

Resource Sheet 1: Sample Roles and Responsibilities of Workplace Parties

Employer Health and Safety Responsibilities

Under the *Occupational Health and Safety Act (OHS Act)*, key responsibilities of *Company Name* include:

1. Providing equipment, materials and protective devices (e.g., guards on machines, safety harnesses, eye wash stations, gloves, etc.)
2. Providing equipment, materials and protective devices that are maintained in good condition.
3. Ensuring equipment, materials and protective devices are used properly and in a safe manner.
4. Providing information, instruction and supervision to employees to protect the health and safety of the employee.
5. Appointing competent supervisors. (Competence is based on supervisor's knowledge, training and experience to organize the work and its performance; supervisor is familiar with the *OHS Act* and regulations that apply to the work, and has knowledge of any potential or actual danger to health or safety in the workplace.)
6. Providing (upon request), in a medical emergency, 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 required by law.
7. Acquainting an employee or a person in authority over an employee with any hazard in the workplace and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent.
8. Affording assistance and co-operation to the joint health and safety committee (JHSC), and a health and safety representative in the carrying out by the committee and the representative of any of their functions.
9. Only employing a worker over the prescribed age.
10. Not knowingly permitting anyone under the prescribed age in or about the workplace.
11. Taking every precaution reasonable in the circumstances for the protection of an employee.
12. Providing to the JHSC 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. The employer must also advise employees of the results of a report 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.
13. Responding in writing, within 21 days, to any health and safety recommendations submitted by the JHSC or health and safety representative.
14. Posting a copy of the *Occupational Health and Safety Act* and pertinent regulations in an accessible workplace location.
15. Posting, reviewing and re-posting annually, a copy of the *Company Name* health and safety policy in an accessible workplace location.
16. Developing and maintaining a health and safety program to implement *Company Name* health and safety policy.

Resource Sheet 1: Sample Roles and Responsibilities (cont'd)

Supervisor Health and Safety Responsibilities

Under the *Occupational Health and Safety Act (OHS/A)*, supervisors/managers are required to ensure that:

1. Employees work in the manner and with the protective devices, measures and procedures required by the *OHS/A* and regulations (e.g. fall-arrest systems, confining hair, jewelry or loose clothing around moving machine parts, etc.)
2. Employees use or wear the equipment, protective devices or clothing that *Company Name* requires to be used or worn.
3. Employees are advised of the existence of any potential or actual danger to the health or safety of which the supervisor is aware.
4. Employees are provided with written instructions as to the measures and procedures to be taken for their protection.
5. Every precaution reasonable in the circumstances is taken for the protection of an employee.

Other responsibilities include:

- Develop and demonstrate a positive “health and safety” attitude and working climate.
- Be interested in and involved with the organization’s health and safety performance.
- Uphold safety rules and procedures and support enforcement including disciplinary action.
- Develop a working relationship with JHSC members/ health and safety representative and support their role.
- Make every reasonable attempt to resolve the health and safety concern of employees.
- Ensure training of employees in safe work practices and job safety requirements associated with a particular job process and provide written instructions where appropriate.
- Correct unsafe acts and unsafe conditions.
- Report and investigate all incidents and injuries to employees and guests and any property damage or loss of process.
- Ensure that a maintenance program for any equipment and machinery in the workplace is carried out.
- Implement emergency plans when necessary and ensure that employees have been properly trained to comply.
- Inform superiors of any known occupational health and safety concerns.
- Regularly evaluate employee performance and provide periodic feedback with respect to health and safety.

