. If their workers are injured and become ill from work, they will receive benefits to replace their lost income while they are off work. The employer will receive assistance with returning the worker to work. Because of this law, workers in Ontario cannot sue their employers because of injury or illness.

A self-employed person(s) without employees may opt for personal coverage.

At the time *Live Safe! Work Smart! Grade 11/12* was written, a few types of workplaces were not required to register, but could opt to be covered. They include:

- Financial institutions, such as banks
- Private health care professional practices
- Trade unions

Workplace Law – Slide 34

Overhead

Teacher's Notes

- Private day care centres
- Travel agencies
- Business of a photographer
- Barber and shoe shine establishments
- Taxidermists
- Funeral directing and embalming.

How much does a workplace pay in premiums?

Following insurance principles, the WSIB has grouped workplaces in over 200 distinct groups called “rate groups”. The idea is to group workplaces in similar types of businesses and with comparable risks for injury/illness together. Each workplace within a rate group pays the same amount for each \$100 they pay to their workers.

The group’s premium is based on the number and cost of injuries and illnesses they experience as a group. The more injuries and illnesses, the higher the rate group’s premium will be.

The WSIB also has incentive programs where employers can get money back if they have a good injury/illness record or can be surcharged even more if they have a poor record. Companies with poor records may also have their health and safety programs reviewed to encourage them to improve and strengthen their programs.

What do premiums buy for workers?

Insurance benefits include:

- **Money to replace lost wages – loss of earnings benefit**

If the worker misses time from work because of a work-related injury, the insurance pays for loss of earnings. Since 1998, the WSIB has covered 85% of a worker’s take-home pay.

Overhead

Teacher's Notes

WSIB Premiums

WSIB Premiums pay for:

- Lost wages
- Health care
- Services to help get worker back to work
- Survivor's benefits

Workplace Law OH 35

Workplace Law – Slide 35

- **Payment for health care costs related to the workplace injury or illness**

Health care for a work-related injury or illness can include:

- treatment by health professionals, such as doctors, chiropractors, physiotherapists and dentists
- hospitalization, surgery and emergency care
- prescription drugs
- prosthetics, orthotics and other assistive devices such as glasses, hearing aids, crutches and wheelchairs
- contracted services, such as an attendant, and other measures to help severely impaired workers live independently
- travel costs related to the claim (such as for travel to medical appointments).

- **Services to help the employer get the worker back to work**

The WSIB can provide professional expertise to make this easier:

- adjudicators can help with return to work options and help determine suitable work
- a registered nurse helps workers receive quality health care at the right time
- the adjudicator and nurse can call on return-to-work mediators and ergonomists to help get the worker back to work.

- **Survivor's benefits**

The WSIB provides four types of benefits for surviving spouses and dependents:

- a lump sum plus monthly payments
- burial expenses
- bereavement counselling
- help for the spouse to return to or enter the workforce.

Overhead

Teacher's Notes

In Case of Injury

When an injury happens certain steps must be taken:



The employer must do the following immediately:

1. Provide first aid treatment.

Remember to document what happened and what first aid was provided.

2. Arrange for transportation to a hospital, doctor's office or the worker's home, if required.

The employer is responsible for arranging and paying for transportation to get the employee medical treatment.

3. Pay the worker's wages for the day of the injury.

WSIB benefits begin the day after the injury.

Once the worker is looked after, the employer must:

4. Review what happened and look for causes, for example:

- Lack of training;
- Faulty equipment;
- Slippery floor;
- Failure to use safe work practices;
- Improper handling of dangerous materials.

5. Follow up to avoid similar injuries in future. Take necessary actions to:

- Identify and arrange for required safety training;
- Repair or replace any faulty equipment;
- Keep the worksite cleaner in future;
- Identify any work processes that need to be changed.

Overhead

Teacher's Notes

6. Begin to plan for the worker's return to work.

- Consider if it would be useful for the worker to get information on what they can and cannot do from the health care provider treating them.
- Consider arranging modified duties where practical.

Information about what the worker can and cannot do during recovery will help you bring him/her back to work as soon as possible without risk of further injury.

When to Report Injuries and Illnesses

Report the injury/illness to the WSIB if it causes the worker to:

- Get health care treatment, or
- Lose time from regular work, or
- Earn less than regular pay for regular work, or
- Require modified work at less than regular pay, or
- Require modified work at regular pay for more than seven calendar days.

Workers have six months from the date of injury or onset of illness to claim benefits.

How to Report Injuries and Illnesses

The Employer completes and returns a *Form 7 – Employer's Report of Injury/Disease*. The worker may sign the Form 7 if he or she is in agreement with all of the information.

Alternatively the worker may report the injury/illness using the *Form 6 – Worker's Report of Injury/Disease*.



Optional Exercise: Fill Out Parts of a Form 7

Completing forms is an important task that all businesses must do. You may also wish to review the sample Form 7 in the student handouts in the Resources section of this chapter to show students the kind of details they would be required to provide as future employers if their workers were injured.

To give students practice completing this important claim form, you could use the case study “Pull Up Your Socks!” from Section III, Resources, in the Societal Issues chapter, of *Live Safe! Work Smart! Grade 11/12*. Using this case study, the students can complete Section D of the sample Form 7.

It is important that enough detail be provided so that the claim can be handled properly and without delay! Completing forms can be time consuming and costly. It is always the best approach to take all of the steps possible to prevent the injury before it happens.

Answers for the Teacher: Excerpt from Form 7 – Employer’s Report of Injury/Disease, based on “Pull Up Your Socks” case study:

D. Details of Injury/Disease

1. What happened to cause the injury/disease? If known, describe injury, part of body involved and specify left or right side.

Worker, Kate Smith was operating a labelling/packaging machine. The machine jammed, Ms Smith reached in, and suddenly the machine started up and caught her right hand. She has a crushed hand and broken wrist.

2. Who was the injury/disease reported to? If injury/disease was not reported immediately, provide reason for delay.

Injury was immediately reported to the supervisor who called the Ministry of Labour.

3. Describe the worker’s activities at the time of the injury/disease. Include details of equipment or materials used and the size and weights of objects being handled.

