

Ministry of Labour, Immigration, Training and Skills Development

Occupational Health and Safety and Worker Safety on Farms

Ontario Lavender Association Annual General Meeting

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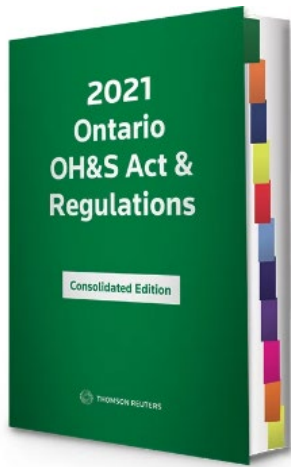
Legal Disclaimer

- **This presentation is not legal advice.** This presentation is intended to be resource and does not replace the Occupational Health and Safety Act (OHSA) or its regulations and should not be used as or considered legal advice. Health and safety inspectors apply the law based on the facts in the workplace.
- The legislation provides minimum standards only. This presentation covers some of the minimum rights and obligations under the *Occupational Health and Safety Act* (OHSA) and its regulations. Employers and employees may wish to obtain legal advice.
- It is the responsibility of all individuals in the workplace to ensure compliance with the legislation.

Outline

- Overview
- Workplace parties
 - Definitions
 - Duties of workplace parties
- The Internal Responsibility System (IRS)
 - Health & Safety Representative and Joint Health and Safety Committee (JHSC)
- The powers of an inspector
- What to expect from an MLITSD visit
 - Proactive and Reactive visits
 - Questions that may be asked
- Other important information
- Resources
- Q&A period

Overview



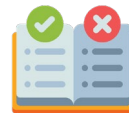
The OHS Act applies to all provincially-regulated workplaces in Ontario.

The *Occupational Health and Safety Act* (OHS Act) sets out a number of powers, requirements, and rights related to occupational health and safety.

To promote workplace health and safety, the OHS Act:



Protects workers from **workplace hazards**



Establishes **procedures** for dealing with hazards



Sets out the **rights and duties** of all workplace parties



Provides for **enforcement** of the law where compliance is not met



Workplace parties

As defined by the Occupational Health and Safety Act

- **Employer** - 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
- **Supervisor** - a person who has charge of a workplace or authority over a worker;
- **Worker** - a person who performs work or supplies services for monetary compensation, 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, or 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

Key duties of workplace parties & worker rights

Employer Duties	Supervisor Duties	Worker Rights
Take every precaution reasonable in the circumstances for the protection of a worker	Take every precaution reasonable in the circumstances for the protection of a worker.	Right to know about any hazards to which they may be exposed
Provide, maintain and ensure proper use of equipment, materials and protective devices	Ensure workers work safely and use equipment and protective devices properly where required.	Right to participate in identifying and resolving health and safety concerns; for instance, through membership on a joint health and safety committee (JHSC)
Ensure required measures and procedures are carried out	Advise workers of the existence of any potential or actual hazard at the workplace	Right to refuse unsafe work
Provide information, instruction and supervision to workers and acquaint workers and supervisors with workplace hazards		*Workers also have a duty to work safely, in compliance with the OHS Act and regulations, and to report workplace hazards or defective equipment to supervisor

Internal Responsibility System (IRS)

A key to workplace health and safety in Ontario is the workplace's internal responsibility system (IRS). One of the primary purposes of the OHSA is to facilitate a strong IRS in the workplace.

This is because everyone — including employers, supervisors, workers, health and safety associations and the government — has a key role to play in taking responsibility for health and safety in the workplace. This is essential to preventing injuries and deaths on the job.

Workplace parties are encouraged to work together to identify and control hazards in their workplace

Joint Health and Safety Committees (JHSCs) and Worker Health and Safety Representatives (H&S Rep) on Farms

As per O. Reg 414 – Farming operations:

Greenhouse, mushroom, dairy, hog, cattle, and poultry farming:

- Regularly employ **20** or more workers, are required to have a JHSC (no requirement for certification training)
- Regularly employ **50** or more workers are they required to have certified members

Mixed farming operations:

A combination of greenhouse, mushroom, dairy, hog, cattle, or poultry and “other” operations such as crops

- The number of workers employed exclusively in the “other” operations are not counted for the purposes of determining whether a JHSC is required. However, a worker who spends any time working in any of the six specified operations as well as in the “other” operations shall be counted for the purposes of determining the requirement for a JHSC
- 6 or more workers, require at least one H&S rep
- 20 or more workers, of whom 1-19 work in a specified operation, require a H&S rep
- 20 or more workers, of whom 20-49 work in a specified operation, require a JHSC
- 50 or more workers, of whom 50 or more work in a specified operation, require a JHSC and certified members

