

OHSA Fines Increased Dramatically This Decade

Fine amounts imposed against employers and individuals under the OHSA have increased by a factor of 15.

- December 2017, the Ontario Legislature tripled the maximum corporate fine and quadrupled the maximum individual fine.
- July 2022, a director or officer could be fined up to \$1.5 million and all other persons up to \$500,000.
- October 26, 2023, the maximum corporate fine increased to \$2 million per offence.

The obligations are not new for directors and officers. They are part of the overlapping system of duties imposed on workplace parties by the OHSA. Under section 32 of the OHSA a director or officer is required to “take all reasonable care” to ensure the corporation complies with the OHSA, applicable regulations, and any order issued by the Ministry.

It has been rare to see charges against officers and directors who do not have meaningful oversight of the operations at issue. The decision in April 2024, “Eastway” sent a clear warning to Ontario businesses, of all sizes and in all industries, and their owners, officers and directors, that significant fines, even for a first offence, may increasingly be a risk.

In the Eastway case, the Ontario Court of Justice (Ottawa Region) accepted a guilty plea and joint submission on penalty, arising out of a workplace explosion in January 2022 that tragically killed six workers and left a seventh with catastrophic injuries.

The employer, Eastway Tank, Pump & Meter (“Eastway”), was fined \$600,000, while its owner and director, Neil Greene, was fined \$80,000. Both were also fined an additional 25% victim fine surcharge, amounting to a total fine of \$850,000.

Ontario Appeal Court Increased Fine for OHS conviction from \$7,500 to \$40,000

The employer, a Dairy Queen Operator, was originally convicted in August 2019 for failing to ensure the machine was guarded to prevent access to the exposed spindle, as prescribed by S 24 of the Reg 851 contrary to S 25(1)(c) of the OHSA.

This failure resulted in a 16-year-old worker suffering a critical spinal injury when her hair became entangled in a rotating spindle of an ice cream blending machine at a fast-food restaurant. The young worker was hospitalized for two weeks, remained on bedrest for “quite a while” and couldn’t attend school for an entire semester.

According to court documents, the machine had a plastic safety guard intended to eliminate exposure but was removed at the time of the incident by the shift leader. Another troubling fact was the injured worker had, on an earlier shift, inquired why some employees used the plastic guard and some did not. She was told by a shift leader she was not required to use the guard.

The justice of the peace in this case set the fine at \$7,500, despite the Crown's request for a \$75,000 fine. The Crown's subsequent appeal to the Ontario Court of Justice was dismissed, prompting an appeal to the Court of Appeal for Ontario.

In September, 2024 the Appeal court justices hearing this case at the highest level of court in Ontario felt raising the fine to \$40,000 was appropriate plus the 25 per cent victim fine surcharge as required by law.

Employers should take note of this ruling and revisit their significant legal obligations to protect workers that must include training and competent supervision. In the most general sense, the OHSA requires employers to provide information, instruction and supervision to a worker to protect their health or safety.

Lack of training and competent supervision was at the heart of an Ontario Court of Appeal ruling to increase fine for employer convicted of failing to provide machine guarding.

Safetyscope can help with [Competent Supervisor Training](#) for all Supervisors and Senior Management.

Prevention Certification Management System

In the MLITSD September 2024 “What's New” electronic newsletter the ministry indicated that it is adding a new employer portal to its certification management system (CMS).

Employers will be able to access and manage their employees’ training records in a centralized location, simplifying compliance tracking and ensuring that certifications for working at heights and joint health and safety committee members are up-to-date. Employers will also be able to submit applications for the Supporting Ontario’s Safe Employers (SOSE) Program.

CMS users can continue to register for courses, update profile information, verify training records, find information about mandatory training and use the eligibility checker to access their training records and determine their eligibility for courses.

It’s Fall - Proactive Steps to Recognize and Address Seasonal Hazards

It’s time for employers to identify seasonal hazards and to take steps to address them and ensure a safe transition into the cooler season.