Ms Smith was operating the labelling machine which involved feeding each package of socks into the machine one at a time. A package jammed and she was attempting to clear the jam when the machine suddenly started and caught her right hand. A package of socks weighs approximately 0.25 kgs.

4. Where was the worker when the injury/awareness of disease occurred? If the injury/disease occurred outside of Ontario, specify province, state or country.

The injury happened at Labels-R-Us in Anytown Ontario.

5. Is there anyone else who may have witnessed or who may know about the injury/onset of disease?

Ms Smith’s assistant witnessed the injury.

Grade 12 Workplace Law Review Questions

Business Studies, Arts, Technological Education

- 1. When you see the word “shall” in the OHS legislation, which of the following would be an example of what is required of you?**
 - a. This means that the employer must share information about any testing such as air quality or noise surveys with the health and safety representative AND the representative can choose to be present when the testing is done.
 - b. This means that a worker may refuse work if they believe they are in danger from equipment, machines or the general condition of the workplace OR there is a contravention of the OHSA that could place them in danger. Either condition could apply and the worker would be justified in using their right to refuse unsafe work.
 - c. This means that a joint health and safety committee must keep minutes of their meetings and make them available to a Ministry of Labour inspector if he/she asks for them.
 - d. a and c

- 2. Match the correct sequence of labelling with the following reference in the legislation: 5 (1) (b) (iii)**
 - a. section, clause, subsection, subclause
 - b. clause, subclause, section, subsection
 - c. section, subsection, clause, subclause
 - d. section, subclause, subsection, clause

- 3. What is a characteristic of the WHMIS label?**
 - a. yellow, blue and orange coding
 - b. a hatched border
 - c. red print
 - d. a and c

- 4. At what age is an MSDS considered to be outdated?**
 - a. 5 years
 - b. 3 years
 - c. 10 years
 - d. 7 years

5. Under the *Smoking in the Workplace Act* which of the following is/are correct?

- a. smoking is prohibited in enclosed workplaces, with certain exceptions
- b. vehicles are also considered to be enclosed workplaces (i.e. cab of a truck)
- c. lunch rooms are not covered by the Act
- d. none of the above

Technological Education (Construction Technology)

1. Regarding ladders, the Construction Regulation states that:

- a. a ladder must be used in a certain way so that it has firm footing
- b. ladders can be tied together
- c. different types of ladders cannot be more than certain maximum lengths
- d. a and c

2. When directing traffic on construction sites, which of the following is incorrect?

- a. speed limit must be less than 100 km/hr
- b. traffic can only be directed one lane at a time
- c. workers directing traffic wear a yellow and orange vest
- d. none of the above, all are correct

Business Studies (Entrepreneurial Studies: Venture Planning; Organizational Studies: Managing a Small Business)

1. Which of the following workplaces are not required to register with the Workplace Safety and Insurance Board?

- a. banks
- b. travel agencies
- c. funeral homes
- d. a and c
- e. all of the above

2. The amount of premiums that an employer pays to the WSIB is based on:

- a. number and cost of injuries and illnesses in the rate group for the business
- b. number of workers
- c. salary of workers
- d. type of work

3. Which of the following are things that WSIB insurance covers?

- a. replacement of lost wages
- b. payment for health care costs
- c. specialized services such as those of an ergonomist
- d. burial expenses
- e. all of the above

4. When an injury occurs, when do the WSIB benefits begin?

- a. a week after the injury
- b. the day after the injury
- c. 5 working days after the injury
- d. depends on the type of injury

5. Workers have X months from the date of injury or onset of illness to claim benefits. What is X?

- a. 1 month
- b. 12 months
- c. 6 months
- d. 18 months

Grade 12 Workplace Law Review Questions (with answers)

Business Studies, Arts, Technological Education

1. When you see the word “shall” in the OHS legislation, which of the following would be an example of what is required of you?

- a. This means that the employer must share information about any testing such as air quality or noise surveys with the health and safety representative AND the representative can choose to be present when the testing is done.
- b. This means that a worker may refuse work if they believe they are in danger from equipment, machines or the general condition of the workplace OR there is a contravention of the OHSA that could place them in danger. Either condition could apply and the worker would be justified in using their right to refuse unsafe work.
- c. This means that a joint health and safety committee must keep minutes of their meetings and make them available to a Ministry of Labour inspector if he/she asks for them
- d. a and c

(answer d)

2. Match the correct sequence of labelling with the following reference in the legislation: 5 (1) (b) (iii)

- a. section, clause, subsection, subclause
- b. clause, subclause, section, subsection
- c. section, subsection, clause, subclause
- d. section, subclause, subsection, clause

(answer c)

3. What is a characteristic of the WHMIS label?

- a. yellow, blue and orange coding
- b. a hatched border
- c. red print
- d. a and c

(answer b)

4. At what age is an MSDS considered to be outdated?

- a. 5 years
- b. 3 years
- c. 10 years
- d. 7 years

(answer b)

5. Under the *Smoking in the Workplace Act* which of the following is/are correct?

- a. smoking is prohibited in enclosed workplaces, with certain exceptions
- b. vehicles are also considered to be enclosed workplaces (i.e. cab of a truck)
- c. lunch rooms are not covered by the Act
- d. none of the above

(answer a)

Technological Education (Construction Technology)**1. Regarding ladders, the Construction Regulation states that:**

- a. a ladder must be used in a certain way so that it has firm footing
- b. ladders can be tied together
- c. different types of ladders cannot be more than certain maximum lengths
- d. a and c

(answer d)

2. When directing traffic on construction sites, which of the following is incorrect?

- a. speed limit must be less than 100 km/hr
- b. traffic can only be directed one lane at a time
- c. workers directing traffic wear a yellow and orange vest
- d. none of the above, all are correct

(answer a)

Business Studies (Entrepreneurial Studies: Venture Planning; Organizational Studies: Managing a Small Business)

1. Which of the following workplaces are not required to register with the Workplace Safety and Insurance Board?

- a. banks
- b. travel agencies
- c. funeral homes
- d. a and c
- e. all of the above

(answer e)

