

***Occupational Health and Safety Act (OHSA)***  
***R.S.O. 1990***

**Effective: September 2000**

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**Vice-President,  
Finance and Administration**

**Intent:** To promote familiarity with the *Occupational Health and Safety Act (OHSA)*, *R.S.O. 1990, c.0.1, as amended.*

**Definitions:**

<i>certified member</i>	a member of a Joint Health and Safety Committee who is certified under Section 9 (12) of the <i>Occupational Health and Safety Act</i> .
<i>due diligence</i>	a general duty to take every precaution reasonable in the circumstances to protect health and safety; a defence if charged with a breach of legal duty.
<i>external responsibility (ERS)</i>	the system of government audit, inspection and enforcement of <i>system</i> health and safety and the functioning of the internal responsibility system (IRS).
<i>internal responsibility system (IRS)</i>	the system of internal audit for occupational health and safety (and quality) that is shared by all parties in the workplace.
<i>Joint Health and Safety Committee</i>	established in the workplace to provide a consultative forum for review of the responsibility systems that drive health and safety. (see Safety Policy 851.01.04)
<i>prescribed</i>	prescribed by a regulation made under the <i>Act</i> .
<i>supervisor</i>	person who has charge of a workplace (i.e. is responsible for the space) or authority over a worker (i.e. issues instructions or has authority to hire and terminate employees.)
<i>worker</i>	person who performs work or supplies services for monetary compensation.

*workplace* any land, premises, location or thing at, upon, in or near which a worker works.

### **Requirement of *O.Reg. 858, University Academics and Teaching Assistants***

*The Act applies to every person who is employed as a member or teaching assistant of the academic staff of a university or a related institution.*

#### **Policy:**

1. Employees shall become familiar with relevant sections of the *Occupational Health and Safety Act* and applicable *OHS*A regulations.
2. Employees shall practice proactive and creative due diligence to manage risks to health and safety.
3. All employees shall conduct University business with appropriate due diligence.

#### **Guidelines:**

The annual cost of occupational injuries in Ontario exceeds \$10 billion. These costs are shared by every business in the province and are an unnecessary drain on the provincial economy. The human costs and suffering are borne by the victims, their families, and friends. Improvements in our cultural attitudes regarding workplace safety will make the greatest impact on poor safety performance.

In Ontario, the primary statute governing occupational health and safety is the *Occupational Health and Safety Act (OHS*A). Many regulations have been passed under *OHS*A prescribing detailed safety procedures and safe work practices for biological, chemical and physical agents. Regulations under *OHS*A have been made for four sectors, i.e. industrial establishments, construction projects, mines and mining plants, and health care and residential facilities. The people in charge of workplace operations are responsible for adopting prescribed safety requirements and creating safe and healthy workplaces.

The University of Guelph's teaching and research activities and the farming and agricultural research operations fall under the *Regulation for Industrial Establishments (O.Reg. 851)*. University safety policies adopt *OHS*A regulations as minimum workplace safety standards. Please refer to these Regulations for prescribed requirements.

*OHS*A incorporates by reference, provisions of regulations and codes under other Acts, e.g.  
*The Building Code Act, S.O. 1992, c23*  
*Workplace Safety and Insurance Act, S.O 1997, c16*  
*Ontario Fire Code, S.O. 1997, c4*

*Due diligence* means that all workplace parties take reasonable care in the circumstances to avoid harm. Due diligence is a general duty and motivates the employer and supervisors to be creative where *OHSA* regulations have not anticipated particular hazards found in specific workplaces. This general duty means that the employer and supervisors must take all reasonable precautions for the protection of employees. Reasonable precautions to be adopted may be prescribed in industrial regulations, Canadian Standards Association (CSA) standards, or may be those precautions deemed reasonable by an informed person or by a court of law.

The *OHSA* is based on the principle that workplace hazards are best dealt with through communication and co-operation between employers and employees, i.e. the *internal responsibility system*. Both parties must strive to identify hazards and to develop strategies to protect employees. Within the internal responsibility system, workplace safety is monitored by Local Joint Health and Safety Committees, health and safety representatives, *certified members*, and by workplace inspections by the Ministry of Labour.

