

Health and Safety: FAQ

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What is the minimum age for working in Ontario?

The minimum age for working in Ontario is 14 years for most types of work. However, 14-, 15-, 16- and 17-year-olds are not to be employed during school hours unless they have been excused from school attendance under provisions of Ontario's [Education Act](#). Some regulations specify higher minimum ages for certain types of work, as follows:

- Underground Mines: 18 years
- Construction: 16 years
- Window Cleaning: 18 years
- Logging Operations: 16 years
- Factories or Repair Shops: 15 years
- Stores, Offices or Arenas: 14 years.

In a restaurant, the food preparation area would be considered a factory, with a minimum age of 15 years, whereas the cash register would be a shop - minimum age: 14 years. Special programs for young workers are described in a section of the ministry's web site devoted to issues of concern to students and young workers.

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Is there an acceptable temperature range for workplaces, either hot or cold?

In a health care facility or an industrial establishment, such as a factory, store, shop or office, the [regulations](#) set a minimum temperature of 18 °C, subject to some exemptions for things like work outdoors or in freezers. The construction projects regulation specifies a minimum of 27 °C for underground change rooms [Section 260 (3) (d)], a maximum of 38 °C for work chambers [Section 384], and where work is done in compressed air, the provision of a medical lock with a minimum of 18 °C [Section 357] and maximum of 27 °C [Section 380]. There are no set minimum or maximum temperatures for other workplaces. Nevertheless, because either extreme heat or cold may be a hazard, temperature is a legitimate issue in determining workplace safety. A particular concern is heat stress.

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How much weight can a worker be legally required to lift?

Although it is well known that lifting can be a hazard for workers, there is no "magic number" in Ontario's health and safety regulations describing a safe weight for lifting. The maximum acceptable amount of weight a worker can handle depends on the worker's build and fitness, the height lifted from and to, the distance from the body, the frequency of lifting, and other factors.

[Section 25\(2\)\(h\)](#) of the Occupational Health and Safety Act (OHSA), which requires an employer to do what is reasonable in the circumstances to protect a worker, applies to lifting operations. There are general precautions that can reduce lifting hazards, and an ergonomic analysis can be performed to determine what is likely to be safe for a specific person performing a particular task. Ergonomics is concerned with how the human body is affected by the tasks it performs, including lifting.

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Does Ontario have a "working alone" regulation?

Ontario does not have a specific regulation concerned with "working alone" although the [Regulation for Industrial Establishments](#) specifies a minimum number of workers for some hazardous work such as working on live electrical conductors. Instead, reliance is placed on the employer's general duty to take all reasonable precautions for the health and safety of the worker, as specified in OHSA Section 25(2)(h).

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What can a worker do about someone smoking at work?

Local public health units will carry out inspections and investigate complaints in workplaces to enforce the Smoke-Free Ontario Act. The act prohibits smoking in enclosed workplaces in Ontario in order to protect workers from exposure to second hand smoke. The act repeals the Smoking in the Workplace Act, which was enforced by the Ministry of Labour.

For more information on the [Smoke-Free Ontario Act](#), how it affects your workplace and who to contact about having it enforced, please visit the [Ministry of Health and Long-Term Care website](#).

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What are the legal requirements for personal protective equipment?

Although there is no general requirement in the Ministry of Labour's legislation for an employer to provide workers with personal protective equipment (PPE), an employer has a general duty, under OHS Act Section 25(2)(h) to "take every precaution reasonable in the circumstances" to protect workers. In practical terms, this means PPE should be provided to workers wherever there are health (or safety) risks that cannot be adequately controlled in other ways. PPE can reduce or prevent a worker's exposure to a health hazard in the workplace and can include respirators, hearing protectors, protective clothing, footwear and face and eye shields. PPE is required in specific situations and dealt with in regulations made under OHS Act. Section 7 of the Regulation respecting the [Control of Exposure to Biological or Chemical Agents](#) requires respirators to be provided when engineering controls are not practical. Section 2 of the [Noise Regulation](#), O. Reg. 381/15 sets out the requirements for protecting workers from exposure to hazardous sound levels.

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Are there workplace requirements for first aid?

Workplaces that are covered by the [Workplace Safety and Insurance Act, 1997](#) are required by regulation to have adequate first aid equipment, facilities, and trained people. The [Workplace Safety and Insurance Board](#) (WSIB) has published a [first aid brochure](#) that includes the regulation and a list of recognized organizations that provide first aid training. Additional first aid requirements for particular work situations are specified in the Ministry's Regulations for [Construction Projects](#) [Sections 261 to 263, 355, 361 and 362] and for [Mines and Mining Plants](#) [Section 281.1 and the Schedule].