Farming operations not listed above:

- Farming operations that regularly employ 6 or more workers, regardless of the type of farm, are required to have a H&S rep (no requirement for a JHSC when above 20 regularly employed workers)

Powers of the Inspectors

The inspector has various powers (Section 54 powers), including the authority to:

- Enter a workplace without a warrant or notice
- Question any person, either privately or in the presence of someone else, who may be connected to an inspection, examination or test
- Take photographs
- Require that any part of a workplace, or the entire workplace, not be disturbed for a reasonable period of time in order to conduct an examination, inspection or test
- Require that any equipment, machinery 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
- Look at and copy any material concerning a worker training program
- Require the employer, at his or her expense, to have an expert test and provide a report on any equipment, machinery, materials, agents, etc.
- Require the employer, at his or her expense, to have a professional engineer test any equipment or machinery and verify that it is not likely to endanger a worker and stop the use of anything, pending such testing
- Require an owner, constructor or employer to provide, at his or her expense, a report from a professional engineer that assesses the structural soundness of a workplace

It is important to note that an inspector may only enter a private dwelling or part of a dwelling that is being used as a workplace with the consent of the occupier or under the authority of a warrant issued by a court under the OHS Act or the Provincial Offences Act.

What to expect during an MLITSD visit:

Proactive visit (Inspection):

Inspectors look for:

- compliance with the Occupational Health and Safety Act (OHSA) and regulations
- identification of workplace specific hazards
- workplace policies (OHS, workplace violence and harassment)
- functioning of the Internal Responsibility System (IRS)
- structure and operation of the joint health and safety committee (JHSC)

What to expect during an MLITSD visit:

Reactive Visit (Investigation):

Types of events:

- Fatality
- Injury/critical injury
- Work refusals
- Complaint
 - Unsafe working conditions
 - Harassment
 - Lack of IRS/training
- Occupational Illness

This inspector may:

- Attend the workplace
- Gather information about the incident
- Take photographs and measurements
- Interview witnesses, co-workers, supervisors, employers and anyone else who might have relevant information
- Examine and test any equipment involved
- May identify hazards and issue orders, which the workplace parties must address to prevent this type of incident from happening again

Questions that may be asked:

- Are there paid workers at the farm?
- Do you have a health and safety rep or JHSC?
- Who has care and control of the workplace?
 - This question is important when there are workers at the workplace that are supplied by Temporary Help Agencies (THAs)
- Where is your health and safety information posted?
- Who supervises the workers?
- What does your orientation or on-boarding look like?
- Does the worker know to whom to speak if there are health and safety concerns at a location or if they are experiencing workplace harassment?
- Does the worker have access to H&S information in a language that they understand?
- Have there been any critical injuries or other significant H&S events at this location?

Other important information:

- You are always entitled to see the identification of the inspector. All MLITSD inspectors carry warrant cards and badges when they are in the field.
- Inspectors work with other MLITSD professionals such as engineers, occupational hygienists and ergonomists
- Inspectors are trained in and required to follow biosecurity protocols
 - They have received additional training regarding Avian Influenza H5N1



Resources

Have questions? Call us!

Health and Safety Contact Centre :

webohs@ontario.ca

Toll-free: 1-877-202-0008 (For general inquiries Monday to Friday, 8:30am – 5pm)

Ready to get started on your health and safety program? Visit our webpage:

[Health and Safety for Small Business](#)

Here you'll find all the information you need and links to resources, including a helpful interactive health and safety [checklist](#).

For additional information on roles and responsibilities under the Act visit our webpage for the [Guide](#) to the Occupational Health and Safety Act including the [Work Refusal Process](#)

Workplace Safety and Prevention Services:

[Workplace Safety & Prevention Services | WSPS](#) - <https://www.wspss.ca/>

[Small Business Centre | WSPS | WSPS](#) - <https://www.wspss.ca/small-business-centre>

There are resources available in Spanish and Thai from WSPS:

- [Spanish Resources \(wspss.ca\)](#) - <https://www.wspss.ca/resource-hub/spanish>
- [Thai Resources \(wspss.ca\)](#) - <https://www.wspss.ca/resource-hub/thai>

Questions?

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