Français

Occupational Health and Safety Act

R.S.O. 1990, CHAPTER O.1

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Definitions

1 (1) In this Act,

"Board" means the Ontario Labour Relations Board; ("Commission")

"Building Code" means any version of the Ontario Building Code that was in force at any time since it was made under the *Building Code Act, 1974*, the *Building Code Act* of the Revised Statutes of Ontario, 1980, the *Building Code Act* of the Revised Statutes of Ontario, 1990, the *Building Code Act, 1992* or a successor to the *Building Code Act, 1992*; ("code du bâtiment")

"certified member" means a committee member who is certified under section 7.6; ("membre agréé")

"Chief Prevention Officer" means the Chief Prevention Officer appointed under subsection 22.3 (1); ("directeur général de la prévention")

"committee" means a joint health and safety committee established under this Act; ("comité")

"competent person" means a person who,

(a) is qualified because of knowledge, training and experience to organize the work and its performance,

(b) is familiar with this Act and the regulations that apply to the work, and

(c) has knowledge of any potential or actual danger to health or safety in the workplace; ("personne compétente")

"construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project but does not include any work or undertaking underground in a mine; ("construction")

"constructor" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer; ("constructeur")

"Deputy Minister" means the Deputy Minister of Labour; ("sous-ministre")

"designated substance" means a biological, chemical or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled; ("substance désignée")

"Director" means an inspector under this Act who is appointed as a Director for the purposes of this Act; ("directeur")

"employer" 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; ("employeur")

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2021, c. 34, Sched. 15, s. 1 (1))

"engineer" means, subject to any prescribed requirements or restrictions, a person who is licensed as a professional engineer or who holds a limited licence under the *Professional Engineers Act*; ("ingénieur")

"engineer of the Ministry" means a person who is employed by the Ministry and who is licensed as a professional engineer under the *Professional Engineers Act*; ("ingénieur du ministère")

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, the definition of "engineer of the Ministry" in subsection 1 (1) of the Act is repealed (See: 2021, c. 34, Sched. 15, s. 1 (2))

"factory" means,

(a) a building or place other than a mine, mining plant or place where homework is carried on, where,

(i) any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(ii) in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,

(A) used to work any machinery or device, or

(B) modified in any manner,

(iii) any work is performed by way of trade or for the purposes of gain in or incidental to the making of any goods, substance, article or thing or part thereof,

(iv) any work is performed by way of trade or for the purposes of gain in or incidental to the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, or

(v) aircraft, locomotives or vehicles used for private or public transport are maintained,

(b) a laundry including a laundry operated in conjunction with,

(i) a public or private hospital,

Note: On a day to be named by proclamation of the Lieutenant Governor, subclause (b) (i) of the definition of "factory" in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2017, c. 25, Sched. 9, s. 104)

(i) a public hospital or a community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017* that was formerly licensed under the *Private Hospitals Act*,

(ii) a hotel, or

(iii) a public or private institution for religious, charitable or educational purposes, and

(c) a logging operation; ("usine")

"hazardous material" means a biological or chemical agent named or described in the regulations as a hazardous material; ("matériau dangereux")

"hazardous physical agent" means a physical agent named or described in the regulations as a hazardous physical agent; ("agent physique dangereux")

"health and safety management system" means a coordinated system of procedures, processes and other measures that is designed to be implemented by employers in order to promote continuous improvement in occupational health and safety; ("système de gestion de la santé et de la sécurité")

"health and safety representative" means a health and safety representative selected under this Act; ("délégué à la santé et à la sécurité")

"homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation; ("travail à domicile")

"industrial establishment" means an office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto; ("établissement industriel")

"inspector" means an inspector appointed for the purposes of this Act and includes a Director; ("inspecteur")

"labour relations officer" means a labour relations officer appointed under the *Labour Relations Act, 1995*; ("agent des relations de travail")

"licensee" means a person who holds a licence under Part III of the *Crown Forest Sustainability Act, 1994*; ("titulaire d'un permis")

"logging" means the operation of felling or trimming trees for commercial or industrial purposes or for the clearing of land, and includes the measuring, storing, transporting or floating of logs, the maintenance of haul roads, scarification, the carrying out of planned burns and the practice of silviculture; ("exploitation forestière")

"mine" means any work or undertaking for the purpose of opening up, proving, removing or extracting any metallic or non-metallic mineral or mineral-bearing substance, rock, earth, clay, sand or gravel; ("mine")

"mining plant" means any roasting or smelting furnace, concentrator, mill or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance mentioned in the definition of "mine"; ("installation minière")

"Minister" means the Minister of Labour; ("ministre")

"Ministry" means the Ministry of Labour; ("ministère")

"occupational illness" means a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an occupational disease for which a worker is entitled to benefits under the *Workplace Safety and Insurance Act, 1997*; ("maladie professionnelle")

"Office of the Employer Adviser" means the office continued under subsection 176 (2) of the *Workplace Safety and Insurance Act, 1997*; ("Bureau des conseillers des employeurs")

"Office of the Worker Adviser" means the office continued under subsection 176 (1) of the *Workplace Safety and Insurance Act, 1997*; ("Bureau des conseillers des travailleurs")

"owner" 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; ("propriétaire")

"prescribed" means prescribed by a regulation made under this Act; ("prescrit")

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2021, c. 34, Sched. 15, s. 1 (3))

"professional engineer of the Ministry" means a person employed by the Ministry and who is licensed as a professional engineer under the *Professional Engineers Act*; ("ingénieur du ministère")

"project" means a construction project, whether public or private, including,

(a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,

(b) the moving of a building or structure, and

(c) any work or undertaking, or any lands or appurtenances used in connection with construction; ("chantier")

"regulations" means the regulations made under this Act; ("règlements")

"shop" means a building, booth or stall or a part of such building, booth or stall where goods are handled, exposed or offered for sale or where services are offered for sale; ("magasin")

"supervisor" means a person who has charge of a workplace or authority over a worker; ("superviseur")

"trade union" means a trade union as defined in the *Labour Relations Act, 1995* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a workplace and includes an organization representing workers or persons to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such workers or persons; ("syndicat")

"worker" means any of the following, 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:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
4. REPEALED: 2017, c. 22, Sched. 1, s. 71 (2).
5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation; ("travailleur")

"workplace" means any land, premises, location or thing at, upon, in or near which a worker works; ("lieu de travail")

"workplace harassment" means,

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or

(b) workplace sexual harassment; ("harcèlement au travail")

"workplace sexual harassment" means,

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

(b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; ("harcèlement sexuel au travail")

"workplace violence" means,

(a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,

(b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,

(c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. ("violence au travail") R.S.O. 1990, c. O.1, s. 1 (1); 1993, c. 27, Sched.; 1994, c. 24, s. 35; 1994, c. 25, s. 83 (1); 1997, c. 16, s. 2 (1-3); 1998, c. 8, s. 49; 2009, c. 23, s. 1; 2009, c. 33, Sched. 20, s. 3 (1); 2011, c. 11, s. 1; 2014, c. 10, Sched. 4, s. 1; 2016, c. 2, Sched. 4, s. 1 (1, 2); 2016, c. 37, Sched. 16, s. 1; 2017, c. 22, Sched. 1, s. 71.

Ship under repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project. R.S.O. 1990, c. O.1, s. 1 (2).

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project. R.S.O. 1990, c. O.1, s. 1 (3).

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 1 (3) of the Act is amended by striking out "professional" (See: 2021, c. 34, Sched. 15, s. 1 (4))

Workplace harassment

(4) A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. 2016, c. 2, Sched. 4, s. 1 (3).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1994, c. 24, s. 35 - 1/01/1995; 1994, c. 25, s. 83 (1) - 1/04/1995; 1997, c. 16, s. 2 (1-3) - 1/01/1998; 1998, c. 8, s. 49 - 29/06/1998

2009, c. 23, s. 1 - 15/06/2010; 2009, c. 33, Sched. 20, s. 3 (1) - 15/12/2009

2011, c. 11, s. 1 - 1/06/2011

2014, c. 10, Sched. 4, s. 1 - 20/11/2014

2016, c. 2, Sched. 4, s. 1 (1-3) - 08/09/2016; 2016, c. 37, Sched. 16, s. 1 - 08/12/2016

2017, c. 22, Sched. 1, s. 71 (1, 2) - 01/01/2018; 2017, c. 25, Sched. 9, s. 104 - not in force

2021, c. 34, Sched. 15, s. 1 (1-4) - 01/07/2022

PART I
APPLICATION

Crown and other Acts

Crown

2 (1) This Act binds the Crown and applies to an employee in the service of the Crown or an agency, board, commission or corporation that exercises any function assigned or delegated to it by the Crown.

Other Acts

(2) Despite anything in any general or special Act, the provisions of this Act and the regulations prevail. R.S.O. 1990, c. O.1, s. 2.

Private residences, farming, teaching

Private residences

3 (1) This Act does not apply to work performed by the owner or occupant or a servant of the owner or occupant to, in or about a private residence or the lands and appurtenances used in connection therewith.

Farming operations

(2) Except as is prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to farming operations.

Teachers, etc.

(3) Except as is prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to,

(a) a person who is employed as a teacher as defined in the *Education Act*; or

(b) a person who is employed as a member or teaching assistant of the academic staff of a university or a related institution. R.S.O. 1990, c. O.1, s. 3.

Self-employed persons

4 Subsection 25 (1), clauses 26 (1) (c), (e), (f) and (g), subsection 33 (1) and sections 37, 38, 39, 40, 41, 51, 52, 54, 57, 59, 60, 61, 62, 66, 67, 68 and 69, and the regulations in relation thereto, apply with necessary modifications to a self-employed person. 2001, c. 9, Sched. I, s. 3 (1); 2019, c. 14, Sched. 13, s. 1.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (1) - 29/06/2001; 2001, c. 9, Sched. I, s. 3 (2) - See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2011

2019, c. 14, Sched. 13, s. 1 - 10/12/2019

PART II
ADMINISTRATION

Administration of Act

4.1 (1) The Minister is responsible for the administration of this Act. 2011, c. 11, s. 2.

Powers of Minister

(2) In administering this Act, the Minister's powers and duties include the following:

1. To promote occupational health and safety and to promote the prevention of workplace injuries and occupational diseases.
2. To promote public awareness of occupational health and safety.
3. To educate employers, workers and other persons about occupational health and safety.
4. To foster a commitment to occupational health and safety among employers, workers and others.
5. To make grants, in such amounts and on such terms as the Minister considers advisable, to support occupational health and safety. 2011, c. 11, s. 2.

Duty to consider

(3) In administering this Act, the Minister shall consider advice that is provided to the Minister under this Act. 2011, c. 11, s. 2.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 2 - 1/04/2012

Delegation of powers

5 Where under this Act or the regulations any power or duty is granted to or vested in the Minister or the Deputy Minister, the Minister or Deputy Minister may in writing delegate that power or duty from time to time to any employee in the Ministry subject to such limitations, restrictions, conditions and requirements as the Minister or Deputy Minister may set out in the delegation. R.S.O. 1990, c. O.1, s. 5; 2006, c. 35, Sched. C, s. 93 (1).

Section Amendments with date in force (d/m/y)

2006, c. 35, Sched. C, s. 93 (1) - 20/08/2007

Appointment of inspectors and Directors

6 (1) Such persons as may be necessary to administer and enforce this Act and the regulations may be appointed as inspectors by the Deputy Minister and the Deputy Minister may designate one or more of the inspectors as a Director or Directors.

Director may act as inspector

(2) A Director may exercise any of the powers or perform any of the duties of an inspector under this Act or the regulations. R.S.O. 1990, c. O.1, s. 6.

Certificate of appointment

7 (1) The Deputy Minister shall issue a certificate of appointment, bearing his or her signature or a facsimile thereof, to every inspector.

Production of certificate

(2) Every inspector, in the exercise of any powers or duties under this Act, shall produce his or her certificate of appointment upon request. R.S.O. 1990, c. O.1, s. 7.

Standards – training programs

7.1 (1) The Chief Prevention Officer may establish standards for training programs required under this Act or the regulations. 2011, c. 11, s. 3.

Approval — training program

(2) The Chief Prevention Officer may approve a training program that is established before or after this subsection comes into force if the training program meets the standards established under subsection (1). 2011, c. 11, s. 3.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 3 - 1/06/2011

Standards – persons who provide training

7.2 (1) The Chief Prevention Officer may establish standards that a person shall meet in order to become an approved training provider. 2011, c. 11, s. 3.

Approval – persons who provide training

(2) The Chief Prevention Officer may approve a person who meets the standards described in subsection (1) as a training provider with respect to one or more approved training programs. 2011, c. 11, s. 3.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 3 - 1/06/2011

Amendment of standard

7.3 (1) The Chief Prevention Officer may amend a standard established under subsection 7.1 (1) or 7.2 (1). 2011, c. 11, s. 3.

Publication of standards

(2) The Chief Prevention Officer shall publish the standards established under subsections 7.1 (1) and 7.2 (1) promptly after establishing or amending them. 2011, c. 11, s. 3.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 3 - 1/06/2011

Validity of approval

7.4 (1) An approval given under subsection 7.1 (2) or 7.2 (2) is valid for the period that the Chief Prevention Officer specifies in the approval. 2011, c. 11, s. 3.

Revocation, etc., of approval

(2) The Chief Prevention Officer may revoke or amend an approval given under subsection 7.1 (2) or 7.2 (2). 2011, c. 11, s. 3.

Information to be provided to Chief Prevention Officer

(3) The Chief Prevention Officer may require any person who is seeking an approval or is the subject of an approval under subsection 7.1 (2) or 7.2 (2) to provide the Chief Prevention Officer with whatever information, records or accounts he or she may require pertaining to the approval and the Chief Prevention Officer may make such inquiries and examinations as he or she considers necessary. 2011, c. 11, s. 3.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 3 - 1/06/2011

Collection and use of training information

7.5 (1) The Chief Prevention Officer may collect information about a worker's successful completion of an approved training program for the purpose of maintaining a record of workers who have successfully completed approved training programs. 2011, c. 11, s. 3.

Disclosure by training provider

(2) The Chief Prevention Officer may require an approved training provider to disclose to him or her the information described in subsection (1). 2011, c. 11, s. 3.

Same

(3) The Chief Prevention Officer may specify the time at which, and the form in which, the information shall be provided. 2011, c. 11, s. 3.

Disclosure by Chief Prevention Officer

(4) The Chief Prevention Officer may disclose information collected under subsection (1) to any person, including but not limited to a current or potential employer of a worker, if the worker consents to the disclosure. 2011, c. 11, s. 3.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 3 - 1/06/2011

Certification of members

7.6 (1) The Chief Prevention Officer may,

(a) establish training and other requirements that a committee member shall fulfil in order to become a certified member; and

(b) certify a committee member who fulfils the requirements described in clause (a). 2011, c. 11, s. 4.

Transition

(2) A person who is certified under paragraph 5 of subsection 4 (1) of the *Workplace Safety and Insurance Act, 1997* on the date section 20 of the *Occupational Health and Safety Statute Law Amendment Act, 2011* comes into force is deemed to be certified under this section. 2011, c. 11, s. 4.

Amendment

(3) The Chief Prevention Officer may amend training and other requirements established under clause (1) (a). 2019, c. 9, Sched. 10, s. 1.

Conditions

(4) The Chief Prevention Officer may establish conditions that a committee member certified under clause (1) (b) must meet in order to maintain their certification. 2019, c. 9, Sched. 10, s. 1.

Validity of certification

(5) A certification granted under clause (1) (b) is valid for the period that the Chief Prevention Officer specifies in the certification. 2019, c. 9, Sched. 10, s. 1.

Revocation, etc., of certification

(6) The Chief Prevention Officer may revoke or amend a certification granted under clause (1) (b). 2019, c. 9, Sched. 10, s. 1.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 4 - 1/04/2012

2019, c. 9, Sched. 10, s. 1 - 06/06/2019

Accreditation of health and safety management systems

7.6.1 (1) The Chief Prevention Officer may accredit a health and safety management system if the system meets any applicable standards established under subsection (2). 2016, c. 37, Sched. 16, s. 2.

Standards

(2) The Chief Prevention Officer may establish standards that a health and safety management system must meet in order to become an accredited health and safety management system. 2016, c. 37, Sched. 16, s. 2.

Amendment

(3) The Chief Prevention Officer may amend standards established under subsection (2). 2016, c. 37, Sched. 16, s. 2.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 16, s. 2 - 08/12/2016

Recognition of employers

7.6.2 (1) The Chief Prevention Officer may give recognition to an employer in respect of one or more of its workplaces, upon the employer's application, if,

(a) the employer satisfies the Chief Prevention Officer that it is a certified user of an accredited health and safety management system in its workplace or workplaces; and

(b) the employer meets any applicable criteria established under subsection (2). 2016, c. 37, Sched. 16, s. 2.

Criteria

(2) The Chief Prevention Officer may establish criteria that an employer must meet for the purposes of clause (1) (b). 2016, c. 37, Sched. 16, s. 2.

Amendment

(3) The Chief Prevention Officer may amend criteria established under subsection (2). 2016, c. 37, Sched. 16, s. 2.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 16, s. 2 - 08/12/2016

Validity of accreditations, recognitions

7.6.3 (1) An accreditation given under subsection 7.6.1 (1) or a recognition given under subsection 7.6.2 (1) is valid for the period that the Chief Prevention Officer specifies in the accreditation or recognition. 2016, c. 37, Sched. 16, s. 2.