2. The amount of premiums that an employer pays to the WSIB is based on:

- a. number and cost of injuries and illnesses in the rate group for the business
- b. number of workers
- c. salary of workers
- d. type of work

(answer a)

3. Which of the following are things that WSIB insurance covers?

- a. replacement of lost wages
- b. payment for health care costs
- c. specialized services such as those of an ergonomist
- d. burial expenses
- e. all of the above

(answer e)

4. When an injury occurs, when do the WSIB benefits begin?

- a. a week after the injury
- b. the day after the injury
- c. 5 working days after the injury
- d. depends on the type of injury

(answer b)

5. Workers have X months from the date of injury or onset of illness to claim benefits. What is X?

- a. 1 month
- b. 12 months
- c. 6 months
- d. 18 months

(answer c)

SECTION III

Resources

Where to Get More Information

Student Handouts

Overheads

Where to Get More Information

Ontario Government: Electronic Law

<http://www.e-laws.gov.on.ca/>

This website offers up-to-date legal documents, by regulation and statute.

Ontario Gazette

<http://www.ontariogazette.gov.on.ca/mbs/gazette/gazette.nsf/>

This site, by Publications Ontario, makes the Gazette available in PDF format only.

Each issue appears as it does in the print format, which is published every Saturday and includes two general types of information: Notices and Regulations.

Canadian Occupational Health and Safety Website — CAN OSH

<http://www.canoshweb.org/>

This comprehensive website guides the user through national health and safety legislation, alerts, guides, statistics, etc.

Ontario Ministry of Labour

<http://www.gov.on.ca/lab/>

Ministry of Labour regulations and legislation are available, including employment standards and health and safety law, at <http://www.gov.on.ca/lab/leg/lege.htm> . Fact sheets for employment standards are available at <http://www.gov.on.ca/lab/es/ese.htm>

To purchase a hard copy of health and safety statutes, regulations and guides, such as those for Designated Substance Regulations, WHMIS, the *Occupational Health and Safety Act* (free on the website), and Joint Health and Safety Committees (free on the website), call Ministry of Labour Publications at (416) 326-7731 or toll-free at 1-800-268-8013.

The following is a list of some regulations that are available. A comprehensive list of guidelines, statutes, regulations and guides is available from MOL Publications.

Regulations:

Construction Projects
Industrial Establishments
Mines and Mining Plants
Window Cleaning
Diving Operations
Workplace Hazardous Materials
Information System (WHMIS)

These regulations are printed in individual volumes, which also include the *Occupational Health and Safety Act*.

Firefighters Protective Equipment
Health Care and Residential Facilities
Roll-over Protective Structures
Control of Exposure to Biological or Chemical Agents
X-Ray Safety

These regulations are printed in individual volumes, which *do not* include the *Occupational Health and Safety Act*.

Workplace Safety and Insurance Board (WSIB)

<http://www.wsib.on.ca>

The WSIB site offers information for employers and workers regarding workplace insurance and compliance with requirements.

Canadian Standards Association (CSA)

<http://www.csa-international.org/>

This website offers a catalogue to purchase standards and information on training and product certification.

WORKPLACE LAW

Jason's Enterprising Adventure: Employment Standards

Throughout high school, Jason Saunders was employed part-time by his father, as a painter. When he graduated from high school, Jason readily accepted his father's offer to take over the painting business.

Once Jason was the "boss", he decided to expand his business. On July 1st, Jason hired his best friend Sam Stewart, at an hourly rate of pay of \$6.40. Sam, a 17 year old full-time student, fully intended to return to school.

On August 1st, Jason hired a new employee, named Bob Black. Since Bob had ten years of experience, Jason agreed to pay Bob \$10.00 per hour. Both Sam and Bob worked 40 hours per week, from Monday to Friday.

In late August, Sam decided that he would not be returning to school. On September 1st Sam advised Jason that he wished to continue working for Jason. Jason agreed that Sam would continue to be an employee.

Jason was not much of a "bookkeeper" and always paid Sam and Bob in cash, without giving them anything to show how he calculated their earnings. Sam and Bob were not sure if the amounts of money that they had been paid were correct, so they questioned Jason about their earnings, many times. Jason would assure them that they had been correctly paid.

On Saturday, October 3rd, Jason telephoned Sam and Bob at home, and told them that he could no longer afford to pay them. Without giving them any notice, Jason told Sam and Bob that they were being "let go", effective immediately. Jason also told Sam and Bob that he did not owe them any more money.

While Sam was employed, he was paid the following:

1st month = \$6.40 per hour x 40 hours per week x 4 weeks = \$1,024.00

2nd month = \$6.40 per hour x 40 hours per week x 4 weeks = \$1,024.00

3rd month = \$6.40 per hour x 40 hours per week x 4 weeks = \$1,024.00

- **Sam Stewart's total earnings = \$3,072.00**

WORKPLACE LAW

Jason's Enterprising Adventure: Employment Standards (cont'd.)

While Bob was employed, he was paid the following:

1st month = \$10.00 per hour x 40 hours per week x 4 weeks = \$1,600.00

2nd month = \$10.00 per hour x 40 hours per week x 4 weeks = \$1,600.00

- **Bob Black's total earnings = \$ 3,200.00**

Questions:

1. Sam Stewart did not receive all of the wages he is entitled to. Why not, and how much is he owed?
2. Calculate how much vacation pay is owed to each employee.
3. Are Sam Stewart and Bob Black entitled to termination pay in lieu of notice? If so, how many weeks of termination pay are they owed?
4. Was Jason Saunders in violation of any other sections of the *Employment Standards Act*?

WORKPLACE LAW

Take the Mystery out of Reading Legislation

1. Watch your “ands”, “ors” and “shall”s”.

The word “and” between two clauses means that both clauses must be complied with.

