

Health and Safety Newsletter



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BULLIVANT & ASSOCIATES INC.

HEALTH & SAFETY BECOMING MORE COMPLEX?



A recent order written to Blue Mountain Resorts and upheld by the Ontario Labour Relations Board (OLRB) leaves this writer scratching his head. We as consultants continually try to help employers make sense of legislation and compliance issues, and this type of enforcement only serves to complicate the process.

Tragically, on December 24, 2007, a guest of Blue Mountain Resorts drowned

in their swimming pool. On March 27, 2008, a Ministry of Labour (MOL) Health & Safety Inspector ordered Blue Mountain to report the fatality and provide prescribed reports. Blue Mountain Appealed the Order to the OLRB. Blue Mountain (and the rest of the free world) interpreted section 51(1) of the Act to only apply to workers in the workplace.

However for the first time in 30 years the greater

powers have decided to apply this section to anyone.

The subsection reads:

“Where a person is killed or critically injured from any cause at a workplace, the employer shall notify an inspector”.

The MOL’s argument is that the act must be given broad and liberal interpretation. The section

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CELL PHONE BAN



The new law within the Highway Traffic Act banning use of Cell Phones & other personal electronic devices comes into effect October 2009.

The law states:

No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device, or while holding or using a hand-held electronic entertainment device.

Law does not apply if ALL conditions are met:

1. The motor vehicle is off the roadway or is lawfully parked on the roadway.
2. The motor vehicle is not in motion.
3. The motor vehicle is not impeding traffic.

All people found to be in non-compliance with this law can face fines ranging from \$60 to \$500.

Workers must be advised of their requirement to abide by all traffic rules while operating a vehicle during hours of work.

Communication of the new law, scope, application and accountabilities are a positive step to controlling this hazard.



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uses the word *person*, not *worker*; therefore, the section requires all critical injuries or fatalities to be reported.

In Blue Mountain's appeal they also argued that the new interpretation would mean any time a guest broke a leg or arm in a ski accident they would have to

report it to the Ministry and secure the location by barrier until the Inspector had investigated. They estimate approximately 600 critical injuries a season.

The Labour Board accepted the MOL's argument and found: "where workers are vulnerable to the same hazards or risks as non-workers who attends a workplace,

it is not an absurd result for an employer to be required to report when a non-worker suffers a critical injury at a workplace"

What next?

For more information please contact Tom Charlton, Safety Consultant, BULLIVANT & Associates Inc.

SHOP TALK: DOES YOUR COMPANY USE LATEX GLOVES?

Does your workplace use latex gloves?

Latex is a sap that is produced by some types of shrubs, plants and trees. This, in addition to various chemicals, gives the end user a durable and strong rubber product. Starch is then introduced to keep the product from sticking together.

Natural latex contains a protein, which through research, has been identified as a major source of an allergen. The protein can be absorbed through the skin or the powder containing the protein can be inhaled.

Chemical additives and starch powders found in new gloves can also cause allergic reactions in sensitive people. Powder-free gloves cause fewer allergic problems.

Latex sensitivity and allergies have been found in U.S. studies to affect 12% of health care workers. Those workers most at risk of developing a latex sensitivity or allergy are those that work in health care, greenhouses, laboratories, food services, hair salons and esthetics, and of course, those who are involved in manufacturing gloves.

Control at the source is the employer's best approach.

1. Elimination of latex gloves use in the workplace – provide powder free non-latex gloves
2. Check the labels frequently as "Hypoallergenic gloves" are usually made from latex
3. Encourage good hand washing techniques and keep

the workplace free of latex powders

Health & safety committees need to regularly assess the types of personal protective equipment supplied by employers.

Frequently purchasing departments are unaware of the potential hazards and buy according to pricing.

Know what products are used in your workplace, understand the hazards these products may present, and then do what you can to make your workplace safer.

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



WHY KEEP UP ON HEALTH & SAFETY?

Ottawa, Ont. –A residential construction company was fined \$40,000 on September 24, 2009, for a violation of the Occupational Health and Safety Act (OHSA) after a worker was injured.

On June 20, 2008, a worker on the roof of one of the townhouses threw a pallet off the roof towards a waste bin on the ground. The pallet hit

another worker who was walking between the building and the bin. This second worker suffered injuries to the head, shoulder, and neck.

A Ministry of Labour investigation found that the company had not provided a safe method of disposing of debris from the roof.

The company pleaded guilty under the OHSA to failing to ensure that the debris was lowered from the roof by a chute, in a container, or by a crane or hoist.

A 25% victim surcharge was added to the fine.