Resource Sheet 1: Sample Roles and Responsibilities (cont'd)

Worker Health and Safety Responsibilities

Under the *Occupational Health and Safety Act (OHS/A)*, worker responsibilities include the following:

1. Working in compliance with the provisions of the *OHS/A*, regulations, and internal policies and procedures.
2. Using or wearing the equipment, protective devices or clothing that *Company Name* requires to be used or worn.
3. Reporting to his/her supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger him/herself or another worker.
4. Reporting to his/her supervisor any contravention of the *OHS/A*, regulations, *Company Name* policies and procedures.
5. Reporting to his/her supervisor the existence of any hazard of which he/she is aware.
6. Not removing or making ineffective any protective device without providing an adequate temporary protective device. Replacing immediately the original protective device when the work is completed.
7. Not using or operating any equipment, machine, device or thing or working in any manner that may endanger him/herself or another worker.
8. Not engaging in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

Other responsibilities include:

- Know, understand and implement safe work practices and procedures.
- Know, understand and employ established rules and procedures for handling materials, equipment and processes (e.g. report unlabelled containers, use proper lifting techniques, etc.)
- Request replacement for worn out or defective equipment.
- Use all safety devices provided, ensuring optimum condition of devices and reporting any defects immediately to a supervisor.
- Use equipment and materials only in the manner intended.
- Use only equipment which the worker has been trained to operate safely.
- Carry out repairs, alterations and processing changes only when authorized.
- Report all injuries, incidents and unusual conditions immediately to supervisor.
- Inspect work area daily and reporting any hazards immediately to supervisor.

Resource Sheet 2: What does the law say about worker rights?

The Right to Know

Workers have the right to know about any potential hazards in the workplace. They have a right to training and information on machinery, equipment, working conditions, processes and hazardous substances. The Workplace Hazardous Materials Information System (WHMIS) is an example of a worker's right to know.