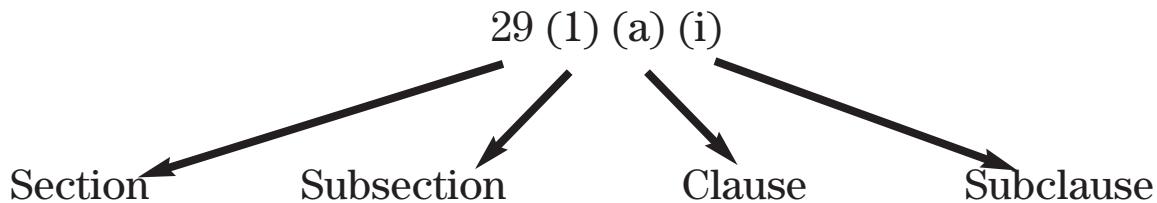
The word “or” between two clauses gives you a choice. One or the other of the choices must be complied with.

The word “shall” means the same as you “must” do something. There is no choice.

2. Read the definitions.

Commonly used words are often defined at the beginning of any piece of legislation. This clarifies what the words mean in the context of the legislation. Not understanding this can take you off track in understanding what is meant.

3. Follow the structure and refer to parts by their numbers.



4. When in doubt, ASK.

Ask your supervisor. He or she should know what laws apply to the workplace and be able to give you information.

Ask the Ministry of Labour. See the blue pages of the telephone book for the phone number of your local office or visit the website at www.gov.on.ca/lab

Ask the Workplace Safety and Insurance Board about their legislation. Call 1-800-387-0750 or visit the website at www.wsib.on.ca

WORKPLACE LAW

Overview of the Occupational Health and Safety Act (OHSA)

Part of the OHSA	What's Covered
Part I, Section 2 to 4 Application	Describes who the Act applies to.
Part II, Section 5 to 22 Administration	Establishes who the Act is administered by and the functions and powers of health and safety representatives and the joint health and safety committees.
Part III, Section 23 to 32 Duties of Employers and Others	What constructors, employers, supervisors, workers, owners, project owners, architects and engineers are required to do to comply with the Act.
Part III.1, Section 32.1 to 32.4 Codes of Practice	Gives the Minister of Labour the power to approve codes or standards of practice which may be followed to comply with a specific regulatory requirement specified in the approval.
Part IV, Section 33 to 42 Toxic Substances	Describes how toxic substances are to be controlled.
Part V, Section 43 to 49 Right to Refuse/Stop Work	Explains the circumstances, process and procedures regarding the right to refuse work and the power of certified members to stop work in dangerous circumstances.
Part VI, Section 50 Reprisals by Employer Prohibited	Establishes that no discipline, dismissal, etc. by an employer is permitted when a worker exercises rights under the Act.
Part VII, Section 51 to 53 Notices	Describes when and how to notify the Ministry of Labour in the case of a critical injury, death or illness.
Part VIII: Section 54 to 65 Enforcement	Establishes the powers and duties of the Ministry of Labour inspectors.
Part IX: Section 66 to 69 Offences and Penalties	Sets forth the process, fines and limitations of prosecutions under the Act.
Part X, Section 70 Regulations	Explains the scope of the legislation and how regulations are established.

WORKPLACE LAW

Occupational Health and Safety Act (OHSA) (cont'd.)

Under the OHSA are a number of regulations that cover specific types of work. They include:

Regulations
Construction <ul style="list-style-type: none">• applies to all construction projects, sites.
Industrial <ul style="list-style-type: none">• covers factories, logging, offices, stores and many other similar industries.
Mining <ul style="list-style-type: none">• underground and surface mining, pits and quarries are covered.
Health Care and Residential Facilities <ul style="list-style-type: none">• for hospitals, nursing homes and similar facilities.
Critical Injury – Defined <ul style="list-style-type: none">• a one page regulation that defines the term “critical injury”, which is used in the OHSA.
Diving Operations <ul style="list-style-type: none">• commercial diving.
Firefighters – Protective Equipment <ul style="list-style-type: none">• sets out standards for helmets and other safety equipment used by firefighters.
Oil and Gas – Offshore <ul style="list-style-type: none">• addresses specific needs of this industry.
Roll-over Protective Structures <ul style="list-style-type: none">• sets standards for roll-bars and seat belts for equipment, especially in Construction and Mining, that has the potential to roll over.
Teachers <ul style="list-style-type: none">• a special regulation to make the <i>Occupational Health and Safety Act</i> apply to teachers in a manner that is consistent with the <i>Education Act</i>.
University & Academic Teaching Assistants <ul style="list-style-type: none">• a regulation to make the <i>Act</i> apply to this group of academic teachers.

WORKPLACE LAW

Occupational Health and Safety Act (OHSA) (cont'd.)

Window Cleaning

- covers commercial window cleaning, including equipment such as swing stages that are suspended from the sides of buildings.

Designated Substances

- standards are set for the safe handling, management and protection of workers working with, in and around the following substances:

- Acrylonitrile
- Arsenic
- Asbestos
- Asbestos on Construction Projects and in Buildings and Repair Operations (the only designated substance regulation that applies to construction)
- Benzene
- Coke Oven Emissions
- Ethylene Oxide
- Isocyanates
- Lead
- Mercury
- Silica
- Vinyl Chloride.

Biological or Chemical Agents, Control of Exposure to

- workplace exposure limits for over six hundred different substances — such as carbon monoxide, wood dust, welding fumes.
- sets out requirements for employers to reduce exposures below these legal limits.

Inventory of Agents or Combination of Agents

- for special compounds per the OHSA.

Workplace Hazardous Materials Information System

- WHMIS legislation.

X-Ray Safety

- requirements for the protection of workers involved in X-ray operations.

WORKPLACE LAW

Overview of the Regulation for Industrial Establishments

Section of Industrial Regulations	What's Covered?
Part I Safety Regulations	
• Minimum age of workers	Age requirements for workers and persons allowed to be in the workplace.
• Notice of accidents	What the Ministry of Labour must be notified of: deaths, injuries and illness, what information must be provided, and when it must be done.
• Pre-start health and safety reviews	When making changes in the workplace, this sets health and safety standards that must be put in place before making alterations, or adding new machinery or equipment.
• Premises: <ul style="list-style-type: none">- floors and other surfaces, floor openings, doorways- guardrails- ladders- lighting- fire prevention	Requirements for various parts of a workplace, such as: height of guardrails or fixed access ladders; keeping floors free of hazards.
• Machine Guarding	Requirement to guard all machines with moving parts. There are specific requirements for some types of tools such as power actuated tools, nail guns, chain saws, grinding wheels.
• Material Handling (lifting devices, cranes)	Requirements for safe handling of materials using mechanical devices such as hoists, forklifts and cranes.
• Confined Space	Requirements for precautions to take when entering areas of the workplace that meet the definition of "confined space".

