

Occupational Health and Safety Policy

HR Policy and Planning Branch
HR Management and Corporate Policy Division,
HROntario, Ministry of Government Services

(Revised and issued by the MBC on April 30, 2009)
(Revised June 14, 2010)

Section 1 of the Public Service of Ontario Act, 2006, states that:

The following are the purposes of this Act:

1. *To ensure that the public service of Ontario is effective in serving the public, the government and the Legislature.*
2. *To ensure that the public service of Ontario is non-partisan, professional, ethical and competent.*
3. *To set out roles and responsibilities in the administration of the public service of Ontario.*
4. *To provide a framework in law for the leadership and management of the public service of Ontario.*
5. *To set out rights and duties of public servants concerning ethical conduct.*
6. *To set out rights and duties of public servants concerning political activity.*
7. *To establish procedures for the disclosure and investigation of wrongdoing in the public service of Ontario and to protect public servants who disclose wrongdoing from reprisals.*

This Policy has been established in support of these purposes.

POLICY STATEMENT

The Ontario Public Service (OPS) is committed to the health and safety of its employees. The policy of the OPS is to protect and promote employee health and safety, and to take every reasonable precaution to provide workplaces that are safe, healthy and free from harassment and violence.

PURPOSE

The purpose of this policy is to:

- establish an enterprise framework for occupational health and safety for the OPS by providing strategic direction
- provide direction to ministries and Commission public bodies regarding compliance with statutory requirements for occupational health and safety.

This policy is a requirement under section 25(2)(j) of the *Occupational Health and Safety Act (OHSA)*.

APPLICATION AND SCOPE

This policy applies to all:

- ministries and Commission public bodies (CPBs)
- deputy ministers and chairs of CPBs
- public servants appointed under Part III of the *Public Service of Ontario Act, 2006 (PSOA)*.

PRINCIPLES

- Every employee has the right to work in a safe and healthy workplace.
- Healthy and safe workplaces contribute to high productivity and employee engagement.
- Cooperation between the employer and its bargaining agents, and encouraging employees to be involved, are important in maintaining safe and healthy workplaces.
- Workplace parties must have the appropriate information and instruction to fulfill their obligations under statute and policy.
- The prevention of accidents, injuries and occupational illnesses is an integral part of every workplace activity.

MANDATORY REQUIREMENTS

- Every deputy minister and chair must ensure compliance with the *OHSA* and its regulations in his/her ministry and Commission public body including fulfilling the duties of an employer, owner and constructor as defined in the legislation.
- All deputy ministers, chairs of Commission public bodies, and employees shall comply with provisions of the *OHSA*, its regulations and this policy.
- Every manager/supervisor must be trained in, and provide workers with information and instruction in safe workplace practices, workplace hazards and control procedures to work safely in the manager's/supervisor's workplace.
- This policy must be posted conspicuously in every workplace and reviewed annually by HROntario, Ministry of Government Services.

Penalties

- Employees found to have violated this policy will be held accountable and may be subject to discipline up to and including dismissal.

RESPONSIBILITIES

Employees are responsible for:

- complying with the *OHSA* and regulations and other relevant legislation (e.g. *Workplace Safety and Insurance Act, First Aid Requirements*) and complying with the requirements of this policy and other corporate policies, health and safety policies, programs and procedures
- immediately reporting to their manager/supervisor the absence of, or defect in, any equipment or protective device that may endanger themselves or another worker, any workplace health and safety concerns including workplace violence or harassment and any work-related injury or accident
- following established safe work procedures; wearing personal protective equipment; and using machinery, equipment and materials, only as authorized and trained
- cooperating with all workplace parties including the joint health and safety committee/health and safety representative to prevent accidents and to promote a healthy and safe workplace.

Managers/Supervisors are responsible for:

- fulfilling responsibilities of an employee to the extent that they are applicable
- understanding their obligations as a competent supervisor, as defined by the *OHSA* and ensuring compliance with the *OHSA*, its regulations and other relevant legislation (e.g., *Workplace Safety and Insurance Act, First Aid Requirements*) and, understanding their obligations and ensuring compliance with this policy and other corporate and ministry-specific health and safety policies and programs
- supporting all workplace parties including the joint health and safety committee/health and safety representative to prevent accidents and promote a safe and healthy workplace
- advising workers of actual or potential workplace hazards and providing information on and instruction in safe workplace practices and necessary protective devices, measures and procedures
- responding to health and safety concerns raised by workers
- ensuring that where work is not carried out by the ministry, the manager/supervisor recognizes that it may continue to have *OHSA* duties as an owner, employer or constructor and that the ministry appropriately addresses the manner in which it will manage those duties
- documenting and maintaining appropriate health and safety records

- ensuring this policy is posted in a conspicuous place in the workplace.

