

The Advocate: February 2010

ON THE MOL & WSIB RADAR

Bill 168: Countdown to Compliance

New violence and harassment legislation takes effect this June

Ontario workplaces face a fast-approaching deadline to comply with new violence and harassment requirements under Bill 168, which takes effect June 15, 2010. Here's what you need to do and where you can find help.

Among the requirements, employers must

- assess the risk of violence;
- prepare workplace policies for both violence and harassment;
- develop and implement a program to protect workers from the risks identified;
- include control measures/procedures, and a response process in the program that addresses
 - employee reporting;
 - incident and complaint investigation;
 - emergency response for violence incidents.
- inform and instruct employees on the program and procedures.

The legislation will also

- expand workers' rights to refuse unsafe work, to include situations of violence;
- require employers who are aware or ought to be aware that domestic violence may erupt at work, to take every reasonable precaution to protect the worker.

The Ministry of Labour plans to release a compliance guideline by mid-March that will help employers understand what is required of them. You can find this guideline on the OSHA website as soon as it becomes available.

Why now?

What prompted the Ontario government to address workplace violence and harassment in the Act, after 30 years of silence on the topic—and why now?

For one thing, Ontario lags other provinces in requiring employers to protect people who are abused, bullied and harassed on the job. And for another, statistics indicate that workplace violence is on the rise, not helped by the economic downturn, which can accentuate uncertainty, fear and misunderstanding. From April 1, 2008 to March 31, 2009, the Ontario Ministry of Labour inspectors made 417 field visits and issued 351 orders related to violence in the workplace.

Clearly workplace violence is more prevalent than many employers think, making lack of awareness the biggest threat to employee safety. But perhaps the most compelling answer to the question, “why now?” is, what better time to put a safety net in place that will

- protect workers;
- boost employee engagement;
- improve customer service;
- reduce costs (bullied individuals waste 10% to 52% of their time at work);
- preserve your reputation.

Take four steps to address workplace violence hazards

If you already have a violence and harassment program, your job is easier: you need to assess your program elements against the specific definitions and requirements. Performing a risk assessment would be a good start.

If you don't have anything in place, the Ontario Service Safety Alliance (OSSA) is your WSIB-approved provider of health and safety solutions, and your trusted advisor in developing a workplace violence prevention program for your organization that aligns with Bill 168. Call OSSA at 1-888-478-6772 or email info@ossa.com. Also, OSSA is currently developing a risk assessment tool, policy templates and other material that will help you prepare your program.

In the meantime, take these four steps now to be in compliance by June 15, 2010:

1. Be informed - understand what is required. Just follow the links below.
2. Review the ways you are and are not compliant, and involve your workers or Joint Health & Safety Committee (JHSC) if you have one.
3. Conduct a risk assessment and develop or adapt the policies, procedures and measures you need to have in place to protect your staff.
4. Inform and train your staff on your commitment to protect them from violence and harassment, and about the program and procedures you are putting in place.

How OSSA can help

1. What you need to know:
 - [Bill 168, Occupational Health and Safety Amendment Act](#) (Violence and Harassment in the Workplace) 2009
 - A [chart](#) that compares what was originally in the Act, and what has changed with Bill 168
 - A [resource article](#) that contains helpful information such as definitions, who's at risk, types of workplace violence and harassment, etc.
2. A [checklist](#) you can use immediately to help you identify the risk areas in your workplace and what program elements you have vs. need.
3. Education and training opportunities offered in partnership with Industrial Accident Prevention Association (IAPA), where you can learn more:
 - Attend [Implications of Bill 168 - Ontario's New Workplace Violence & Harassment Legislation](#): two-hour management briefings presented by local lawyers well versed in OHS legislation.

- Attend [Preventing Violence & Harassment at Work - How to Integrate Bill 168 Requirements into your OHS Program](#): half-day interactive workshop.
- Attend Bill 168 sessions at [Partners in Prevention Ontario: Health & Safety Conference & Trade Show](#), May 4-5, 2010, Mississauga, ON.