Revocation, etc., of accreditations, recognitions

(2) The Chief Prevention Officer may revoke or amend an accreditation or recognition. 2016, c. 37, Sched. 16, s. 2.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 16, s. 2 - 08/12/2016

Information re accreditations, recognitions

7.6.4 (1) The Chief Prevention Officer may require any person who is seeking an accreditation under subsection 7.6.1 (1) or recognition under subsection 7.6.2 (1), or who is the subject of an accreditation or recognition, to provide the Chief Prevention Officer with whatever information, records or accounts he or she may require pertaining to the accreditation or recognition and the Chief Prevention Officer may make such inquiries and examinations as he or she considers necessary. 2016, c. 37, Sched. 16, s. 2.

Disclosure by Director

(2) A Director may communicate or allow to be communicated or disclosed any information that was collected under the authority of this Act or the regulations to the Chief Prevention Officer or to a delegate for the purposes of determining whether the employer should receive recognition or should keep such recognition. 2016, c. 37, Sched. 16, s. 2.

Same

(3) Any disclosure of personal information that is authorized under subsection (2) shall be deemed to be in compliance with clause 42 (1) (d) of the *Freedom of Information and Protection of Privacy Act.* 2016, c. 37, Sched. 16, s. 2.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 16, s. 2 - 08/12/2016

Publication

7.6.5 (1) The Chief Prevention Officer may publish or otherwise make available to the public information relating to health and safety management systems accredited under subsection 7.6.1 (1) and employers given recognition under subsection 7.6.2 (1), including the names of the systems and employers. 2016, c. 37, Sched. 16, s. 2.

Same

(2) The Chief Prevention Officer shall publish the standards for accreditation of health and safety management systems and the criteria for recognition of employers promptly after establishing or amending them. 2016, c. 37, Sched. 16, s. 2.

Section Amendments with date in force (d/m/y)

2016, c. 37, Sched. 16, s. 2 - 08/12/2016

Delegation

7.7 The Chief Prevention Officer may delegate, in writing, any of his or her powers or duties under subsections 7.1 (2) and 7.2 (2), sections 7.4 and 7.5, clause 7.6 (1) (b), subsections 7.6 (5) and (6), 7.6.1 (1) and 7.6.2 (1), sections 7.6.3 and 7.6.4 and subsection 7.6.5 (1) to any person, including any person outside the Ministry, subject to such limitations, restrictions, conditions and requirements as the Chief Prevention Officer may set out in the delegation. 2016, c. 37, Sched. 16, s. 3; 2019, c. 9, Sched. 10, s. 2.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 5 - 1/06/2011

2016, c. 37, Sched. 16, s. 3 - 08/12/2016

2019, c. 9, Sched. 10, s. 2 - 06/06/2019

Mandatory selection of health and safety representative

8 (1) At a project or other workplace where no committee is required under section 9 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the workplace who do not exercise managerial functions. R.S.O. 1990, c. O.1, s. 8 (1).

Order appointing health and safety representatives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 9 for a workplace, the Minister may, by order in writing, require a constructor or employer to cause the workers to select one or more health and safety representatives from among the workers at the workplace or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives. R.S.O. 1990, c. O.1, s. 8 (2).

Idem

(3) The Minister may from time to time give such directions as the Minister considers advisable concerning the carrying out of the functions of a health and safety representative. R.S.O. 1990, c. O.1, s. 8 (3).

What Minister shall consider

(4) In exercising the power conferred by subsection (2), the Minister shall consider the matters set out in subsection 9 (5). R.S.O. 1990, c. O.1, s. 8 (4).

Selection of representatives

(5) The selection of a health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the workplace, or the part or parts thereof, as the case may be, or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions. R.S.O. 1990, c. O.1, s. 8 (5).

Inspections

(6) Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the workplace at least once a month. R.S.O. 1990, c. O.1, s. 8 (6).

Idem

(7) If it is not practical to inspect the workplace at least once a month, the health and safety representative shall inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace in each month. R.S.O. 1990, c. O.1, s. 8 (7).

Schedule of inspections

(8) The inspection required by subsection (7) shall be undertaken in accordance with a schedule agreed upon by the constructor or employer and the health and safety representative. R.S.O. 1990, c. O.1, s. 8 (8).

Inspections

(9) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the workplace. R.S.O. 1990, c. O.1, s. 8 (9).

Idem

(10) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his or her findings thereon to the employer, the workers and the trade union or trade unions representing the workers. R.S.O. 1990, c. O.1, s. 8 (10).

Powers of representative

(11) A health and safety representative has the power,

(a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety;

(b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the workplace if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and

(c) to obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge. R.S.O. 1990, c. O.1, s. 8 (11).

Response to recommendations

(12) A constructor or employer who receives written recommendations from a health and safety representative shall respond in writing within twenty-one days. R.S.O. 1990, c. O.1, s. 8 (12).

Idem

(13) A response of a constructor or employer under subsection (12) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept. R.S.O. 1990, c. O.1, s. 8 (13).

Notice of accident, inspection by representative

(14) Where a person is killed or critically injured at a workplace from any cause, the health and safety representative may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings in writing to a Director. R.S.O. 1990, c. O.1, s. 8 (14).

Same

(14.1) A health and safety representative may share with an inspector any of the findings made by the representative under subsection (14). 2021, c. 34, Sched. 15, s. 2.

Entitlement to time from work

(15) A health and safety representative is entitled to take such time from work as is necessary to carry out his or her duties under subsections (6) and (14) and the time so spent shall be deemed to be work time for which the representative shall be paid by his or her employer at the representative's regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 8 (15).

Additional powers of certain health and safety representatives

(16) A health and safety representative or representatives of like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the constructor or the employer and the workers, has, in addition to his or her functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a health and safety representative by this section. R.S.O. 1990, c. O.1, s. 8 (16).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 6 - See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2021

2021, c. 34, Sched. 15, s. 2 - 02/12/2021

Joint health and safety committee

Application

9 (1) Subject to subsection (3), this section does not apply,

(a) to a constructor at a project at which work is expected to last less than three months; or

(b) to a prescribed employer or workplace or class of employers or workplaces. R.S.O. 1990, c. O.1, s. 9 (1).

Joint health and safety committee

(2) A joint health and safety committee is required,

(a) at a workplace at which twenty or more workers are regularly employed;

(b) at a workplace with respect to which an order to an employer is in effect under section 33; or

(c) at a workplace, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies. R.S.O. 1990, c. O.1, s. 9 (2).

Minister's order

(3) Despite subsections (1) and (2), the Minister may, by order in writing, require a constructor or an employer to establish and maintain one or more joint health and safety committees for a workplace or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established. R.S.O. 1990, c. O.1, s. 9 (3).

Same

(3.1) Despite subsections (1) and (2), the Minister may, by order in writing, permit a constructor or an employer to establish and maintain one joint health and safety committee for more than one workplace or parts thereof, and may, in the order, provide for the composition, practice and procedure of any committee so established. 1994, c. 27, s. 120 (1).

Same

(3.2) In an order under subsection (3.1), the Minister may,

(a) provide that the members of a committee who represent workers may designate a worker at a workplace who is not a member of the committee to inspect the physical condition of the workplace under subsection 9 (23) and to exercise a committee member's rights and responsibilities under clause 43 (4) (a) and subsections 43 (7), (11) and (12); and

(b) require the employer to provide training to the worker to enable the worker to adequately perform the tasks or exercise the rights and responsibilities delegated by the committee. 2001, c. 9, Sched. I, s. 3 (3).

Same

(3.3) If a worker is designated under clause (3.2) (a), the following apply:

1. The designated worker shall comply with this section as if the worker were a committee member while exercising a committee member's rights and responsibilities.
2. Subsections 9 (35) and 43 (13), section 55, clauses 62 (5) (a) and (b) and subsection 65 (1) apply to the designated worker as if the worker were a committee member while the worker exercises a committee member's rights and responsibilities.
3. The worker does not become a member of the committee as a result of the designation. 2001, c. 9, Sched. I, s. 3 (3).

Establishment of committee

(4) The constructor or employer shall cause a joint health and safety committee to be established and maintained at the workplace unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate was, on the 1st day of October, 1979, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section. R.S.O. 1990, c. O.1, s. 9 (4); 1993, c. 27, Sched.

What Minister shall consider

(5) In exercising the power conferred by subsection (3) or (3.1), the Minister shall consider,

(a) the nature of the work being done;

(b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a workplace;

(c) the frequency of illness or injury in the workplace or in the industry of which the constructor or employer is a part;

(d) the existence of health and safety programs and procedures in the workplace and the effectiveness thereof; and

(e) such other matters as the Minister considers advisable. R.S.O. 1990, c. O.1, s. 9 (5); 1994, c. 27, s. 120 (2).

Composition of committee

(6) A committee shall consist of,

(a) at least two persons, for a workplace where fewer than fifty workers are regularly employed; or

(b) at least four persons or such greater number of people as may be prescribed, for a workplace where fifty or more workers are regularly employed. R.S.O. 1990, c. O.1, s. 9 (6).

Idem

(7) At least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions. R.S.O. 1990, c. O.1, s. 9 (7).

Selection of members

(8) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions. R.S.O. 1990, c. O.1, s. 9 (8).

Idem

(9) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the workplace. R.S.O. 1990, c. O.1, s. 9 (9).

Requirement for committee membership

(10) A member of the committee who ceases to be employed at the workplace ceases to be a member of the committee. R.S.O. 1990, c. O.1, s. 9 (10).

Committee to be co-chaired

(11) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. R.S.O. 1990, c. O.1, s. 9 (11).

Certification requirement

(12) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members. R.S.O. 1990, c. O.1, s. 9 (12).

Idem

(13) Subsection (12) does not apply with respect to a project where fewer than fifty workers are regularly employed or that is expected to last less than three months. R.S.O. 1990, c. O.1, s. 9 (13).

Designation of member to be certified

(14) If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified. R.S.O. 1990, c. O.1, s. 9 (14).

Designation of certified members

(15) If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing workers. R.S.O. 1990, c. O.1, s. 9 (15).

Idem

(16) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer. R.S.O. 1990, c. O.1, s. 9 (16).

Replacement of certified member

(17) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (12) is met. R.S.O. 1990, c. O.1, s. 9 (17).

Powers of committee

(18) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to workers;

(b) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;

(c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;

(d) obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge;

(e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety; and

(f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the workplace if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid. R.S.O. 1990, c. O.1, s. 9 (18).

Idem

(19) The members of the committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (18) (f). R.S.O. 1990, c. O.1, s. 9 (19).

Powers of co-chairs

(19.1) If the committee has failed to reach consensus about making recommendations under subsection (18) after attempting in good faith to do so, either co-chair of the committee has the power to make written recommendations to the constructor or employer. 2011, c. 11, s. 7 (1).

Response to recommendations

(20) A constructor or employer who receives written recommendations from a committee or co-chair shall respond in writing within twenty-one days. R.S.O. 1990, c. O.1, s. 9 (20); 2011, c. 11, s. 7 (2).

Idem

(21) A response of a constructor or employer under subsection (20) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept. R.S.O. 1990, c. O.1, s. 9 (21).

Minutes of proceedings

(22) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector. R.S.O. 1990, c. O.1, s. 9 (22).

Inspections

(23) Subject to subsection (24), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the workplace. R.S.O. 1990, c. O.1, s. 9 (23).

Idem

(24) If possible, the member designated under subsection (23) shall be a certified member. R.S.O. 1990, c. O.1, s. 9 (24).

Idem

(25) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection. R.S.O. 1990, c. O.1, s. 9 (25).

Idem

(26) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (23) shall inspect the physical condition of the workplace at least once a month. R.S.O. 1990, c. O.1, s. 9 (26).

Idem

(27) If it is not practical to inspect the workplace at least once a month, the member designated under subsection (23) shall inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace in each month. R.S.O. 1990, c. O.1, s. 9 (27).

Schedule of inspections

(28) The inspection required by subsection (27) shall be undertaken in accordance with a schedule established by the committee. R.S.O. 1990, c. O.1, s. 9 (28).

Inspections

(29) The constructor, employer and the workers shall provide a member designated under subsection (23) with such information and assistance as the member may require for the purpose of carrying out an inspection of the workplace. R.S.O. 1990, c. O.1, s. 9 (29).

Information reported to the committee

(30) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time. R.S.O. 1990, c. O.1, s. 9 (30).

Notice of accident, inspection by committee member

(31) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings to a Director and to the committee. R.S.O. 1990, c. O.1, s. 9 (31).

Same

(31.1) A member of a committee who is designated to investigate cases under subsection (31) may share with an inspector any of the findings made by the member under subsection (31). 2021, c. 34, Sched. 15, s. 3.

Posting of names and work locations

(32) A constructor or an employer required to establish a committee under this section shall post and keep posted at the workplace the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers. R.S.O. 1990, c. O.1, s. 9 (32).

Meetings

(33) A committee shall meet at least once every three months at the workplace and may be required to meet by order of the Minister. R.S.O. 1990, c. O.1, s. 9 (33).

Entitlement to time from work

(34) A member of a committee is entitled to,

(a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;

(b) such time as is necessary to attend meetings of the committee; and

(c) such time as is necessary to carry out the member's duties under subsections (26), (27) and (31). R.S.O. 1990, c. O.1, s. 9 (34).

Entitlement to be paid

(35) A member of a committee shall be deemed to be at work during the times described in subsection (34) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 9 (35).

Idem

(36) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming a certified member and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 9 (36); 1998, c. 8, s. 50 (1); 2011, c. 11, s. 7 (3).

Exception

(37) Subsection (36) does not apply with respect to workers who are paid by the Workplace Safety and Insurance Board for the time spent fulfilling the requirements for becoming certified. R.S.O. 1990, c. O.1, s. 9 (37); 1998, c. 8, s. 50 (2).

Additional powers of certain committees

(38) Any committee of a like nature to a committee established under this section in existence in a workplace under the provisions of a collective agreement or other agreement or arrangement between a constructor or an employer and the workers has, in addition to its functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a committee by this section. R.S.O. 1990, c. O.1, s. 9 (38).

Dispute resolution

(39) Where a dispute arises as to the application of subsection (2), or the compliance or purported compliance therewith by a constructor or an employer, the dispute shall be decided by the Minister after consulting the constructor or the employer and the workers or the trade union or trade unions representing the workers. R.S.O. 1990, c. O.1, s. 9 (39).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1994, c. 27, s. 120 (1, 2) - 9/12/1994; 1998, c. 8, s. 50 (1, 2) - 29/06/1998

2001, c. 9, Sched. I, s. 3 (3) - 29/06/2001

2011, c. 11, s. 7 (1-3) - 1/04/2012

2021, c. 34, Sched. 15, s. 3 - 02/12/2021

Worker trades committee

10 (1) If a committee is required at a project, other than a project where fewer than fifty workers are regularly employed or that is expected to last less than three months, the committee shall establish a worker trades committee for the project.

Committee membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the workplace.

Selection of members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members are to represent or, if a trade union represents the workers, by the trade union.

Function of worker trades committee

(4) It is the function of a worker trades committee to inform the committee at the workplace of the health and safety concerns of the workers employed in the trades at the workplace.

Entitlement to time from work

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

Committee to determine maximum entitlement

(6) The committee for a workplace shall determine the maximum amount of time for which members of a worker trades committee for the workplace are entitled to be paid under subsection (5) for each meeting of the worker trades committee. R.S.O. 1990, c. O.1, s. 10.

Consultation on industrial hygiene testing

11 (1) The constructor or employer at a workplace shall consult a health and safety representative or the committee with respect to proposed testing strategies for investigating industrial hygiene at the workplace.

Information

(2) The constructor or employer shall provide information to a health and safety representative or the committee concerning testing strategies to be used to investigate industrial hygiene at the workplace.

Attendance at testing

(3) A health and safety representative or a designated committee member representing workers at a workplace is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the workplace if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Designation of member

(4) The committee members representing workers shall designate one of them for the purpose of subsection (3). R.S.O. 1990, c. O.1, s. 11.

Summary to be furnished

12 (1) For workplaces to which the insurance plan established under the *Workplace Safety and Insurance Act, 1997* applies, the Workplace Safety and Insurance Board, upon the request of an employer, a worker, committee, health and safety representative or trade union, shall send to the employer, and to the worker, committee, health and safety representative or

trade union requesting the information an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost work day cases, the number of lost work days, the number of non-fatal cases that required medical aid without lost work days, the incidence of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable. R.S.O. 1990, c. O.1, s. 12 (1); 1997, c. 16, s. 2 (4).

Posting of copy of summary

(2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted in a conspicuous place or places at the workplace where it is most likely to come to the attention of the workers.

