

Ministry of Labour, Operations Division Overview

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Ministry of Labour (MOL) Overview

Mission: *To advance safe, healthy, fair and harmonious workplace practices that are essential to the social and economic well-being of the people of Ontario*

The Ministry and its agencies are responsible for administering a variety of labour/workplace-related legislation through 3 core programs:

- Occupational Health and Safety
- Employment Rights & Responsibilities
- Labour Relations

MOL administers and delivers programs through 36 offices across five regions:

Central East, Central West, East, West and North regions

Occupational Health and Safety Act

- The Occupational Health and Safety Act (OHSA) and its regulations are Ontario's primary legislation for workplace health and safety.
- The 5 main sector regulations are:
 - Industrial
 - Health Care
 - Construction, and
 - Mining
 - Farming

Purpose of the OHSA

- The main purpose of the Act is to protect workers from health and safety hazards on the job.
- It sets out duties for all workplace parties and rights for workers.
- It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily.
- Fundamental to the successful working of OHSA is the workplace Internal Responsibility System (IRS).

Typical OHS Inspection

- Every workplace inspection will be different in nature due to varying workplace sizes, types and operational requirements.
- In most instances, an occupational health and safety (OHS) Inspector will:

| Review | Ensure |
|---|---|
| <ul style="list-style-type: none"> ✓ The structure and operation of the Joint Health & Safety Committee (JHSC) (if applicable) ✓ The OHS Policy and ensure that it is posted and reviewed annually ✓ Workplace Violence and Harassment Policies – are they posted and has information and instruction been provided on the policies and programs | <ul style="list-style-type: none"> ✓ A violence risk assessment has been done ✓ The OHS Act is posted ✓ The JHSC members' names and work locations are posted ✓ Workplace inspections |

OHS Inspector Powers

Ensure compliance with the Act and Regs through:

- Orders
 - Forthwith
 - Timed
 - Compliance plan
 - Stop work
- Prosecution

Penalties for Non-Compliance

- The maximum penalties for a contravention of OHSA or its regulations are set out in Section 66 of the Act.
- A successful prosecution could, for each conviction, result in:
 - A fine of up to \$25,000 for an individual person and/or up to 12 months imprisonment;
 - A fine of up to \$500,000 for a corporation.

Safe at Work Ontario 2014/15

For 2014/2015, Safe At Work Ontario field visits will support:

- blitzes,
- provincial initiatives and
- regional initiatives

The Ministry will be conducting 9 provincial blitzes and 10 provincial initiatives.

Regions will be conducting regional initiatives based on their local intelligence and remaining proactive capacity.

Industrial Program

New Businesses

All year

New and Young workers

May 1 - Aug 31, 2014

Material Handling

Sept 15 - Oct 26, 2014

Machine Guarding

Nov 4 – Dec14, 2014

Slips, trips and falls

Feb 2 - March 15, 2015

Northern Regional Initiatives:

Remote Tourist Camp

Forestry / Logging

Health Care Program

Risk-based enforcement initiative based on the top 5 hazards

- IRS Evaluation
- Musculoskeletal disorders
- Exposures
- Slips, trips and falls
- Contact with/struck
- Workplace violence

No specific Blitz this year.

Construction Program

Fall Hazards

Construction Inspectors will be visiting construction projects to ensure that fall hazards are being mitigated. Special emphasis on trade-specific external finishing activities.

Excavation Hazards

Construction projects will be visited where excavation activities are taking place. Inspectors will ensure that related hazards are being mitigated.

Mining Program

Explosives, July and August 2014 Surface and Underground Mines

- Maintenance/Inspection of Explosive magazines and equipment
- Procedures for safely disposing damaged explosives
- Proper handling (transporting, loading)
- Reporting of mishandling of explosives

Ground Control, October and November 2014 Surface and Underground Mines

- Stability of development heading faces in underground
- Unsupported faces
- Surface mines the provisions for inspection of the working face

Water Management, February and March 2015 - Underground Mines

- Workplaces free from the accumulation or flow of water
- Managing the drainage of water from high risk areas in the underground environment
- Ensuring excess water is drained to a pumping system capable of pumping water to surface

Upcoming Changes and Training

July 1, 2014 basic OHS awareness training requirements become training mandatory for all Ontario workers & supervisors. The Ministry has produced FREE material (workbooks) and e-learning package to assist employers/worker/supervisors in complying with this regulation.

