

TABLE OF CONTENTS

Volume 1

<i>Preface</i>	P-1
<i>Contents Checklist</i>	CL-1
<i>Abbreviations of Trade Union | Association Names</i>	A-1
<i>Table of Cases</i>	TC-1
<i>User's Guide to the Annotated Occupational Health and Safety Act</i>	OHSA-UG1
ANNOTATED OCCUPATIONAL HEALTH AND SAFETY ACT	OHSA-1
SUMMARY	OHSA-2
Purpose and Object of the Act.....	OHSA-3
Contracting Out.....	OHSA-5
Internal Responsibility	OHSA-5
Federal / Provincial Jurisdiction.....	OHSA-6.3
Corporate Criminal Liability.....	OHSA-10
SECTION 1	OHSA-12
1(1) Definitions	OHSA-12
1(2) Ship under repair	OHSA-16
1(3) Limitation	OHSA-16
1(4) Workplace harassment.....	OHSA-16
Section 1(1)	OHSA-16
“Board”	OHSA-16
“competent person”	OHSA-16a
“construction”	OHSA-16.1
“constructor”	OHSA-16.2
“Director”	OHSA-18.2
“employer”	OHSA-18.2
“factory”	OHSA-19
“industrial establishment”	OHSA-20
“inspector”	OHSA-20.1
“licensee”	OHSA-20.2
“logging”	OHSA-20.2
“mine”	OHSA-20.2

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

“mining plant” OHSA-20.2
“occupational illness” OHSA-20.2
“owner” OHSA-20.3
“prescribed” OHSA-20.3
“project” OHSA-20.3
“shop” OHSA-20.5
“supervisor” OHSA-20.5
“trade union” OHSA-23
“worker” OHSA-23
“workplace” OHSA-26
“workplace harassment” OHSA-28
“workplace sexual harassment” OHSA-28.5
“workplace violence” OHSA-28.6
“workplace violence . . . threat” OHSA-28.7
Section 1(2) OHSA-28.10
“reasonable action” OHSA-28.10

**PART I
APPLICATION**

SUMMARY OHSA-28.10
SECTION 2 OHSA-28.11
2(1) Application to Crown OHSA-28.11
2(2) Application of other Acts OHSA-28.11
Section 2(1) OHSA-28.11
“binds the Crown” OHSA-28.11
“board” OHSA-28.12
Section 2(2) OHSA-28.13
“this Act and the regulations prevail” OHSA-28.13
SECTION 3 OHSA-28.14
3(1) Application to private residences OHSA-28.14
3(2) Farming operations OHSA-28.14
3(3) Teachers, etc. OHSA-28.14
Section 3(1) OHSA-28.14
“servant” OHSA-28.14
“residence” OHSA-29
Section 3(2) OHSA-29
“farming operations” OHSA-29
Section 3(3) OHSA-30.1
“teacher” OHSA-30.1

TABLE OF CONTENTS

“teaching assistant” OHSA-31
SECTION 4 OHSA-31
 4. Self-employed persons OHSA-31

**PART II
 ADMINISTRATION**

SUMMARY OHSA-31
SECTION 4.1 OHSA-32
 4.1(1) Administration of Act OHSA-32
 4.1(2) Powers of Minister OHSA-32
 4.1(3) Duty to consider OHSA-32
SECTION 5 OHSA-32
 5. Delegation of powers OHSA-32
SECTION 6 OHSA-32
 6(1) Appointment of inspectors and Directors OHSA-32
 6(2) Director may act as inspector OHSA-32
Section 6(1) OHSA-32
 “administer and enforce” OHSA-32
 “appointed as inspectors” OHSA-33
Section 6(2) OHSA-33
 “Director may” OHSA-33
SECTION 7 OHSA-33
 7(1) Certificate of appointment OHSA-33
 7(2) Production of certificate OHSA-33
Section 7(2) OHSA-33
 “shall produce” OHSA-33
SECTION 7.1 OHSA-33
 7.1(1) Standards – training programs OHSA-33
 7.1(2) Approval – training program OHSA-34
SECTION 7.2 OHSA-34
 7.2(1) Standards – persons who provide training OHSA-34
 7.2(2) Approval – persons who provide training OHSA-34
SECTION 7.3 OHSA-34
 7.3(1) Amendment of standard OHSA-34
 7.3(2) Publication of standards OHSA-34

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

SECTION 7.4	OHSA-34
7.4(1) Time limit of approval	OHSA-34
7.4(2) Revocation, etc., of approval	OHSA-34
7.4(3) Information to be provided to Chief Prevention Officer	OHSA-34
SECTION 7.5	OHSA-34
7.5(1) Collection and use of training information	OHSA-34
7.5(2) Disclosure by training provider	OHSA-34
7.5(3) Same	OHSA-34.1
7.5(4) Disclosure by Chief Prevention Officer	OHSA-34.1
SECTION 7.6	OHSA-34.1
7.6(1) Certification of members	OHSA-34.1
7.6(2) Transition.....	OHSA-35
SECTION 7.6.1	OHSA-35
7.6.1(1) Accreditation of health and safety management systems	OHSA-35
7.6.1(2) Standards	OHSA-35
7.6.1(3) Amendment.....	OHSA-35
SECTION 7.6.2	OHSA-35
7.6.2(1) Recognition of employers.....	OHSA-35
7.6.2(2) Criteria	OHSA-35
7.6.2(3) Amendment.....	OHSA-35
SECTION 7.6.3	OHSA-35
7.6.3(1) Validity of accreditations, recognitions	OHSA-35
7.6.3(2) Revocation, etc., of accreditations, recognitions.....	OHSA-35
SECTION 7.6.4	OHSA-35
7.6.4(1) Information re accreditations, recognitions	OHSA-35
7.6.4(2) Disclosure by Director	OHSA-36
7.6.4(3) Same	OHSA-36
SECTION 7.6.5	OHSA-36
7.6.5(1) Publication	OHSA-36
7.6.5(2) Same	OHSA-36
SECTION 7.7	OHSA-36
7.7 Delegation.....	OHSA-36
SECTION 8	OHSA-36
8(1) Mandatory selection of health and safety representative	OHSA-36
8(2) Order appointing health and safety representatives.....	OHSA-36

TABLE OF CONTENTS

8(3)	Idem	OHSA-36.1
8(4)	What Minister shall consider	OHSA-36.1
8(5)	Selection of representatives	OHSA-36.1
8(5.1)	<i>Training requirement</i>	OHSA-36.1
8(5.2)	<i>Same</i>	OHSA-36.1
8(5.3)	<i>Entitlement to be paid</i>	OHSA-36.1
8(6)	Inspections	OHSA-36.1
8(7)	Idem	OHSA-36.1
8(8)	Schedule of inspections	OHSA-36.1
8(9)	Inspections	OHSA-36.1
8(10)	Idem	OHSA-36.2
8(11)	Powers of representative	OHSA-36.2
8(12)	Response to recommendations	OHSA-37
8(13)	Idem	OHSA-37
8(14)	Notice of accident, inspection by representative	OHSA-37
8(15)	Entitlement to time from work	OHSA-37
8(16)	Additional powers of certain health and safety representatives	OHSA-37
Section 8(1)	.....	OHSA-37
	“health and safety representative”	OHSA-37
Section 8(6)	.....	OHSA-38
	“shall inspect”	OHSA-38
Section 8(11)	.....	OHSA-38
	“be present”	OHSA-38
Section 8(14)	.....	OHSA-38
	“critically injured”	OHSA-38
SECTION 9	.....	OHSA-38
9(1)	Application	OHSA-38
9(2)	Joint health and safety committee	OHSA-38
9(3)	Minister’s order	OHSA-38.1
9(3.1)	Same	OHSA-38.1
9(3.2)	Same	OHSA-38.1
9(3.3)	Same	OHSA-38.1
9(4)	Establishment of committee	OHSA-38.1
9(5)	What Minister shall consider	OHSA-38.1
9(6)	Composition of committee	OHSA-38.2
9(7)	Idem	OHSA-38.2
9(8)	Selection of members	OHSA-38.2
9(9)	Idem	OHSA-38.2
9(10)	Requirement for committee membership	OHSA-38.2
9(11)	Committee to be co-chaired	OHSA-38.2

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

9(12)	Certification requirement.....	OHSA-38.2
9(13)	Idem.....	OHSA-38.2
9(14)	Designation of member to be certified.....	OHSA-38.2
9(15)	Designation of certified members.....	OHSA-38.2
9(16)	Idem.....	OHSA-38.3
9(17)	Replacement of certified member.....	OHSA-38.3
9(18)	Powers of committee.....	OHSA-38.3
9(19)	Idem.....	OHSA-38.3
9(19.1)	Powers of co-chairs.....	OHSA-38.3
9(20)	Response to recommendations	OHSA-38.3
9(21)	Idem.....	OHSA-38.4
9(22)	Minutes of proceedings	OHSA-38.4
9(23)	Inspections	OHSA-38.4
9(24)	Idem.....	OHSA-38.4
9(25)	Idem.....	OHSA-38.4
9(26)	Idem.....	OHSA-38.4
9(27)	Idem.....	OHSA-38.4
9(28)	Schedule of inspections.....	OHSA-38.4
9(29)	Inspections	OHSA-38.4
9(30)	Information reported to the committee.....	OHSA-38.4
9(31)	Idem.....	OHSA-38.4
9(32)	Posting of names and work locations.....	OHSA-38.4
9(33)	Meetings.....	OHSA-38.5
9(34)	Entitlement to time from work.....	OHSA-38.5
9(35)	Entitlement to be paid.....	OHSA-38.5
9(36)	Idem.....	OHSA-38.5
9(37)	Exception.....	OHSA-39
9(38)	Additional powers of certain committees	OHSA-39
9(39)	Dispute resolution.....	OHSA-39
Section 9(1)(b)		OHSA-39
“a prescribed employer or workplace”.....		OHSA-39
Section 9(2)		OHSA-39
“is required”		OHSA-39
“a workplace”		OHSA-39
“regularly employed”		OHSA-39
Section 9(2)(c)		OHSA-40.1
“to which a regulation concerning designated substances applies”		OHSA-40.1
Section 9(3)		OHSA-40.2
“the Minister may”		OHSA-40.2
more than one committee at a workplace.....		OHSA-40.2