Director to provide information

(3) A Director shall, in accordance with the objects and purposes of this Act, ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the occupational health and occupational safety of workers generally. R.S.O. 1990, c. O.1, s. 12 (2, 3).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (4) - 1/01/1998

13 REPEALED: 1997, c. 16, s. 2 (5).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (5) - 1/01/1998

14 REPEALED: 1997, c. 16, s. 2 (6).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (6) - 1/01/1998

15 REPEALED: 1997, c. 16, s. 2 (7).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (7) - 1/01/1998

16 REPEALED: 1997, c. 16, s. 2 (8).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (8) - 1/01/1998

17 REPEALED: 1997, c. 16, s. 2 (9).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (9) - 1/01/1998

18 REPEALED: 1997, c. 16, s. 2 (10).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (10) - 1/01/1998

19 REPEALED: 1997, c. 16, s. 2 (10).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (10) - 1/01/1998

Testimony in civil proceedings, etc.

20 (1) Except with the consent of the Board, no member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil proceeding or in any proceeding before the Board or in any proceeding before any other tribunal respecting information obtained in the discharge of their duties or while acting within the scope of their employment under this Act.

Non-disclosure

(2) No information or material furnished to or received by a labour relations officer under this Act shall be disclosed except to the Board or as authorized by the Board. 1998, c. 8, s. 51.

Section Amendments with date in force (d/m/y)

1998, c. 8, s. 51 - 29/06/1998

Advisory committees

21 (1) The Minister may appoint committees, which are not committees as defined in subsection 1 (1), or persons to assist or advise the Minister on any matter arising under this Act or to inquire into and report to the Minister on any matter that the Minister considers advisable. R.S.O. 1990, c. O.1, s. 21 (1).

Remuneration and expenses

(2) Any person appointed under subsection (1) who is not a public servant within the meaning of the *Public Service of Ontario Act, 2006* may be paid such remuneration and expenses as may be from time to time fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. O.1, s. 21 (2); 2006, c. 35, Sched. C, s. 93 (2).

Section Amendments with date in force (d/m/y)

2006, c. 35, Sched. C, s. 93 (2) - 20/08/2007

Contribution to defray cost

22 (1) The Workplace Safety and Insurance Board shall require Schedule 1 and Schedule 2 employers under the *Workplace Safety and Insurance Act, 1997* to make payments to defray the cost of administering this Act and the regulations. The Lieutenant Governor in Council may fix the total payment to be made by all employers for that purpose.

Same

(2) The Workplace Safety and Insurance Board shall remit the money collected from employers under this section to the Minister of Finance. 1997, c. 16, s. 2 (11).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (11) - 1/04/1997

Powers under federal legislation

22.1 (1) If a regulation under the *Canada Labour Code* incorporates by reference all or part of this Act or the regulations made under it, the Board and any person having powers under this Act may exercise any powers conferred by the regulation under the *Canada Labour Code*. 2011, c. 1, Sched. 7, s. 2 (1).

Same

(2) If a regulation under section 44 of the *Nuclear Safety and Control Act* (Canada) requires an employer to whom this Act applies to comply with all or part of this Act or the regulations made under it, the Board and any person having powers under this Act may exercise any powers conferred by the regulation under the *Nuclear Safety and Control Act* (Canada). 2011, c. 1, Sched. 7, s. 2 (1).

Section Amendments with date in force (d/m/y)

1998, c. 8, s.52 - 29/06/1998

2011, c. 1, Sched. 7, s. 2 (1) - 30/03/2011

PART II.1
PREVENTION COUNCIL, CHIEF PREVENTION OFFICER AND DESIGNATED ENTITIES

PREVENTION COUNCIL

Prevention Council

22.2 (1) The Minister shall establish a council to be known as the Prevention Council in English and Conseil de la prévention in French. 2011, c. 11, s. 8 (1).

Composition

(2) The Council shall be composed of such members as the Minister may appoint, and shall include representatives from each of the following groups:

1. Trade unions and provincial labour organizations.
2. Employers.
3. Non-unionized workers, the Workplace Safety and Insurance Board and persons with occupational health and safety expertise. 2011, c. 11, s. 8 (1).

Same

(3) In appointing members of the Council, the Minister shall ensure that,

(a) an equal number of members are appointed to represent the groups described in paragraphs 1 and 2 of subsection (2); and

(b) the group described in paragraph 3 of subsection (2) is represented by not more than one-third of the members of the Council. 2011, c. 11, s. 8 (1).

Appointment of members

(4) The members of the Council shall be appointed for such term as may be determined by the Minister. 2011, c. 11, s. 8 (1).

Chair

(5) The members of the Council shall choose a chair from among themselves by the date fixed by the Minister; if they fail to do so, the Minister shall designate a member as chair. 2011, c. 11, s. 8 (1).

Same

(6) Subsection (5) applies on the first appointment of members and thereafter whenever the office of chair is vacant. 2011, c. 11, s. 8 (1).

Functions

(7) The Council shall,

(a) provide advice to the Minister on the appointment of a Chief Prevention Officer;

(b) provide advice to the Chief Prevention Officer,

(i) on the prevention of workplace injuries and occupational diseases,

(ii) for the purposes of the provincial occupational health and safety strategy and the annual report under section 22.3, and

(iii) on any significant proposed changes to the funding and delivery of services for the prevention of workplace injuries and occupational diseases;

(c) provide advice on any other matter specified by the Minister; and

(d) perform such other functions as may be specified by the Minister. 2011, c. 11, s. 8 (1).

Advice

(8) For the purposes of subsection (7), any advice provided by the Council shall be communicated by the chair of the Council. 2011, c. 11, s. 8 (1).

Remuneration and expenses

(9) Any member of the Council who is not a public servant within the meaning of the *Public Service of Ontario Act, 2006* may be paid such remuneration and expenses as may be from time to time fixed by the Lieutenant Governor in Council. 2011, c. 11, s. 8 (1).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (1) - 1/06/2011

CHIEF PREVENTION OFFICER

Chief Prevention Officer

Functions

22.3 (1) The Minister shall appoint a Chief Prevention Officer to,

(a) develop a provincial occupational health and safety strategy;

(b) prepare an annual report on occupational health and safety;

(c) exercise any power or duty delegated to him or her by the Minister under this Act;

(d) provide advice to the Minister on the prevention of workplace injuries and occupational diseases;

(e) provide advice to the Minister on any proposed changes to the funding and delivery of services for the prevention of workplace injuries and occupational diseases;

(f) provide advice to the Minister on the establishment of standards for designated entities under section 22.5;

(g) exercise the powers and perform the duties with respect to training that are set out in sections 7.1 to 7.5;

(h) exercise the powers and perform the duties set out in section 7.6;

(h.1) exercise the powers and perform the duties with respect to accreditation of health and safety management systems and recognition of employers that are set out in sections 7.6.1 to 7.6.5;

(i) exercise the powers and perform the duties set out in section 22.7; and

(j) exercise such other powers and perform such other duties as may be assigned to the Chief Prevention Officer under this Act. 2011, c. 11, s. 8 (1); 2016, c. 37, Sched. 16, s. 4; 2019, c. 9, Sched. 10, s. 3.

Appointment

(2) The Chief Prevention Officer may be appointed for a term not exceeding five years and may be reappointed for successive terms not exceeding five years each. 2011, c. 11, s. 8 (1).

Occupational health and safety strategy

(3) The Chief Prevention Officer shall develop a written provincial occupational health and safety strategy that includes,

(a) a statement of occupational health and safety goals;

(b) key performance indicators for measuring the achievement of the goals; and

(c) any other matter specified by the Minister. 2011, c. 11, s. 8 (1).

Advice of Prevention Council

(4) The Chief Prevention Officer shall consult with the Prevention Council and shall consider its advice in developing the strategy. 2011, c. 11, s. 8 (1).

Strategy provided to Minister

(5) The Chief Prevention Officer shall provide the strategy to the Minister on or before a day specified by the Minister. 2011, c. 11, s. 8 (1).

Minister's approval

(6) The Minister may approve the strategy or refer it back to the Chief Prevention Officer for further consideration. 2011, c. 11, s. 8 (1).

Publication

(7) After approving the strategy, the Minister shall publish it promptly. 2011, c. 11, s. 8 (1).

Annual report

(8) The Chief Prevention Officer shall provide an annual written report to the Minister on occupational health and safety that includes a measurement of the achievement of the goals established in the strategy, and that contains such other information as the Minister may require. 2011, c. 11, s. 8 (1).

Advice of Prevention Council

(9) The Chief Prevention Officer shall consult with the Prevention Council and shall consider its advice in developing the report. 2011, c. 11, s. 8 (1).

Report provided to Minister

(10) The Chief Prevention Officer shall provide the annual report to the Minister on or before a day specified by the Minister. 2011, c. 11, s. 8 (1).

Publication

(11) The Minister shall publish the Chief Prevention Officer's report promptly. 2011, c. 11, s. 8 (1).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (1) - 1/06/2011

2016, c. 37, Sched. 16, s. 4 - 08/12/2016

2019, c. 9, Sched. 10, s. 3 - 06/06/2019

CHANGES TO FUNDING AND DELIVERY OF SERVICES

If Minister proposes change

22.4 (1) If the Minister is considering a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases, the Minister shall determine whether the proposed change would be a significant change. 2011, c. 11, s. 8 (1).

If proposed change significant

(2) If the Minister determines that the proposed change is significant, the Minister shall seek advice from the Chief Prevention Officer with respect to the proposed change. 2011, c. 11, s. 8 (1).

If Chief Prevention Officer advising on change

(3) If the Chief Prevention Officer is considering providing advice to the Minister concerning a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases, the Chief Prevention Officer shall determine whether the proposed change would be a significant change. 2011, c. 11, s. 8 (1).

Prevention Council endorsement

(4) If the Minister asks the Chief Prevention Officer for advice under subsection (2) or if the Chief Prevention Officer determines under subsection (3) that a proposed change would be a significant change, the Chief Prevention Officer shall,

(a) ask the chair of the Prevention Council to state whether the Council endorses the proposed change; and

(b) include that statement in the advice to the Minister. 2011, c. 11, s. 8 (1).

Matters to consider in determining if change is significant

(5) The Minister and the Chief Prevention Officer shall consider such matters as may be prescribed when determining whether a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases would be a significant change. 2011, c. 11, s. 8 (1).

Regulation

(6) On the recommendation of the Minister, the Lieutenant Governor in Council may make regulations prescribing matters to be considered when determining whether a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases would be a significant change. 2011, c. 11, s. 8 (1).

Same

(7) Before recommending to the Lieutenant Governor in Council that a regulation be made under subsection (6), the Minister shall seek the advice of the Chief Prevention Officer and require the Chief Prevention Officer to seek the advice of the Prevention Council with respect to the matters to be prescribed. 2011, c. 11, s. 8 (1).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (1) - 1/06/2011

DESIGNATED ENTITIES

Eligible for grant

22.5 (1) An entity that is designated under this section is eligible for a grant from the Ministry. 2011, c. 11, s. 8 (2).

Designation by Minister

(2) The Minister may designate an entity as a safe workplace association or as a medical clinic or training centre specializing in occupational health and safety matters if the entity meets the standards established by the Minister. 2011, c. 11, s. 8 (2).

Standards

(3) The Minister may establish standards that an entity shall meet before it is eligible to be designated. 2011, c. 11, s. 8 (2).

Same

(4) The standards established under subsection (3) may address any matter the Minister considers appropriate, including governance, objectives, functions and operations. 2011, c. 11, s. 8 (2).

Same

(5) The Minister may establish different standards for associations, clinics or centres serving different industries or groups. 2011, c. 11, s. 8 (2).

Duty to comply

(6) A designated entity shall operate in accordance with the standards established under subsection (3) that apply to it, and in accordance with any other requirements imposed on it under section 22.6. 2011, c. 11, s. 8 (2).

Amendment of standard

(7) The Minister may amend a standard established under subsection (3). 2011, c. 11, s. 8 (2).

Date for compliance with amended standard

(8) If the Minister amends a standard established under subsection (3), the Minister shall establish a date by which designated entities to which the amended standard applies are required to comply with it. 2011, c. 11, s. 8 (2).

Publication of standards

(9) The Minister shall promptly publish,

(a) the standards established under subsection (3); and

(b) standards amended under subsection (7), together with the compliance date described in subsection (8). 2011, c. 11, s. 8 (2).

Transition

(10) When the Minister establishes and publishes standards under subsections (3) and (9) for the first time after the coming into force of subsection 8 (2) of the *Occupational Health and Safety Statute Law Amendment Act, 2011*, the Minister shall establish a date for the purposes of subsections (11) and (12) and shall publish it together with the standards. 2011, c. 11, s. 8 (2).

Same

(11) An entity that is designated as a safe workplace association or as a medical clinic or training centre specializing in occupational health and safety matters under section 6 of the *Workplace Safety and Insurance Act, 1997* on the date section 20 of the *Occupational Health and Safety Statute Law Amendment Act, 2011* comes into force is deemed to be designated for the purposes of this Act until the date established by the Minister under subsection (10). 2011, c. 11, s. 8 (2).

Same

(12) The standards that are in place under section 6 of the *Workplace Safety and Insurance Act, 1997* on the date section 20 of the *Occupational Health and Safety Statute Law Amendment Act, 2011* comes into force continue to apply, with necessary modifications, and are deemed to be standards for the purposes of this section, until the date established by the Minister under subsection (10). 2011, c. 11, s. 8 (2).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (2) - 1/04/2012

Effect of designation

Directions

22.6 (1) The Minister may direct a designated entity to take such actions as the Minister considers appropriate. 2011, c. 11, s. 8 (2).

Government directives

(2) In addition to the directions the Minister may issue under subsection (1), the Minister may direct an entity to comply with such government directives as the Minister specifies. 2011, c. 11, s. 8 (2).

Failure to comply

(3) If an entity has committed any failure described in paragraphs 1 to 3 of subsection 22.7 (3), the Minister may,

(a) reduce or suspend grants to the entity while the non-compliance continues;

(b) assume control of the entity and responsibility for its affairs and operations;

(c) revoke the designation and cease to provide grants to the entity; or

(d) take such other steps as he or she considers appropriate. 2011, c. 11, s. 8 (2).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (2) - 01/04/2012

Compliance and monitoring of designated entities

22.7 (1) The Chief Prevention Officer shall monitor the operation of designated entities and,

(a) may require a designated entity to provide such information, records or accounts as the Chief Prevention Officer specifies; and

(b) may make such inquiries and examinations as he or she considers necessary. 2011, c. 11, s. 8 (2).

Report to Minister

(2) The Chief Prevention Officer shall report to the Minister on the compliance of designated entities with the standards established under section 22.5 and with any directions given by the Minister under section 22.6. 2011, c. 11, s. 8 (2).

Advice to Minister

(3) Where the Chief Prevention Officer determines that any of the following have occurred, the Chief Prevention Officer shall report that determination to the Minister and may advise the Minister with respect to any action the Minister may decide to take under section 22.6:

1. A designated entity has failed to operate in accordance with a standard established under section 22.5 that applies to it.
2. A designated entity has failed to comply with a direction given by the Minister under section 22.6 or a requirement of the Chief Prevention Officer under clause (1) (a).
3. A designated entity has failed to co-operate in an inquiry or examination conducted by the Chief Prevention Officer under clause (1) (b). 2011, c. 11, s. 8 (2).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (2) - 1/04/2012

Appointment of administrator

22.8 (1) For the purposes of assuming control of an entity and responsibility for its affairs and operations under clause 22.6 (3) (b), the Minister may appoint an administrator. 2011, c. 11, s. 8 (2).

Term of appointment

(2) The appointment of the administrator remains valid until it is terminated by the Minister. 2011, c. 11, s. 8 (2).

Powers and duties of administrator

(3) The administrator has the exclusive right to exercise the powers and perform the duties of the board of directors and its officers and exercise the powers of its members. 2011, c. 11, s. 8 (2).

Same

(4) In the appointment, the Minister may specify the powers and duties of the administrator and the terms and conditions governing those powers and duties. 2011, c. 11, s. 8 (2).

Additional power of administrator

(5) The board of directors and officers may continue to act to the extent authorized by the Minister, but any such act is valid only if approved, in writing, by the administrator. 2011, c. 11, s. 8 (2).

Report, directions

(6) The administrator shall report to the Minister as required by him or her and shall carry out his or her directions. 2011, c. 11, s. 8 (2).

Meeting of members

(7) Before the termination of an administrator's appointment, the administrator may call a meeting of the members to elect a board of directors in accordance with the *Not-For-Profit Corporations Act, 2010*. 2011, c. 11, s. 8 (2, 3).

Unincorporated entity

(8) This section applies, with necessary modifications, to an entity that is not incorporated. 2011, c. 11, s. 8 (2).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (2) - 1/04/2012; 2011, c. 11, s. 8 (3) - 19/10/2021

Delegation of powers and duties

22.9 Despite section 5, the Minister may delegate his or her powers or duties under sections 22.5, 22.6 and 22.8 only to the Chief Prevention Officer. 2011, c. 11, s. 8 (2).

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 8 (2) - 1/04/2012

PART III
DUTIES OF EMPLOYERS AND OTHER PERSONS

Duties of constructor

23 (1) A constructor shall ensure, on a project undertaken by the constructor that,

(a) the measures and procedures prescribed by this Act and the regulations are carried out on the project;

(b) every employer and every worker performing work on the project complies with this Act and the regulations; and

(c) the health and safety of workers on the project is protected.

Notice of project

(2) Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing such information as may be prescribed. R.S.O. 1990, c. O.1, s. 23.

