

Schedule of Activities - Weekly Learning Planner

Week 1 - May 7th, 2013

- ✓ Introductions
- ✓ Video

Week 2 - May 14, 2013

- ✓ Chapter 1 - Introduction to Occupational Health & Safety
- ✓ Chapter 2 - Legislative Framework
- ✓ Video

Week 3 - May 21st, 2013

- ✓ Chapter 3 - Workers' Compensation
- ✓ Video
- ✓ Review for Test #1

Week 4 - May 28th, 2013

- ✓ Test # 1 on Chapters 1, 2 & 3 - Valued at 30%
- ✓ Class Debate & Discussion on Part 1 Materials - Valued at 5%

Week 5 - June 4th, 2013

- ✓ Take Up Test # 1
- ✓ Chapter 4 - Chemical & Biological Agents
- ✓ Video

Week 6 - June 11th, 2013

- ✓ Chapter 5 - Physical Agents
- ✓ Video

Week 7 - June 18th, 2013

- ✓ Chapter 6 - Psychosocial Hazards
- ✓ Video
- ✓ Review for Test # 2

Week 8 - June 25th, 2013

- ✓ Reading Week

Week 9 - July 2nd, 2013

- ✓ Test # 2 on Chapters 4, 5 & 6 - Valued at 30%
- ✓ Class Debate & Discussion on Part 2 Materials - Valued at 5%

Week 10 - July 9th, 2013

- ✓ Take Up Test # 2
- ✓ Chapter 7 - Hazard Recognition & Assessment
- ✓ Video

Week 11 - July 16th, 2013

- ✓ Chapter 8 - Hazard Control
- ✓ Video

Week 12 - July 23rd, 2013

- ✓ Chapter 9 - Accident Investigation
- ✓ Video
- ✓ Review for Final Test #3

Week 13 - July 30th, 2013

- ✓ Review for Final Test #3
- ✓ Video

Week 14 - August 6th, 2013

- ✓ Review for Final Test #3
- ✓ Video

Week 15 - August 13th, 2013

- ✓ Final Test # 3 on Chapters 7, 8 & 9 - Valued at 30%

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HURM-1001-UG- OH&S
MOHS - CHAPTER 1 - INTRODUCTION

DEFINITIONS:

OCCUPATIONAL HEALTH & SAFETY, OH&S - The identification, evaluation & control of hazards associated with the workplace or work environment.
i.e. chemical, biological, physical agents & psychological & psychosocial disorders like stress.

OCCUPATIONAL INJURY - Any cut, fracture, sprain or amputation resulting from a workplace accident.

OCCUPATIONAL ILLNESS - Any abnormal condition or disorder caused by exposure to environmental factors associated with employment.

OH&S Issues Affect The 'Players':

- Employers
- The Company
- Employees
- Es Families
- Insurance Contributors
- Compensation Contributors
- The Government(s)
- The Public(s)

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HISTORICAL DEVELOPMENT OF MODERN OH&S:

Occupational Injuries have developed from ancient times through the Industrial Revolution through Modern Days.

Since the late 1800's, Ontario established Safety Standards Legislation mandating guards on heavy machinery. Quebec followed & soon the other Provinces had similar legal requirements.

By the early 20th Century, all Provinces in Canada had laws that regulated factories:

1. Heating
2. Lighting
3. Ventilation
4. Hygiene
5. Fire safety
6. Accident Reporting

Factory Inspectors were charged with enforcing Provincial Standards & to conduct workplace inspections routinely.

The Royal Commission on the Relations of Capital and Labour in Canada, influenced the early development of OH&S Legislation:

1. Recommended OH&S improvements through mandatory Standards & regular Inspections
2. Recommended Victim Compensation regardless of accident fault
3. Recommended that a Labour Bureau be established to oversee these activities.

Through the 1960s & '70s, OH&S grew in the consciousness of Canada & in Canadians. The Canada Labour Standard Code and the Canada Labour Safety Code were developed.

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MOHS - CHAPTER 1 - INTRODUCTION

In 1974, the Ontario Government, chaired by Dr. James Ham, set up the Royal Commission on the Health & Safety of Workers in Mines. It established 3 fundamental Workers' Rights:

1. The right to refuse dangerous work without penalty
2. The right to participate in identifying & correcting OH&S problems
3. The right to know about workplace hazards

In 1988, Legislation was passed to create the Workplace Hazardous Materials Information System, WHMIS, in every Province & with the support of the Federal Government, based on every worker's fundamental right to know about potential hazards in the workplace.

