



PHSS Health and Safety Update



James Ebidia, President CRSP, ASA, RN
Phone: (416) 270-7689
jebidia@phssolutions.ca
www.phssolutions.ca

Major Changes to the Ontario Occupational Health & Safety Act

In the most far-reaching changes made to the Ontario Occupational Health & Safety Act (OHSA) in over 15 years, the government has moved to, amongst other matters, triple corporate OHS penalties and quadruple individual OHS penalties, effective today.

The amendments are made in a Bill titled the Stronger, Fairer Ontario Act (Budget Measures), 2017 (Bill 177). Here are the key changes:

Tripled Corporate OHS Fines. From 1990 forward, until today, the maximum corporate penalty under the Ontario OHSA for a violation of the Act or Regulations, has been \$500,000 per charge. Effective today, corporations are liable to a fine of not more than \$1,500,000 per charge. A surcharge of 25%, required under the Provincial Offences Act, is in addition to those penalties;

Quadrupled Individual OHS Fines. Until today, any individual, including a supervisor, worker, director or officer, was liable to a maximum penalty under the Ontario OHSA of \$25,000 per charge and/or one year in jail. Effective today, individuals are liable to a fine of not more than \$100,000 per charge for a contravention of the OHSA or its Regulations, in addition to a potential jail term. A surcharge of 25%, required under the Provincial Offences Act, is in addition to those penalties;

Limitation Period for Charges Expanded. The limitation period for bringing a prosecution under the OHSA or its Regulations has historically been one year from the date of the alleged contravention. Effective today, the limitation period now includes the day upon which an inspector becomes aware of the alleged offence. This results in the possibility that if an inspector becomes aware of circumstances providing a foundation for an alleged OHS contravention, even if it occurred more than one year ago, and even before this historic change, a charge could be commenced. Further, this could potentially create issues about what sentencing regime will apply;

New Reportable Incident – Structural Inadequacy. An employer must, effective today, notify a MOL Director if a joint health and safety committee or a health and safety representative identifies potential structural inadequacies of a workplace as a source of danger or a hazard to workers. Note that this obligation does not apply to an employer that owns the workplace;

Further Reportable Incidents May Be Added to Regulations. The Bill 177 provisions amending the OHSA allow for passage of further Regulations to specify additional prescribed locations in which employers or other parties are required to report an accident or other incident under s. 53 of the OHSA, other than a project site or mine at which certain reportable events such as explosions, fires, floods, equipment failure, must now be reported. Section 53 OHSA has also been amended to clarify, in a new section 53(2), the persons who are obligated to give notice; and

- Proactive Health and Safety Solutions brings your organization expertise, and a comprehensive range of customized health, safety and environmental solutions. Solutions designed to meet your needs and generate results.
PHSS Vision
All workplace parties in organizations understand, accept and carry out their responsibilities related to managing health and safety.
PHSS Mission
To assist organizations in proactively managing health and safety as part business management for the prevention of injury and illness. To demonstrate to organizations that managing health and safety is not only the right thing to do, but also creates a business advantage.



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Potential Further Expansion to Content and Timing of Reportable Injury Notices. The Bill also allows for Regulations to specify additional notice requirements that must be met where a person is killed or critically injured at a workplace; where a person is disabled or requires medical attention because of an accident, explosion, fire, or incident of violence at a workplace; and where an accident occurs at a project site or mine. This may result in requirements for further details and particulars of investigations and corrective action to be statutorily required in accident reports in the foreseeable future.

WHMIS 2015 Employee Training Video

WHMIS is being changed to adopt the Globally Harmonized System (GHS). In Canada the new WHMIS will be called WHMIS 2015. As per the legal requirements, during the transition (until December 31, 2018) your employees will require both WHMIS 1988 (what you currently provide) and WHMIS 2015 training.

Proactive Health and Safety Solutions has developed a WHMIS 2015 employee training video that you are able to use during the transition to WHMIS 2015, and after the full implementation of WHMIS 2015.

The purchase of the video includes a test and answer sheet along with a handout for employees.

Please visit our online store via our website www.phssolutions.ca. or email jebidia@phssolutions.ca to order your copy today.

If you require any assistance in revising, you current WHMIS program to meet the new WHMIS 2015 requirements please contact me at 416-270-7689 or jebidia@phssolutions.ca

If you no longer wish to receive the newsletter, please an email jebidia@phssolutions.ca

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