



ESAO

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High Risk and Last Chance Firms

By now most of our clients have heard of the Ministry of Labour initiative to focus attention on the firms having the most accidents.

Over the last year pilot programs have been run, jointly by the MoL and the WSIB, in several industrial and construction sectors, and the results clearly indicate that those firms having the most accidents do improve when Ministry inspectors begin to visit. As a result the MoL has decided to extend the initiative to include all sectors of employers in Ontario.

Many of our clients may not realize that process actually includes two initiatives:

1. The High Risk Firms Initiative is operated solely by the Ministry of Labour. Using accident frequency data from the WSIB, they identify the 2% of firms with the very worst records, and visit them four times per year in an effort to help them improve their performance.
2. The other initiative, called the "Last Chance Initiative", is aimed at firms almost, but not quite, in the worst 2%. In theory, they will not be the focus of Ministry attention during the first year of the High Risk Initiative, but when the worst firms improve, they will be next. Hence the name – the "Last Chance Initiative". This is the last chance those firms will have to improve their

performance before the Ministry targets them.

Each association works with the WSIB and the Ministry of Labour and receives a list of firms in their sector that have accident records that put them either in the High Risk or Last Chance category. There is no duplication – firms cannot be on both lists. The Safe Workplace Associations have been asked by the MoL to work with the "Last Chance Firms". The hope is that firms will choose to work with their Safe Workplace Association and improve their record so that they never end up on the High Risk Firm list.

In education, the situation is made more confusing by the fact that many of our firms are Schedule 2 firms. As they do not report payroll or employee data to the WSIB, frequency calculations are not possible. This is being addressed by the Ministry and the WSIB, and a solution is not far off. In the meantime, many Schedule 2 firms believe that they are exempt from the High Risk or Last Chance initiatives.

In the education sector, there are 7,500 compensable injuries per year. Over 6,000 of these occur in our Schedule 2 firms, and most of those occur in schools. Schools have almost four times the number of compensable injuries of universities, colleges, libraries, museums and art galleries combined. The overall objective of the High Risk and Last Chance initiatives is to bring the number of injuries in Ontario workplaces down. If we are to do this in education sector workplaces, we need to ensure that schools are included.

The Ministry developed the list of High Risk firms in the education sector, based on data from the WSIB. Many of those firms have already been visited by Ministry inspectors. In the meantime, we will begin our Last Chance initiative, primarily in the schools, between Thanksgiving and Christmas. During 2006, we will contact the colleges, universities and libraries that are on our

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"Last Chance Initiative" list. While participation is voluntary, we hope that many, if not all of our clients will choose to work with us to reduce the number of accidents in their workplaces.

Our goal is not to identify who is doing a good job and who is not. This is not about who has a high accident frequency, and who is a worse performer. This is about all of us working together to make the education sector workplaces safer.

For further information on this initiative, contact Dwight Barratt at dbarratt@esao.on.ca.

Thunder Bay School Board Fined \$75,000 for Violation

THUNDER BAY, Ont. – A Thunder Bay School Board, which operates 22 schools in the Thunder Bay area, was fined \$75,000 today for a violation of the Occupational Health and Safety Act that resulted in serious injuries to an employee.

On November 9, 2004, a custodian was plugging in a vacuum cleaner into an electrical outlet in a classroom when the custodian saw an arc of electricity and heard a crackly noise. An electrical shock rendered the custodian unconscious. A Ministry of Labour investigation found the electrical outlet was damaged and not functioning properly at the time of the incident. The custodian did not normally work at the school, but had been called in to replace a worker. The custodian did not receive any permanent injuries as a result of receiving the shock. Two other people had also previously received shocks from the same

outlet. The incident occurred at a school in Thunder Bay.

The School Board pleaded guilty, as an employer, to failing to ensure the electrical outlet was maintained in good condition. This was contrary to Section 25(1)(b) of the act.

The fine was imposed by Justice of the Peace Robert Michels of the Ontario Court of Justice in Thunder Bay. In addition, the court imposed a 25-per-cent victim fine surcharge, as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

New ESAO Website – More User Friendly

In May, 2005, ESAO launched its new website, after 6 months of development.

Individuals visiting the new website have commented on the new look and how "user friendly" the website is. Many have also commented on the enhanced search function.

If you have not visited the ESAO website in a while, you might want to take a look at it and try out the "search function".

To access the ESAO website, visit www.esao.on.ca.

YOU ASKED US!

