



SAFETYScope

Newsletter : Test Yourself Questions

Sept 2020

How soon do symptoms typically appear after exposure to COVID-19 if you are infected?

Answer: The time from exposure to symptom onset (known as the incubation period) is thought to be three to 14 days, though symptoms typically appear within four or five days after exposure.

Oct 2020

You have a PSR on a piece of equipment and “current applicable standards” change in five years - would another pre-start health and safety review be required?

Answer: No. A PSR is required only when a new apparatus, structure, protective element or a new process is constructed, added or installed, or when the apparatus, structure, protective element or process is modified.

Nov 2020

What is the difference between a confined space and an asymptomatic superspreader?

Answer: Confined spaces have warning signs.

Feb 2021

A worker is removing some bolts from an overhead piece of equipment located 0.20 meters adjacent to a walkway 25 meters high. Some piping is located 10 meters above the ground beneath the equipment. Approximately what size of exclusion zone is needed to have the capacity to handle most, but not all deflected bolts? 10, 20, 25, 28

Answer:



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January 2020

What changes took effect in the Construction Regulation 213 January 1, 2020?

Answer The changes:

- Clarify where temporary stairs should start and end (i.e. clearly requiring temporary stairs in underground levels).
- Exempt an additional specific situation where the installation of temporary stairs may not be possible (i.e. where formwork or falsework is erected to a suspended slab)
- Section 75 & 77

February 2020

Could you be charged under the OHSA for using cell phones on lift trucks?

Answer Yes

March 2020

The guides to the OH&S Act are only available in English and French?

Answer False—They are also available in Spanish <https://www.labour.gov.on.ca/english/multi/index.php>

April 2020

How quickly must you take JHSC Part 2 Certification training?

Answer 6 months unless you have applied to the LMTSD for a one time extension .

May & June 2020

If an employer is advised that a worker has tested positive for COVID-19 due to exposure at the workplace the employer is required to notify whom?

Answer

- the Ministry of Labour, Training and Skills Development in writing within four days
- the workplace joint health and safety committee or a health and safety representative
- a trade union (if applicable)
- <https://www.ontario.ca/page/construction-site-health-and-safety-during-covid-19>

July 2020

In response to COVID-19, the Ministry of Labour, Training and Skills Development planned to adjust the current 2020-21 health and safety compliance initiative schedule. Have they done so?

Answer: No

Aug 2020

Can an employer force an employee to stay home or get tested for COVID-19?

Answer: Yes. if the employee exhibits symptoms of coronavirus, the employee must self-isolate, or the employer must send the employee home immediately. The employee should remove himself or herself from the workplace until he or she is either fully recovered or received a negative test. The employer can ask the employee to be tested or see his or her doctor in those circumstances.

If an employer does not act proactively to ensure that its employees are protected from other employees, customers or members of the public, it can be sued for negligence by those employees and anyone else who those employees, in turn, infect with the virus.



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June 2019

Where in the industrial regulations does it require employers to protect workers from vehicular traffic?

Answer: Section 20

July 2019

Where in the construction regulations does it require employers to protect workers from heat hazards?

Answer: In a health care facility or an industrial establishment, such as a factory, store, shop or office, the regulations set a minimum temperature of 18 °C, subject to some exemptions for things like work outdoors or in freezers. The construction projects regulation specifies a minimum of 27 °C for underground change rooms [Section 260 (3) (d)], a maximum of 38 °C for work chambers [Section 384], and where work is done in compressed air, the provision of a medical lock with a minimum of 18 °C [Section 357] and maximum of 27 °C [Section 380]. There are no set minimum or maximum temperatures for other workplaces. Nevertheless, because either extreme heat or cold may be a hazard, temperature is a legitimate issue in determining workplace safety. A particular concern is heat stress.

Aug 2019

Individuals who refuel propane-powered vehicles at cardlock/keylock facilities and private outlets are not required to have a certificate or record of training under the regulation. True or False? What date was it effective?

Answer: True - [Access the amendment here](#) July 1, 2019

Sept 2019

Where in the OHS Act does it specifically tell employers to consult with their JHSC or H&S Representative?

Answer: S 9(11)(1), S 32.0.6(1), S 38(6), S42,(2)(3) S43,(7), S54(4), S61(3.4)(3.5)

Oct 2019

Regulation 851 requires employers to provide written notice to the JHSC or the H&S representative where the employer intends to vary a procedure set out in the Regulation in a manner such that the protection afforded for the health and safety of workers is at least equal to that under the Regulation.