WORKPLACE LAW

Overview of the Regulation for Industrial Establishments (cont'd.)

• Maintenance and repairs	Damaged structures, portable ladders, working under elevated structures, machine maintenance, lock-out procedures for machines when they are being repaired or maintained.
• Protective Equipment	Personal protective equipment, long hair confined, no jewellery worn near rotating equipment, fall protection.
• Molten Metal	Working safely with molten metal (foundries).
• Logging	Requirements for training, tree felling, hang-ups, skidding, hauling logs.
Part II Buildings	States that the Fire and Building Codes apply to all industrial establishments, except for any provision stated in the Industrial Regulation (i.e., hazardous room).
Part III Industrial Hygiene	
• eyewash fountains and showers • air quality and ventilation • temperature • training • drinking water • showers • first aid • eating areas • breathing equipment • noise	Specific requirements for providing workplace facilities and conditions.

WORKPLACE LAW

Optional Exercise: Sampling the Industrial Regulation

Two common ways workers are injured in manufacturing involve getting caught in machines and falling. The following exercise gives you a chance to read some of the sections from the Industrial Regulation that address these hazards, and to explain what they mean.

Read the following excerpts from the Regulation for Industrial Establishments and answer the questions at the end of each excerpt.

Preventing Falls

S 11. A floor or other surface used by any worker shall,

- (a) be kept free of,*
 - (i) obstructions,*
 - (ii) hazards, and*
 - (iii) accumulations of refuse, snow or ice; and*
- (b) not have any finish or protective material used on it that is likely to make the surface slippery.*

S 13. (1) Subject to subsection (2), there shall be a guardrail,

- (a) around the perimeter of an uncovered opening in a floor, roof or other surface to which a worker has access;*
- (b) at an open side of,*
 - (i) a raised floor, mezzanine, balcony, gallery, landing, platform, walkway, stile, ramp or other surface, or*
 - (ii) a vat, bin or tank, the top of which is less than 107 centimetres above the surrounding floor, ground, platform or other surface; and*
- (c) around a machine, electrical installation, place or thing that is likely to endanger the safety of any worker.*

WORKPLACE LAW

Optional Exercise: Sampling the Industrial Regulation (cont'd.)

(2) Subsection (1) does not apply to,

- (a) a loading dock;
- (b) a roof to which access is required only for maintenance purposes; and
- (c) a pit used for,
 - (i) work on an assembly line, or
 - (ii) maintenance of vehicles or similar equipment.

S 14. (1) A guardrail shall,

- (a) have a top rail located not less than 91 and not more than 107 centimetres above the surface to be guarded;
- (b) have a mid rail;
- (c) if tools or other objects may fall on a worker, have a toe-board that extends from the surface to be guarded to a height of at least 125 millimetres; and
- (d) be free of splinters and protruding nails.

(2) A guardrail shall be constructed to meet the structural requirements for guards as set out in the Building Code.

Answer the following questions and discuss your answers in class.

1. In your own words, describe what you think this section means.
2. What do you as a worker need to do?

WORKPLACE LAW

Optional Exercise: Sampling the Industrial Regulation (cont'd.)

Machine Guarding

S 24. Where a machine or prime mover or transmission equipment has an exposed moving part that may endanger the safety of any worker, the machine or prime mover, or transmission equipment shall be equipped with and guarded by a guard or other device that prevents access to the moving part.

Answer the following questions and discuss your answers in class.

1. In your own words, describe what you think this section means.
2. What do you as a worker need to do?

WORKPLACE LAW

Optional Exercise: Sampling the Industrial Regulation

For Transportation Students

Most injuries to workers in transportation work environments occur when working with elevated equipment, or while inflating tires. Eye injuries are also common and can occur in various situations if eye protection isn't used. The following exercise gives you a chance to read some of the relevant sections from the Industrial Regulation that address these hazards and to explain what they mean.

Read the following excerpts from the Regulation for Industrial Establishments and answer the questions at the end of each excerpt.

Material Handling - Hoists

S 51 (1) A lifting device shall,

••••

(b) be thoroughly examined by a competent person to determine its capability of handling the maximum load as rated,

(i) prior to being used for the first time, and

(ii) thereafter as often as necessary but not less frequently than recommended by the manufacturer and in any case, at least once a year,

and a permanent record shall be kept, signed by the competent person doing the examination;

(c) be plainly marked with sufficient information so as to enable the operator of the device to determine the maximum rated load that the device is capable of lifting under any operating condition.

••••

(e) when it is a pneumatic or hydraulic hoist, have controls that automatically return to their neutral position when released.

1. In your own words, describe what you think this section means.
2. What do you as a worker need to do?

**Live Safe!
Work Smart!**

WORKPLACE LAW

Optional Exercise: Sampling the Industrial Regulation (cont'd.)

For Transportation Students

Tire Inflation

S 77. Safety chains, cages or other protection against blown-off side or lock rings shall be used when inflating a tire mounted on a rim.

1. In your own words, describe what you think this section means.
2. What do you as a worker need to do?

Eye Protection

S 81. A worker exposed to the hazard of eye injury shall wear eye protection appropriate in the circumstances.

1. In your own words, describe what you think this section means.
2. What do you as a worker need to do?

WORKPLACE LAW

Overview of the Regulation for Construction Projects

Construction Regulation Section	What's Covered?
Part I General Interpretation and Application Alternative Methods and Materials Designation of a Project Registration and Notices Accident Notices and Reports General Requirements	<ul style="list-style-type: none">Notification to the Ministry of new projects: designation; and registration and notices placed at the site.Who, when and how to notify if an accident occurs.Competent supervision, inspections.Access to telephone, two-way communication.
Part II General Construction Application Protective Clothing, Equipment and Devices Hygiene General Requirements Housekeeping Temporary Heat Fire Safety Dust Control Confined Spaces Public Way Protection Traffic Control Access to and Egress from Work Areas Platforms, Runways and Ramps Stairs and Landings Ladders Forms, Formwork, Falsework and Re-shoring Equipment, General	Requirements for specific types of hazards or situations.

