



Announcer

It's time for the *IHSA Safety Podcast*.

Ken Rayner:

Welcome to the *IHSA Safety Podcast*. I'm Ken Rayner, and I'm your host. And joining me for part two of this series on health and safety resources for small business are Jennifer McKenzie, IHSA's Regional Manager Operations North and East, and Enzo Garritano, IHSA's President and CEO. So we're real excited to be doing this podcast for small businesses to really explain and to showcase all of the resources that IHSA has to offer in helping small businesses. In many cases, a lot of those resources are free.

So the first thing we want to talk about today is a little bit about legislation. So in Ontario, typically workers are covered under two types of legislation. You have workers that are covered under provincial legislation, which is the *Occupational Health and Safety Act*, also known as the "Green Book", and then you have workers that are covered under federal legislation, which is the *Canada Labour Code – Part II*. So let's talk a little bit more about legislation.

So let's talk first about the *Occupational Health and Safety Act*, which is Ontario's legislation for provincial work for occupational health and safety. The main purpose of the Act is to provide legal framework to achieve our collective goal of protecting workers from health and safety hazards on the job, and they do that a couple of ways. One, it's to set out very clearly the duties for all workplace parties and the rights of workers to help establish what we call a strong internal responsibility system, also known as the IRS in the workplace. And really what the IRS is making sure that everyone's doing their job, everybody contributing to the safe and healthy workplace, establishing measures and procedures for dealing with workplace hazards.

One of the things about the Green Book which we say at IHSA is that it was written in blood. And what we mean by that is in many cases, what's listed in the Green Book has had to be added because somebody has been hurt, has gotten ill, or unfortunately has lost their life, and then providing some enforcement of the law where compliance has not been achieved voluntarily. So we all have an option to do the right thing by the regulations set forth in the Green Book. When it doesn't get done the way it needs to, then the enforcement has to take place by the ministry of labour.

But that's not where it stops. We want to just get into a little bit more detail about that because today we're going to talk a little bit more about the regulations and there are regulations really for four different types of workplace in Ontario. We have industrial establishments that could be seen as service and restaurants and tourism and manufacturing as some examples. You've got a regulation called the construction projects, not the construction industry. So I'll ask Enzo to touch on that in just a second. Mines and mining plants, and then healthcare and residential facilities. So four distinct industry types, different types of regulations.

So the first resource we're going to discuss today really applies to all business irrespective of the industry because it's really about the work that's conducted being considered a construction project. So Enzo, I've got two questions for you to start. Do the construction projects regulations apply only to those in the construction industry? And then second, when a construction project is ready to begin, what information is required to be posted?

Enzo Garritano:

So thanks Ken. Yeah, it's a bit of a tricky question there because when we talk about construction projects, the *Occupational Health and Safety Act* defines construction. So again, if you're a small business at the beginning of the Green Book in the act, there are definitions and it's really important to understand those definitions to see where you fit in those definitions.

And when it comes to construction, really, if I want to read it, it includes the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, such as those things that can go on and on, but essentially the activity references a project that occur on a project, okay? So that means that it's happening... It's a defined activity. Some may be confused as to what maintenance is. Is changing out a motor on a HVAC unit, is that deemed construction? Well, that typically is deemed maintenance, but if you're changing out the entire unit and taking it off the roof and putting a new one on, that's a project. That's actually a work project and that comes under the construction regs.

I think the key message here is, though, the best practices that come out of your work and compliant typically with the construction regs, you're probably not going to change depending on where you land under the regulations, unless that regulation is more stringent. I think that's the message we want to give out, that look for the best of the regulations or the requirements. And remember, these are the fundamental or the minimum requirements or the minimum standards that you should comply with, not the best out there. So again, regulations are great, but they're a minimum requirement. Look for the more stringent, whether it's in construction or the industrial regs, because again, you're not going to change your practices if you do 90 per cent, typically your work is in construction projects, but then 10 per cent is on a maintenance project, you're typically not going to change the way you work. You're going to work to the best requirements.

And as far as what needs to be posted, again, it depends on your circumstances as the small business. Are you a small business that undertakes projects altogether? Do you go out and secure a project and then bring on subcontractors? If you are that small business, you can look into or utilize the resource that we have, again, listed here. It's the forms and checklists for small businesses. And we have a form and checklist that says, "Hey, this is what you need to apply or put on your project if you are, again, overseeing a project." And within that, it has examples of things that you need to post, such as certain posters from the WSIB or the ministry of labour, copy of the notice of project, if you're, again, the constructor, first aid information, some policies that may have to be posted because you are the constructor and applicable to the workplace, so things of that nature, emergency contact information. Those are requirements, again, if you're a constructor.

