

Ministry of Labour Introduces New Safe at Work Initiative



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The Ontario Ministry of Labour (“MOL”) introduced a new four year initiative for workplace safety this month. The goal of the plan, titled Safe At Work Ontario, is to reduce workplace injuries and fatalities and improve an organization’s health and safety culture.

The three (3) main pillars of the Safe At Work Ontario plan are Enforcement, Compliance and Partnership. Regarding enforcement, the MOL’s mandate is and has always been to enforce the *Occupational Health and Safety Act (OHSA)*. This is evident from the numerous orders and prosecutions over the years. In 2005/06 the MOL issued 158,950 orders and 175,334 in 2006/07. Prosecutions jumped from 326 in 2005/06 to 856 in 2006/07. Enforcement efforts will continue where needed, according to the MOL, through inspections, orders and charges. The second pillar, compliance, is at the title suggests – compliance with the *OHSA*. All workplace parties have a duty to comply with the law for the overall purpose of maintaining a safe and healthy work environment. Education and enforcement is expected to help meet this requirement. Partnership as the third pillar focuses on improving the Internal Responsibility System (“IRS”), where everyone has a shared responsibility for health and safety. The MOL indicated

that an efficient joint health and safety committee, health and safety management program (policies and procedures), training and resources demonstrate an effective IRS and positive workplace culture. Parties external to an organization, namely the MOL, Workplace Safety and Insurance Board (“WSIB”) and the health and safety associations, are to contribute to injury prevention as well. With respect to this new plan, the WSIB’s role is to provide injury statistics to the MOL, including injury rates and associated costs, and assist employers in the area of prevention. The MOL reported that the reliance on the health and safety associations is for education and training.

In implementing the plan the MOL aims to build on their previous compliance strategy, which targeted workplaces that had higher than average lost time injuries. The new plan will continue to target these workplaces but also consider other criteria to determine if inspections are warranted. As indicated by the MOL, some criteria include: “compliance history, hazards inherent to the work, new businesses, size of businesses, specific events or incidents (e.g. critical/fatal injuries or violence), and new and/or vulnerable workers”. Plans specific to each industry sector (health care, industrial, construction, mining) will be established so inspection selection criteria are more appropriate.

With the expanded criteria for workplace inspections and the established three (3) pillars of the plan, organizations should expect to see continued (or perhaps increased) activity from the MOL in the future. Frequent presence in the workplace by the four-hundred and thirty (430) MOL inspectors is likely. Due to the new plan, even organizations that have low lost time injury rates can be targeted for inspections. The frequency of the inspections will be determined according to the degree of non-compliance and corrective action taken, effectiveness of the IRS and commitment to health and safety. In 2005/06 57,290 inspections were conducted, jumping to 65,533 inspections in 2006/07.

To reduce workplace injuries and avoid legal enforcement by the MOL, organizations need to stay on top of managing health and safety. To assist in this regard, Gowlings offers several training courses and consulting services. We suggest our OHS Due Diligence Course for Managers and Supervisors and our *OHSTMLAW Gap AnalysisTM*.

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