Here are the links:

Bill 168, Occupational Health and Safety Amendment Act

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2181

Chart: <http://www.ossa.com/documents/ComparisonViolence-previousActvsBil16810Feb2010final.pdf>

Resource article: <http://www.ossa.com/content/resources/WorkplaceViolenceArticle.cfm>

A checklist: <http://www.ossa.com/documents/ViolencePreventionGapAnalysisFinalfeb2010.pdf>

Implications of Bill 168 – Ontario’s New Workplace Violence & Harassment Legislation:

<http://www.iapa.ca/Catalog/EventDetails.aspx?id=563>

Preventing Violence & Harassment at Work - How to Integrate Bill 168 Requirements into your OHS Program: <http://www.iapa.ca/Catalog/eventdetails.aspx?id=564>

Partners in Prevention Ontario: Health & Safety Conference & Trade Show:

<http://www.partnersinpreventionontario.com/>

What you can do if you received a Workwell letter

Don't wait for your first audit—act now to save time, money and frustration

In late January, the WSIB sent out letters of notification to organizations it intends to target as part of its 2010 [Workwell Program](#). If you've already received a letter, you can't turn back the clock. However, by acting quickly to assess your risks and implement solutions before inspectors arrive, you can lessen the impact of the audit on your organization. Here's what you need to know.

What you can expect from Workwell

Start by finding out [how the Workwell program functions](#) and what happens if you fail the audit:

- Inspectors will examine your program, observe your practices and procedures in action, tour your workplace, and conduct random interviews with employees.
- After the inspector's visit, you will receive a report with your overall score, a list of the health and safety program components you have in place, and a list of areas needing improvement.

- If you do not achieve a passing score of 75%, you are given six months to fix what's wrong before you're re-evaluated. *(Remember that Workwell inspectors don't give marks for partially implemented components: they use an "all-or-nothing" marking system.)*
- Employers that fail the initial evaluation are required to work with a health and safety program provider (e.g. your newly amalgamated health and safety association, Safe Workplace Promotion Services Ontario (SWPSO), which combines the former Ontario Service Safety Alliance (OSSA), Farm Safety Association (FSA) and Industrial Accident Prevention Association (IAPA)) to improve their compliance with the evaluation criteria. Failure to do so results in the immediate levying of the additional premium charge, based on the initial evaluation score.
- If you do not achieve a passing score of 75% at the second evaluation, you'll be charged with an additional premium ranging from 10% to 75% of your base annual premium, depending on the seriousness of your health and safety shortfalls.

The most important thing employers in receipt of a Workwell letter can do is start now. Too many companies lose valuable time that could be spent developing, documenting and implementing processes that the audit will most likely require them to act on anyway.

The WSIB in its Workwell letter will have pointed you to OSSA, your designated health and safety association and trusted advisor in helping you develop and implement your program. In addition to our [specialized consulting](#), we offer a customized Workwell Practice Audit. [Call to find out more.](#)

Here are the links:

Workwell program: <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/Workwell>

How the Workwell program functions:

[http://www.wsib.on.ca/wsib/wsibsite.nsf/LookupFiles/DownloadableFileWorkwellAudit/\\$File/WorkwellAudit.pdf](http://www.wsib.on.ca/wsib/wsibsite.nsf/LookupFiles/DownloadableFileWorkwellAudit/$File/WorkwellAudit.pdf)

Specialized consulting: <http://www.ossa.com/content/services/workwell.cfm>

Call to find out more: <http://www.ossa.com/content/contactUs/>

MOL blitz focuses on those most vulnerable: youth

Inspectors expected to visit grocery, retail and restaurants this June through August

About 49,000 Ontario parents were contacted with news in 2004 that no parent should ever have to hear: their child had been injured on the job. For some of those parents, that phone call or knock on the door marked the beginning of a lifelong struggle to cope with loss on an epic scale; their son or daughter would never come home again. The Ministry of Labour (MOL) will attempt, once again, to eliminate senseless tragedies like these by making young worker safety

the focus of its enforcement blitz this June through August. Find out what one bereaved dad says is the most important thing an employer of young workers can do.

[More than 49,000 young workers were injured](#) on the job in Ontario in 2004. Another statistic: between 2001 and 2008, young workers aged 15 to 24 [sustained 573 critical injuries, and there were 27 fatalities](#).