TABLE OF CONTENTS

Section 9(3.1)	OHSA-40.3
“the Minister may”	OHSA-40.3
“by order in writing”	OHSA-40.3
Section 9(3.2)(a)	OHSA-40.3
“worker at a workplace”	OHSA-40.3
Section 9(4)	OHSA-40.4
“established”	OHSA-40.4
“maintained”	OHSA-40.5
“benefits for the health and safety of the workers”	OHSA-40.6
Section 9(5)	OHSA-40.6
“the Minister shall consider”	OHSA-40.6
Section 9(6)	OHSA-40.7
size of committee	OHSA-40.7
Section 9(7)	OHSA-40.7
“half the members . . . shall be workers”	OHSA-40.7
“managerial functions”	OHSA-41
Section 9(8)	OHSA-41
“members . . . who represent workers”	OHSA-41
“shall be selected by the workers”	OHSA-41
“by the trade union or unions”	OHSA-42
constituency representation	OHSA-42
Section 9(9)	OHSA-43
“the constructor or employer shall select”	OHSA-43
Section 9(10)	OHSA-43
“ceases to be employed”	OHSA-43
Section 9(11)	OHSA-44
“co-chair”	OHSA-44
“selected by the members who represent workers”	OHSA-44
Section 9(12)	OHSA-44
“at least one member”	OHSA-44
Section 9(14)	OHSA-44
“select . . . to become certified”	OHSA-44
Section 9(17)	OHSA-44.1
“unable to act”	OHSA-44.1
Section 9(18)	OHSA-44.1
“function of a committee”	OHSA-44.1
“and it [the committee] has the power to”	OHSA-44.2

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

“tests . . . for the purpose of occupational health and safety” OHSA-44.2
 “present at the beginning of, testing” OHSA-45
 “believes his or her presence is required to ensure that valid
 testing” OHSA-45
Section 9(20) OHSA-45
 “shall respond” OHSA-45
Section 9(22) OHSA-45
 “maintain and keep minutes” OHSA-45
 “of its proceedings” OHSA-46
Section 9(23) OHSA-46
 “members” OHSA-46
 “inspect” OHSA-46
 “the workplace” OHSA-46
Section 9(26) OHSA-46.1
 “inspect . . . at least once a month” OHSA-46.1
Section 9(27) OHSA-46.1
 “not practical to inspect the workplace at least once a month” .. OHSA-46.1
Section 9(28) OHSA-47
 schedule of inspections OHSA-47
Section 9(32) OHSA-48
 “post . . . names and work locations” OHSA-48
Section 9(33) OHSA-48
 “shall meet at least once every three months” OHSA-48
Section 9(34) OHSA-48.1
 “entitled to” OHSA-48.1
Section 9(35) OHSA-48.1
 “employer shall pay” OHSA-48.1
 “as may be proper” OHSA-48.2
Section 9(36) OHSA-48.2
 “employer shall pay” OHSA-48.2
Section 9(39) OHSA-48.3
 “decided by the Minister” OHSA-48.3
SECTION 10 OHSA-48.3
 10(1) Worker trades committee OHSA-48.3
 10(2) Committee membership OHSA-49
 10(3) Selection of members OHSA-49
 10(4) Function of worker trades committee OHSA-49

TABLE OF CONTENTS

10(5)	Entitlement to time from work.....	OHSA-49
10(6)	Committee to determine maximum entitlement	OHSA-49
SECTION 11	.....	OHSA-49
11(1)	Consultation on industrial hygiene testing	OHSA-49
11(2)	Information	OHSA-49
11(3)	Attendance at testing.....	OHSA-49
11(4)	Designation of member	OHSA-49
SECTION 12	.....	OHSA-50
12(1)	Summary to be furnished	OHSA-50
12(2)	Posting of copy of summary	OHSA-50
12(3)	Director to provide information.....	OHSA-50
SECTION 13	.....	OHSA-50
13.	[Repealed].....	OHSA-50
SECTION 14	.....	OHSA-50
14.	[Repealed].....	OHSA-50
SECTION 15	.....	OHSA-50
15.	[Repealed].....	OHSA-50
SECTION 16	.....	OHSA-50
16.	[Repealed].....	OHSA-50
SECTION 17	.....	OHSA-50
17.	[Repealed].....	OHSA-50
SECTION 18	.....	OHSA-50
18.	[Repealed].....	OHSA-50
SECTION 19	.....	OHSA-50
19.	[Repealed].....	OHSA-50
SECTION 20	.....	OHSA-50
20(1)	Testimony in civil proceedings, etc.	OHSA-50
20(2)	Non-disclosure.....	OHSA-51
Section 20(1)	.....	OHSA-51
	“respecting information obtained in the discharge of their duties”	OHSA-51
Section 20(2)	.....	OHSA-51
	“information . . . to . . . labour relations officer”.....	OHSA-51
SECTION 21	.....	OHSA-52
21(1)	Advisory committees.....	OHSA-52

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

21(2)	Remuneration and expenses	OHSA-52
Section 21(1)		OHSA-52
“report to the Minister”		OHSA-52
SECTION 22		OHSA-52
22(1)	Contribution to defray cost	OHSA-52
22(2)	Same	OHSA-52
SECTION 22.1		OHSA-52
22.1(1)	Powers under federal legislation	OHSA-52
22.1(2)	Same	OHSA-52

**PART II.1
PREVENTION COUNCIL, CHIEF PREVENTION OFFICER
AND DESIGNATED ENTITIES**

SUMMARY		OHSA-53
SECTION 22.2		OHSA-53
22.2(1)	Prevention Council	OHSA-53
22.2(2)	Composition	OHSA-53
22.2(3)	Same	OHSA-53
22.2(4)	Appointment of members	OHSA-53
22.2(5)	Chair	OHSA-54
22.2(6)	Same	OHSA-54
22.2(7)	Functions	OHSA-54
22.2(8)	Advice	OHSA-54
22.2(9)	Remuneration and expenses	OHSA-54
SECTION 22.3		OHSA-54
22.3(1)	Chief Prevention Officer – Functions	OHSA-54
22.3(2)	Appointment	OHSA-55
22.3(3)	Occupational health and safety strategy	OHSA-55
22.3(4)	Advice of Prevention Council	OHSA-55
22.3(5)	Strategy provided to Minister	OHSA-55
22.3(6)	Minister’s approval	OHSA-55
22.3(7)	Publication	OHSA-55
22.3(8)	Annual report	OHSA-55
22.3(9)	Advice of Prevention Council	OHSA-55
22.3(10)	Report provided to Minister	OHSA-55
22.3(11)	Publication	OHSA-55
SECTION 22.4		OHSA-55
22.4(1)	If Minister proposes change	OHSA-55
22.4(2)	If proposed change significant	OHSA-56
22.4(3)	If Chief Prevention Officer advising on change	OHSA-56

TABLE OF CONTENTS

22.4(4)	Prevention Council endorsement	OHSA-56
22.4(5)	Matters to consider in determining if change is significant	OHSA-56
22.4(6)	Regulation.....	OHSA-56
22.4(7)	Same	OHSA-56
SECTION 22.5	.....	OHSA-56
22.5(1)	Eligible for grant	OHSA-56
22.5(2)	Designation by Minister	OHSA-56
22.5(3)	Standards	OHSA-56
22.5(4)	Same	OHSA-56
22.5(5)	Same	OHSA-57
22.5(6)	Duty to comply	OHSA-57
22.5(7)	Amendment of standard	OHSA-57
22.5(8)	Date for compliance with amended standard	OHSA-57
22.5(9)	Publication of standards	OHSA-57
22.5(10)	Transition.....	OHSA-57
22.5(11)	Same	OHSA-57
22.5(12)	Same	OHSA-57
SECTION 22.6	.....	OHSA-57
22.6(1)	Effect of designation – Directions	OHSA-57
22.6(2)	Government directives.....	OHSA-57
22.6(3)	Failure to comply	OHSA-57
SECTION 22.7	.....	OHSA-58
22.7(1)	Compliance and monitoring of designated entities	OHSA-58
22.7(2)	Report to Minister	OHSA-58
22.7(3)	Advice to Minister.....	OHSA-58
SECTION 22.8	.....	OHSA-58
22.8(1)	Appointment of administrator	OHSA-58
22.8(2)	Term of appointment	OHSA-58
22.8(3)	Powers and duties of administrator.....	OHSA-58
22.8(4)	Same	OHSA-58
22.8(5)	Additional power of administrator	OHSA-58a
22.8(6)	Report, directions.....	OHSA-58a
22.8(7)	Meeting of members	OHSA-58a
22.8(8)	Unincorporated entity.....	OHSA-58a
SECTION 22.9	.....	OHSA-58a
22.9	Delegation of powers and duties	OHSA-58a

**PART III
DUTIES OF EMPLOYERS AND OTHER PERSONS**

SUMMARY	OHSA-58.1
----------------------	------------------

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

SECTION 23	OHSA-58.1
23(1) Duties of constructor.....	OHSA-58.1
23(2) Notice of project.....	OHSA-58.1
Section 23(1)	OHSA-58.1
“constructor”	OHSA-58.1
“shall ensure”	OHSA-58.1
“prescribed by this Act and the regulations”	OHSA-58.2
“every employer . . . complies”	OHSA-58.3
“the health and safety of workers on the project is protected” ...	OHSA-58.3
Section 23(2)	OHSA-58.3
“Where so prescribed”	OHSA-58.3
SECTION 24	OHSA-58.3
24(1) Duties of licensees.....	OHSA-58.3
24(2) Definition.....	OHSA-58.3
Section 24(1)	OHSA-58.4
“licensee shall ensure”	OHSA-58.4
SECTION 25	OHSA-58.4
25(1) Duties of employers.....	OHSA-58.4
25(2) Idem.....	OHSA-58.4
25(3) Idem.....	OHSA-58.5
25(3.1) Same	OHSA-58.5
25(4) Idem.....	OHSA-58.5
25(5) Same	OHSA-58.5
Section 25(1)	OHSA-58.6
“employer”	OHSA-58.6
“shall ensure”	OHSA-58.6
Section 25(1)(a)	OHSA-58.7
“as prescribed”	OHSA-58.7
“are provided”	OHSA-58.8
Section 25(1)(b)	OHSA-59
“maintained in good condition”	OHSA-59
Section 25(1)(c)	OHSA-63
“measures and procedures prescribed”	OHSA-63
“are carried out”	OHSA-63
Section 25(1)(d)	OHSA-64
“are used”	OHSA-64
“as prescribed”	OHSA-64
Section 25(1)(e)	OHSA-64