**Live Safe!
Work Smart!**

WORKPLACE LAW

Overview of the Regulation for Construction Projects (cont'd.)

Part II General Construction (cont'd.) Explosive Actuated Fastening Tool Welding and Cutting Scaffolds and Work Platforms Suspended Platforms and Scaffolds and Boatswain's Chairs Elevating Work Platforms Cranes, Hoisting and Rigging Tower Cranes Derricks, Stiff-Leg Derricks and Similar Hoisting Devices Cables, Slings, Rigging Electrical Hazards Explosives Roofing Hot Tar or Bitumen Road Tankers Demolition and Damaged Structures	
Part III Excavations Interpretation and Application Entry and Working Alone Soil Types Precautions Concerning Services Protection of Adjacent Structures General Requirements Support Systems	Requirements for sites where excavations and trenching is done to prevent hazards such as cave-ins.

WORKPLACE LAW

Overview of the Regulation for Construction Projects (cont'd.)

Part IV Tunnels, Shafts, Caissons and Cofferdams Application Land Requirements Notice Working Alone and Entry Fire Protection Facilities for Workers First Aid Rescue of Workers Communications Lighting and Electricity Supply Shafts Hoistways Tunnels Tunnel Equipment Explosives Ventilation	Requirements for working in underground tunnels, and shafts, or underwater caissons and cofferdams. Caissons are watertight chambers used in construction work underwater or as a foundation. Cofferdams are watertight enclosures from which water is pumped to expose the bottom of a body of water and permit construction (e.g., a pier).
Part V Work in Compressed Air Interpretation and Application General Requirements Communications Fire Prevention Lighting and Electrical Supply Sanitation Medical Requirements Medical Locks Air Compressors Air Locks and Work Chambers Work Periods and Rest Periods Lock Tenders Decompression Procedures	This part covers requirements for working in compressed air situations. It applies where the air pressure is raised from being underwater or in a positive pressure situation.

WORKPLACE LAW

Optional Exercise: Sampling the Construction Regulation

Three common ways workers are injured in construction are from falling from ladders, not having and wearing personal protective equipment and being hit by moving vehicles on road construction sites. The following exercise gives you a chance to read some of the relevant sections from the Construction Regulations that cover these areas and to explain what they mean.

Read the following excerpts from Ontario Regulation 213/91, Construction Projects. Answer the questions at the end and discuss your answers in class.

Ladders

S 78. (1) A ladder shall be designed, constructed and maintained so as not to endanger a worker and shall be capable of withstanding all loads to which it may be subjected.

(2) A ladder;

(a) shall be free from defective or loose rungs;

(b) shall have rungs spaced at 300 millimetres on centres;

(c) shall have side rails at least 300 millimetres apart;

(d) shall be placed on a firm footing; and

(e) shall be situated so that its base is not less than one-quarter, and not more than one-third of the the length of the ladder from a point directly below the top of the ladder and at the same level as the base of the ladder, if the ladder is not securely fastened.

(3) The maximum length of a ladder measured along its side rail shall not be more than,

(a) five metres for a trestle ladder or for each of the base and extension sections of an extension trestle ladder;

(b) six metres for a step-ladder;

(c) nine metres for a single ladder or an individual section of a ladder;

(d) fifteen metres for an extension ladder with two sections; and

(e) twenty metres for an extension ladder with more than two sections.

WORKPLACE LAW

Optional Exercise: Sampling the Construction Regulation (cont'd.)

(4) *No ladder shall be lashed to another ladder to increase its length.*

(5) *In this section,*

“extension trestle ladder” means a combination of a trestle ladder and a vertically-adjustable single ladder with a suitable means of securely locking the ladders together.

1. What does this section of the Construction Regulations mean?
2. What do you as a worker need to do?

Personal Protective Equipment

S 21(1) A worker shall wear such protective clothing and use such personal protective equipment or devices as are necessary to protect the worker against the hazards to which the worker may be exposed.

(2) A worker’s employer shall require the worker to comply with subsection (1).

(3) A worker required to wear protective clothing or use personal protective equipment or devices shall be adequately instructed and trained in the care and use of the clothing, equipment or device before wearing or using it.

1. What does this section of the Construction Regulations mean?
2. What do you as a worker need to do?

WORKPLACE LAW

Optional Exercise: Sampling the Construction Regulation (cont'd.)

Directing Traffic on Road Construction Sites

69 (1) *This section applies with respect to directing vehicular traffic that may be a hazard to workers on a public way.*

(2) *A worker shall not direct vehicular traffic for more than one lane in the same direction.*

(3) *A worker shall not direct vehicular traffic if the normal posted speed limit of the public way is more than 90 kilometres per hour.*

(4) *A worker who is required to direct vehicular traffic,*

(a) *shall be a competent worker;*

(b) *shall not perform any other work while directing vehicular traffic;*

(c) *shall be positioned in such a way that he or she is endangered as little as possible by vehicular traffic; and*

(d) *shall be given adequate written and oral instructions, in a language that he or she understands, with respect to directing vehicular traffic, and those instructions shall include a description of the signals that are to be used.*

(5) *The written instructions referred to in clause (4) (d) shall be kept at the project.*

S 69.1 (1) *A worker who may be endangered by vehicular traffic shall wear a garment that covers at least his or her upper body and has the following features:*

1. *The garment shall be fluorescent blaze or international orange in colour.*

2. *On the front and back, there shall be two yellow stripes that are 5 centimetres wide. The yellow area shall total at least 500 square centimetres on the front and at least 570 square centimetres on the back.*

3. *On the front, the stripes shall be arranged vertically and centred and shall be approximately 225 millimetres apart, measured from the centre of each stripe. On the back, they shall be arranged in a diagonal "X" pattern.*

WORKPLACE LAW

Optional Exercise: Sampling the Construction Regulation (cont'd.)