Duties of licensees

24 (1) A licensee shall ensure that,

(a) the measures and procedures prescribed by this Act and the regulations are carried out with respect to logging in the licensed area;

(b) every employer performing logging in the licensed area for the licensee complies with this Act and the regulations; and

(c) the health and safety of workers employed by employers referred to in clause (b) is protected. R.S.O. 1990, c. O.1, s. 24 (1).

Definition

(2) In this section,

"licensed area" means the lands on which the licensee is authorized to harvest or use forest resources. R.S.O. 1990, c. O.1, s. 24 (2); 1994, c. 25, s. 83 (2).

Section Amendments with date in force (d/m/y)

1994, c. 25, s. 83 (2) - 1/04/1995

Duties of employers

25 (1) An employer shall ensure that,

(a) the equipment, materials and protective devices as prescribed are provided;

(b) the equipment, materials and protective devices provided by the employer are maintained in good condition;

(c) the measures and procedures prescribed are carried out in the workplace;

(d) the equipment, materials and protective devices provided by the employer are used as prescribed; and

(e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,

(i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,

(ii) in accordance with such other requirements as may be prescribed, or

(iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply. R.S.O. 1990, c. O.1, s. 25 (1); 2011, c. 11, s. 9.

Idem

(2) Without limiting the strict duty imposed by subsection (1), an employer shall,

(a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;

(b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;

(c) when appointing a supervisor, appoint a competent person;

(d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;

(e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;

(f) only employ in or about a workplace a person over such age as may be prescribed;

(g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;

(h) take every precaution reasonable in the circumstances for the protection of a worker;

(i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;

(j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;

(k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;

(l) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and

(m) advise workers of the results of a report referred to in clause (l) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety;

(n) notify a Director if a committee or a health and safety representative, if any, has identified potential structural inadequacies of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, as a source of danger or hazard to workers. R.S.O. 1990, c. O.1, s. 25 (2); 2017, c. 34, Sched. 30, s. 1 (1).

Idem

(3) For the purposes of clause (2) (c), an employer may appoint himself or herself as a supervisor where the employer is a competent person. R.S.O. 1990, c. O.1, s. 25 (3).

Same

(3.1) Any explanatory material referred to under clause (2) (i) may be published as part of the poster required under section 2 of the *Employment Standards Act, 2000*. 2009, c. 23, s. 2.

Same

(4) Unless otherwise prescribed, clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed. 2021, c. 34, Sched. 15, s. 4.

Same

(5) Clause (2) (n) does not apply to an employer that owns the workplace. 2017, c. 34, Sched. 30, s. 1 (2).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 2 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (2) - 30/03/2011; 2011, c. 11, s. 9 - 1/06/2011

2017, c. 34, Sched. 30, s. 1 (1, 2) - 14/12/2017

2021, c. 34, Sched. 15, s. 4 - 02/12/2021

Footwear

25.1 (1) An employer shall not require a worker to wear footwear with an elevated heel unless it is required for the worker to perform his or her work safely. 2017, c. 22, Sched. 3, s. 1.

Exception

(2) Subsection (1) does not apply with respect to an employer of a worker who works as a performer in the entertainment and advertising industry. 2017, c. 22, Sched. 3, s. 1.

Definitions

(3) In subsection (2),

"entertainment and advertising industry" means the industry of producing,

(a) live or broadcast performances, or

(b) visual, audio or audio-visual recordings of performances, in any medium or format; ("industrie du spectacle et de la publicité")

"performance" means a performance of any kind, including theatre, dance, ice skating, comedy, musical productions, variety, circus, concerts, opera, modelling and voice-overs, and "performer" has a corresponding meaning. ("représentation", "artiste", "interprète") 2017, c. 22, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 22, Sched. 3, s. 1 - 27/11/2017

Additional duties of employers

26 (1) In addition to the duties imposed by section 25, an employer shall,

(a) establish an occupational health service for workers as prescribed;

(b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;

(c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;

(d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;

(e) notify a Director of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;

(f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;

(g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;

(h) establish a medical surveillance program for the benefit of workers as prescribed;

(i) provide for safety-related medical examinations and tests for workers as prescribed;

(j) where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;

(k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and

(l) carry out such training programs for workers, supervisors and committee members as may be prescribed.

Idem

(2) For the purposes of clause (1) (a), a group of employers, with the approval of a Director, may act as an employer. R.S.O. 1990, c. O.1, s. 26 (1, 2).

Idem

(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

(a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;

(b) the worker's reasonable travel costs respecting the examinations or tests; and

(c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 26 (3); 1994, c. 27, s. 120 (3).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 120 (3) - 9/12/1994

Duties of supervisor

27 (1) A supervisor shall ensure that a worker,

(a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and

(b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

(2) Without limiting the duty imposed by subsection (1), a supervisor shall,

(a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

(b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and

(c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1990, c. O.1, s. 27.

Duties of workers

28 (1) A worker shall,

(a) work in compliance with the provisions of this Act and the regulations;

(b) use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;

(c) report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and

(d) report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

Idem

(2) No worker shall,

(a) remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;

(b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker; or

(c) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

Consent to medical surveillance

(3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so. R.S.O. 1990, c. O.1, s. 28.

Duties of owners

29 (1) The owner of a workplace that is not a project shall,

(a) ensure that,

(i) such facilities as are prescribed are provided,

(ii) any facilities prescribed to be provided are maintained as prescribed,

(iii) the workplace complies with the regulations, and

(iv) no workplace is constructed, developed, reconstructed, altered or added to except in compliance with this Act and the regulations; and

(b) where so prescribed, furnish to a Director any drawings, plans or specifications of any workplace as prescribed.

Mine plans

(2) The owner of a mine shall cause drawings, plans or specifications to be maintained and kept up to date not more than six months last past on such scale and showing such matters or things as may be prescribed.

Plans of workplaces

(3) Where so prescribed, an owner or employer shall,

(a) not begin any construction, development, reconstruction, alteration, addition or installation to or in a workplace until the drawings, layout and specifications thereof and any alterations thereto have been filed with the Ministry for review by an engineer of the Ministry for compliance with this Act and the regulations; and

(b) keep a copy of the drawings as reviewed in a convenient location at or near the workplace and such drawings shall be produced by the owner or employer upon the request of an inspector for his or her examination and inspection.

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 29 (3) of the Act is amended by striking out "an engineer of the Ministry" and substituting "a professional engineer of the Ministry" (See: 2021, c. 34, Sched. 15, s. 5)

Additional information

(4) An engineer of the Ministry may require the drawings, layout and specifications to be supplemented by the owner or employer with additional information.

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 29 (4) of the Act is amended by striking out "an engineer of the Ministry" and substituting "a professional engineer of the Ministry" (See: 2021, c. 34, Sched. 15, s. 5)

Fees

(5) Fees as prescribed for the filing and review of drawings, layout or specifications shall become due and payable by the owner or employer upon filing. R.S.O. 1990, c. O.1, s. 29.

Section Amendments with date in force (d/m/y)

2021, c. 34, Sched. 15, s. 5 - 01/07/2022

Note: On March 1, 2022, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2021, c. 35, Sched. 5, s. 1)

Duties of owners — washroom access

29.1 (1) Subject to subsection (2), the owner of a workplace shall ensure that access to a washroom is provided, on request, to a worker who is present at the workplace to deliver anything to the workplace, or to collect anything from the workplace for delivery elsewhere. 2021, c. 35, Sched. 5, s. 1.

Exceptions

(2) Access to a washroom at a workplace is not required under subsection (1),

(a) if providing access would not be reasonable or practical for reasons relating to the health or safety of any person at the workplace, including the worker who requests to use a washroom;

(b) if providing access would not be reasonable or practical having regard to all the circumstances, including, but not limited to, the nature of the workplace, the type of work at the workplace, the conditions of work at the workplace, the security of any person at the workplace and the location of the washroom within the workplace; or

(c) if the washroom is in, or can only be accessed through, a dwelling. 2021, c. 35, Sched. 5, s. 1.

Section Amendments with date in force (d/m/y)

2021, c. 35, Sched. 5, s. 1 - 01/03/2022

Duty of project owners

30 (1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Tenders

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Idem

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Duty of constructors

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Liability

(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Idem

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1). R.S.O. 1990, c. O.1, s. 30.

Duties of suppliers

31 (1) Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a workplace shall ensure,

(a) that the machine, device, tool or equipment is in good condition;

(b) that the machine, device, tool or equipment complies with this Act and the regulations; and

(c) if it is the person's responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition.

Architects and engineers

(2) An architect as defined in the *Architects Act*, and a professional engineer as defined in the *Professional Engineers Act*, contravenes this Act if, as a result of his or her advice that is given or his or her certification required under this Act that is made negligently or incompetently, a worker is endangered. R.S.O. 1990, c. O.1, s. 31.

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 31 (2) of the Act is repealed and the following substituted: (See: 2021, c. 34, Sched. 15, s. 6)

Architects and engineers

(2) An architect, as defined in the *Architects Act*, or an engineer contravenes this Act if, as a result of the architect's or engineer's advice that is given or the architect's or engineer's certification required under this Act that is made negligently or incompetently, a worker is endangered. 2021, c. 34, Sched. 15, s. 6.

Same

(3) For greater certainty, a contravention described in subsection (2) continues for each day or part of a day that a worker is endangered. 2021, c. 34, Sched. 15, s. 6.

Section Amendments with date in force (d/m/y)

2021, c. 34, Sched. 15, s. 6 - 01/07/2022

Duties of directors and officers of a corporation

32 Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

(a) this Act and the regulations;

(b) orders and requirements of inspectors and Directors; and

(c) orders of the Minister. R.S.O. 1990, c. O.1, s. 32.

PART III.0.1
VIOLENCE AND HARASSMENT

Policies, violence and harassment

32.0.1 (1) An employer shall,

(a) prepare a policy with respect to workplace violence;

(b) prepare a policy with respect to workplace harassment; and

(c) review the policies as often as is necessary, but at least annually. 2009, c. 23, s. 3.

Written form, posting

(2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace. 2009, c. 23, s. 3.

Exception

(3) Subsection (2) does not apply if the number of workers regularly employed at the workplace is five or fewer, unless an inspector orders otherwise. 2009, c. 23, s. 3; 2011, c. 1, Sched. 7, s. 2 (3).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (3) - 30/03/2011

Program, violence

32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a). 2009, c. 23, s. 3.

Contents

(2) Without limiting the generality of subsection (1), the program shall,

(a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;

(b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;

(c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;

(d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and

(e) include any prescribed elements. 2009, c. 23, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Assessment of risks of violence

32.0.3 (1) An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. 2009, c. 23, s. 3.

Considerations

(2) The assessment shall take into account,

(a) circumstances that would be common to similar workplaces;

(b) circumstances specific to the workplace; and

(c) any other prescribed elements. 2009, c. 23, s. 3.

Results

(3) An employer shall,

(a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and

(b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies. 2009, c. 23, s. 3.

Reassessment

(4) An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence. 2009, c. 23, s. 3.

Same

(5) Subsection (3) also applies with respect to the results of the reassessment. 2009, c. 23, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Domestic violence

32.0.4 If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker. 2009, c. 23, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Duties re violence

32.0.5 (1) For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence. 2009, c. 23, s. 3.

Information

(2) An employer shall provide a worker with,

(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and

(b) any other prescribed information or instruction. 2009, c. 23, s. 3.

Provision of information

(3) An employer's duty to provide information to a worker under clause 25 (2) (a) and a supervisor's duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,

(a) the worker can be expected to encounter that person in the course of his or her work; and

(b) the risk of workplace violence is likely to expose the worker to physical injury. 2009, c. 23, s. 3.

Limit on disclosure

(4) No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury. 2009, c. 23, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Program, harassment

32.0.6 (1) An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b). 2016, c. 2, Sched. 4, s. 2 (1).

Contents

(2) Without limiting the generality of subsection (1), the program shall,

(a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;

(b) include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;

(c) set out how incidents or complaints of workplace harassment will be investigated and dealt with;

(d) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;

(e) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and

(f) include any prescribed elements. 2009, c. 23, s. 3; 2016, c. 2, Sched. 4, s. 2 (2).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2016, c. 2, Sched. 4, s. 2 (1, 2) - 08/09/2016

Duties re harassment

32.0.7 (1) To protect a worker from workplace harassment, an employer shall ensure that,

(a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;

(b) the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;

(c) the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b); and

(d) such other duties as may be prescribed are carried out. 2016, c. 2, Sched. 4, s. 3.

Results of investigation not a report

(2) The results of an investigation under clause (1) (a), and any report created in the course of or for the purposes of the investigation, are not a report respecting occupational health and safety for the purposes of subsection 25 (2). 2016, c. 2, Sched. 4, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2016, c. 2, Sched. 4, s. 3 - 08/09/2016

Information and instruction, harassment

32.0.8 An employer shall provide a worker with,

(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and

(b) any other prescribed information. 2016, c. 2, Sched. 4, s. 3.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 4, s. 3 - 08/09/2016

PART III.1
CODES OF PRACTICE

Definition

32.1 In this Part,

"legal requirement" means a requirement imposed by a provision of this Act or by a regulation made under this Act. 2011, c. 11, s. 10.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (4) - 29/06/2001

2011, c. 11, s. 10 - 1/06/2011

Approval of code of practice

32.2 (1) The Minister may approve a code of practice and the approved code of practice may be followed to comply with a legal requirement specified in the approval. 2011, c. 11, s. 11.

Same

(1.1) An approval made under subsection (1) may be subject to such terms and conditions as the Minister considers appropriate and may be general or particular in its application. 2011, c. 11, s. 11.

Withdrawal of approval

(2) The Minister may withdraw an approval under subsection (1). 2001, c. 9, Sched. I, s. 3 (4).

***Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to an approval under this section or the withdrawal of such an approval. 2001, c. 9, Sched. I, s. 3 (4); 2006, c. 21, Sched. F, s. 136 (1).

Delegation

(4) The Minister may delegate the Minister's power under this section to the Deputy Minister. 2001, c. 9, Sched. I, s. 3 (4).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (4) - 29/06/2001

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

2011, c. 11, s. 11 - 1/06/2011

Publication of approval, etc.

32.3 (1) An approval or a withdrawal of an approval under section 32.2 shall be published in *The Ontario Gazette*. 2001, c. 9, Sched. I, s. 3 (4).

Effect of publication

(2) Publication of an approval or withdrawal of approval in *The Ontario Gazette*,

(a) is, in the absence of evidence to the contrary, proof of the approval or withdrawal of approval; and

(b) shall be deemed to be notice of the approval or withdrawal of approval to everyone affected by it. 2001, c. 9, Sched. I, s. 3 (4).

Judicial notice

(3) Judicial notice shall be taken of an approval or withdrawal of approval published in *The Ontario Gazette*. 2001, c. 9, Sched. I, s. 3 (4).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (4) - 29/06/2001

Effect of approved code of practice

32.4 The following apply if a code of practice is approved under section 32.2:

1. Subject to any terms or conditions set out in the approval, compliance with the approved code of practice is deemed to be compliance with the legal requirement.
2. A failure to comply with the approved code of practice is not, in itself, a breach of the legal requirement. 2011, c. 11, s. 12.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I ,s. 3 (4) - 29/06/2001

2011, c. 11, s. 12 - 1/06/2011

PART IV
TOXIC SUBSTANCES

Orders of Director

33 (1) Where a biological, chemical or physical agent or combination of such agents is used or intended to be used in the workplace and its presence in the workplace or the manner of its use is in the opinion of a Director likely to endanger the health of a worker, the Director shall by notice in writing to the employer order that the use, intended use, presence or manner of use be,

(a) prohibited;

(b) limited or restricted in such manner as the Director specifies; or

(c) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as the Director specifies. R.S.O. 1990, c. O.1, s. 33 (1).

Contents of order

(2) Where a Director makes an order to an employer under subsection (1), the order shall,

(a) identify the biological, chemical or physical agent, or combination of such agents, and the manner of use that is the subject-matter of the order; and

(b) state the opinion of the Director as to the likelihood of the danger to the health of a worker, and the Director's reasons in respect thereof, including the matters or causes which give rise to his or her opinion. R.S.O. 1990, c. O.1, s. 33 (2).

Posting of order

(3) The employer shall provide a copy of an order made under subsection (1) to the committee, health and safety representative and trade union, if any, and shall cause a copy of the order to be posted in a conspicuous place in the workplace where it is most likely to come to the attention of the workers who may be affected by the use, presence or intended use of the biological, chemical or physical agent or combination of agents. R.S.O. 1990, c. O.1, s. 33 (3).

Appeal to Minister

(4) Where the employer, a worker or a trade union considers that he, she or it is aggrieved by an order made under subsection (1), the employer, worker or trade union may by notice in writing given within fourteen days of the making of the order appeal to the Minister. R.S.O. 1990, c. O.1, s. 33 (4).

Delegation

(5) The Minister may, having regard to the circumstances, direct that an appeal under subsection (4) be determined on his or her behalf by a person appointed by the Minister for that purpose. R.S.O. 1990, c. O.1, s. 33 (5).

Procedure

(6) The Minister or, where a person has been appointed under subsection (5), the person so appointed, may give such directions and issue such orders as he or she considers proper or necessary concerning the procedures to be adopted or followed and shall have all the powers of a chair of a board of arbitration under subsection 48 (12) of the *Labour Relations Act, 1995*. R.S.O. 1990, c. O.1, s. 33 (6); 2001, c. 9, Sched. I, s. 3 (5).