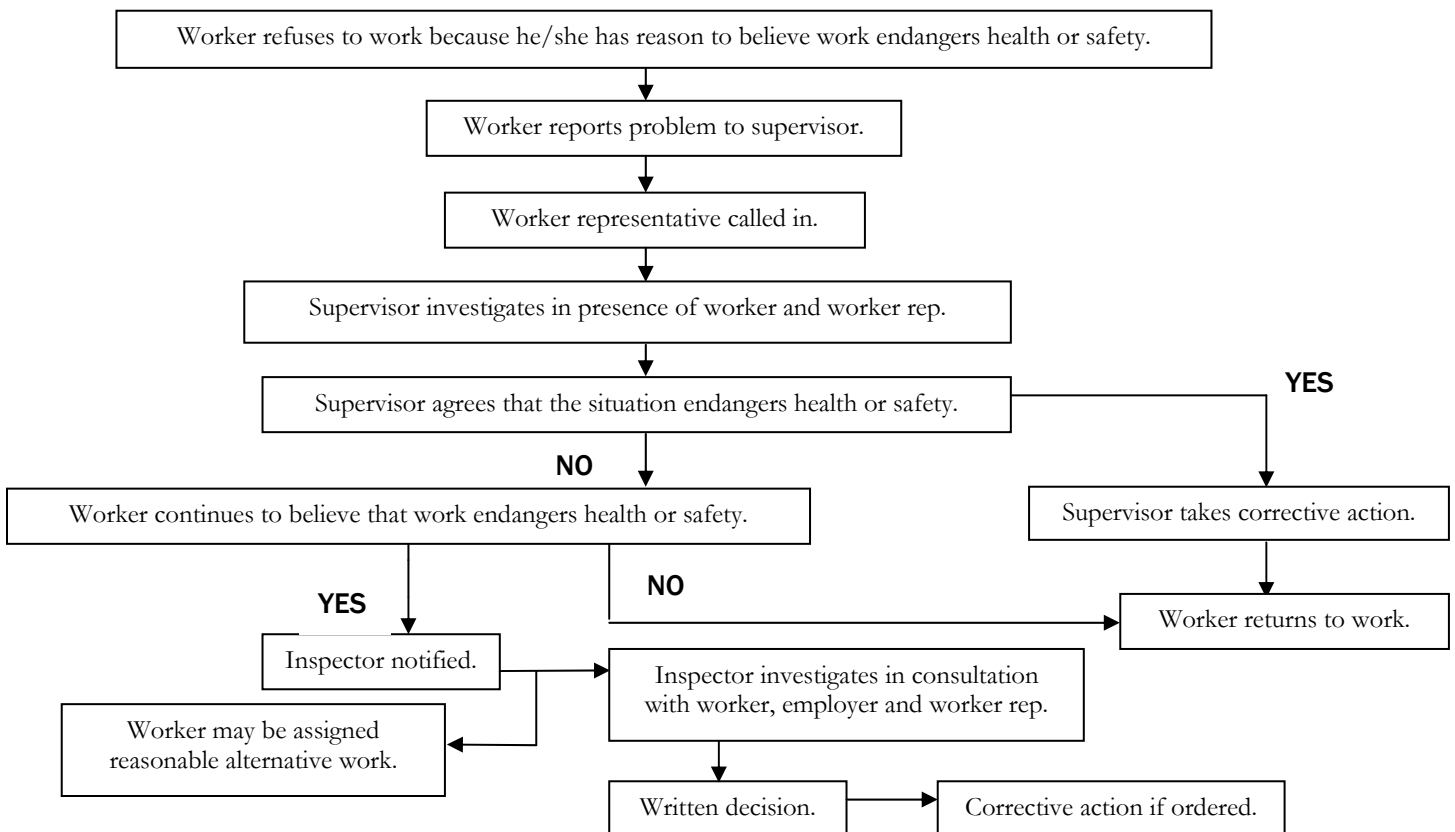
The Right to Participate

Workers have the right to be part of the process of identifying and resolving workplace health and safety concerns. They participate through worker membership on Joint Health and Safety Committees (JHSC) and report concerns to their supervisor or employer.

The Right to Refuse Unsafe Work

Workers have the right to refuse work they believe is dangerous to their own health and safety or to another worker. The *Act* includes the process for refusing work and employer responsibilities for responding to refusals. The *Act* also provides workers with protection from reprisal from the employer. Certain professions are excluded from the right to refuse unsafe work. Consult the *OHS Act* for further details.

Work Refusal Procedure



Resource Sheet 3: Sample Roles and Responsibilities for the JHSC

Purpose

To develop roles and responsibilities for the Joint Health and Safety Committee (JHSC) to ensure compliance under the *Occupational Health and Safety Act*.

Responsibility

1. The employer is responsible for ensuring that a JHSC is established and maintained.
2. The JHSC is responsible for ensuring the proper application of this policy.

Procedure

Composition

1. The JHSC will be composed of a minimum of two members (for 20-49 employees).
2. At least 50% of the members must be non-management workers.
3. The worker member(s) must be selected by the workers.
4. The employer shall select the member(s) representing management.
5. The members will fill this role for a minimum of two years. There will be no maximum.
6. If possible, terms of office will overlap so continuity can be maintained.
7. The names and work location of all JHSC members must be posted.
8. At least two members of the JHSC must be certified, one representing the workers and one representing management.

Meetings and Minutes

1. Committee members must meet every three months.
2. Members are responsible for making arrangements with their supervisor for attendance at the JHSC meetings and for preparation time prior to the meetings.
3. A schedule of JHSC meetings for the year is to be developed, published and posted at the beginning of each calendar year, listing the date, time and location.
4. An agenda is to be developed by the co-chairpersons for each meeting and circulated at least one week in advance of the meeting.
5. Written minutes of the meeting are to be taken, outlining the following:
 - (a) date, time and location of the meeting held
 - (b) names of all members and other persons present
 - (c) itemized record of all items discussed, and the outcome
 - reports presented and by whom
 - problems identified
 - agreed upon recommendations
 - actions to be taken by individual members
 - business the committee has agreed to discuss at the next meeting
 - responses of management to the committee
 - discussion with respect to the above
 - date, time and location of the next meeting

Resource Sheet 3: Sample Roles and Responsibilities for the JHSC (cont'd)

6. Minutes are to be signed by the co-chairpersons and circulated within a week, with one copy:
 - a. posted
 - b. circulated to JHSC members
 - c. circulated to department managers
 - d. circulated to the employer.