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What can a worker do about unsafe conditions at work?

Health and safety concerns should first be brought to the attention of the employer or supervisor. If nothing is done, it can be taken to the worker's health and safety representative or [Joint Health and Safety Committee](#). If the situation is not corrected, it can be reported to the nearest office of the Ministry of Labour. Workers also have the right to refuse unsafe work. OHS Act [Section 43](#) outlines the procedure that must be followed, and this

process should be understood before a refusal is initiated. More information can be obtained from [local ministry offices](#). More about [unsafe conditions at work](#).

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What should a worker do if injured at work?

Obviously, an injured worker's first priority should be to get proper medical attention. Ensuring that necessary medical treatment is provided is the responsibility of the employer. It may take the form of first aid from a trained co-worker or require transportation to and treatment at a hospital.

The injury-causing incident must also be reported to the worker's supervisor or employer, so that the employer's responsibilities under the Workplace Safety and Insurance Act can be met. One of these responsibilities is completion of a Workplace Safety and Insurance Board form ([WSIB Form 7](#)), which must be submitted to the WSIB before workers, who are eligible, can receive workplace safety insurance (formerly known as workers' compensation). More information on workplace safety insurance is available from the [WSIB](#), the [Office of the Worker Adviser](#), and the [Office of the Employer Advisor](#).

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What are Joint Health and Safety Committees, and where are they required?

A Joint Health and Safety Committees(JHSC) is a committee of at least two persons, who represent the workers and the employer at a workplace. Their primary role is to identify workplace health and safety problems and bring them to the attention of the employer. Section 9 of OHS Act requires a JHSC at:

- Any workplace that regularly employs 20 or more workers;
- Construction projects expected to last three months or longer with 20 or more workers;
- Any workplace (other than a construction project) to which a designated substance regulation applies;
- Any workplace where an order has been issued under OHS Act section 33, dealing with toxic substances; and
- Any workplace where the Minister of Labour orders one to be established.

Workplaces with more than five but less than 20 workers are not usually required to have a JHSC. Instead, workers must select a person from among themselves to be a health and safety representative. The Ministry of Labour has published [A Guide for Joint Health and Safety Committees and Representatives in the Workplace](#).

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What is certification training and who provides it?

OHSA Subsection 9(12) requires most workplaces with 20 or more workers to have at least one worker and one management person serve as certified members of a workplace Joint Health and Safety Committee (JHSC). This certification involves training in health and safety law, and the identification, assessment and control of [hazards](#). Standards for this training are set by the Ministry of Labour and the ministry also certifies JHSC members who complete approved training programs. Certification training is delivered by a number of approved providers. The programs vary in length and cost.

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What is the Workplace Hazardous Materials Information System (WHMIS)?

WHMIS is a Canada-wide system designed to give employers and workers information about hazardous materials used in the workplace. It has been implemented by a combination of federal and provincial legislation. The main purpose of the federal WHMIS legislation is to require suppliers of hazardous materials used in the workplace to provide health and safety information about their products as a condition of sale.

[The Workplace Hazardous Materials Information System, Regulation 860](#), requires employers to obtain health and safety information about hazardous materials in their workplaces and to pass it on to their workers. There are three ways in which the information is to be provided:

- Labels on the containers of hazardous materials
- Safety data sheets (SDSs) to supplement the label with detailed hazard and precautionary information, and
- Worker education programs.

The supplier of the hazardous material provides the labels and SDS to the employer. The employer passes the information on to the worker and provides education programs. The Ministry of Labour has published a [WHMIS Guide](#) which is available from [ServiceOntario Publications](#).

The Occupational Health and Safety Act: FAQs

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What Ontario legislation now applies to workplace health and safety?

The [Occupational Health and Safety Act](#) (OHSA) is Ontario's cornerstone legislation for workplace health and safety. Other contributing legislation includes the [Workplace Safety and Insurance Act](#) (WSIA), Part II of which deals with the prevention of occupational injury and disease and the [Human Rights Code](#), which often has to be considered in dealing with OHS issues. Both OHSA and WSIA are available along with all of Ontario's other Acts and regulations at the [e-Laws website](#).

In general, what does OHSA require?