Answer:

True - found in Section 2

Nov 2019

Summer and all-season tire rubber hardens as temperatures drop. As the rubber hardens, traction-loss increases. By about 14 degrees below zero, all-season tires have lost the majority of their grip.

At what temperature do tires start losing their grip?

Answer:

7 degrees C.

Dec 2019

What section in the Highway Traffic Act details fines and jail time for careless driving?

Answer:

True - found in Section 130



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Can an inspector order an employer to use a third party to investigate a harassment complaint and get a copy of the report? If so where does it say that in the Act?

Answer: Yes, S55.3

Oct 2018

No employer in Ontario may require a worker to wear high heel shoes. True or False

Answer: False. Both the Entertainment and Advertising industries are exempt.

Nov 2018

Inhalation and skin absorption are the most common routes by which workplace chemicals enter the body.

True or False

Answer: False—The most common way for chemicals to be absorbed into the body is by inhalation.

Jan 2019

An employer cannot force a worker to Participate in a prescribed medical surveillance program. True or False. What section in the Act supports your answer?

Answer: True—Section 28(3) clearly states that that a worker has a choice to participate. It is also important to realize that Section 26 (1) (j) the law requires that the employer can only permit a worker who has passed the medical surveillance to work. Therefore the only recourse for the employer is to not schedule the worker until the worker provides proof.

Feb 2019

The employer is required by the Act to consult with the JHSC annually with regards to the workers familiarity with WHMIS.

Answer: True—Section 42 (2), (3) & (4)

Mar 21 2019

When are you allowed to pull over on a highway to talk on your cell phone?

Answer: Only if it is an emergency.

April 2019

A forklift truck has a 5,000 lb capacity at a 24" load center needs to handle a load whose center is 28" from the front face of the forks in the horizontal direction.

Answer: The first thing to recognize is that the actual load center distance of 28 inches exceeds the standard load center distance of 24 inches on which the 5000 pound capacity is based, so the safe load capacity is actually less than 5000 pounds.

To estimate the truck's safe load capacity at a 28-inch load center, take the rated load center and divide it by the actual load center. Multiply this number by the stated capacity to get the new approximate safe load capacity:

$24 \text{ in}/28 \text{ in} \times 5,000 \text{ lb} = 4,285 \text{ lb}$ (approximate safe load capacity)

Using the example in Figure 4, take the stated standard load center of 24 inches and divide it by the actual load center of 36 inches. Multiply this number by the stated capacity of 4,000 lb to get the new approximate safe load capacity:

$24 \text{ in}/36 \text{ in} \times 4,000 \text{ lb} = 2,666$ (approximate safe load capacity)

May 2019

Where in the occupational health and safety act does it give the JHSC the right to audit the employers H&S program?

Answer: Section 9 (18)(c)



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Jan 2018

Section 53 of the Occupational Health and Safety Act states who must give notice when reportable accidents or other incidents occurs at a project site or mine. Where else must you look for a list of incidents that must be reported to the MOL? 1 On a project? 2 In a mine or mining plant?

Answer: 1. S11 & S 12 Regulation 213 2.. S21 (5) Regulation 854

Feb 2018

A homeowner hires Contractor A to do a basement renovation. Contractor A in turn hires subcontractors to help him/her out. Then the homeowner hires another contractor, Contractor B to lay hardwood floor on the first floor. Both contractors work simultaneously on the house. Who is the constructor?

Answer: Given that the homeowner is undertaking the project (the home renovation) by more than one employer/contractor, the homeowner would be the constructor, and would have overall responsibility for health and safety on the project.

Mar 2018

If you are a unionized worker who has been the victim of an occupational health and safety reprisal, the Office of the Worker Adviser can:

- give you advice about your rights and how to enforce them
- represent you in filing an application to the Ontario Labour Relations Board (OLRB)
- represent you at a mediation, consultation or hearing at the OLRB

True or False?

Answer: False. Only non unionized workers can use this service.

Apr 2018

Shipping or transportation companies that go to more than one province fall under the Canada Labour code.

True or False?

Answer: True.

May 2018

Multi-workplace Joint Health and Safety Committee (MJHSC) must be granted under a Minister's Order.

True or False?

Answer: True.

June 2018

Where in the Act does it say that a health and safety representative has immunity?