Substitution of findings

(7) On an appeal, the Minister or, where a person has been appointed under subsection (5), the person so appointed, may substitute his or her findings for those of the Director and may rescind or affirm the order appealed from or make a new order in substitution therefor and such order shall stand in the place of and have the like effect under this Act and the regulations as the order of the Director, and such order shall be final and not subject to appeal under this section. R.S.O. 1990, c. O.1, s. 33 (7).

Matters to be considered

(8) In making a decision or order under subsection (1) or (7), a Director, the Minister or, where a person has been appointed under subsection (5), the person so appointed shall consider as relevant factors,

(a) the relation of the agent, combination of agents or by-product to a biological or chemical agent that is known to be a danger to health;

(b) the quantities of the agent, combination of agents or by-product used or intended to be used or present;

(c) the extent of exposure;

(d) the availability of other processes, agents or equipment for use or intended use;

(e) data regarding the effect of the process or agent on health; and

(f) any criteria or guide with respect to the exposure of a worker to a biological, chemical or physical agent or combination of such agents that are adopted by a regulation. R.S.O. 1990, c. O.1, s. 33 (8).

Suspension of order by Minister, etc., pending disposition of appeal

(9) On an appeal under subsection (4), the Minister or, where a person has been appointed under subsection (5), the person so appointed may suspend the operation of the order appealed from pending the disposition of the appeal. R.S.O. 1990, c. O.1, s. 33 (9).

Remuneration of appointee

(10) A person appointed under subsection (5) shall be paid such remuneration and expenses as the Minister, with the approval of the Lieutenant Governor in Council, determines. R.S.O. 1990, c. O.1, s. 33 (10).

Application

(11) This section does not apply to designated substances. R.S.O. 1990, c. O.1, s. 33 (11).

No hearing required prior to issuing order

(12) A Director is not required to hold or afford to an employer or any other person an opportunity for a hearing before making an order under subsection (1). R.S.O. 1990, c. O.1, s. 33 (12).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (5) - 29/06/2001

34 REPEALED: 2019, c. 14, Sched. 13, s. 2.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (6) - See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2011

2019, c. 14, Sched. 13, s. 2 - 10/12/2019

Designation of substances

35 Prior to a substance being designated under paragraph 23 of subsection 70 (2), the Minister,

(a) shall publish in *The Ontario Gazette* a notice stating that the substance may be designated and calling for briefs or submissions in relation to the designation; and

(b) shall publish in *The Ontario Gazette* a notice setting forth the proposed regulation relating to the designation of the substance at least sixty days before the regulation is filed with the Registrar of Regulations. R.S.O. 1990, c. O.1, s. 35.

36 REPEALED: 2001, c. 9, Sched. I, s. 3 (7).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (7) - 29/06/2001

Hazardous material identification and data sheets

37 (1) An employer,

(a) shall ensure that all hazardous materials present in the workplace are identified in the prescribed manner;

(b) shall obtain or prepare, as may be prescribed, a current safety data sheet for all hazardous materials present in the workplace; and

(c) shall ensure that the identification required by clause (a) and safety data sheets required by clause (b) are available in English and such other languages as may be prescribed. R.S.O. 1990, c. O.1, s. 37 (1); 2015, c. 27, Sched. 4, s. 2 (1, 2).

Prohibition

(2) No person shall remove or deface the identification described in clause (1) (a) for a hazardous material. R.S.O. 1990, c. O.1, s. 37 (2).

Hazardous material not to be used

(3) An employer shall ensure that a hazardous material is not used, handled or stored at a workplace unless the prescribed requirements concerning identification, safety data sheets and worker instruction and training are met. R.S.O. 1990, c. O.1, s. 37 (3); 2015, c. 27, Sched. 4, s. 2 (2).

Notice to Director

(4) An employer shall advise a Director in writing if the employer, after making reasonable efforts, is unable to obtain a label or safety data sheet required by subsection (1). R.S.O. 1990, c. O.1, s. 37 (4); 2015, c. 27, Sched. 4, s. 2 (3).

(5) REPEALED: 2015, c. 27, Sched. 4, s. 2 (4).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 7, s. 2 (4, 5, 12-14) - no effect - see 2015, c. 27, Sched. 4, s. 11 - 03/12/2015

2015, c. 27, Sched. 4, s. 2 - 01/07/2016

Making safety data sheets available

38 (1) A copy of every current safety data sheet required by this Part in respect of hazardous materials in a workplace shall be,

(a) made available by the employer in the workplace in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the workplace or to a worker selected by the workers to represent them, if there is no committee or health and safety representative;

(c) furnished by the employer on request or if so prescribed to the medical officer of health of the health unit in which the workplace is located;

(d) furnished by the employer on request or if so prescribed to the fire department which serves the location in which the workplace is located; and

(e) filed by the employer with a Director on request or if so prescribed. 2001, c. 9, Sched. I, s. 3 (8); 2015, c. 27, Sched. 4, s. 3 (1).

Additional requirement

(1.1) In addition to complying with subsection (1), the employer shall make a copy of a safety data sheet readily available to those workers who may be exposed to the hazardous material to which it relates. 2015, c. 27, Sched. 4, s. 3 (2).

Public access

(2) The medical officer of health, at the request of any person, shall request an employer to furnish a copy of a current safety data sheet. 2001, c. 9, Sched. I, s. 3 (9); 2015, c. 27, Sched. 4, s. 3 (3).

Same

(3) At the request of any person, the medical officer of health shall make available to the person for inspection a copy of any safety data sheet requested by the person and in the possession of the medical officer of health. 2001, c. 9, Sched. I, s. 3 (9); 2015, c. 27, Sched. 4, s. 3 (4).

Idem

(4) A medical officer of health shall not disclose the name of any person who makes a request under subsection (2) or (3). R.S.O. 1990, c. O.1, s. 38 (4).

Electronic format

(5) For greater certainty, a copy of a safety data sheet in an electronic format is a copy for the purposes of this section. 2015, c. 27, Sched. 4, s. 3 (5).

Requirement to consult

(6) An employer shall consult with the committee and the health and safety representative, if any, on making safety data sheets available in the workplace or furnishing them as required by clauses (1) (a) and (b) and subsection (1.1). 2015, c. 27, Sched. 4, s. 3 (5).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (8, 9) - 29/06/2001

2011, c. 1, Sched. 7, s. 2 (6, 12-14) - no effect - see 2015, c. 27, Sched. 4, s. 11- 03/12/2015

2015, c. 27, Sched. 4, s. 3 - 01/07/2016

Assessment for hazardous materials

39 (1) Where so prescribed, an employer shall assess all biological and chemical agents produced in the workplace for use therein to determine if they are hazardous materials.

Assessments to be made available

(2) The assessment required by subsection (1) shall be in writing and a copy of it shall be,

(a) made available by the employer in the workplace in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the workplace or to a worker selected by the workers to represent them, if there is no committee or health and safety representative. R.S.O. 1990, c. O.1, s. 39.

Confidential business information

40 (1) An employer may file a claim for an exemption from disclosing,

(a) information required under this Part in a label or safety data sheet; or

(b) the name of a toxicological study used by the employer to prepare a safety data sheet,

on the grounds that it is confidential business information. R.S.O. 1990, c. O.1, s. 40 (1); 2001, c. 9, Sched. I, s. 3 (10); 2015, c. 27, Sched. 4, s. 4 (1, 2).

Idem

(2) An application under subsection (1) shall be made only in respect of such types of confidential business information as may be prescribed. R.S.O. 1990, c. O.1, s. 40 (2).

Determination of claim

(3) A claim for an exemption made under subsection (1) shall be determined in accordance with the process set out in the *Hazardous Materials Information Review Act* (Canada). 2015, c. 27, Sched. 4, s. 4 (3).

Appeal

(4) The employer or any worker of the employer or any trade union representing the workers of the employer may, in accordance with the appeal process set out in the *Hazardous Materials Information Review Act* (Canada), appeal a determination made under subsection (3) and the appeal shall be determined in accordance with that process. 2015, c. 27, Sched. 4, s. 4 (3).

(5) REPEALED: 2015, c. 27, Sched. 4, s. 4 (3).

Effect of claim

(6) Information that an employer considers to be confidential business information is exempt from disclosure from the time a claim is filed under subsection (1) until the claim is finally determined and for three years thereafter, if the claim is found to be valid. R.S.O. 1990, c. O.1, s. 40 (6).

Effect of determination

(7) A determination made under this section applies for the purposes of this Part. 2015, c. 27, Sched. 4, s. 4 (4).

(8) REPEALED: 2015, c. 27, Sched. 4, s. 4 (4).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (10) - 29/06/2001

2011, c. 1, Sched. 7, s. 2 (12, 14) - no effect - see 2015, c. 27, Sched. 4, s. 11 - 03/12/2015

2015, c. 27, Sched. 4, s. 4 - 01/07/2016

Information privileged

40.1 (1) Subject to subsection (2), all information obtained by an employee in the Ministry from a person acting under the authority of the *Hazardous Materials Information Review Act* (Canada) is privileged and no employee in the Ministry shall knowingly, without consent in writing of the Chief Screening Officer appointed under that Act,

(a) communicate or allow to be communicated to any person any information obtained; or

(b) allow any person to inspect or to have access to any part of a book, record, writing or other document containing any information obtained. 2015, c. 27, Sched. 4, s. 5 (1).

Exception

(2) An employee in the Ministry may communicate or allow to be communicated information described in subsection (1) or allow inspection of or access to any part of a book, record, writing or other document containing any such information to or by,

(a) another employee in the Ministry for the purpose of administering or enforcing this Act; or

(b) a physician or a medical professional prescribed under the *Hazardous Materials Information Review Act* (Canada) who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a person in an emergency. 1992, c. 14, s. 2 (1); 2006, c. 35, Sched. C, s. 93 (4).

Conditions

(3) No person who obtains any information under subsection (2) shall knowingly disclose that information to any other person or knowingly allow any other person to have access to that information except as may be necessary for the purposes mentioned in that subsection. 1992, c. 14, s. 2 (1).

Non-disclosure prevails

(4) Despite subsection 63 (1), the requirements in this section that information received from a person acting under the authority of the *Hazardous Materials Information Review Act* (Canada) not be disclosed prevail over any other law. 2015, c. 27, Sched. 4, s. 5 (2).

Section Amendments with date in force (d/m/y)

1992, c. 14, s. 2 (1) - 25/06/1992

2006, c. 35, Sched. C, s. 93 (3, 4) - 20/08/2007

2015, c. 27, Sched. 4, s. 5 - 01/07/2016

Hazardous physical agents

41 (1) A person who distributes or supplies, directly or indirectly, or manufactures, produces or designs a thing for use in a workplace that causes, emits or produces a hazardous physical agent when the thing is in use or operation shall ensure that such information as may be prescribed is readily available respecting the hazardous physical agent and the proper use or operation of the thing.

Duty of employer

(2) Where an employer has a thing described in subsection (1) in the workplace, the employer shall ensure that the information referred to in that subsection has been obtained and is,

(a) made available in the workplace for workers who use or operate the thing or who are likely to be exposed to the hazardous physical agent; and

(b) furnished by the employer to the committee or health and safety representative, if any, for the workplace or a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Notices

(3) An employer to whom subsection (2) applies shall post prominent notices identifying and warning of the hazardous physical agent in the part of the workplace in which the thing is used or operated or is to be used or operated.

Idem

(4) Notices required by subsection (3) shall contain such information as may be prescribed and shall be in English and such other language or languages as may be prescribed. R.S.O. 1990, c. O.1, s. 41.

Instruction and training

42 (1) In addition to providing information and instruction to a worker as required by clause 25 (2) (a), an employer shall ensure that a worker exposed or likely to be exposed to a hazardous material or to a hazardous physical agent receives, and that the worker participates in, such instruction and training as may be prescribed.

Consultation

(2) The instruction and training to be given under subsection (1) shall be developed and implemented by the employer in consultation with the committee or health and safety representative, if any, for the workplace.

Review

(3) An employer shall review, in consultation with the committee or health and safety representative, if any, for the workplace, the training and instruction provided to a worker and the worker's familiarity therewith at least annually.

Idem

(4) The review described in subsection (3) shall be held more frequently than annually, if,

(a) the employer, on the advice of the committee or health and safety representative, if any, for the workplace, determines that such reviews are necessary; or

(b) there is a change in circumstances that may affect the health or safety of a worker. R.S.O. 1990, c. O.1, s. 42.

PART V
RIGHT TO REFUSE OR TO STOP WORK WHERE HEALTH OR SAFETY IN DANGER

Refusal to work

Non-application to certain workers

43 (1) This section does not apply to a worker described in subsection (2),

(a) when a circumstance described in clause (3) (a), (b), (b.1) or (c) is inherent in the worker's work or is a normal condition of the worker's employment; or

(b) when the worker's refusal to work would directly endanger the life, health or safety of another person. R.S.O. 1990, c. O.1, s. 43 (1); 2009, c. 23, s. 4 (1).

Idem

(2) The worker referred to in subsection (1) is,

(a) a person employed in, or a member of, a police force to which the *Police Services Act* applies;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 43 (2) (a) of the Act is amended by striking out "a police force to which the *Police Services Act* applies" at the end and substituting "a police service to which the *Community Safety and Policing Act, 2019* applies". (See: 2019, c. 1, Sched. 4, s. 39 (1))

(b) a firefighter as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*;

(c) a person employed in the operation of,

(i) a correctional institution or facility,

(ii) a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise,

(iii) a place of temporary detention under the *Youth Criminal Justice Act* (Canada), or

(iv) a similar institution, facility or place;

(d) a person employed in the operation of,

(i) a hospital, sanatorium, long-term care home, psychiatric institution, mental health centre or rehabilitation facility,

(ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental disability,

(iii) an ambulance service or a first aid clinic or station,

(iv) a laboratory operated by the Crown or licensed under the *Laboratory and Specimen Collection Centre Licensing Act*, or

(v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in subclause (i) to (iv). R.S.O. 1990, c. O.1, s. 43 (2); 1997, c. 4, s. 84; 2001, c. 13, s. 22; 2006, c. 19, Sched. D, s. 14; 2007, c. 8, s. 221.

Refusal to work

(3) A worker may refuse to work or do particular work where he or she has reason to believe that,

(a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;

(b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;

(b.1) workplace violence is likely to endanger himself or herself; or

(c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker. R.S.O. 1990, c. O.1, s. 43 (3); 2009, c. 23, s. 4 (2).

Report of refusal to work

(4) Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to the worker's employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,

(a) a committee member who represents workers, if any;

(b) a health and safety representative, if any; or

(c) a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them,

who shall be made available and who shall attend without delay. R.S.O. 1990, c. O.1, s. 43 (4).

Worker to remain in safe place and available for investigation

(5) Until the investigation is completed, the worker shall remain,

(a) in a safe place that is as near as reasonably possible to his or her work station; and

(b) available to the employer or supervisor for the purposes of the investigation. 2009, c. 23, s. 4 (3).

Refusal to work following investigation

(6) Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that,

(a) the equipment, machine, device or thing that was the cause of the refusal to work or do particular work continues to be likely to endanger himself, herself or another worker;

(b) the physical condition of the workplace or the part thereof in which he or she works continues to be likely to endanger himself or herself;

(b.1) workplace violence continues to be likely to endanger himself or herself; or

(c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself, herself or another worker,

the worker may refuse to work or do the particular work and the employer or the worker or a person on behalf of the employer or worker shall cause an inspector to be notified thereof. R.S.O. 1990, c. O.1, s. 43 (6); 2009, c. 23, s. 4 (4).

Investigation by inspector

(7) An inspector shall investigate the refusal to work in consultation with the employer or a person representing the employer, the worker, and if there is such, the person mentioned in clause (4) (a), (b) or (c). 2001, c. 9, Sched. I, s. 3 (11).

Decision of inspector

(8) The inspector shall, following the investigation referred to in subsection (7), decide whether a circumstance described in clause (6) (a), (b), (b.1) or (c) is likely to endanger the worker or another person. 2009, c. 23, s. 4 (5).

Idem

(9) The inspector shall give his or her decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in clause (4) (a), (b) or (c). R.S.O. 1990, c. O.1, s. 43 (9).

Worker to remain in safe place and available for investigation

(10) Pending the investigation and decision of the inspector, the worker shall remain, during the worker's normal working hours, in a safe place that is as near as reasonably possible to his or her work station and available to the inspector for the purposes of the investigation. 2009, c. 23, s. 4 (6).

Exception

(10.1) Subsection (10) does not apply if the employer, subject to the provisions of a collective agreement, if any,

(a) assigns the worker reasonable alternative work during the worker's normal working hours; or

(b) subject to section 50, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker. 2009, c. 23, s. 4 (6).

Duty to advise other workers

(11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the workplace or in the part of the workplace being investigated unless, in the presence of a person described in subsection (12), the worker has been advised of the other worker's refusal and of his or her reasons for the refusal. R.S.O. 1990, c. O.1, s. 43 (11).

Idem

(12) The person referred to in subsection (11) must be,

(a) a committee member who represents workers and, if possible, who is a certified member;

(b) a health and safety representative; or

(c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them. R.S.O. 1990, c. O.1, s. 43 (12).

