

OHS Trends: The 10 Most Important New OHS Laws of 2018



1. Bill 30 in Alberta (OHS Reform)

Bill 30, which took effect on June 1, 2018, is a sweeping piece of OHS legislation that brings Alberta's into line with the rest of the country after decades of neglect. Key changes include new safety duties for employers, prime contractors, supervisors, workers and temporary staffing agencies, new powers for JHSCs, stronger work refusal rights, more stringent OHS program requirements and stronger enforcement provisions.

2. WHMIS 2015 (Chemical Safety)

The WHMIS 2015 initiative designed to harmonize Canadian hazardous product rules with GHS global standards began with manufacturers before moving downstream to importers and suppliers before finally reaching employers that use and store the products on Dec. 1, 2018. Key new requirements include changes to the MSDS'now the SDS, WHMIS labels, product classification and training.

3. Bill 177 in Ontario (OHS Enforcement)

On January 1, significant new OHS enforcement changes took effect in Ontario, including tripling of maximum penalties, more stringent incident reporting requirements and implementation of a longer and more nebulous statute of limitations for bringing charges, which went from one year from the violation date to one from year from the date an OHS inspector *first becomes aware of the violation*.

4. Bill C-65 for Federally Regulated Workplaces (Workplace Violence & Harassment)

Eight years ago, Ontario set the standard for OHS workplace violence legislation by adopting Bill 168 requiring employers to take proactive measures to control not only violence but also harassment. On October 25, 2018, the federal

government introduced the next generation model in the form of Bill C-65, which includes progressive new rules to ensure workers come forward with complaints and that those complaints are investigated and resolved fairly by a third party from outside the organization.

5. Bill 30 Workers' Comp Changes in Alberta

In addition to its OHS provisions, Bill 30 made significant changes to workers' comp, including worker return to work rights, extension of the presumption that PTSD is work-related to all workers, removal of the maximum insurable earnings cap and a new Code of Conduct for workers and employers dealing with WCB matters.

6. Bill 176 in Qu bec (Psychological Harassment)

The psychological harassment provisions adopted by Qu bec in 1999 as part of its labour standards laws generated a national wave of workplace violence and harassment legislation (although other jurisdictions incorporated the new rules into their OHS laws.) This fall, Qu bec enacted Bill 176 expanding psychological harassment protections. The new rules, which take effect Jan. 1, 2019 require employers to adopt prevention policies, investigate and report complaints; they also increase the deadline for worker complaints from 90 days to 2 years.

7. New OHS. Regs. Part XXII.I in New Brunswick (Workplace Violence & Harassment)

There are only 2 jurisdictions whose OHS laws don't specifically address workplace violence: New Brunswick and Yukon. But New Brunswick is leaving that club on April 1, 2019, when new OHS regulations requiring employers to implement codes of practice to prevent workplace violence and harassment take effect.

8. WSIB Policy 15-03-14 in Ontario (Mental Stress)

On Jan. 1, 2018, new rules took effect extending workers comp coverage of psychological disorders beyond disorders caused by acute traumatic events to include DSM-recognized and properly diagnosed chronic mental stress due to substantial work-related stressors that do damage without being traumatic, e.g., workplace bullying and harassment.

9. New OHS Regs. Section 35.1 in Northwest Territories (Workplace Impairment)

The new NWT workplace impairment rules that took effect in Sept. just ahead of cannabis legalization set a standard for the rest of the country on this crucial issue. The most novel aspects of the regulations are the worker's duty to notify the employer when he/she is impaired and the employer's duty to implement a detailed written policy for dealing with workplace impairment.

10. WSH Regulation Technical Revisions in Manitoba (OHS Harmonization)

The first aid, respiratory protection, audiometric testing, high-visibility safety apparel and other technical regulatory changes which were tabled by Manitoba in November and likely to take effect in early 2019, are on this list because of their symbolic effect rather than substance. After years of talk about OHS harmonization, Manitoba became the first province to actually revise its laws in accordance with nationally agreed-to standards.

Honorable Mentions

Other important new health and safety laws that didn't quite make the list include:

- New OHS farm safety regulations in Alberta;
- Cutting edge new OHS Reg. storage rack safety standards in BC;
- Expanded workers' comp mental stress coverage presumptions (Bill 102) in PEI; and
- New workers' comp PTSD coverage presumption for emergency and front line workers in Nova Scotia.