

# Municipal Council Orientation

Health & Safety





## Who We Are

PSHSA serves 1.67 million workers across 10,000 workplaces within broad range of Public sectors and subsectors

 Emergency Services	 Education	 Healthcare	 Government
<ul style="list-style-type: none"><li>• Fire</li><li>• Policing</li><li>• EMS</li><li>• Security</li><li>• Corrections</li></ul>	<ul style="list-style-type: none"><li>• School Boards</li><li>• Universities</li><li>• Colleges</li><li>• Career Colleges</li><li>• Museums</li><li>• Libraries</li></ul>	<ul style="list-style-type: none"><li>• Institutional Health</li><li>• Primary Care</li><li>• Long-term Care</li><li>• Community Care</li><li>• Diagnostic Services</li><li>• Public Health</li><li>• Mental Health</li><li>• Treatment Services</li></ul>	<ul style="list-style-type: none"><li>• Municipal Government</li><li>• Provincial Government</li><li>• Transit</li><li>• Recreation</li><li>• Public Works</li><li>• First Nations</li></ul>



## Purpose

- To provide fundamental health and safety information to Municipal Councils (e.g. mayors, reeve, counsellors, or aldermen)



# Why Is Health & Safety Important?

## Discussion:

Why should workplace health and safety be important to municipal council members?



# Leadership and Health and Safety

## Strong Leaders:

- Recognize that solid health and safety performance drives business results
- Promote a culture of safety in their organizations, and integrate prevention measures into business strategies, processes and performance measures.



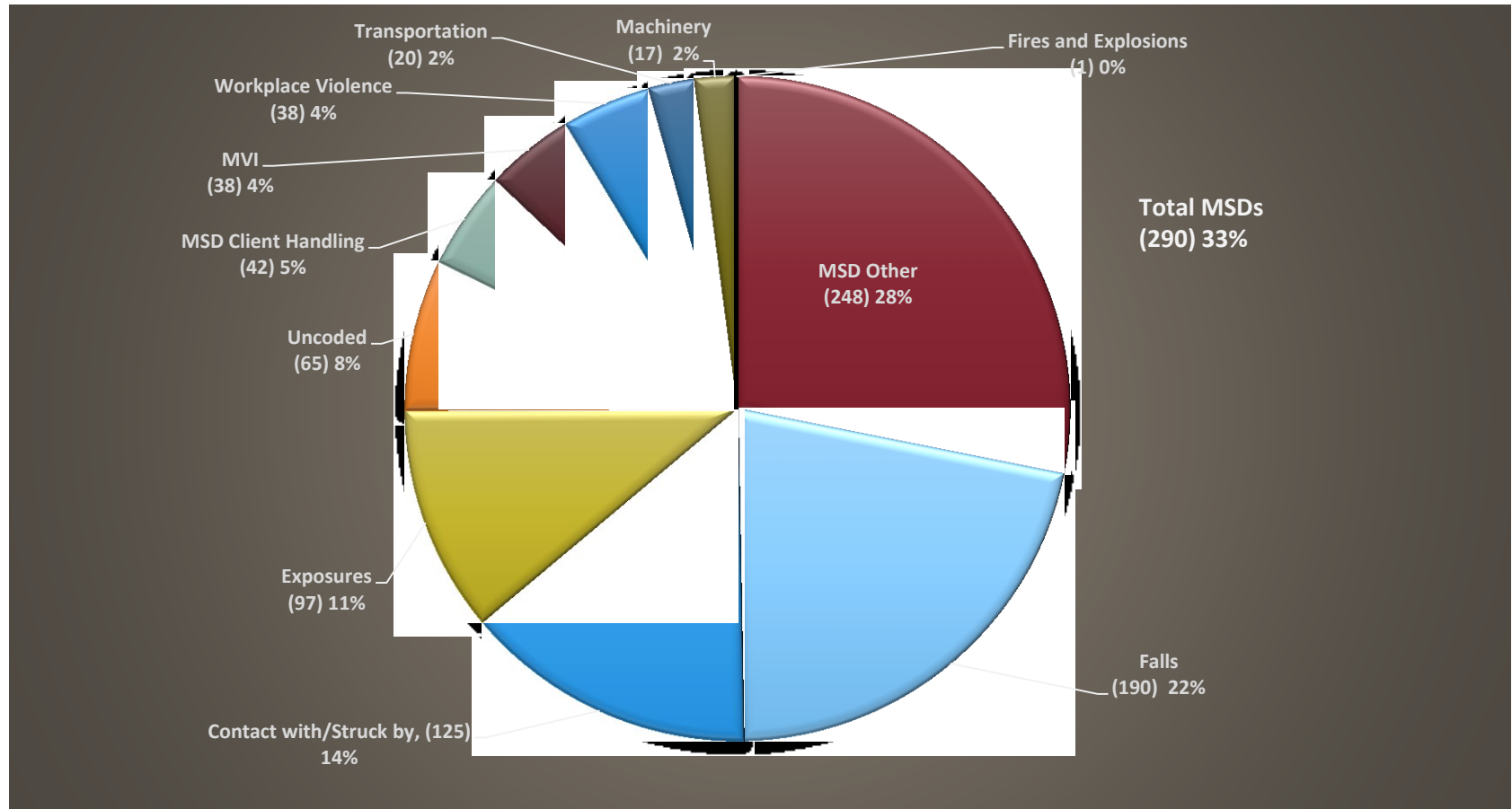
# Schedule 1 LTI Frequency Rates by Sector 2013 to 2017