Entitlement to be paid

(13) A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper,

(a) for the time spent by the person carrying out the duties under subsections (4) and (7) of a person mentioned in clause (4) (a), (b) or (c); and

(b) for time spent by the person carrying out the duties under subsection (11) of a person described in subsection (12). R.S.O. 1990, c. O.1, s. 43 (13).

Section Amendments with date in force (d/m/y)

1997, c. 4, s. 84 - 29/10/1997

2001, c. 9, Sched. I, s. 3 (11) - 29/06/2001; 2001, c. 13, s. 22 - 30/11/2001

2006, c. 19, Sched. D, s. 14 - 22/06/2006

2007, c. 8, s. 221 - 1/07/2010

2009, c. 23, s. 4 - 15/06/2010

2018, c. 3, Sched. 5, s. 41 (1) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 39 (1) - not in force

Definition and non-application

Definition

44 (1) In sections 45 to 48,

"dangerous circumstances" means a situation in which,

(a) a provision of this Act or the regulations is being contravened,

(b) the contravention poses a danger or a hazard to a worker, and

(c) the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

Non-application

(2) Sections 45 to 49 do not apply to,

(a) a workplace at which workers described in clause 43 (2) (a), (b) or (c) are employed; or

(b) a workplace at which workers described in clause 43 (2) (d) are employed if a work stoppage would directly endanger the life, health or safety of another person. R.S.O. 1990, c. O.1, s. 44.

Bilateral work stoppage

45 (1) A certified member who has reason to believe that dangerous circumstances exist at a workplace may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member.

Investigation by second certified member

(2) The certified member may request that a second certified member representing the other workplace party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

Direction following investigation

(4) If both certified members find that the dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a workplace or of any equipment, machine, device, article or thing.

Constructor's or employer's duties

(5) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation by inspector

(6) If the certified members do not agree whether dangerous circumstances exist, either certified member may request that an inspector investigate the matter and the inspector shall do so and provide the certified members with a written decision.

Cancellation of direction

(7) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified members or an inspector to cancel the direction.

Idem

(8) The certified members who issued a direction may jointly cancel it or an inspector may cancel it.

Delegation by certified member

(9) In such circumstances as may be prescribed, a certified member who represents the constructor or employer shall designate a person to act under this section in his or her stead when the certified member is not available at the workplace. R.S.O. 1990, c. O.1, s. 45.

Declaration against constructor, etc.

46 (1) A certified member at a workplace or an inspector who has reason to believe that the procedure for stopping work set out in section 45 will not be sufficient to protect a constructor's or employer's workers at the workplace from serious risk to their health or safety may apply to the Board for a declaration or recommendation described in subsection (5), or both. R.S.O. 1990, c. O.1, s. 46 (1); 1998, c. 8, s. 53 (1).

(2) REPEALED: 1998, c. 8, s. 53 (2).

Minister a party

(3) The Minister is entitled to be a party to a proceeding before the Board. R.S.O. 1990, c. O.1, s. 46 (3); 1998, c. 8, s. 53 (3).

Board procedure, etc.

(4) Subsections 61 (2) to (3.13) and subsection 61 (8) apply, with necessary modifications, with respect to applications under this section. 1998, c. 8, s. 53 (4).

Declaration and recommendation

(5) If the Board finds that the procedure for stopping work set out in section 45 will not be sufficient to protect the constructor's or employer's workers at the workplace from serious risk to their health or safety, the Board,

(a) may issue a declaration that the constructor or employer is subject to the procedure for stopping work set out in section 47 for the period specified; and

(b) may recommend to the Minister that an inspector be assigned to oversee the health and safety practices of the constructor or employer at the workplace on a full-time or part-time basis for a specified period. R.S.O. 1990, c. O.1, s. 46 (5); 1998, c. 8, s. 53 (5).

Criteria

(6) In making a finding under subsection (5), the Board shall determine, using the prescribed criteria, whether the constructor or employer has demonstrated a failure to protect the health and safety of workers and shall consider such other matters as may be prescribed. R.S.O. 1990, c. O.1, s. 46 (6); 1998, c. 8, s. 53 (6).

Decision final

(7) The decision of the Board on an application is final. R.S.O. 1990, c. O.1, s. 46 (7); 1998, c. 8, s. 53 (7).

Costs of inspector

(8) The employer shall reimburse the Province of Ontario for the wages, benefits and expenses of an inspector assigned to the employer as recommended by the Board. 1998, c. 8, s. 53 (8).

Section Amendments with date in force (d/m/y)

1998, c. 8, s. 53 - 29/06/1998

Unilateral work stoppage

47 (1) This section applies, and section 45 does not apply, to a constructor or an employer,

(a) against whom the Board has issued a declaration under section 46; or

(b) who advises the committee at a workplace in writing that the constructor or employer adopts the procedures set out in this section respecting work stoppages. R.S.O. 1990, c. O.1, s. 47 (1); 1998, c. 8, s. 54.

Direction re work stoppage

(2) A certified member may direct the constructor or employer to stop specified work or to stop the use of any part of a workplace or of any equipment, machine, device, article or thing if the certified member finds that dangerous circumstances exist.

Constructor's or employer's duties

(3) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation by constructor, etc.

(4) After complying with the direction, the constructor or employer shall promptly investigate the matter in the presence of the certified member.

Investigation by inspector

(5) If the certified member and the constructor or employer do not agree whether dangerous circumstances exist, the constructor or employer or the certified member may request that an inspector investigate the matter and the inspector shall do so and provide them with a written decision.

Cancellation of direction

(6) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified member or an inspector to cancel the direction.

Idem

(7) The certified member who made the direction or an inspector may cancel it. R.S.O. 1990, c. O.1, s. 47 (2-7).

Section Amendments with date in force (d/m/y)

1998, c. 8, s. 54 - 29/06/1998

Entitlement to investigate

48 (1) A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint.

Entitlement to be paid

(2) The time spent by a certified member in exercising powers and carrying out duties under this section and sections 45 and 47 shall be deemed to be work time for which the member's employer shall pay the member at the regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 48.

Complaint re direction to stop work

49 (1) A constructor, an employer, a worker at the workplace or a representative of a trade union that represents workers at the workplace may file a complaint with the Board if he, she or it has reasonable grounds to believe that a certified member at the workplace recklessly or in bad faith exercised or failed to exercise a power under section 45 or 47. R.S.O. 1990, c. O.1, s. 49 (1); 1998, c. 8, s. 55 (1).

Limitation

(2) A complaint must be filed not later than 30 days after the event to which the complaint relates. R.S.O. 1990, c. O.1, s. 49 (2); 1998, c. 8, s. 55 (2).

Minister a party

(3) The Minister is entitled to be a party to a proceeding before the Board. R.S.O. 1990, c. O.1, s. 49 (3); 1998, c. 8, s. 55 (3).

Board procedure, etc.

(3.1) Subsections 61 (2) to (3.13) and subsection 61 (8) apply, with necessary modifications, with respect to complaints under this section. 1998, c. 8, s. 55 (4).

Determination of complaint

(4) The Board shall make a decision respecting the complaint and may make such order as it considers appropriate in the circumstances including an order decertifying a certified member. 1998, c. 8, s. 55 (5).

Decision final

(5) The decision of the Board is final. R.S.O. 1990, c. O.1, s. 49 (5); 1998, c. 8, s. 55 (6).

Section Amendments with date in force (d/m/y)

1998, c. 8, s. 55 - 29/06/1998

PART VI
REPRISALS BY EMPLOYER PROHIBITED

No discipline, dismissal, etc., by employer

50 (1) No employer or person acting on behalf of an employer shall,

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty upon a worker; or

(d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*. R.S.O. 1990, c. O.1, s. 50 (1).

Arbitration

(2) Where a worker complains that an employer or person acting on behalf of an employer has contravened subsection (1), the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Board in which case any rules governing the practice and procedure of the Board apply with all necessary modifications to the complaint. 1998, c. 8, s. 56 (1).

Referral by inspector

(2.1) Where the circumstances warrant, an inspector may refer a matter to the Board if the following conditions are met:

1. The worker has not had the matter dealt with by final and binding settlement by arbitration under a collective agreement or filed a complaint with the Board under subsection (2).
2. The worker consents to the referral. 2011, c. 11, s. 13 (1).

Same

(2.2) Any rules governing the practice and procedure of the Board apply with all necessary modifications to a referral made under subsection (2.1). 2011, c. 11, s. 13 (1).

Referral not an order

(2.3) A referral made under subsection (2.1) is not an order or decision for the purposes of section 61. 2011, c. 11, s. 13 (1).

Inquiry by Board

(3) The Board may inquire into any complaint filed under subsection (2) or referral made under subsection (2.1) and section 96 of the *Labour Relations Act, 1995*, except subsection (5), applies with all necessary modifications as if such section, except subsection (5), is enacted in and forms part of this Act. 1998, c. 8, s. 56 (1); 2011, c. 11, s. 13 (2).

Same

(4) On an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), sections 110, 111, 114 and 116 of the *Labour Relations Act, 1995* apply with all necessary modifications. 1998, c. 8, s. 56 (1); 2011, c. 11, s. 13 (3).

Rules to expedite proceedings

(4.1) The chair of the Board may make rules under subsection 110 (18) of the *Labour Relations Act, 1995* to expedite proceedings relating to a complaint filed under subsection (2) or a referral made under subsection (2.1). 2011, c. 11, s. 13 (4).

Same

(4.2) Subsections 110 (20), (21) and (22) of the *Labour Relations Act, 1995* apply, with necessary modifications, to rules made under subsection (4.1). 2011, c. 11, s. 13 (4); 2018, c. 14, Sched. 2, s. 21.

Onus of proof

(5) On an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection (1) lies upon the employer or the person acting on behalf of the employer. R.S.O. 1990, c. O.1, s. 50 (5); 1998, c. 8, s. 56 (2); 2011, c. 11, s. 13 (5).

Jurisdiction when complaint by public servant

(6) The Board shall exercise jurisdiction under this section when a complaint filed under subsection (2) or a referral made under subsection (2.1) is in respect of a worker who is a public servant within the meaning of the *Public Service of Ontario Act, 2006*. 2011, c. 11, s. 13 (6).

Board may substitute penalty

(7) Where on an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), the Board determines that a worker has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances. 1995, c. 1, s. 84 (1); 1998, c. 8, s. 56 (4); 2011, c. 11, s. 13 (7).

Note: A complaint under subsection 50 (2) in which a final decision has not been issued on November 10, 1995 shall be decided as if subsection 50 (7), as re-enacted by the Statutes of Ontario, 1995, chapter 1, subsection 84 (1), were in force at all material times. See: 1995, c. 1, s. 84 (2).

Exception

(8) Despite subsections (2) and (2.1), a person who is subject to a rule or code of discipline under the *Police Services Act* shall have his or her complaint in relation to an alleged contravention of subsection (1) dealt with under that Act. R.S.O. 1990, c. O.1, s. 50 (8); 2011, c. 11, s. 13 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 50 (8) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 39 (2))

Exception

(8) Despite subsections (2) and (2.1), a police officer under the *Community Safety and Policing Act, 2019* shall have his or her complaint in relation to an alleged contravention of subsection (1) dealt with under section 191 of that Act, with necessary modifications. 2019, c. 1, Sched. 4, s. 39 (2).

Section Amendments with date in force (d/m/y)

1995, c. 1, s. 84 (1-2) - 10/11/1995

1998, c. 8, s. 56 (1-4) - 29/06/1998

2006, c. 35, Sched. C, s. 93 (5) - 20/08/2007

2011, c. 11, s. 13 - 01/04/2012

2018, c. 3, Sched. 5, s. 41 (2) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019; 2018, c. 14, Sched. 2, s. 21 - 21/11/2018

2019, c. 1, Sched. 4, s. 39 (2) - not in force

Offices of the Worker and Employer Advisers

Office of the Worker Adviser

50.1 (1) In addition to the functions set out in section 176 of the *Workplace Safety and Insurance Act, 1997*, the Office of the Worker Adviser has the functions prescribed for the purposes of this Part, with respect to workers who are not members of a trade union. 2011, c. 11, s. 14.

Office of the Employer Adviser

(2) In addition to the functions set out in section 176 of the *Workplace Safety and Insurance Act, 1997*, the Office of the Employer Adviser has the functions prescribed for the purposes of this Part, with respect to employers that have fewer than 100 employees or such other number as may be prescribed. 2011, c. 11, s. 14.

Costs

(3) In determining the amount of the costs that may be incurred by each office under subsection 176 (3) of the *Workplace Safety and Insurance Act, 1997*, the Minister shall take into account any functions prescribed for the purposes of this Part. 2011, c. 11, s. 14.

Section Amendments with date in force (d/m/y)

2011, c. 11, s. 14 - 1/04/2012

PART VII
NOTICES

Notice of death or injury

51 (1) Where a person is killed or critically injured from any cause at a workplace, the constructor, if any, and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director and to the committee, health and safety representative and trade union, if any a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe. R.S.O. 1990, c. O.1, s. 51 (1); 2011, c. 1, Sched. 7, s. 2 (7); 2021, c. 34, Sched. 15, s. 7.

Preservation of wreckage

(2) Where a person is killed or is critically injured at a workplace, no person shall, except for the purpose of,

(a) saving life or relieving human suffering;

(b) maintaining an essential public utility service or a public transportation system; or

(c) preventing unnecessary damage to equipment or other property,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1990, c. O.1, s. 51 (2).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 7, s. 2 (7) - 30/03/2011

2021, c. 34, Sched. 15, s. 7 - 02/12/2021

Notice of accident, explosion, fire or violence causing injury

52 (1) If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:

1. The committee, the health and safety representative and the trade union, if any.
2. The Director, if an inspector requires notification of the Director. 2001, c. 9, Sched. I, s. 3 (12); 2009, c. 23, s. 5.

Notice of occupational illness

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as are prescribed. R.S.O. 1990, c. O.1, s. 52 (2); 1997, c. 16, s. 2 (12).

Idem

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker. R.S.O. 1990, c. O.1, s. 52 (3); 1997, c. 16, s. 2 (13).

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (12, 13) - 1/01/1998

2001, c. 9, Sched. I, s. 3 (12) - 29/06/2001

2009, c. 23, s. 5 - 15/06/2010

Accident, etc., at project site or mine

53 (1) If an accident, premature or unexpected explosion, fire, flood or inrush of water, failure of any equipment, machine, device, article or thing, cave-in, subsidence, rockburst, or other prescribed incident occurs at a project site, mine, mining plant or other prescribed location, the person determined under subsection (2) shall, within two days after the occurrence, give notice in writing with the prescribed information and particulars,

(a) to the committee, health and safety representative and trade union, if any; and

(b) to a Director, unless a report under section 51 or a notice under section 52 has already been given to a Director. 2011, c. 1, Sched. 7, s. 2 (8); 2017, c. 34, Sched. 30, s. 2 (1).

Person required to notify

(2) The person required to give notice under subsection (1) is,

(a) if the incident takes place at a project site, the constructor of the project;

(b) if the incident occurs at a mine or a mining plant, the employer of a worker who works in the mine or plant; or

(c) if the incident occurs at a prescribed location, the person prescribed for that location. 2017, c. 34, Sched. 30, s. 2 (2).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 7, s. 2 (8) - 30/03/2011

2017, c. 34, Sched. 30, s. 2 (1, 2) - 14/12/2017

Additional notices

53.1 In addition to the notice requirements set out in sections 51, 52 and 53, the regulations may specify additional notice requirements that must be met in the circumstances described in those sections, including specifying who is required to provide the notice, the timeframe in which it shall be provided and the information and particulars it must contain. 2017, c. 34, Sched. 30, s. 3.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 30, s. 3 - 14/12/2017

PART VIII
ENFORCEMENT

Powers of inspector

54 (1) An inspector may, for the purposes of carrying out his or her duties and powers under this Act and the regulations,

(a) subject to subsection (2), enter in or upon any workplace at any time without warrant or notice;

(b) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;

(c) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same;

(d) upon giving a receipt therefor, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return the same to the person who produced or furnished them;

(e) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace and for such purposes, take and carry away such samples as may be necessary;

(f) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

(g) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him or her any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with him or her and use any equipment or materials required for such purpose;

(h) make inquiries of any person who is or was in a workplace either separate and apart from another person or in the presence of any other person that are or may be relevant to an inspection, examination, inquiry or test;

(i) require that a workplace or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test;

(j) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, inquiry or test;

(k) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, clause 54 (1) (k) of the Act is amended by striking out "a professional engineer" and substituting "an engineer" and by striking out "the professional engineer" and substituting "the engineer" (See: 2021, c. 34, Sched. 15, s. 8 (1))

(l) require in writing that any equipment, machinery or device not be used pending testing described in clause (k);

(m) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report bearing the seal and signature of a professional engineer stating,

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, clause 54 (1) (m) of the Act is amended by striking out "a professional engineer" in the portion before subclause (i) and substituting "an engineer" (See: 2021, c. 34, Sched. 15, s. 8 (2))

(i) the load limits of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent,

(ii) that a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or

(iii) that a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,

(A) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,

(B) in accordance with such other requirements as may be prescribed, or

(C) in accordance with good engineering practice, if sub-subclauses (A) and (B) do not apply;

(n) require in writing an owner of a mine or part thereof to provide, at the owner's expense, a report in writing bearing the seal and signature of a professional engineer stating that the ground stability of, the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered;

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, clause 54 (1) (n) of the Act is amended by striking out "a professional engineer" and substituting "an engineer" (See: 2021, c. 34, Sched. 15, s. 8 (3))

(o) require in writing, within such time as is specified, a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information, or to provide, at the expense of the person, a report or evaluation made or to be made by a person or organization having special, expert or professional knowledge or qualifications as are specified by the inspector of any process or biological, chemical or physical agents or combination of such agents present, used or intended for use in a workplace and the manner of use, including,

(i) the ingredients thereof and their common or generic name or names,

(ii) the composition and the properties thereof,

(iii) the toxicological effect thereof,

(iv) the effect of exposure thereto whether by contact, inhalation or ingestion,

(v) the protective measures used or to be used in respect thereof,

(vi) the emergency measures used or to be used to deal with exposure in respect thereof, and

(vii) the effect of the use, transport and disposal thereof; and

(p) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program. R.S.O. 1990, c. O.1, s. 54 (1); 2011, c. 11, s. 15.

