

‘Struck by’ year-long initiative

April 1, 2017 to March 31, 2018 - Industrial Program

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Safe At Work Ontario
Enforcement > Compliance > Partnership >

Disclaimer

The purpose of today's presentation is to assist the workplace parties in understanding some of their obligations under the Occupational Health and Safety Act (OHSA) and its regulations. It is not intended to replace the OHSA or the regulations, and reference should always be made to the official versions of the legislation.

It is the responsibility of the workplace parties to ensure compliance with the legislation and the presentation does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.

Ministry of Labour inspectors will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This presentation does not affect their enforcement discretion in any way.

Outline

- Overview of the Ministry of Labour's 'Struck By' year-long initiative
- Rationale for a 'struck by' initiative
- Sectors and workplaces
- Compliance with the Occupational Health and Safety Act and regulations
- Areas of focus for MOL inspections
- Available resources

Rationale for the initiative

- From **April 1, 2017 to March 31, 2018** Ministry of Labour (MOL) inspectors will conduct an enforcement focus on activities that result in ‘struck by’ injuries. The initiative will have two streams:
 - Struck by materials/equipment
 - Struck by moving vehicles / mobile equipment

Why focus on ‘struck by’ hazards?

- Workers being struck by objects and equipment, accounted for 16% of allowed lost time claims received by the WSIB in 2015 for lost-time injuries. (Source: 2015 WSIB Statistical Report, Schedule 1).

Enforcement Data:

- In a similar focus during a material handling blitz from September 15 to October 26, 2014, ministry inspectors conducted 841 visits to 701 workplaces and issued 3,263 orders under the OHSA and its regulations. This included 130 stop work orders.
- The year-long ‘struck by’ initiative will help to determine if there is improved health and safety compliance with respect to hazards that could lead to ‘struck by’ injuries.

Workplace Visits

- The initiative may include but not be limited to visits to the following types of workplaces:
 - automotive
 - logging
 - ceramics, glass and stone
 - chemical, rubber and plastics
 - wholesalers including building supply centres
 - wood and metal fabrication

Workplace Location Information ... cont'd

In particular, inspectors will check workplaces:

- with a high incidence of injuries resulting in lost time at work
- not previously visited by the ministry
- where complaints have been received
- where there is a history of non-compliance

Inspectors have broad powers to take enforcement action, as appropriate, in response to lack of compliance with of the [Occupational Health and Safety Act](#) and its regulations.

Compliance with the OHSA and its Regulations

During the initiative MOL inspectors will enforce the OHSA and its regulations, including but not limited to the following:

- [Occupational Health and Safety Act](#), Revised Statutes of Ontario, 1990
- Regulations for Industrial Establishments, [Reg. 851](#)
- [Occupational Health and Safety Awareness and Training \(O. Reg. 297/13\) under the Occupational Health and Safety Act \(OHSA\)](#)

The workplace parties are required to comply with applicable provisions of the OHSA and its regulations.

General Duties of Employers

The following are some examples of employers' duties under the *Occupational Health and Safety Act* (OHSA):

- Taking every reasonable precaution in the circumstances for the protection of workers,
- Ensuring equipment, materials and protective devices are well maintained
- Ensuring that workers are provided with the appropriate information, instruction, and supervision
- Preparing and reviewing at least annually a written occupational health and safety policy and developing and maintaining a program to implement that policy

Duties for Supervisors

The following are some examples of supervisors' duties under the OHSA:

- Ensuring workers comply with the OHSA and its regulations
- Ensuring any equipment, protective device or clothing required by the employer is used or worn by workers
- Advising workers of any potential or actual health or safety dangers known by the supervisor
- Taking every precaution reasonable in the circumstances for the protection of workers

Worker Duties

The following are some examples of workers' duties under the OHSA:

- Using or operating equipment in a safe manner
- Reporting defects in equipment
- Working in compliance with the OHSA and its regulations
- Reporting any known workplace hazards or contraventions of the OHSA to their supervisor or employer