ESAO and its staff receive many inquiries and questions on a wide array of topics. Some questions of a general nature will be included in this section of newsletter for the

information of all clients. **In all cases, ESAO attempts to obtain the most accurate and up-to-date answer possible.** We do not assume to take the regulatory responsibility for a certain situation, and the client is advised to contact the regulator responsible.

Question 1:

Where in the act does it require WHMIS Review/Training?

Answer:

The requirements for WHMIS are spelled out in Regulation 860, which is in our booklet at page 601. The requirements for training are all listed here, BUT the requirements for annual re-training are not. Section 6 deals with worker education. Subsection 3 says that the employer is responsible to ensure that the training provided is adequate to enable the worker to use the information to protect their health and safety.

If you accept the fact that WHMIS training is required by regulation 860, then you can go back to the Occupational Health and Safety Act, Section 42 (our book page 34) where it says in subsection 1 that the employer is responsible for any training prescribed. Subsection 3 says that the employer, with the committee, must review the training and instruction provided at least annually, and the workers familiarity with that training.

WHMIS training must have a "workplace specific" component. For many "low risk" occupations educating them in the "core" or "basic" WHMIS knowledge, as well as knowing how and where to access MSDS, emergency procedures and disposal procedures should suffice and meet the intention of the regulation. With occupations that pose a "higher risk" or "higher exposure" to controlled substances there should be a "skills" component on how to use certain chemicals safely and be "job specific".

For example job specific WHMIS training for the technical or trades areas

may not be the same for a labourer or professional worker.

At the end of the day, most employers decide that it is easier to simply do a generic re-training than to figure out a way to determine each workers familiarity with the program and then re-train those who actually need it.

To look at what the MOL says about this legislation click on the link (Workplace Hazardous Materials Information System (WHMIS): A Guide to the Legislation)below <http://www.labour.gov.on.ca/english/hs/whmis/index.html>

Office Chairs – What is the Requirement?

There is still a lot of confusion when it comes to chairs used in the workplace. What's correct? Five pedestal or four pedestal? Hopefully this explanation will help you in understanding the complexities of the "chairs".

Four or fewer spoke office chairs, with or without casters, are not illegal. They are usually sold as "executive" or "task" chairs.

You can find them on most manufacturers' WEB sites but they generally are not included in publicly published catalogues to discourage people from buying them as "inexpensive" alternatives.

The CSA standard for offices, which most clients reference, is actually the standard for computer workstations.

Chair standards are actually manufacturer's standards based on structure and stability.

The stability of a chair is based on the location of the center of gravity while occupied relative to the "effective width" of the base. If the center of gravity moves due to poor construction (offset or moving seats, loose fittings, poor casters etc.) then the movement also has to be taken into consideration.

i.e. - the spokes on a four spoked chair have to be about 15% (more if poor casters are used) longer than the spokes on a 5 spoke chair to have the same stability if all other factors are the same. If a four spoke chair has long enough "prongs" it will be as stable as a 5 legged chair with shorter "prongs".

If you think back to the time period of the 70's to early 90's, chairs with very narrow bases, screw mounted seats and backs and pinched butt welds were common. They were produced to meet the requirements of "lowest bidder" since most organizations didn't have specific standards and there where no national standards at the time.

Four legged chairs are cheaper to package and ship. For many manufacturers shipping was as expensive (or more expensive) than the actual manufacturing. The result is that public buildings were full of stools that collapsed, chairs that tipped, chairs whose backs or legs bent or broke off, and are generally very poorly designed (but inexpensive) office furniture. This resulted in the push to only purchase more stable chairs, which at that time had to be either custom made, flared based or 5 spoke based.

The current standards have been in place for only 5 years. Before that there were just various guides and recommended practices with the CCOHS office information sheets usually used as the recommended Canadian guideline.

The requirements for chairs / stools etc. are a combination of best practices, standards and manufacturer's standards required to be met to enable them to list their product as meeting CSA, ISO or ANSI standards.

Note: generally standards are not retroactive which means that chairs purchased before the standard was adopted do not have to be discarded. Four legged work stools/chairs are still approved if they meet other stability requirements (height vs width where the legs meet the floor). However if an accident occurs with an older chair the employer/supervisor would have to be able to prove that the continued use of an older design was "reasonable".

Canadian Standards for office furniture (Video work/computer based office):

CAN/CSA-ISO 9241 (or CSA-Z412) - In Canada CSA has adopted the ISO (International Standards Organization) Standard 9241 which is based on the United States ANSI/BIFMA (General Purpose Office Chairs) standard. It specifies the ergonomic principles, which apply to the user and designers of workstation equipment for office tasks using VDTs. The general principles and requirements specified apply to the technical design of the furniture including seating and equipment.