CHANGING PERSPECTIVES ON RISK & LIABILITY:

Until the start of the 20th Century, the dominant model of dealing with OH&S and workplace hazards relied on the legal doctrine of The Assumption of Risk.

That meant that when a worker accepted a job he also accepted all of the risks normally associated with that job.

So, employers relieved themselves of the risks of responsibility for the occurrences of workplace accidents, in particular & for OH&S, in general.

Thus, employers were not liable to pay compensation to injured workers...unless the accident was solely the employer's fault.

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MOHS - CHAPTER 1 - INTRODUCTION

Given that workplace accidents are seldom the result of one single cause, which blame could be attributed to the employer, it's not surprising that compensation payouts to injured workers were few & far between.

AND...

Coupled with the Doctrine of the Assumption of Risk by the Worker was the general belief, by Industry & Government, that most workplace injuries were caused by worker's carelessness & The Worker's Propensity to be 'Accident Prone'.

In fact, the term The Accident-Prone Personality was coined & provided the stimulus for much 'scientific' research on the subject for most of the 19th Century---and the Industrial Employers paid for the research, so inevitably the results were preconceived & predetermined to favour the status quo.

Of course this assertion is silly & can't be supported by empirical evidence since workers in dangerous occupations /workplaces don't tend to have more accidents than workers in more benign environments.

The efforts of some of the Players made in OH&S in the 20th Century debunked this notion as a misguided myth: The Unions & Organized Labour made great strides.

THE IMPORTANCE OF HEALTH & SAFETY:

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We---Employers, Employees & the Publics--- all win with effective & efficient OH&S Programmes for Economic, Legal & Moral Reasons:

ECONOMIC CONSIDERATIONS:

In Canada, a workplace injury happens every 9 seconds.

This translates into 15 Million lost workdays annually.

OH&S Compensation payouts is over \$4 Billion yearly in Direct Costs.
And the Economic Council of Canada, ECC, estimate that Indirect Costs can range from \$8 to 40 Billion!!!!

The wide range in these estimates is due primarily because workplace accidents are not always reported (10% are & 90% are not)
Nor are they well reported in the first place (25% may be under-reported).

Secondly, of those accidents that are reported they don't seem to be reported comprehensive enough to include for the fullest extent of injuries and deaths that might be connected to a former workplace injury.

Indirect Costs of Workplace Injuries to Industrial Employers:

- Violations/infractions of the OH&S Code
- Labour Disputes with Unions
- Negative publicity & Public Relations
- Increases in Workers' Compensation Rates born by Employers
- Etc.

LEGAL CONSIDERATIONS:

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Under the Ontario OH&S Act, every worker has the right to safe working conditions.

The Act, under S 25(2)(h) requires an employer to take every precaution reasonable in the circumstance for the protection of a worker. This is called Due Diligence.

Due Diligence means taking prudent steps that the Ordinary Joe & Josephine might be expected to take when taking proper care.

It's a Standard of Conduct measured by what could be expected of a reasonable person in the same circumstances.

But, there's no absolute standard, it's relative to the situation.
Thus, it's subject to debate...often determined through litigation.

But, Due Diligence as a Standard of Care requires a Firm to foresee all unsafe conditions or acts & requires the Plant to take precautions to prevent accidents that can be 'reasonably anticipated'.

MORAL CONSIDERATIONS:

Research suggests strongly that a company's commitment to OH&S results in higher levels of employee motivation:

- To Bond In Loyalty With The Firm
- To Work Safer
- To Work Smarter
- To Work Harder

THE STAKEHOLDERS:

THE ROLE OF GOVERNMENT (S):

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Ontario was the 1st province in Canada to enact OH&S Legislation in 1914 with the Ontario Workmen's Compensation Act.

The Act allowed for injured workers to receive compensation for workplace injuries---and, thereafter---they had no right to sue their employers.

After WW1, the Feds and other Provincial Governments enacted similar OH&S laws:

1. To ensure that injured workers got compensation & employers accepted liability, and
2. To prevent accidents & illness through safer working conditions

Stats Can. 1994, offers proof of the positive effects of diligent efforts made in the field of OH&S is the fact that between 1985 & 1993, workplace accidents fell from about 550,000 to 425,000, despite the increase in the size of the workforce by 2 Million workers!

THE EMPLOYERS:

The Firm's role is central & it's contribution pivotal as Managers have the financial means and corporate-legal authority to effect controls for safety in the private workplace.

Yes, but---does the Company have the Will???

