



Announcer

It's time for the IHSA Safety Podcast.

Enzo Garritano:

Welcome to the *IHSA's Safety Podcast*. I'm Enzo Garritano, President and CEO of IHSA. In this episode, we're going to be chatting about motor vehicle incident, mobile equipment and struck-by blitz initiative. This episode is hosted by Michelle Roberts, IHSA's Director of Stakeholder and Client Engagement, and she's joined by Juanita Martin, Provincial Specialist of the Industrial Health and Safety Program of the Ministry of Labour, Immigration, Training and Skills Development. Over to you, Michelle.

Michelle Roberts:

Well, thank you, Enzo. I'm honored to be back to the IHSA Safety Podcast, but this time as your host for this episode. And I'm thrilled to be joined by our safety system partner from the Ministry of Labor, Training and Skills Development, the Industrial Health and Safety Program, our provincial specialist, Juanita Martin. Welcome, Juanita. And thank you for joining us. Can we start with telling us a little bit about yourself and your role at the Ministry?

Juanita Martin:

Sure. Thank you, Michelle, and to IHSA for having me. I've been with the Ministry of Labour, Training and Skills Development for 15 years now. I started out as an inspector and now as a Provincial Specialist, I provide advice and strategic direction to our frontline staff on enforcement in a variety of sectors.

Michelle Roberts:

Excellent. Well, we're so very glad that you're able to join us and share many details regarding the ministry's current education and enforcement initiatives. And in particular, we're going to be focusing on the struck by motor vehicle and mobile equipment hazards in the workplace initiative that's happening today. But I do want to just emphasize that this is a conversation. So what you're sharing with us is information, and we always have that guidance that these conversations don't replace the *Occupational Health and Safety Act* or the regulations, and we don't want to use this information as legal advice. And that of course, during the circumstances when health and safety inspectors go on sites or visit workplaces, they apply the law based on the facts and the circumstances of what they see. So getting that disclaimer piece out of the way, let's start, let's dig into this initiative a little bit more and can you let us know what, high-level, what is the initiative focusing on?

Juanita Martin:

Right, so the initiative is focusing on a few different things. So mainly it's focusing on hazards related to vehicles and mobile equipment. So we're going to be looking at the safety of the workers who drive those vehicles and operate the mobile equipment, and also the workers who work around those vehicles and mobile equipment as they're moving about workplaces. We're also going to be enforcing, of course, the relevant sections of the *Occupational Health and Safety Act* and its regulations as they apply. And we're also going to be raising awareness about the new BOSTA when we're going out into workplaces.

Michelle Roberts:

Okay. So let's just stop there. What is BOSTA, because it's a terminology we're hearing, but can you explain what it means, please?

Juanita Martin:

It's an acronym and it stands for *Building Opportunities in the Skilled Trades Act*. So as of January 1 of this year, the BOSTA replaces the *Ontario College of Trades Act*. And under the BOSTA, our ministry inspectors have a role to ensure that workers who are doing work within the scope of practice of a compulsory trade hold the required Certificate of Qualification or are an apprentice or whatnot. So for example, they'll make sure a mechanic holds the certificate they need to do certain work on a vehicle.

Michelle Roberts:

Okay, so that helps because that basically is meaning now since January that the ministry inspectors, the ones we traditionally see going out, enforcing the *Occupational Health and Safety Act* and regulations now also have the ability to ask the workers, the apprentice, or the licensed trade person for proof of their CFQs or their Certificates of Qualifications to make sure that those that are properly trained and authorized to be performing that task meet the qualifications. So that now is all under the BOSTA, that's what you were saying?

Juanita Martin:

Yes. That's right.

Michelle Roberts:

Awesome. All right, now you mentioned high-level that the initiative is going to be focusing on, things related to vehicles and mobile equipment, those who drive vehicles, but also those who work around vehicles and the moving vehicles. And when you describe that, I mean that's, I just say sectors. There's so much of those activities that impact the sectors and the membership that we serve. So I know that we're very appreciative that you're taking the time to talk to us about this because it is very much an influence in how we work around those vehicles and equipment and work safely. So thanks for that. So when is this initiative actually happening?

Juanita Martin:

Well, it's running through the months of April, May, and June of this year. And during all three of those months, we call those the "education outreach and awareness phase". So this is where folks can reach out to IHSA and have assistance with compliance with the Act and the regulations. During those last two months, during May and June, that's when our inspectors will be going out and doing focused inspections in workplaces.

Michelle Roberts:

Okay. So we hear focused inspections, proactive inspections. That's when they're actually going to be visiting workplaces and following up with that specific focus on these types of hazards. Okay, so you said April to June. So April, we're already in phase one as you mentioned. What we're trying to do in addition with this podcast is raise the awareness to the sectors that we serve, that the initiative is happening, how can they get help? But maybe many of those are wondering why are we actually focusing on these particular hazards? Why is there a targeted focus?