Key Focus for Inspectors

- Ministry of Labour inspectors will check for hazards that could result in worker injuries and deaths. They will check that employers are taking appropriate action to assess and address these hazards, as required by the:
- [Occupational Health and Safety Act \(OHSA\)](#)
- [Regulations for Industrial Establishments](#)
- [Occupational Health and Safety Awareness and Training Regulation](#)

Key Focus for Inspectors

- **Internal Responsibility System (IRS):** Inspectors will check that employers, supervisors, and workers are aware of their OHS rights and responsibilities. They will also check that required health and safety representatives or joint health and safety committees (JHSCs) are in place, where appropriate, and are functioning as required.
- **Worker training:** Inspectors will check that employers are providing information and instruction to workers to perform tasks safely, including providing mandatory basic awareness occupational health and safety training.
- **Workplace supervision:** Inspectors will check that employers have appointed competent supervisors and the supervisors have completed the mandatory occupational health and safety awareness training.
- **Pre-start reviews (PSR):** Inspectors will check that employers have a written PSR report where it may be required (e.g. for racking, if required in accordance with Table 7 of the Industrial Regulation).

Key Focus for Inspectors

- **Lift-trucks and other lifting devices:** Inspectors will check that employers examine lift-trucks and other lifting devices (including associated hardware and rigging equipment) for their load capacity and maintain them in good condition.
- **Maintenance of vehicles and mobile equipment:** Inspectors will check that employers maintain vehicles and mobile equipment in good condition.
- **Pedestrian/Vehicular traffic plan:** Inspectors will check that employers are providing safe and appropriate access and egress to work areas. They will also check that workers/pedestrians are not endangered by vehicles, mobile equipment or the movement of materials at the workplace. This includes looking at the lighting in the workplace and seeing what barriers, warning signs or other safeguards for the protection of workers are present.

Key Focus for Inspectors

- **Signallers and equipment operators:** Inspectors will check that employers have ensured that signallers and vehicle / mobile equipment operators are competent. Inspectors will also check that signallers are present when required. Safe work practices may include the wearing of high visibility garments.
- **Material storage:** Inspectors will check that employers ensure materials are placed or stored in a safe manner and can be removed or withdrawn without striking a worker. Storage of materials should be in accordance with the manufacturers' loading recommendations. This includes checking on bulk, rack and automated or unitizing/palletizing equipment processes/practices.

Key Focus for Inspectors

- **Racking/storage systems:** Inspectors will check that employers are maintaining their racking systems and where appropriate a Pre-start review has been completed.
- **Automated systems (robots):** Inspectors will check that employers have safe work procedures in place for the use of automated systems (robots) and where appropriate a Pre-start review has been completed.

Pedestrian Safety

To protect workers who are working in the area of mobile equipment/vehicles, forklifts and lifting devices employers should:

- Conduct a comprehensive workplace assessment of vehicular and pedestrian traffic
- Establish vehicular and pedestrian policies and safe work practices

In assessing employers should consider safeguards such as:

- Warning lights, signs and audible vehicular devices
- Policies to restrict or separate pedestrian and/or vehicular movement
- Signage such as surface markings to delineate either pedestrian or vehicle use
- Driver and pedestrian visibility
- Adequate space allowances to allow for safe turning and/or backup

Pedestrian Safety – Industrial Regulation

The following are legal requirements in Regulation 851/90 for pedestrian safety:

- 20. Barriers, warning signs or other safeguards for the protection of all workers in an area shall be used where vehicle or pedestrian traffic may endanger the safety of any worker.

- 57. A vehicle left unattended shall be immobilized and secured against accidental movement.

Related Court Bulletin:

[Company-fined-275000-after-worker-killed-by-tractor-trailer](#)

Pedestrian Safety – Industrial Regulation

56. Where the operator of a vehicle, mobile equipment, crane or similar material handling equipment does not have a full view of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment or its load, the vehicle, mobile equipment, crane or similar material handling equipment shall only be operated as directed by a signaller who is a competent person and who is stationed,

- (a) in full view of the operator;
- (b) with a full view of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment and its load; and
- (c) clear of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment and its load.