Sector	2013	2014	2015	2016	2017
AGRICULTURE	2.13	2.06	1.87	1.91	1.85
TRANSPORTATION	1.87	1.88	1.64	1.81	1.8
FORESTRY	1.58	1.53	1.75	1.75	1.86
MUNICIPAL	1.62	1.62	1.56	1.58	1.72
HEALTH CARE	1.39	1.34	1.28	1.36	1.38
CONSTRUCTION	1.25	1.17	1.11	1.15	1.16
AUTOMOTIVE	1.31	1.17	1.05	1.15	1.14
FOOD	0.92	0.83	0.84	0.88	0.89
SERVICES	0.84	0.79	0.76	0.83	0.87
MINING	0.93	0.79	0.77	0.7	0.81
STEEL	0.84	0.84	0.64	0.71	0.86
CHEMICAL/PROCESS	0.71	0.71	0.64	0.77	0.76
MANUFACTURING	0.69	0.66	0.61	0.68	0.67
PULP & PAPER	0.56	0.59	0.61	0.63	0.55
ELECTRICAL	0.38	0.38	0.39	0.42	0.46
EDUCATION	0.38	0.46	0.35	0.39	0.42

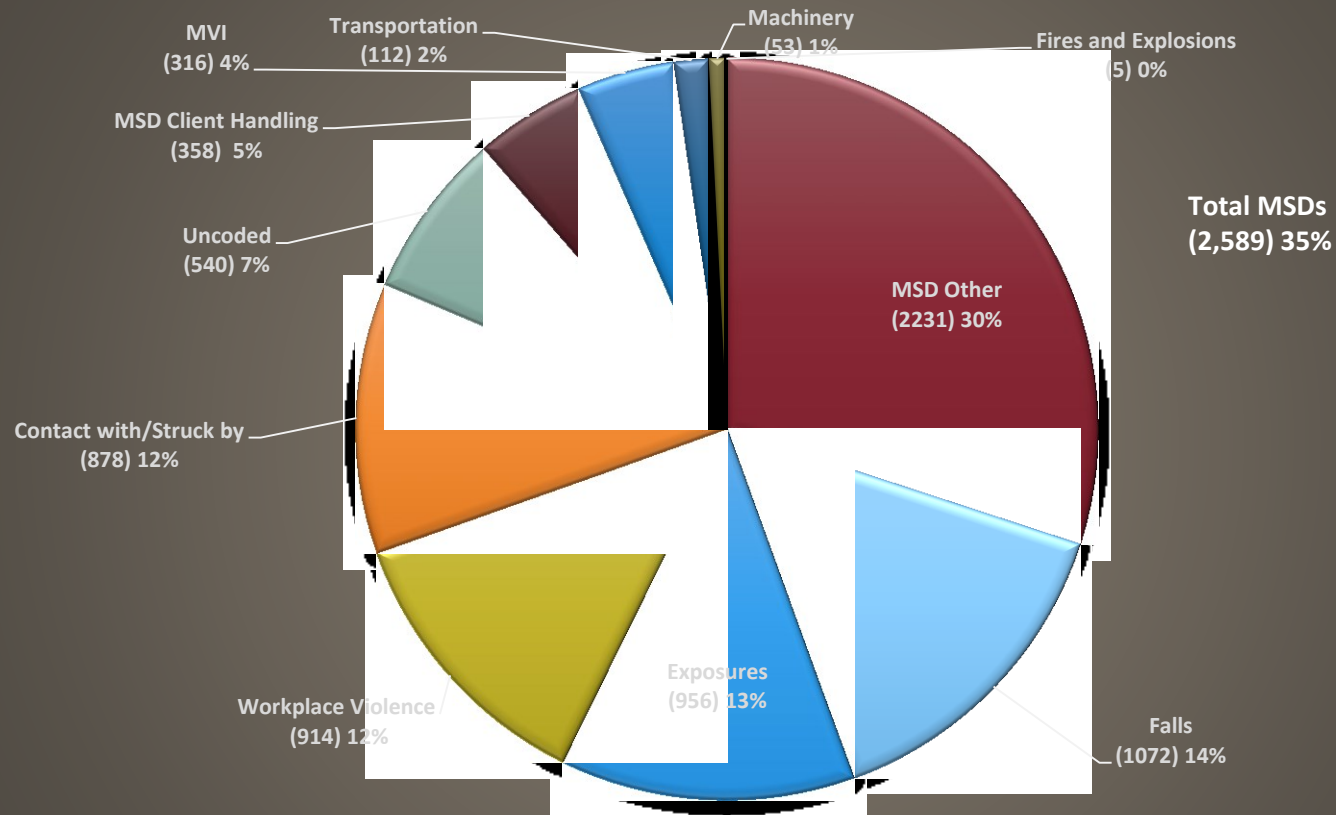


# Municipal and Provincial Government Schedule 1 LTI Counts by Injury Type 2017





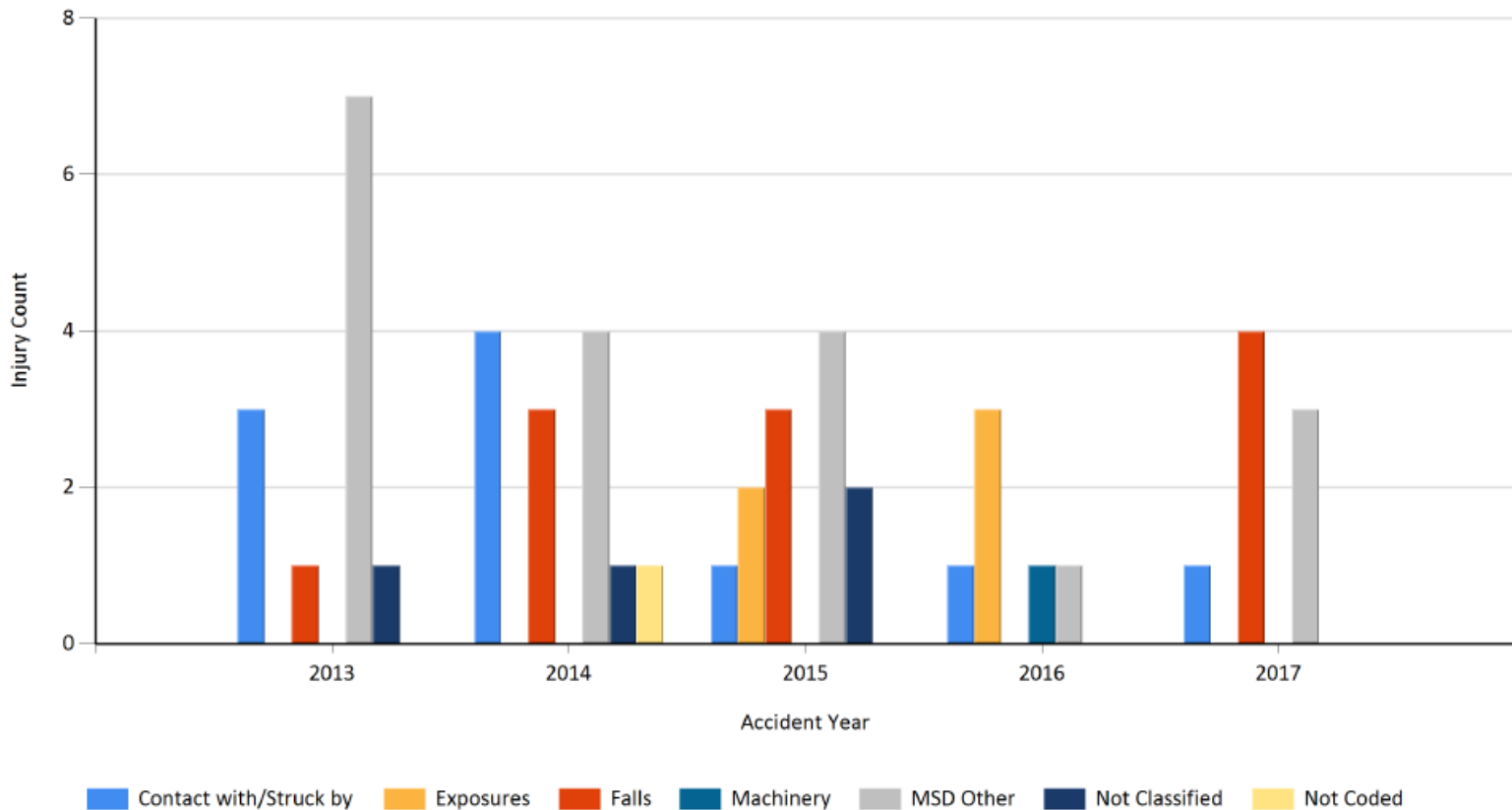
# Municipal and Provincial Government Schedule 2 LTI Counts by Injury Type 2017