TABLE OF CONTENTS

“capable of supporting all loads” OHSA-64

Section 25(1)(e)(iii) OHSA-64.1

 “in accordance with good engineering practices” OHSA-64.1

Section 25(2)(a) OHSA-64.1

 “information, instruction and supervision” OHSA-64.1

Section 25(2)(c) OHSA-71

 “competent person” OHSA-71

Section 25(2)(d) OHSA-72

 “acquaint a worker . . . with any hazard” OHSA-72

 “or a person in authority over a worker” OHSA-73

Section 25(2)(e) OHSA-73

 “afford assistance and co-operation to a committee” OHSA-73

Section 25(2)(f) OHSA-74

 “over such age as may be prescribed” OHSA-74

Section 25(2)(h) OHSA-74

 “every precaution reasonable” – general OHSA-74

 “every precaution reasonable” – workplace violence and harassment OHSA-76.2

Section 25(2)(j) OHSA-76.11

 “health and safety policy” OHSA-76.11

Section 25(2)(k) OHSA-76.12

 “post at a conspicuous location in the workplace” OHSA-76.12

Section 25(2)(l) OHSA-76.12

 “provide to the committee” OHSA-76.12

Section 25(2)(m) OHSA-76.13

 “make available” OHSA-76.13

SECTION 25.1 OHSA-76.13

 25.1(1) Footwear OHSA-76.13

 25.1(2) Exception OHSA-76.13

 25.1(3) Definitions OHSA-76.13

SECTION 26 OHSA-76.13

 26(1) Additional duties of employers OHSA-76.13

 26(2) Idem OHSA-76.14

 26(3) Idem OHSA-76.14

Section 26(1)(i) OHSA-76.14

 “safety-related . . . tests” OHSA-76.14

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 26(1)(j)	OHSA-76.15
“medical examinations”	OHSA-76.15
Section 26(1)(l)	OHSA-76.16
“carry out . . . training programs”	OHSA-76.16
“as may be prescribed”	OHSA-76.16
Section 26(3)	OHSA-76.16
“employer shall pay”	OHSA-76.16
SECTION 27	OHSA-76.16
27(1) Duties of supervisor	OHSA-76.16
27(2) Additional duties of supervisor	OHSA-76.16
Section 27(1)	OHSA-76.17
“supervisor”	OHSA-76.17
“shall ensure”	OHSA-76.17
Section 27(1)(b)	OHSA-76.19
“that the worker’s employer requires to be used or worn”	OHSA-76.19
Section 27(2)(a)	OHSA-77
“advise”	OHSA-77
“is aware”	OHSA-77
Section 27(2)(c)	OHSA-77
“take every precaution reasonable”	OHSA-77
SECTION 28	OHSA-78.1
28(1) Duties of workers	OHSA-78.1
28(2) Idem	OHSA-78.2
28(3) Consent to medical surveillance	OHSA-78.2
Section 28(1)	OHSA-78.2
“worker”	OHSA-78.2
Section 28(1)(a)	OHSA-78.2
“work in compliance”	OHSA-78.2
Section 28(1)(b)	OHSA-78.4b
“use or wear”	OHSA-78.4b
Section 28(1)(c)	OHSA-78.4c
“report to his or her employer”	OHSA-78.4c
“of which the worker is aware”	OHSA-78.5
Section 28(1)(d)	OHSA-78.5
“report to his or her employer”	OHSA-78.5
“any hazard”	OHSA-78.7

TABLE OF CONTENTS

“of which he or she knows”	OHSA-78.8
Section 28(2)(a)	OHSA-78.8
“make ineffective any protective device”	OHSA-78.8
Section 28(2)(b)	OHSA-78.10
“work in a manner that may endanger”	OHSA-78.10
“any other worker”	OHSA-80.2
Section 28(2)(c)	OHSA-80.2
“engage in any prank”	OHSA-80.2
“feat of strength”	OHSA-80.4
“rough and boisterous conduct”	OHSA-80.4a
Section 28(3)	OHSA-80.8
“consents”	OHSA-80.8
informed consent	OHSA-80.8
SECTION 29	OHSA-80.8
29(1) Duties of owners	OHSA-80.8
29(2) Mine plans	OHSA-80.8
29(3) Plans of workplaces	OHSA-80.8
29(4) Additional information	OHSA-80.9
29(5) Fees	OHSA-80.9
Section 29(1)	OHSA-80.9
duties of owner	OHSA-80.9
“ensure”	OHSA-80.9
Section 29(3)(b)	OHSA-80.10
“keep a copy”	OHSA-80.10
SECTION 30	OHSA-80.10
30(1) Duty of project owners	OHSA-80.10
30(2) Tenders	OHSA-80.10
30(3) Idem	OHSA-80.10
30(4) Duty of constructors	OHSA-80.10
30(5) Liability	OHSA-80.10
30(6) Idem	OHSA-80.10
Section 30(1)	OHSA-80.11
duty of project owners	OHSA-80.11
Section 30(5)	OHSA-80.11
“loss or damages”	OHSA-80.11
SECTION 31	OHSA-80.11
31(1) Duties of suppliers	OHSA-80.11
31(2) Architects and engineers	OHSA-80.11

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 31(1) OHSA-80.12
duties of supplier OHSA-80.12
“or similar arrangement” OHSA-80.12
“shall ensure” OHSA-80.12a
“in good condition” OHSA-80.13
Section 31(2) OHSA-80.13
“negligently” OHSA-80.13
“a worker is endangered” OHSA-80.14
“professional engineer . . . certification” OHSA-80.14
SECTION 32 OHSA-80.14
32. Duties of directors and officers of a corporation OHSA-80.14
Section 32 OHSA-80.14
“shall take all reasonable care” OHSA-80.15
to comply with orders and requirements of inspectors and
Directors OHSA-80.16

**PART III.0.1
VIOLENCE AND HARASSMENT**

SUMMARY OHSA-80.16a
VIOLENCE AND HARASSMENT GENERALLY OHSA-80.16a
SECTION 32.0.1 OHSA-80.17
32.0.1(1) Policies, violence and harassment OHSA-80.17
32.0.1(2) Written form, posting OHSA-80.17
32.0.1(3) Exception OHSA-80.17
Section 32.0.1(2) OHSA-80.17
“posted at a conspicuous place in the workplace” OHSA-80.17
SECTION 32.0.2 OHSA-80.17
32.0.2(1) Program, violence OHSA-80.17
32.0.2(2) Contents OHSA-80.17
Section 32.0.2(2) OHSA-80.18
“measures and procedures to control the risks” OHSA-80.18
“measures and procedures for summoning immediate
assistance” OHSA-80.18
“how the employer will investigate” OHSA-80.18
SECTION 32.0.3 OHSA-80.19
32.0.3(1) Assessment of risks of violence OHSA-80.19
32.0.3(2) Considerations OHSA-80.19
32.0.3(3) Results OHSA-80.19

TABLE OF CONTENTS

32.0.3(4) Reassessment..... OHSA-80.19
 32.0.3(5) Same OHSA-80.19
Section 32.0.3..... OHSA-80.19
SECTION 32.0.4 OHSA-80.19
 32.0.4 Domestic violence OHSA-80.19
SECTION 32.0.5 OHSA-80.20
 32.0.5(1) Duties re violence..... OHSA-80.20
 32.0.5(2) Information OHSA-80.20
 32.0.5(3) Provision of information..... OHSA-80.20
 32.0.5(4) Limit on disclosure OHSA-80.20
Section 32.0.5(1)..... OHSA-80.20
 “employer duties”..... OHSA-80.20
SECTION 32.0.6 OHSA-80.20a
 32.0.6(1) Program, harassment OHSA-80.20a
 32.0.6(2) Contents..... OHSA-80.20a
Section 32.0.6..... OHSA-80.20b
 workplace harassment OHSA-80.20b
SECTION 32.0.7 OHSA-80.20c
 32.0.7(1) Duties re harassment..... OHSA-80.20c
 32.0.7(2) Results of investigation not a report OHSA-80.20d
Section 32.0.7(1)..... OHSA-80.20d
 “an investigation” OHSA-80.20d
 “appropriate in the circumstances” OHSA-80.20d
Section 32.0.7(2)..... OHSA-80.20e
 “results of an investigation” OHSA-80.20e
SECTION 32.0.8 OHSA-80.20e
 32.0.8 Information and instruction, harassment..... OHSA-80.20e

**PART III.1
 CODES OF PRACTICE**

SUMMARY OHSA-80.20e
SECTION 32.1 OHSA-80.20e
 32.1 Definition..... OHSA-80.20e
SECTION 32.2 OHSA-80.20e
 32.2(1) Approval of code of practice OHSA-80.20e
 32.2(1.1) Same OHSA-80.20f

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

32.2(2)	Withdrawal of approval.....	OHSA-80.20f
32.2(3)	Legislation Act, 2006, Part III not to apply.....	OHSA-80.20f
32.2(4)	Delegation.....	OHSA-80.20f
Section 32.2(1)		OHSA-80.20f
“may approve”		OHSA-80.20f
SECTION 32.3		OHSA-80.20f
32.3(1)	Publication of approval, etc.	OHSA-80.20f
32.3(2)	Effect of publication	OHSA-80.20f
32.3(3)	Judicial notice	OHSA-80.20f
SECTION 32.4		OHSA-80.20f
32.4	Effect of approved code of practice.....	OHSA-80.20f

**PART IV
TOXIC SUBSTANCES**

SUMMARY		OHSA-80.21
SECTION 33		OHSA-80.21
33(1)	Orders of Director	OHSA-80.21
33(2)	Contents of order	OHSA-80.21
33(3)	Posting of order.....	OHSA-80.22
33(4)	Appeal to Minister.....	OHSA-80.22
33(5)	Delegation.....	OHSA-80.22
33(6)	Procedure.....	OHSA-80.22
33(7)	Substitution of findings	OHSA-80.22
33(8)	Matters to be considered	OHSA-80.22
33(9)	Suspension of order by Minister, etc., pending disposition of appeal	OHSA-80.23
33(10)	Remuneration of appointee	OHSA-80.23
33(11)	Application	OHSA-80.23
33(12)	No hearing required prior to issuing order	OHSA-80.23
Section 33(4)		OHSA-80.23
“appeal to the Minister”		OHSA-80.23
SECTION 34		OHSA-80.23
34(1)	New biological or chemical agents.....	OHSA-80.23
34(2)	Report or assessment.....	OHSA-80.23
34(3)	Interpretation.....	OHSA-80.24
Section 34(2)		OHSA-80.24
“to provide”		OHSA-80.24
Section 34(3)		OHSA-80.24
“compiled or adopted by the Minister”		OHSA-80.24

