



COMMUNITY ORGANIZATIONAL HEALTH **SANTÉ DES ORGANISMES COMMUNAUTAIRES**

GUIDE TO THE ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT 2001 Workplaces with 20 or more Employees

This guide is meant as a reference for the Ontario Occupational Health and Safety Act 2001 (OHSa) requirements for workplaces with 20 or more employees. It does not outline all the provisions of the Act but common requirements pertaining to the not-for-profit environment. These requirements may be amended for individual organizations by a Ministry of Labour inspector at any time.

Please note that this does not replace consultation with a written copy of the Act or a representative from the Ontario Ministry of Labour.

Note:

- The terms ‘Joint OHS Committee’ and ‘Committee’ will be used interchangeably.
- The terms ‘duties’ and ‘responsibilities’ will be used interchangeably.
- The ‘Ontario Occupational Health and Safety Act 2001’ will be referred to as the ‘Act’.

Topic (alphabetical order)	General Provisions	Relevant Section of the OHSa
Committee – what is a	<ul style="list-style-type: none"> • A joint health and safety committee is comprised of staff people who represent the employees and the employer. It is informed of and/or identifies potential workplace hazards and assists in managing those risks. 	9(18)(a)(b)
Committee – necessity for	<ul style="list-style-type: none"> • A committee is necessary to provide optimal protection to employees from work related injuries/illnesses. Workplaces that regularly employ 20 or more employees are required to have functioning committees. 	9(2)(a)
Committee – composition of	<ul style="list-style-type: none"> • In workplaces with 20 to 49 workers, the committee must have a minimum of two members. • In workplaces with 50 or more workers the committee must have at least four members. • At least half of the committee members shall be employees who do not exercise managerial/ supervisory functions. 	9(6)(a)(b)(7) (12)

	<ul style="list-style-type: none"> At least two committee members must be chosen for special training to become certified members– one representing the workers chosen by the workers and one representing the employer chosen by the employer. 	
Committee – selection of members	<ul style="list-style-type: none"> The members who represent workers must be selected by the workers themselves. If a union represents the workers then the union selects the worker members. Similarly, the members who represent the employer should be selected by the employer. A member who ceases to be employed at the workplace ceases to be a member of the committee. <ul style="list-style-type: none"> See Postings 	9(7)(8)(9)(10)
Committee – certified members/ training	<ul style="list-style-type: none"> At least two committee members must be chosen for special training to become certified members– one representing the workers and one representing the employer. The members of the committee who represent the workers shall choose a member who represents the workers to receive special training by a recognized agency to become a certified member of the joint occupational health and safety committee. The following details are not found in the Act however are Workplace Safety and Insurance Board (WSIB) requirements since December 31, 2001. The Workplace Safety and Insurance Act gives the WSIB the authority to set the standards for the certification program. Certification is comprised of Part 1 and 2. Part 1 is the core/basic training and Part 2 is workplace-specific hazard training. Part 2 of the training is relatively new. In order for a certified member holding Part 1 to remain certified they had to complete Part 2 by December 31, 2001 and notify WSIB of the completion of such training. The certification of members holding only Part 1 after December 31, 2001 will be considered invalid. WSIB will send a new certification card to the certified member once the member has provided proof of Part 2 training. Certified members play an important role on the committee and have specific authority and 	9(12)(23)(24)

	<p>responsibilities</p> <ul style="list-style-type: none"> ○ See <i>Duties – certified committee members</i> ○ See <i>Powers – certified committee members</i> 	
Committee – payment of members	<ul style="list-style-type: none"> ● Members are entitled to attend the meetings, inspections and investigations into accidents/hazards/work refusal/work stoppage and be paid at either their regular wage or if duties take them beyond their usual hours of work, their premium rate of pay. 	9(34)(35), 54(5)
Committee – preparation time	<ul style="list-style-type: none"> ● Members are entitled to one hour of preparation before every committee meeting. If one hour is not sufficient, the committee can decide that more paid preparation time is required. 	9(34)(a)
Committee – meetings	<ul style="list-style-type: none"> ● Meetings are required at least once every three months or more frequently if necessary. ● Meetings are co-chaired by an employee and employer representative. The employee chosen as co-chair must be selected by the members who represent workers and the other selected by the members who represent the employer. ● Minutes must be kept of all committee proceedings and made available to a Ministry of Labour inspector upon request. 	9(11)(22)(33)
Committee – powers of	<ul style="list-style-type: none"> ● To identify workplace hazards which can endanger the health and safety of employees. ● To obtain information from the employer about existing or potential hazards in the workplace, and information about the health and safety experience and work practices in similar work environments of which the employer is aware. ● To obtain information from the employer about any testing of any equipment, machine, device, etc. in or around the workplace. ● To be consulted about and have a designated worker representative present at the beginning of any such testing. ● To make recommendations to the employer and to workers for the improvement of workplace health and safety. ● To recommend to the employer and workers the establishment, maintenance and monitoring of programs/procedures respecting the health and safety of employees. ● Any committee of like nature in the workplace 	9(18)(a)-(f) 12(1) (23)(26)(27) (28)(31)(38) 43(4)(a)