Young worker safety is especially urgent for the service sector, since the majority of young workers—inexperienced, eager to please and certain that risk does not apply to them—find their first jobs in the grocery, retail and restaurant industries. The MOL is expected to focus its attention on these industries during the June to August blitz.

[According to the Workplace Safety and Insurance Board \(WSIB\)](#), young workers employed in occupations such as sales and service, transport/equipment operators, and labourers in processing, manufacturing and utilities, had the highest number of allowed lost-time claims for on-the-job injuries.

Supervision and training: two effective strategies

Rob Ellis, president of [Our Youth at Work](#), and a former president of a business servicing the food and restaurant industry, lost his 18-year-old son, David, to a preventable workplace incident over ten years ago. It was David's second day at work, which illustrates a heartbreaking truth: workers who are new to a job are five times more likely to be injured in the first month.

Lack of supervision and training are two factors that contribute to workplace injury in young workers. [A U.S. study](#) found that 80 per cent of work-related injuries among adolescents occurred when no supervisor was present. Also, an Institute for Work and Health Study found that [only one in five employees \(21%\) had received safety training](#) in their first year with a new employer (in Ontario, the rate was 28%).

Ellis urges employers to “show new workers every possible place where they might slip, fall, or get cut or burned. There's no need to hand out a thick training manual. Just set up a really good buddy system. Make the buddy responsible for never leaving a new worker's side—especially in the first 30 days when most of the injuries occur.”

What makes them tick?

Concerned employers look past the stereotypes to find out where young workers' behaviour comes from, and use that insight to set clear expectations. For example, young workers have grown up listening to their parents tell them to enjoy life now and focus on careers later. No wonder they are putting their social lives first, with a vengeance. The lesson for employers: an authoritarian approach won't work with this generation. Engage young people by finding ways to make work and health and safety more rewarding; ask them for help in figuring it out.

Volkswagen calls it the “[fun theory](#),” pointing out that “something as simple as fun is the easiest way to change people's behaviour for the better.”

Check out last year's blitz results

Sometimes the view out the rear-view mirror will help anticipate what's in store out the windshield. Check out the [MOL's results from its young worker blitz in 2009](#) to find out where inspectors focused their time in 2009 and the types of violations that resulted in orders. Chances are, some of the same priorities will apply in 2010.

More about young worker safety and the MOL blitz in future issues of *The Advocate*. (Please note that musculoskeletal disorders will be the focus for the blitz this September.)

Here are the links:

More than 49,000 young workers were injured:

http://www.livesafeworksmart.net/english/fast_facts/index.htm

Sustained 573 critical injuries, and there were 27 fatalities:

http://ogov.newswire.ca/ontario/GPOE/2009/05/19/c5171.html?lmatch=&lang=_e.html

According to the Workplace Safety and Insurance Board (WSIB):

http://ogov.newswire.ca/ontario/GPOE/2009/05/19/c5171.html?lmatch=&lang=_e.html

Our Youth At Work: <http://www.mysafework.com/>

A U.S. study: http://www.livesafeworksmart.net/english/fast_facts/index.htm

Only one in five employees (21%) had received safety training:

<http://www.iwh.on.ca/highlights/only-one-in-five-new-workers-receive-safety-training-in-canada>

fun theory: <http://www.thefuntheory.com/>

Mol's results from its young worker blitz in 2009:

http://www.labour.gov.on.ca/english/hs/sawo/blitzes/blitz_report7.php

David Marshall becomes president and CEO of WSIB

Succeeds Jill Hutcheon, who retired in January 2010

Respected former international banker, diplomat and senior Canadian government executive David Marshall has been appointed president and CEO of the Workplace Safety and Insurance Board (WSIB). He succeeds Jill Hutcheon, who served in the role for the last seven years of her 35 years in public service. Marshall has held many key federal government positions, including Assistant Auditor General and Deputy Receiver General for Canada. A certified general accountant, he has also held senior roles in the Toronto and New York banking sectors. Most recently, Marshall was Canada's ambassador to Barbados and the Eastern Caribbean. In welcoming Marshall aboard, Labour Minister Peter Fonseca said Marshall has demonstrated an impressive ability to oversee complex organizations.