Juanita Martin:

That's a really good question. And when you look at the statistics from the Workplace Safety and Insurance Board, you can see that more workers die each year from motor vehicle incidents than from any other type of event. So the ministry wants to focus on what employers might do to reduce the risk to workers who are driving. And then off the roads and in workplaces, statistics show that there are a high number of lost-time injuries, which are caused by contact or being struck by objects and equipment such as mobile equipment. So we know that workers who work around moving vehicles and equipment are at a high risk of injury.

Michelle Roberts:

Yeah, and that stat you mentioned of motor vehicle incidents being one of the leading causes of workplace fatalities and critical injuries. We know too, the other safety system partners that we work with, the Ministry of Transportation, like the on the road kind of enforcement, their stats reflect, unfortunately, a lot of workers are being struck while on the road, either maybe like in a construction zone on the side of the road or the vehicles themselves, commercial vehicles. So those are stats and incidents that we definitely want to prevent. And so I applaud the ministry for putting a focused effort on this because it is a high occurrence of incident and or the tragedy of a death. So we know when the inspector comes on site, they're going to be looking for certain things, which we'll expand on in a minute. But what pieces of legislation, like what are the rules and parts of the act that the inspectors are going to be holding the workplace parties accountable to?

Juanita Martin:

Well, inspectors will look at the general duties of employers under the Act. So some of the key things they may focus on include things like the duty to maintain equipment in good condition, and there's that requirement to provide information, instruction, and supervision to workers. And then of course, we have the general duty clause to take every precaution reasonable in the circumstances. So those are some of the key things under the Act that inspectors may focus on. And then also under different regulations which may apply, there may be requirements. So for example, if they're at the loading dock

of a warehouse, they may be looking to the requirements in the industrial establishments regulation or at a construction project, there's the construction projects regulation that has different requirements as well.

Michelle Roberts:

Right. So that's probably a good time to emphasize that this actual focus for the ministry is province-wide, it's sector-wide, right? So it's impacting not just the industrial program itself, but obviously it's impacting the construction like you had mentioned. So again, both of our sectors either fall under the industrial, more the warehousing if you're transportation related. But if you're in construction or the electrical utility sector, a lot of times you're falling under construction projects and or depending on the establishment could still be in the industrial regs. So certainly impactful to this discussion to our membership. So, so far you've covered what it's focusing on. So we said the mobile equipment, MVIs [motor vehicle incidents], struck bys. It's happening April to June of this year, 2022.

The why. I think people are aware that we've got critical injuries, lost-time injuries, or worse, fatalities occurring in these circumstances when we're involved with driving or working around mobile equipment or using mobile equipment to move objects and the risk of potentially being struck by something. You mentioned, obviously, that the acts and regs that would apply. And again, that's going to be interpreted based on the circumstances when an inspector comes on site and being prepared for that. You mentioned the legal requirements to be in compliance, and you had said they're looking to make sure workers have been trained, and adequate equipment, and are they qualified.

It's also important, like the moral duty that we have to keep each other safe, right? That care. It's not just always about compliance, it's also the care piece. We want everyone to start their day healthy and go home at the end of the day healthy and keep their promise to get home to their loved ones. And certainly why we always say, let's work safe for life. You're working safely so that you can enjoy the other things that we want to do as well. So is there any particular locations that the inspectors are going to be visiting?

Juanita Martin:

Well, we haven't specifically told them where to go, but rather think about what sort of activities are happening in different places and target on those. So one area of focus will be workers who drive vehicles and mobile equipment as part of their job. And then the other focus is on workers who work around that equipment. So going back to drivers, think about it, drivers are everywhere. So we've got drivers driving logging trucks, working for trucking companies. They may be bus drivers, they could be delivering goods, they could be driving their company vehicle from one location to another throughout the day. So those are the types of drivers that we'll be thinking about. Where are they working? And then figuring out where can we go to inspect those types of places? We're also going to be looking for the drivers of mobile equipment in industrial and construction workplaces.

Michelle Roberts:

Okay. All right. Now let's get into some of the nitty-gritty, because I'm sure many of the listeners really want to focus on hearing from you, like what in particular are inspectors looking for when they do one of those proactive workplace inspections?

Juanita Martin:

Well, that's always the question, isn't it? What are the inspectors going to ask for? What are they going to look for? And like we've said a couple of times, it's going to depend on the circumstances of the workplace, what they see, what they ask, that sort of thing. But I'll try to give you some insights so listeners can be prepared ahead of time for some of the more common questions that may be asked of them. So for example, if they're thinking about the drivers of pieces of equipment or of vehicles, I'm going to give you a list of questions that inspectors may ask or to prompt you to think about what you might need to do and cover off when you're thinking about your health and safety program. So here we go.