Answer: 65. (1).

July 2018

Humidex is a measure of how hot we feel.

Answer: True or False?

Aug 2018

A permit is always required for employees to enter into bins, silos, and tanks.

Answer: False - If the employee's employer is present upon entry, then a permit is not needed.

Sept 2018



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May 2017

I have a workplace with just myself and three others. I don't need a Joint Health and Safety Committee, but do I need a written health and safety policy? What is the reference for this?

Answer: No. OH&S Act Section 25 (4).

June 2017

Consider a situation in which an employer (the CEO) decides to appoint himself or herself as a supervisor to oversee a specific job task. What is the requirement that the employer must satisfy before that can be done?

Answer: Under Section 25 (3) the employer must be a competent person, and competency has three factors that must be met (see definitions in Section 1 of the Act).

July 2017

One of the articles in this newsletter discusses changes to the WSIA that will be effective in 2018, but the WSIA is not the only piece of legislation that has changes happening in 2018. What program covered in the OHSA has outlined changes that must be completed during 2018?

Answer: The "transition period", during which employers must transition from WHMIS to the GHS compliant system, must be completed by December 31, 2018.

Aug 2017

Are workers required to carry their Proof of Training Certificate for working at heights while on the job?

Answer: No. Workers can use this card to show their current and future employers that they have successfully completed an approved working at heights training program. Workers are not required to carry this card at work. <https://www.labour.gov.on.ca/english/hs/faqs/wah.php>

Sept 2017

Benzene is listed in the Ontario Table, found in O Reg 833, and has a TWA of 0.5 ppm. Does this regulation apply to benzene in a workplace in Ontario that is covered by the Occupational Health and Safety Act?

Answer: No. Benzene is a designated substance in Ontario. Section 2 of O Reg 833 says that, "This regulation does not apply (a) to a chemical agent listed in Table 1 of Ontario Regulation 490/09 (Designated Substances) made under the Act, in a workplace that is subject to that regulation with respect to that agent."

Oct 2017

The Occupational Health and Safety Act states that an employer shall prepare a workplace violence policy, prepare a workplace harassment policy, review the policies at least annually, and post the written policies at a conspicuous place in the workplace (all in Section 32.0.1 (1) and (2) of the Act. What workplaces are exempt from this requirement, if any?

Answer: Subsection (2), which deals with posting, does not apply if there are five workers or less, unless an inspector orders otherwise.

Nov 2017

Under Ontario Regulation 860/90 the "first transition period" will end on May 31, 2018, and the "second transition period" will begin. What is the significance of this change in the workplace?

Answer: Prior to May 31, 2018, the employer may continue to receive and use hazardous products with labels and safety data sheets that comply with WHMIS 1988. After May 31, 2018, the employer may continue to use hazardous materials already at the workplace with labels and safety data sheets that comply with WHMIS 1988. The employer is no longer allowed to receive additional products with WHMIS 1988 labels and safety data sheets.

Jan 2018



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Aug 2016

On September 8 the law changes with respect to workplace violence and harassment. After September 8 the employer is specifically directed to consult with the committee or representative during the development of:

- a. the workplace violence program
- b. the workplace harassment program
- c. both programs.

Answer: The answer is b.

- a. Section 32.0.2(1) says an employer shall develop and maintain a program to implement the policy with respect to workplace violence.

Sept 2016

This month changes to the OH&S Act take effect which require employers to, in consultation with the Committee, develop and maintain a program to implement their workplace harassment policy. The program must include, among other things listed in Section 32.0.6(2) of the Act, details about how harassment claims will be investigated and resolved. Such an investigation will result in a report. Must the employer share this report with the JH&S Committee?

Answer: Section 32.0.7(2) says that such a report is not a report respecting occupational health and safety for the purposes of subsection 25(2), which, in clauses (l) and (m) requires the employer to provide copies of various reports to the committee. So, the answer is harassment reports do not go to the committee.

Oct 2016

Part III of the Occupational Health and Safety Act (sections 23 to 32) assigns duties to various workplace parties. Section 24 assigns duties to "licensees". What is a "licensee"?

Answer: A licensee is a person who holds a license to cut timber on Crown Land, issued under Part III of the Crown Forest Sustainability Act, 1994.

Nov 2016

What is the difference between a Class E hard hat and a Class G (general) hard hat?

Answer: The Class G hard hat can withstand up to 2,200 volts of electricity, but the Class E hard hat can withstand up to 20,000 volts.