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

More about the [OHSA](#).

Who is covered by OHSA?

[OHSA](#) applies to almost every worker, supervisor, employer and workplace in Ontario, including workplace owners, constructors and suppliers of equipment or materials to workplaces covered by the Act.

OHSA does not apply to:

- Work done by the owner or occupant, or a servant, in a private residence or on the connected land [Section 3(1)];
- Workplaces under federal jurisdiction, although federal authorities accept that outside contractors and their employees, while in federal workplaces, are under provincial jurisdiction.

What are "federal" workplaces and how are they regulated?

Workplaces under federal jurisdiction are regulated by the [Canada Labour Code](#), which is administered by [Human Resources and Skills Development Canada](#).

The OHSA does not apply to:

- post offices
- airlines and airports
- banks
- some grain elevators
- telecommunication companies, and
- interprovincial trucking, shipping, railway and bus companies.

What regulations have been made under OHSA?

Regulations made under [OHSA](#) may be sector, work or hazard specific.

Sector-specific regulations apply to a particular sector. There are sector-specific regulations for:

- [Industrial Establishments](#)
- [Construction Projects](#)
- [Mines and Mining Plants](#)
- [Health Care and Residential Facilities](#)

Certain types of hazardous work are covered by their own regulations:

- [Diving Operations](#)
- [Window Cleaning](#)
- [Offshore Oil and Gas Production](#)
- [Confined Spaces](#)

Health hazards are either covered by the sector regulations or separate hazard-specific regulations, including:

- Two designated substance regulations:
 - Designated Substances Regulation
 - Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations
- Regulation respecting the Control of Exposure to Biological or Chemical Agents
- Regulation respecting X-Ray Safety
- Needle Safety

There is also a fourth set of regulations that do not fall into these categories. Some clarify requirements in OHS, such as defining "critical injury", or specifying that the employer must pay for JHSC member certification training. Others extend the application of OHS; examples are the regulations for farming operations, or for teachers and for university academics and teaching assistants. The most far-reaching of these regulations is the Workplace Hazardous Materials Information System (WHMIS) regulation.

How are OHS and Regulations enforced?

The Ministry's goal is for all workplaces to achieve self-compliance with OHS and regulations through a well-functioning Internal Responsibility System (IRS). Where this does not happen, progressive enforcement results. Enforcement begins with the issuing of orders and may proceed to prosecution.

Inspectors are the enforcement arm of the Ministry of Labour; their role includes the following:

- inspection of workplaces
- issuing of orders where there is a contravention of OHS or its regulations
- investigation of accidents and work refusals
- resolution of disputes
- recommendation of prosecution.

The powers an inspector may use to fulfil this role are set out in OHS Sections 54 to 57. A prosecution may be initiated against anyone having duties mentioned in OHS Sections 23 to 32, including a:

- constructor
- owner
- employer
- architect

- supervisor
- engineer
- worker
- director or officer of a corporation
- licensee (a holder of a logging licence under the Crown Timber Act)
- supplier

What are the penalties for not complying with OHSА and its regulations?

The maximum penalties for a contravention of OHSА or its regulations are set out in OHSА Section 66. A successful prosecution could, for each conviction, result in:

- A fine of up to \$100,000 for an individual person and/or up to 12 months imprisonment;
- A fine of up to \$1,500,000 for a corporation.

What is the Internal Responsibility System (IRS)?

The IRS gives everyone within an organization direct responsibility for health and safety as an essential part of his or her job. It does not matter who or where the person is in the organization, they achieve health and safety in a way that suits the kind of work they do. Each person takes initiative on health and safety issues and works to solve problems and make improvements on an ongoing basis. They do this both singly and co-operatively with others. Successful implementation of the IRS should result in progressively longer intervals between accidents or work-related illnesses.

Rights and Duties: FAQs

- Content last reviewed: October 2013

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- [Who is covered by OHSА?](#)

Workers

- [What rights does OHSА give to workers?](#)
- [Do workers have duties under OHSА?](#)
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Employers

- [What duties does OHS place on employers?](#)

Others

- [Does anyone else have duties under OHS?](#)

In general, what does OHS require?

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

More about the [OHS](#).

Who is covered by OHS?

OHS applies to almost every worker, supervisor, employer and workplace in Ontario, including workplace owners, constructors and suppliers of equipment or materials to workplaces covered by the Act.