Employers are Required to:

- Draft Written OH&S Policies
- Display The Policy Prominently
- Provide & Maintain Materials & Equipment & Protective Devices

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- Ensure Safe Working Conditions
- Eliminate Risks
- Remove Or Contain Hazards
- Monitor The Plant
- Report All Accidents, Minor & Major
- Record-Keep These Historical Activities For Many Years
- Provide Workers With OH&S Training & Education & Information
- Etc.

THE EMPLOYEES - As an Individual Worker & as part of the Workers' Collective:

THE INDIVIDUAL WORKER must:

- Perform His Work Safely & With Proper Care
- Wear Protective Equipment
- Comply With Company OH&S Policies
- Comply With Legislative Policies
- Report Defective Equipment
- Not Lose Sight Of His Right To Refuse To Work If The Particular Activity Will Endanger Him Or Others
- Etc.

THE ORGANIZED LABOUR FORCE should:

- Ensure That The Firm Ensures OH&S At The Plant
- Lobby Government & Other Players About OH&S Problems

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- Use The Collective Bargaining Process To Include Improved OH&S Arrangements In Union Contracts
- Educate & Inform Individual Workers & The Publics About OH&S Issues
- Etc.

THE PARTNERSHIPS:

Coalescing commitment to implement OH&S Programmes among Stakeholders as Players who support the idea of safe working conditions is the real challenge.

Employers are the single biggest obstacles to effective implementation due singularly to economic barriers: How? By being:

- ❖ More Concerned With Production Quotas Than Safety Records
- ❖ Staging A Cleanup Just In Time To Pass Inspection
- ❖ Untrained & Unable To Identify Problems Thus Being Unable To Effect Safety Solutions

OCCUPATIONAL HEALTH & SAFETY PROFESSIONALS:

OH&S Professionals are trained to develop effective & efficient OH&S Programmes thus affording economic benefits firstly to the Firm & by association to the Worker & his Family & the Other Players both inside & outside of the Industry.

And, Here We Are Now, Together...
Practicing to become HR Professionals
Gaining insight into Occupational Health & Safety Matters.
And, OH&S Matters!!!

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MOHS - Chapter 2: LEGISLATIVE FRAMEWORK

DEFINITIONS:

ACT - A federal, provincial or territorial law that constitutes the basic regulatory mechanism for OH&S.

REGULATIONS - Regs explain how the general intent of the Act will be applied in specific circumstances

GUIDELINES & POLICIES - They're more specific rules, but aren't legally enforceable unless they're referred to in a Regulation or Act.

STANDARDS & CODES - They're design-related guides established by agencies such as the Canadian Standards Association, CSA, or the American National Standards Institute, ANSI.

PRESCRIBED DUTIES - They may include an employer's responsibility to establish OH&S services, written procedures that must be done to legal requirements imposed by Statutes, Rules, Regs, Directions, etc.

SUPERVISORS - A Supervisor is a person, with or without a formal title, who's in charge of a workplace & with authority over workers. It includes authority to promote or to recommend promotion, to discipline, to schedule, to assign work.

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MOHS - Chapter 2: LEGISLATIVE FRAMEWORK

DANGEROUS CIRCUMSTANCES - The Ontario OH&S Act defines Dangerous Circumstance as follows:

1. A provision of the Act or Regulation that's being contravened, and
2. The Contravention presents a danger/hazard to a worker, and
3. The danger/hazard is such that any delay in controlling it may seriously endanger a worker

THE SCOPE OF OH&S LEGISLATION:

OH&S Legislation has different Rules based on geography & jurisdiction but all of them, to varying & lesser degrees are designed to protect the rights of workers.

The Statutes provide the legal foundation, the law.

The Regulations under the Statutes establish the framework within which the employer will conduct business in order to comply with the law.

ALL CANADIAN OH&S LEGISLATION includes:

1. The Act
2. The Powers Of Enforcement
3. The Right Of Workers To Refuse To Do Unsafe Work
4. Protection Of Workers From Reprisals By Employer
5. Duties & Responsibilities Assigned To Employers & Other Players

IN ONTARIO, OH&S POLICY EMBRACES 4 BASIC PRINCIPLES:

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1. Workplace self-reliance should be encouraged/enhanced
2. Strong partnerships should be forged between the Players, cooperatively
3. The 'Best Practices' of OH&S must be encouraged, and
4. Effective enforcement methods/mechanism must be established

The concept embodied in the term 'Ensure' is taken to mean the strongest/strictest responsibility possible...short of a guarantee.

