



COMMUNITY ORGANIZATIONAL HEALTH **SANTÉ DES ORGANISMES COMMUNAUTAIRES**

GUIDE TO THE ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT 2001 Workplaces with 6 to 19 Employees

This guide is meant as a reference for the Ontario Occupational Health and Safety Act 2001 (OHSA) requirements for workplaces with between 6 and 19 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 ‘health and safety representative’ and ‘representative’ 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
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 - employers	<ul style="list-style-type: none"> • Provide information, instruction and supervision to an employee to protect the health and safety of the employee. • Ensure that equipment, materials and protective devices are provided, maintained in good condition and used as prescribed. • Ensure that procedures prescribed by the Act are carried out in the workplace. • Ensure that a floor, roof, wall, pillar, support 	25(1)(2)(a)-(m) 8(9) 54(1) 42

	<p>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 the representative with such information and assistance required for the representative to carry out an inspection in the workplace. • Provide all pertinent information in their possession to a qualified medical practitioner in the case of a medical emergency. • Appoint competent supervisors. • 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.). (See <i>WHMIS Guide</i>) • Cooperate with the representative and assist them in the completion of their 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 their health and safety policy. • Provide the representative with 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 representative and refresher training provided if required. • The review shall be held more frequently than annually if, <ul style="list-style-type: none"> ○ The employer, on the advice of the representative, determines that 	
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	<p>such reviews are necessary, or</p> <ul style="list-style-type: none"> ○ There is a change in circumstances that may affect the health and safety of a worker. <ul style="list-style-type: none"> ● 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 representative. <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. ● Carry out the orders made by a Ministry of Labour inspector. ● Investigate work refusals. <ul style="list-style-type: none"> ○ <i>See Investigations</i> ● 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 - representative	<ul style="list-style-type: none"> ● Conduct inspections. <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 representative</i> ○ <i>See Confidentiality</i> ○ <i>See Representative – powers of</i> 	
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 	27

	<p>supervisor or employer.</p> <ul style="list-style-type: none"> • 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. 	
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 missing or defective equipment or protective device. • 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. 	28(1)(2)
Inspections – frequency of	<ul style="list-style-type: none"> • The representative 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 representative 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 employer and representative. 	8(6)(7)(8)
Inspections – who can inspect	<ul style="list-style-type: none"> • The representative conducts the inspections. 	8(6)
Investigation - serious accident	<ul style="list-style-type: none"> • If an employee is critically injured or killed at the workplace from any cause, the representative may 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 	8(14) 51(1)(2)

	<p>utility/transportation services, prevent unnecessary damage to equipment or other property.</p> <ul style="list-style-type: none"> • The employer shall notify an inspector at the Ministry of Labour, the representative and/or the trade union immediately by telephone or other direct means. • The employer shall provide a written report of 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 health and safety representative or a worker who because of 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)(b)(c) 43(6) 43(11)
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 - 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)
Recommendations – by representative	<ul style="list-style-type: none"> The representative has the power to make recommendations to the employer and workers for the improvement of health and safety in the workplace. 	8(10)
Recommendations – employer response	<ul style="list-style-type: none"> The response made by the employer to written recommendations from the representative 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. 	8(12)(13)
Representative - necessity for	<ul style="list-style-type: none"> Representatives are necessary to provide optimal protection to employees from work related injuries/illnesses. Workplaces that regularly employ between 6 and 19 employees are required to have a representative. 	8(1)
Representative – payment	<ul style="list-style-type: none"> The time spent by the representative carrying out his/her health and safety duties under the Act shall be paid at either their regular wage or if duties take them beyond their usual hours of work, their premium rate of pay. 	8(15)
Representative – powers of	<ul style="list-style-type: none"> To identify workplace hazards which can endanger the health and safety of employees. To conduct inspections once a month. <ul style="list-style-type: none"> See <i>Inspections</i> Obtain information from the employer about existing or potential hazards in the workplace, about the health and safety experience and work practices of which the employer is aware, about any testing being carried out for occupational health and safety purposes. To be consulted about any workplace testing and to be present at the beginning of the test. Make recommendations to the employer and to workers on the way to improve workplace health and safety. Be present at a work refusal <ul style="list-style-type: none"> See <i>Investigation - Work Refusals</i> To be informed of and investigate serious accidents <ul style="list-style-type: none"> See <i>Investigation – serious</i> 	8(10),(11)(a)-(c) (16)

	<p style="text-align: center;"><i>accidents</i></p> <ul style="list-style-type: none"> If the representative is selected under the provisions of a collective agreement the representative has, in addition to his powers under the collective agreement, the functions and powers conferred upon them by the Act. 	
Representative – preparation time	<ul style="list-style-type: none"> The representative is entitled to take the time required from his/her regular work duties to carry out his/her duties outlined by the Act. 	8(15)
Representative-selection of	<ul style="list-style-type: none"> The selection of the representative is made by the workers who do not have managerial functions and who will be represented by the health and safety representative. If a trade union represents the workers then the union selects the representative. 	8(5)
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"> A work stoppage can only occur where a joint occupational health and safety committee is in place in the workplace. Therefore if there is only a representative no work stoppage can take place. 	

All above information has been either directly extracted or paraphrased from the following sources:

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