

## Is Fogging Glasses One of Your Workplace Hazards?

Maybe your one of the lucky workers who don't need to wear glasses or do not exert a lot of energy but lens fogging has been recognized for years in many workplaces as a problem for workers wearing glasses.



It is considered an occupational hazard for people who wear safety glasses at work and a risk factor for eye injuries. This is especially true for workers who wear prescription glasses under their safety glasses, those who work in or transition in and out of cooler workplace environments. Workers who exert a lot of energy and work in dirty environments are also at risk. Many workers will instinctively remove their safety eyewear to see what is in front of them.

The difference this year of course is face masks which has now compounded the workplace hazard for those required to wear both of these PPE. Now you have two sets of glasses fogging up making your job unsafe.

JHSC and employers need to start addressing these hazards as removing the face masks is not an option presently and at in the near future. This hazard is not going away. Some of the solutions that could be considered are:

- Anti-Fog Solutions / Sprays for goggles / glasses
- Anti-Fog Treatments for goggles / glasses
- Prescription safety goggles (source out your PPE provider for potential cost effective solutions) to reduce the hazard to one set of lens.
- Better fitting masks or mask nose clips to help prevent moist are from fogging glasses



## Safetyscope is an approved provider

We have continued to expand our scope and now Safetyscope is an approved provider for the following:

- Toronto Water for Working at Heights
- Safetyscope is a TSSA Approved Training Provider
- Safetyscope is an approved provider for Corrections Canada



## This Months Tip:

**Ensure you JHSC is functioning effectively.**

The JHSC have the power to:

- Inspect for hazards 9(18)(a)
- Write recommendations on those hazards if necessary 9(18)(b)
- Audit the H&S Program and training and make recommendations if necessary 9(18)(c)
- Ask the employer to get info on H&S hazards in your and similar industries 9(18)(d)
- Ask for information of testing including pre-start inspections 9(18)(e)
- Be consulted about and to be present at the beginning of above testing 9(18)(d)

The employer must respond to any recommendations within a maximum of 21 calendar days. S9(20)

The employer must respond with timelines if they agree it is a hazard and give details in the response if they feel it is not a hazard or adequately protected. S9(21)

Think About it.

## Safetyscope Upcoming courses

<b>Working @ Heights</b>	Dec 3, 17
<b>W@H refresher</b>	Dec 10
<b>Confined Space Entrant Course</b>	Dec 13-14
<b>Confined Space Rescue</b>	Dec 20 - 23
<b>DBC JHSC Refresher Distance Learning</b>	Jan 6
<b>First Aid</b>	TBA
<b>Competent Supervisor</b>	TBA
<b>DBC JHSC Part 1 Certification Training</b>	TBA

**Contact Us** with your training needs [training@safetyscope.net](mailto:training@safetyscope.net)

### COVID-19 Infection Considered an Employment Injury in Quebec

On Thursday, November 25, 2021 [Fasken published the following in the HR SPACE](#)

On September 23, 2021, the Tribunal administratif du travail [Administrative Labour Tribunal] (the “Tribunal”) in Quebec determined that a COVID-19 infection could constitute an employment injury, within the meaning of the Act respecting industrial accidents and occupational diseases (the “Act”).

#### The Facts

A worker employed as a truck driver alleged that he suffered an occupational injury due to having been infected and diagnosed with COVID-19.

In the performance of his duties, the worker was required to be in confined spaces where it was impossible to maintain the physical distancing required by public health authorities. As a result, he was sometimes in close contact with his colleagues. He was also in direct contact with others.

At the time of the events, face masks were not required to be worn in this workplace. Consequently, the company’s workers were not wearing masks or protective gloves.

In May 2020, five employees at the warehouse where this particular worker was working were infected with COVID-19. The worker had been in close contact with each of them in the course of his duties, and in particular with an employee who had contracted the virus a week prior.

Shortly thereafter, the worker reported to work and realized he had lost his sense of smell. He subsequently tested positive for COVID-19.

#### Decision

The Tribunal noted at the outset that a COVID-19 infection constitutes a disease. Consequently, the worker had to show that this disease was contracted during a work accident. Depending on the circumstances, the fact that a person has been in contact with a virus can be an unforeseen and sudden event.

The Tribunal stated that it did not have to determine the precise timing of the transmission, but rather whether the infection in question was most likely contracted in the workplace.