Standard 9241 (ANSI 5x) is based on a collection of information and guidelines available in the 1980s and early 1990s. The standard currently has 17 parts. The first part was formally adopted in 1997 and the final version with all parts was completed in 1999. There have been several updates since.

Canadian Manufacturer Standards:

Manufacturers must meet the following (and other) Canadian General Standards Board (Federal Board managed by CSA) standards to meet the CSA/ISO standard.

If a product meets any of these standards it is "approved for use"

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CAN/CGSB-44.232 Task Chairs for Office Work with Visual Display Terminals CAN/CGSB 44.15M Straight Stacking Chair, Steel (Except for: 4.1.1.3, 4.1.1.4, 4.1.6)

CAN/CGSB-44.119-M89 Chair, Swivel Casters for Carpeted or Hard Surface Floors (Except for: 4.4, 4.5, 4.6, 4.8, 4.9, 4.11, 5.2)

CAN/CGSB-44.155M Chair, Rotary, Arm, Posture Back, Metal Frame (Except for: 4.1, 4.4, 5.2.1.2, 5.2.2, 5.2.3, 5.2.6, 5.3, 5.4.2, 6, 7.1, 7.2.5)

CAN/CGSB-44.156M Chair, Rotary, Secretarial, Posture Back, Metal Frame (Except for: 4.1, 4.4, 5.2.1.2, 5.2.2, 5.2.3, 5.2.6, 5.3, 5.4.2, 6, 7, 7.2.4)

Professional Development Needs 2005 - 2007?

This year the ESAO Annual Conference slated for June was cancelled, and replaced with a Professional Development Week.

It was a tremendous disappointment for many ESAO clients, as well as for the ESAO staff. Each year we looked forward to getting together, learning, and ultimately helping to make your workplaces safer.

There were many reasons for cancelling this year's conference. In general, we were concerned about the level of professionalism that could have been achieved had the conference gone ahead.

ESAO has been very proud of all the conferences that it has held. We were worried that due to internal and external pressures on the ESAO resources, had we gone

ahead with the conference we would have not only disappointed you, our client, but would have also disappointed our staff who pride themselves in the level of service that we provide.

We did, however, go ahead with the Professional Development week where we offered many certificate professional development courses. For the first time ESAO offered a Phase 2 Train-the-Trainer course. Also, we had the CRSP examination preparatory course. Many clients, as well as non-clients took advantage of these as well as many other courses provided during that week.

As we look forward to 2006, ESAO is still facing the same level of internal and external pressures including a major restructuring of the ESAO head office and its staff. Major conferences of this kind require 12 months of preparation. As we near the latter part of 2005, we see that a 2006 conference of the calibre that we expect is again not possible.

We do hope to have another professional development week around May or June of 2006. Are there certificate courses that you would like us to host during this week? What professional development training do you want or need? Do you need to train Trainers in Phase II or WHMIS?

If you have any suggestions for this PD week, please let Derek Zulesky Director, Client Services know by emailing him at

dzulesky@esao.on.ca

What about 2007? Could the annual ESAO conference return? It is a possibility, and we should know near or around June 2006.

ESAO REGIONAL WORKSHOPS

The following workshops have been booked for September to December by the **ESAO Field Consultants**. Any client interested in attending one or more of the following workshops should directly contact the Field Consultant responsible for the activity. If you are interested in hosting or attending workshops in your area contact your local area consultants or email us at esao@esao.on.ca

Niagara - Bill Urie

Topic: Safety In Special Education
Date: October 13th, 2005
Location: Mohawk College, 135 Fennel Avenue W. Hamilton, ON

Topic: Dealing with Angry People
Date: October 17
Location: McMaster University

East – Jean-Guy Raymond

Topic: Workplace Inspection
Date: October 13th, 2005
Location: Renfrew County DSB 499 Pembroke Street

Topic: Principals Due Diligence
Date: October 13th, 2005
Location: Renfrew County DSB 499 Pembroke Street

Georgian Bay - Normand Belanger

Topic: Workplace Inspection/Student Placement
Date: October 15th, 2005
Location: Georgian Staffing Services, 50 Hune Street, Collingwood, ON

Topic: Workplace Inspection
Date: November 24th, 2005
Location: University of Guelph, 126 Christie Lane, Like Time Learning Centre - Ontario Vet College, Room 1715, Guelph, Ontario

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South West - Ed Hager

Topic: Dealing with Angry People
Date: October 14, 2005
Location: Multi-Cultural council of Windsor & Essex County
245 Janette Avenue, Windsor, ON