	<p>established under a collective agreement has, in addition to its functions and powers under the collective agreement, the functions and powers conferred upon a joint health and safety committee under the Act.</p> <ul style="list-style-type: none"> • To investigate and have present at work refusal a worker representative who sits on the committee <ul style="list-style-type: none"> ○ <i>See Investigation - Work Refusals</i> • To investigate serious accidents <ul style="list-style-type: none"> ○ <i>See Investigation – serious accidents</i> 	
Committee – written recommendations to employer	<ul style="list-style-type: none"> • The committee can make recommendations to the employer to improve workplace health and safety. 	9(18)(b)(c)
Confidentiality	<ul style="list-style-type: none"> • Information obtained in any medical examination, test or x-ray of a worker made or taken under this Act shall be kept confidential. • No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker’s written consent. 	63(1)(2)
Duties – certified committee members	<ul style="list-style-type: none"> • To inspect the physical condition of the workplace once a month or according to the schedule outlined by the committee. <ul style="list-style-type: none"> ○ <i>See Inspections</i> • To notify the committee of situations that may be hazardous or dangerous to the health and safety of workers. 	9(23)-(31), 45
Duties -- committee	<ul style="list-style-type: none"> • Conduct regular meetings. <ul style="list-style-type: none"> ○ <i>See Committee – meetings</i> • Conduct inspections once a month. <ul style="list-style-type: none"> ○ <i>See Inspections</i> • Provide any recommendations to improve workplace health and safety to the employer. <ul style="list-style-type: none"> ○ <i>See Recommendations – by committee</i> • Maintain confidentiality. <ul style="list-style-type: none"> ○ <i>See Confidentiality</i> 	
Duties -- employers	<ul style="list-style-type: none"> • Shall ensure that equipment, materials and protective devices are provided, maintained in good condition and used as prescribed. • Shall ensure that procedures prescribed are carried out in the workplace. • Shall ensure that a floor, roof, wall, pillar, 	25(1)(2)(a)-(m) 42