Other Training coming

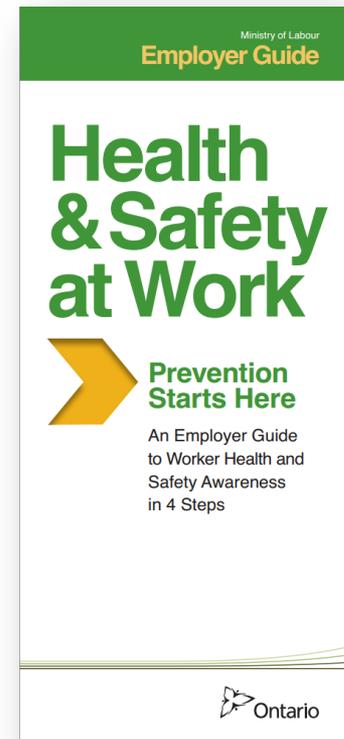
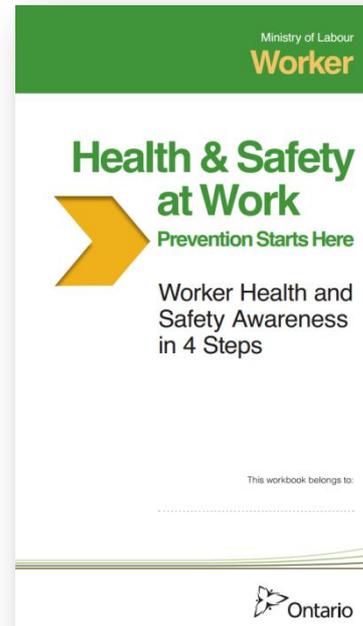
- Working at Heights
- Mandatory entry level in construction (MELC)
- JHSC certification new program standards
- H&S Rep training

Others

- Mining Review
- ACA/TQA now enforced by College of Trades

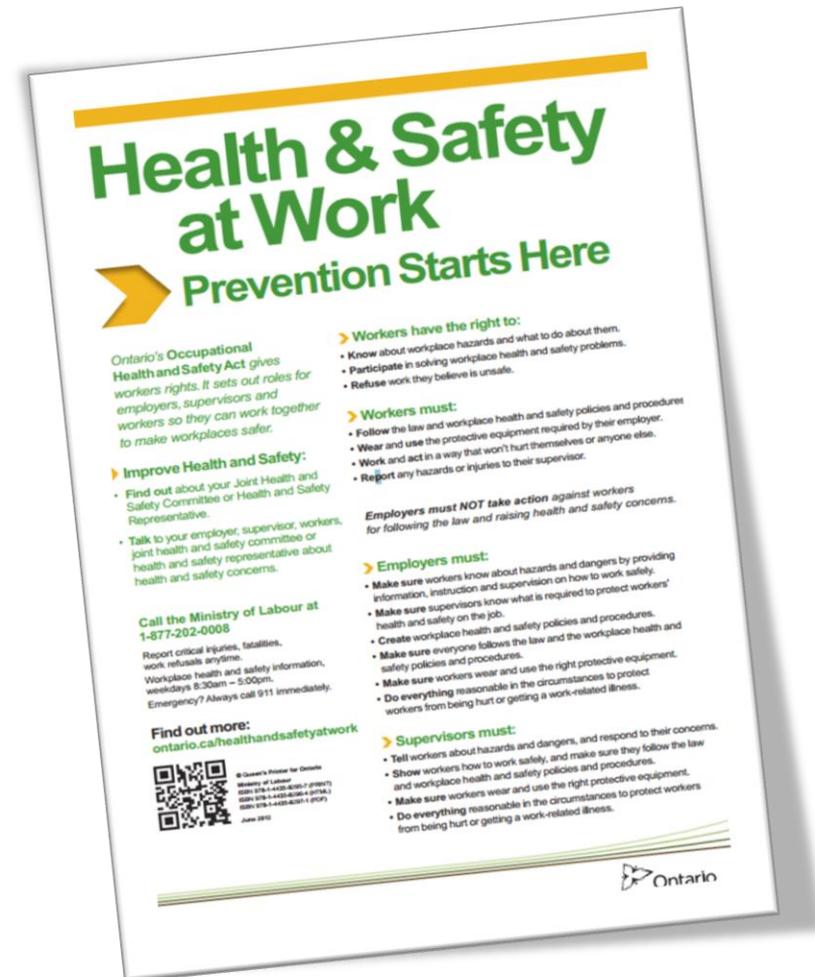
Worker Awareness Products

- Worker Health and Safety Awareness in 4 Steps was developed by the Ministry of Labour to support our commitment to make health and safety awareness training in the workplace mandatory.
- To make health and safety awareness training mandatory for workers, a regulation will be required. Stakeholders were consulted on a regulatory proposal between December 2012 and February 2013.



Awareness Poster

- Under the OHSA, employers are required to post the Act and any explanatory material prepared by the Ministry, which includes this poster, in the workplace.
- The poster must be displayed in English and the majority language of the workplace (available in 17 additional languages).
- The Employment Standards poster must be displayed in the workplace (also available in multiple languages).
- Both posters can be printed from the MOL web-site.



Occupational Health and Safety System Partners: *Workplace Safety and Insurance Board and Health and Safety Associations*

Workplace Safety and Insurance Board (WSIB) – provides no-fault collective liability insurance and access to industry-specific health and safety information for employers and provides loss of earnings benefits and health care coverage for workers.

