July 1, 2014 Deadline To Provide Ontario's New Safety Awareness Program To Employees (Your Current Program Is Probably Not Good Enough)



The clock is ticking. All Ontario employers must provide their workers and supervisors with "basic occupational health and safety awareness training" by July 1st, or they will be in violation of a new regulation under the Occupational Health and Safety Act. And employers' in-house safety awareness training provided to workers in the past will likely not meet the new requirements.

There are two types of safety awareness training: worker training and supervisor training, and the government dictates the contents of both.

Obligation is on Employer, not Employees

Every Ontario employer must ensure that their workers and supervisors complete the safety awareness training. The obligation is on the employer, not the employees.

What if the Employer Already Provided Safety Orientation?

If your company already provided safety awareness training to employees, you are not required to provide the new mandatory safety awareness program – as long as your training program includes all of the content required by the Ministry of Labour. I expect that most employers will want to put all of their employees and supervisors through the new mandatory orientation, using the Ministry of Labour's training materials, in order to avoid an argument down the road that the employer's training program did not cover all of the required topics. In particular, the new regulation requires that the worker and supervisor training cover "roles of the ministry, Workplace Safety and Insurance Board (WSIB), and Health and Safety Associations", but those roles have recently changed, so one expects that most employers will not have covered that topic properly in their old in-house safety awareness program.

Deadline for New Employees, Supervisors

The deadline for providing the safety awareness training to new employees is "as soon as practicable" after they start working. For supervisors, the deadline is one week after starting to perform work as a supervisor.

Workbooks and E-Learning Tool

One way to complete the new training will be for workers and supervisors to take part in the Ministry of Labour's one-hour tutorial using the free, online e-learning tools or by printing the hardcopy workbooks:

- The Worker Health and Safety Workbook is available here (the Employer's guide to Worker Health and Safety is available here)

- The Supervisor Health and Safety Workbook is available here (the Employer's guide to Supervisor Health and Safety is available here)

- The e-learning training for Workers is available here, and for Supervisors here

The e-learning training includes a few short videos, and a number of quiz questions.

Employer's May use Own Equivalent Materials

Employers may also opt to use their own training materials, instead of the MOL's materials. However, the training program for **workers** must include instruction on the following topics:

- the duties and rights of workers under OHSA

- the duties of employers and supervisors under OHSA

- common workplace hazards and occupational illnesses

- the role of joint health and safety committees (JHSCs) and of health and safety representatives under OHSA

- roles of the ministry, Workplace Safety and Insurance Board (WSIB), and Health and Safety Associations; and

- information and instruction requirements set out in the Workplace Hazardous Materials Information System (WHMIS) Regulation.

If employers use their own **supervisor** safety orientation program, the training program must include instruction on:

- the duties and rights of workers under OHSA;

- the duties of employers and supervisors under OHSA;

- how to identify, assess and manage workplace hazards, the role of joint health and safety committees (JHSCs), and of health and safety representatives under OHSA;

- roles of the ministry, Workplace Safety and Insurance Board (WSIB), and Health and Safety Associations; and

- sources of information on occupational health and safety.

Maintaining a record of training

Employers must maintain a record of the training that is completed by workers and supervisors. If the training is completed using the MOL's e-learning training module, an employee will receive a certificate that is valid for the remainder of his or her

career.

The employer must keep proof of the training for up to six months after the worker or supervisor stops performing work for the employer

Exemptions

In the following two situations, workers or supervisors will not be required to complete the new **worker** safety awareness training:

1. If workers or supervisors have previously completed a workers safety awareness training program with a current or former employer that satisfies the required topics listed above, they do not have to take the training again if they can provide proof of the training.

2. A supervisor will not have to complete the worker training if:

(a) the supervisor was performing work as a supervisor prior to July 1, 2014; and

(b) the supervisor completed a basic occupational health and safety awareness training program for supervisors that meets the required contents listed above, before July 1, 2014.

What Should Employers Do?

All Ontario employers should put a plan in place for ensuring that all workers complete the worker training, and all supervisors complete the supervisor training, by July 1st. For office workers, the online e-learning module may be best. For others, the employer should consider printing off and providing a copy of the written materials.

Consequences of Missing Deadline

A Ministry of Labour inspector recently told me that, immediately after July 1st, inspectors will likely issue a reminder to employers who have not conducted the training by the July 1st deadline. However, employers who still fail to complete the training will likely receive a compliance order, and in cases of ongoing failure, could be charged and fined.

The new regulation, which sets out the mandatory safety awareness training requirement, can be accessed here.

For more information, visit our Occupational Health & Safety Law blog at www.occupationalhealthandsafetylaw.com

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Article by Adrian Miedema

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