Topic: Dealing with Angry People
Date: October 26, 2005
Location: The Workplace – County Outreach – 265 Front St., Sarnia, ON

Topic: Health and Safety Orientation
Date: November 9, 2005
Location: Huron-Perth CDSB, 87 Mill Street Dublin ON N0K 1E0

Topic: Dealing with Angry People
Date: November 11, 2005
Location: Woodstock Public Library, 445 Hunter St. Woodstock, ON

Topic: Working Alone Workshop
Date: November 15, 2005
Location: London – Western IAPA - 1069 Wellington Rd S. London, ON

Topic: Dealing With Angry or Difficult People
Date: November 22, 2005
Location: London – Western IAPA - 1069 Wellington Rd S. London, ON

Topic: Supervisors Due Diligence
Date: November 29, 2005
Location: Kings's University College, London, ON

Topic: Dealing With Angry or Difficult People
Date: December 12, 2005
Location: London Regional Museum, 21 Wharncliffe Rd S. London, ON

North West - Brian Smith

Topic: Dealing with Angry People
Date: October 14, 2005
Location: Northwestern (Diesel)World Wide Training
195 Gore St E thunder Bay ON

Topic: Dealing with Angry People
Date: October 18, 2005
Location: Rainy River DSB
522 Second St E Fort Francis, ON

Topic: Accident Investigations
Date: October 19, 2005
Location: Thunder Bay Public Library. 254 Red River Road, Thunder Bay, ON

Topic: Working Alone Workshop
Date: October 14, 2005
Location: Northwestern (Diesel)World Wide Training
195 Gore St E Thunder Bay ON

Topic: Slips, Trips & Falls Presentation w/resource books
Date: October 26, 2005
Location: Lakehead DSB, 2135 Sills Street, Thunder Bay, ON

GTA East - Mike Atkinson

Topic: Supervisors Due Diligence
Date: October 20, 2005
Location: Archdiocese of Toronto Toronto, ON

GTA West – Janice Gallant

Topic: Supervisors Due Diligence
Date: December 2, 2005
Location: Peel DSB, 5650 Hurontario St.

Francophone – Alain Chenard

Topic: Inspection du Lieu de Travail
Date: le 31 octobre 2005
Emplacement: Le Conseil scolaire de district Catholique Franco-Nord
681 C, Chippewa St. W, North Bay, ON

Topic: Inspection du Lieu de Travail
Date: le 21 Novembre 2005
Emplacement: Le Conseil scolaire de district Catholique Centre-Sud

110, Avenue Drewry, Toronto, ON
Topic: Inspection du Lieu de Travail
Date: le 22 novembre 2005
Emplacement: Le Conseil scolaire de district Catholique Centre-Sud
110, Avenue Drewry, Toronto, ON

Topic: Enquête Sur un Accident
Date: le 22 novembre 2005
Emplacement: Le Conseil scolaire de district Catholique Centre-Sud
110, Avenue Drewry, Toronto, ON

ESAO REGIONAL COURSES & CLIENT NETWORK MEETINGS

The following activities have been booked for September to December by the **ESAO Field Consultants**. Any client interested in attending one or more of the following sessions or courses should directly contact the Field Consultant responsible for the activity.

Should you have problems or concerns regarding a scheduled activity, or wish to attend, please contact your ESAO Field Consultant or the ESAO Toronto office at 1-877-732-3726 or via email at esao@esao.on.ca.

Niagara - Bill Urie
(905) 312-9962

October 6, 13 & 20, 2005
Basic Certification
Grand Erie DSB Brantford, ON

November 8 – 10, 2005
Basic Certification
District School Board of Niagara
Niagara, ON

Workplace-Specific Hazard Training
October 12, 26, 27, 31 and November 3, 2005
Hamilton DSB Hamilton, ON



Workplace-Specific Hazard Training
November 21, 2005
Grand Erie DSB
Brantford, ON

Workplace-Specific Hazard Training
November 24, 2005
Grand Erie DSB
Brantford, ON

Workplace-Specific Hazard Training
December 1, 2005
Grand Erie DSB
Brantford, ON

Client Network Meetings:
October 28, 2005
Niagara, ON
Location: TBA

Francophone – Alain Chenard
(613) 837-2042

14, 15, et 16 novembre, 2005
Basic Certification - French
La Cite Collegiale
Ottawa, ON

