

Council Orientation Health & Safety



Purpose

- To provide fundamental health and safety information to elected officials in municipalities
 - ☐ Why Health and Safety
 - ☐ The Law
 - ☐ Due Diligence
 - ☐ H&S Updates



Who We Are

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



Emergency Services

- Fire
- Policing
- EMS
- Security
- Corrections



Education

- School Boards
- Universities
- Colleges
- Career Colleges
- Museums
- Libraries



Healthcare

- Institutional Health
- Primary Care
- Long-term Care
- Community Care
- Diagnostic Services
- Public Health
- Mental Health
- Treatment Services



Government

- Municipal Government
- Provincial Government
- Transit
- Recreation
- Public Works
- First Nations

Our Offering



Consulting

PSHSA has the expertise to help you generate solutions specific to your workplace



Training

From eLearning to classroom training, we offer effective solutions to meet your unique needs



Research

Research and Innovation drives PSHSA's competitive advantage



Resources

PSHSA offers a wide variety of general and sector-specific products in a range of formats.

Why Health & Safety?

Discussion:

Why is workplace health and safety important to elected officials, such as Mayor and Councillors?



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.



System Schedule 1

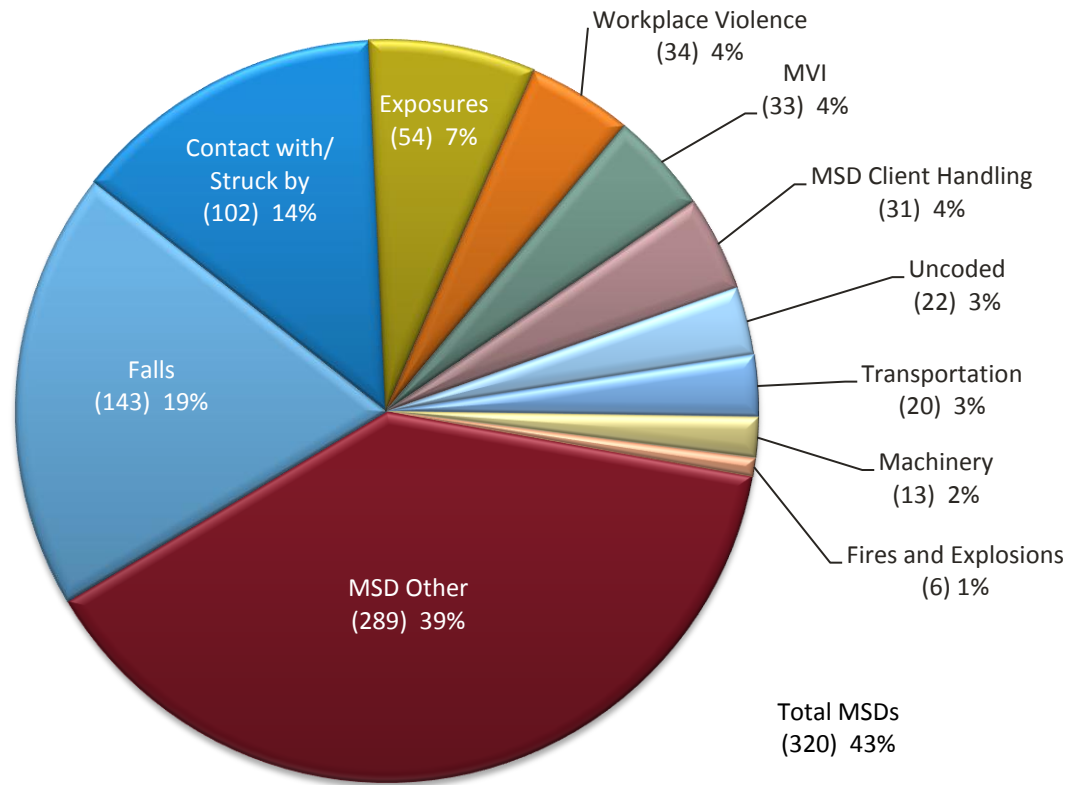
LTI Frequency Rates by Sector

2009 to 2013

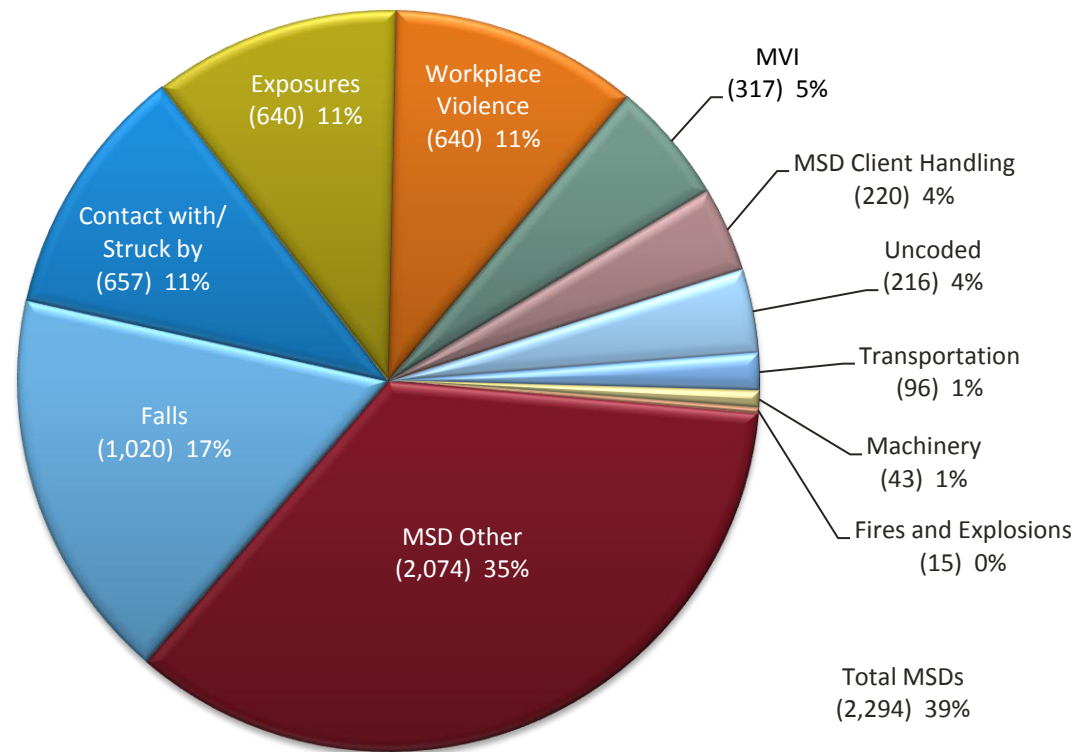


Sector	2009	2010	2011	2012	2013
AGRICULTURE	2.34	2.28	1.89	2.05	2.15
TRANSPORTATION	2.54	2.22	2.08	1.95	1.84
FORESTRY	1.87	2.09	1.92	1.74	1.55
➔ MUNICIPAL	1.92	1.72	1.68	1.52	1.52
HEALTH CARE	1.86	1.80	1.50	1.53	1.37
CONSTRUCTION	1.74	1.56	1.48	1.39	1.21
AUTOMOTIVE	1.99	1.95	1.63	1.51	1.14
FOOD	1.39	1.25	0.98	0.99	0.86
