



Protective Services Committee

AGENDA

**Wednesday, March 3rd, 2021
at 7:00 p.m.**

1. Call meeting to order
2. Declaration of Pecuniary Interest
3. Adoption of Minutes – [December 10th, 2020](#)
4. [Fire Committee Presentation](#)
5. Next Meeting
6. Adjournment

TOWNSHIP OF ADMASTON/BROMLEY
PROTECTIVE SERVICES COMMITTEE
MINUTES

Thursday, December 10th, 2020

At 2:00 p.m.

Chair Mike Quilty and Committee Members Robert Dick and Michael Donohue were present. Also in attendance were Fire Chief Kevin Van Woezik, Councillors Bob Hall, Clerk-Treasurer Allison Vereyken and Public Works Superintendent Chris Kunopaski.

1. Chair Mike Quilty called the meeting to order at 2:12 p.m.
2. Declaration of Pecuniary Interest – none
3. The minutes of the October 12th, 2018 meeting were reviewed and the following resolution was passed:

Moved by Robert Dick, seconded by Michael Donohue

Be it resolved that the Protective Services Committee approve the minutes of the meeting held on October 10th, 2018.

“Carried”

4. The Clerk/Treasurer presented a Health and Safety/Due Diligence information session for Committee. The session provided information to Committee on the current status of the Township, the plans to move forward and the legislative bodies that impose the requirements. It was noted that the presentation should be provided to the Fire Committee as well as the Fire Meeting in January.

Upon consideration the Committee made the following recommendation to Council:

Moved by Robert Dick, seconded by Michael Donohue

WHEREAS the Clerk/Treasurer deemed it expedient to provide legislative information to Committee in relation to Health and Safety and requirements of employees and employers;

NOW THEREFORE BE IT RESOLVED that the Township of Admaston/Bromley Protective Services Committee accept the health and safety information as information.

“Carried”

5. The Clerk/Treasurer presented the report to Committee in relation to the expansion/re-development of the Douglas Fire Hall. The Clerk/Treasurer noted that there was ICIP COVID-19 funding available up to \$100,000 to begin the process of architect/engineering work on the Fire Hall design. The Fire Chief noted that Killaloe, Hagarty and Richards has recently gone through this process and recommended the Township reaching out to them for information. The Committee reviewed the parcels of land the Township owns in the current location.

Upon consideration the Committee made the following recommendation to Council:

Moved by Michael Donohue, seconded by Robert Dick

BE IT RESOLVED that the Township of Admaston/Bromley Protective Services Committee recommend to Council the application to ICIP-COVID 19 Resilience Infrastructure Stream for the re-development of the Douglas Fire Hall.

“Carried”

6. Next Meeting was noted to be at the call of the Chair.

7. Adjournment

Moved by Robert Dick, seconded by Michael Donohue

Be it resolved that the Protective Services Committee adjourn at 3:50 p.m.

“Carried”

Chair

Clerk



Protective Services Committee

March 3rd, 2021

7:00 pm

Review of Current Practices of Health and Safety/HR Files

- Lack of documentation/training records in employee files
- Health and Safety Committee for Fire Services (over 20 employees)
- Monthly Workplace Inspections
- Committees internal responsibilities

How are we working on becoming compliant?

- Health and Safety Boards have been updated with legislative required documents
- Safety Data Sheets (SDS) have been compiled and a yellow binder is in the kitchen for all products in the Township office
- Reminders have been set to retrieve abstracts on an annual basis and to follow up with employees on renewal date of driver's licenses
- The 2021 budget is inclusive of monies for H&S monthly workplace inspections
- Level 1 and Level 2 certification will be taken by another employee in the Township
- 2021 budget includes training for CPR/First Aid, Working at Heights and other training for employees
- All Administrative, Public Works and Environment staff have completed:
 - WHMIS 2015
 - Accessibility Training
 - Ministry of Labour Worker/Supervisor Awareness Training
 - Current driver's Licenses are on file
 - Current driver abstracts are on file
 - Two(2) employees completed CPR/First Aid training in fall 2020

WHY IS THIS IMPORTANT FOR COUNCIL TO KNOW?

Health and Safety – Who is Responsible?

EVERYONE!

IRS and OHS
Dr. Peter Strahlendorf

“The internal responsibility system, or IRS, is a system in which every individual is responsible for health and safety. It can be thought of as an organizational chart, with a clear set of statements about responsibility and authority for health and safety for each person within an organization -- no exceptions” .



Authority and responsibility for H&S is delegated downwards.
Accountability for H&S flows upwards.