Good news: Form 8 by itself can no longer launch a claim

No more surprises for employers

The Workplace Safety and Insurance Board (WSIB) recently made an important adjustment to its claim registration process. The Workplace Safety and Insurance Act requires a claim to be reported by an employer and/or a worker. When a Health Professional's Report (Form 8) is received and there is no corresponding Employer's Report of Injury/Disease (Form 7) or Worker's Report of Injury/Disease (Form 6), a letter will be sent to the worker. The letter will advise the worker that if they have suffered a work-related injury or illness and wish to register a claim, they need to do two things: a) report their injury/illness to their employer who is then required to submit an Employer's Report of Injury/Disease (Form 7); and b) complete a Worker's Report of Injury (Form 6) and submit it to the WSIB.

EXTENDING OUR REACH

Amalgamation at work: one prevention system, one conference

You're invited to Ontario's inaugural H&S conference & trade show on May 4-5

A milestone event—Ontario's first-ever conference and trade show to be hosted by Ontario's entire prevention system—sends a signal that the amalgamation of 12 health and safety associations to four is building momentum. Please join us at [Partners in Prevention 2010: Ontario Health & Safety Conference & Trade Show](#), May 4-5, in Mississauga, for more than 60 conference sessions appealing to people from all industry sectors.

One way to measure the progress of an amalgamation is through the success of its joint ventures. This, the first and largest collaborative initiative by the prevention system, brings the knowledge and expertise of all of Ontario's newly amalgamated health and safety associations, including FSA, IAPA and OSSA, under one roof for an unparalleled learning and networking opportunity.

Partners in Prevention 2010: Ontario Health & Safety Conference & Trade Show replaces and builds on the high-profile annual IAPA conference and trade show and is expected to draw thousands of guests and as many as 500 exhibitors. Executive members of the Ministry of Labour (MOL) and Workplace Safety and Insurance Board (WSIB) will be active participants.

The event will take place May 4 and 5 at the International Centre in Mississauga, Ontario, and will provide up-to-date health and safety information, resources and tools to help all industry sectors eliminate workplace injuries, illnesses and fatalities. To facilitate the learning, speakers have been asked to design interactive sessions so that delegates can take what they learn back to their organizations.

Three compelling reasons to attend

- **Expand your view of health and safety:** Grow your perspective by attending round tables, plenary sessions and presentations of papers on important topics by researchers from many areas of the globe. You will hear about innovative strategies and practical tools relating to occupational health and safety and injury prevention from renowned business and health and safety leaders.
- **Learn:** Attend special sessions, workshops, and discussions to strengthen your understanding of innovative and best practice strategies that promote healthy workplaces, health and safety core practices, leadership and management breakthroughs, and research-based innovations. Leave the session with tools and templates you can implement in your workplace right away.
- **Meet people:** Join thousands of professionals in labour inspection, enforcement, public institutions, government, as well as workers, employers and organizations involved in occupational health and safety. You will be able to communicate face to face with employers, legislators, labour inspectors, and union representatives, to learn and discuss the latest innovations in health and safety.

Find out more about [Partners in Prevention 2010](#).

More about the amalgamation

The amalgamation of Ontario's 12 health and safety associations is part of a critical assessment and restructuring of prevention system programs and services undertaken to reduce the number of workplace injuries and fatalities. The changes will help Ontario businesses achieve their prevention goals and objectives through the provision of

- innovative and cost-effective solutions;
- more resources and training opportunities;
- sector-specific products and services;
- one website, one phone number;
- easier access to information, advice and training.

Stay tuned for our new name

The new organization formed by Farm Safety Association (FSA), Industrial Accident Prevention Association (IAPA) and Ontario Service Safety Alliance (OSSA) is one of four new organizations that have resulted from amalgamation among Ontario's 12 health and safety associations. A branding exercise is currently underway and will result in a new name and logo for FSA, IAPA and OSSA later this spring.