SERVICES	1.11	0.99	0.92	0.86	0.84
MINING	1.15	1.19	1.26	0.94	0.79
STEEL	1.37	1.22	1.16	0.98	0.69
CHEMICAL/PROCESS	0.96	0.91	0.86	0.72	0.67
MANUFACTURING	0.92	0.80	0.76	0.72	0.67
PULP & PAPER	1.12	0.69	0.91	0.65	0.53
EDUCATION	0.49	0.45	0.40	0.40	0.37
ELECTRICAL	0.56	0.48	0.45	0.37	0.36

Municipal and Provincial Government Schedule 1 LTI Counts by Injury Type 2013



Municipal and Provincial Government Schedule 2 LTI Counts by Injury Type 2013



High Hazard Jobs/Occupations

- EMS, police, firefighters
- Public works and maintenance labourers
- Transit Operators
- Janitors/Caretakers
- Nurses and PSW
- Waste management workers

The Reality... High Costs

- \$19,000 is average claim
- Associated costs are 3-10 that amount
 - ☐ Lost productivity
 - ☐ Surcharges
 - ☐ MOL orders
- Emotional & financial costs to worker



Internal Responsibility System (IRS)

- Shared responsibility for health and safety
- Encourages collaboration, communication and cooperation to resolve H&S issues
- The Act sets out specific duties for workplace parties



Definition of an Employer

- employer” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services; (“employer”)
- *The Mayor and Councillors are employed by the Corporation.*

Duties of Employer

- **OHSA Sections 25, 26 overview:**
 - Provide required equipment, materials and PPE
 - Ensure all above are maintained in good condition
 - Ensure proper use of above
 - Ensure measures and procedures are carried out
 - Maintain a safe workplace
 - reference to building code for buildings & structures
 - Provide information, instruction and supervision to protect the health and safety of workers.
 - Must appoint “**competent person**” as “**supervisor**”
 - Make known any hazards in the workplace

Duties of Employer cont.