Entry to dwellings

(2) An inspector may only enter a dwelling or that part of a dwelling actually being used as a workplace with the consent of the occupier or under the authority of a warrant issued under this Act or the *Provincial Offences Act*. 2001, c. 26, s. 1.

Representative to accompany inspector

(3) Where an inspector makes an inspection of a workplace under the powers conferred upon him or her under subsection (1), the constructor, employer or group of employers shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, because of knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by the workers because of knowledge, training and experience to represent them, the opportunity to accompany the inspector during his or her physical inspection of a workplace, or any part or parts thereof. R.S.O. 1990, c. O.1, s. 54 (3).

Consultation with workers

(4) Where there is no committee member representing workers, no health and safety representative or worker selected under subsection (3), the inspector shall endeavour to consult during his or her physical inspection with a reasonable number of the workers concerning matters of health and safety at their work. R.S.O. 1990, c. O.1, s. 54 (4).

Entitlement to time from work

(5) The time spent by a committee member representing workers, a health and safety representative or a worker selected in accordance with subsection (3) in accompanying an inspector during his or her physical inspection, shall be deemed to be work time for which he or she shall be paid by his or her employer at his or her regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 54 (5).

Section Amendments with date in force (d/m/y)

2001, c. 26, s. 1 - 12/12/2001

2011, c. 11, s. 15 - 1/06/2011

2021, c. 34, Sched. 15, s. 8 (1-3) - 01/07/2022

Order for inspections

55 Subject to subsections 8 (6) and 9 (26), an inspector may in writing direct a health and safety representative or a member designated under subsection 9 (23) to inspect the physical condition of all or part of a workplace at specified intervals. R.S.O. 1990, c. O.1, s. 55; 2009, c. 33, Sched. 20, s. 3 (2).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 20, s. 3 (2) - 15/12/2009

Order for written policies

55.1 In the case of a workplace at which the number of workers regularly employed is five or fewer, an inspector may in writing order that the policies with respect to workplace violence and workplace harassment required under section 32.0.1 be in written form and posted at a conspicuous place in the workplace. 2009, c. 23, s. 6; 2011, c. 1, Sched. 7, s. 2 (9).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 6 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (9) - 30/03/2011

Order for written assessment, etc.

55.2 An inspector may in writing order that the following be in written form:

1. The assessment of the risks of workplace violence required under subsection 32.0.3 (1).
2. A reassessment required under subsection 32.0.3 (4). 2009, c. 23, s. 6.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 6 - 15/06/2010

Order for workplace harassment investigation

55.3 (1) An inspector may in writing order an employer to cause an investigation described in clause 32.0.7 (1) (a) to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector and to obtain, at the expense of the employer, a written report by that person. 2016, c. 2, Sched. 4, s. 4.

Report

(2) A report described in subsection (1) is not a report respecting occupational health and safety for the purposes of subsection 25 (2). 2016, c. 2, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 4, s. 4 - 08/09/2016

Order for written notices to Director under s. 52 (1)

55.4 For the purposes of subsection 52 (1), an inspector may, in writing, order an employer to give written notice to a Director during such period as may be specified by the inspector. 2021, c. 34, Sched. 15, s. 9.

Section Amendments with date in force (d/m/y)

2021, c. 34, Sched. 15, s. 9 - 02/12/2021

Warrants – investigative techniques, etc.

56 (1) On application without notice, a justice of the peace or a provincial judge may issue a warrant authorizing an inspector, subject to this section, to use any investigative technique or procedure or to do any thing described in the warrant if the justice of the peace or provincial judge, as the case may be, is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Act or the regulations has been or is being committed and that information and other evidence concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing. 2001, c. 26, s. 2.

Expert help

(1.1) The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the warrant. 2001, c. 26, s. 2.

Terms and conditions of warrant

(1.2) The warrant shall authorize the inspector to enter and search the place for which the warrant was issued and, without limiting the powers of the justice of the peace or the provincial judge under subsection (1), the warrant may, in respect of the alleged offence, authorize the inspector to,

(a) seize or examine and copy any drawings, specifications, licence, document, record or report;

(b) seize or examine any equipment, machine, device, article, thing, material or biological, chemical or physical agent;

(c) require a person to produce any item described in clause (a) or (b);

(d) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent, and take and carry away samples from the testing;

(e) take measurements of and record by any means the physical circumstances of the workplace; and

(f) make inquiries of any person either separate and apart from another person or in the presence of any other person. 2001, c. 26, s. 2.

Duration

(1.3) The warrant is valid for 30 days or for such shorter period as may be specified in it. 2001, c. 26, s. 2.

Other terms and conditions

(1.4) The warrant may contain terms and conditions in addition to those provided for in subsections (1) to (1.3) as the justice of the peace or provincial judge, as the case may be, considers advisable in the circumstances. 2001, c. 26, s. 2.

Further warrants

(1.5) A justice of the peace or provincial judge may issue further warrants under subsection (1). 2001, c. 26, s. 2.

Powers, duties not restricted

(1.6) Nothing in this section restricts any power or duty of an inspector under this Act or the regulations. 2001, c. 26, s. 2.

Possession

(2) The inspector may remove any thing seized under a warrant from the place from which it was seized or may detain it in that place. 2001, c. 26, s. 2.

Notice and receipt

(3) The inspector shall inform the person from whom the thing is seized as to the reason for the seizure and shall give the person a receipt for it. R.S.O. 1990, c. O.1, s. 56 (3).

Report to justice

(4) The inspector shall bring a thing seized under the authority of this section before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace. R.S.O. 1990, c. O.1, s. 56 (4).

Procedure

(5) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of this section. R.S.O. 1990, c. O.1, s. 56 (5).

Section Amendments with date in force (d/m/y)

2001, c. 26, s. 2 - 12/12/2001

Power of inspector to seize

56.1 (1) An inspector who executes a warrant issued under section 56 may seize or examine and copy any drawings, specifications, licence, document, record or report or seize or examine any equipment, machine, device, article, thing, material or biological, chemical or physical agent, in addition to those mentioned in the warrant, that he or she believes on reasonable grounds will afford evidence in respect of an offence under this Act or the regulations. 2001, c. 26, s. 3.

Searches in exigent circumstances

(2) Although a warrant issued under section 56 would otherwise be required, an inspector may exercise any of the powers described in subsection 56 (1) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant. 2001, c. 26, s. 3.

Report to justice, etc.

(3) Subsections 56 (3), (4) and (5) apply with necessary modifications to a thing seized under this section. 2001, c. 26, s. 3.

Section Amendments with date in force (d/m/y)

2001, c. 26, s. 3 - 12/12/2001

Orders by inspectors where non-compliance

57 (1) Where an inspector finds that a provision of this Act or the regulations is being contravened, the inspector may order, orally or in writing, the owner, constructor, licensee, employer, or person whom he or she believes to be in charge of a workplace or the person whom the inspector believes to be the contravener to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. R.S.O. 1990, c. O.1, s. 57 (1).

Idem

(2) Where an inspector makes an oral order under subsection (1), the inspector shall confirm the order in writing before leaving the workplace. R.S.O. 1990, c. O.1, s. 57 (2).

Contents of order

(3) An order made under subsection (1) shall indicate generally the nature of the contravention and where appropriate the location of the contravention. R.S.O. 1990, c. O.1, s. 57 (3).

Compliance plan

(4) An order made under subsection (1) may require a constructor, a licensee or an employer to submit to the Ministry a compliance plan prepared in the manner and including such items as required by the order. R.S.O. 1990, c. O.1, s. 57 (4).

Idem

(5) The compliance plan shall specify what the constructor, licensee or employer plans to do to comply with the order and when the constructor, licensee or employer intends to achieve compliance. R.S.O. 1990, c. O.1, s. 57 (5).

Orders by inspector where worker endangered

(6) Where an inspector makes an order under subsection (1) and finds that the contravention of this Act or the regulations is a danger or hazard to the health or safety of a worker, the inspector may,

(a) order that any place, equipment, machine, device, article or thing or any process or material shall not be used until the order is complied with;

(b) order that the work at the workplace as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection;

(c) order that the workplace where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access thereto by a worker until the danger or hazard to the health or safety of a worker is removed. R.S.O. 1990, c. O.1, s. 57 (6).

Resumption of work pending inspection

(7) Despite clause (6) (b), a constructor, a licensee or an employer who gives notice to an inspector of compliance with an order made under subsection (6) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with. R.S.O. 1990, c. O.1, s. 57 (7).

Additional orders

(8) In addition to the orders that may be made under subsection (6), where an inspector makes an order under subsection (1) for a contravention of section 37 or 41 or a Director has been advised of an employer's inability to obtain a current safety data sheet, the inspector may order that the hazardous material shall not be used or that the thing that causes, emits or produces the hazardous physical agent not be used or operated until the order is withdrawn or cancelled. R.S.O. 1990, c. O.1, s. 57 (8); 2015, c. 27, Sched. 4, s. 6.

Posting of notice

(9) Where an inspector makes an order under this section, he or she may affix to the workplace, or to any equipment, machine, device, article or thing, a copy thereof or a notice of the order, in a form obtained from the Ministry, and no person, except an inspector, shall remove such copy or notice unless authorized to do so by an inspector. R.S.O. 1990, c. O.1, s. 57 (9); 2011, c. 1, Sched. 7, s. 2 (10).

Same

(10) Where an inspector makes an order in writing or issues a report of his or her inspection to an owner, constructor, licensee, employer or person in charge of the workplace,

(a) the owner, constructor, licensee, employer or person in charge of the workplace shall forthwith cause a copy or copies of it to be posted in a conspicuous place or places at the workplace where it is most likely to come to the attention of

the workers and shall furnish a copy of the order or report to the health and safety representative and the committee, if any; and

(b) if the order or report resulted from a complaint of a contravention of this Act or the regulations and the person who made the complaint requests a copy of it, the inspector shall cause a copy of it to be furnished to that person. 2001, c. 9, Sched. I, s. 3 (13).

No hearing required prior to making order

(11) An inspector is not required to hold or afford to an owner, constructor, licensee, employer or any other person an opportunity for a hearing before making an order. R.S.O. 1990, c. O.1, s. 57 (11).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (13) - 29/06/2001

2011, c. 1, Sched. 7, s. 2 (10) - 30/03/2011; 2011, c. 1, Sched. 7, s. 2 (12, 13) - no effect - see 2015, c. 27, Sched. 4, s. 11 - 03/12/2015

2015, c. 27, Sched. 4, s. 6 - 01/07/2016

Entry into barricaded area

58 Where an order is made under clause 57 (6) (c), no owner, constructor, employer or supervisor shall require or permit a worker to enter the workplace except for the purpose of doing work that is necessary or required to remove the danger or hazard and only where the worker is protected from the danger or hazard. R.S.O. 1990, c. O.1, s. 58.

Notice of compliance

59 (1) Within three days after a constructor or employer who has received an order under section 57 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

(a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or

(b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 57 for a period of fourteen days following its submission to the Ministry in a place or places in the workplace where it is most likely to come to the attention of workers.

Compliance achieved

(4) Despite the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 57 when an inspector determines that compliance has been achieved. R.S.O. 1990, c. O.1, s. 59.

Injunction proceedings

60 In addition to any other remedy or penalty therefor, where an order made under subsection 57 (6) is contravened, such contravention may be restrained upon an application made without notice to a judge of the Superior Court of Justice made at the instance of a Director. R.S.O. 1990, c. O.1, s. 60; 2001, c. 9, Sched. I, s. 3 (14).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (14) - 29/06/2001

Appeals from order of an inspector

61 (1) Any employer, constructor, licensee, owner, worker or trade union which considers himself, herself or itself aggrieved by any order made by an inspector under this Act or the regulations may appeal to the Board within 30 days after the making of the order. 1998, c. 8, s. 57 (1).

Parties

(2) The following are parties to the appeal:

1. The appellant.
2. In the case of an appeal by an employer, the employer's workers and each trade union representing any of the workers.

3. In the case of an appeal by a worker or trade union representing a worker, the worker's employer.
4. A Director.
5. Such other persons as the Board may specify. 1998, c. 8, s. 57 (2); 2011, c. 1, Sched. 7, s. 2 (11).

Inquiry by labour relations officer

(3) The Board may authorize a labour relations officer to inquire into an appeal. 1998, c. 8, s. 57 (2).

Same

(3.1) The labour relations officer shall forthwith inquire into the appeal and endeavour to effect a settlement of the matters raised in the appeal. 1998, c. 8, s. 57 (2).

Report to Board

(3.2) The labour relations officer shall report the results of his or her inquiry and endeavours to the Board. 1998, c. 8, s. 57 (2).

Hearings

(3.3) Subject to the rules made under subsection (3.8), the Board shall hold a hearing to consider the appeal unless the Board makes an order under subsection (3.4). 1998, c. 8, s. 57 (2).

Orders after consultation

(3.4) The Board may make any interim or final order it considers appropriate after consulting with the parties. 1998, c. 8, s. 57 (2).

Same

(3.5) The *Statutory Powers Procedure Act* does not apply with respect to a consultation the Board makes under subsection (3.4). 1998, c. 8, s. 57 (2).

Practice and procedure

(3.6) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to present their evidence and to make their submissions. 1998, c. 8, s. 57 (2).

Rules of practice

(3.7) The chair may make rules governing the Board's practice and procedure and the exercise of its powers and prescribing such forms as the chair considers advisable. 1998, c. 8, s. 57 (2).

Expedited appeals

(3.8) The chair of the Board may make rules to expedite appeals and such rules,

(a) may provide that the Board is not required to hold a hearing; and

(b) may limit the extent to which the Board is required to give full opportunity to the parties to present their evidence and to make their submissions. 1998, c. 8, s. 57 (2).

Effective date of rules

(3.9) Rules made under subsection (3.8) come into force on such dates as the Lieutenant Governor in Council may by order determine. 1998, c. 8, s. 57 (2).

Conflict with *Statutory Powers Procedure Act*

(3.10) Rules made under this section apply despite anything in the *Statutory Powers Procedure Act*. 1998, c. 8, s. 57 (2).

Rules not regulations

(3.11) Rules made under this section are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1998, c. 8, s. 57 (2); 2006, c. 21, Sched. F, s. 136 (1).

Quorum

(3.12) The chair or a vice-chair of the Board constitutes a quorum for the purposes of this section and is sufficient for the exercise of the jurisdiction and powers of the Board under this section. 1998, c. 8, s. 57 (2).

Entering premises

(3.13) For the purposes of an appeal under this section, the Board may enter any premises where work is being or has been done by workers or in which the employer carries on business, whether or not the premises are those of the employer, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter and post therein any notice that the Board considers necessary to bring to the attention of persons having an interest in the appeal. 1998, c. 8, s. 57 (2).

Powers of the Board

(4) On an appeal under this section, the Board may substitute its findings for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor, and for such purpose has all the powers of an inspector and the order of the Board shall stand in the place of and have the like effect under this Act and the regulations as the order of the inspector. 1998, c. 8, s. 57 (2).

Order, extended meaning

(5) In this section, an order of an inspector under this Act or the regulations includes any order or decision made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal to make an order or decision by an inspector. R.S.O. 1990, c. O.1, s. 61 (5).

Decision of adjudicator final

(6) A decision of the Board under this section is final. R.S.O. 1990, c. O.1, s. 61 (6); 1998, c. 8, s. 57 (3).

Suspension of order by adjudicator pending disposition of appeal

(7) On an appeal under subsection (1), the Board may suspend the operation of the order appealed from pending the disposition of the appeal. R.S.O. 1990, c. O.1, s. 61 (7); 1998, c. 8, s. 57 (4).

Reconsideration

(8) The Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it under this section and may vary or revoke any such decision, order, direction, declaration or ruling. 1998, c. 8, s. 57 (5).

Section Amendments with date in force (d/m/y)

1998, c. 8, s. 57 - 29/06/1998

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

2011, c. 1, Sched. 7, s. 2 (11) - 30/03/2011

Obstruction of inspector

62 (1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act or the regulations or in the execution of a warrant issued under this Act or the *Provincial Offences Act* with respect to a matter under this Act or the regulations. 2001, c. 26, s. 4.