Jan 2017

At the regularly scheduled Joint Health and Safety Committee one of the management members announces that she will be retiring in two months. Because the next meeting is three months away, the CEO has asked her to remain a member of the committee through the next meeting, to give the CEO time to appoint another member. Is this OK?

Answer: No, it is not. Section 9 (10) says that, "A member of the committee who ceases to be employed at the workplace ceases to be a member of the committee."

Feb 2017

A worker member of the committee must inspect the workplace every month, or a portion of the workplace if it is too large to be completely inspected, but according to a schedule so that the entire workplace is inspected over the course of a year. Who establishes the inspection schedule - the worker member, the committee or the employer?

Answer: Section 9 (27 and 28)

Mar 2017

If I am a constructor, and I hire another contractor to do part of the job using his or her own employees, am I responsible for ensuring that they comply with the Act and Regs, or is the other contractor? Where does it say this in the Act?

Answer: Section 23 (1) (b) says the constructor is responsible for every employer and every worker performing work on the project complying with the Act and Regs.



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Jan 2016

If your JHSC members are certified prior to March 1, 2016 they will not fall under the mandatory refresher training and their certification will not be revoked by the Ministry of Labour as they are not required to maintain their certification under the old standard.

Answer: True

Feb 2016

Nearly sixty per cent of work related fatalities across Canada in 2014 were due to occupational disease, as per the AWCB of Canada newest released statistics. The majority of these deaths were asbestos related.

In Ontario motor vehicle incidents were the cause of 38% of the traumatic deaths in 2014 and have remained the leading cause of traumatic fatalities.

Answer: True

Mar 2016

In Ontario the transition to the Global Harmonized System is underway, and will be complete by 2018. If your company uses chemicals shipped in from the United States, as well as material produced in Canada, what kind of WHMIS training are you required to do right now?

Answer: You must train your staff in both WHMIS 2015 (GHS compliant) as well as WHMIS 1988 during the transition period.

Apr 2016

If I operate a workplace that includes a confined space (the workplace is not a construction project) I have to make sure workers are trained before a worker enters that space. Do I have to review my training program with my Joint Health and Safety Committee?

Answer: Yes, Ontario Regulation 623/05, section 8(4) requires this, annually.

May 2016

In Ontario the Ministry of Labour has one year from the date of the offence to lay charges against a person or a company. Is the time limit the same for federally-regulated firms operating under the Canada Labour Code, Part II?

Answer: No, under the Canada Labour Code, Part II, the federal government has two years from the date of the offence to lay charges.

June 2016

Employers must review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy. Are there any employers who do not have to do this?

Answer: This requirement is in Section 25 (2) (j) of the Act. Section 25 (4) says that clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed.

July 2016

From time to time an employer may monitor conditions in the workplace by using air sampling equipment, noise monitors or any of a wide variety of monitoring or sampling equipment. Any interference with this monitoring process can affect the results – it may cause the employer to believe that the workplace is safe when there is actually a hazard present. But, is interfering with monitoring equipment actually illegal?

Answer: Yes, it is. Section 62 (4) of the Occupational Health and Safety Act says, “No person shall interfere with any monitoring equipment or device in a workplace.”



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May 2015

Section 38(2) of the Occupational Health and Safety Act ends with the words: "... an unexpired safety data sheet." As part of the transition to the new GHS system, how will those words change?

Answer: The words "unexpired safety data sheet" will be replaced with "a current safety data sheet".

June 2015

I have been injured at work, and spent a few days in the hospital. I am now at home, recuperating and I am not able to return to work yet. My immediate supervisor telephoned me at home to see how I was doing. Is he allowed to do that while I am recuperating? Is there any law in this area

Answer: Section 40(1) of the Workplace Safety and Insurance Act says "The employer of an injured worker shall co-operate in the early and safe return to work of the worker by (a) contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment.

Note that Section 40(1) lists several things the employer is supposed to do to facilitate the early and safe return of the worker, and Section 40(2) lists several things the worker is supposed to do (almost the exact same wording).

data sheet".

July 2015

This Month's Tip (above) reminds us to take care when working in hot and humid weather. What is the legal limit for working in the heat in Ontario, and what is the law or regulation that states this?

Answer: None.