- Check your HVAC system. Ensure your the system is operating properly, regular maintenance is being done, and vents or ducts are not blocked (e.g., leaves or nests). If workers are accessing the roof, ensure fall protection procedures are in place.
- Ladder hazards - fall and winter tend to bring more blustery winds and if you’re not securing your ladders properly, an incident or fatality can occur. Muddy wet footwear could make your rungs slippery, so watch your conditions around your ladder’s base and keep an eye on them for cleaning and upkeep.
- Adjust outdoor lighting. Check the lights in parking lots, sidewalks, and other walkways to make sure they turn on early enough to ensure good visibility. Ensure shipping and receiving area’s receive the same attention.
- Walking and working surfaces such as scaffolding, rooftops, or even sidewalks, can become covered in leaves and/or snow which not only pose a slip hazard on their own but could also hide other hazards such as holes or ice patches. Make sure that you have a safe and effective plan for keeping these surfaces clear.
- Prepare for the first snowfall. Check shovels, get salt, and arrange/verify snow removal services. Don’t wait until it happens.
- As the days become shorter, another thing to consider is the psychological effect increased darkness may have on employees. There are some people who are diagnosed with seasonal affective disorder (SAD) where symptoms start in the late fall or early winter and go away during the spring and summer. Provide information to employees about the effects of time change. Acknowledge that darker mornings and then the upcoming switch back to Standard Time can affect sleep patterns and lead to fatigue until our bodies adjust. Remind employees to plan accordingly.
- Provide proper backup when employees are sick. Colds, flus and other respiratory illnesses are more common in colder months. People are indoors more often, allowing viruses to pass more easily from one person to another. And the cold, dry air may weaken resistance. Provide your employees with the support and resources they need to take a sick day. Ensure that plans are in place to cover day-to-day responsibilities.

Whatever the season, you need to protect your workers . Make sure you do hazard assessments and never assume that your workforce will just know what to do, communicate with your workers. Don’t let the change in seasons sneak up on you and catch you unprepared.

TPS Group Upcoming Courses 98 Fielding Road, Lively,

Working at Heights

- Oct 7 @ 8:30 am - 4:30 pm
- Oct 21 @ 8:30 am - 4:30 pm
- Oct 28 @ 8:30 am - 4:30 pm

Working at Heights Refresher

- Oct 2 @ 8:00 am - 12:00 pm
- Oct 9 @ 8:00 am - 12:00 pm
- Oct 16 @ 8:00 am - 12:00 pm
- Oct 23 @ 8:00 am - 12:00 pm
- Oct 30 @ 8:00 am - 12:00 pm

Overhead Crane

- Oct 3 @ 8:00 am—4:30 pm

Mobile Elevated Work Platform (MEWP)

- Oct 15 @ 8:00 am - 4:30 pm
- Oct 31 @ 8:00 am - 4:30 pm

Chainsaw Safety Training

- Oct 17 @ 8:00 am - 4:30 pm

Basic Rigging Fundamentals

- Oct 25 @ 8:00 am—4:30 pm

Upcoming Courses 117 White Oak Dr. E Sault Ste. Marie

Working at Heights

- Oct 22 @ 8:30 am - 4:30 pm

Working at Heights Refresher

- Oct 22 @ 12:30 am - 4:00 pm

NATT Safety Services provides safety training and industrial services.

Our training includes CPO-Approved Working at Heights, Confined Space, Power Elevated Work Platform, Forklift, Indoor Fire Extinguisher Simulator training, and much more. We also have several online training courses available. Contact us for a custom quote.

For more information about our safety training and services, [contact us today!](#)

To Register access [Click Here](#)

Court Bulletins Fatalities

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

[September 27, 2024 – Fatality -Norfolk Disposal Services Limited Fined \\$160,00.](#)

A worker was fatally injured after a waste collection truck tipped over on a collection route. The company failed to provide information, instruction and supervision to a worker to ensure they were able to operate the vehicle safely, as required by section 25(2)(a) of the OHSA, contrary to S 66(1) of the Act.

Workplace Fatalities Being Investigated by MLITSD in Sept 2024

Sept, 17 - The MLITSD is investigating a fatality when a worker, employed by Matthews Equipment Limited/Herc Rentals died as a result of equipment flipping over. The employer, was issued two requirements, according to the MLITSD.