TABLE OF CONTENTS

SECTION 35	OHSA-80.24
35. Designation of substances.....	OHSA-80.24
Section 35	OHSA-80.25
SECTION 36	OHSA-80.25
36. [Repealed].....	OHSA-80.25
SECTION 37	OHSA-80.25
37(1) Hazardous material identification and data sheets	OHSA-80.25
37(2) Prohibition	OHSA-80.25
37(3) Hazardous material not to be used.....	OHSA-80.25
37(4) Notice to Director.....	OHSA-80.25
37(5) [Repealed].....	OHSA-80.25
Section 37(1)(a)	OHSA-80.25
“prescribed”	OHSA-80.25
Section 37(1)(c)	OHSA-80.25
“ensure that . . . safety data sheets . . . are available”.....	OHSA-80.25
purpose of safety data sheets	OHSA-80.26
SECTION 38	OHSA-80.26
38(1) Making safety data sheets available.....	OHSA-80.26
38(1.1) Additional requirement.....	OHSA-81
38(2) Public access.....	OHSA-81
38(3) Same	OHSA-81
38(4) Idem.....	OHSA-81
38(5) Electronic format	OHSA-81
38(6) Requirement to consult.....	OHSA-81
Section 38(1)(a)	OHSA-81
“made available by the employer in the workplace”	OHSA-81
Section 38(2)	OHSA-82
“medical officer of health”	OHSA-82
Section 38(5)	OHSA-82
SECTION 39	OHSA-82
39(1) Assessment for hazardous materials.....	OHSA-82
39(2) Assessments to be made available.....	OHSA-82
SECTION 40	OHSA-82
40(1) Confidential business information	OHSA-82
40(2) Idem.....	OHSA-83
40(3) Determination of claim.....	OHSA-83
40(4) Appeal.....	OHSA-83

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

40(5)	[Repealed].....	OHSA-83
40(6)	Effect of claim	OHSA-83
40(7)	Effect of determination.....	OHSA-83
40(8)	[Repealed].....	OHSA-83
Section 40(1)	.....	OHSA-83
	“may file a claim for an exemption”	OHSA-83
Section 40(2)	.....	OHSA-83
	“such types of confidential business information as may be prescribed”	OHSA-83
SECTION 40.1	.....	OHSA-83
40.1(1)	Information privileged.....	OHSA-83
40.1(2)	Exception.....	OHSA-84
40.1(3)	Conditions.....	OHSA-84
40.1(4)	Non-disclosure prevails	OHSA-84
Section 40.1(1)	.....	OHSA-84
	“is privileged”	OHSA-84
SECTION 41	.....	OHSA-84
41(1)	Hazardous physical agents.....	OHSA-84
41(2)	Duty of employer	OHSA-84.1
41(3)	Notices	OHSA-84.1
41(4)	Idem.....	OHSA-84.1
SECTION 42	.....	OHSA-84.1
42(1)	Instruction and training	OHSA-84.1
42(2)	Consultation	OHSA-84.1
42(3)	Review	OHSA-84.1
42(4)	Idem.....	OHSA-84.1
Section 42(1)	.....	OHSA-84.1
	“such instruction and training as may be prescribed”	OHSA-84.1
Section 42(2)	.....	OHSA-84.2
	“in consultation with”	OHSA-84.2

**PART V
RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER**

SUMMARY	.....	OHSA-84.2
SECTION 43	.....	OHSA-85
43(1)	Application	OHSA-85
43(2)	Idem.....	OHSA-85

TABLE OF CONTENTS

43(3)	Refusal to work	OHSA-85
43(4)	Report of refusal to work	OHSA-86
43(5)	Worker to remain in safe place and available for investigation	OHSA-86
43(6)	Refusal to work following investigation.....	OHSA-86
43(7)	Investigation by inspector.....	OHSA-86
43(8)	Decision of inspector	OHSA-87
43(9)	Idem.....	OHSA-87
43(10)	Worker to remain in safe place and available for investigation.....	OHSA-87
43(10.1)	Exception.....	OHSA-87
43(11)	Duty to advise other workers	OHSA-87
43(12)	Idem.....	OHSA-87
43(13)	Entitlement to be paid.....	OHSA-87
Section 43	.....	OHSA-87
the right to refuse in general		OHSA-87
Section 43(1)	.....	OHSA-88
onus		OHSA-88
“This section does not apply”		OHSA-88
Section 43(1)(a)	.....	OHSA-89
“inherent in the worker’s work or . . . a normal condition of the worker’s employment”		OHSA-89
Section 43(2)	.....	OHSA-91
exempt occupations		OHSA-91
Section 43(3)	.....	OHSA-92
“worker”		OHSA-92
“may refuse”		OHSA-92
“to work or do particular work”		OHSA-94
“reason to believe”		OHSA-94
“likely to endanger”		OHSA-98.2
“himself, herself”		OHSA-98.3
protecting the average worker.....		OHSA-99
protecting the susceptible worker.....		OHSA-99
more than one worker refuses.....		OHSA-101
“or another worker”		OHSA-102
a member of the public.....		OHSA-102.1
Section 43(3)(a)	.....	OHSA-103
“equipment, machine, device or thing the worker is to use or operate”		OHSA-103
Section 43(3)(b)	.....	OHSA-104

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

“physical condition of the workplace”	OHSA-104
“or the part thereof”	OHSA-108
Section 43(3)(b.1)	OHSA-108
“workplace violence”	OHSA-108
Section 43(3)(c)	OHSA-108
“contravention of this Act or the regulations and such contravention is likely to endanger”	OHSA-108
Section 43(4)	OHSA-109
“promptly report”	OHSA-109
“report the circumstances”	OHSA-110
“to the worker’s employer or supervisor”	OHSA-112
“forthwith”	OHSA-112
“investigate”	OHSA-113
“in the presence of the worker”	OHSA-114
“if there is such”	OHSA-114.1
Section 43(4)(a)	OHSA-114.1
“committee member”	OHSA-114.1
“if any”	OHSA-114.1
Section 43(4)(c)	OHSA-114.2
“selected by a trade union”	OHSA-114.2
Section 43(5)	OHSA-114.2
“remain in a safe place near his or her work station”	OHSA-114.2
Section 43(6)	OHSA-115
“or any steps taken to deal with the circumstances”	OHSA-115
“reasonable grounds to believe”	OHSA-115
“inspector to be notified”	OHSA-117
Section 43(7)	OHSA-117
“inspector shall investigate”	OHSA-117
“the refusal to work”	OHSA-118
“in consultation with”	OHSA-119
Section 43(8)	OHSA-120
“shall”	OHSA-120
“decide”	OHSA-120
“likely to endanger”	OHSA-122
Section 43(9)	OHSA-122.5
“decision”	OHSA-122.5
work refusal continuing after decision	OHSA-122.5
“as soon as is practicable”	OHSA-122.6

TABLE OF CONTENTS

Section 43(10) OHSA-122.7
 “available to the inspector” OHSA-122.7
Section 43(10.1)(a)..... OHSA-122.7
 “alternative work” OHSA-122.7
Section 43(10.1)(b)..... OHSA-122.7
 “other directions” OHSA-122.7
Section 43(11) OHSA-122.8
 “Pending” OHSA-122.8
 “no worker shall be assigned” OHSA-122.8
 “in the presence of a person described in subsection (12)” OHSA-122.8
Section 43(13) OHSA-122.9
 “employer shall pay” OHSA-122.9
SECTION 44..... OHSA-122.9
 44(1) Definition..... OHSA-122.9
 44(2) Non-application OHSA-122.9
SECTION 45.....OHSA-122.10
 45(1) Bilateral work stoppage.....OHSA-122.10
 45(2) Investigation by second certified memberOHSA-122.10
 45(3) Idem..... OHSA-123
 45(4) Direction following investigation OHSA-123
 45(5) Constructor’s or employer’s duties OHSA-123
 45(6) Investigation by inspector..... OHSA-123
 45(7) Cancellation of direction OHSA-123
 45(8) Idem..... OHSA-123
 45(9) Delegation by certified member OHSA-123
Section 45(1) OHSA-123
 “certified member” OHSA-123
Section 45(6) OHSA-123
 “certified members do not agree”..... OHSA-123
SECTION 46..... OHSA-124
 46(1) Declaration against constructor, etc. OHSA-124
 46(2) [Repealed]..... OHSA-124
 46(3) Minister a party OHSA-124
 46(4) Board procedure, etc. OHSA-124
 46(5) Declaration and recommendation OHSA-124
 46(6) Criteria OHSA-124
 46(7) Decision final..... OHSA-124
 46(8) Costs of inspector OHSA-124

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 46(1)	OHSA-124
prematurity	OHSA-124
“A certified member . . . or an inspector”	OHSA-125
“reason to believe”	OHSA-125
“may apply to the Board”	OHSA-125
Section 46(6)	OHSA-125
“prescribed criteria”	OHSA-125
SECTION 47	OHSA-126
47(1) Unilateral work stoppage	OHSA-126
47(2) Direction re work stoppage	OHSA-126
47(3) Constructor’s or employer’s duties	OHSA-126
47(4) Investigation by constructor, etc.	OHSA-126
47(5) Investigation by inspector	OHSA-126
47(6) Cancellation of direction	OHSA-126
47(7) Idem	OHSA-126
SECTION 48	OHSA-126
48(1) Entitlement to investigate	OHSA-126
48(2) Entitlement to be paid	OHSA-126
SECTION 49	OHSA-126
49(1) Complaint re direction to stop work	OHSA-126
49(2) Limitation	OHSA-127
49(3) Minister a party	OHSA-127
49(3.1) Board procedure, etc.	OHSA-127
49(4) Determination of complaint	OHSA-127
49(5) Decision final	OHSA-127
Section 49(1)	OHSA-127
“complaint”	OHSA-127
“a certified member”	OHSA-127
Section 49(3.1)	OHSA-127
procedure	OHSA-127

**PART VI
REPRISALS BY EMPLOYER PROHIBITED**

SUMMARY	OHSA-128
SECTION 50	OHSA-130
50(1) No discipline, dismissal, etc., by employer	OHSA-130
50(2) Arbitration	OHSA-130
50(2.1) Referral by inspector	OHSA-130
50(2.2) Same	OHSA-130