Aug 2015

I work in a small workplace covered by the WSIB. I bought a first aid kit and hung it on the wall in the lunchroom. It was the smallest first-aid kit available, but it has one triangular bandage. Now one of my co-workers is telling me that, because we have eleven employees, it is not big enough. Is she right?

Answer: Yes, because between 5 and 16 requires the kit the next size up and that kit must have 6 triangular bandages. Reg 1101 S9. (1)

Oct 2015

I read the requirements, and I need working at heights training. However, I had just completed working at heights training before the regulations changed. Do I have to do it again?

Answer: Yes, you will have to do it again. Training completed under the new regulation will be valid for three years from the date of successful training completion, but training completed before the regulation changed will expire two years from the date of successful training completion.

Nov 2015

The majority of workers in Ontario fall under the jurisdiction of the Occupational Health and Safety Act, and the regulations pursuant to that Act. However, that Act covers only those workplaces regulated provincially. If you are a federally regulated worker, what legislation governs your workplace health and safety? Bonus Question – If I am under federal health and safety legislation, am I covered by the Employment Standards Act?

Answer: Canada Labour Code, Part II Bonus Answer: No.

Dec 2015

In provincially regulated workplaces (under the OH&S Act) workers are entitled to refuse to work if the equipment (etc.), or the physical condition of the workplace is likely to endanger them, or if any equipment (etc.) or the physical condition of the workplace is in contravention of the Act or any regulations and the contravention is likely to endanger them, or if they are endangered by workplace violence. Are the requirements the same for a federally regulated workplace?

Answer: No. The risk of workplace violence is not one of the reasons for refusing work in the Canada Labour Code, Part II.



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What is the time limit in the Occupational Health and Safety Act for acquainting “a worker or a person in authority over a worker with any hazard in the work”?

Answer: There is no time limit. The assumption is that this information will be given to a worker before they are exposed to any hazard, or as soon as the employer becomes aware of a hazard.

Nov 2014

When a Ministry of Labour inspector inspects your workplace, is it necessary that the inspector is accompanied by a worker?

Answer: No. Section 54(3) – Where an inspector makes an inspection of a workplace under the powers conferred upon him or her under subsection (1), the constructor, employer or group of employers shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, because of knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by the workers because of knowledge, training and experience to represent them, the opportunity to accompany the inspector during his or her physical inspection of a workplace, or any part or parts thereof.

Dec 2014

The employer is required to “take every precaution reasonable in the circumstances for the protection of a worker”. This is referred to as the General Duty Clause. Are there any other workplace parties that are assigned the same duty?

Answer: Yes, the supervisor has exactly the same responsibility, in section 27(2)(c) of the OHS Act.

Jan 2015

In an industrial workplace which is enclosed, what is the minimum temperature that is allowed (subject to some exceptions) by Regulation in Ontario?

Answer: Regulation 851, section 129 (1) (b) “ not less than 18 degrees C”.

Feb 2015

I am a college of applied arts and technology student working on a construction site. I am not paid by the construction company, but am part of a work experience program through the college, and will be on the site for less than one month. Am I required to go through new worker orientation training before I start work on the site?

Answer: RegUnder the recently amended definition of “worker” under the Act, this student is a worker. Therefore the duties assigned to the employer, with respect to Section 25(2) (a) “... provide information ... to protect the health or safety of the worker...” would apply. In addition, the supervisor would be obligated under Section 27 (2) to “... advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware...”

Mar 2015

Most workplaces have a Health and Safety bulletin board with safety information posted on it. It may include the names of the members of the Joint Health and Safety Committee. Is this required by law?

Answer: Yes, it is required in section 9, subsection 32 of the Occupational Health and Safety Act.

Apr 2015

We tend to think about workplace safety in terms of the prevention of traumatic injuries – falls, lacerations, eye injuries, etc. Based on WSIB figures, what has become the leading cause of work-related fatalities over the past decade?

Answer: Since just past the year 2000, more workers in Ontario have died every year as the result of an occupational disease, arising from a workplace exposure, than from all of the categories of traumatic injury combined.



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Mar 2014

I am a summer student who works construction during the summer. Since I have been doing this for three years I am often asked to “take the lead” and “show the new kids what to do” when new summer workers arrive on the site. Will I require mandatory supervisor health and safety awareness training after July 1, 2014?

Answer: Yes. According to the Occupational Health and Safety Act, a supervisor is defined as one who “has charge of a workplace or authority over a worker”. Even though you can’t hire or fire, you do tell the new kids what to do, and that puts you in a position of authority over them. You are their supervisor, and you need supervisor training.