4. *The stripes shall be retro-reflective and fluorescent.*
 - (2) *If the garment is a vest, it shall have adjustable fit.*
 - (3) *On and after January 1, 2001, a nylon vest to which this section applies shall also have a side and front tear-away feature.*
 - (4) *In addition, a worker who may be endangered by vehicular traffic during night-time hours shall wear retro-reflective silver stripes encircling each arm and leg, or equivalent side visibility-enhancing stripes with a minimum area of 50 square centimetres per side.*

1. What does this section of the Construction Regulations mean?

2. What do you as a worker need to do?

WORKPLACE LAW

Overview of Regulation for Health Care and Residential Facilities

Section of Health Care and Residential Facilities Regulation	What's Covered?
Interpretation and Application	<ul style="list-style-type: none">Who is a patient or resident of a health care facility?Types of health care facilities that are coveredRequirement for length of time to keep documentation.
Notice of Accidents	<ul style="list-style-type: none">Who, what, and how to notify if an accident occurs.
General Duty to Establish Measures and Procedures	<ul style="list-style-type: none">Specific requirements of employers, such as infection control, safe use of antiseptics, etc.
Personal Protective Equipment	<ul style="list-style-type: none">Specific requirements for personal protection.
Premises	<ul style="list-style-type: none">Requirements for various parts of workplaces such as a hazardous, restricted area.
Ventilation	<ul style="list-style-type: none">Requirements for eliminating or limiting exposure to chemicals and other contaminants.
Heating	<ul style="list-style-type: none">Safe temperature for an enclosed workplace, as defined.
Lighting	<ul style="list-style-type: none">Safe lighting, including protection from hazardous glare, reflection, etc., maintenance of lighting, and a rest break of five minutes for every continuous hour of work on a video display terminal.
Hygiene Facilities	<ul style="list-style-type: none">Provision of toilets, washbasins, drinking water, privacy. Also restriction against eating, drinking, smoking in area of infectious or hazardous materials, drugs.

**Live Safe!
Work Smart!**

WORKPLACE LAW

Overview of Regulation for Health Care and Residential Facilities (cont'd.)

Work Surfaces	<ul style="list-style-type: none">Requirements for specified conditions involving work surfaces, e.g., types of surfaces if wet processes are used; when guardrails, covers on openings, are required.Specifications for use of fixed access ladders.
Restricted Spaces	<ul style="list-style-type: none">Requirements for work with restricted spaces.
Confined Spaces	<ul style="list-style-type: none">Requirements for precautions to be taken when entering or exiting confined spaces.
Equipment	<ul style="list-style-type: none">Requirements for safe use and operation of machines, equipment, or devices, including an autoclave or sterilization machine, grinding wheels, centrifuges.
Electrical Equipment	<ul style="list-style-type: none">Requirements for work with electrical equipment, including locking out, tagging, grounding, etc., and operating a vehicle near live power lines.Specified work to be done by a “competent person”.Table of minimum distances to keep objects away from a conductor.
Compressed Gas Cylinders	<ul style="list-style-type: none">Requirements for transportation, storage, use.
Material Handling Equipment	<ul style="list-style-type: none">Requirements for safe handling of materials using mechanical devices.
Ladders Scaffolds Suspended Scaffolds Explosive Hazards	<ul style="list-style-type: none">Requirements for specific types of hazards or conditions.

WORKPLACE LAW

Overview of Regulation for Health Care and Residential Facilities (cont'd.)

Anaesthetic Gases	<ul style="list-style-type: none">Measures and procedures to protect workers who may be exposed, including scavenging systems, respirators.
Antineoplastic Drugs	<ul style="list-style-type: none">Measures and procedures to protect workers who may be exposed, including training and instruction.
Flammable Liquids	<ul style="list-style-type: none">Requirements for safe handling, dispensing, storage.
Material Handling	<ul style="list-style-type: none">Requirements for safe handling, disposal, storage of materials, articles or things, including biohazard identification, explosion-proof refrigeration where required.Provision of proper disinfectants to clean work areas and equipment.Requirements for piping systems of hazardous materials.
Housekeeping and Waste	<ul style="list-style-type: none">Requirements for proper storage and disposal of waste materials, including sharps, needles, liquids.Employer to consult with joint health and safety committee or representative as required.

WORKPLACE LAW

Optional Exercise: Sampling the Health Care & Residential Facilities Regulation

Read the following excerpts from Ontario Regulation 67/93, Health Care and Residential Facilities.

Answer the questions at the end of each section and discuss your answers in class.

Equipment

Section 56(1) Glassware used in a laboratory shall be inspected for chips and cracks before use.

Section 56(2) Chipped or cracked glassware shall not be used unless it is repaired to a condition that does not present a hazard to a worker and if not repaired it shall be placed in a puncture-resistant container for disposal as waste.

1. What does this section of the Health Care Regulations mean?
2. What do you as a worker need to do?

Material Handling

Section 104. A container used to store, transport or dispense a hazardous material shall be,

- (a) *adequate to protect the worker from the substance contained in it; and*
- (b) *protected from physical damage.*

1. What does this section of the Health Care Regulations mean?
2. What do you as a worker need to do?

WORKPLACE LAW

Sampling the Health Care & Residential Facilities Regulation (cont'd.)

Housekeeping and Waste

Section 113(1) Objects referred to in subsection (2) that are being discarded as waste materials shall be placed in puncture-resistant containers.

Section 113(2) Subsection (1) applies to needles, knives, scissors, scalpels, broken glass or other sharp objects that are capable of cutting or penetrating the skin or any part of a worker's body.

1. What does this section of the Health Care Regulations mean?
2. What do you as a worker need to do?

WORKPLACE LAW

Sample WSIB Form 7

The form on pages 2 and 3 is a sample Form 7. A longer version, which includes instructions for completing the form, may be obtained from the Workplace Safety and Insurance Board.

Ce formulaire est disponible en français sur demande.