[Find out more about the amalgamation here.](#)

Here are the links:

Partners in Prevention 2010: Ontario Health & Safety Conference & Trade Show:
<http://www.partnersinpreventionontario.com/index.asp>

Partners in Prevention 2010: http://www.iapa.ca/Main/Micro/conference_2010/index.asp

Find out more about the amalgamation here:

<http://www.ossa.com/content/whatsnew/preventionsystemrealigning.cfm>

LEARNING FROM OTHERS

MOL to review OHS prevention and enforcement programs

Expert advisory panel to make recommendations this fall

In late January 2010, the province announced it was convening an [expert advisory panel to conduct a review of the province's occupational health and safety \(OHS\) prevention and enforcement programs](#). The panel will be chaired by Tony Dean, and will report back to Labour Minister Tony Fonseca in fall 2010, with recommendations related to critical areas such as integration of workplace practices, the underground economy and seamless service to business. Employers and workers will be invited to share their perspectives through a public consultation.

Elizabeth Mills, president and CEO of the three newly amalgamated health and safety associations (FSA, IAPA and OSSA) calls the announcement strategic, timely and cause for celebration. "The announcement extends the conversation that Ontario's prevention system has been having in support of the WSIB business case for improving health and safety outcomes for Ontario workplaces," she says. "The Ministry of Labour's announcement is the next logical step, with the panel committing to look at Ontario's effectiveness in areas important to Ontario workplaces. We look forward to engaging with the chair and panel as it undertakes its mandate."

Who is Tony Dean and what are the priorities of the panel

[Tony Dean](#) is a former Secretary of the provincial Cabinet, and has served as Deputy Minister of Labour. He is currently a professor in the University of Toronto's School of Public Policy and Governance and a Senior Research Fellow at the Harvard Kennedy School.

According to Dean, the Minister has asked the panel to examine a range of issues, including:

1. *The continuum of safety practices in a workplace.* High-performance workplaces, says Dean, embed health and safety into the life cycle of their organizations. It's part of their work practices, processes, training and orientation. It takes effect from the moment new recruits walk through the door and follows people throughout their employment with the organization. Most important, it permeates the thinking and decision-making of the CEO and senior management team. Dean wants to identify all the points on the continuum where staff intersect with health and safety, and find ways to encourage other workplaces to adopt best practices.

2. *The impact of the underground economy on OHS practices.* The panel will address how workplaces and the nature of work are changing, and how we adapt our prevention and enforcement system to keep pace with these changes. Dean intends to look at sectors where employment is transitional, part-time, transient in nature; where groups of workers gather to perform certain tasks; and where there is no permanent workplace.

3. How existing legislation serves worker safety. The panel will review how Ontario’s prevention and enforcement programs actually work in the workplace, what outcomes they generate, and what improvements need to be put in place so that everyone in the system can contribute in a more seamless and integrated way.

Taking a three-phase process

The panel’s work will progress in three phases: research, consultation, and development of options and recommendations.

The Institute for Work and Health has been commissioned to conduct an “inter-jurisdictional *research* review” that will look at what we can learn from how others in Canada and other countries manage their prevention and enforcement models. Results of that review are expected this spring.

The *consultation* phase will reach out to health and safety delivery partners, such as industry associations, labour and the corporate community. It will also be facilitated by a website that will provide regular updates and invite interested parties to contribute research and ideas.

The final phase will encompass *options and recommendations* that address the Minister of Labour’s priorities.

Aiming for what inspires us all each day

“We are starting from a position of advantage,” says Dean. “We have an OHS regime that has been broadly emulated. For the most part, I think it works well. Over the last five to seven years, the system has been driving the numbers in the right direction. The lost-time injury rate is down and fatalities are down, but obviously we have more to do if we want to be the safest jurisdiction in the world.

“Given how hard people work at every level in our health and safety system, I believe they want to be the best. At the end of the day, this is all about keeping people safe at work.”

Here are the links:

an expert advisory panel to conduct a review of the province’s occupational health and safety (OHS) prevention and enforcement programs:

<http://news.ontario.ca/mol/en/2010/01/review-of-workplace-safety-system-in-ontario.html>

Tony Dean: <http://news.ontario.ca/mol/en/Tony%20Dean-Jan-2009.pdf>