The evidence showed that the worker had not been exposed to COVID-19 outside the workplace.

This made it more likely that the infection was contracted in the workplace than elsewhere. The Tribunal therefore declared that the worker had suffered an occupational injury diagnosed as a COVID-19 infection.

#### Takeaways

This decision, one of the first to establish that a COVID-19 infection can constitute an employment injury, should serve as a reminder to employers of the importance of complying with and applying the directives and recommendations of public health authorities and the CNESST;

More than two years after the beginning of the pandemic, its legal consequences and impacts on the workplaces are still being felt;

In this context, despite improvements in Canada’s pandemic situation, we can only encourage employers across the country to put in place the necessary health measures to avoid being faced with such a situation;

Physical distancing, masking, triage of symptomatic workers, promotion of hand hygiene, and isolation guidelines are measures that could help Canadian employers avoid workplace outbreaks, which could potentially result in claims being made to the appropriate provincial workers’ compensation boards;

Although this decision was rendered in Quebec, the principles it sets out regarding the relationship between infections and the workplace could be applied by tribunals and their decision-makers in other provinces.

## Hazard Assessment - Lift Trucks

Injury statistics suggest that forklifts pose a significant risk to workers who operate them or work in close proximity to them. **(Look at the Court Bulletins on the following page)**

Investigations suggest that a variety of factors are involved, including a breakdown of basic safety systems involving:

### Training - Organization - People - Tools - Equip. - Work environment

Experience suggests that many incidents could be prevented if regulatory requirements were better understood and more importantly implemented.

What amazed the writer of this article is the number of times I have gone on site and asked workers/supervisors if the equipment is ever used by someone who is not certified on the lift truck. The answers many times have been a resounding yes, and many times it is being done by supervisors.

An employer or contractor must first identify the hazards. To do this, employers and contractors can take the following steps:

1. Identify how a worker who operates, or works in and around, forklifts may be harmed; consider the equipment involved, the jobs to be done and the workplace environment.
2. Prepare a written risk hazard report specifying the potential sources of harm. The written report will be useful in ensuring that workers receive complete and consistent information about the dangers associated with their work.
3. Reassess potential risks if anything changes significantly (such as equipment, workers, loads or the work environment). Make appropriate changes to the hazard report(s) as necessary.

Below are steps that employers can take to protect workers who are operating forklifts or working near them:

- Identify how workers may be harmed.
- Provide training, information and instruction to forklift operators and those who work near them about the hazards of the work and how to protect themselves.
- Appoint competent supervisors and ensure that they are adequately trained to carry out their responsibilities.
- Prepare and use rules and procedures for the proper testing, maintenance, repair and modification of forklifts. Include rules governing the qualifications of those authorized to carry out these activities. • Establish criteria for forklift selection
- Establish and enforce written safe work practices and procedures.
- Design and maintain the work environment so the risks of incidents are reduced.
- Get input from the occupational health committee, the worker occupational health and safety representative, or, where neither is required, the workers, in managing the safety of forklift operations.

### Refresher Training Guidelines

Every three years : CSA standard B335-15 Clause 6.21;

Or sooner than three years:

- if changes occur in the workplace such as new processes, new equipment, or following an incident;
- when hiring a new driver (even an experienced operator) to ensure they receive specific workplace training
- if a lapse in operating hours has occurred and the driver no longer feels confident to safely use the forklift



## In the Courts

Review the bulletin below and click on the link to know more if these hazards could occur in your workplace.



### [Nov 09, 2021 Lift Truck Fatality, Manoaka Developments, Inc., Fined \\$75,000](#)

A worker suffered a fatal injury while performing duties in the outside storage yard at the Trenton facility.

The worker was operating a motorized forklift and drove the forklift around a sharp 90-degree corner at a high rate of speed. This caused the forklift to tip on its side, and resulted in a fatal injury.

An investigation by the Ministry of Labour, Training and Skills Development determined that the worker was not wearing restraining equipment (a seat belt) when the incident occurred.

Manoaka Developments, Inc. plead guilty to committing the offence of failing to provide information and/or instruction and/or supervision to the worker regarding the safe operation of a forklift, including the use of restraining equipment such as a seat belt, in contravention of section 25(2)(a) of the OHSA

### [Oct 28, 2021 Lift Truck Critical Injury Accuristix, Inc., Fined \\$70,000](#)

A worker suffered a critical injury while performing work at the Woodbridge warehouse.