- Please read the instructions on pages 4 & 5



SAMPLE

WSIB use only

Claim Number

A. Worker Identification - Please complete in full

Last Name	First Name
-----------	------------

This form is available on our Web site or by calling (416) 344-3862
or FAX at 1-888-313-7373

Worker Reference Number	Miner's Certificate Number
-------------------------	----------------------------

Address

Social Insurance Number	Years Experience in Occupation
-------------------------	--------------------------------

City /Town

Occupation at Time of Injury/Awareness of Disease

Province

Postal Code

Date of Birth dd mmm yyyy	Sex	Date of Hire dd mmm yyyy
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Worker's Preferred Language of Service

<input type="checkbox"/> English	<input type="checkbox"/> French
----------------------------------	---------------------------------

Other language if worker speaks neither English/French

Fold

Is the injured person a (sub) contractor, independent operator, owner, executive of the business or spouse or relative of the employer?

yes no

Area Code	Telephone Number ()
-----------	-------------------------

B. Employer Identification

Employer Name

Firm Number

Rate Number

Address

City /Town

Province

Postal Code

Area Code

 Telephone Number
()

Area Code

 FAX Number
()

Description of Business Activity

Worksite Location, Branch, Plant, Department Where Worker Employed

 Classification Unit Code
See Instructions

Do you have an early return to work, Co-operative Return to Work program or an accommodation program in your workplace?

yes no

Is the injured worker represented by a trade union?

yes no

C. Temporary Disability

Following the day that the injury/awareness of disease occurred, will the injured worker be absent from work because of the injury/disease?

unknown yes no

If you answered "no" to the above, will the injured worker as a result of the injury/disease:

- assume other work duties because the injury/disease prevents them from performing their regular duties?

yes no

- earn less than their regular wages because of the injury/disease?

yes no

Note: If your answer is "no" to all of these questions do not complete Section F, "Earnings Information".

D. Details of Injury/Disease

Date and Hour of Injury/Awareness of Disease dd mmm yyyy a.m. p.m.	Date and Hour Reported to Employer dd mmm yyyy a.m. p.m.	Date and Hour Last Worked dd mmm yyyy a.m. p.m.	Normal Working Hours on Last Day Worked from _____ to _____
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Date and Hour Returned to Work dd mmm yyyy a.m. p.m.	Actual Earnings for Last Day Worked	Normal Earnings for Last Day Worked	Do you have any information that the worker could have returned to work earlier? If so, provide details.
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1. What happened to cause the injury/disease? If known, describe injury, part of body involved and specify left or right side.

2. Who was the injury/disease reported to? If injury/disease was not reported immediately, provide reason for delay.

3. Describe the worker's activities at the time of the injury/disease. Include details of equipment or materials used and the size and weights of objects being handled.

4. Where was the worker when the injury/awareness of disease occurred? If the injury/disease occurred outside of Ontario, specify province, state or country.

5. Is there anyone else who may have witnessed or who may know about the injury/onset of disease? If so, provide details below.

Name(s)

Address(es) and phone number(s) if available



SAMPLE

Worker's Name

Social Insurance Number

Claim Number

E. Health Care

Did the worker receive health care?

yes no don't know

This form is available on our Web site or by calling (416) 344-3862
or FAX at 1-888-313-7373

Current or continuing health care: if known, provide the name, address and telephone number of practitioner/facility, if different than above.

F. Earnings Information - Do not complete this section if you answered "No" to all questions in Section C on page 1.

Rate of Pay (before tax)	<input type="checkbox"/> hourly	Total Weekly Pay Hours	If weekly pay hours are irregular, please state average weekly hours.	Does the worker's work schedule change from week to week?							
	<input type="checkbox"/> daily			<input type="checkbox"/> yes	<input type="checkbox"/> no						
From Revenue Canada TD1 provide:	Net Claim for Exemption		Net Claim Code	Enter Worker's Usual Work Days (F = full day, H = half day)							
				S	M	T	W	T	F	S	

Are Benefit Plan (Health Care, Life Insurance, Pension) contributions continuing? yes no not applicable If "no", is the benefit plan a multi-employer benefit plan? yes no

The worker also receives the following earnings in addition to the Rate of Pay as reported above. (Check all that apply.)

Will this benefit continue while the worker is absent from work due to this injury/disease?

If "no", please state value if known

<input type="checkbox"/> Vacation Pay	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> daily
<input type="checkbox"/> Production Bonuses	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> weekly
<input type="checkbox"/> Profit Sharing	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> daily
<input type="checkbox"/> Room and board and/or benefit from the worker's personal use of an employer's vehicle.	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> weekly
<input type="checkbox"/> Cost of living allowance, shift differential, lead hand premium	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> daily
<input type="checkbox"/> Tips and Gratuities	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> weekly
<input type="checkbox"/> Unemployment insurance benefits paid in a job creation or work-sharing program	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> daily
			<input type="checkbox"/> weekly

Identify Type of Employment (Check all that apply)

Full Time Part Time Casual Seasonal Apprentice Student Learner Other

If the worker worked after the first absence, please enter dates.

From dd mmm yyyy a.m. To dd mmm yyyy a.m.

dd mmm yyyy a.m.

G. Advances If you have advanced or will be advancing anything to cover period of disability, give particulars including dates covered. If advances are to be mailed to another address, please provide.

H. Claim Information

To your knowledge has the worker had a previous similar injury/disease? yes no

If yes, provide details. If the previous similar injury/disease was work-related, include prior WCB claim number if known.

Was any individual who does not work for you totally or partially responsible for the injury/disease? yes no If yes, please explain.

If machinery, equipment or a motor vehicle was totally or partially responsible for the injury/disease, refer to the instructions on the reverse of the Employer's Copy and provide particulars.

Do you have any reason to doubt that the injury/disease is work-related? yes no If yes, please explain.

Letter of explanation attached? yes no

Who is responsible for arranging the worker's return to work? (Name and telephone number)

I. It is an offence to deliberately make false statements to the WSIB. I declare that all of the information provided on pages 1 and 2 of this report is true.

Name of Person Completing this Report

Official Title

Signature

Area Code ()

Telephone Number

Date

J. WORKER'S SIGNATURE: By signing below, I am claiming benefits under the Workplace Safety and Insurance Act, 1997, for a work-related injury or disease. I am also authorizing any health professional who treats me to provide me, my employer and the Workplace Safety and Insurance Board with information about my functional abilities on the Board's "Functional Abilities for Timely Return to Work" form.

Signature

Date

