

New Mandatory Occupational Health and Safety Awareness and Training

May 2014

On July 1, 2014, a new [regulation](#) under Ontario's Occupational Health and Safety Act (the "Act") will come into force. This new regulation creates new mandatory occupational health and safety awareness training for every worker and supervisor in Ontario.

Who Is Affected?

The brief answer is: generally every employer and employee. The new regulation applies to all workplaces covered under the Act, regardless of workplace size or sector. This generally includes every place where an employee works, with a few exceptions, such as private residences.

Every employer will be responsible for ensuring that every worker and every supervisor, as defined under the Act, completes a basic occupational health and safety awareness training program. A worker is: a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or similar facility who participates in a work project or rehabilitation program in the institution. This definition generally includes every employee, except those who work in correctional facilities. A supervisor is: a person who has charge of a workplace or authority over a worker.

Exemptions

Certain workers and supervisors will be exempt from completing the training. These include:

1. Workers and supervisors who previously completed the training, either with their current or a former employer, if they can provide proof that they completed the training and their current employer is able to verify that the training program covered the content required by the regulation.
2. A supervisor who has completed the training for supervisors, prior to the regulation coming into force, does not have to complete the worker training in addition to the training for supervisors.

What Content must the Training Cover?

Training for workers and supervisors must include information on:

1. The duties and rights of workers under the Act;
2. The duties of employers and supervisors under the Act;
3. The roles of health and safety representatives and joint health and safety committees under the Act;
4. The roles of certain entities including the Ministry of Labour and the Workplace Safety and Insurance Board with respect to occupational health and safety; and
5. Workplace hazards and occupational illness.

When does the Training have to be Completed?

Employers will be responsible for having workers complete the training "as soon as practicable". Employers must have supervisors complete the training within one week of performing work as a supervisor.

How will Employers Provide the Training?

Written training materials are available at no charge from the Ministry of Labour. Hard-copies of these materials may be ordered from ServiceOntario locations. These materials may also be downloaded and printed from: <http://www.labour.gov.on.ca/english/hs/training/>

Training may also be completed online, using the Health and Safety Awareness e-Learning modules. The two online modules for workers and supervisors are intended to be completed in one sitting, lasting between 45-60 minutes. They are accessible through: <http://www.labour.gov.on.ca/english/hs/training/workers.php>

Employers are not required to use the Ministry of Labour materials in order to comply with the regulation as long as the

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training they provide covers the necessary content. However, it may be easiest to complete the training using the Ministry of Labour materials to ensure compliance.

Proof of Completion

Employees completing the training through the online module will receive a "Proof of Completion" certificate once the training has been completed. This certificate should be printed and retained by the employer, as the Ministry of Labour will not keep a record of the training.

Employees completing the training with the print materials should sign their completed workbook materials to act as a record of their training.

Continuing Employer Obligations

Whether the training has been completed online or by using the print materials, employers must maintain a record of the completed training, but are not required to submit these records to the Ministry of Labour.

An employer must be able to provide an employee with written proof of completion of the training for up to six months after the employee has ceased to work for the employer, if requested.

Penalties

While there are no reporting obligations to the Ministry of Labour, the Ministry of Labour may perform spot-checks of employers to ensure compliance. Non-compliant employers may be ordered to comply, or may be subject to penalties for failing to comply with the Act and its regulations of a fine up to \$25,000 and imprisonment for up to twelve months (individuals), or a fine up to \$500,000 (corporations).

Next Steps

We advise all employers to take the following steps:

1. Ensure that all current employees complete the mandatory training by **July 1, 2014**. While employees are permitted to rely on completed safety training in the past, it will likely be easiest to have them complete the Ministry of Labour provided training to avoid any risk of non-compliance.
2. Following July 1, 2014, ensure that new employees complete the mandatory training, or are exempt from doing so.
3. Put in place a record-keeping process to maintain proof that employees have completed the mandatory training, or are exempt from doing so.

We Can Help

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