OHS does not apply to:

- Work done by the owner or occupant, or a servant, in a private residence or on the connected land [Section 3(1)];
- Workplaces under federal jurisdiction, although federal authorities accept that outside contractors and their employees, while in federal workplaces, are under provincial jurisdiction.

Workers

What rights does OHS give to workers?

Workers' rights under OHS include:

- The "right to participate" to be part of the process of identifying and resolving health and safety concerns. This right is expressed mainly in the requirements for [Joint Health and Safety Committees](#) and representatives.
- The "[right to know](#)" about any hazards to which they may be exposed. The requirements of the [Workplace Hazardous Materials Information System](#) (WHMIS) are an important example.

- The "[right to refuse work](#)" that they believe is dangerous and, under certain circumstances, certified Joint Health and Safety Committee members can stop work that is dangerous.

The Act prohibits reprisals being taken against workers who exercise these rights.

Do workers have duties under OHSA?

Workers have a general duty to take responsibility for personal health and safety, which means they should not behave or operate equipment in a way that would endanger themselves or others. Section 28 of OHSA lists additional specific duties:

- Work in compliance with the Act and regulations;
- Use any equipment, protective devices or clothing required by the employer;
- Tell the employer or supervisor about any known missing or defective equipment or protective device that may be dangerous;
- Report any known workplace hazard or violation of the Act to the employer or supervisor;
- Not remove or make ineffective any protective device required by the employer or by the regulations.

How do workers participate in workplace health and safety?

The main way that workers can participate in workplace health and safety is through exercising their rights and duties in a responsible manner and by supporting their [Joint Health and Safety Committee](#) (JHSC). The JHSC is made up of worker and management representatives and has the power to:

- Identify hazards
- Obtain information from employer
- Make recommendations to employer
- Investigate work refusals
- Investigate serious accidents

What can a worker do about unsafe conditions at work?

Health and safety concerns should first be brought to the attention of the employer or supervisor. If nothing is done, it can be taken to the worker's health and safety representative or Joint Health and Safety Committee. If

the situation is not corrected, it can be reported to the nearest office of the Ministry of Labour. Workers also have the [right to refuse unsafe work](#). OHS Section 43 outlines the procedure that must be followed, and this process should be understood before a refusal is initiated. More information can be obtained from [local ministry offices](#).

What should a worker do if injured at work?

Obviously, an injured worker's first priority should be to get proper medical attention. Ensuring that necessary medical treatment is provided is the responsibility of the employer. It may take the form of first aid from a trained co-worker or require transportation to and treatment at a hospital.

The injury-causing incident must also be reported to the worker's supervisor or employer, so that the employer's responsibilities under the [Workplace Safety and Insurance Act, 1997](#) can be met. One of these responsibilities is completion of a Workplace Safety and Insurance Board form ([WSIB Form 7](#)). More information on workplace safety insurance (formerly known as workers' compensation) is available from the [WSIB](#), the [Office of the Worker Adviser](#), and the [Office of the Employer Adviser](#).

Employers

What duties does OHS place on employers?

OHS Sections 25 assigns a mixture of general and specific duties to employers and provides for other duties to be prescribed (required) by regulation. Some of the general duties require an employer to:

- Take all reasonable precautions to protect the health and safety of workers;
- Ensure that equipment, materials and protective equipment are maintained in good condition;
- Provide information, instruction and supervision to protect worker health and safety; and
- Co-operate with the JHSC.

Some of the specific duties require an employer to:

- Comply with all regulations made under OHS;
- Develop and implement an occupational health and safety program and policy;
- Post a copy of OHS in the workplace; and any explanatory material prepared by the Ministry of Labour in the workplace; and

- Provide health and safety reports to the JHSC.
- OHSA Section 26 details a number of other areas where additional duties for an employer may be prescribed. Regulations give more specific directions on how to comply with the general requirements of OHSA. Employers also have duties with respect to [workplace violence and workplace harassment](#).

Other

Does anyone else have duties under OHSA?

OHSA also specifies duties for:

- Constructors [Section 23]
- Licensees [Section 24]
- Supervisors [Section 27]
- Owners [Section 29 and 30]
- Suppliers [Section 31]
- Corporate officers and directors [Section 32]

orkplace Hazards: FAQs

- Content last reviewed: December 2016
- [What is an occupational health hazard?](#)
- [What is a risk and how is it different from hazard?](#)
- [How should workplace health and safety hazards be dealt with?](#)
- [Are there Ontario laws requiring the control of exposure to specific workplace hazards?](#)
- [What are the legal requirements for personal protective equipment \(PPE\)?](#)
- [What is an occupational health hazard?](#)
- [What kind of health effects can exposure to workplace hazards lead to?](#)
- [How can the risks posed by health hazards be controlled?](#)
- [What are engineering controls?](#)

What is an occupational hazard?