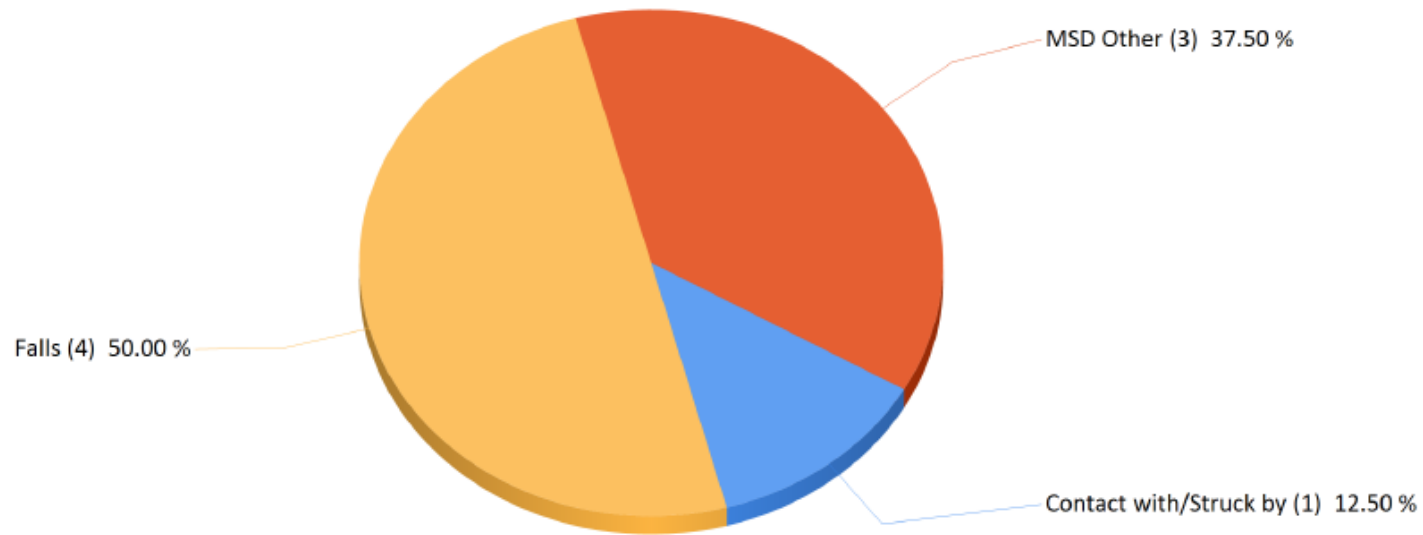


## Town of Newmarket, LTIs by Injury Type: 2013 - 2017



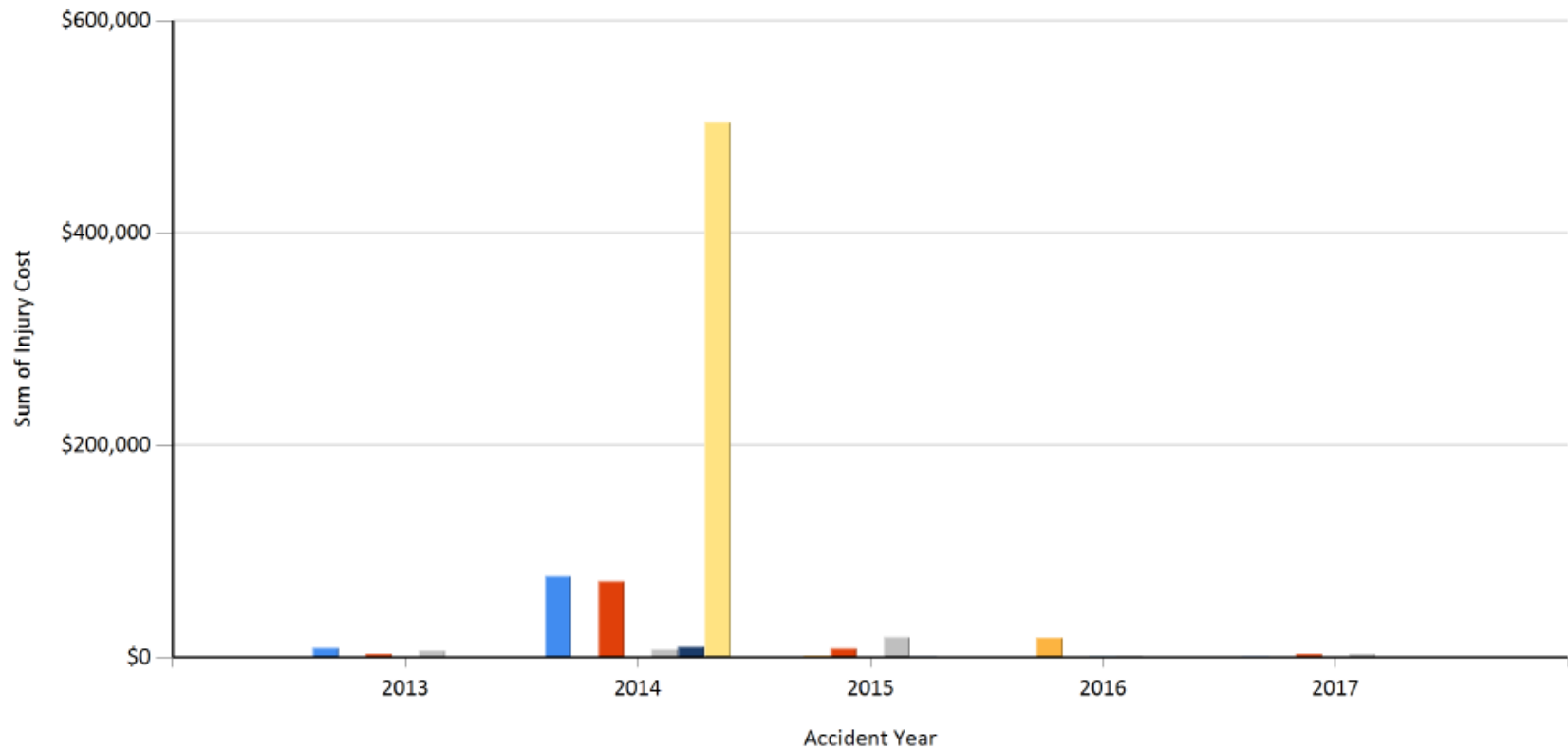


## Town of Newmarket, LTIs by Injury Type: 2017





## Town of Newmarket, Injury Costs by Injury Type: 2013-2017



Contact with/Struck by Exposures Falls Machinery MSD Other Not Classified Not Coded



Safe Environments.  
Healthy Workers.