General Duties for Committee

1. Follow the guidelines outlined in the *Occupational Health and Safety Act*.
2. Develop, publish and post, at the beginning of each calendar year, a schedule for the monthly health and safety workplace inspections for the year.
3. Workplace inspections will be conducted monthly, by trained, appointed members, and all substandard acts and working conditions will be documented.
4. Review all completed **Employee Injury/Incident/Property Damage Reports**, analyze information and make recommendations to management to reduce recurrences.
5. Designate a committee member to investigate when a person is killed or critically injured.
6. Obtain information regarding:
 - (a) hazardous materials, processes or equipment
 - (b) designated substances and the respective control-program reports workplace testing that is being carried out for health and safety purposes.
7. Provide advice and recommendations to management on health and safety programs in general, as outlined below:
 - (a) Recommendations to management from the joint health and safety committee, for any items not already identified on the **Workplace Inspection Report**, are to be submitted in writing in the form of a health and safety recommendation with the following information:
 - nature of concern with background information and justification
 - recommended remedial action, listing suggested solutions and methods of implementation
 - date
 - (b) The co-chairpersons are responsible for ensuring the written recommendations are received by the employer
 - (c) The employer is responsible for the reply to JHSC recommendations
 - (d) Management will respond to the recommendations, in writing within 21 days, with:
 - timetable for implementation if the employer agrees with the recommendation
 - reasons for disagreement if the recommendation is not acceptable
 - alternative resolutions and timetable for implementation if the recommendation is not acceptable.
8. Encourage fellow employees to work safely and to report hazardous or unsafe conditions immediately to their supervisors.
9. Identify areas of health and safety training for all employees.
10. Be present for, or assist in work refusal investigations.

11. Be available to accompany a Ministry of Labour officer on his/her inspection tour of the workplace.

Resource Sheet 4: Sample Roles and Responsibilities for the Health and Safety Representative

Purpose

To develop roles and responsibilities for the health and safety representative to ensure compliance under the *Occupational Health and Safety Act (OHS Act)*.

Responsibility

1. The employer is responsible for ensuring that a health and safety representative is elected and maintained.
2. The health and safety representative is responsible for ensuring the proper application of this policy.

Procedure

Composition

1. The health and safety representative shall be elected by the workers that he/she represents.
2. The health and safety representative will fill this role for a minimum two-year term of office. There will be no maximum.
3. The name and work location of the health and safety representative must be posted.
4. The health and safety representative shall receive training in order to carry out his/her required duties.

Meetings and Minutes

1. Meetings of the health and safety representative and the employer will take place as deemed necessary by either or both.
2. Written minutes of the meeting are to be taken, outlining the following:
 - (a) date, time and location of the meeting held
 - (b) names of attendees and other persons present
 - (c) itemized record of all items discussed and the outcome
 - reports presented and by whom
 - problems identified
 - agreed upon recommendations
 - actions to be taken by individual members
 - discussion with respect to the above
 - (d) Minutes are to be signed by the employer and health and safety representative, with one copy:
 - posted in the workplace
 - maintained on file by both parties.