April 2014

As an employer you provide occupational health and safety awareness training for your workers and supervisors. One of your workers leaves your company, and, four months later, asks you to provide written proof that he had completed the worker awareness training while working for you. Do you have to provide this? What is your answer based on?

Answer: Yes you do. Regulation 297/13, section 4(5).

May 2014

Section 51(1) of the Act requires notification to the Ministry in the event of a fatality or critical injury in the workplace. The content of the notification is listed in both Regulation 231 (Construction Projects) and Regulation 851 (Industrial Establishments), but they are not the same. What is the difference?

Answer: The list is identical from (a) to (g), but the Construction Reg adds (h) the steps taken to prevent a recurrence.

June 2014

The requirement that the employer pay for certification training for JHSC members was legislated in Regulation 780/94, pursuant to the OHS Act. Regulation 780 was revoked in November of 2013. Where does it say that employers must pay for certification training?

Answer: Regulation 297/13, Section 6, revoked Regulation 780/94 in November of 2013. However, the wording from 780 that explained that the employer must pay for certification training was included in the new Regulation 297, S 5.

July 2014

Most people are aware of the General Duty Clause, Section 25 (2)(h), which requires the employer to “take every precaution reasonable in the circumstances for the protection of a worker”. Do any other workplace parties have their own general duty clause?

Answer: Section 27 (2)(c) requires a supervisor to “take every precaution reasonable in the circumstances for the protection of a worker”.

Aug 2014

Most workplaces in Ontario must have a written Workplace Violence Policy posted in a conspicuous place in the workplace. What workplaces are not required to do this?

Answer: OHS Act Section 32.0.2 says that the policies shall be in written form and posted in a conspicuous place in the workplace, and Section 32.0.3 says that the previous section does not apply to workplaces where five or fewer workers are regularly employed, unless ordered by an inspector.

Sept 2014

Many believe that employers are required to provide refresher WHMIS training every year. Actually, the employer is required to review two things regarding training on an annual basis (at a minimum). What are they?

Answer: Section 42 (3) says, “An employer shall review , in consultation with the committee or health and safety representative, if any, for the workplace, the training and instruction provided to a worker and the worker’s familiarity therewith at least annually.”

Oct 2014



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Oct 2013

The structure and function of the Worker Trades Committee was prepared by the Provincial Labour-Management Health and Safety Committee in 1994 to provide a practical approach to meeting the requirements of Section 10 of the Occupational Health and Safety Act. Those guidelines specify who should select the Chairperson of the Worker Trades Committee. Who does this, and what other body should the Chairperson also be a member of?

Answer: The Chairperson should be chosen from among the members of the Worker Trades Committee members by the members. It is preferable that the Chairperson be a member of the Joint Health and Safety Committee (Section 2.3 of the Guidelines).

Nov 2013

Are risk assessments required by law? If so, where?

Answer: In the Occupational Health and Safety Act, the term "risk assessment" does not occur. However, the following requirements cover the same territory:

Section 25 (2) (d) (An employer shall) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent; Section 27 (2) (a) (A supervisor shall) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

It is impossible to acquaint or advise a worker of hazards or dangers without knowing what they are, and that requires doing a risk assessment. Part of a due diligence defence is to demonstrate that the employer has a program to identify and control hazards before they injure someone.

More recently the legislation had become clearer in specific areas – Section 32.0.3 (1) says: An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

Under Regulation 490/09: An employer shall carry out an assessment of the exposure or likelihood of exposure of a worker to a designated substance in the workplace and record it in writing.

Under Regulation 833: Every employer shall take all measures reasonably necessary in the circumstances to protect workers from exposure to a hazardous biological or chemical agent because of the storage, handling, processing or use of such agent in the workplace.

Under Regulation 860: An employer shall assess all biological and chemical agents produced in the workplace for use therein to determine if they are hazardous materials. Note that when doing this, 890 (2) says: Every controlled product is designated as a hazardous material. That means that employers need to know if any of the chemical or biological agents they work with are listed in Schedule II of the Hazardous Products Act.

So, risk assessments should be high on every employer's To Do list.

Jan 2014

You are a researcher with no staff. The University has assigned you a laboratory containing the equipment and materials for your experiments, which you do yourself. Are you a supervisor?

Answer: Yes. Section 1 of OHSA, definition of supervisor – a person who has charge of a workplace or authority over a worker.