Health and Safety Associations (HSAs) – six HSAs have responsibility for training, consulting and clinical services for workers and employers

- HSAs all play an important role in supporting the OHS system by sharing information and best practices, and by providing programs and services to workers and workplaces
 - **Infrastructure Health and Safety Association (IHSA)**
 - **Public Services Health and Safety Association (PSHSA)**
 - **Workplace Safety North (WSN)**
 - **Workplace Safety and Prevention Services (WSPS)**
 - **Occupational Health Clinics for Ontario Workers (OHCOW)**
 - **Workers Health and Safety Centre (WHSC)**

Employment Standards Overview

Employment standards are enforced under the Employment Standards Act (ESA), which sets out the minimum standards that employers and employees must follow.

The ESA applies to most employees in Ontario.

The Ministry of Labour, through its Employment Standards Program:

- enforces the ESA and its regulations as well as the Employment Protections for Foreign Nationals Act (EPFNA)
- provides information and education to employers and employees, making it easier for people to understand and comply voluntarily.
- investigates possible violations.
- resolves complaints.

Investigation & Inspection Process

Investigations are usually started in response to a complaint, on an approved form, by an employee.

Inspections are generally conducted on a proactive basis.

Role of the Employment Standards Officer:

- Are assigned to investigate claims or conduct proactive inspections.
- Can investigate and conduct inspections by telephone, written correspondence, visit to employer's premises and/or meeting.
- Bound by rules of natural justice and have a duty to act fairly and impartially.

Enforcement

Employers who contravene the ESA can be ordered to:

- Comply with the ESA.
- Pay an employee the amount of wages owing up to a maximum of \$10,000*.
- Reinstate and/or compensate an employee in certain cases
- Pay an administrative cost.
- Pay an escalating monetary penalty (Notice of Contravention)
 - \$250 per affected employee for 1st offence
 - Increases for 2nd and 3rd offences

Provincial Offences Act

- **Part I Certificate of Offence:** \$295*
- **Part I Summons:** Fine up to \$1000* (required to attend court).
- **Part III Prosecutions:**
 - ***Individuals:*** Fines up to \$50,000* and/or jail term up to 12 months.
 - ***Corporations:*** Fines up to \$500,000*.
 - Name of anyone convicted of an offence and information about the offence, can be published on the internet.

*** Plus Victim Fine Surcharge**

Proactive Enforcement

The ES Program's current enforcement strategy focusses on using proactive enforcement to increase awareness and compliance

Proactive enforcement is effective because inspections place unpaid wages in the hands of employees (who may be vulnerable workers) and educates small businesses on their ESA responsibilities

The ministry produces an annual ES Proactive Enforcement plan incorporating advice and recommendations from our stakeholders and posts it publicly on the MOL website

New & Upcoming Changes to ESA

3 new job-protected leaves came into effect on October 29, 2014

- Family Caregiver Leave
- Critically Ill Child Care Leave
- Crime-Related Child Death or Disappearance Leave

Yearly Minimum Wage Adjustments

- Will be adjusted on October 1st of every year beginning October 1, 2015.
- Formula under the ESA ties into future increases to the Consumer Price Index.

\$10,000 cap on orders to pay wages is eliminated on wages which become due on or after February 20, 2015

New & Upcoming Changes to ESA cont....

Limits on recovery of wages will change from 6 month or 12 months to 2 years with respect to wages that become due on or after February 20, 2015.

Employers will be required to provide each of their employees with a copy of the most current ESA poster, in addition to posting a copy in their place of business effective May 20, 2015.

An officer may require that an employer perform a self-audit for compliance with one or more provisions of the ESA, effective May 20, 2015

New & Upcoming Changes to ESA cont....

Temporary Help Agencies and Client Businesses will be joint and severally liable for unpaid regular wages, including overtime pay, public holiday pay and public holiday premium pay, effective November 20, 2015

THAs and client businesses will also be required to retain a record of the number of hours worked by each assignment employee for each client business in a day and in a week, effective November 20, 2015.

The Employment Protection for Foreign Nationals Act (EPFNA) will be expanded to include all temporary foreign workers national employed or seeking employment in Ontario, effective November 20, 2015.

Online Resources

Visit: ontario.ca/employmentstandards for online resources such as:

- Information on employer duties and employee rights under the ESA.
- A copy of the Guide to the ESA, 2000.
- Fact sheets and publications
- Online tools and calculators such as:
 - Public holiday pay calculator
 - Termination and severance tools
 - Hours of work and overtime tools
 - Special rule tool

We are Here to Help

Ministry of Labour Health & Safety Contact Centre

- Toll-free, 1-877-202-0008
Fax, 905-577-1316
- Call any time to report critical injuries, fatalities or work refusals.
- Call 8:30 a.m. – 5:00 p.m., Monday – Friday, for general inquiries about workplace health and safety.
- In an emergency, always call 911.

Employment Standards Information Centre

- GTA: 416-326-7160
Canada-wide: 1-800-531-5551
TTY: 1-866-567-8893

Need other languages?

- The Employment Standards Information Centre (1-800-531-5551) provides service in 23 different languages – from Arabic to Vietnamese.