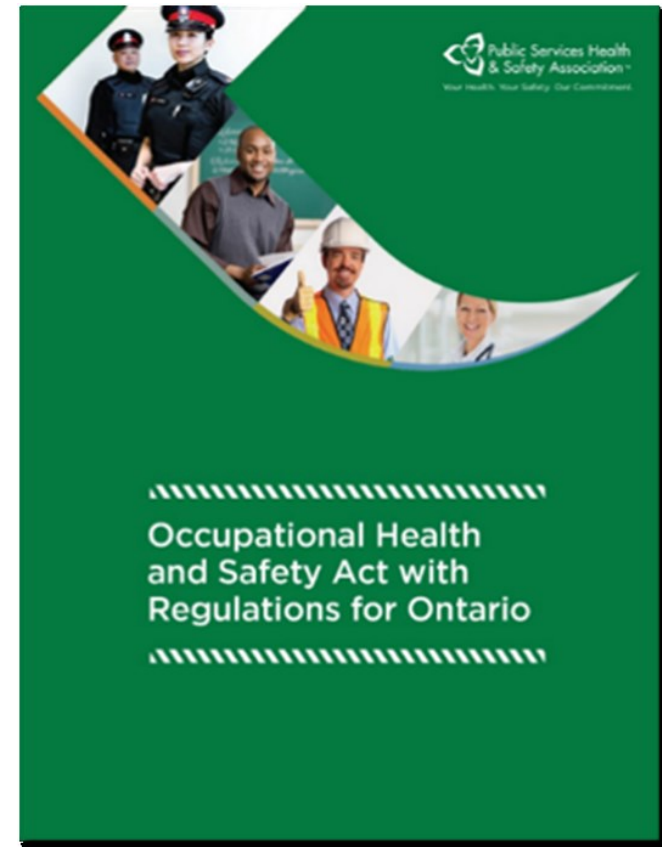
# HEALTH, SAFETY, AND THE LAW



# Occupational Health and Safety Act (OHSA)

The OHSA's purpose is to:

- Protect workers from health & safety hazards on the job
- Set out duties for all workplace parties and rights for workers
- Establish procedures for dealing with workplace hazards
- Enable enforcement of the law





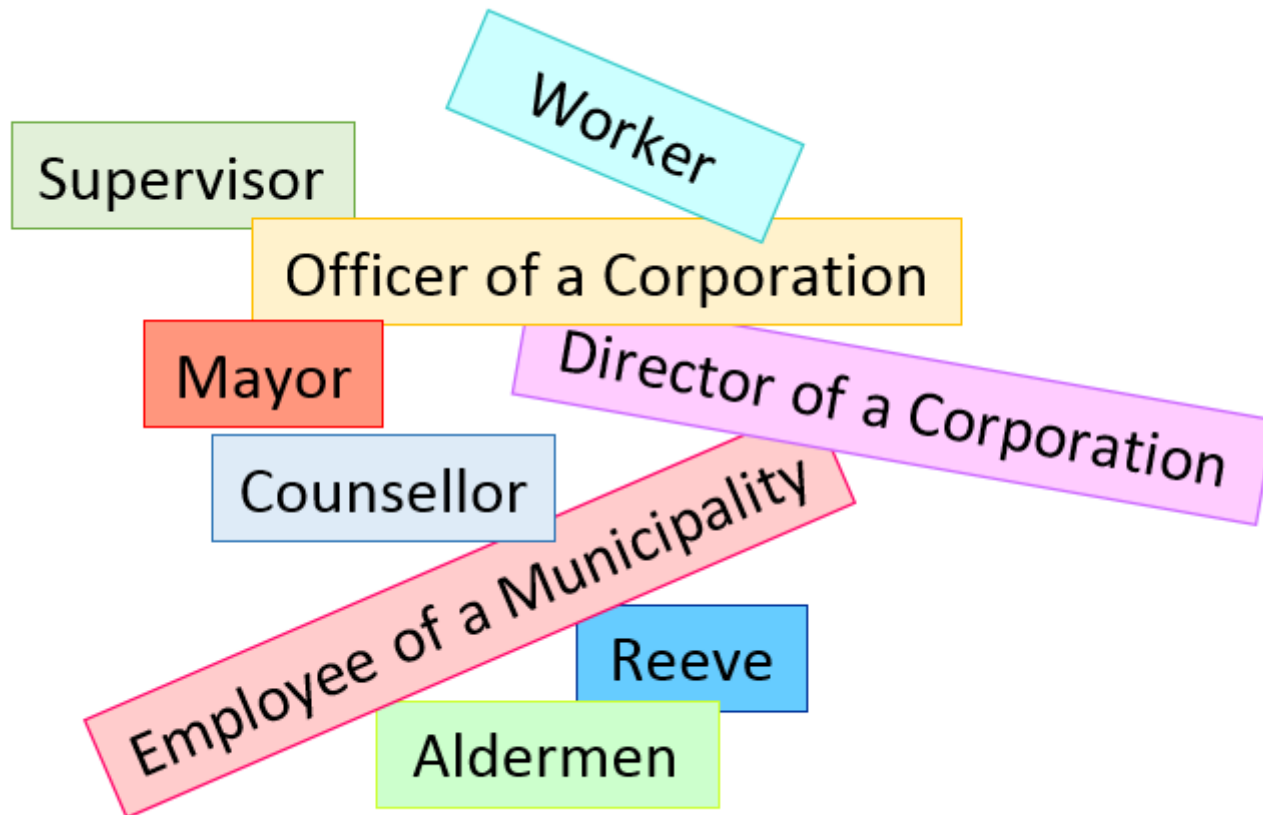
## Internal Responsibility System (IRS)