Related Court Bulletin

[Metal Recycling Company - Worker killed by excavator](#)

Inspection and Maintenance – Legislated Requirements

Inspection and maintenance records

OHSA 25(1)(b) states:

- 25.** (1) An employer shall ensure that,
(b) the equipment, materials and protective devices provided by the employer are maintained in good condition;

Inspection and Maintenance – Legislated Requirements

Industrial Regulation 851/90, subsection 51(1)(b) states:

51. (1) A lifting device shall,

- (b) be thoroughly examined by a competent person to determine its capability of handling the maximum load as rated,
 - (i) prior to being used for the first time, and
 - (ii) thereafter as often as necessary but not less frequently than recommended by the manufacturer and in any case, at least once a year, and a permanent record shall be kept, signed by the competent person doing the examination;

Operation of Lifting Device by a Competent Person

Industrial Regulation 851/90, subsection 51(2)(a) states:

51(2) A lifting device shall be operated,

(a) only by,

(i) a competent person, or

(ii) a worker being instructed who is accompanied by a competent person; and

Operation of Mobile Equipment by a Competent Person

Industrial Regulation 851/90, clause 54(1)(d) and subsection 54(2) states:

54(1)(d) Mobile equipment shall, subject to subsection (2), be operated only by a competent person.

54(2) Clause (1)(d) does not apply to mobile equipment operated by a worker while the worker is being instructed and accompanied by a competent person.

Information, instruction and supervision

OHSA subsection 25(2)(a) states:

25(2) Without limiting the strict duty imposed by subsection (1), an employer shall,

- (a) provide **information**, **instruction** and **supervision** to a worker to protect the health or safety of the worker;

Information and instruction may include, but is not limited to:

- Workplace rules for the safe operation of vehicles, such as speed limits, stopping at intersections, hand and horn signals and proper placement of any load being carried
- Pedestrian routes and safe work practices for pedestrians
- Attention to blind spots on vehicles and mobile equipment, for both operators and pedestrians

Material handling

- Section 45(a) of Regulation 851 - the Industrial Establishments Regulation - provides that materials shall be lifted, carried or moved in such a way and with such precautions and safeguards as will ensure that the lifting, carrying or moving of the material does not endanger the safety of any worker.
- Section 45(b)(i) of Regulation 851 - the Industrial Establishments Regulation - requires that materials articles or things shall be transported, placed or stored so that the material, articles or things, will not tip, collapse or fall.

Related Court Bulletins

[Critical-injuries-to-worker result-in-75000-fine](#)

[Window-manufacturer-fined-150000-after-worker-dies](#)

Lighting

Industrial Regulation 851/90, section 21 states:

21. Where natural lighting is inadequate to ensure the safety of any worker, artificial lighting shall be provided and shadows and glare shall be reduced to a minimum.

54(1)(a) Mobile equipment shall, when lighting conditions are such that its operation may be hazardous, have head lights and tail lights that provide adequate illumination.

- Dark work environments may result in pedestrians or other objects not being able to be seen.
- Too much light may result in direct or indirect glare and also impair operators' vision.

MOL External Resources

Health and safety training for workers and supervisors

<https://www.labour.gov.on.ca/english/hs/training/index.php>

Guidelines for Pre-start health and safety reviews

<https://www.labour.gov.on.ca/english/hs/pubs/psr/>

Ergonomics

[Vehicle / Mobile Equipment and Visibility Hazards at Industrial Workplaces](#)

Storage and Material Handling

<http://www.labour.gov.on.ca/english/hs/topics/storage.php>

Lifting Equipment

<http://www.labour.gov.on.ca/english/hs/topics/lifting.php>

MOL External Resources

Mobile Equipment

<http://www.labour.gov.on.ca/english/hs/topics/mobile.php>

[Forklift and Lifting Devices Safety in Industrial Workplaces](#)

[Racking and Storage Safety](#)

