

# How to Comply with New Ontario OHS Incident Reporting Requirements



Be sure the incident reports you submit to the MOL list all the required information.

New OHS incident reporting rules took effect in Ontario on July 1, 2021. Here's a look at the 6 key changes and how to comply with them.

## 1. Uniform Injury Reporting Rules for All Industries

All jurisdictions require employers to provide a written notice and report of certain kinds of workplace deaths, injuries and incidents to the government OHS agency. But in Ontario, there were different rules for different industries set out in separate OHS regulations for industrial establishments, mining, oil and gas, construction projects, farming, healthcare facilities, etc.

**Change:** The reporting requirements in each industry-specific regulation have been revoked and replaced with a new Regulation (Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents) that applies to employers of all sectors.

## 2. Clarification of Reporting Worker Death and Critical Injury

Section 51 of the *OHS Act* requires employers to provide the MOL a written report or notice if a worker is killed or 'critically injured' from any cause at a workplace. But it leaves it up to the regulations to define 'critically injured' and specify the information that employers must report.

**Change:** The Regulation doesn't change the definition of 'critically injured.' But for the first time, it spells out the information you must include to report a death or critical injury.

**How to Comply:** Make sure your Section 51 reports list all the required information, including:

- ☐ The employer's name, address and type of business;
- ☐ The constructor's name and address if the occurrence happens at a construction project;

- ☐ The worker's name and address;
- ☐ The nature of the bodily injury;
- ☐ The time, date, place, nature and circumstances of the occurrence, including a description of any machinery, equipment or procedure involved;
- ☐ The name and address of the legally qualified medical practitioner, registered nurse or medical facility attending to the worker;
- ☐ The names and addresses or other contact information of any witnesses; and
- ☐ The steps taken to prevent a recurrence.

### **3. Clarification of Reporting Injury Requiring Medical Attention or Causing Disability**

Under Section 52(1) of the Act, you must give the MOL a written report if a worker is disabled from performing his/her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace, in which nobody dies or is critically injured.

**Change:** The Regulation lists the information a report under Section 52(1) must include.

**How to Comply:** Make sure you list the following information when reporting a non-fatal or non-critical injury causing disability or need for medical attention:

- ☐ The employer's name, address and type of business;
- ☐ The worker's name;
- ☐ The nature of the bodily injury;
- ☐ The time, date, place, nature and circumstances of the occurrence, including a description of any machinery, equipment or procedure involved;
- ☐ The names and addresses or other contact information of any witnesses; and
- ☐ The steps taken to prevent a recurrence.

### **4. Clarification of Reporting Occupational Illness**

Section 52(2) of the Act says you must report when you're advised by (or on behalf of) a worker that the worker has an occupational illness or that a claim for that occupational illness has been filed with the WSIB.

**Change:** The Regulation lists the information a report under Section 52(2) must include.

**How to Comply:** Make sure you list the following information when reporting an occupational illness:

- ☐ The employer's name, address and type of business;

- ☐ The worker's name;
- ☐ The nature of the occupational illness;
- ☐ a description of the cause or suspected cause of the occupational illness;
- ☐ The names and addresses or other contact information of any witnesses; and
- ☐ The steps taken to prevent further illness.

## **5. New Exception for Highway Motor Vehicle Accidents**

The Regulation says the above reporting rules don't apply when a worker is killed, critically injured, disabled from performing his/her usual work or requires medical attention as a result of collisions on a highway, unless the worker affected:

- Was working at a project; or
- Wasn't travelling in the motor vehicle at the time of the collision.

## **6. New 3-Year Retention Rule**

The Regulation requires employers and constructors to retain copies of the written notices or reports they submit for at least 3 years after the report or notice date.