Resource Sheet 4: Sample Roles and Responsibilities for the Health and Safety Representative (cont'd)

General Duties of the Health and Safety Representative

1. Follow the guidelines outlined in the *Occupational Health and Safety Act*.
2. Develop, publish and post, at the beginning of each calendar year, a schedule for the monthly health and safety workplace inspections for the year.
3. Workplace inspections will be conducted monthly and all substandard acts and working conditions will be documented.
4. Review all completed **Employee Injury/Incident/Property Damage Reports**, analyze information and make recommendations to management to reduce recurrences.
5. Complete an investigation when a person is killed or critically injured.
6. Obtain information regarding:
 - (a) hazardous materials, processes or equipment
 - (b) designated substances and the respective control-program reports
 - (c) workplace testing that is being carried out for health and safety purposes.
7. Provide advice and recommendations to management on health and safety programs in general, as outlined below:
 - (a) Recommendations to management for any items not already identified on the **Workplace Inspection Report**. Recommendation to include:
 - nature of concern with background information and justification
 - recommended remedial action, listing suggested solutions and methods of implementation
 - date
 - (b) The health and safety representative is responsible for ensuring the written recommendations are received by the employer
 - (c) The employer is responsible for replying to recommendations
 - (d) Management will respond to the recommendations, in writing within 21 days with:
 - timetable for implementation if the employer agrees with the recommendation
 - reasons for disagreement if the recommendation is not acceptable
 - alternative resolution(s) with timetable for implementation if the recommendation is not acceptable.
8. Encourage fellow employees to work safely and to report hazardous or unsafe conditions immediately to their supervisors.
9. Identify areas of health and safety training for all employees.
10. Be present for, or assist in work refusal investigations.
11. Be available to accompany a Ministry of Labour officer on his/her inspection tour of the workplace.

Resource Sheet 5: General Differences between the Canada Labour Code Part II (CLC Part II) and the *Ontario Occupational Health and Safety Act (OHSA)*

INTERPRETATION

CLC PART II	OHSA
<ul style="list-style-type: none"> • Employer includes anyone who acts on behalf of employer. See definitions at beginning of Code 	<ul style="list-style-type: none"> • Employer, constructor, owner and supervisor
<ul style="list-style-type: none"> • Employees 	<ul style="list-style-type: none"> • Worker
<ul style="list-style-type: none"> • Workplace: any place employees engage in work for employers. See definitions 	<ul style="list-style-type: none"> • Factory, homework, shop, industrial establishments, and workplace
<ul style="list-style-type: none"> • Health and safety committees, workplace committee • Health and safety representatives • Policy – health and safety committees 	<ul style="list-style-type: none"> • Joint health and safety committees, safety representatives and certified members
<ul style="list-style-type: none"> • Health and safety officers 	<ul style="list-style-type: none"> • Inspectors
<ul style="list-style-type: none"> • Qualified person: to carry out a specific duty safely and properly because of their knowledge, experience and training 	<ul style="list-style-type: none"> • Competent person: to carry out a specific duty safely and properly because of their knowledge, experience and training and to be familiar with the OHSA and regulations and have knowledge of any potential or actual dangers to health and safety in the workplace

DUTIES OF EMPLOYER AND EMPLOYEE

CLC PART II	OHSA
<ul style="list-style-type: none"> • Specific duties of employer; Sections 124-125.3 	<ul style="list-style-type: none"> • Sections 25(1)(a) – (e), 25 (2)(a) – (m)
<ul style="list-style-type: none"> • Reference to employer duties in dealing with hazardous substances and controlled products (WHMIS) Section 125.1 	<ul style="list-style-type: none"> • Same, Sections 37, 38
<ul style="list-style-type: none"> • Employee duties; Section 126 	<ul style="list-style-type: none"> • Sections 28(1)(a) – (d), 28(2)(a) – (c)

Resource Sheet 5: General Differences... (cont'd)

