



CITY POLICY

SECTION: HUMAN RESOURCES

NO: HR – HS - 43

REFERENCE: HEALTH AND SAFETY

Date: November 30, 2017

**Next Review Date:
November 2019**

**TITLE: HEALTH & SAFETY – ROLES AND RESPONSIBILITIES UNDER THE
OCCUPATIONAL HEALTH & SAFETY ACT**

1.0 PURPOSE

To ensure all management and workers comply with their specific roles and responsibilities within the health and safety program and under the Occupational Health and Safety Act.

2.0 ROLES AND RESPONSIBILITIES

It is the responsibility of employers, owners, constructors and supervisors to ensure all workplace parties comply with the OHS Act and its regulations. The employer is required to ensure basic mandatory health and safety awareness training is completed by all supervisors and workers. (MOL Awareness Training).

MANAGEMENT (EMPLOYER):

2.1 Management must perform or adhere to the following:

- (a) Performing workplace inspections;
- (b) Conducting information sessions (safety talks, staff meetings);
- (c) Conducting incident investigations;
- (d) Conducting employee training;
- (e) Correcting substandard acts or conditions
- (f) Commending employee and supervisor health & safety performance; and,
- (g) Performing employee safety observations.
- (h) Prepare policies with respect to workplace violence, harassment and sexual harassment and review them at least once a year.
- (i) Appoint a supervisor if the employer has five or more workers on a project [Construction Reg. Section 15(1)].

2.2 Management/Employer responsibilities, as found in sections 25, 26 of the OHSA:

25. (1). An employer shall ensure that:

- (a) The equipment, materials and protective devices are provided as prescribed;
- (b) The equipment materials and protective devices provided by the employer are maintained in good condition;
- (c) The measures and procedures prescribed are carried out in the workplace;
- (d) The equipment, materials and protective devices provided by the employer are used as prescribed; and,
- (e) A floor, roof, wall, pillar, support or other part of a workplace is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the Building Code Act.

(2). Without limiting the strict duty imposed by subsection (1), an employer shall:

- (a) Provide information, instruction and supervision to a worker to protect the health or safety of the worker;
- (b) In a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;
- (c) When appointing a supervisor, appoint a competent person;
- (d) Acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
- (e) Afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health & safety representative of any of their functions;
- (f) Only employ in or about a workplace a person over such age as may be prescribed;
- (g) Not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
- (h) Take every precaution reasonable in the circumstances for the protection of a worker;
- (i) Post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
- (j) Prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;

- (k) Post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
 - (l) Provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and,
 - (m) Advise workers of the results of a report referred to in clause (1) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.
- (3) For the purposes of clause (2) (c), an employer may appoint himself or herself as a supervisor where the employer is a competent person.
 - (4) Clause (2) (j) does not apply with respect to a workplace at which five or fewer employees are regularly employed, R.S.O. 1990, c. 0.1, s. 25
26. (1) In addition to the duties imposed by section 25, an employer shall:
- (a) Establish an occupational health service for workers as prescribed;
 - (b) Where an occupation health service is established as prescribed, maintain the same according to the standards prescribed;
 - (c) Keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
 - (d) Accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
 - (e) Notify a Director of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;
 - (f) Monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;
 - (g) Comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
 - (h) Establish a medical surveillance program for the benefit of workers as prescribed;
 - (i) Provide for safety-related medical examinations and test for workers as prescribed;
 - (j) Where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, test or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;
 - (k) Where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and,

- (l) Carry out such training programs for workers, supervisors and committee members as may be prescribed.
- (2) For the purposes of clause (1) (a), a group of employers, with the approval of a Director, may act as an employer, R.S.O. 1990, c. 0.1, s. 26 (1, 2).
- (3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or test, his or her employer shall pay:
 - (a) The worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;
 - (b) The worker's reasonable travel costs respecting the examinations or tests; and,
 - (c) The time the worker spends to undergo the examinations or test, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as per be proper, R.S.O. 1990, c. 0.1, s 26 (3); 19914, c. 27, s. 120 (3).

SUPERVISORS:

The Occupational Health and Safety Act (OHSA) defines a supervisor as a person who has charge of a workplace or authority over a worker.