TABLE OF CONTENTS

50(2.3)	Referral not an order.....	OHSA-130
50(3)	Inquiry by Board	OHSA-130
50(4)	Same	OHSA-130
50(4.1)	Rules to expedite proceedings.....	OHSA-130
50(4.2)	Same	OHSA-130
50(5)	Onus of proof.....	OHSA-131
50(6)	Jurisdiction when complaint by public servant	OHSA-131
50(7)	Board may substitute penalty	OHSA-131
50(8)	Exception.....	OHSA-131
Section 50	.....	OHSA-131
purpose	.....	OHSA-131
Board rules	.....	OHSA-132
the inquiry under s. 50 in general	.....	OHSA-132
complaints under s. 50 and other proceedings	.....	OHSA-134
burden of proof	.....	OHSA-134.2
review of conduct by parties other than the employer	.....	OHSA-134.2
no mandatory time limitation	.....	OHSA-134.2
Section 50(1)	.....	OHSA-134.2
“employer or person acting on behalf of an employer”	.....	OHSA-134.2
“a worker”	.....	OHSA-134.6
“because”	.....	OHSA-134.6
required knowledge	.....	OHSA-142
“this Act or the regulations”	.....	OHSA-143
“has sought the enforcement”	.....	OHSA-144.1
“has given evidence in a proceeding”	.....	OHSA-145
Section 50(1)(a)	.....	OHSA-145
“dismiss”	.....	OHSA-145
“threaten to dismiss”	.....	OHSA-146
Section 50(1)(b)	.....	OHSA-146
“discipline”	.....	OHSA-146
Section 50(1)(c)	.....	OHSA-146.1
“penalty”	.....	OHSA-146.1
Section 50(1)(d)	.....	OHSA-146.3
“intimidate or coerce”	.....	OHSA-146.3
Section 50(2)	.....	OHSA-146.5
“Where a worker complains”	.....	OHSA-146.5
the application	.....	OHSA-147
amendments to the application	.....	OHSA-147
requirements of an application	.....	OHSA-148
manner of filing an application	.....	OHSA-148

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

time for filing an application	OHSA-148
“the matter”	OHSA-148
adjournment of reprisal complaint because of a pending grievance	OHSA-148.1
electing a process	OHSA-148.2
re-file	OHSA-150.2
“any rules governing the practice and procedure of the Board”	OHSA-150.2
withdrawal of application	OHSA-151
Section 50(2.1)	OHSA-151
“The worker has not had the matter dealt with by final and binding settlement by arbitration . . .”	OHSA-151
“The worker has not . . . filed a complaint with the Board”	OHSA-151
Section 50(2.2)	OHSA-152
“rules governing the practice and procedure of the Board apply”	OHSA-152
Section 50(3)	OHSA-152
“may”	OHSA-152
other forum is more appropriate.....	OHSA-154a
delay	OHSA-154.5
mootness	OHSA-154.10
prima facie case	OHSA-154.11
prima facie case and workplace harassment	OHSA-160
“inquire into”	OHSA-160.2
“section 96 of the Labour Relations Act, 1995”	OHSA-160.2
Section 96(1) of the LRA.....	OHSA-162
“contravention of this Act”.....	OHSA-162
Section 96(2) of the LRA.....	OHSA-162
“endeavour to effect a settlement”	OHSA-162
Section 96(3) of the LRA.....	OHSA-162
“report the results of his or her inquiry and endeavours to the Board”	OHSA-162
Section 96(4) of the LRA.....	OHSA-162
“may inquire into”	OHSA-162
Section 96(4)(b) of the LRA.....	OHSA-164
“rectify the act or acts complained of”	OHSA-164
Section 96(4)(c) of the LRA.....	OHSA-164
“reinstate”	OHSA-164
“compensation”	OHSA-164.2
remoteness	OHSA-168.1
other remedies.....	OHSA-168.1
Section 96(6) of the LRA.....	OHSA-168.4
“file the determination”.....	OHSA-168.4

TABLE OF CONTENTS

Section 96(7) of the LRA.....	OHSA-168.4
“put in writing”.....	OHSA-168.4
“the settlement is binding”.....	OHSA-168.4
Section 50(4)	OHSA-170
“sections 110, 111, 114 and 116 of the Labour Relations Act, 1995”.....	OHSA-170
Section 110(2) of the LRA.....	OHSA-175
“representative of”.....	OHSA-175
Section 110(12) of the LRA.....	OHSA-175
Section 110(16) and (17) of the LRA.....	OHSA-175
“practice and procedure”.....	OHSA-175
Rules of Procedure of the Ontario Labour Relations Board.....	OHSA-176
Rule 2.1 (non-compliance: not to be processed if not in compliance with Rules).....	OHSA-176
Rule 2.3 (non-compliance: may be deemed to accept facts if not filed in accordance with Rules).....	OHSA-176.2
Rule 2.4 (non-compliance: not allowed to present evidence or make representations on material fact not contained in proper pleadings).....	OHSA-176.4
Rule 3.2 (time: may shorten or lengthen any time period in Rules).....	OHSA-176.4
Rule 5.1 (obligation to make allegations promptly).....	OHSA-176.10
Rule 6.1 (every case must be started by completing, delivering and filing the proper application form).....	OHSA-176.10
Rule 6.4 (applications and responses to be delivered in accordance with the Rules).....	OHSA-176.12
Rule 6.12 (time limits for filing: not later than five days after copies delivered to responding parties).....	OHSA-176.12
Rule 7.1(d) (application: must include detailed statement of material facts).....	OHSA-176.14
Rule 7.2 (delivery of the application and materials).....	OHSA-176.14
Rule 7.3 (file a response with the Board not later than 10 days after the application was delivered).....	OHSA-176.16
Rule 7.4 (deliver completed response to all parties before or at same time as filing).....	OHSA-176.16
Rule 8.1 (deliver copies of all filings to all other parties).....	OHSA-176.17
Rule 8.3 (parties to deliver and file documents no later than 10 days before hearing or consultation).....	OHSA-176.17
Rule 18.1 (request for reconsideration must include complete written representations).....	OHSA-176.18
Rule 18.3 (request for reconsideration to be filed within 20 days unless permitted otherwise).....	OHSA-176.18
Rule 19.2 (applications for interim order).....	OHSA-176.18a

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Rule 38.1 (written notice of hearing or consultation)	OHSA-176.18a
Rule 38.5 (electronic hearings)	OHSA-176.18a
Rule 39.1 (dismiss without hearing or consultation).....	OHSA-176.18c
Rule 40.5 (administration: filing amendments)	OHSA-176.18f.4
Rule 40.6 (administration: provision of further relevant information, documents or things).....	OHSA-176.18f.5
Rule 40.7 (administration: relief against strict compliance with Rules)	OHSA-176.18f.6
Rule 40.8 (administration: addition or removal of parties and direction to send documents).....	OHSA-176.18f.6
Rule 40.9 (administration: hear cases together)	OHSA-176.18f.7
Rule 41.2 (expedited proceedings: case management)...	OHSA-176.18f.8
Rule 41.3 (administration: case management)	OHSA-176.18f.9
adjournments.....	OHSA-176.18f.9
Section 110(16) of the LRA	OHSA-176.18f.19
agents.....	OHSA-176.18f.19
allegations of bias.....	OHSA-176.18f.20
consolidating complaints	OHSA-176.18f.20
contempt.....	OHSA-176.19
controlling access to Board processes.....	OHSA-176.19
corresponding with the Board	OHSA-176.20
costs.....	OHSA-176.20
extending time to respond	OHSA-176.20
failure to appear at the hearing	OHSA-176.22
“full opportunity to . . . make their submissions”	OHSA-176.23
interim relief	OHSA-176.25
intervenor.....	OHSA-176.27
late response	OHSA-176.28
onus of proof	OHSA-176.28
procedural rulings.....	OHSA-176.29
public hearings.....	OHSA-176.30
recalling of witnesses.....	OHSA-176.30
solicitor-client privilege	OHSA-176.30a
stay of proceeding	OHSA-176.30a
summary judgment	OHSA-176.30a
tape recording	OHSA-176.30a
use of documents.....	OHSA-176.30b
Section 111(2)(a) of the LRA	OHSA-176.30b
“furnish particulars”.....	OHSA-176.30b
Section 111(2)(b) of the LRA.....	OHSA-176.30d.1
“to produce documents”	OHSA-176.30d.1
“or things”	OHSA-176.30g
third party documents	OHSA-176.30g
Section 111(2)(c) of the LRA	OHSA-176.30g
“summon and enforce the attendance of witnesses”	OHSA-176.30g

TABLE OF CONTENTS

Section 111(2)(e) of the LRA	OHSA-176.30h
“oral or written evidence”	OHSA-176.30h
“whether admissible in a court of law or not”	OHSA-176.30h
Section 111(2)(g) of the LRA	OHSA-176.30i
“to enter any premises”	OHSA-176.30i
Section 111(2)(j) of the LRA	OHSA-176.30i
“within the jurisdiction of the Board”	OHSA-176.30i
Section 111(2)(n) of the LRA	OHSA-176.30j
“determine the form”	OHSA-176.30j
Section 114(1) of the LRA	OHSA-176.30j
“all questions of fact or law . . . in any matter”	OHSA-176.30j
“reconsider”	OHSA-176.30j
extension of time to file request for reconsideration	OHSA-176.30p
Section 116 of the LRA	OHSA-176.30q
review	OHSA-176.30q
delay in seeking review	OHSA-176.30q
Section 50(5)	OHSA-176.30r
adverse inference	OHSA-176.30r
anti-union / anti-safety animus	OHSA-176.30r
order of proceeding at hearing	OHSA-176.30s
reverse onus / burden of proof	OHSA-176.30s
Section 50(6)	OHSA-176.30z.2
“Board”	OHSA-176.30z.2
“shall exercise jurisdiction”	OHSA-176.30z.2
Section 50(7)	OHSA-176.30z.2
“disciplined by an employer for cause”	OHSA-176.30z.2
“does not contain a specific penalty for the infraction”	OHSA-176.30z.3
“may substitute such other penalty”	OHSA-176.30z.4
“inquiry by the Board”	OHSA-176.34
Section 50(8)	OHSA-176.34
“person”	OHSA-176.34
“dealt with under that Act”	OHSA-176.35
SECTION 50.1	OHSA-176.35
50.1(1) Offices of the Worker and Employer Advisers –	
Office of the Worker Adviser	OHSA-176.35
50.1(2) Office of the Employer Adviser	OHSA-176.35
50.1(3) Costs	OHSA-176.35
Section 50.1(1)	OHSA-176.35
“Office of the Worker Adviser”	OHSA-176.35
Section 50.1(2)	OHSA-176.36