Feb 2014

You are in charge of a construction site and part of a scaffold collapses. No one is on the scaffold, no one falls, and no one is injured by any falling material or equipment. Do you have to report this to the Ministry of Labour?

Answer: Answer: Yes. Section 1 of OHSA, definition of supervisor – a person who has charge of a workplace or authority over a worker.



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Apr 2013

When reading an MSDS, what is the information that will tell you whether a gas will accumulate on the floor or at the ceiling? When this is expressed as a number, will a gas that falls to the floor have a numerical value of more or less than 1.00?

Answer: The information that will tell you if a gas will accumulate on the floor or ceiling is Vapour Density. If it falls to the floor it will have a vapour density of more than one and if it is less than one it will rise to the ceiling

May 2013

I operate a workplace with only four workers, including myself. Do I need to post a copy of a health and safety policy and have a program to implement that policy?

Answer: No you do not. In OHS Section 25 (j) it states that the employer must prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy. Section 25 (4) States that Clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed.

June 2013

In Ontario an employer shall prepare a policy with respect to workplace violence, and with respect to workplace harassment, and review them as often as necessary, but at least annually, and shall post them in a conspicuous place in the workplace. Who does this not apply to?

Answer: OHS Act Section 32.0.1 (3) This does not apply if the number of workers regularly employed at the workplace is five or fewer, unless an inspector orders otherwise.

July 2013

In Ontario an employer shall prepare a policy with respect to workplace violence, and with respect to workplace harassment, and review them as often as necessary, but at least annually, and shall post them in a conspicuous place in the workplace. Who does this not apply to?

Answer: Type 4 soil, and is found in Ontario Regulation 213, Section 226(5).

Aug 2013

Access to work areas located above or below ground level shall be by stairs, runway, ramp or ladder, unless it is a work area that is a suspended scaffold able to be moved to give access to a floor, roof or platform or to ground level. If a ramp is used, it must be securely fastened in place. What is the minimum width allowed for such a ramp?

Answer: The answer is in the Construction Regs (Reg 213/91) Section 73(4) A runway, ramp or platform shall be at least 460 millimetres wide and shall be securely fastened in place. O. Reg. 213/91, s. 73 (4).

Sept 2013

What is the height requirement that requires a scaffold to be designed by a professional engineer? If this applies there must be design drawings, and a professional engineer or a designated competent worker must inspect the scaffold to ensure that it is erected in accordance with the design drawings?

Answer: The answer is in the Construction Regulation 213, section 130 (a) fifteen meters in height above its base support; or b) ten metres in height above its base support if the scaffold is constructed of a tube and clamp system.



SAFETYSCOPE

Newsletter : Test Yourself Questions

Supplied air, delivered by a fan and flexible duct from outside of the confined space, can be used for both ventilation and purging. Is this true or false, and why?

Answer: Supplied air definitely can be used for ventilation, when drawn (using the equipment noted in the question) from an area well outside of the confined space.

Purging is another matter. Purging is the displacement of toxic or dangerous gases. Whether or not air is a good choice as a purging agent depends on the configuration of the confined space, where the vents and accesses are, and what the specific gravities of the gases are relative to that of air – for example, if the space is deep, with no openings at the bottom, and the dangerous gas is heavier than air, it is going to be very difficult to force that gas out of the bottom of the space using air. If the dangerous gas is lighter than air, it will be much easier. Next Page

For purging heavy gases from deep spaces, nitrogen is sometimes used, and so is water. When you fill the space with water, it pushes all of the gas out of any access at the top (depending on what it is, you may need respiratory protection if working near the opening) and fresh air can be supplied as the water is drained, ensuring good air in the space. If you use nitrogen, remember that the nitrogen must also be replaced with air – nitrogen won't explode, but you can't breathe it either.

Nov 2012

A client comes in to your shop and slips on the floor, knocking himself unconscious. Do you have to report this to the Ministry of Labour as a critical injury or not?

Answer: Yes, you do have to report this to the Ministry: Section 51 (1) says, "Where a person is killed or critically injured from any cause at a workplace, the constructor, if any, and the employer shall notify an inspector ..." A client is a person, and unconsciousness is included under Regulation 834, which defines critical injuries.