- Shared responsibility for health and safety
- Promotes safety culture
- Promotes best practice
- Helps develop self-reliance
- Ensures compliance





## A Member of Council May Be A:





## Where Do You Fit Under the OHSA?

Are You a Worker?	Are you a Supervisor?	Are you a Director of a Corporation?
<ul style="list-style-type: none"><li>A worker includes any person who performs work or supplies for monetary compensation, s.1(1) OHSA</li></ul>	<ul style="list-style-type: none"><li>A supervisor is a person who who has charge of a workplace or authority over a over a worker, s.1(1)OHSA</li></ul>	<ul style="list-style-type: none"><li>A body of elected or appointed members, who collectively direct action of a of a corporation</li></ul>





# Duties of A Worker

## Section 28:

- Work in compliance with OHSA and regulations;
- Use or wear equipment and/or PPE required by employer;
- Report any absence or defect in any equipment or protective device;
- Report any contravention of OHSA and regulations;
- Do not remove or make ineffective any safety devices;
- Work in a safe manner; and
- No horseplay, pranks, feats of strength, unnecessary running, or rough or rowdy conduct in the workplace.



## **Fines:**

### **Failure to Report Unsafe Work:**

- A municipal worker was present while a contractor was setting up connections for a new site to the city's water and sewer systems. The work was being done in an unsupported trench.
- A MOL Inspector observed the work being performed in the dangerous situation while the municipal worker observed.
- The MOL inspector fined the municipal worker and the contractor's supervisor – both failed to ensure the safety of the worker and the work site.



# Duties of A Supervisor

## Section 27:

- Ensure workers work in compliance with Act and regulations
- Ensure workers wear and use appropriate protective equipment
- Inform workers about hazards and dangers
- Provide written instructions as required
- Take all reasonable precaution for the protection of workers at all times



# **Duties of Directors and Officers of a Corporation**

## **Section 32:**

- Every director (council member) and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,
  - a) This Act and the regulations;
  - b) Orders and requirements of inspectors and Directors; and
  - c) Orders of the Minister.



## **Chief Administrative Officer (CAO)**

### **Under OHSA, the CAO is defined as an Employer**

- Duties are outlined under s.25 and s.26 of OHSA, but include:
  - Provision and maintenance of required equipment, materials and PPE
  - Provision of information, instruction and competent supervision to workers
  - Communication of any hazards in the workplace
  - Preparation and review of (at least annually) a Health and Safety Policy and a Workplace Violence and Harassment Policy
  - Taking every precaution reasonable in the circumstances for the protection of the worker



## How do Council and Administration Differ?

*“Councils and their administration have different roles within the municipality, but their roles have common goals and purposes. In general, it is the role of the elected council to represent the community and set the direction and policy for the municipality, and it is the role of staff to manage people and resource to achieve council’s vision”*

*Ministry of Municipal Affairs and Houses (MMAH)*



Safe Environments.  
Healthy Workers.