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

“Office of the Employer Adviser”OHSA-176.36

**PART VII
NOTICES**

SUMMARYOHSA-176.36

SECTION 51 OHSA-177

51(1) Notice of death or injury OHSA-177

51(2) Preservation of wreckage..... OHSA-177

Section 51(1) OHSA-177

“Where a person is ” OHSA-177

“critically injured” OHSA-177

“from any cause”..... OHSA-178

“at a workplace”..... OHSA-178

“the employer shall notify” OHSA-178.1

“an inspector” OHSA-178.2

“immediately” OHSA-178.2

“written report” OHSA-178.2a

Section 51(2) OHSA-178.2a

“disturb . . . the scene” OHSA-178.2a

SECTION 52 OHSA-178.2a

52(1) Notice of accident, explosion or fire causing
injury..... OHSA-178.2a

52(2) Notice of occupational illness OHSA-178.2a

52(3) Idem..... OHSA-178.2b

Section 52(1) OHSA-178.2b

“and to the trade union” OHSA-178.2b

“prescribed information and particulars” OHSA-178.2b

“shall . . . give written notice” OHSA-178.2b

“within four days” OHSA-178.2b

SECTION 53 OHSA-178.2c

53(1) Accident, etc., at a project site or mine OHSA-178.2c

53(2) Person required to notify OHSA-178.2c

Section 53 OHSA-178.2c

“accident” OHSA-178.2c

“failure of any equipment” OHSA-178.2d

“incident as prescribed” OHSA-178.2d

“notice in writing of the occurrence shall be given” OHSA-178.2d

TABLE OF CONTENTS

**PART VIII
ENFORCEMENT**

SUMMARY OHSA-178.2e

SECTION 53.1 OHSA-178.2g

 53.1 Additional Notices OHSA-178.2g

SECTION 54 OHSA-178.2g

 54(1) Powers of inspector OHSA-178.2g

 54(2) Entry to dwellings OHSA-178.4

 54(3) Representative to accompany inspector OHSA-178.4

 54(4) Consultation with workers OHSA-178.4

 54(5) Entitlement to time from work OHSA-178.4

Enforcement OHSA-178.4

Section 54 OHSA-178.4a

 duty of care OHSA-178.8

 nature of an inspector’s powers OHSA-178.8a

Section 54(1)(a) OHSA-178.8a

 “enter in or upon any workplace” OHSA-178.8a

Section 54(1)(c) OHSA-178.8b

 “require the production” OHSA-178.8b

 documents prepared in contemplation of litigation OHSA-178.8b.1

Section 54(1)(e) OHSA-178.8b.2

 “physical agent” OHSA-178.8b.2

Section 54(1)(f) OHSA-178.8b.2

 “require . . . to cause any tests described in clause (e) to
 be . . . taken” OHSA-178.8b.2

Section 54(1)(g) OHSA-178.8b.3

 “assisted by” OHSA-178.8b.3

Section 54(1)(h) OHSA-178.8b.3

 “make inquiries” OHSA-178.8b.3

 “separate and apart from another person” OHSA-178.8b.3

 written statements OHSA-178.8b.4

Section 54(1)(k) OHSA-178.8b.4

 testing OHSA-178.8b.4

 “provide . . . a report” OHSA-178.8c

 “at the expense of the employer” OHSA-178.8c

 “stating that the equipment . . . is not likely to endanger” OHSA-178.8c

Section 54(1)(m) OHSA-178.8d

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 54(1)(o)	OHSA-178.8d
“manner of use”	OHSA-178.8d
Section 54(2)	OHSA-178.8d
“dwelling”	OHSA-178.8d
Section 54(3)	OHSA-178.8e
“physical inspection of a workplace”	OHSA-178.8e
Section 54(5)	OHSA-178.8e
“shall be paid”	OHSA-178.8e
SECTION 55	OHSA-178.8e
55. Order for inspections.....	OHSA-178.8e
SECTION 55.1	OHSA-178.8f
55.1 Order for written policies	OHSA-178.8f
SECTION 55.2	OHSA-178.8f
55.2 Order for written assessment, etc.....	OHSA-178.8f
SECTION 55.3	OHSA-178.8f
55.3(1) Order for workplace harassment investigation	OHSA-178.8f
55.3(2) Report.....	OHSA-178.8f
SECTION 56	OHSA-178.8f
56(1) Warrants – investigative techniques, etc.....	OHSA-178.8f
56(1.1) Expert help	OHSA-178.8g
56(1.2) Terms and conditions of warrant.....	OHSA-178.8g
56(1.3) Duration.....	OHSA-178.8g
56(1.4) Other terms and conditions	OHSA-178.9
56(1.5) Further warrants	OHSA-178.9
56(1.6) Powers, duties not restricted	OHSA-178.9
56(2) Possession.....	OHSA-178.9
56(3) Notice and receipt.....	OHSA-178.9
56(4) Report to justice	OHSA-178.9
56(5) Procedure.....	OHSA-178.9
Section 56	OHSA-178.9
Section 56(1.2)	OHSA-178.9
terms and conditions of warrant.....	OHSA-178.9
Section 56(5)	OHSA-178.10
“Sections 159 and 160 of the Provincial Offences Act”	OHSA-178.10
SECTION 56.1	OHSA-178.12
56.1(1) Power of inspector to seize.....	OHSA-178.12

TABLE OF CONTENTS

56.1(2) Searches in exigent circumstances.....OHSA-178.12
 56.1(3) Report to justice, etc.....OHSA-178.12
Section 56.1(2).....OHSA-178.12
 “exigent circumstances”OHSA-178.12
SECTION 57.....OHSA-178.12
 57(1) Orders by inspectors where non-compliance.....OHSA-178.12
 57(2) Idem..... OHSA-178.12a
 57(3) Contents of order..... OHSA-178.12a
 57(4) Compliance plan..... OHSA-178.12a
 57(5) Idem..... OHSA-178.12a
 57(6) Orders by inspector where workers endangered.... OHSA-178.12a
 57(7) Resumption of work pending inspection OHSA-178.12a
 57(8) Additional orders OHSA-178.12a
 57(9) Posting of notice..... OHSA-178.12b
 57(10) Same OHSA-178.12b
 57(11) No hearing required prior to making order.....OHSA-178.13
Section 57(1)OHSA-178.13
 purpose of an order.....OHSA-178.13
 “a provision of this Act or the regulations”.....OHSA-178.13
 “is being contravened”OHSA-178.14
 “may order”OHSA-178.15
 “or person whom he or she believes to be in charge of a
 workplace”OHSA-178.15
 “to comply with the provision”.....OHSA-178.16
 “within such period of time”OHSA-178.16
 refusal to issue an order.....OHSA-178.16
 rescinding an orderOHSA-178.16
 orders and prosecutions.....OHSA-178.17
 collateral attackOHSA-178.17
Section 57(2)OHSA-178.18
 “confirm the order in writing”OHSA-178.18
Section 57(3)OHSA-178.18
 “shall indicate”OHSA-178.18
 indicate generally the nature of the contravention.....OHSA-178.18
Section 57(4)OHSA-178.19
 “compliance plan”OHSA-178.19
Section 57(6)(b)OHSA-178.19
 stop workOHSA-178.19
Section 57(9)OHSA-178.20
 “prescribed form”OHSA-178.20

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 57(10)(a)	OHSA-178.20
“furnish a copy . . . to the health and safety representative and the committee”	OHSA-178.20
Section 57(10)(b)	OHSA-178.20
“furnished to that person”	OHSA-178.20
Section 57(11)	OHSA-179
“hearing”	OHSA-179
SECTION 58	OHSA-179
58. Entry into barricaded area	OHSA-179
SECTION 59	OHSA-179
59(1) Notice of compliance	OHSA-179
59(2) Idem	OHSA-179
59(3) Idem	OHSA-179
59(4) Compliance achieved	OHSA-180
Section 59(3)	OHSA-180
“shall post”	OHSA-180
Section 59(4)	OHSA-180
“inspector determines . . . compliance”	OHSA-180
SECTION 60	OHSA-180
60. Injunction proceedings	OHSA-180
Section 60	OHSA-180
“contravention may be restrained”	OHSA-180
SECTION 61	OHSA-182
61(1) Appeals from order of an inspector	OHSA-182
61(2) Parties	OHSA-182
61(3) Inquiries by labour relations officer	OHSA-182
61(3.1) Same	OHSA-182
61(3.2) Report to Board	OHSA-182
61(3.3) Hearings	OHSA-182
61(3.4) Orders after consultation	OHSA-182
61(3.5) Same	OHSA-182
61(3.6) Practice and procedure	OHSA-182
61(3.7) Rules of practice	OHSA-182
61(3.8) Expedited appeals	OHSA-182
61(3.9) Effective date of rules	OHSA-182.1
61(3.10) Conflict with Statutory Powers Procedure Act	OHSA-182.1
61(3.11) Rules not regulations	OHSA-182.1
61(3.12) Quorum	OHSA-182.1

TABLE OF CONTENTS

61(3.13)	Entering premises	OHSA-182.1
61(4)	Powers of the Board	OHSA-182.1
61(5)	Order, extended meaning.....	OHSA-182.1
61(6)	Decision of Board final.....	OHSA-183
61(7)	Suspension of order by Board pending disposition of appeal.....	OHSA-183
61(8)	Reconsideration	OHSA-183
Board Rules and Forms.....		OHSA-183
Section 61(1)		OHSA-184
“owner”	.....	OHSA-184
“worker”	.....	OHSA-184
“aggrieved”	.....	OHSA-184
“by any order made by an inspector”	.....	OHSA-187
basis for an inspector’s decision	.....	OHSA-188.1
“under this Act”	.....	OHSA-189
“may appeal”	.....	OHSA-189
date of the filing of the appeal.....		OHSA-190
manner of filing an application.....		OHSA-191
rationale for timely filing of submissions.....		OHSA-191
“to the Board”	.....	OHSA-191
“within 30 days”	.....	OHSA-192.1
“after the making of the order”	.....	OHSA-198.2
appeal of additional orders during hearing	.....	OHSA-198.3
Section 61(2)		OHSA-198.4
“parties to the appeal”	.....	OHSA-198.4
failure to name a party.....		OHSA-200.1
naming new respondents	.....	OHSA-200.1
intervenor	.....	OHSA-201
notice for purpose of determining intervention	.....	OHSA-202
Section 61(3)		OHSA-202
“labour relations officer”	.....	OHSA-202
Section 61(3.1).....		OHSA-203
“effect a settlement”	.....	OHSA-203
Section 61(3.3).....		OHSA-203
“shall hold a hearing”	.....	OHSA-203
delay in scheduling.....		OHSA-203
settlement	.....	OHSA-203
nature of the hearing.....		OHSA-204
Section 61(3.4).....		OHSA-206.1
“any interim . . . order”	.....	OHSA-206.1