One question is, what does the employer have in place to address distracted or impaired driving? Can a driver get help in remote areas? Does the driver know how to identify and report any problems with their vehicle or equipment? Has the driver received information and instruction on the safe operation of the vehicle or equipment? What about hazards during loading and unloading? Does the worker know about backing safely, parking brake use, and seatbelt use? Another question may be, has the worker received information and instruction about any emergency procedures or equipment which they may need to use in an emergency? And of course, another common question is, is the vehicle maintained in good condition?

So those are some of the questions that the inspectors may think about when they're thinking about the drivers and the safety of drivers. But in addition to looking at drivers, the inspectors are also going to focus on the safety of the workers who are working around the moving vehicles or mobile equipment. So think of people like those who are working, doing maintenance alongside the road or people collecting waste or first responders are another good example. There's also workers working around moving vehicles in yards or in service centers. And then think about mobile equipment and people working around those that may be taking place in warehouses, loading docks, stuff like that. So those are some of the places inspectors may go to find people that are working around these vehicles and mobile equipment. And would you like me to give you a list of questions they might think about when they're thinking about these kinds of workers and their safety?

Michelle Roberts:

For sure, because you addressed the driving component and the different behaviors and the safety components when it comes to driving and operating the equipment. You just mentioned that in addition to those that drive, it's those who work around or maybe operating the mobile equipment. So yeah, so what are some of the questions that might be asked there?

Juanita Martin:

Okay. I've sort of made my top list of more common questions inspectors may ask, and some of them are, how do you reduce the interaction of pedestrian and vehicular traffic? So there might be barriers or signage or other things that are in place to keep those people and the equipment apart. Another question is, are workers visible to drivers? And how are workers protected from vehicles while they're backing up?

Michelle Roberts:

High occurrence of incidents and backing.

Juanita Martin:

High occurrence, sadly, yeah. Another question is, are **signalers** used? So there's a whole lot of things to consider about their safety and their training and where they're placed with respect to the vehicle. So that's another thing inspectors will look at. Another thing is worker safety during loading and unloading. And also are pedestrians or workers who are working around mobile equipment, are they aware of the blind spots for drivers of the various types of equipment? Do they know where the driver can't see them and where they shouldn't stand? Again, it's about vehicles moving and backing up and people being in the wrong spot. Another question inspectors may ask or look at is about adequate lighting to see workers and safety apparel use, keeping it in good condition, are folks wearing it when they're supposed to? And another question is about unattended vehicles. Are they immobilized when they're unattended so they don't accidentally roll into somebody or something?

Michelle Roberts:

Right. Yeah. So that would be things like applying the parking brake or chalking the wheels if it's parked up at the loading dock so that it's restricting, like you say, that movement when there isn't an operator behind it. I mean, that's a big component there of the separation of the vehicles from, you use the term pedestrians, but we're also referring to workers who aren't operating the piece of equipment walking around it. And we know that happens in warehouses and loading docks and areas, yards you had mentioned, right?

And we know that in dealing with the transportation sector, that was a big concern for the general trucking, is the ability to be able to see clearly when they're in the yard when they're performing functions, like backing up and having that separation of workers that are on foot or in the area so that there isn't that contact with the equipment itself. So we know we've got a lot of resources, hopefully, to be able to address some of those hazards that you mentioned.

So you talked about those who drive for work, those who work around it. Now, what about the situations like people who drive for work, but they're not using a company vehicle-

Juanita Martin:

They're using their own vehicle.

Michelle Roberts:

So they're using... Right, like they might be using their personal vehicle. So what will you guys be looking for in those scenarios?

Juanita Martin:

Well, that situation's a little different because employers' duties may differ under the Act. I mean, they don't have exactly the same control over their vehicles as one that they would own and be responsible for themselves. However, as best practices, there are some things that employers could consider to reduce the hazard to these workers who are driving their own personal vehicle. So some examples I was

thinking that employers could put in place a distracted driving policy, and they may want to communicate to their workers that while they're driving their own personal vehicle, they're not expected to answer the phone or respond to a text message from their employer, pull over, do it safely when it's safe in a few minutes or whatever, right? But not while you're driving.

Also, employers might think about having an impaired driving policy. So I don't know about you, but sometimes I have to take a medication that may affect my ability to drive a vehicle safely. So have some sort of policy in place that addresses that. So provides a safe way for the worker to do their work without maybe having to drive. Maybe they use public transit for a while or do some other type of work that doesn't require driving for a bit. And some other things the employer might consider are having policies on inclement weather or providing assistance in remote areas, those sorts of things.

