

Reg. 851 Amendment Proposal

It was never a question if the 2017 Working at Heights Standard would apply to Industrial Establishments, it was a question of when they would apply. In developing this proposal, the Ministry of Labour has focused on amendments related to working at heights, a high-risk activity that is one of the ministry's topic priorities. The ministry is also proposing amendments that would add new requirements for equipment and hazards to Regulation 851, basing them on provisions already outlined in other sector-specific regulations under the OHSA.

The ministry has prepared a consultation paper for public review and comment which highlights the proposed amendments to Regulation 851.

Proposed amendments to Reg. 851, are intended to:

Update existing requirements regarding guardrails, fall protection, protection against drowning, signallers, eyewash fountains and deluge showers to reflect current workplace practices, processes and technologies;

Add new requirements for **risk assessments** and **traffic management programs** that are similar to recent amendments to Regulation 854 (Mines and Mining Plants);

Add new requirements for **scaffolds and suspended access equipment**, similar to existing requirements currently set out in O. Reg. 213/91 (Construction Projects);

Add new, specific requirements for **storage racks** and for high visibility safety apparel for **signallers** to improve worker health and safety and to improve clarity and transparency regarding compliance expectations; and

Make additional amendments for clarification and to increase alignment between Occupational Health and Safety regulations.

If you want to join in on the discussion download the proposal by clicking the link below and respond before April 6, 2018.

Addition to the Act - S 25.1 Footwear

The issue of employers requiring workers to wear footwear with an elevated heel (i.e., high heels) in the workplace has been raised by and about workers in a number of types of workplaces, such as restaurants (including taverns, bars and nightclubs), retail establishments, hotels, motels and offices. Ontario has now followed the changes in health and safety legislation in British Columbia and the changes to the Occupational Health and Safety Act in Ontario now reflects language.

25.1 (1) An employer shall not require a worker to wear footwear with an elevated heel unless it is required for the worker to perform his or her work safely.

Exception

(2) Subsection (1) does not apply with respect to an employer of a worker who works as a performer in the entertainment and advertising industry.

Definitions

(3) In subsection (2),

“entertainment and advertising industry” means the industry of producing,

(a) live or broadcast performances, or

(b) visual, audio or audio-visual recordings of performances, in any medium or format;

“performance” means a performance of any kind, including theatre, dance, ice skating, comedy, musical productions, variety, circus, concerts, opera, modelling and voice-overs, and “performer” has a corresponding meaning.



Test Yourself

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?

First Correct answer wins a prize – answer to be published on the web site.

Send your answer by email to: newsletter@safetyscope.net

This Months Tip

Keep up-to-date with Legislation!

Accidents happen both on the road and in the workplace.

There are serious consequences if you are not keeping up with employment standards legislation, why wouldn't you also be concerned about changes to the Highway Traffic Act and the Occupational Health and Safety Act and Regulations.

Charges under either of these legislation's could negatively affect both your careers and personal lives.

Think about it.



Highway Traffic Act

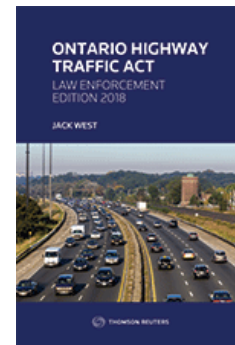
Distracted Driving

According to the Ministry of Transportation you could be charged with distracted driving by: Using your phone to talk, text, check maps or choose a playlist while you're behind the wheel all count as distracted driving – and they put you and others at risk. Other activities like eating, reading or typing a destination into a GPS are also dangerous when you're behind the wheel.

Penalties

If you have an A, B, C, D, E, F and/or G license, you'll face bigger penalties when convicted of distracted driving:

- a fine of \$490, if settled out of court (includes a victim surcharge and the court fee)
- a fine of up to \$1,000 if a summons is received or if you fight the ticket in court and lose
- three demerit points



Careless Driving

You could face more charges, for careless driving, if you endanger other people because of any kind of distraction. This includes distraction caused by both hand-held (e.g. phone) or hands-free (e.g. Bluetooth) devices.

Section 130 states that every person is guilty of the offence of driving carelessly who drives a vehicle or street car on a highway without due care and attention or without reasonable consideration for other persons using the highway and on conviction is liable to:

Penalty

- A fine of not less than \$400 and not more than \$2,000 or
- to imprisonment for a term of not more than 6 months, or
- to both, and
- in addition his or her license or permit may be suspended for a period of not more than two years.

Bill 158 - Penalty Amendments

Protecting Vulnerable Road Users Act, 2017 amends the Highway Traffic Act.

It is about the legal consequences of a collision that seriously injures or kills a pedestrian, a cyclist, a mobility device user, a roadway worker, an emergency responder outside their motor vehicle or another individual listed in the bill.

