

Health and Safety Newsletter



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BULLIVANT & ASSOCIATES INC.

BILL 168 AMENDMENTS TO THE OHS A



Bill 168 amendments to the *OHS A* – On April 20, 2009, the Ontario government introduced amendments to the *Occupational Health and Safety Act (OHS A)* to address workplace violence and harassment.

Workplace violence is a serious issue. A 2004 Statistics Canada Survey entitled “Criminal Victimization in the Workplace” found that 17 per cent of violent incidents in Canada occur at the workplace. This represents approximately 356,000 workplace violence incidents in a 12-month period across Canada.

Violence against workers is most likely to arise from

clients, customers, or co-workers.

The risk of violence is higher in certain sectors, such as health care, hospitality and certain activities such as transporting people, working with unstable or volatile people.

In the past violence and harassment have fallen under, *OHS A* - Due Diligence, Criminal Code or Human Rights Code.

WORKPLACE VIOLENCE AND WORKPLACE HARASSMENT POLICIES

- Workplace Violence and Workplace Harassments will now

be defined in the Occupational Health and safety Act.

- Under the proposed Bill 168 amendments, employers will be required to prepare a workplace violence policy and a workplace harassment policy.
- Employers will be required to conduct reviews of these policies “as often as is necessary,” but no less than once every year.
- Employers with six or more employees in a workplace will be required to post the policy in a conspicuous location.

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MOL BLITZ ON HAZARDOUS CHEMICALS

Beginning *September 2009*, health and safety inspectors will check for hazards involving exposure to caustic, noxious or allergenic substances in both industry and health care facilities in an enforcement blitz.

From 1999 to 2008, a recorded 23,789 chemical-related workplace injuries

and incidents of occupational illnesses occurred. Ministry of Labour inspectors will focus on hazardous chemicals used in all workplaces, with emphasis on:

- Swimming pools and spas
- Dry cleaners

- Metal fabrication shops
- Health care workplaces (hospitals, long-term care facilities and retirement homes)

The main focus is on the adequacy of training of workers who may be exposed to chemicals that may endanger their safety or health. Checks of Personal

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ASSESSING THE RISKS OF WORKPLACE VIOLENCE

Bill 168 proposes to require employers to conduct an assessment of the risk of workplace violence, and report the results of the assessment to the health and safety committee, or a health and safety representative.

IMPLEMENTATION PROGRAMS

Under the proposed amendments employers must develop implementation programs for both the workplace violence policy and the workplace harassment policy. measures to control the risks

of workplace violence identified in the assessment;

- Procedures for summoning immediate assistance when workplace violence occurs,
- Procedures for workers to report incidents, or threats, of workplace violence to the employer; and
- A process for investigating and addressing incidents, complaints, or threats of workplace violence.

DOMESTIC VIOLENCE

Although no other Canadian jurisdiction has legislatively addressed domestic violence in the workplace, Bill 168 does so.

EXISTING OHSА DUTIES EXTENDED TO WORKPLACE VIOLENCE

The various health and safety duties of employers, supervisors, and workers—currently contained in sections 25, 27, and 28 of the OHSА—will be extended to apply, as appropriate, to workplace violence.

REFUSING WORK

Bill 168 also proposes amendments to Section 43 of the OHSА, which currently addresses a worker’s right to refuse work in various circumstances.



SHOP TALK: OCCUPATIONAL ILLNESSES—SKIN DISEASES



Skin disease is reported to be the second most common occupational illness/disease.

Recognition of the occupational component must include an evaluation which notes identification of conditions of exposure. Evaluations begin with discussions of the person’s employment, and require a detailed description of all the processes involved in a typical day’s work. It also requires a detailed list of all chemicals in the individual’s working environment, and knowledge of whether other workers are affected.

Prevention - occupational allergic contact dermatitis can be avoided by good personal hygiene, engineering control methods, good housekeeping, and personal protective equipment. Personal hygiene, including hand washing, is very important to prevent contact dermatitis, but workers should be aware that

excessive hand washing with soap and detergents may also damage the skin.

Engineering control methods may involve the enclosure of processes to separate workers from the harmful substances they work with. Local exhaust systems should be used anywhere toxic substances may escape into the work area. Non-hazardous substances should be substituted for hazardous substances. Good housekeeping includes proper storage of substances, frequent disposal of waste, prompt removal of spills, and maintenance of the equipment to keep it free of dust, dirt and drippings.

The Canadian worker’s right-to-know legislation (WHMIS - Workplace Hazardous Materials Information System) requires workers to be informed about the nature of substances they are exposed to and

how to work with them safely.

Personal protective clothing such as aprons and gloves should be properly selected. Not all protective clothing resists all substances. Manufacturers’ specifications should be followed.

Barrier creams are used as substitutes for protective clothing, especially when gloves or sleeves cannot be used safely, but they do not shield as well as protective clothing. Washrooms, toilets, and showers should be conveniently located and supplied with adequate hot water, disposable towels and soap.

Establishing a good prevention program to avoid exposure of the skin to allergens is of vital importance to eliminate allergic contact dermatitis.

For a copy of this shop talk in a format that addresses “due diligence,” please contact Colleen Rivard, Client Account Manager.

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Protective Equipment and Spill & Emergency Procedures are also expected.

BULLIVANT & Associates Inc. will ensure workers are properly trained. Also ensuring any documentation is reviewed and complete.