RIGHT TO REFUSE DANGEROUS WORK

CLC PART II	OHSA
<ul style="list-style-type: none"> • Right to refuse if employee believes the work will endanger his/her own or another employee's health and safety, Section 128 • Special provision for pregnant and nursing mothers to avoid hazardous work to her health or to the fetus/child. Section 132. This protection is limited in that it applies only until she receives medical certificate. 	<ul style="list-style-type: none"> • Same, Section 43 • No specific reference to pregnant or nursing mothers
<ul style="list-style-type: none"> • Refusal must be investigated by an employee member of the health and safety committee only if the employer has not resolved the situation. • Employer shall advise the health and safety committee or health and safety representative of the action taken to resolve the matter. 	<ul style="list-style-type: none"> • Refusal must be investigated by employer and in the presence of a worker member of JHSC or other person as specified in Section 43
<ul style="list-style-type: none"> • If employee still believes danger exists, the matter shall be investigated in the presence of at least one member of the health and safety committee or health and safety representative. If the employee continues to believe that the danger still exists, notify the health and safety officer who will investigate. 	<ul style="list-style-type: none"> • If worker continues to believe danger exists, Ministry of Labour must be notified
<ul style="list-style-type: none"> • Internal Complaint Resolution process Section 127.1. If an employee registers a health and safety complaint and it is not resolved at the employee/supervisor level, then the workplace health and safety committee designates an employee and employer member of the committee to investigate. If it is determined that the complaint is justified, the employer shall inform how and when it will resolve the matter and shall resolve. Section 127.1(6) If the investigation determines that a danger exists, then the employer must ensure that no employee uses the machine, works in the place or performs the activity that constituted the danger, until the situation is rectified. May be referred to health and safety officer in certain circumstances. 	<ul style="list-style-type: none"> • Section 45 allows for the certified members of the JHSC to bilaterally stop work if a dangerous circumstance exists

Resource Sheet 5: General Differences... (cont'd)

RIGHT TO REFUSE DANGEROUS WORK (cont'd)

CLC PART II	OHSA
<ul style="list-style-type: none"> No disciplinary action by employers for employees acting in accordance with the Code or seeking enforcement of it, including the right to refuse unsafe work, Section 147. Section 147.1 allows for discipline if the employer can demonstrate that the employee willfully abused rights 	<ul style="list-style-type: none"> Employers cannot reprimand workers exercising their right to refuse unsafe work, Section 50 No similar provision

JOINT HEALTH and SAFETY COMMITTEES

CLC PART II	OHSA
<ul style="list-style-type: none"> Workplaces with less than 20 employees require a health and safety representative and those with 20 or more employees require a health and safety committee. Sections 135, 136 Workplaces with 300 or more employees also require a Policy health and safety committee, Section 134.1 (1) 	<ul style="list-style-type: none"> Same, health and safety representative, Section 8 except if it applies to workplaces with 6-19 employees Same, health and safety committee, Section 9 No similar provision
<ul style="list-style-type: none"> Both policy and workplace committees must have at least two persons, one from management and one from employees – Section 135.1 (1), health and safety committees and representatives regulations - Section 5.1 (1) 	<ul style="list-style-type: none"> Same
<ul style="list-style-type: none"> No similar provision 	<ul style="list-style-type: none"> Less than 50 employees requires a four-person committee
<ul style="list-style-type: none"> There must be a co-chair person that chairs the meeting. Minutes must be taken and posted –health and safety committees and representatives regulations Section 9 	<ul style="list-style-type: none"> Same
<ul style="list-style-type: none"> No provisions with regards to certification, however, Section 125(1)(z.01) requires that employer ensures the committee members or representatives receive the prescribed training in health and safety and are informed of their duties 	<ul style="list-style-type: none"> JHSC must also have two certified members (management and worker) and they have special duties, Section 9(12-17),Section 45
<ul style="list-style-type: none"> Meetings at least nine times per year plus emergency meetings as needed – Section 135 (10) 	<ul style="list-style-type: none"> Meetings once every three months
<ul style="list-style-type: none"> Health and safety committee must have written documentation pertaining to composition, duties and direction 	<ul style="list-style-type: none"> Same
<ul style="list-style-type: none"> Employer has 30 days to respond in writing to policy or health and safety committee recommendations, Section 125(1) (z.10) 	<ul style="list-style-type: none"> 21 days to respond to JHSC recommendations in writing