Real Life Scenario (Example)

- A silo is fully engulfed and there is a subcontractor hired by the Fire Department to use dynamite to take down the silo.
- During the process the subcontractor requests that the Fire Personnel handle the dynamite
- Somethings goes severely wrong and two members of the fire service along with a by-stander are killed in the explosion.

NOW WHAT?

What is the process for the Fire Committee?

- Who is the Worker Member and Management Member of the H&S Committee? What is their responsibilities?
 - Call Ministry of Labour to report the incident
 - Mark off the scene and do not let anyone other than MOL and Emergency Services into the scene
 - The Health and Safety certified members will take pictures and make notes of the situation

Ministry of Labour arrives on scene.....they ask the following:

- Who is the certified members of the H&S Committee?
- Where are the Health and Safety Policies? Have they been reviewed in the last year?
- Provide the agendas and minutes from the last year from the H&S committee.
- Provide training records for fire personnel to handle dynamite.
- Provide MOL worker awareness/supervisor awareness training certificates.
- Documentation on the Fire Suits to provide proof of non-expiry or proper condition for a hot zone.

The List could be infinite.....

OPP ask for the following:

- Who was the Supervisor/Incident Command?
- Provide all their training records.
- Where is the insurance certificate for the subcontractor?
- Current licenses of the subcontractor to perform the work required.
- Training records/personnel files for the fire members, fire committee and Council

Again, the list could be infinite.....

How does the Committee feel about providing this documentation?

- Who would be the contact person responsible for providing the documentation to the MOL and OPP?
- Will there be enough to ensure due diligence has been completed by the Committee?

Worst Case Scenario.....

Fines, Jail Time, and Worse for Those Who Fail to Fulfill Their Duties

- In 2018, 907 convictions occurred under the OHSA, resulting in \$12.6 million dollars in fines. Ministry of Labour Inspectors can show up to your workplace at any time. If they notice any contraventions of the OHSA, they can fine the offender \$250 to \$650 on the spot. More serious contraventions of the OHSA will be sent to court, where the consequences can be much steeper:
 - *A fine of up to \$100,000 for an individual person and/or up to 12 months imprisonment*
 - *A fine of up to \$1,500,000 for a corporation*
- In May 2019, the owner of an Ontario Roofing company was sentenced to 7 days in jail after his fourth conviction under the OHSA. No injuries were involved. However, he repeatedly failed to fulfill his duties as an employer under the OHSA.
- Supervisors can also be personally prosecuted for contraventions of the OHSA. In June 2019, a supervisor was fined \$5,000 after three workers received burns from an arc flash while working for an electrical company. In addition, the employer was ordered to pay \$55,000 as a result of the conviction.
- While supervisors and employers can face jail time and large fines, workers pay the consequences with their wellbeing. They can end up injured or dead. In 2018, 218 people died from work-related injuries or illnesses in Ontario.

Moving Forward.....

- How does the Committee feel about the information provided?
- Council will need to review the information and make a decision on the Committee and it's existence into the future with the increasing liability and legislation on the Township.
- Training, training, training.....

(1) WHMIS

Ontario's WHMIS legislation

In Ontario, WHMIS requirements are in:

1. The Occupational Health and Safety Act (OHSA) generally requires employers to ensure hazardous products are identified, to obtain safety data sheets and make them available in the workplace and to provide instruction and training to workers. The OHSA also provides for the protection of confidential business information according to procedures set out in the federal HMIRA.
2. The Workplace Hazardous Materials Information System Regulation (R.R.O. 1990, Regulation 860) sets out in detail the employer's duties respecting labels and safety data sheets for hazardous products and prescribes the content and delivery of worker education programs. The regulation also sets out the types of confidential business information the employer may withhold from a label or safety data sheet.

Ontario's WHMIS legislation applies to all workplaces covered by the *Occupational Health and Safety Act*, with the exception of farms.

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM REGULATION 860

WORKER EDUCATION

6. (1) An employer shall ensure that a worker who works with or who may be exposed in the course of his or her work to a hazardous product received from a supplier is informed about all hazard information the employer receives from the supplier concerning the hazardous product and all further hazard information of which the employer is or ought to be aware concerning its use, storage and handling. R.R.O. 1990, Reg. 860, s. 6 (1); O. Reg. 168/16, s. 2 (1), 6.

(2) An employer who produces a hazardous product in a workplace shall ensure that every worker who works with or who may be exposed in the course of his or her work to the hazardous product is informed about all hazard information of which the employer is or ought to be aware concerning the hazardous product and its use, storage and handling. R.R.O. 1990, Reg. 860, s. 6 (2); O. Reg. 168/16, s. 2 (1), 6.