[Warehouse Hazards](#)

[Guideline for the Safe Operation and Maintenance of Powered Lift Trucks](#)

[Mobile Compacting Equipment Safety Guidelines](#)

MOL Hazard Alerts

<http://www.labour.gov.on.ca/english/hs/pubs/alerts/index.php>

- [Clark Model ECS and GCS Forklift Trucks](#)
- [Collapsible Plastic Bulk Containers](#)
- [Collector Shoe Assemblies on Overhead Cranes - Bridging an Isolation Gap](#)
- [Concrete Blocks Used for Material Storage](#)
- [Loading and Unloading Logging Trucks](#)
- [Crane Controls on Crane Trucks](#)
- [Equipment Blocking](#)
- [Extending Boom of an Articulating Boom Crane While in Stowed / Travel Position](#)
- [Horizontal Handling of Steel Plates](#)
- [Safety Requirements for Power Folding Partitions](#)
- [Tire Machines](#)
- [Truck-Mounted Mobile Cranes](#)

MOL External Resources

Videos available at:

<https://www.labour.gov.on.ca/english/gallery/index.php>

- Loading Dock Safety
- Forklift Safety

Health and Safety Partners

<http://www.labour.gov.on.ca/english/hs/websites.php>

Worker Health and Safety Awareness in 4 Steps

- Workbook and Employer Guide (free for download or through ServiceOntario)
- Available also in e-learning format
- http://www.labour.gov.on.ca/english/hs/pubs/worker_awareness.php



The workbook belongs to



Supervisor Health and Safety Awareness in 5 Steps

- Workbook and Employer Guide (free for download or through [ServiceOntario](http://ServiceOntario.com))
- Available also in e-learning format
- http://www.labour.gov.on.ca/english/hs/pubs/sup_awareness.php



This workbook belongs to:



Prevention

Worker guide

[Step 1: Get On Board](#)

[Step 2: Get in the Know](#)

[Step 3: Get Involved](#)

[Step 4: Get More Help](#)

Employer guide

Face to face

DVD/CD

electronic



Prevention Starts Here

Health & Safety at Work

Workers have the right to:

- Know about workplace hazards and what to do about them.
- Participate in solving workplace health and safety problems.
- Refuse work they believe is unsafe.
- Know that employers cannot take action against workers for following the law and raising health and safety concerns.

Workers have to:

- Follow workplace health and safety procedures.
- Wear and use the safety gear required by their employer.
- Work and act in a way that they won't hurt themselves or anyone else.
- Report any hazards or injuries to their supervisor.

Employers have to:

- Make sure workers know about hazards and dangers by providing information, instruction and training on how to work safely.
- Make sure supervisors know what is required to protect workers' health and safety on the job.
- Create health and safety rules for their workplace.
- Make sure everyone follows the law and the workplace health and safety procedures.
- Make sure workers wear and use the right safety gear.
- Do everything reasonable to protect workers from being hurt or getting a work-related illness.

Supervisors have to:

- Tell workers about hazards and dangers, and respond to their concerns.
- Show workers how to work safely, and make sure they follow the law and workplace health and safety procedures.
- Make sure workers wear and use the right safety gear.
- Do everything reasonable to protect workers from being hurt or getting a work-related illness.

Ontario's Occupational Health and Safety Act gives workers rights. It sets out roles for employers, supervisors and workers so they can work together to make workplaces safer.

What you can do:

- Get involved and show you care about workplace health and safety for everyone.
- Improve health and safety by talking to your employer, supervisor, workers, joint health and safety committee or health and safety representative.

Call the Ministry of Labour at 1-877-202-0008 for information about workplace health and safety.

ontario.ca/PreventionAtWork

Find out more.

Ministry of Labour

MOL Contact Centre

- Call 1–877–202–0008 any time to report critical injuries, fatalities or work refusals.
- Call 8:30 a.m. to 5 p.m. Monday to Friday for general inquiries about workplace health and safety.
- **Always call 911** in an emergency.

Thank You!

QUESTIONS?

