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# How to Avoid a Ministry of Labour Visit

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# Goal

- To be able to predict, and avoid a Ministry of Labour (MoL) visit (if possible)

# Agenda

- MoL role and mandate
- Reasons to visit
- MoL intervention strategies
- Safe At Work Ontario
- Selecting a workplace for inspection
- Sector plan – Education sector
- Summary and discussion

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# Ministry of Labour and its Partners

- MoL's role:
  - is to set, communicate and enforce Health and Safety Standards
  - OHSA and its Regulations
- WSIB's role:
  - focuses on insurance and prevention
- Health and Safety Associations role's:
  - concentrate on consultation, training and education

# Why Would they Visit?

## Inspection

- Unannounced
- Often unexpected
- Usually a single visit
- Audit of culture
- Audit of conditions
- Outcome
  - orders
  - stop work orders
  - part one tickets

## Investigation

- Response to an event
- Often stressful event
- Often multiple visits
- Looking for cause
- Looking for contraventions
- Outcome
  - decision
  - orders
  - stop work orders
  - part 3 prosecutions

# The Ministry's Goals

- Reduce critical injuries and fatalities
- Reduce lost-time injuries (LTIs)
- Lessen the burden on the health care system
- Avoid costs for employers and the WSIB
- Provide a level playing field for compliant companies
- Improve health and safety culture within the workplace

# Fostering a Culture of Safety

- The Ministry continues to foster a safety culture by ensuring compliance with the OHSA and by considering prosecution whenever this is warranted. By continuing to deter non-compliance, the ministry encourages safer workplaces, an important first step in developing a true culture of workplace health and safety”
- “The Ministry will concentrate on ensuring that an effective Internal Responsibility System (IRS) is in place, supported, where required, by a well-functioning Joint Health and Safety Committee. This is central to supporting the development of sustainable compliance through sustainable workplace health and safety culture”

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# Health and Safety Workplace Culture

A strong health and safety workplace culture consists of:

- **Competence** (appropriate knowledge and training, systems for responding to events, properly functioning JHSC and other IRS components)

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# Health and Safety Workplace Culture

A strong health and safety workplace culture consists of:

- **Commitment** (demonstration by the employer of leadership on safety, appropriate policies and procedures to protect workers, low tolerance for poor health and safety practices, insistence upon full compliance), and

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# Health and Safety Workplace Culture

A strong health and safety workplace culture consists of:

- **Capacity** (adequate resources for preventing injuries, good system for obtaining assistance from HSAs and the WSIB)

# Inspection Selection Process

- Relatively high injury rates and associated costs
- Poor compliance history
- Sector specific hazards inherent to the work
- New or small business
- Specific past events or incidents (e.g. critical or fatal injuries, refusals or violence)
- Complaints from workers or others
- New, young or vulnerable workers

# Why are Certain Firms Inspected?

Under *Safe At Work Ontario*, firms may be identified for proactive inspection for various reasons, including:

- Poor injury rate performance history, as assessed by WSIB data according to specific assessment variables
- Poor compliance history, where previous contraventions existed or enforcement action was required
- Sector-specific hazards inherent to the activities of the business
- The occurrence of specific past events, including critical and fatal injuries, injuries to young workers, or injuries associated with violence
- Complaints from workers or others
- Other characteristics of the firm, including new or small businesses, firms with new, young, or otherwise vulnerable workers

# Industrial Program Blitzes for 2009/10

- MSD - April 2009
  - First cross program blitz
- New and Young Workers - June 2009
- Falls Prevention - September 2009
- Hazardous Materials - November 2009
- Lifting Devices & forklifts - February 2010

# Industrial Sector Plan 2008/09

## Sector Summary - Education

- **Description**
- Early Education Centres; Elementary, Secondary, Post-Secondary Schools; Colleges and Universities; driving schools; other educational services; libraries; museums
- **Size**
- 72 district public and catholic school boards and 33 school authorities (for geographically isolated boards and hospital school boards) - source: Ministry of Education
- Number of Registered Premises = 7,387
- Number of Registered Workers = 381,699

# History of LTIs 2006

■ LTIs/100=0.6	LTIs=876.0
■ University Education	379.0
■ Elementary/Secondary	208.0
■ Child Daycare/Nursery	178.0
■ Post Sec. Non University	62.0
■ Other Educational Services	21.0

# Environment

- Growth Trends: jobs increased by 19,500 in education in 2007 (Ministry of Finance statistic)
- Budgetary constraints used as reasons for non-compliance in many areas such as ventilation, Joint Health and Safety Committee functioning, mould, violence prevention, etc.
- More contracting out of services e.g. cafeterias, cleaning, snow removal, etc.
- Older facilities in need of repair and renovation

# Major Hazards

- Slips, trips and falls--same level, ergonomics
- Falls--different level (ladders, chairs, desks)
- Struck by falling/flying objects
- Struck against objects
- Struck by mobile equipment
- Workplace violence
- Contact with sharp objects
- Electrical contacts
- Heat stress
- Mould in portables
- Asbestos in schools

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# Key Issues

- Indoor Air Quality
- Multi-site JHSCs and arrangements/revisions to multi-workplace agreements
- Motor vehicle incidents
- Joint Health and Safety Committee representation (with multiple unions) and Certification (including school principals)

# Enforcement Direction

- It is recommended that Inspectors pay particular attention to the following:
- Regular workplace inspections and Joint Health and Safety Committee meetings
- Previous incidents of workplace violence and the workplace violence prevention program
- Musculoskeletal Disorders (MSD) hazards such as handling of students with physical disabilities
- Ladder use

# What Does an Inspector Look for?

Among the many factors that inspectors will examine are:

- compliance with the Occupational Health and Safety Act and its regulations
  - health-and-safety policies and programs
  - Internal Responsibility System--self reliance
  - JHSC minutes
  - training requirements/deficiencies
  - record of injuries, including musculoskeletal disorders (MSDs)
  - occurrence and record of workplace violence
  - young worker health and safety
- workplace-specific sector hazards

# Young Workers

- The MoL treats young worker safety seriously
- MoL inspectors will check to determine if employers have programs in place that address young worker safety, including:
  - ensuring young workers know their rights and responsibilities
  - orientation for young workers
  - job-specific training
  - adequate supervision (“competent” supervisors)

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# Any Questions?

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# Contact Information

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