What’s new in OHSA?

ACES Client Seminar
Wednesday, February 26th, 2014

Presented by: Mark Geiger
Bill 146

- Introduced in legislature in late 2013
- Stronger Workplaces for Ontario Act
- Effects 5 different acts - including OHSA
  - ESA - no longer $10,000 limit
  - temporary worker protection
  - ‘self’ audits
- OHSA - similar changes
  - increased support for vulnerable workers
  - includes trainees and volunteers
OLRA

- One significant change to open period in the Construction Sectors
- Change from 3 months to 2 months
  - At request of construction companies??
- Not sure of any real significance
Chief Prevention Officer

- Prevention now under Min of Labour
- George Gritziotis appointed April 1st, 2012
- Some of Bill 146 appears to be from his work
  - Vulnerable worker and small business task forces
  - New training program standards
  - ‘Working at Heights’ in construction
    - recommended by expert panel
    - Metron case probably crucial
    - after hours and weekend inspections
    - mandatory this summer
    - will be expanded to all sectors
Ontario Integrated Health and Safety Strategy

- Issued December 16th, 2013
- Developed from consultations and responses
  - 1150 consultations
  - 217 responses
- small businesses
- vulnerable workers
- delivery more effective and efficient
- raise awareness
- foster compliance
  - after hours and weekends
New Initiatives

- mandatory training
  - Height training appears to be the first
- the task forces
- the new inspections
Why?
Why?
Why?
Here’s Why

- **Metron**
  - Supervisor and workers on scaffold without fall arrest
  - all under influence of marijuana
  - four workers killed including supervisor
  - charges under OHSA and Criminal Code
  - Owner and company convicted under OHSA
  - Company charged under Criminal Code because of actions of supervisor
  - Convicted - fine $200,000

- **ON APPEAL FROM CROWN**
  - fine increased to $750,000
  - even though company would go bankrupt
Other cases

- In our office - 2 fatalities in last year - improper working at heights
- one of the most common issues in OHSA inspections
- roofers, small constructors seem to be a major problem
- BUT
- Big companies as well
Other Important Cases

- *Scrocca* - Quebec case (2011)
  - Landscaping case
  - neglected to perform proper maintenance on backhoe
  - brakes failed, Scrocca collided into employee
  - CC s. 217.1 - convicted
  - costs plus conditions - failing which - 2 years!

- *B.C. Ferry Case: Queen of the North* (2013)
  - sinking of ferry in BC
  - May 2013 - convicted of criminal negligence causing death
  - sentenced to 4 years (under appeal)
Other Cases

- **Hritchuk: 2012 decision**
  - Supervisor on construction
  - gas explosion injured elderly man
  - unsafe transfer of gas permitted by him
  - given absolute discharge for reasons of good character and related factors

- **Wood: Elliot Lake mall collapse**
  - charges under OHSA for ‘negligent advice’
  - now charges under criminal code with two counts of criminal negligence causing death + two counts of criminal negligence causing bodily harm
Take Aways

- Inspections increasing
- Standards changing
- Fines increasing
- Jail time becoming more probable

- You are responsible, even if it’s your supervisor who screws up!!