# DUE DILIGENCE



## What is Due Diligence?

- The level of judgment, care, prudence, determination and activity that a person would reasonably be expected to do under particular circumstances
- Applied to occupational health and safety, due diligence means that employers shall take all reasonable precautions, under the particular circumstances to prevent injuries or incidents in the workplace





# Penalties under the OHSA

## Section 66(1):

Every person who contravenes or fails to comply with the OHSA, regulations or orders/requirements from MOL is guilty of an offence and on conviction is liable to a fine of not more than:

- \$100,000 and/or imprisonment of not more than 12 months

## Section 66(2):

- If a corporation is convicted of an offence, the max. fine is:
  - \$1,500,00 per violation



## Legal Liability

- Offences under the OHS Act are automatic or *strict liability* offences
  - You are guilty until you prove your innocence
- Only one way to prove your innocence
- Must prove that you have been **duly diligent**



## **Court Bulletin: Regional Municipality of Waterloo Fined \$50,000**

### **Outline:**

- 8 municipal workers were working on a construction project at the region's water pumping station.
- During the work, workers penetrated the interior concrete block walls of the building when they drilled into the walls.
- Asbestos-containing vermiculate was disturbed and spilled out from the wall cavities.
- Although a Designated Substance Survey from 2014 identified the asbestos, the employer failed to advise the workers of its presence prior to the commencement of work activities.



## **City of Fernie, B.C – Ice Rink Fatalities**

### **Outline:**

- At 4am on October 17<sup>th</sup>, 2017, two municipal employees and one contractor responded to an alarm triggered by the release of ammonia in the arena's mechanical room
- A pinhole leak in refrigeration system allowed ammonia to mix with a brine solution, eventually bursting the pipe and venting a high concentration of ammonia
- All 3 workers succumbed to the exposure during emergency maintenance work
- WorkSafeBC -  
<https://www.youtube.com/watch?v=BBxzXKRSjsc>



## Due Diligence is Proactive

Must be present in the workplace before an accident or incident takes place:

1. Recognize, assess, control and evaluate hazards
2. Ensure written policies, practices and procedures
3. Establish training, instruction, and communication
4. Observation and monitoring of OHS system
5. Consistent correction of hazards and enforcement
6. Documentation and record-keeping



# What Can Council Do to Demonstrate Due Diligence?

1. **Have Knowledge of legal obligations** – *knowledge of relevant, applicable OHSA and regulations*
2. **Have Knowledge of hazards** – *periodic review of incident statistics, review of any audit reports, stay informed with JHSC issues/concerns*
3. **Ensure ongoing support to control hazards** – Responsible decision-making about budgets for health and safety needs, prioritization of competing needs based on risk associated with hazards, and development of and ongoing improvements to safe work procedures, policies, and practices
4. **Review and approval of written health and safety policies, practices and procedures** – e.g. Violence & Harassment in the Workplace Policy
5. **Participation in Training and Orientation** – e.g. Basic H&S Awareness Training for Workers
6. **Documentation and record-keeping** – e.g. request reports from various departments, council's own meeting minutes and training records



## Case Study

- A worker in your organization has experienced threats and intimidating behaviour by a local resident.
- The JHSC complained in writing to management about the situation and suggested that the organization implement a violence prevention policy. The manager did not respond for several months.
- Eventually, the worker was assaulted by the local resident and suffered a critical injury. Police and MOL were called.
- The MOL ordered a violence hazard risk assessment, establishment of a H&S policy and program, and the implementation of violence awareness training.

**WHAT COULD THE BOARD DO TO AVOID A SIMILAR SITUATION FROM OCCURRING?**



## Possible Action

- Ensure your organization's Occupational H&S Management System is reviewed at least annually
- Ask management to report on key H&S issues prompted by new legislation
- Ensure management reports on issues identified by JHSCs as required
- Require regular briefings on H&S activities and performance
- Make H&S a regular meeting agenda item
- Ask questions





# Thank you!

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