

MIE - H&S - 01- Introduction

Introduction

The *Occupational Health and Safety Act* protects workers against health and safety hazards on the job.

Workers and employers must share the responsibility for occupational health and safety. This concept of an internal responsibility system is based on the principle that the workplace parties themselves are in the best position to identify health and safety problems and to develop solutions.

Ideally, the internal responsibility system involves everyone, from the company chief executive officer to the worker. How well the system works depends upon whether there is a complete, unbroken chain of responsibility and accountability for health and safety.

Several provisions for the *Act* are aimed at fostering the internal responsibility system. Two important provisions:

(1) The requirement for employers to have a health and safety policy and program; and

(2) The direct responsibility that supervisors have for health and safety. The joint health and safety committee's role is to monitor the internal responsibility system. The *Act* sets out the basic rules of operation for joining the committee.

The Rights of Workers

Within the University of Toronto, "worker" means graduate students, undergraduate students, Post-Doctoral Fellows, Visitors to the University, summer students, volunteer students and any other person supervised.

To balance the employer's general right to direct the work force and control the production process in the workplace, the *Act* gives four basic rights to workers.

The right to participate

Workers have the right to be part of the process of identifying and resolving workplace health and safety concerns. This right is expressed through worker membership on joint health and safety committees, or through worker health and safety representatives.

The Right to Know

Workers have the right to know about any potential hazards to which they may be exposed. This means the right to be trained and to have information on machinery, equipment, working

conditions, processes and hazardous substances. The parts of the *Act* that implement the Workplace Hazardous Materials Information System (WHMIS) play an important role in giving workers the right to know.

The right to refuse work

Workers have the right to refuse work that they believe is dangerous to either their own health and safety or that of another worker. The *Act* describes the exact process for refusing dangerous work and the responsibilities of the employer in responding to such a refusal.

The right to stop work

In certain circumstances, members of a joint health and safety committee who are “certified” have the right to stop work that is dangerous to any worker. The *Act* sets out these circumstances and how the right to stop work can be exercised.

Responsibilities of Managers/Supervisors

Within the University of Toronto, the term “Supervisor” means:

- i) employees with supervisory responsibility over other employees,
- ii) Academic supervisors with supervisory responsibility over graduate students, undergraduate students, Post-Doctoral Fellows, Visitors to the University, summer students, volunteer students and any other person supervised.

Attention Managers/Supervisors

You should be aware of the legislated training needs for yourself and your staff. Please ensure that the training is received.

Definition: Supervisor

“Supervisor means a person who has charge of a workplace or authority over a worker”;
OHSA, sect. 1 (1)

Supervisors shall ensure that those activities over which they have control are conducted in a safe manner and in accordance with the University’s policies, programs and applicable

legislation. This can be achieved through:

- responding promptly to employee health and safety concerns
- attending mandatory health and safety training
- reviewing reports of job task risk assessment for their department/unit to ensure that employees receive appropriate training and that controls are in place to prevent injuries
- conducting and recording regular (e.g., semi-annual, annual) workplace inspections
- developing, implementing and maintaining emergency response and standard operating procedures/guidelines on work activities
- implementing and enforcing relevant safety rules and programs (e.g., use of personal protective equipment; advising staff of the existence of any potential and existing health and safety hazards; ensuring staff work in accordance with set instructions, procedures and guidelines; etc.)
- investigating workplace accidents that occur, identify root cause(s) and implementing remedial and preventative action

A Supervisor should:

1. Be knowledgeable about health and safety hazards in the workplace.
2. Maintain an up-to-date inventory and proper labels for all hazardous materials.
3. Ensure availability of MSDS for all chemicals in inventory.
4. Ensure safe disposal of all hazardous materials.

Duties of supervisor (R.S.O. 1990, c. O.1, s. 27)

27. (1) A supervisor shall ensure that a worker,

(a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and

(b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

(2) Without limiting the duty imposed by subsection (1), a supervisor shall:

(a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

(b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and

(c) take every precaution reasonable in the circumstances for the protection of a worker

Duties of Employers

The *Act* imposed duties on those who have any degree of control over the workplace, the materials and equipment in the workplace and the direction of the work force.

There is a general duty on employers to take all reasonable precautions to protect the health and safety of workers. In addition, the *Act* and regulations set out many specific responsibilities of the employer. For example, there are duties that specifically relate to toxic substances, hazardous machinery, worker education and personal protective equipment.

There is a duty on all officers and directors of corporations to ensure that their corporations comply with the *Act* and regulations.

The duties of workers are generally to work safely, in accordance with the *Act* and regulations.

Bill 168: Amendments to the Occupational Health and Safety Act

Definitions

Workplace violence means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- A statement or behavior that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace harassment means:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone

calls.

U of T has developed programs to control and assess potential risks:

- Any act of workplace violence is unacceptable conduct that will not be tolerated. No one shall subject any employee to workplace violence or allow or create conditions that support workplace violence. This Policy applies to activities that occur while on University of Toronto premises and to work-related activities or social events occurring off-campus.
- Any employee who subjects another employee to workplace harassment may be subject to disciplinary action up to and including the termination of his/her employment.
- A student who subjects any employee to workplace harassment will be subject to penalties under the Code of Student Conduct.
- Others who subject any employee to workplace harassment will be subject to penalties that are appropriate in view of their relationship to the University.
- Mechanism for reporting (incident reports) and investigation.
- Summon immediate assistance if required via 82222.

References:

A Guide to the Occupational Health and Safety Act ISBN 0-7794-3-48-4

OH&S Codes and Standards Handbook

Please proceed to take the Test for this section. Answering 3 out of 4 questions correctly is a pass and you may re-take the test if necessary (up to 3 times).