An occupational hazard is a thing or situation with the potential to harm a worker. Occupational hazards can be divided into two categories: safety hazards that cause accidents that physically injure workers, and health hazards which result in the development of disease. It is important to note that a "hazard" only represents a potential to cause harm. Whether it actually does cause harm will depend on circumstances, such as the toxicity of the health hazard, exposure amount, and duration. Hazards can also be rated according to the severity of the harm they cause - a significant hazard being one with the potential to cause a critical injury or death.

The Ministry publishes a series of [hazard alerts](#), outlining precautions against hazards known to have injured Ontario workers. Other hazard alerts are also issued by Canadian government agencies and the U.S. [National Institute for Occupational Safety and Health](#) (NIOSH).

What is a risk? How is it different from a hazard?

The hazard posed by some material or situation is its potential to cause harm. Risk is the probability, or chance, that it actually will harm someone. For example, crossing the Atlantic Ocean by plane or rowboat exposes the traveller to the same hazard of drowning, but the risk of drowning is immeasurably higher in the rowboat. It is the risk of drowning (among other things!) not the hazard that discourages people from rowing across the Atlantic.

Removing occupational hazards is only one way of improving worker protection. What is often more practical is the control or management of the risks that hazards pose. Sometimes, in addition to the probability of a hazard causing harm, risk includes a consideration of the seriousness of the hazard.

The consequences of exposure to some hazards may be so harmful that, even if there is little chance of a worker being exposed, the risk is so great that extreme precautions must be taken to prevent even that small possibility.

How should workplace health and safety hazards be dealt with?

There is a three-step process for dealing with workplace hazards. First they must be recognized; then they must be assessed; and finally, if

necessary, they must be controlled. Recognition involves both identifying a hazard and determining if there is a possibility of workers being affected by it. If there is such a possibility, it must be assessed and if it is found to be significant, the hazard must be controlled.

Control can be applied at the source of the hazard, along the path between the source and the worker, or at the worker. Control at the source is preferred. Hazard recognition is an important role of the [Joint Health and Safety Committee](#); the control of hazards is a general duty for employers under [OHS](#) Section 25(2)(h).

Are there Ontario laws requiring the control of exposure to specific workplace hazards?

Regulations made under OHS may be sector, work or hazard specific. Legal requirements governing exposure to various safety hazards can be found in the sector-specific regulations under OHS, which apply to the following sectors:

- [Industrial Establishments](#)
- [Construction Projects](#)
- [Mines and Mining Plants](#)
- [Health Care and Residential Facilities](#)

Certain types of hazardous work are covered by their own regulations:

- [Diving Operations](#)
- [Window Cleaning](#)
- [Offshore Oil and Gas Production](#)
- [Confined Spaces](#)

Health hazards are either covered by the sector regulations or separate hazard-specific regulations, including:

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- [Regulation respecting the Control of Exposure to Biological or Chemical Agents](#)
- [Regulation respecting X-Ray Safety](#)
- [Needle Safety](#)

There is also a fourth set of regulations that do not fall into these categories. Some clarify requirements in OHS, such as defining "[critical injury](#)", or specifying that the employer must pay for JHSC member certification training. Others extend the application of OHS; examples are the regulations for [farming operations](#), or for [teachers](#) and for [university academics and teaching assistants](#). The most far-reaching of these regulations is the [Workplace Hazardous Materials Information System](#) (WHMIS) regulation.

What are the legal requirements for personal protective equipment (PPE)?

PPE should be provided to workers wherever there are health (or safety) risks that cannot be adequately controlled in other ways. PPE can reduce or prevent a worker's exposure to a health hazard in the workplace and can include respirators, hearing protectors, protective clothing, footwear and face and eye shields.

PPE is also required in specific situations and dealt with in regulations made under OHS. For example:

- Section 7.2(2) of the [Regulation respecting the Control of Exposure to Biological or Chemical Agents](#) requires respirators to be provided when engineering controls are not practical; and
- Section 2 of the [Noise Regulation](#), O. Reg. 381/15 sets out the requirements for protecting workers from exposure to hazardous sound levels.