And there's some other requirements if you're not a constructor or not the person overseeing the entire project and you're a sub coming onto the site, there are certain things that as a good practice, a great practice you should have in place, whether it's evidence of you doing safety talks with your staff, again,

risks and hazard assessments that you do, some of your own smaller policies or policies that apply to you depending on the size of your small business. So those kinds of things, if you're a subcontractor who does specific work, those also are listed in those forms that we have on the website at ihsa.ca. Again, encourage everyone to familiarize yourself with those forms. And again, we want you to be able to comply at the minimum level with the Green Book, but also exceed those as you start to develop and start to really focus in on the things that make you successful as a business and to ensure that your workers get home safe every night.

Ken Rayner:

Okay, thank you. And that information, what to post on a job site will be in this podcast as well. So feel free to find it on our website at ihsa.ca under the small business pages, which is right on the front page of our website, or feel free to use the link in the podcast.

Jennifer, as I understand, in 2022, we took a look at some of the most downloaded resources from our small business pages, and what was at the top of the list were the free forms and checklists based on the size of the business. So we have independent operator, we have those that have two to five employees, six to 19, and those with over 20.

So two questions for you, Jennifer. One, why did IHSA break up the categories by number of employees? And then two, give me maybe your favorite resource that you'd recommend to a small business owner because there are so many resources on this page, lots of things to cover, but what was maybe one of your favorites that you'd like to recommend?

Jennifer McKenzie:

Thanks, Ken. So to answer the first question, the IHSA decided to break up the resources by company size because the Occupational Health and Safety Act and the first aid regulation require different and additional measures to be taken to protect workers based on company size. So for example, a workplace with one to five workers is not required to prepare and review written occupational health and safety policies and programs. However, organizations with six or more workers are.

Another example is the requirement for health and safety representatives and join on safety committees. Depending on the size of the business will determine which one an employer will require. An organization with six to 19 workers requires a health and safety rep, while a workplace with 20 or more workers requires to join on the safety committee. Therefore, the way that we outlined it on our small business webpage makes it easy for an employer to find out exactly what they need based on their company size.

In regards to your second question, we do have many great resources on the webpage. However, there is one critical resource, which is the checklist, the first steps on a job site. It includes what to post. Enzo mentioned it earlier. This document not only outlines what you need to post on your work site to be compliant, but it also provides you the links of where you can purchase or download the required items and which items need to be customized for your organization.

So as Enzo noted, a lot of the items may be specific if you're a general contractor or a constructor. However, there's also ones listed there in regards to if you're a subcontractor. And although maybe as a

subcontractor I'm not required to post the Occupational Health and Safety Act for my workers, I want to make sure that it is readily available. So not only is it great as to what is my responsibility, but what should we have onsite and what should be readily available for those workers.

And then the second item that I'd like to mention is really, just as you said earlier, is the many forms and checklists that are available not only for employers, but also for supervisors and for workers to assist them in working safely, simple checklists such as looking at what is my rights and responsibilities as a worker. Also, looking at employee orientation checklist. So as a supervisor, what do I need to ensure that my employees understand? And also inspection forms. So if I'm going to inspect a workplace, I need to know what I'm looking for. So very simple documents that really help all workplace parties ensure that they have that healthy and safe workplace.

Ken Rayner:

Thanks, Jen. And I'm going to finish up with the last resource. Here's one of my favorites and I'm going to tell you why. Driving is applicable across all of our industries. So whether you are in the electrical utilities, whether you are an electrical contractor, whether you are in the transportation industry or construction, most likely, whether you're driving to work and from work or whether you're driving due to work, then you are behind the wheel, and there are employer responsibilities that include driving. Driving is part of work in many cases, so the employer has to have care and control over the individual, and we've got some great resources on our website in regards to that, which we call Road Safety Solutions. That can be found on the front page of our website just to the right-hand side.

And what a small business owner is going to find there is whether you're starting your road safety program or you're looking to improve some sort of current plan you have, there are lots of considerations for using the tool. It lists elements of a road safety plan, allows you to organize your plan, provides resources and materials to help you build each segment, and some of those segments would be understanding legal requirements. So again, are you under *the Occupational and Safety Act*? Are you under the *Canada Labour Code*? What do you need to know so that you are going to be in regulations with the Highway Traffic Act and potentially your CVOR? We've got 10 essentials for a road safety plan. We get into addressing the hazards and the risks, creating policies, building effective control measures, how to combat distracted driving. So there's lots and tools and resources there to assist you to create a road safety plan and to get that started. So that's a resource I'm excited about because again, it doesn't matter if you're in transportation, construction, utilities, it's applicable to you and it's great.

So again, Jen, Enzo, thanks for joining us on this podcast in regards to small business, and thank you all for listening to the *IHSA Safety Podcast* in this series devoted to highlighting health and safety resources for small business. On our next podcast, we'll continue the discussion of various free services from IHSA and how they can assist small businesses create safe and healthy workplaces. 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.

Announcer:

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