	<p>support or other part of a workplace is capable of supporting all loads to which it may be subjected.</p> <ul style="list-style-type: none"> • Provide information, instruction and supervision to an employee to protect the health and safety of the employee. • Provide all pertinent information in their possession to a qualified medical practitioner in the case of a medical emergency. • Appoint competent supervisors. • Investigate work refusals. <ul style="list-style-type: none"> ○ See Investigation – Work Refusals • Acquaint a worker or the worker’s supervisor with any hazards related to the work the employee will be asked to perform (i.e., chemical handling, storage, equipment use, etc.). <ul style="list-style-type: none"> ○ See <i>WHMIS Guide</i> • Cooperate with the committee and assist them in the completion of its functions. • Only employ in or around the workplace a person over such an age prescribed by the Ministry of Labour. • Take every reasonable precaution in the protection of employees. • Prepare and review at least annually a written occupational health and safety policy. • Develop and maintain an occupational health and safety program implementing the health and safety policy. • Provide to the committee the results of reports in their possession relating to the health and safety of employees. • Advise employees of the results of a report relating to the health and safety of employees and make available to them a copy of such a report. • Ensure that a worker health and safety education/training program be developed and implemented for the workplace. • Ensure that the worker education program is reviewed at least annually in consultation with the committee and refresher training provided if required. • The review shall be held more frequently than annually if, 	
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	<ul style="list-style-type: none"> ○ The employer, on the advice of the committee, determines that such reviews are necessary, or ○ There is a change in circumstances that may affect the health and safety of a worker. ● Ensure, so far as is reasonably practicable, that the education program results in the employees being able to use the information to protect their health and safety (i.e., written or oral test or practical demonstration). ● Respond to recommendations from the joint committee. <ul style="list-style-type: none"> ○ <i>See Recommendations – employer response</i> ● Provide a copy of any order made by a Ministry of Labour inspector. ● Post prescribed information in the workplace. <ul style="list-style-type: none"> ○ <i>See Postings</i> 	
Duties -- owners	<ul style="list-style-type: none"> ● Ensure the workplace facilities are provided and maintained as prescribed. ● Complies with regulations pertaining to the workplace. ● Ensures that any construction/development/reconstruction or alteration of the workplace be done in compliance with the Act and regulations. ● Provide any and all information required to the Ministry of Labour when prescribed. 	29(1)(a)(i)-(iv)(b)(3)(a)(4) 57(10)
Duties -- supervisors	<ul style="list-style-type: none"> ● Ensure that an employee complies with the Act and the regulations. ● Ensure that an employee wears the equipment, protective devices or clothing that the employer requires to be used or worn. ● Advise an employee of any potential or actual health and safety risks known by the supervisor or employer. ● Provide the employee with written instructions about the measures and procedures to be taken for the worker's protection. ● Take every precaution reasonable in the circumstances for the protection of employees. 	27
Duties -- workers	<ul style="list-style-type: none"> ● Work in compliance with the Act and regulations. ● Use or wear any equipment, protective devices or clothing required by the employer. ● Report to the employer or supervisor any known 	28(1)(a)-(d) (2)(a)-(c)

	<p>missing or defective equipment or protective device.</p> <ul style="list-style-type: none"> • Report any workplace hazard to the employer or supervisor. • Report any known violations to the Act or regulations to the employer or supervisor. • Not remove or make ineffective any protective device required by the employer or regulations. • Not use or operate equipment that may endanger him/herself or another worker. • Not engage in pranks, contests, feats of strength, unnecessary running or rough and boisterous conduct. 	
Inspections – frequency of	<ul style="list-style-type: none"> • A committee member designated by the members representing workers will inspect the physical condition of the workplace at least once a month. • If it is not practical to inspect the physical workplace once a month then the designated member shall inspect the whole workplace at least once a year, inspecting at least part of the workplace every month. • The inspection frequency shall be done in accordance with the schedule decided upon by the committee. 	9(26)(27)(28)
Inspections – who can inspect	<ul style="list-style-type: none"> • The committee members who represent the workers designate the worker representative who will inspect the physical condition of the workplace. • If possible, the worker representative designated should be a certified member. 	9(23)(24)
Investigation -- serious accident	<ul style="list-style-type: none"> • If an employee is critically injured or killed at the workplace from any cause, the committee members representing workers shall designate such members to investigate. No person investigating the accident is to disturb/remove/alter the scene of the accident unless necessary to save life, relieve human suffering, maintain essential public utility/transportation services, prevent unnecessary damage to equipment or other property. • The employer shall notify an inspector at the Ministry of Labour, the committee members and/or the trade union immediately by telephone or other direct means. • The employer shall provide a written report of 	9(31) 51.(1)(2)

	the incident to a Director in the Ministry of Labour within 48 hours of the occurrence.	
Investigation -- work refusals	<ul style="list-style-type: none"> • Upon the refusal by an employee to do particular work, the employer or supervisor shall investigate the report in the presence of the employee and a committee member representing workers or a worker who has knowledge, experience and training is selected by the trade union or the workers to represent them. • If the employee has reasonable grounds to believe that they are still at risk despite the investigation and steps taken to correct the risk, the employer must notify an inspector of the Ministry of Labour. • Pending the investigation and decision of the inspector, no worker can be assigned to perform the task/job or use the equipment/device under investigation unless in the presence of the health and safety representative, the worker was advised of the work refusal by another employee and of his/her reasons for the refusal. 	43(4)(a)(c) 43(6) 43(11)
Investigation -- work stoppage	<ul style="list-style-type: none"> • A certified member who receives a complaint that dangerous work circumstances exist is entitled to investigate the complaint. • A certified member who has reason to believe that hazardous circumstances exist can request that the employer or supervisor investigate. The supervisor will promptly do so in the presence of the certified member. • If the certified member continues to believe that dangerous circumstances exist despite the supervisor's investigation and remedial action, they can request that a second certified member investigate the matter. The second certified member must promptly do so in the presence of the first certified member. • If both certified members agree that dangerous circumstances still exist they can direct the employer to stop the work or stop the use of part of a workplace/equipment. • The employer must immediately comply with the direction of the certified members. • If the certified members do not agree whether dangerous circumstances exist either member can request that a Ministry of Labour inspector 	45(1)-(9) 46(1) 47(2) 48(1)