Resource Sheet 5:

General Differences... (cont'd)

WORKPLACE INSPECTIONS

CLC PART II	OHSA
<ul style="list-style-type: none"> Workplace inspections – Sections 125. (1) (z.12) and 135. (7) (k) require inspections of all or part of the workplace monthly, and every part of the workplace annually 	<ul style="list-style-type: none"> Section 9(23) requires the employer to carry out monthly inspections by a certified JHSC member. Same provision regarding inspection of part/entire workplace Section 9(30) inspections should be reported back to the JHSC with recommendations

FATALITIES AND CRITICAL INJURIES

CLC PART II	OHSA
<ul style="list-style-type: none"> Section 125. (1) (c) of the CLC and Section 15 (4) of the COHS Regulations refer to the investigation, recording and reporting of fatalities and critical injuries. Disabling injury defined in Part XV of Regulations, hazardous occurrence investigation, recording and reporting 	<ul style="list-style-type: none"> Critical injury defined in Ontario Regulation 834
<ul style="list-style-type: none"> Employer must appoint a qualified person to investigate any accident, etc. Not just fatalities and disabling injuries, Part XV of the Regulations – see 15.4 (1) Employer must notify health and safety officer immediately of a fatality or where two or more employees incur disabling injury, etc. listed in Sec 15.5 of Part XV of the Regulations. 	<ul style="list-style-type: none"> Employer must notify ministry immediately and provide a written report within 48 hours Sec 51 Section 9(31) allows the worker member of the JHSC to investigate accidents

ENFORCEMENT

CLC PART II	OHSA
<ul style="list-style-type: none"> Section 148 (1) (2) (3) covers fines and prison terms for anyone who does not fulfil their obligations under the Act 	<ul style="list-style-type: none"> Section 66 covers fines and prison terms for anyone who does not fulfil their obligations under the Act
<ul style="list-style-type: none"> Sec 141 deals with powers of health and safety officers 	<ul style="list-style-type: none"> Section 54 deals with duties and powers of the Ministry of Labour inspectors
<ul style="list-style-type: none"> Both Acts allow the legal concept of due diligence as a defence against charges brought under either Act 	<ul style="list-style-type: none"> Same

Resource Sheet 5: General Differences... (cont'd)

REGULATIONS

CLC PART II	OHSA
<ul style="list-style-type: none">• The Act and Code sets duties and rights of workplace parties and general principles. The regulations provide the specific details for requirements under the Act/Code. They provide detail on how duties are to be carried out.• Regulations may apply to all workplaces or be specific to certain workplaces, hazards or processes.	<ul style="list-style-type: none">• Same• Same