Deputy Ministers and Chairs of Commission public bodies are responsible for:

- complying with the *OHSA* and its regulations, including fulfilling the duties of an employer, owner and constructor, as defined in the *OHSA*; and other relevant legislation (e.g., *Workplace Safety and Insurance Act*, *First Aid Requirements*)
- ensuring this policy and related policies and programs are applied and monitored appropriately
- integrating health and safety into ministry/CPB business plans by:
 - allocating funds and human resources to address health and safety issues
 - developing strategies and priorities for ministry/CPB health and safety programs
 - evaluating the effectiveness of the ministry/CPB health and safety programs
 - ensuring that where work is carried out by a third party, the ministry continues to ensure that its *OHSA* duties as an owner, employer or constructor are addressed accordingly
- integrating health and safety responsibilities in performance criteria for management and employees
- ensuring that managers, supervisors, employees and other workers receive information and/or training on safe work practices and their duties and responsibilities
- involving MGS (HROntario) in ministry or CPB-based activities that may have enterprise-wide health and safety implications
- ensuring the responsibilities of the owner are carried out in situations where the ministry is defined as an “owner” or occupier, including but not limited to the *OHSA*, the *Building Code Act, 1992* and the *Fire Protection and Prevention Act, 1997*
- delegating appropriate responsibilities and authorities under this policy.

Deputy Ministers’ Delegates or CPB Designated Officials are responsible for:

- acting on delegated authority to discipline an employee and carry out other functions under this policy
- informing the deputy minister or chair of the policy breach and remedy applied.

Ministry of Government Services (MGS) (HROntario) is responsible for:

- conducting the annual review of this policy as required by the *OHSA* on behalf of Management Board of Cabinet
- developing and communicating corporate health and safety policies, programs, guidelines, training and performance measurement tools to assist ministries and Commission public bodies in addressing health and safety issues
- interpreting this policy and providing expertise and advice, guidance and instructional materials and information to ministries on health and safety programs, and the interpretation and application of relevant legislation, corporate policies and programs
- producing enterprise-wide metrics and reports to senior management and recommending policy and program improvements to Management Board of Cabinet, as appropriate
- coordinating the management of health and safety issues that have enterprise-wide significance
- liaising with the bargaining agents on health and safety issues with enterprise-wide significance.

Management Board of Cabinet (MBC) is responsible for:

- ensuring that this policy is reviewed annually by the Ministry of Government Services, and approving updates to this policy.

DEFINITIONS

For the purposes of this policy, and in accordance with the *Occupational Health and Safety Act (OHSA)* and other legislation, these terms have the following meaning:

Annual Review: an annual review by the employer of its OH&S policy.

Building Code Act, 1992 S.O. 1992, c.23. sets the minimum provisions respecting the safety of buildings with reference to public health, fire protection and structural sufficiency.

Constructor: person who undertakes a project for the owner and includes an owner who undertakes all or part of a project by himself or by more than one employer.

Employee: is a unionized or non-unionized public servant appointed under Part III of the *PSOA*, 2006, deputy minister or chair of a Commission public body.

Employer: has the same meaning as defined in s.1 of *OHSA* and 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.”

Fire Protection and Prevention Act S.O. 1997, c.4 regulates fire protection services, inspections, enforcement and employment and labour relations conditions for firefighters.

First Aid Requirements R.R.O. 1990, Reg. 1101 under the *Workplace Safety and Insurance Act*, 1997 sets minimum requirements for employers to provide first aid stations, rooms, and equipment.

Health and safety representative: means a health and safety representative selected under *OHSA*.

Joint health and safety committee: is a committee as constituted under *OHSA*.

Manager/Supervisor: has the same meaning as a “supervisor” as defined in s. 1 of *OHSA*, and means a “person who has charge of a workplace or authority over a worker.” In the case of Commission public bodies, a manager/supervisor includes the person to whom any of the PSC's powers, duties and functions has been delegated under subsection 44(4) of *PSOA*, other than the deputy or a Chair.

Occupational Health and Safety Act (OHSA) R.S.O. 1990 c.0.1 and its regulations (i.e., including Industrial Establishments, Health Care and Residential Facilities, Construction Projects, Designated Substances, Workplace Hazardous Materials Information System) state legislative obligations to protect workers, set out roles and responsibilities for all parties, and outline enforcement and penalties for unsafe working conditions and practices.

Owner: has the same meaning as defined in s. 1 of *OHSA* and “includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, and a person who acts for or on behalf of an owner as an agent or delegate.”

Public Servant: person appointed under Part III of the *PSOA*, 2006.

Worker: has the same meaning as defined in s.1 of the *OHSA* and means “a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program.”

Workplace: has the same meaning as defined in s. 1 of *OHSA* and means “any land, premises, location or thing at, upon, in or near which a worker works.”

Workplace Parties: includes employees and other workers, managers/supervisors, contractors, bargaining agents, joint health and safety committees, health and safety representatives, deputy ministers.

Workplace Safety and Insurance Act: S.O. 1997, c.16, Schedule A sets out the statutory regime for providing compensation and benefits for work-related injuries and occupational diseases.

Enquiries:

All questions or requests for further information regarding this policy should be referred to:

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Date	Revision and Annual Reviews	Page Reference
June 14, 2010	Principles: order of bullets changed	1
	Added: reference to workplace violence and harassment to policy statement	1
	Added: "Workers" as appropriate	throughout
	Added: "penalties"	3
	Added "competent supervisor" to manager responsibilities	4
	HROntario added as appropriate	throughout
	Training changed to "instruction" in principles and mandatory requirements	3
	Responsibilities streamlined: Deputy Ministers and Chairs of CPBs	5
	Deleted: reference to MBC archives in MBC responsibilities	6
	Definitions: added definition of worker; revised definition of workplace parties	8