	<p>be asked to investigate.</p> <ul style="list-style-type: none"> • After taking remedial action, the employer can ask the certified members or inspector to cancel the order to stop the work. • The certified members who issued the work stoppage order can cancel the order or it can be cancelled by a Ministry of Labour inspector. • If the certified member or inspector has reason to believe that the procedure for stopping the work is insufficient to protect workers from serious injury they may ask the Board at the Ministry of Labour to make recommendations on how to ensure the safety of the employees. 	
Posting – Act	<ul style="list-style-type: none"> • The employer must post a copy of the Act and any explanatory documents from the Ministry of Labour in both English and the majority language of the workplace in a location where it is most likely to be viewed by employees. 	25(2)(i)
Posting – annual summary of accidents	<ul style="list-style-type: none"> • Upon receipt of an annual summary of accidents from the Workplace Safety Insurance Board the employer must post a copy in a location where it is most likely to be viewed by employees. 	12(2)
Posting -- names of joint committee members	<ul style="list-style-type: none"> • The employer shall post the names and work locations of all members of the committee where it is most likely to be viewed by employees. 	9(32)
Posting -- occupational health and safety policy	<ul style="list-style-type: none"> • The employer shall post a copy of their occupational health and safety policy in the workplace where it is most likely to be viewed by employees. 	25(2)(k)
Posting -- order of Ministry of Labour inspector	<ul style="list-style-type: none"> • If such an inspector makes an order in writing or issues a report of his/her inspection, the employer must post a copy where it is most likely to be viewed by employees. 	57(10)
Powers – certified committee members	<ul style="list-style-type: none"> ○ <i>See Investigation</i> ○ <i>See Duties – certified committee member</i> 	
Powers – committee	<ul style="list-style-type: none"> ○ <i>See Committee – powers</i> 	9(18)(a)-(f) (38)
Recommendations – by committee	<ul style="list-style-type: none"> • To make recommendations to the employer and workers for the improvement of health and safety in the workplace. • To recommend to the employer and workers the establishment, maintenance and monitoring of programs, procedures respecting the health and safety of employees. 	9(18)(b)(c)

Recommendations – employer response	<ul style="list-style-type: none"> The response made by the employer to written recommendations from the committee shall be in writing within 21 days accompanied by a timetable for implementing the recommendations the employer agrees with and give reasons why they disagree with any recommendations. 	9(20)(21)
Rights of workers -- to know	<ul style="list-style-type: none"> Employees have the right to know about any potential hazards to which they may be or have been exposed. Employees have the right to be trained and to have information on machinery, equipment, working conditions, processes and hazardous substances. 	25, 27 & 42
Rights of workers -- to participate	<ul style="list-style-type: none"> Employees have the right to be part of the process of identifying and resolving workplace health and safety concerns. 	8 & 9
Rights of workers – to refuse work	<ul style="list-style-type: none"> The right to refuse work is limited for some types of employees who have an expected/normal inherent danger in their work such as fire fighters, health care workers etc. See Section 43(2) of the Act for a complete list. The right to refuse work does not apply when the employee's refusal would directly place in danger the life, health or safety of another person. For all classes of employment which do not fall under Section 43(2) the right to refuse work does apply when the employee has reason to believe that the work proposed would endanger themselves or another employee. 	43(1)(a)(b) (2)(a)-(d) (3)(a)-(c)
Rights of workers -- to stop work	<ul style="list-style-type: none"> The right to stop work is limited for some types of employees who have an expected/normal inherent danger in their work such as fire fighters, health care workers etc. See Section 43(2) of the Act for a complete list. Only a certified member of the joint health and safety committee can order an employer or employee to stop work. 	43(2) 45(1)-(9)

All above information has been either directly extracted or paraphrased from direct conversation between the writer and the Ontario Ministry of Labour and the following sources:

Occupational Health and Safety Act January 2001
Workplace Safety and Insurance Board 2001