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

“after consulting”	OHSA-206.4
“appropriate”	OHSA-206.4
document production	OHSA-206.4
“final order”	OHSA-206.5
interim directions.....	OHSA-206.6
issue estoppel / res judicata	OHSA-206.7
make no decision.....	OHSA-206.7
mootness	OHSA-206.7
new grounds raised by respondent.....	OHSA-209
prematurity	OHSA-209
prima facie case	OHSA-209
require particulars.....	OHSA-211
require the grounds for the appeal.....	OHSA-213
“The Board may”	OHSA-213
Section 61(3.6)	OHSA-214
amendments to application	OHSA-214
burden of proof	OHSA-214
claim of privilege at a hearing.....	OHSA-214
consolidation of cases	OHSA-215
defer the decision	OHSA-215
evidence of events which occurred after the date of the order / decision	OHSA-215
evidence which was not brought to the attention of an inspector.....	OHSA-216
joinder of appeals	OHSA-216.2
order of proceeding at the appeal hearing	OHSA-216.3
practice and procedure – adjournments.....	OHSA-216.4
generally.....	OHSA-216.4
other parallel proceedings pending	OHSA-217
to continue investigation / prosecution.....	OHSA-218.1
prehearing procedure	OHSA-218.3
“present their evidence”	OHSA-218.4
proceeding in absence of a respondent	OHSA-218.7
production of documents	OHSA-218.7
summon witnesses	OHSA-220.1
transcript of proceedings	OHSA-220.1
written submissions.....	OHSA-220.1
Section 61(3.7)	OHSA-220.2
“rules governing the Board’s practice”	OHSA-220.2
Rule 2.1 (non-compliance: not be processed if not in compliance with Rules).....	OHSA-220.2

TABLE OF CONTENTS

Rule 3.2 (time: may shorten or lengthen any time period in Rules)..... OHSA-222

Rule 3.4 (the date of filing is the date a document is received by the Board at its office) OHSA-223

Rule 3.5 (a filing received after the close of business hours is deemed to be filed the next day) OHSA-223

Rule 6.1 (every case must be started by completing, delivering and filing the proper application form)..... OHSA-224

Rule 6.4 (applications and responses to be delivered in accordance with the Rules)..... OHSA-224

Rule 6.6 (delivery: order where the Board considers delivery of the application in time period set out in Rules to be impractical)..... OHSA-225

Rule 6.12 (time limits for filing: not later than five days after copies delivered to responding parties)..... OHSA-225

Rule 6.13 (will not process application that fails to comply with Rule 6.10, 6.11 or 6.12) OHSA-225

Rule 7.1(d) (application: must include detailed statement of material facts) OHSA-226

Rule 7.2 (applicant must deliver a complete application package to the responding and any affected party) OHSA-226

Rule 7.3 (file a response with the Board) OHSA-226.1

Rule 8.1 (deliver copies of all filings to other parties) OHSA-226.1

Rule 8.4 (Documents filed with the Board have consecutively numbered pages and a table of contents describing each document) OHSA-226.1

Rule 22.1 (applications – requirements: must be in writing and in Form A-65) OHSA-226.2

Rule 39.1 (dismiss without hearing or consultation)..... OHSA-226.3

Rule 40.2 (directions to provide notice)..... OHSA-226.3

Rule 40.5 (administration: filing amendments) OHSA-226.4

Rule 40.7 (administration: relief against strict compliance with Rules) OHSA-226.4

Rule 40.9 (administration: consolidation and hearing cases together) OHSA-226.5

Rule 41.2 (expedited proceedings: case management)..... OHSA-226.5

Rule 41.3 (expedited proceedings: may limit opportunity to be heard) OHSA-226.6

Section 61(3.8)..... OHSA-226.7

“expedite appeals” OHSA-226.7

Chair of the Board may make rules to expedite appeals..... OHSA-226.7

prima facie case OHSA-228

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

Section 61(3.8)(b)	OHSA-229
“may limit . . . evidence and . . . submissions”	OHSA-229
Section 61(3.10)	OHSA-229
Statutory Powers Procedure Act.....	OHSA-229
Section 61(3.13)	OHSA-230
“inspect and view . . . and interrogate”	OHSA-230
objecting to presence of persons attending to view	OHSA-230.1
Section 61(4)	OHSA-230.1
application of Canadian Charter of Rights and Freedoms	OHSA-230.1
conduct of an inspector	OHSA-230.1
constitutional challenges.....	OHSA-230.2
declaratory orders	OHSA-230.2
determining a reprisal complaint.....	OHSA-230.4
determining appropriate firearms.....	OHSA-230.4
determining guilt	OHSA-230.5
determining scope of an order	OHSA-230.5
due diligence.....	OHSA-230.6
effect of Provincial Court decisions.....	OHSA-231
mandamus.....	OHSA-231
non-constitutional challenge to a regulation	OHSA-231
power to issue orders	OHSA-232
power to order compensation.....	OHSA-234
power to order compliance with terms of memorandum of settlement	OHSA-235
power to order costs	OHSA-235
power to take judicial notice	OHSA-235
remaining seised after a decision	OHSA-236
rescinded orders	OHSA-236
standard of review of the inspector’s order / decision on an appeal	OHSA-237
Section 61(5)	OHSA-238
“order or decision”	OHSA-238
appeal of a compliance date	OHSA-240.2
Section 61(6)	OHSA-241
judicial review	OHSA-241
Section 61(7)	OHSA-243
attempts to comply with order	OHSA-243
consideration of conduct of inspector	OHSA-244
deferring consideration of a suspension request.....	OHSA-244
delay	OHSA-244
effect of a suspension	OHSA-244

TABLE OF CONTENTS

equivalency OHSA-245

evidentiary onus (on suspension request) OHSA-245

expedited suspension request OHSA-248

extending time for a response OHSA-248.1

industry practice OHSA-248.1

interim order OHSA-248.2

judicial notice OHSA-248.3

jurisdiction OHSA-248.3

mootness OHSA-248.4

motivation OHSA-252

notice OHSA-252

onus on application for suspension of orders OHSA-253

opposition to a suspension request OHSA-254.1

oral hearing OHSA-258

order to be filed before suspension request OHSA-259

practice and procedure OHSA-259

 privilege OHSA-260

 refusal to issue an order OHSA-260

 related orders OHSA-260

remedies in addition to suspension OHSA-260.1

remedies other than suspension OHSA-260.1

rescinded orders OHSA-260.2

tests for suspension OHSA-260.2a

 suspension test 1: health or safety of workers in jeopardy OHSA-260.2h

 suspension test 1: health or safety of workers in jeopardy – absence of prior injury OHSA-260.15

 suspension test 1: health or safety of workers in jeopardy – danger to non-workers OHSA-260.18

 suspension test 1: health or safety of workers in jeopardy – paramountcy of worker health and safety OHSA-260.18

 suspension test 2: prejudice to the appellant OHSA-260.21

 suspension test 2: prejudice to the parties OHSA-266

 suspension test 2: prejudice – financial cost as prejudice OHSA-268

 suspension test 2: prejudice – sufficiency of financial information required OHSA-268.2b

 suspension test 3: prima facie case OHSA-268.2c

 burden OHSA-272

 deference to inspector on suspension request OHSA-272

 presumption that order is correct OHSA-278.1

test for suspension where appeal is of a decision to rescind OHSA-278.2

“the order” OHSA-278.2

time for filing OHSA-278.3

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

timing of suspension decision	OHSA-278.3
vagueness	OHSA-278.4
where factual determination required.....	OHSA-278.5
who may request the suspension	OHSA-278.5
Section 61(8)	OHSA-278.6
“any decision”	OHSA-278.6
Board practice	OHSA-278.6
manner of filing a request for reconsideration	OHSA-278.6
mootness	OHSA-278.7
“reconsider”	OHSA-278.7
test applied on reconsideration.....	OHSA-278.8d
time limitations for request for reconsideration	OHSA-278.9
variance of decision.....	OHSA-278.9
SECTION 62	OHSA-278.10
62(1) Obstruction of inspector	OHSA-278.10
62(2) Assistance	OHSA-278.10
62(3) False information, etc.....	OHSA-278.10
62(4) Monitoring devices	OHSA-278.10
62(5) Obstruction of committee, etc.	OHSA-278.10
Section 62(1)	OHSA-278.10a
“hinder, obstruct, molest or interfere with”	OHSA-278.10a
“attempt”	OHSA-278.10b
“in the . . . performance of a duty”	OHSA-278.10b
“in the execution of a warrant”	OHSA-278.10b
Section 62(2)	OHSA-278.11
“facilitate . . . entry”	OHSA-278.11
“facilitate . . . inspection”	OHSA-278.11
Section 62(3)	OHSA-278.11
“knowingly”	OHSA-278.11
“furnish . . . false information”	OHSA-278.12
“refuse to furnish information”	OHSA-278.12
Section 62(5)	OHSA-278.13
“person”	OHSA-278.13
“interfere with . . . a committee member”	OHSA-278.13
SECTION 63	OHSA-278.13
63(1) Information confidential	OHSA-278.13
63(2) Employer access to health records.....	OHSA-278.14
63(3) Compellability, civil suit	OHSA-278.14
63(3.1) Compellability of witnesses	OHSA-278.14
63(3.2) Exception.....	OHSA-278.14