Michelle Roberts:

Right. Because you're still driving, you're using a personal vehicle, you're still exposed to hazards, so the employer has a responsibility to control those hazards, right? And afford the worker the opportunity to work safely, or like you said, maybe an alternative means if needed. So that's awesome. So thank you so much for that excellent overview. You've covered the when, the why, the what in particular, dove into a little bit more of what the inspectors would be looking for. So can we switch gears now and focus on the, how can the ministry help? Because this is a joint effort of us creating that education and awareness pre the inspection piece that's scheduled to start. So what does the ministry have in place right now that could help the workers or workplace parties?

Juanita Martin:

Well, the ministry does have some resources available on some of the topics we've discussed. I'd like to point out, there's a couple videos that we have that I really like. There's one on loading docks and another one on forklifts. And if you go onto ontario.ca and find these videos, you'll see an example of an inspector doing an inspection in these areas and get an in-depth look of what they're looking for. So that's with respect to loading docks and forklifts. Additionally, on our website on ontario.ca, we have a couple of dedicated pages that may be useful. There's one on vehicle, mobile equipment, and visibility hazards at industrial workplaces. And there's another one that is especially geared towards the health and safety of small businesses. So a small business page that's really useful. So I'd encourage people to check them out, but I also know, Michelle, that as our safety partner, we rely on and refer workplaces to IHSA for help. So let me ask you, what does IHSA have to help workers in the area of focus of motor vehicle incidents, mobile equipment, and struck-by hazards?

Michelle Roberts:

Well, thank you Juanita for that plug. We definitely are here to help. And in addition to those resources you mentioned available through the ministry's website, we do offer a number of solutions that fit the need for the construction, transportation, electrical utility sector that help with what you had said, controlling those hazards that were noted in the workplace. And also safe practices. So safe practices and procedures that workplaces can implement to prevent harm, that not only reducing motor vehicle incidents, mobile equipment or struck-bys, we also have additional resources that help with safe rigging practices because a lot of times when material is being moved, you have to focus in on safe rigging. And

also you had mentioned from an operator competency and qualifications, what training do operators need? And we do have several courses that help fulfill those needs.

But what we're also doing in particular for this focus, in addition to our podcast, we've partnered with ministry folks like your colleague Guy Tilon, from the construction inspection side of things, and yourself to also put together a webinar. So in that webinar is where we actually featured some screenshots of the different resources that we have and how you can find dedicated pages and simple things like you had mentioned, if an employer has a safe policy, was it documented? So we have templates, as you noted for distracted driving as an example, and we've packaged a lot of these resources on dedicated pages.

So if you go into ihsa.ca and you search for motor vehicle incidents or traffic control or struck-by or distracted driving, you'll land on dedicated pages. And when you get to those resources, you're going to see a variety of things from safety talks, policies that can be customized, made specific for your workplace. In some scenarios we have some eLearning solutions, like we have distracted driving, defensive driving. We have a whole eLearning on motor vehicle incident prevention and dedicated road safety solutions. So we have a lot to offer. And I would encourage you to visit the website and also follow along with the webinar that we're posting to support this initiative because it does demonstrate a lot more of those tools that we're talking about.

We have a lot of safety talks that are available, and we know even for small businesses, sometimes it's hard for them to generate that awareness about a hazard. And so if you go to ihsa.ca's safety talk page, you'll see over 150 different safety talks that are available free to download. And we have a whole section on vehicles and equipment, so some of those key hazards that you mentioned, backing. So how do we remind everyone on safe backing procedures leading up to this initiative? Is using safety talks as a great refresher and it talks about the hazards we might be exposed, but most importantly, how can the workplace parties control them? So encourage you to do that. If you're looking for training and eLearning solutions, we have a whole variety, both classroom or eLearning that are available on those particular topics.

And obviously our goal is to work with the ministry, help translate that information back to the workplaces so that at the end of the day, workplaces can implement practical solutions that are going to protect workers. And so I certainly encourage those that are listening today to also check out our social media feeds like LinkedIn, Twitter, and Instagram. Because when we were in this process of creating a focused initiative and awareness, we do through our social media, create some targeted messaging that will point people to solutions and resources just to help find all of that.

So thanks for allowing me to talk about some of the solutions on how IHSA can help. But lastly, as we wrap up, I just want to thank our system partners from the Ministry of Labour, Training, and Skills Development, and specifically Juanita yourself from the Industrial Program for sharing with us the ins and outs of what to expect for the upcoming province-wide blitz. So thank you very much, Juanita, for joining us.

Juanita Martin:

Oh, thank you for having me, Michelle. It's always my pleasure to work alongside you. You're a great partner.

Michelle Roberts:

Well, thank you so much. And thank you for listening to IHSA's podcast on motor vehicle incidents, mobile equipment, and struck-by hazards in the ministry's initiative. Be sure to subscribe and like us on your podcast channel and visit us on ihsa.ca for a wealth of health and safety resources and information,

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