

Occupational Health and Safety Awareness

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Ontario's mandatory basic occupational health and safety awareness training comes into effect July 1, 2014.

Ontario has passed a regulation that will require employers to ensure that workers and supervisors complete mandatory basic occupational health and safety awareness training. The *Occupational Health and Safety Awareness Training Regulation*, made under the *Occupational Health and Safety Act*, will come into effect July 1, 2014. For workers, the training must be completed as soon as practicable following the effective date. In the case of supervisors, the training must be completed within one week of the supervisor performing work as a supervisor, following the effective date.

The regulation sets out the minimum content requirements for the mandatory training for all workers, and additional requirements for supervisors. Employers must ensure that all workers complete training that includes instruction on the following:

- ✓ The duties and rights of workers under the Act;
- ✓ The duties of employers and supervisors under the Act;
- ✓ The roles of health and safety representatives and joint health and safety committees under the Act;
- ✓ The roles of the Ministry, the Workplace Safety and Insurance Board and entities designated under section 22.5 of the Act with respect to occupational health and safety;
- ✓ Common workplace hazards;
- ✓ The requirements set out in the *Workplace Hazardous Materials Information System Regulation* (WHMIS) with respect to information and instruction on controlled products; and
- ✓ Occupational illness, including latency.

Additional training is required for supervisors. As noted above, this training must be completed within one week of the employee performing work as a supervisor and must include instruction on the following:

- ✓ The duties and rights of workers under the Act;
- ✓ The duties of employers and supervisors under the Act;
- ✓ The roles of health and safety representatives and joint health and safety committees under the Act;
- ✓ The roles of the Ministry, the Workplace Safety and Insurance Board and entities designated under section 22.5 of the Act with respect to occupational health and safety;
- ✓ How to recognize, assess and control workplace hazards, and evaluate those controls; and
- ✓ Sources of information on occupational health and safety.

The regulation does provide certain exemptions from the mandatory basic training that employers should be aware of. If a worker or supervisor has previously completed a worker or supervisor occupational health and safety training program and has proof of completion, and the employer confirms that training meets the respective basic requirements set out in the regulation, the employer is exempt from the requirement in respect of that employee. This exemption applies even where the training is completed with a former employer.

The regulation will require employers to maintain records in respect of the basic training. These will include records of the workers and supervisors who completed the training, and records

of workers and supervisors who were exempt from the training in accordance with the regulation. Employers will also be required to provide employees with written proof of completion of the training upon the employee's request. This obligation will continue for up to six months after the employee ceases to work for the employer.

In order to achieve compliance, employers have a number of options available, and they should consider which option best suits their organization's needs and risk tolerance.

As noted, the regulation allows for grandfathering of certain individuals. While this may save on time and money in the short term, employers considering this option need to ask themselves whether they are able not only to provide written proof of a worker's training but also that any past training had the same substantive content as the regulation now requires.

As a second option, the Ministry of Labour is providing free workbooks and guides which employers can use to deliver the training. In addition, the Ministry is offering the basic training in an on-line format. The Ministry has indicated that the basic training program offered through these materials takes approximately an hour to complete. Employers can also opt to develop their own basic training regimes provided however that the basic regulatory content requirements are met. Using the Ministry's online training has the advantage of being free. However, employers should consider that the certificates issued upon completion of this training are sent directly to the individuals who took the training, not to the employer. So tracking down such certificates from individual workers could be a time consuming task, carrying the added risk that proof of training for at least some employees will fall through the cracks. Using the Ministry of Labour's workbooks and guides, while free, also requires a resource expenditure in the sense that human resources or safety staff will have to prepare materials and spend time delivering training to employees. Tracking of completion of the training, ensuring that training is consistently delivered and that workers comprehend the training given are also issues that arise under this option.

As a third and final option, employers can comply with the regulation through professional training providers. Should you wish to learn more about this, please contact us.

Information courtesy of Emond Harnden LLP, Ottawa.

This and That

We are taking a break from the Learning Kurve for the summer. We hope that everyone has a relaxing two months.

See you in September!