7. (1) An employer shall ensure that every worker who works with or who may be exposed in the course of his or her work to a hazardous product is instructed in,

- (a) the contents required on labels and the purpose and significance of the information contained on the labels;
- (b) the contents required on a safety data sheet and the purpose and significance of the information contained on a safety data sheet;
- (c) procedures for the safe use, storage, handling and disposal of a hazardous product;
- (d) procedures for the safe use, storage, handling and disposal of a hazardous product when it is contained or transferred in,
 - (i) a pipe,
 - (ii) a piping system including valves,
 - (iii) a process vessel,
 - (iv) a reaction vessel, or
 - (v) a tank car, a tank truck, an ore car, a conveyor belt or a similar conveyance;
- (e) procedures to be followed when fugitive emissions are present; and
- (f) procedures to be followed in case of an emergency involving a hazardous product. R.R.O. 1990, Reg. 860, s. 7 (1); O. Reg. 168/16, s. 2 (1, 3), 7; O. Reg. 458/18, s. 2.

(2) Accessibility Training

AODA Training Requirements: Who Needs It and Why?

In 2005, the Ontario Public Service passed The Accessibility for Ontarians with Disabilities Act (AODA), making AODA training required for all employers and workers in Ontario.

This Act made Ontario the first province to take action to increase accessibility for people who live with disabilities. For over 10 years, AODA training has been required in Ontario. However, some employers and workers are still unfamiliar with the terms accessibility and disability. Furthermore, many organizations fail to provide AODA training to their workers and/or volunteers.

When organizations fail to provide accessibility and disability training they violate the Act. Organizations also fail their workers by not giving them the knowledge on how to properly interact with disabled individuals. AODA training provides organizations and workers with the knowledge of the AODA and the Human Rights Code; in addition, workers will learn how to interact with people with various types of disabilities.

What are the AODA Training Requirements?

Training content must cover:

- Workplace-specific training that relates to responsibilities in any of the following areas of the accessibility standards:
 - Employment
 - Information and communications
 - Transportation
 - Design of public spaces
 - Customer service
- The Ontario Human Rights Code (relating to accessibility and disability)
- Accessibility policy

Why do we Need AODA Training?

AODA training gives employees the basic knowledge about accessibility, and how it influences people with disabilities. We often think of disabilities as either physical or visible. However, AODA includes all disabilities: physical, visible, and non-visible disabilities, such as learning and mental health disabilities.

Employees who take AODA-specific training on customer service learn how to provide excellent customer service to people of all abilities. For example, when interacting with an individual with vision impairment always identify yourself when you approach them. Also speak directly to them, not their service animal or guide. If you need to leave, let the person know. Whereas, if an individual has a mobility disability, you don't necessarily have to identify yourself, but you should never touch their equipment without permission.

Who Needs AODA Training?

AODA training is required if you:

- Are a paid worker
- Volunteer
- Are an existing or new worker
- Provide goods, services, or facilities on behalf of your organization
- Develop an organization's policies (e.g., board member)
- Make changes to your organization's accessibility policies
- Are an existing worker and start a new position

(3) Ministry of Labour – Worker/Supervisor Awareness Training

In 2010, the Minister of Labour appointed an Expert Advisory Panel on Occupational Health and Safety, chaired by Tony Dean, to conduct a review of Ontario's occupational health and safety system. The Panel was asked to recommend structural, operational and policy improvements. Panel members included health and safety experts representing labour, employers and academics.

The establishment of mandatory requirements for basic occupational health and safety training programs for workers and supervisors fulfils two key recommendations of the Panel.

The regulatory requirements apply to all workplaces covered under the Occupational Health and Safety Act (OHSA), regardless of sector. All employers must ensure workers and supervisors complete, or have completed, an awareness training program that meets the regulatory requirements. This is mandatory whether they work on a construction project, in a retail store or factory, hospital or long-term care facility, mine or mining plant, or farming operation, etc.

These awareness training programs will increase workers' and supervisors' knowledge of basic rights and responsibilities under the OHSA and heighten awareness of basic workplace health and safety issues. They will support the Internal Responsibility System, which is based on the principle that workplace parties themselves are in the best position to identify health and safety problems and develop solutions. Employers, supervisors and workers share in the responsibility for occupational health and safety – and their roles and responsibilities are an important component of these awareness training programs.

Basic awareness training also supports the health and safety of vulnerable workers – those who are considered to have “greater exposure than most workers to conditions hazardous to health or safety and who lack the power to alter those conditions”. This can include:

- young workers
- recent immigrants
- older workers
- workers new to their jobs or in new firms

However, the awareness training does not, in any way, replace other specific workplace health and safety training required under the OHSA and its regulations.

