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| ABCs of OH&S — ONTARIO Robertson Release No. 1, June 2022 |
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Publisher's Special Release Note 2021

The pages in this work were reissued in October 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the October 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred.

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Highlights

During the course of 2021, the Ontario Ministry of Labour, Training and Skills Development proposed numerous changes to the OHS Act and/or various regulations under the Act. Some of these proposals have resulted in changes to the Act and some of its regulations, in effect as of January 2022. Those changes are reflected in updates to Dictionary entries as shown below. One theme of these changes reflects the Ministry's desire to consolidate various regulatory issues into one regulation, thus removing them from each sector regulation. There have also been some significant changes to the OHS Act in April 2022 as highlighted below.

This update reflects review of some entries and many tables to update these, clarify provisions and/or correct typos.

Outlined below are main entries in the Guide that have been updated.

OHS Act changes – huge increases in Maximum Fines for Directors and Officers. A schedule to the Ontario *Working for Workers Act, 2022* substantially increased maximum fines for offences under the OHS Act. The largest increase applies, as of July 1 2022, to directors and officers of corporations. In addition, significant new criteria for sentencing have been added. See entries for: PROSECUTIONS AND FINES UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT; DUTIES: OFFICERS, DIRECTORS and OCCUPATIONAL HEALTH AND SAFETY ACT.

Accreditation. Since this refers to the Ministry's voluntary OHS system program, we have renamed this entry: **Health and Safety Management System** and updated the content.

Infection Control & the OHS Act – with Special Reference to COVID-19. We have updated the material here to reflect the situation as of April 2022 when the Ontario Government lifted COVID-19 restrictions for most Ontario Workplaces. However we have left the OHS Act's provisions that will continue to apply to infection control in the workplace, including risks of COVID-19 transmission in the workplace. See INFECTION CONTROL & THE OHS ACT, WITH SPECIAL REFERENCE TO COVID-19. Notes re vaccine mandates have also been added.

Pre-Start Health and Safety Reviews – for greater clarity, this is the new title for the entry **Alterations: To Factory Equipment, Machines, Processes, which now has a cross reference to the title under P in the Guide.** Requirements for PSR reviews have been amended in s. 7 of the Industrial Establishment regulations in effect January 2022. This entry has been updated to reflect these changes.

Certification Training. We have updated this entry to reflect updated guidelines for H&S representatives' training. Note that small businesses can obtain reimbursement for fees paid for a 30-minute e-learning program.

Logging. This entry has been updated to reflect some changes in required training programs.

Washing Facilities. We have updated this to include an amendment under the OHS Act that requires owners of workplace to allow delivery workers to use washrooms. Entry **Owner** has also been updated accordingly.

Psychological Health in the Workplace. This is a new entry to reflect growing interest in this issue by the Ministry. Interestingly, in mid-February 2022, the Minister of Labour announced that it is investing \$1.7 million to support Workplace Safety North (WSN) in developing and delivering mental health training and resources for mining and forestry workers in Northern Ontario.

Upcoming legislation

Naloxone. The *Working for Workers Act, 2022* also provides for the provision of Naloxone kits in high risk workplace. However this will come into effect only after the regulation referred to is published.

Other amendments to the OHS Act. Some amendments have been made to the OHS Act under the Ontario Bill 13 – Supporting People and Businesses. Some do not yet have a proclamation date – for example, changes to the definition of ‘professional engineer’ and authority to publish a regulation that will specify elements and formats for the Act’s requirement for a written occupational health and safety policy.

An amendment that is in force gives a worker health and safety representative and designated member of a JHSC the right to provide their findings relating to accidents involving death or critical injury.

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