It is already in the Highway Traffic Act waiting : On a day to be named by proclamation of the Lieutenant Governor, section 130 of the Act is repealed and the following substituted: (See: 2017, c. 26, Sched. 4, s. 17)

Suggested Penalty (S130 (1))

On conviction under subsection a person is liable to

- a fine of **not less than \$2,000 and not more than \$50,000** or
- to **imprisonment for a term of not more than two years**, or
- to both, and

in addition his or her driver's licence or permit may be **suspended for a period of not more than five years**.

Criminal Code of Canada

Dangerous Driving

If convicted of careless driving under the Highway Traffic Act you could be charged with dangerous driving, a criminal offence under the Criminal Code of Canada. Unlike a charge under the Highway Traffic Act, when a person is charged criminally, their photograph and fingerprints are taken and they will have a police file.

Penalty

Dangerous driving is committed when a driver drives with reckless disregard for public safety and it is punishable to a **maximum of five years in prison**, depending on whether the prosecutor proceeds summarily or by indictment.

The penalty is increased to a maximum penalty of either 10 or 14 years depending on whether the person is found guilty of dangerous driving causing bodily harm or dangerous driving causing death. A person found guilty of dangerous driving will have a criminal record of the conviction and also will lose their drivers license for a period of at least one year in Ontario.

In the Courts

Company Fined \$125,000

Nov 2016, a worker was killed at R. J. Cyr Company Inc. while lifting conveyor frames with a crane and placing them on a support structure.

The materials should have been clamped to the support structure before detaching the crane.

The company failed to ensure that machinery, equipment or material that may tip or fall and endanger any worker shall be secured against tipping or falling, as per S 46 Reg. 851.



Regional Blitzes

Provincial Focus

April 2017 – March 2018 - Noise - All Sectors

Jan 15, 2018 - Feb 28, 2017 - Machine Guarding - Industrial

Feb 1, 2018 - Mar 31, 2018 - PPE & High Visibility Clothing - Mining

Regional Focus

Central West

June 1, 2017 - March 2018

Industrial and construction:- Temporary labour agencies – focus on worker training and hazard exposure

Western:

Apr 1, 2017- March 2018

Industrial - Temporary foreign workers on farms – joint with Workplace Safety and Insurance Board (WSIB)

Industrial - Golf courses – joint education and outreach with employment standards officers

Construction - Electrical contact

Safetyscope is a TSSA Approved Training Provider

Safetyscope is an approved training provider for CH-02 construction heaters under 4000,000 btu and tiger torch under the TSSA Authorization Number 000287944.

Safetyscope is a 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 AttendantNon Entry | 1.3 CEU |
| 6. Confined Spaces Advanced Awareness | .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 |



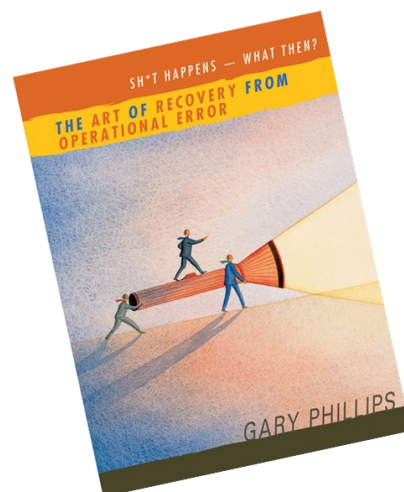
Safetyscope Upcoming Workshops

The Art of Recovery - 2 day Workshop - May 3 - 4

Learn from Gary Phillips, author of the art of Safety and the forthcoming Sh*t Happens - What Then? The Art of Recovery from Operational Error.

You'll learn the latest breakthrough techniques on:

- Investigation as organization intervention
- Who should investigate
- How and why to separate data collection from analysis
- Effective interview skills and techniques
- Dealing with traumatized, aggressive or reluctant witnesses
- Causation analysis
- Recommendation analysis
- Promoting organizational recovery
- Balancing forgiveness and accountability policy



PPE Inspection - Competent Person - 3 day Workshop - May 22 - 24

Gain competency in the thorough examination of Personal Protective Equipment (PPE) using the Petzl protocol and learn how to create an effective PPE-management system.



- Risk assessment and associated decision making.
- Potential hazards associated with the use of PPE for protection against falls from height.
- Legislation and current requirements regarding management of PPE.
- Definition of “competent person.”
- General principles and uses of PPE.
- Employer and PPE inspector responsibilities.
- Understanding a technical notice.
- Principal actions of the examiner: maintenance, returns under warranty, removal of products from service, etc.
- Principal corrective actions: information to provide for the users and/or their management system.
- Necessary tools and work environment to efficiently perform PPE examination.
- Presentation of Petzl Technical Institute PPE examination protocol.
- Pre-use checks, special inspections, thorough examinations, signs and symptoms, significance of any defects, criteria for removal from service.
- Identify defects and damage which would result in the item being removed from service.
- Inspection reporting.

Safetyscope Upcoming Public Courses

- Working At Heights - Feb 23, Mar 9 & Mar 23
- Confined Space Public Courses - March 19-20, April 16-17
- JHSC Certification Part 1 - May 22-23
- Confined Space Rescue - May 28-31
- Competent Supervisor - March 22

Contact Us with your training needs