2.3 Supervisors must perform or adhere to the following:

- (a) Performing workplace inspections;
- (b) Conducting information sessions (safety talks, staff meetings);
- (c) Conducting incident investigations;
- (d) Conducting employee training;
- (e) Correcting substandard acts or conditions
- (f) Commending employee and supervisor health & safety performance; and,
- (g) Performing employee safety observations.
- (h) Supervising the work on the project at all times, either personally or by having an assistant who is a competent person do so when the supervisor is unavailable [Construction Reg. Sections 14(2) and 15(2)]
- (i) Making sure that workers work in compliance with the OHSA and its regulations.

2.4 Duties of supervisor as found in section 27 of the OHSA:

- 27. (1). 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.

Additional duties of supervisor:

27. (2) Without limiting the duty imposed by subsection (1), a supervisor shall,

- (a) Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
- (b) Where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and,
- (c) Take every precaution reasonable in the circumstances for the protection of a worker, R.S.O. 1990, c. O.1, s. 27.

WORKERS:

Definition of "Worker" - Under the Occupational Health and Safety Act (OHSA), a "worker" is any of the following:

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
- A person who receives training from an employer, but who, under the Employment Standards Act, 2000 (ESA), is not an employee for the purposes of that act because the conditions set out in subsection 1 (2) of that act have been met.
- Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a "worker" under the OHSA.)

2.5 Duties of workers as found in section 28 of the OHSA:

28. (1) A worker shall:

- (a) Work in compliance with the provisions of this Act and the regulations;
- (b) Use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;

- (c) Report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and,
- (d) Report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

28. (2) No worker shall:

- (a) Remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;
- (b) Use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker; or,
- (c) Engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

28. (3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so.

2.6 Worker Safety Responsibilities:

- (a) Take personal responsibility for their own health and safety as well as look out for fellow workers and contractors.
- (b) Do not operate any equipment/machinery without given proper instruction and authority to do so.
- (c) Do not ride on the forks of forklifts.
- (d) Horseplay and running will not be tolerated at any time
- (e) All personal protective equipment will be properly worn at all times, as required.
- (f) Do not climb any of the racking or shelving systems.
- (g) Do not ride on any automatic or manual conveyor systems.
- (h) All long hair must be tied up to prevent entanglement in any machinery.
- (i) Do not put any foreign objects (body or innate) into machines.
- (j) Do not remove any machine guards.
- (k) Refuse work that they believe to be unsafe, that could harm themselves or others.
- (l) All safety signs must be adhered to.
- (m) Smoking Policy must be adhered to at all times.

CONSTRUCTORS

A constructor is defined in the OHSA as a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer. The constructor is generally the person who has overall control of a project.

2.7 Constructors' responsibilities include:

- (a) ensuring the required measures and procedures are carried out on a project [OHSa Section 23(1)(a)]
- (b) ensuring every employer and every worker performing work on a project complies with the OHSa and its regulations [OHSa Section 23(1)(b)]
- (c) ensuring the health and safety of workers on the project is protected [OHSa Section 23(1)(c)]
- (d) giving a Ministry of Labour (MOL) director notice, in writing, of a project that contains information required by the Regulation for Construction Projects, before commencing work on a project, [OHSa Section 23(2)]
- (e) ensuring each prospective contractor and subcontractor has received a copy of any designated substances list before entering into a binding contract for supply of work on a project [OHSa Section 30(4)]
- (f) appointing a supervisor for every project at which five or more workers will work at the same time [Construction Reg. Section 14(1)].

3.0 TRAINING AND COMMUNICATION

- 3.1 All management, supervisors and workers require training on their legislative and internal health and safety responsibilities.
- 3.2 All management, supervisors and workers will be required to sign an orientation form when their supervisor or manager has communicated their health and safety responsibilities to them. The orientation form will be kept in their personnel file and a copy sent to the Health & Safety Coordinator.

4.0 REVIEW

- 4.1 A review of all responsibilities will be done on an annual basis and revisions made and communicated as required.

History			
Approval Date:	September 19, 2011	Approved by:	By-law 3919-2011
Review/Amendment Date:	December 19, 2017	Approved by:	CAO
Review/Amendment Date:		Approved by:	
Review/Amendment Date:		Approved by:	
Review/Amendment Date:		Approved by:	
Review/Amendment Date:		Approved by:	