Background:

A worker operating a stand-up forklift without authorization from the company drove toward another worker on a stationary rider forklift to hand him an electronic scanner. The second worker suffered a critical injury when stepping off the rider forklift.

The safety training stated that unlicensed employees were prohibited from operating motorized material handling equipment, and that an operator should never drive motorized material handling equipment toward a pedestrian standing in front of a fixed object.

It was found that Accuristix, Inc., failed as an employer to ensure the forklift causing the injury was operated by a competent person contrary to s. 51(2) of Regulation and s. 25(1)(c) of the Act.

### **How Quickly Should an Employer Respond to a Recommendation**

If an employer receives a recommendation from a Joint Health and Safety Committee or H&S Representative that there is an uncontrolled hazard in their workplace, the OHSA states they have 21 days to respond.

**This is not a goal, this is the maximum time allowed under section (20).**

The act of writing a recommendation puts the fact that there is an uncontrolled workplace hazard squarely on the employer's desk. Failing to take action to control the hazard, now that the employer is aware of it, will make the defense of due diligence unavailable in the event that this hazard leads to a workplace incident. Some hazards are complex, and the development of an appropriate control may require external assistance and take time but interim controls need to be put in place.

The employer should immediately assess the actual or potential hazard detailed in the recommendation. The employers duty under S25(2)(h) states that they must take every precaution reasonable in the circumstances to protect their workers.

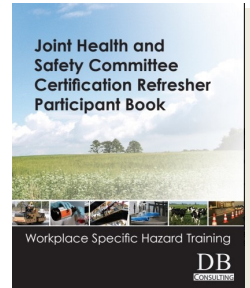
In our March newsletter we published a court bulletin which detailed how the MLTSD charged and fined a company fined \$120,000 for failing to ensure that the measures that the measures and procedures prescribed by Reg. 851 S 21 were carried out at the workplace, contrary to section 25(1)(c) of the OHSA and cited a recommendation by the JHSC to prove that the employer had been aware of a hazard prior to the incident.

## Joint Health and Safety Training (In Class and Distance Learning)

In general, your joint health and safety committee certification is valid for 3 years after the successful completion of an approved JHSC Part 2 training program. You must successfully complete a refresher program within three years of the date of certification, or the date of successfully completing a refresher program, to keep your certification valid.

Safetyscope can help with:

- In Class sessions for JHSC Part 1, Part 2 and Refresher Training
- Distance Learning (Virtual) Training utilizing DBC Inc. MLTSD approved Joint Health and Safety Refresher training courses.



## Confined Space Simulator

For your in-house training needs, Safetyscope has a confined space simulator that can be brought to your site. To access the info sheet [Click Here](#)



## Online Training with InFuse

Safetyscope has partnered with InFuse Compliance Systems to offer a full turn-key Health & Safety solution that includes a robust suite of Online Training. For more information [Click Here](#)



## Safetyscope's Public Training Sessions

With our COVID-19 procedures in place, Safetyscope is now holding regular public training sessions in Working at Heights, Working at Heights Refresher and Confined Space Awareness.

## Safetyscope staff are 100 percent vaccinated.

All students coming to our training will need to show ID and vaccination certificates. If your organization requires any additional courses, please contact us with your training needs at [training@safetyscope.net](mailto:training@safetyscope.net).

## Safetyscope Continuing to Maintaining Registration as an OWWCO Training Provider

These courses meet the criteria in subsection 29(4) of O.Reg. 128, Certification of Drinking Water System Operators and Water Quality Analysts. On Completion of training all participants will receive a certificate of completion with corresponding CEU Value.

1. Working at Heights	.7 CEU
2. WHMIS 2015	.4 CEU
3. TDG	.4 CEU
4. Working in Confined Spaces Rescue Level	2.8 CEU
5. Confined Spaces Attendant Non Entry	1.3 CEU
6. Confined Spaces Advanced Entrant	.7 CEU
7. Confined Spaces Attendant Refresher	.7 CEU
8. Confined Spaces Rescue Refresher	.7 CEU
9. Standard First Aid	1.4 CEU
10. Self Contained Breathing Apparatus	.4 CEU
11. Spill Response	.7 CEU
12. Trenching Hazards	.4 CEU