The Ministry of Labour's role in reducing workplace injury and illness is to set, communicate, and enforce standards for safety and health protection. Owners, employers, supervisors, and employees shoulder primary responsibilities for identifying and addressing workplace hazards and resolving disputes. A commitment by all parties to continuous improvement in workplace activities will promote better safety performance, productivity, and quality.

The internal responsibility system affords all employees three basic rights: **the right to know about workplace hazards; the right to refuse to do work that they believe is unsafe; and the right to participate in decisions that relate to occupational health and safety.**

Faculty members and teaching assistants are considered to be supervisors under the *Occupational Health and Safety Act, O. Reg. 858*, when they are directing the activities of other University employees engaged in research or teaching activities. The duties and responsibilities of supervisors under *OHSA* are referenced in [Safety Policy 851.01.06](#).

Appendix 1 shows the ten Parts of the *Act* and lists all of the Regulations.

### Web Sites of Interest

Ministry of Labour	<a href="http://www.gov.on.ca/LAB/ohs/ohse.htm">www.gov.on.ca/LAB/ohs/ohse.htm</a>
Canadian Centre for OHS	<a href="http://www.ccohs.ca">www.ccohs.ca</a>
Canada Safety Council	<a href="http://www.safety-council.org/index.html">www.safety-council.org/index.html</a>
Laws of Canada	<a href="http://laws.justice.gc.ca/en/index_en.html">http://laws.justice.gc.ca/en/index_en.html</a>
Ontario Legislation	<a href="http://www.attorneygeneral.jus.gov.on.ca/legimenu.htm">www.attorneygeneral.jus.gov.on.ca/legimenu.htm</a>

**Appendix 1*****Occupational Health and Safety Act***

## Definitions

Part I	Application
Part II	Administration
Part III	Duties of Employers and Other Persons
Part IV	Toxic Substances
Part V	Right to Refuse or Stop Work
Part VI	Reprisals by Employer Prohibited
Part VII	Notices
Part VIII	Enforcement
Part IX	Offences and Penalties
Part X	Regulations

***Regulations under the Occupational Health and Safety Act******Regulation 851, Industrial Establishments***

Part I	Safety Regulations
	Notice of Accidents
	Premises
	Lighting
	Fire Prevention- Protection
	Machine Guarding
	Material Handling
	Confined Space
	Maintenance and Repairs
	Protective Equipment
	Molten Metal
	Logging
Part II	Buildings
Part III	Industrial Hygiene

***Regulation 833, Control of Exposure to Biological and Chemical Agents***, which adopts the ACGIH “*Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices*.” American Conference of Governmental Industrial Hygienists, 2000.”

***Regulation 834, Critical Injury - Defined***

***Regulation 835, Designated Substance - Acrylonitrile***

***Regulation 836, Designated Substance - Arsenic***

***Regulation 837, Designated Substance - Asbestos***

*Regulation 838, Designated Substance - Asbestos on Construction Projects*

*Regulation 839, Designated Substance - Benzene*

*Regulation 840, Designated Substance - Coke Oven Emissions*

*Regulation 841, Designated Substance - Ethylene Oxide*

*Regulation 842, Designated Substance - Isocyanates*

*Regulation 843, Designated Substance - Lead*

*Regulation 844, Designated Substance - Mercury*

*Regulation 845, Designated Substance - Silica*

*Regulation 846, Designated Substance - Vinyl Chloride*

*Regulation 714/94, Fire Fighters - Protective Equipment*

*Regulation 856, Roll-Over Protective Structures*

*Regulation 857, Teachers*

*Regulation 858, University Academics and Teaching Assistants*

*Regulation 859, Window Cleaning*

*Regulation 860, Workplace Hazardous Materials Information System*

*Regulation 861, X-Ray Safety*

*Regulation 1101, First Aid Requirements, Workplace Safety and Insurance Act*

*Regulation 67/93, Health Care and Residential Facilities*

*Regulation 629/94, Diving Operations*

*Regulation 780/94, Training Programs*

*Regulation 213/91, Construction Projects*

*Regulation 145/00 to Amend 213/91*

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