

Month In Review – Ontario



LAWS & ANNOUNCEMENTS

JHSCs

Mar 31: That's the deadline for small businesses to apply for Ontario Small Business Health and Safety Training program reimbursement covering the costs of providing mandatory OHS certification training to workplace health and safety representatives.

Action Point: Find out more about JHSC training requirements across Canada

Electrical Safety

Feb 13: From now through March 29, Ontario will hold public consultations on proposed changes to licensing renewal requirements for master electricians and licensed electrical contractors. Current rules were designed for a paper-based system. The government is also proposing a digital master electrician's licence that can be stored on the licensee's phone. If approved, the modernized renewal process would take effect in July 2024.

Action Point: Find out how to implement a legally sound electrical safety compliance plan at your workplace

New Laws

Feb 23: That's the last day to participate in MOL public consultations on the employer requirements of the Ontario Immigrant Nominee Program and the experience of employers that use the program.

New Laws

Jan 31: With skilled labour in the healthcare sector in short supply, Ontario will invest over \$100 million over the next 3 years in a pair of programs designed to provide training to more than 32,000 new personal support workers (PSWs) and nurses in long-term care.

Workers Comp

Mar 31: That's the deadline for Ontario Schedule 1 employers to submit their workers comp payroll reports listing their actual 2023 costs and projected costs for 2024 to the WSIB to avoid potential late fees, interest and penalties.

Environmental

Feb 20: Ontario ended public consultations on proposed changes to *Endangered Species Act, 2007* Regulations. Highlights: i. New habitat protections for Redside Dace; ii. Additions to species subject to conditional exemptions; and iii. Changes to conditional exemption for early exploration mining.

CASES

Industry Challenges: Two Companies Fined \$400,000 in Total for Construction Collapse Fatalities

Two workers died and 4 others suffered critical injuries after a section of a building under construction collapsed during a fourth-level concrete pour. The company that fabricated the building's structural steel frame was fined \$260,000 after pleading guilty to failing to ensure that a building, structure or any part of it was capable of supporting loads that may be applied to it. The company responsible for the concrete pour pleaded guilty to failing to provide proper safety information, instruction and training on concrete measuring and was fined \$140,000 [*iSpan Systems LP; and East Elgin Concrete Forming Ltd.*, MOL Press Release, January 5, 2024].

Workplace Harassment: Flawed Process Doesn't Doom Case for Terminating Workplace Bully

The "undisputed evidence" revealed that the truck driver with 21 years of service was a "major contributor" to the workplace's toxic atmosphere. He was deliberately rude or abusive to new workers, openly disrespectful to his supervisor and indifferent to the harm he was inflicting on coworkers, driving one colleague to contemplate suicide and causing others to stay home so they wouldn't have to work alongside him. I "acted like an ass****," he even admitted. But what should have been an open-and-shut case was a legal squeaker due to the fact that the company knew about and tolerated his behaviour for years until deciding that enough was enough and terminating him for everything he had done in the past. It doesn't work that way, the union claimed, and the Ontario arbitrator agreed. The company should have imposed progressive discipline and reacted to events as they happened and not waited for so long to put its foot down, the arbitrator reasoned. But while the process was highly flawed, the substantive case against the driver was so overwhelming that the decision to terminate was justified [*The Regional Municipality of Niagara v CUPE, Local 1287*, 2024 CanLII 6040 (ON LA), January 25, 2024].

Action Point: Find out how to implement an effective workplace violence and harassment compliance game plan at your site

Respiratory Protection: Plant Fined \$120,000 for Fatal Carbon Monoxide Poisoning

A worker sandblasting a metal turret in the abrasive blast room of an agricultural parts manufacturing plant was found dead with the air supply line disconnected from the NOVA 2000 respirator/helmet he was wearing. The cause of death: carbon monoxide poisoning emitted when the oil-lubricated compressor caught fire. The victim's employer was fined \$120,000 for failing to ensure that the compressed breathing air system was equipped with a continuous carbon monoxide monitor and properly calibrated [OJB Industries Inc., MOL Press Release, January 24, 2024].

Action Point: Take measures to protect your workers against carbon monoxide poisoning at work and at home

PPE: Time Spent Putting on PPE to Get Ready for Work Doesn't Count as Work Time

The union contended that the employer had to pay Service Technicians, Cleaners and Yard Attendants for the time spent walking to and from the building entrance, walking to and from the change room, putting on and taking off their coveralls and safety boots, clocking in and out, and walking to and from their workstations. The company disagreed, arguing that the collective agreement expressly recognized the expectation that workers would be ready for work at the start of their shift. The Ontario arbitrator sided with the company, reasoning that the time spent donning PPE and getting ready for work wasn't work time and that under company payroll practices, workers got paid when their shifts began, not when they clocked in [International Association of Machinists and Aerospace Workers, Lodge 78 v Vision Truck Group, 2024 CanLII 1693 (ON LA), January 12, 2024].