Jan 2013

I operate a workplace where there is a steady stream of clients into the workplace every day, seeking information and assistance, but we do not handle cash or valuables. In our history, we have never had an incident of workplace violence, to my knowledge. I understand that I have to write a policy on workplace violence, and post it in the workplace, but I do not think we need to carry out a training program – it will just upset people, and it isn't really necessary. Am I right?

Answer: No this is not correct. Prior to developing a policy or procedure on Workplace Violence, the employer must assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. (32.0.3 (1)). The scenario describes a workplace that would require a policy and program and as per 32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a).

Feb 2013

I have a confined space that my workers have been entering regularly for years, with no problem. Do I have to carry out an assessment of the hazards in that space every time I send one of them in, even though nothing in the space has ever changed?

Answer: Yes, you must complete an assessment every time you enter the space.

From Regulation 632/05, Section 6:

6. (1) Before any worker enters a confined space, the employer shall ensure that an adequate assessment of the hazards related to the confined space has been carried out.
- (2) The assessment shall be recorded in writing and shall consider, with respect to each confined space,
 - (a) the hazards that may exist due to the design, construction, location, use or contents of the confined space; and
 - (b) the hazards that may develop while work is done inside the confined space.
- (7) The person shall sign and date the assessment and provide it to the employer

Mar 2013

You probably have a health and safety policy in your workplace, and it is probably posted on a bulletin board. Is this actually a legal requirement in Ontario, and if so, where does it say this?

Answer: Yes it is a legal requirement in Ontario to post your health and safety policy in your workplace. [OHS clause 25(2)(k)].



SAFETYScope

Newsletter : Test Yourself Questions

June 2012

I am constructing a trench, and I am half-way completed. At all times during the construction the trench is in compliance with Ontario Regulation 213/91, which regulates construction projects. Is the trench a "space that is both designed and constructed for continuous human occupancy"? (Relevance: If yes, than I must assess the possibility of atmospheric hazards to see if this could be a confined space.)

Answer: "Trenches that are under construction and that are in compliance with the O. Reg. 213/91 (Construction Projects) requirements would have been designed for continuous human occupancy **during the construction phase** – (by virtue of complying with O. Reg. 213/91)." No one got this right, but thanks to those who entered.

July 2012

Entry of any worker into any confined space requires the presence of on-site rescuers who are trained in CPR. True or False?

Answer: The answer is given in Section 11 of ONTARIO REGULATION 632/05, which deals with Confined Spaces.

11 (2) Before a worker enters a confined space, the employer shall ensure that an adequate number of persons trained in the matters listed in subsection (3) are available for immediate implementation of the on-site rescue procedures mentioned in subsection (1). O. Reg. 632/05, s. 11 (2).

(3) The persons shall be trained in,

(a) the on-site rescue procedures mentioned in subsection (1);

(b) first aid and cardio-pulmonary resuscitation; and

(c) the use of the rescue equipment required in accordance with the relevant plan. O. Reg. 632/05, s. 11 (3).

Aug 2012

WHMIS training must be repeated on an annual basis. True or False?

Answer: The answer to the August question is found in two places. In Regulation 860 section 7 deals with worker education. There is no requirement for WHMIS training on an annual basis, but 7 (3) sets the following objective: (3) An employer shall ensure, so far as is reasonably practicable, that the program of worker instruction required by subsection (1) results in the workers being able to use the information to protect their health and safety.

Section 42 of the Occupational Health and Safety Act deals with training for workers exposed to, or likely to be exposed to, hazardous materials. The employer must review the training provided, and the familiarity of the workers with that training, at least annually, and more frequently if there are changes in the workplace that can affect worker's health or safety, or if the committee or representative determines that a review is necessary.

Bottom line – there is no need to do annual WHMIS training, but the employer must review the familiarity of the worker with the training on an annual basis, or more frequently if necessary.

Sep 2012

If a workplace includes a confined space that workers may enter to perform work, the employer shall ensure that a written program for the confined space is developed and maintained before a worker enters the confined space. What five items must be included in the program?

Answer: A written confined space entry program must include the following:

(a) a method for recognizing each confined space to which the program applies;

(b) a method for assessing the hazards to which workers may be exposed, in accordance with section 6;

(c) a method for the development of one or more plans, in accordance with section 7;

(d) a method for the training of workers, in accordance with section 8 or section 9.1, as the case may be; and

(e) an entry permit system that sets out the measures and procedures to be followed when work is to be performed in a confined space to which the program applies.

This can be found in Regulation 632/05, Section 5(4).