TABLE OF CONTENTS

63(3.3)	Production of documents	OHSA-278.14
63(4)	Power of Director to disclose.....	OHSA-278.14
63(5)	Medical emergencies.....	OHSA-278.14
63(6)	Conflict.....	OHSA-278.15
Section 63(1)	.....	OHSA-278.15
	“Except for the purposes of this Act and the regulations . . . no person shall . . . disclose”	OHSA-278.15
Section 63(2)	.....	OHSA-278.16
	“seek to gain access”	OHSA-278.16
	“an order”	OHSA-278.17
	“health record”	OHSA-278.18a
	“worker’s written consent”	OHSA-278.19
Section 63(3)	.....	OHSA-278.20
	compel	OHSA-278.20
	“not a compellable witness”	OHSA-278.21
Section 63(4)	.....	OHSA-278.23
	“Director may”	OHSA-278.23
Section 63(6)	.....	OHSA-278.23
	“This section prevails”	OHSA-278.23
	“to the contrary”	OHSA-278.24
SECTION 64	.....	OHSA-278.24
64.	Copies of reports	OHSA-278.24
Section 64	.....	OHSA-278.24
	“prescribed”	OHSA-278.24
SECTION 65	.....	OHSA-279
65(1)	Immunity	OHSA-279
65(2)	Liability of Crown	OHSA-279
Section 65(1)	.....	OHSA-279
	immunity	OHSA-279
	“action or other proceeding”	OHSA-279
	“under this Act”	OHSA-280
Section 65(1)(d)	.....	OHSA-280
	“committee member”	OHSA-280

**PART IX
OFFENCES AND PENALTIES**

SUMMARY	OHSA-280
SECTION 66	OHSA-281
66(1) Penalties	OHSA-281
66(2) Idem.....	OHSA-281
66(3) Defence	OHSA-281
66(4) Accused liable for acts or neglect of managers, agents, etc.	OHSA-281
Section 66(1)	OHSA-282
“an offence” – actus reus generally	OHSA-282
“an offence” – amending a charge	OHSA-285
“an offence” – particulars.....	OHSA-289
appeals against sentence.....	OHSA-292
Charter violations considered in sentencing.....	OHSA-294
civil liability	OHSA-295
corporation.....	OHSA-295
financial position of defendant.....	OHSA-296
“fine”	OHSA-297
causation.....	OHSA-298
“imprisonment”	OHSA-298
joint and several responsibilities	OHSA-298c
joint submissions to sentence.....	OHSA-298c
“liable to a fine . . . or to imprisonment”.....	OHSA-298d
post-offence conduct.....	OHSA-298d
principles of sentencing.....	OHSA-298.1
other penalties.....	OHSA-298.8
parity	OHSA-298.10
prior record.....	OHSA-298.10
prior record – other statutes.....	OHSA-298.11
prior record – related corporations	OHSA-298.11
probation	OHSA-298.12
prosecutions and other proceedings	OHSA-298.13
scope of economic activity	OHSA-298.15
size of corporation.....	OHSA-298.15
surcharge	OHSA-298.16
totality	OHSA-298.16
worker conduct considered in sentencing	OHSA-299
Section 66(1)(a)	OHSA-301
access to and egress from a workplace	OHSA-301
asbestos	OHSA-301
blasting mats.....	OHSA-302

TABLE OF CONTENTS

blasting procedures OHSA-302

blocking OHSA-302.1

bracing a structure OHSA-302.2

confined space entry OHSA-302.5

construction / design to support or resist..... OHSA-302.5

“contravenes or fails to comply with . . . a provision of this
Act or the regulations?” OHSA-302.6

cranes / lifting devices OHSA-302.6

danger signs OHSA-306

diving OHSA-306

drilling OHSA-306

energized electrical equipment / power lines OHSA-307

engineering review OHSA-311

explosion-proof tank OHSA-311

fall arrest OHSA-312

farming operations..... OHSA-312.3

fencing OHSA-312.3

guarding equipment OHSA-312.4

guardrails OHSA-315

housekeeping OHSA-318

inadequate ventilation OHSA-318.3

insufficient lighting..... OHSA-318.3

joint health and safety committee..... OHSA-318.3

locking out equipment / stopping motion..... OHSA-318.3

logging OHSA-318.6

maintaining equipment..... OHSA-318.7

moving or securing material or equipment..... OHSA-318.7

negligent or incompetent advice..... OHSA-321

notice of a diving operation..... OHSA-321

notice of a mining operation..... OHSA-321

openings – mining OHSA-322

operating vehicle, machine or equipment..... OHSA-322

overhead protection OHSA-322.1

protective apparel OHSA-322.1

protective headwear OHSA-324

protruding rebar..... OHSA-324

purging a tank of flammable substances OHSA-324

restraining device / seatbelt OHSA-324

rollover protection OHSA-324

scaffolds / work platforms OHSA-325

second worker for assistance OHSA-326

securing a ladder OHSA-326.1

signaller to guide the operator of equipment OHSA-327

tire and wheel assemblies – safety devices and procedures..... OHSA-328.2

traffic safeguards..... OHSA-328.2

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

uncovered openings	OHSa-328.4
underage workers	OHSa-328.5
unshored trenches / excavations	OHSa-328.6
utility locates	OHSa-328.7
workplace violence and harassment.....	OHSa-328.8
Section 66(1)(b)	OHSa-328.8
“an order or requirement of an inspector”	OHSa-328.8
an order of the Minister	OHSa-328.10
Section 66(2)	OHSa-328.10
“maximum fine that may be imposed upon the corporation” ..	OHSa-328.10
Section 66(3)	OHSa-328.11
“defence . . . every precaution reasonable in the circumstances”	OHSa-328.11
common law defence of due diligence – availability of	OHSa-328.11
parameters of the defence of due diligence	OHSa-328.12
every reasonable precaution.....	OHSa-331
every reasonable precaution under other legislation	OHSa-343
mistake of fact	OHSa-350.2
common issues in assessing due diligence – worker error	OHSa-356.1
common issues in assessing due diligence – blaming others.....	OHSa-362
common issues in assessing due diligence – contracting out.....	OHSa-365
common issues in assessing due diligence – industry standards	OHSa-366.1
mistake of law.....	OHSa-367
other defences	OHSa-368
officially induced error.....	OHSa-368
necessity	OHSa-370
legislated exceptions	OHSa-371
Section 66(4)	OHSa-373
“any act or neglect . . . shall be the act or neglect of the accused”	OHSa-373
SECTION 67	OHSa-376
67(1) Certified copies of documents, etc., as evidence	OHSa-376
67(2) Service of orders and decisions.....	OHSa-376
Section 67(1)(a)	OHSa-377
“copy of an order”.....	OHSa-377
Section 67(1)(b)	OHSa-377
“given or made under this Act or the regulations”	OHSa-377
is evidence.....	OHSa-377
SECTION 68	OHSa-378

TABLE OF CONTENTS

68(1)	Place of trial	OHSA-378
68(2)	Provincial judge required.....	OHSA-378
Section 68(2)	.....	OHSA-378
	“require that a provincial judge preside”.....	OHSA-378
SECTION 68.1	.....	OHSA-380
68.1(1)	Publication re convictions.....	OHSA-380
68.1(2)	Internet publication	OHSA-380
68.1(3)	Disclosure	OHSA-380
SECTION 69	.....	OHSA-380
69.	Limitation on prosecutions	OHSA-380
Section 69	.....	OHSA-380
	“instituted”	OHSA-381
	“the last act or default”	OHSA-381
	pretrial delay	OHSA-382.1
	amending a charge outside the limitation period.....	OHSA-384

**PART X
REGULATIONS**

SUMMARY	.....	OHSA-385
SECTION 70	.....	OHSA-385
70(1)	Regulations	OHSA-385
70(2)	Idem.....	OHSA-385
Section 70(1)	.....	OHSA-388
	subordinate legislation.....	OHSA-388
	“health or safety”	OHSA-388
Section 70(2), para. 6	.....	OHSA-389
	electrical hazards	OHSA-389
	fall protection.....	OHSA-389
	first aid rooms.....	OHSA-390
	skilled trades.....	OHSA-390
Section 70(2), para. 7	.....	OHSA-391
	“where a provision of this Act requires that the matter or thing be done, used or carried out or provided as prescribed”	OHSA-391
Section 70(2), para. 25	.....	OHSA-392
	“code or standard”	OHSA-392
SECTION 71	.....	OHSA-392
71(1)	Regulations, taxi industry	OHSA-392

ANNOTATED OCCUPATIONAL HEALTH & SAFETY ACT

71(2) Same OHSA-392

REGULATIONS

Regulation 834 Critical Injury – Defined.....R-1
Regulation 851 Industrial Establishments (selected sections).....R-2
Regulation 852 Inventory of Agents or Combinations of Agents for
the Purpose of Section 34 of the ActR-4
Regulation 854 Mines and Mining Plants (selected sections).....R-5
Regulation 857 Teachers.....R-7
Regulation 858 University Academics and Teaching Assistants.....R-8
Regulation 860 Workplace Hazardous Materials Information System
(WHMIS)R-9
O. Reg. 213/91 Construction Projects (selected sections)R-20
O. Reg. 243/95 Criteria to Be Used and Other Matters to Be
Considered by the Board Under Subsection 46(6) of Act.....R-23
O. Reg. 385/96 Joint Health and Safety Committees – Exemption
from RequirementsR-25
O. Reg. 414/05 Farming Operations.....R-26
O. Reg. 297/13 Occupational Health and Safety Awareness and
TrainingR-27

OLRB RULES & FORMS

Ontario Labour Relations Board Rules of Procedure.....OLRB-1
Concordances OLRB-36.2
Form A-49 OLRB-46
Form A-53 OLRB-51
Form A-54 OLRB-57
Form A-65 OLRB-63
Form A-66 OLRB-70
Form A-67 OLRB-75
Form A-68 OLRB-83
Form C-24 OLRB-88
Form C-26 OLRB-92
Procedural Guide: Application Under Section 50 of the Occupational
Health and Safety Act..... OLRB-97
Ontario Labour Relations Board Information Bulletin No. 14..... OLRB-98
Procedural Guide: Request for Reconsideration..... OLRB-102
Ontario Labour Relations Board Information Bulletin No. 19..... OLRB-103
Procedural Guide: Appeal of Inspector’s Order Under Occupational
Health and Safety Act..... OLRB-105
Ontario Labour Relations Board Information Bulletin No. 21..... OLRB-106

TABLE OF CONTENTS

Procedural Guide: Application for Suspension of Inspector’s Order
Under the Occupational Health and Safety Act OLRB-110
Ontario Labour Relations Board Information Bulletin No. 22..... OLRB-112
Index..... IN-1

Volume 2

SENTENCING CHARTS

User’s Guide to the Sentencing Charts SC-1
Workers Fatally Injured..... SC1-1
 Corporations SC1-1
 Individuals SC1-29
Workers Injured SC2-1
 Corporations SC2-1

Volume 3

Workers Injured – continued
 Individuals SC2-74.1
Contraventions: No Workers Injured SC3-1
 Corporations SC3-1
 Individuals SC3-47
Contraventions Re Asbestos Removal SC4-1
 Corporations SC4-1
 Individuals SC4-13