WHMIS Train-the-Trainer:
17 et 18 octobre, 2005
La Cite Collegiale
Ottawa, ON

East – Jean-Guy Raymond
(613) 592-4491

October 11, 12, 13, 2005
Basic Certification
Pembroke, ON

November 1, 2, 3, 2005
Basic Certification
Renfrew County DSB
Pembroke, ON

Workplace-Specific Hazard Training
Date: November 4, 2005
Topic: Biological, Chemical, Confined Space and Driving Hazards
Catholic DSB of Eastern Ontario

Workplace-Specific Hazard Training
Date: November 18, 2005
Topic: Energy, Environmental, Ergonomic and Fire & Explosion Hazards
Catholic DSB of Eastern Ontario

Workplace-Specific Hazard Training
Date: November 25, 2005
Topic: Machine, Noise, Physical & Slips and Falls Hazards
Catholic DSB of Eastern Ontario

Workplace-Specific Hazard Training
Date: December 2, 2005
Topic: Working Alone, Working at Heights and Violence Hazards
Catholic DSB of Eastern Ontario

WHMIS Train-the-Trainer:
October 27 & 28, 2005
Renfrew County DSB
Pembroke, ON

North East - Doug Bennett
(705) 476-7433

November 7,8, and 9, 2005
Basic Certification
North Bay, ON
Location: TBA

Client Network Meetings:
October 6, 2005
Timmins, ON
Location: TBA

Client Network Meetings:
October 20, 2005
Sault Ste Marie, ON
Location: TBA

Client Network Meetings:
October 27, 2005
Sudbury, ON
Location: TBA

North West - Brian Smith
(807) 344-6017

September 19, 20, & 21, 2005
Basic Certification
Dryden, ON
Keewatin-Patricia DSB

October 3, 4 & 5, 2005
Basic Certification
Nipigon, ON
Superior-Greenstone DSB

November 8, 9, & 16, 2005
Basic Certification
Lakehead DSB, Thunder Bay, ON

Workplace-Specific Hazard Training
September 22, 2005
Dryden, ON
Keewatin-Patricia DSB

Workplace-Specific Hazard Training
October 6, 2005
Nipigon, ON
Superior-Greenstone DSB

Workplace-Specific Hazard Training
November 17, 2005
Lakehead DSB - Thunder Bay, ON
Slips & Falls, Violence, Environmental Hazards

Client Network Meeting
November 30, 2005
Location: TBA

South West - Ed Hager
(519) 264-9738

November 7, 14 & 21, 2005
Basic Certification
Location: TBA

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WHMIS Train-the-Trainer:
October 20 & 21, 2005
London, ON
Location: TBA

Client Network Meetings:
November 1, 2005
London, ON
Location: TBA

GTA East - Mike Atkinson
(416) 466-1923

September 19, 20, & 21, 2005
Basic Certification -Toronto
Toronto Public Library
Toronto, ON

October 4, 5, & 6, 2005
Basic Certification -Toronto
Centennial College – Admin
Building
Toronto, ON

November 9, 10, & 11, 2005
Basic Certification -Toronto
4950 Yonge Street, 15th floor
Toronto, ON

GTA West: - Janice Gallant
(905) 566-5056

October 4, 6, & 12, 2005
Basic Certification Training
Halton Catholic DSB
Burlington, ON

October 25, 26, & 27, 2005
Basic Certification
Fastrack Centre for Skills Dev.
Burlington, ON
(QEW & Guelph Line)

Client Network Meeting:
November 22, 2005
Museum & Art Centres
Location: TBA

Central Lakes - David Roger
(705) 876-1001

October 25, 26, & 27, 2005
Basic Certification Training
Peterborough, ON
Location: TBA

Client Network Meeting:
November 14, 2005
Belleville, ON
Location: TBA

**Georgian Bay - Normand
Belanger**
(519) 623-1654

October 4, 5, & 6, 2005
Basic Certification Training
Location: TBA

WHMIS Train-the-Trainer:
October 19 & 20, 2005
St. Jerome's University
Waterloo, ON

Client Network Meeting:
November 16, 2005
Kitchener/Waterloo, ON
Location : TBA

ESAO Offices & Staff

ESAO serves all Schedule One
firms in WSIB rate groups **810 &
817** as well as Schedule Two firms
in the education sector.

ESAO's Head Office is located at
4950 Yonge Street, Suite 1505,
Toronto, Ontario, M2N 6K1.

**Contact your ESAO Field
Consultant for more information
on any courses or products.**

ESAO - Head Office:

www.esao.on.ca

Phone: (416) 250- 8005 or

Toll Free: 1-877-732-3726

Fax: (416) 250-9190

Have a Safe Autumn – Drive Carefully!

Next Newsletter: December 2005