What is an occupational health hazard?

The term "hazard" refers to the potential to cause harm. In the case of a workplace health hazard, the harm is to a worker's health and usually takes the form of an illness. Occupational illness is defined in OHS Section 1 as 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.

Hazards also include an occupational disease for which a worker is entitled to benefits under the [Workplace Safety and Insurance Act, 1997](#). An occupational health hazard can therefore be thought of as something in the workplace that is capable of making a worker sick. The "sickness" can vary in severity from a headache or skin rash to a fatal illness such as cancer.

What kind of health effects can exposure to workplace hazards lead to?

Most workplace health hazards target a particular part of the body such as the lungs, skin or liver. A large number of workplace diseases and disease agents are recognized. Virtually any part of the body can be affected in some way by some workplace health hazard. An important consideration is how exposure occurs.

For some hazards, there can be one type of effect from a single, high exposure (an acute effect) and a quite different result when exposure is at a low level, but repeated regularly over a prolonged time period (chronic effect). Acute effects depend on the degree of exposure.

It is therefore relatively easy to control exposure (keep it at a low enough level) to avoid acute effects. Or, to put it another way, if workers are experiencing acute effects, they know exposure to the hazard is not being properly controlled. With chronic effects there is no immediate warning. Where long-term exposure is known to cause disease without any warning of the hazard, it may be necessary to control worker exposure through regulations that prescribe occupational exposure limits (OELs).

How can the risks posed by health hazards be controlled?

The best methods of controlling exposure to a particular hazard will depend on what it is. In general, methods of control can be placed in four categories:

- Engineering controls are methods of designing or modifying plants, processes and equipment so as to minimize workers' exposure to the hazard. They are preferred because they work independently of workers.
- Work and hygiene practices are on-the-job activities that reduce the potential for exposure.
- Administrative controls are things like job rotation schedules, work-rest cycles and timing of maintenance procedures, which can be used to limit the amount of time an individual is exposed to a hazard.
- Personal protective equipment includes items like respirators, hearing protectors, safety clothing and protective clothing. It can reduce a worker's exposure but must be used properly to be effective.

What are engineering controls?

Engineering controls are the preferred method of controlling exposure to workplace hazards. They can be placed in three categories:

- *Substitution* includes the use of a less hazardous material, a change in the process equipment used, or a change in the process itself. Care must be taken to ensure that the substitution actually does result in less hazardous conditions.
- *Isolation* is a method of limiting exposure to those employees who are working directly with the hazard, often by enclosing them within a containment structure. While isolation will reduce the risk to those outside the isolated area, it should be accompanied by appropriate controls to ensure that those within are not faced with an increased exposure to the hazard.
- *Ventilation* is most important for the control of airborne hazards. It involves the removal (from the workplace) of air that contains a hazardous contaminant and its replacement with uncontaminated outside air. There are two types: local exhaust and general dilution. A properly designed local exhaust system can capture a contaminant where it is generated and remove it before it is dispersed into the work environment.

The Construction Sector: FAQs: Health and Safety

- Content last reviewed: June 2009
- [What is a "constructor"?](#)
- [What are the legal duties of a constructor?](#)
- [What is the relationship of the constructor to the other parties on a project?](#)

What is a "constructor"?

Under the [Occupational Health and Safety Act](#), a "constructor" is a party (a person or company) who oversees the construction of a project and who is ultimately responsible for the health and safety of all workers. The constructor must ensure that all the employers and workers on the project comply with the Act and regulations.

the Act defines a constructor as a person who undertakes a construction project for an owner. In some cases, the owner of the project is the constructor as well. When an owner undertakes all or part of project, either by himself or herself, or by contracting work out to more than one contractor or employer, the owner becomes the constructor.

If the owner hires only one contractor to do all the work, then that contractor may be the constructor, depending on the contractual arrangements with the owner. The contractor may, in turn, subcontract work to other people, but he or she remains the constructor for the project, as long as he or she is the only party the owner had contracted to do the work.

What are the legal duties of a constructor?

A constructor is to ensure that:

- the measures and procedures prescribed by the Occupational Health and Safety Act and the regulations for construction projects are carried out on the project;
- every employer and every worker on the project complies with this act and the [Regulations for Construction Projects](#);
- the health and safety of workers on the project is protected;
- a health and safety representative or a [Joint Health and Safety Committee](#) is selected as prescribed;
- the Ministry of Labour is notified of a project as prescribed;
- the Ministry of Labour is notified of an accident or occurrence as prescribed; and
- every contractor or subcontractor receives a list of all designated substances present at the project before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

This means a constructor has overall responsibility for worker health and safety on a project.

