# Mandatory Occupational Health and Safety Awareness Training

*Ontario has had enough of the ignorance.*

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This story begins with an unfortunate tragedy that occurred on December 24, 2009. Six (6) men were working on a swing stage style scaffold performing repair work on a high rise building in Toronto, Ontario. While the men were working, the scaffold collapsed. One of the men was utilizing proper fall arrest equipment and was uninjured, while the remaining five fell some 13 stories. Tragically, four of the men lost their lives and the fifth suffered serious injury.

The company involved in this particular case (*R. v. Metron Construction Corp.*) pled guilty to criminal negligence causing death. There were some glaring issues that came to light during the investigation that led the Ministry of Labour to question whether the workers involved were aware of health and safety legislation and their rights thereunder.

As a result of these tragic events, an Expert Advisory Panel on Occupational Health and Safety was appointed by the Ontario government to review the province's workplace health and safety system. This panel provided a report to the provincial government in 2010 and from this report Bill 160 was born. On June 1, 2011 this bill received royal assent and was enacted into law.

What does all this mean to employers? Depending on the size, sector and industry of the organization, the implications of this enactment will inevitably vary. However, there is one sweeping requirement of employers that is perhaps the furthest reaching within the new legislation and this is the requirement for all workers and supervisors to undergo basic health and safety training.

Ontario Regulation 297/13 stipulates that by July 1, 2014 all workers and supervisors in Ontario workplaces (save a number of exceptions) must have received basic health and safety awareness training. In addition to the requirement for training, the subject matter to be delivered in the training is spelled out in no uncertain terms for both workers and supervisors.

The training to be undertaken by workers must include 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 Regulation 860 (Workplace Hazardous Materials Information System (WHMIS)) with respect to information and instruction on controlled products; and
- Occupational illness, including latency.

As is demonstrated by this list, the aim of this legislation is to ensure that workers across the province have a better understanding of the health and safety system and their rights under legislation. Furthermore, workers must be aware

of the recourse available to them and their protection from reprisal.

Though much of the subject matter required to be conveyed to supervisors overlaps that of workers' training, there are some slight variations in the content. The following elements comprise the required content of the mandatory supervisors' training:

- 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.

It is incumbent upon supervisors to be cognizant of existing hazards in the workplace and to inform workers of said hazards and how they should be properly addressed. The practice of identifying and controlling workplace hazards is paramount in preventing workplace accidents. As such, supervisors who are trained in doing so, even at a basic level, can be an invaluable asset to the workplace. Further to this portion of the training, supervisors will be required to understand the rights of workers that are protected by the act. This effort to ensure that workers' rights are respected will hopefully result in a greater respect for health and safety overall.

As proof that the training has been conducted, employers will be required to keep documentation on file to prove that each worker and supervisor has been trained.

As with most pieces of legislation, there are specific exemptions regarding this mandatory training. Specifically, those workers and supervisors who have already completed a training program that covers the basic requirements prescribed by regulation 297/13 and can provide proof that they successfully completed it will not be required to undergo the training. Furthermore, a supervisor who has completed a basic occupational health and safety awareness training program for supervisors prior to the regulation coming into effect will not have to complete a worker training program in addition to the supervisor training.

In addition to ensuring that workers and supervisors complete the training by July 1, 2014, employers must ensure that they maintain compliance prospectively. For employers to be compliant beyond July 1, 2014, they must satisfy four (4) basic requirements.

1. Ensure that new employees complete the training as soon as reasonably possible;
2. Ensure that supervisors complete the training within one week of becoming a supervisor;
3. Maintain a record of the training completed by workers and supervisors; and
4. Provide a worker or supervisor with written proof of completion of the training, if requested by the individual, for up to six (6) months after the cessation of employment.

As of now employers are not required to file compliance reports with the Ministry of Labour. However, if audited, organizations will be expected to provide the records specified in the aforementioned list.

As we delve into the uncharted waters of 2014, it would be advisable for employers to address this issue early rather than scrambling to comply at the last minute. There can be many unforeseen impediments associated with delivering

mandatory training to all employees and operational requirements will almost inevitably prevent the training from being conducted in one session that includes all employees. Prudent employers would be wise to start planning and delivering this training now as to prevent a haphazard endeavour in June 2014.