Assistance

(2) Every person shall furnish all necessary means in the person's power to facilitate any entry, search, inspection, investigation, examination, testing or inquiry by an inspector,

(a) in the exercise of his or her powers or the performance of his or her duties under this Act or the regulations; or

(b) in the execution of a warrant issued under this Act or the *Provincial Offences Act* with respect to a matter under this Act or the regulations. 2001, c. 26, s. 4.

False information, etc.

(3) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector,

(a) in the exercise of his or her powers or the performance of his or her duties under this Act or the regulations; or

(b) in the execution of a warrant issued under this Act or the *Provincial Offences Act* with respect to a matter under this Act or the regulations. 2001, c. 26, s. 4.

Monitoring devices

(4) No person shall interfere with any monitoring equipment or device in a workplace. R.S.O. 1990, c. O.1, s. 62 (4).

Obstruction of committee, etc.

(5) No person shall knowingly,

(a) hinder or interfere with a committee, a committee member or a health and safety representative in the exercise of a power or performance of a duty under this Act;

(b) furnish a committee, a committee member or a health and safety representative with false information in the exercise of a power or performance of a duty under this Act; or

(c) hinder or interfere with a worker selected by a trade union or trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under this Act. R.S.O. 1990, c. O.1, s. 62 (5).

Section Amendments with date in force (d/m/y)

2001, c. 26, s. 4 - 12/12/2001

Information confidential

63 (1) Except for the purposes of this Act and the regulations or as required by law,

(a) an inspector, a person accompanying an inspector or a person who, at the request of an inspector, makes an examination, test or inquiry, shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred under this Act or the regulations;

(b) REPEALED: 1992, c. 14, s. 2 (2).

(c) no person shall publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of this Act or the regulations;

(d) REPEALED: 1992, c. 14, s. 2 (3).

(e) no person to whom information is communicated under this Act and the regulations shall divulge the name of the informant to any person; and

(f) no person shall disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case. R.S.O. 1990, c. O.1, s. 63 (1); 1992, c. 14, s. 2 (2, 3).

Employer access to health records

(2) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent. R.S.O. 1990, c. O.1, s. 63 (2).

Compellability, civil suit

(3) An inspector or a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector, is not a compellable witness in a civil suit or any proceeding, except an inquest under the *Coroners Act*, respecting any information, material, statement or test acquired, furnished, obtained, made or received under this Act or the regulations. R.S.O. 1990, c. O.1, s. 63 (3).

Compellability of witnesses

(3.1) Persons employed in the Office of the Worker Adviser or the Office of the Employer Adviser are not compellable witnesses in a civil suit or any proceeding respecting any information or material furnished to or obtained, made or received by them under this Act while acting within the scope of their employment. 2011, c. 11, s. 16.

Exception

(3.2) If the Office of the Worker Adviser or the Office of the Employer Adviser is a party to a proceeding, a person employed in the relevant Office may be determined to be a compellable witness. 2011, c. 11, s. 16.

Production of documents

(3.3) Persons employed in the Office of the Worker Adviser or the Office of the Employer Adviser are not required to produce, in a proceeding in which the relevant Office is not a party, any information or material furnished to or obtained, made or received by them under this Act while acting within the scope of their employment. 2011, c. 11, s. 16.

Power of Director to disclose

(4) A Director may communicate or allow to be communicated or disclosed information, material, statements or the result of a test acquired, furnished, obtained, made or received under this Act or the regulations. R.S.O. 1990, c. O.1, s. 63 (4).

Medical emergencies

(5) Subsection (1) does not apply so as to prevent any person from providing any information in the possession of the person, including confidential business information, in a medical emergency for the purpose of diagnosis or treatment. R.S.O. 1990, c. O.1, s. 63 (5).

Conflict

(6) This section prevails despite anything to the contrary in the *Personal Health Information Protection Act, 2004*. 2004, c. 3, Sched. A, s. 93.

Section Amendments with date in force (d/m/y)

1992, c. 14, s. 2 (2, 3) - 25/06/1992

2004, c. 3, Sched. A, s. 93 - 1/11/2004

2011, c. 11, s. 16 - 1/04/2012

Copies of reports

64 A Director may, upon receipt of a request in writing from the owner of a workplace who has entered into an agreement to sell the same and upon payment of the fee or fees prescribed, furnish to the owner or a person designated by the owner copies of reports or orders of an inspector made under this Act in respect of the workplace as to its compliance with subsection 29 (1). R.S.O. 1990, c. O.1, s. 64.

Immunity

65 (1) No action or other proceeding for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of a person's duties under this Act or in the exercise or intended exercise of a person's powers under this Act or for any alleged neglect or default in the execution or performance in good faith of the person's duties or powers if the person is,

(a) an employee in the Ministry or a person who acts as an advisor for the Ministry;

(b) an employee in the Office of the Worker Adviser or the Office of the Employer Adviser;

(c) the Board or a labour relations officer;

(d) a health and safety representative or a committee member; or

(e) a worker selected by a trade union or trade unions or by workers to represent them. R.S.O. 1990, c. O.1, s. 65 (1); 1995, c. 5, s. 32; 1997, c. 16, s. 2 (14, 15); 1998, c. 8, s. 58; 2006, c. 35, Sched. C, s. 93 (6); 2011, c. 11, s. 17 (1).

Liability of Crown

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a Director, the Chief Prevention Officer, an inspector or an engineer of the Ministry to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. R.S.O. 1990, c. O.1, s. 65 (2); 2011, c. 11, s. 17 (2); 2019, c. 7, Sched. 17, s. 127.

Note: On July 1, 2022, the day named by proclamation of the Lieutenant Governor, subsection 65 (2) of the Act is amended by striking out "an engineer of the Ministry" and substituting "a professional engineer of the Ministry" (See: 2021, c. 34, Sched. 15, s. 10)

Section Amendments with date in force (d/m/y)

1995, c. 5, s. 32 - 23/08/1995; 1997, c. 16, s. 2 (14, 15) - 1/01/1998; 1998, c. 8, s. 58 - 29/06/1998

2006, c. 35, Sched. C, s. 93 (6) - 20/08/2007

2011, c. 11, s. 17 - 01/04/2012

2019, c. 7, Sched. 17, s. 127 - 01/07/2019

2021, c. 34, Sched. 15, s. 10 - 01/07/2022

PART IX
OFFENCES AND PENALTIES

Penalties

66 (1) Every person who contravenes or fails to comply with,

(a) a provision of this Act or the regulations;

(b) an order or requirement of an inspector or a Director; or

(c) an order of the Minister,

is guilty of an offence and on conviction is liable to a fine of not more than $100,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1990, c. O.1, s. 66 (1); 2017, c. 34, Sched. 30, s. 4 (1).

Idem

(2) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is $1,500,000 and not as provided therein. R.S.O. 1990, c. O.1, s. 66 (2); 2017, c. 34, Sched. 30, s. 4 (2).

Defence

(3) On a prosecution for a failure to comply with,

(a) subsection 23 (1);

(b) clause 25 (1) (b), (c) or (d); or

(c) subsection 27 (1),

it shall be a defence for the accused to prove that every precaution reasonable in the circumstances was taken. R.S.O. 1990, c. O.1, s. 66 (3).

Accused liable for acts or neglect of managers, agents, etc.

(4) In a prosecution of an offence under any provision of this Act, any act or neglect on the part of any manager, agent, representative, officer, director or supervisor of the accused, whether a corporation or not, shall be the act or neglect of the accused. R.S.O. 1990, c. O.1, s. 66 (4).

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 30, s. 4 (1, 2) - 14/12/2017

Certified copies of documents, etc., as evidence

67 (1) In any proceeding or prosecution under this Act,

(a) a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister or an inspector;

(b) a document purporting to be a copy of a notice, drawing, record or other document, or any extract therefrom given or made under this Act or the regulations and purporting to be certified by an inspector;

(c) a document purporting to certify the result of a test or an analysis of a sample of air and setting forth the concentration or amount of a biological, chemical or physical agent in a workplace or part thereof and purporting to be certified by an inspector; or

(d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,

is evidence of the order, decision, writing or document, and the facts appearing in the order, decision, writing or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof.

Service of orders and decisions

(2) In any proceeding or prosecution under this Act, a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister, a Director or an inspector may be served,

(a) personally in the case of an individual or in case of a partnership upon a partner, and in the case of a corporation, upon the president, vice-president, secretary, treasurer or a director, or upon the manager or person in charge of the workplace; or

(b) by registered letter addressed to a person or corporation mentioned in clause (a) at the last known place of business of the person or corporation,

and the same shall be deemed to be good and sufficient service thereof. R.S.O. 1990, c. O.1, s. 67.

Place of trial

68 (1) An information in respect of an offence under this Act may, at the election of the informant, be heard, tried and determined by the Ontario Court of Justice sitting in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. R.S.O. 1990, c. O.1, s. 68 (1); 2001, c. 9, Sched. I, s. 3 (15).

Provincial judge required

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding. R.S.O. 1990, c. O.1, s. 68 (2).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. I, s. 3 (15) - 29/06/2001

Publication re convictions

68.1 (1) If a person, including an individual, is convicted of an offence under this Act, a Director may publish or otherwise make available to the general public the name of the person, a description of the offence, the date of the conviction and the person's sentence. 2006, c. 19, Sched. M, s. 5.

Internet publication

(2) Authority to publish under subsection (1) includes authority to publish on the Internet. 2006, c. 19, Sched. M, s. 5.

Disclosure

(3) Any disclosure made under subsection (1) shall be deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*. 2006, c. 19, Sched. M, s. 5; 2006, c. 34, Sched. C, s. 25.

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. M, s. 5 - 22/06/2006; 2006 - , c. 34, Sched. C, s. 25 - 1/04/2007

Limitation on prosecutions

69 No prosecution under this Act or the regulations shall be instituted more than one year after the later of,

(a) the occurrence of the last act or default upon which the prosecution is based; or

(b) the day upon which an inspector becomes aware of the alleged offence. 2017, c. 34, Sched. 30, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 30, s. 5 - 14/12/2017

PART X
REGULATIONS

Regulations

70 (1) The Lieutenant Governor in Council may make such regulations as are advisable for the health or safety of persons in or about a workplace. R.S.O. 1990, c. O.1, s. 70 (1).

Idem

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

1. defining any word or expression used in this Act or the regulations that is not defined in this Act;
2. designating or defining any industry, workplace, employer or class of workplaces or employers for the purposes of this Act, a part of this Act, or the regulations or any provision thereof;
3. exempting any workplace, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof from the application of a regulation or any provision thereof;

4. limiting or restricting the application of a regulation or any provision thereof to any workplace, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof;
5. exempting an employer from the requirements of clause 37 (1) (a) or (b) with respect to a hazardous material;
6. respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act;
7. respecting any matter or thing, where a provision of this Act requires that the matter or thing be done, used or carried out or provided as prescribed;
8. respecting any matter or thing, where it is a condition precedent that a regulation be made prescribing the matter or thing before this Act or a provision of this Act has any effect;
9. providing for and prescribing fees and the payment or refund of fees;
10. prescribing classes of workplaces for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
11. prescribing employers or workplaces or classes thereof for the purposes of clause 9 (1) (b);
12. exempting any workplace, industry, activity, business, work, trade, occupation, profession, constructor or employer or any class thereof from the application of subsection 9 (2);
13. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;
14. exempting any class of workplaces from the requirement set out in subsection 9 (12);
15. prescribing elements that any policy or program required under this Act must contain and the format that the policy or program must be in;
16. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
17. requiring that any equipment, machine, device, article or thing used bear the seal of approval of an organization designated by the regulations to test and approve the equipment, machine, device, article or thing and designating organizations for such purposes;
18. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;
19. governing medical surveillance programs;
20. respecting the reporting by physicians and others of workers affected by any biological, chemical or physical agents or combination thereof;
21. regulating or prohibiting atmospheric conditions to which any worker may be exposed in a workplace;
22. prescribing methods, standards or procedures for determining the amount, concentration or level of any atmospheric condition or any biological, chemical or physical agent or combination thereof in a workplace;
23. prescribing any biological, chemical or physical agent or combination thereof as a designated substance;
24. prohibiting, regulating, restricting, limiting or controlling the handling of, exposure to, or the use and disposal of any designated substance;
25. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;
26. adopting by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof;
27. enabling a Director by notice in writing to designate that any part of a project shall be an individual project for the purposes of this Act and the regulations and prescribing to whom notice shall be given;
28. permitting the Minister to approve laboratories for the purpose of carrying out and performing sampling, analyses, tests and examinations, and requiring that sampling, analyses, examinations and tests be carried out and performed by a laboratory approved by the Minister;
29. requiring and providing for the registration of employers of workers;

30. providing for the establishment, equipment, operation and maintenance of mine rescue stations, as the Minister may direct, and providing for the payment of the cost thereof and the recovery of such cost from the mining industry;

31. prescribing training programs that employers shall provide;

31.1 requiring that training programs provided by employers meet such requirements as may be prescribed;

32. increasing the number of certified members required on a committee;

33. prescribing restrictions, prohibitions or conditions with respect to workers or workplaces relating to the risks of workplace violence;

34. prescribing forms and notices and providing for their use;

35. prescribing building standards for industrial establishments;

36. prescribing by name or description any biological or chemical agent as a hazardous material and any physical agent as a hazardous physical agent;

37. prohibiting an employer from altering a label on a hazardous material in prescribed circumstances;

38. REPEALED: 2015, c. 27, Sched. 4, s. 7 (1).

39. requiring an employer to disclose to such persons as may be prescribed the source of toxicological data used by the employer to prepare a safety data sheet;

40. prescribing the format and contents of a safety data sheet;

41. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 9 (23) shall inspect all or part of a workplace;

42. establishing criteria for determining, for the purpose of section 51, whether a person is critically injured;

43. prescribing first aid requirements to be met and first aid services to be provided by employers and constructors;

44. prescribing, for the purpose of clause 26 (1) (i), medical examinations and tests that a worker is required to undergo to ensure that the worker's health will not affect his or her ability to perform his or her job in a manner that might endanger others;

45. prescribing classes of workplace with respect to which section 45 does not apply;

46. prescribing the qualifications of persons whom a certified member may designate under subsection 45 (9);

47. prescribing, for the purpose of subsection 46 (6), criteria for determining whether a constructor or employer has demonstrated a failure to protect the health and safety of workers;

48. prescribing matters to be considered by the Board in deciding upon an application under section 46;

49. prescribing classes of workplace with respect to which section 47 does not apply;

50. requiring an employer to designate a person in a workplace to act as a workplace co-ordinator with respect to workplace violence and workplace harassment, and prescribing the functions and duties of the co-ordinator;

51. in the case of a worker described in subsection 43 (2), specifying situations in which a circumstance described in clause 43 (3) (a), (b), (b.1) or (c) shall be considered, for the purposes of clause 43 (1) (a), to be inherent in the worker's work or a normal condition of employment;

52. varying or supplementing subsections 43 (4) to (13) with respect to the following workers, in circumstances when section 43 applies to them:

    i. workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3), and

    ii. workers described in subsection 43 (2);

53. providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of section 22.5;

54. prescribing the functions of the Office of the Worker Adviser for the purposes of Part VI;

55. prescribing the functions of the Office of the Employer Adviser for the purposes of Part VI;

56. prescribing a number of employees for the purposes of subsection 50.1 (2). R.S.O. 1990, c. O.1, s. 70 (2); 1997, c. 16, s. 2 (16); 1998, c. 8, s. 59; 2001, c. 9, Sched. I, s. 3 (16); 2009, c. 23, s. 7; 2011, c. 11, s. 18 (2-4); 2015, c. 27, Sched. 4, s. 7; 2021, c. 34, Sched. 15, s. 11.

Rolling incorporation by reference

(3) The power to adopt by reference and require compliance with a code or standard in paragraph 25 of subsection (2) and to adopt by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof in paragraph 26 of subsection (2) includes the power to adopt a code, standard, criteria or guide as it may be amended from time to time. 2020, c. 18, Sched. 13, s. 1.

Section Amendments with date in force (d/m/y)

1997, c. 16, s. 2 (16) - 1/01/1998; 1998, c. 8, s. 59 - 29/06/1998

2001, c. 9, Sched. I, s. 3 (16) - 29/06/2001

2009, c. 23, s. 7 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (12, 14) - no effect - see 2015, c. 27, Sched. 4, s. 11 - 03/12/2015; 2011, c. 11, s. 18 (1) - See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2021; 2011, c. 11, s. 18 (2) - 01/06/2011; 2011, c. 11, s. 18 (3, 4)- 01/04/2012

2015, c. 27, Sched. 4, s. 7 - 01/07/2016

2020, c. 18, Sched. 13, s. 1 - 21/07/2020

2021, c. 34, Sched. 15, s. 11 - 02/12/2021

Regulations, taxi industry

71 (1) The Lieutenant Governor in Council may make regulations governing the application of the duties and rights set out in Part III.0.1 to the taxi industry. 2009, c. 23, s. 8.

Same

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(a) specifying that all or any of the duties set out in Part III.0.1 apply for the purposes of the regulations, with such modifications as may be necessary in the circumstances;

(b) specifying who shall be considered an employer for the purposes of the regulations and requiring that person to carry out the specified duties;

(c) specifying who shall be considered a worker for the purposes of the regulations;

(d) specifying what shall be considered a workplace for the purposes of the regulations. 2009, c. 23, s. 8.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 8 - 15/06/2010

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