Sections 25 and 26 of the Act also apply to constructors as employers.

What is the relationship of the constructor to the other parties on a project?

The constructor has overall responsibility on a project for compliance with the Occupational Health and Safety Act and the health and safety regulations on construction projects. The constructor can also have duties as employer under the Act.

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The Ministry of Labour and Its Role

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How long has the Ministry of Labour been involved occupational health and safety (OHS)?

For well over a century, the ministry has played an important and continually evolving role in workplace health and safety. In 1900, Ontario's economy was dominated by agriculture; mining was in its infancy after the 1893 discovery of nickel at Sudbury; and what would become the province's most important manufacturing industry--automotive--wouldn't begin for another four years. Over the next half-century, mining, manufacturing and construction rose in importance at the expense of farming. The service industry is now Ontario's fastest growing sector.

Adapting OHS legislation, policies and procedures to keep pace with this change has been an ongoing priority for the ministry.

How long has Ontario had health and safety laws for the workplace?

Ontario's history in the regulation of workplace health and safety began in 1884 with passage of the Ontario Factories Act, Canada's first industrial safety legislation. Selected highlights of significant events from Ontario's health and safety history include:

1886: Workmen's Compensation for Injuries Act

First workers' compensation act in Canada, establishes conditions under which a worker can take legal action against an employer.

1890: Mining Operations Act

Rules are established for ventilation, blasting, manholes, lifting devices, shafts, signals, brakes, machinery and boilers.

1895: Factories Act (amendment)

Guarding is required on dangerous machines. Employer is required to give notice of fatalities and injuries resulting in more than a six-day absence from work, and explosions.

1911: Building Trades Protection Act

The safety of tradesmen engaged in the construction of buildings (scaffolding, hoists, stairs, ladders, or other mechanical and temporary contrivances) is regulated.

1912: Mining Act

New requirements for care and handling of explosives, ladderways, shafts, hoists, scaling equipment, signals, dressing rooms, first aid, dust protection, electricity and worker refuge places.

1914: Workmen's Compensation Act

The Workmen's Compensation Board is established with responsibility for worker compensation and rehabilitation.

1919: Mining Act (amendment)

Department of Mines assumes responsibility for mine safety inspection, engineering and 175 rules.

1936: The Factory, Shop and Office Building Act (amendment)

The Factory Inspection Service is set up to do investigations for every branch of the Department of Labour and help enforce the Steam Boiler and Operating Engineers Acts.

1945: Paymaster Accident

The wire rope testing lab and electro-mechanical testing programs are established after the "paymaster accident" in which 18 men are killed when a cage detaches.

1962: Construction Safety Act Replaces the Building Trades Protection Act

Regulations for worker safety are introduced to cover the construction,

alteration, repair, demolition or moving of buildings and other structures including trenches, streets, highways and wells.

1964: Industrial Safety Act, 1964

This act replaces Factory, Shop and Office Building Act. "Safety" is defined as "freedom from injury to the body or freedom from damage to health." Employer is required to take such precautions as are reasonable to ensure worker safety. A Person with a reasonable belief that a machine is unsafe or contravenes the Act is prohibited from using the machine.

1971: Industrial Safety Act, 1971

Replaces Industrial Safety Act, 1964. Some responsibility for safety is given to the supervisor and the worker. Reprisals by the employer against any worker seeking compliance with the Act or regulations are prohibited.

1973: Construction Safety Act

Replaces previous Construction Safety Act and Trench Excavators Protection Act.

1976: The Ham Report

The Report of the Royal Commission on the Health and Safety of Workers in Mines (The Ham Report) is published. The Occupational Health and Safety Division, consisting of the Mines Safety, Construction Safety, Industrial Safety and Occupational Health (from Ministry of Health) Branches, is established, as recommended by the Ham Report.

1978: Occupational Health and Safety Act (Bill 70)

Existing occupational health and safety legislation, principally the Construction Safety Act, the Mining Act (Part IX), the Employees Health and Safety Act, and the Industrial Safety Act are combined into one statute. Coverage is extended to all workers, except some teachers, domestic servants and agricultural workers. It also provides for joint health and safety committees, refusal to work and the regulation of toxic substances.