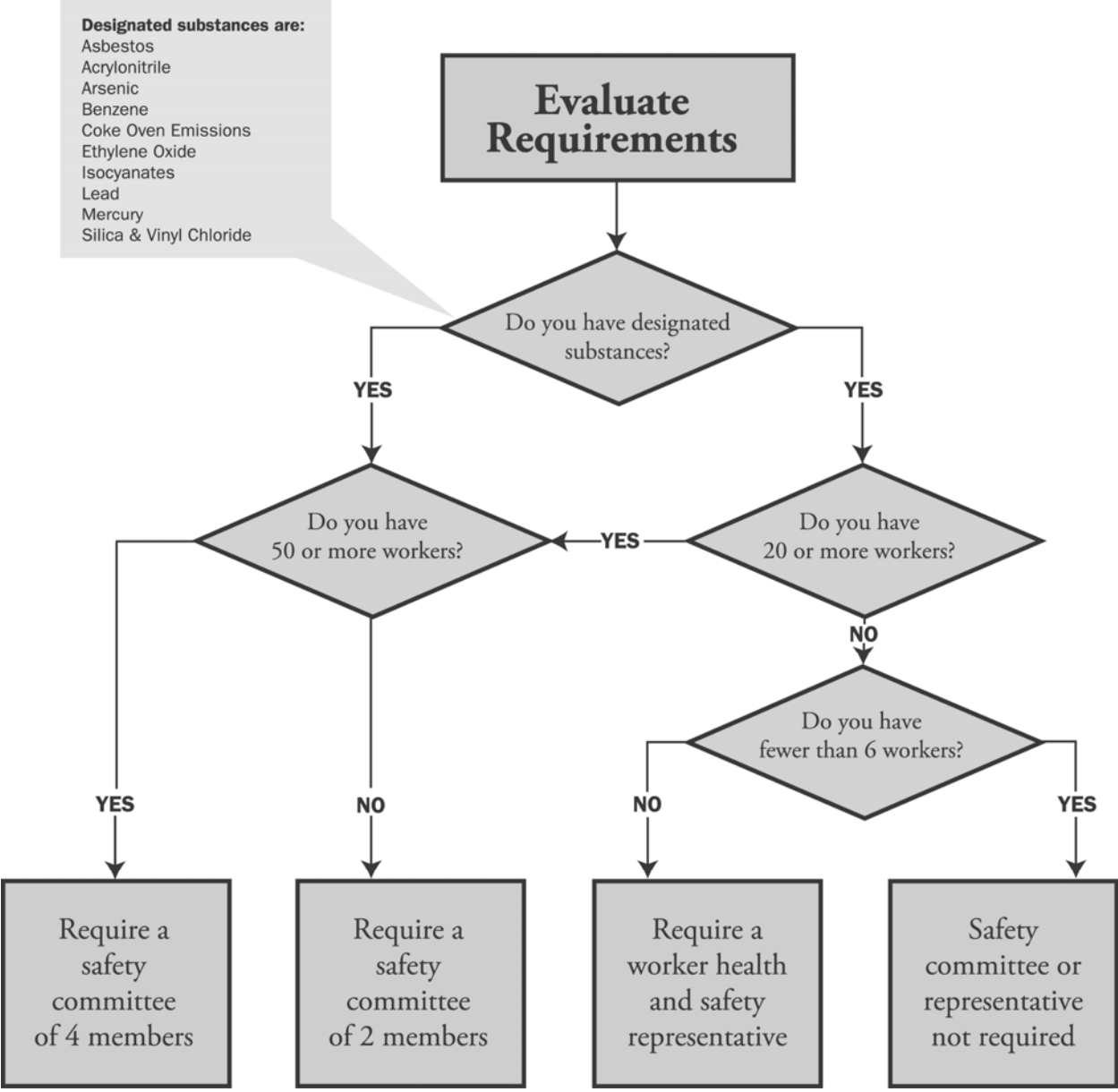
Resource Sheet 6: Common Regulations Under The *Occupational Health and Safety Act (OHS)*

Under the *OHS*, there are a number of different regulations dealing with the many different workplace sectors in Ontario. It is up to the employer to refer to these regulations and apply the appropriate sections to their workplaces. The firms that operate under the *OHS* must also refer to a number of different Acts and regulations to carry out their duties.

The following are the most commonly used:

- Industrial Establishments (Regulation 851)
- Construction Projects (Regulation 231/91)
- Health Care and Residential Facilities (Regulation 67/93)
- Mines and Mining Plants (Regulation 854)
- Window Cleaning (Regulation 859)
- *The Workplace Safety and Insurance Act*
- First Aid Requirements (Regulation 1101)
- Designated Substances Regulations (Regulation 835 to 846)
- Biological or Chemical Agents, Control of Exposure to (Regulation 833)
- Workplace Hazardous Materials Information System (WHMIS - Regulation 860)
- Building Code
- Ontario Fire Code

Resource Sheet 7: Requirements for Safety Committee or Representative (Non-Construction Workplaces)



Resource Sheet 8: Requirements for Safety Committee or Representative (Construction Projects)