(4) Driver's License/Abstracts

Below are the required and recommended items associated with a Ministry of Transportation facility audit to be kept in an operator's drivers' files for each person

who is authorized to drive. Some of the items listed are scored as part of a facility audit:

Required Documents

- A CVOR Driver's Abstract obtained within the preceding 12 months of the audit
- A record of all convictions and/or administrative penalties for provincial and federal legislation that have taken place in the last 24 months
- Record of all collisions involving any commercial motor vehicles and a record of any action taken by the carrier to demonstrate that they have responded to the incident
- Records that confirm the completion of dangerous goods training, if applicable

The operator uses this information, as well as training and testing, to decide whether or not the driver is fit to drive. All drivers, full time or part time, and any employees who may drive, should be included. Drivers hired from a pool must also be included. The operator should ensure that similar records are kept by the agency providing the drivers.

In addition, an operator should consider including the following documents as part of its driver files:

- Completed application form
- Record of three-year employment history
- Record of all collisions involving any motor vehicle
- Record of all training completed
- Copy of current medical certificate (indirect information may be acceptable, such as a copy of the driver's abstract or drivers licence)

(5) Chainsaw Training

Although, Chainsaw training is not mandated the employer must be compliant with the Occupational Health and Safety Act, section 25 (2)(c):

Duties of employers

25 (1) An employer shall ensure that,

- (a) the equipment, materials and protective devices as prescribed are provided;
- (b) the equipment, materials and protective devices provided by the employer are maintained in good condition;
- (c) the measures and procedures prescribed are carried out in the workplace;
- (d) the equipment, materials and protective devices provided by the employer are used as prescribed; and
- (e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,

- (i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,
- (ii) in accordance with such other requirements as may be prescribed, or
- (iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply. R.S.O. 1990, c. O.1, s. 25 (1); 2011, c. 11, s. 9.

Idem

- (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;
 - (b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;
 - (c) when appointing a supervisor, appoint a competent person;
 - (d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
 - (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
 - (f) only employ in or about a workplace a person over such age as may be prescribed;
 - (g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
 - (h) take every precaution reasonable in the circumstances for the protection of a worker;
 - (i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
 - (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
 - (k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
 - (l) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and

- (m) advise workers of the results of a report referred to in clause (l) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety;
- (n) notify a Director if a committee or a health and safety representative, if any, has identified potential structural inadequacies of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, as a source of danger or hazard to workers. R.S.O. 1990, c. O.1, s. 25 (2); 2017, c. 34, Sched. 30, s. 1 (1).

(6) Health and Safety Committee

Which workplaces must have joint health and safety committees?

No. of Workers	Legislative requirement
1 to 5	You are not required to have a JHSC or a health and safety representative unless a regulation applies to your workplace.
6 to 19	You are required to have one health and safety representative who is selected by the workers. If a designated substance regulation applies to your workplace, you are required to have a JHSC.
20 to 49	You are required to have a JHSC. The committee must have at least two (2) members.
50 plus	You are required to have a JHSC. The committee must have at least four (4) members.

How many members must a joint health and safety committee have?

In workplaces in which fewer than 50 workers are regularly employed, the Act requires the committee to have a minimum of two (2) members [clause 9(6)(a)]. Where there are 50 or more workers regularly employed, the committee must have at least four (4) members or any other number prescribed in regulation [clause 9(6)(b)]. At least half the members must be workers employed at the workplace who do not exercise managerial functions [subsection 9(7)]. The employer or constructor is required to select the remaining members from persons who exercise managerial functions for the employer/constructor [subsection 9(9)].

Who is considered “regularly employed” for the purpose of determining whether a joint health and safety committee is required at a workplace?

Although this is a fact-specific determination which may vary by workplace, the Ministry typically considers a worker who is filling a position at the client’s workplace as “regularly employed” if the position exceeds (or is expected to exceed) three months.

There may be situations where there is a high turnover of staff in a particular position, with each person working in it for less than three months. If the term of the position exceeds three months, the Ministry recommends that the position should be included in the “regularly employed” count when determining whether a health and safety representative or joint health and safety committee is required, even though no single worker may have occupied that position for more than three months.

Do committee members need special training or certification?

Unless otherwise prescribed in regulation, the Act requires that at least two members of the committee (one representing workers and one representing persons who exercise managerial functions) be certified. Until April 1, 2012 the Workplace Safety and Insurance Board was authorized to certify committee members under the [Workplace Safety and Insurance Act, 1997](#) (WSIA). As of April 1, 2012, the Ministry of Labour, Training and Skills Development’s Chief Prevention Officer has been authorized to certify members under the [Occupational Health and Safety Act](#) (OHSA) [clause 7.6(1)(b)]. Any person who was certified under the WSIA before April 1, 2012 is deemed to be certified under the OHSA.