1979: Regulations for Industrial Establishments, for Construction Projects, and for Mines and Mining Plants, are under the Occupational Health and Safety Act.

Responsibility for the new regulations is divided among the branches in the Ministry of Labour's Occupational Health and Safety Division as follows:

- **Industrial Health and Safety Branch:** Factories, shops, office buildings, arenas and logging operations;
- **Construction Health and Safety Branch:** construction projects;
- **Mining Health and Safety Branch:** mines and mining plants.

1987: Occupational Health and Safety Amendment Act

New provisions for the Workplace Hazardous Materials Information System (WHMIS).

1990: Occupational Health and Safety Act (Bill 208 Amendments)

Requirement for certified joint health and safety committee members, and right to stop work are established.

1998: Workers' Compensation Reform Act (Bill 99)

Workers' Compensation Board renamed Workplace Safety and Insurance Board (WSIB) with new responsibility for occupational injury and illness prevention and the promotion of occupational health and safety.

What Ontario legislation now applies to workplace health and safety?

The [Occupational Health and Safety Act](#), (OHSA) is Ontario's cornerstone legislation for workplace health and safety. Other contributing legislation includes the [Workplace Safety and Insurance Act](#) (WSIA), Part II of which deals with the prevention of occupational injury and disease and the [Human Rights Code](#), which often has to be considered in dealing with OHS issues. Both OHSA and WSIA are available along with all of Ontario's other Acts and regulations at the [e-Laws website](#).

What role does the Ministry of Labour play today in occupational health and safety (OHS)?

The overall Vision of the Ministry of Labour is to foster safe, fair and healthy workplaces characterized by productive relationships and high performance that drive a vibrant, competitive economy and generate widespread benefits for all. The ministry contributes to achieving this vision and to the prosperity of Ontario by advancing healthy, safe, fair and productive relationships in the workplace and the broader community.

The OHS objective is to create environments that make Ontario workplaces among the safest in the world. The Ministry works towards this by setting, communicating and enforcing OHS laws that are designed to reduce or eliminate workplace injury or illness.

The Ministry also works to prevent workplace illness and injury by implementing the priorities of its integrated [occupational health and safety strategy](#). As part of the strategy, the ministry collaborates with its partners in Ontario's OHS system with the twin objectives of improving the effectiveness of the OHS system while, at the same time, making workplaces more self-reliant.

What is Ontario's occupational health and safety (OHS) system?

The OHS system comprises all the organizations and individuals that contribute to the prevention of workplace injury and illness. The main public sector organizations are the Ministry of Labour, [Workplace Safety and Insurance Board](#) (WSIB), and WSIB-funded [safe workplace associations](#) (SWAs), worker training centres and clinics. The [Canadian Centre for Occupational Health and Safety](#) also plays an important role. Private sector partners include unions, employer associations, OHS professionals and consultants (e.g., physicians, nurses, hygienists and engineers), educational institutions and community organizations.

What is the Ministry of Labour's occupational health and safety strategy?

The province-wide integrated [occupational health and safety strategy](#) is the ministry's blueprint for creating healthy and safe Ontario workplaces. The strategy establishes two goals for Ontario's occupational health and safety system: targeting the areas of greatest need and enhancing service delivery.

The strategy also sets strategic priorities to guide system partners, workplace parties and other occupational health and safety organizations as they work together towards safer workplaces. It acts as a guide for the health and safety system in planning, coordinating and delivering integrated activities, programs and services. The strategy recognizes that, to prevent workplace fatalities, injuries and illnesses, all parties need to move forward together in a flexible and adaptable manner.

Encompassed by the integrated occupational health and safety strategy, the *Safe at Work Ontario* strategy builds on the ministry's 2004-5/2007-8 "targeted intervention" strategy, which focused mainly on workplaces with higher than average lost-time injury (LTI) rates and claim costs. The strategy broadens the MOL scope to include focus on hazards, and partnerships directed to promoting and improving health and safety culture and strengthening an organization's Internal Responsibility System. It is built on three pillars: Enforcement, Compliance and Partnership.

The enforcement portion looks at strategies which provide the flexibility to address sector-specific hazards and characteristics. *Safe at Work Ontario* builds on the previous approach by using a number of triggers or criteria to identify workplaces for MOL proactive inspections. It focuses not only on identifying workplaces with high injury rates and costs, but also on hazards inherent in particular types of business activity and/or workplaces with a history of compliance problems.