On Sept. 20, the MLITSD received word of "an incident," at Hamilton steel maker ArcelorMittal Dofasco. The worker who was killed while on the job at Hamilton steel maker ArcelorMittal Dofasco, died after being pinned between two trucks.



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

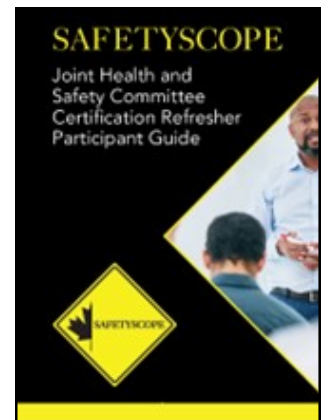
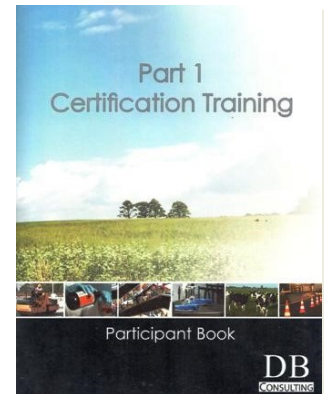
Safetyscope can help with:

- In Class sessions for DBC Inc. JHSC Part 1 and JHSC Part 2
- Distance Learning (Virtual) Refresher training utilizing DBC Inc. approved training
- In Class sessions for Safetyscope JHSC Refresher Training

Safetyscope is an approved provider

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

- Safetyscope is an approved provider for JHSC Refresher Training
- Safetyscope is an approved provider for Working @ Heights Training
- Safetyscope is an approved provider for W@H Refresher Training
- Toronto Water Approved Provider for Working at Heights
- TSSA Approved Training Provider
- Corrections Canada Approved provider for



Safetyscope's and NATT Safety Services Public Training Locations

[2501 Rutherford Road Unit 22](#) Vaughan, ON 416.231.3752

[98 Fielding Road Lively, ON](#) Toll Free 1.866.244.3334

Unit 1, 3524 Coons Rd. Brockville, ON 1.888.294.1943

117 White Oak Drive East, Sault Ste. Marie, ON 249.889.6160



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	.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



SAFETYSCOPE



2024 SCHEDULE

First Day Attendant Course
Time: 8:00 am – 4:00 pm
Second Day ½ day Entrance Course
Time: 8:00 am – 12:00 pm

January	22 - 23
February	12 - 13
March	18 - 19
April	15 - 16
May	13 - 14
June	17 - 18
July	15 - 16
August	12 - 13
September	16 - 17
October	14 - 15
November	11 - 12
December	16 - 17



Competent Supervisor
1 Day Course

Time: 8:00 am – 4:00 pm
 February 28
 April 25
 June 27
 August 29
 October 24



Day 1 - Emergency Level/Recertification
Day 2 - Standard First Aid Level C

Time: 8:00 am – 4:00 pm
 February 5 - 6
 May 6 - 7
 August 5 - 6
 November 4 - 5



Working At Heights
1 Day Course

Time: 8:00 am – 4:00 pm

January	12 & 26
February	9 & 23
March	8 & 22
April	12 & 26
May	10 & 24
June	7 & 21
July	5 & 19
August	2, 16 & 30
September	13 & 27
October	11 & 25
November	8 & 22
December	6 & 20



Working At Heights Refresher
1/2 Day Course

Time: 8:00 am – 12:00 pm

January	5 & 19
February	2 & 16
March	1 & 15
April	5 & 19
May	3, 17, & 31
June	14 & 28
July	12 & 26
August	9 & 23
September	6 & 20
October	4 & 18
November	1, 15 & 29
December	13 & 27



JHSC Part 1 Certification
Dwight Barratt Inc. - 3 Day Course
Time: 8:00 am – 4:00 pm

March	25 - 27
August	19 - 21
November	25 - 27



Part 2 and Refresher also available

Confined Space Rescue
4 Day Course

Time: 8:00 am – 4:00 pm

May 27 - 30
 December 9 - 12



Course held at the SafetyScope Training Centre
 2501 Rutherford Road Unit 22 Vaughan, Ontario L4K 2N6
 Phone: 416.231.3752 E-mail: info@safetyscope.net