- Not permit anyone under the age prescribed to work in the workplace.
- Afford assistance and cooperation to the JHSC
- **Take all reasonable precautions for the safety of workers at all times**
- Post a copy of the Act in a prominent place in the workplace
- Prepare and review annually a written health and safety policy and develop and maintain a program to implement that policy
- where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker
- carry out such training programs for workers, supervisors and committee members as may be prescribed.



“Worker”

- Means a person who,
 - ☐ Performs work or supplies services for monetary compensation
 - ☐ Unpaid students, learners and trainees

OHSA – definition

- *Do elected officials perform work for monetary compensation...*

Duties of Directors and Officers of a corporation

Section 32

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



Due Diligence

What is Due Diligence?

- Due diligence is the obligation to take every precaution reasonable in the circumstances to ensure that your obligations under the legislation are met.
- A person will not meet this test if a court determines that the person was negligent in meeting his or her obligations under the legislation.

Penalties under the OHSA

Section 66. (1)

Penalties- **Every** person who contravene or fails to comply with.

- a. a provision of this act or the regulations
- b. An order or requirements of an inspector or a Director; or
- c. An order of the Minister,

\$25,000, and/or 12 months imprisonment

Corporations:

- \$500,000 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

Fined \$100,000

Outline: summer student was using a lawn mower when the mower got stuck in a rut, one worker pulled it from the front while a second student pushed it from the back. The moving blades of the mower were exposed which came in contact with the student's foot and resulted in severe lacerations to the foot (cut through safety shoes), damage to tendons and nerves and breaking 3 toes

The safety device known as "dead man's switch" had been tied down rendering the switch disabled. If not tied down the blade would have stopped within 3 seconds when the mower is not in use.

Charge: Employer failed to provide training to the injured worker on the mower's "dead man's switch." Lead hand was also charged as supervisor.



Court Bulletin Fined \$50,000

Outline: worker tripped over a cord when leaving a patient/resident bedside. The worker's foot became entangled in the cable, fell and fractured arm. Dangling cords were a known hazards in the workplace and it was documented on JHSC inspection records. The cord had not been secured.

Charge: Employer pleaded guilty to failing to train the employee on trip hazards and was fined \$50,000 plus 25% Victim Fine Surcharge.

Due Diligence is Proactive

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

- ☐ Recognize, assess, control and evaluate hazards
- ☐ Ensure written policies, practices and procedures
- ☐ Establish training, instruction, and communication
- ☐ Observation and monitoring of OHS system
- ☐ Consistent correction of hazards & enforcement
- ☐ Record-keeping

Examples of Council Responsibilities

- Support Health & Safety program
- Make Health & Safety a part of the Corporation's Core Initiatives
- Ensure management is abiding by regulations
- Support management initiatives
- Have a fundamental understanding of OHSA
 - ☐ Participate in training and orientation
- Periodic review of health and safety measures

Examples of CAO & Management Responsibilities

- Nurture a culture supportive of health & safety values
- Demonstrate leadership
 - walk the talk
- Understand H&S laws, corporate obligations and policies
- Integrate health & safety into overall strategic and business plans of the Corporation
- Education supervisors/employees to make safety part of their everyday routine
- Hold subordinates accountable
- Ensure development of occupation health and safety system
- Monitor effectiveness of the health and safety program and respond to deficiencies

Did you know...

☐ Health & Safety Awareness Training

- ☐ Workers
- ☐ Supervisors
- ☐ Includes elected officials
- ☐ July 2014

☐ MTO Book 7 update

- ☐ Unplanned events, Roundabouts, typical layout changes
- ☐ January 2014

☐ Working at Heights training & provider standards

- ☐ 2015

☐ JHSC training & provider standards

- ☐ 2015

☐ GHS - moving from WHMIS

- ☐ 2015

☐ Bill 18 – changes to worker definition

- ☐ Include co-op students, interns and other like unpaid learners





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Thank you!



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Safety Association on
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