DUTIES & RESPONSIBILITIES OF THE MAJOR PLAYERS:

The Statutory Laws describe & outline these Duties & Responsibilities of the Major Players, including:

- Employers
- Owners
- Contractors
- Supervisors
- Workers
- Joint OH&S Representatives
- Joint OH&S Committees
- Et al.

DUTIES OF EMPLOYERS, OWNERS & CONTRACTORS include providing:

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1. A Safe Work Environment
2. Supervision
3. Education
4. Training
5. Written Instructions
6. Assistance To Joint OH&S Committees
7. Compliance With Statutes & Regs
8. Proper & Well-Maintained Equipment
9. Information About Possible Workplace Hazards
10. A Place To Post The OH&S Act In The Plant
11. Preparing & Maintaining A Company OH&S Policy
12. Reviewing The Firm's OH&S Policy At Least Annually

DUTIES OF CONSTRUCTORS/PRIMARY CONTRACTORS include:

Providing Notice to Municipal/Other Authorities about:

1. The Project, and
2. Dangerous materials & substances on site

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DUTIES OF SUPERVISORS include:

Ensuring that:

1. Workers Comply With The OH&S Act & Policies
2. Workers Wear Protective Gear
3. Workers Are Advised Of Possible Workplace Hazards
4. Written Instructions
5. Every Reasonable Precaution To Protect Workers Under His Charge

DUTIES OF WORKERS include:

1. Complying With OH&S Act & Policies
2. Properly Using Protective Gear
3. Reporting Workplace Hazards
4. Reporting Defective Equipment
5. Reporting Any Violations Of The OH&S Act Or Policies
6. Not Sabotaging Safety Devices
7. Not Using Hazardous Items Unsafely
8. Not Engaging In Rough Or Boisterous Conduct/Activities At Work

DUTIES OF JOINT HEALTH & SAFETY COMMITTEES include:

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1. Providing A Non-Adversarial Atmosphere Conducive To Management & Labour Working Together Cooperatively
2. At Least Equal, If Not Better Than Equal Representation Of The Non-Management Workers On Such Committees
3. Providing OH&S Trained & Certified Reps
4. Participation In Plant Inspections
5. Confirmation Of Legitimate Work Refusals
6. Contributing To The Decisions Of Bilateral Work Stoppages
7. Investigating Accidents
8. Attendance At Plant Hygiene Testing
9. Responding To Workers' Concerns

WORK REFUSALS:

All workers have the right to refuse unsafe work without fear of Company reprisals.

But, a worker doesn't have the right to refuse unsafe work if that work is a normal condition of employment, or, if by the worker's refusal to do the work that refusal puts another worker's life in jeopardy.

Certain classes of workers have a Limited Right of Refusal to do unsafe work---Police, Firefighters, Teachers, health-Care Workers, etc.

Once the worker advises the Supervisor of the suspected work hazard on which is his reason for effecting the work refusal, the Supervisor conducts an investigation with the worker's rep---the Union, Joint OH&S Member, or Coworker. The result is a return to work or a continued refusal.

If the refusal to work is upheld under the Supervisor's investigation then a Government inspector investigates & makes a written report of his findings.

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Meanwhile, another worker can't be assigned by the Firm to do the work, and, the refusing worker can't be sent home but must be reassigned.

STOP WORK PROVISIONS:

There are 2 Types of Stop Work Provisos: Bilateral & Unilateral

1. Members of a Joint OH&S Committee make Bilateral Decisions jointly, or
2. The Government-appointed adjudicator or the Certified worker-member of the Joint OH&S Committee makes Unilateral Decisions

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM, WHMIS:

Emergent through the 1980s is the concept of the worker's right to know about chemical hazards in the workplace & by extended association, in the neighbourhood community of public citizens.

The Federal WHMIS Legislation Is Based On 3 Elements:

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1. Labels designed to alert the worker that the container contains a potentially hazardous product
2. Material Safety Data Sheets, MSDS, outlining a product's potentially hazardous ingredient(s) & procedures for safe handling of the product, and
3. Employee Training

The Ontario WHMIS Legislation Goes Further By Adding 3 Additional Elements:

1. Hazardous Materials Inventory Requirement
2. Physical Agents (E.G. - Noise), and
3. The Public's Right To Know

LABELS:

Controlled Substances need to be labeled. There are 2 kinds of WHMIS Labels:

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1. Supplier Labels, or
2. Workplace Labels

SUPPLIER LABELS:

It's attached to the original container when it's delivered to the workplace
All have Black & White Borders & All are written in both English & French:

1. Product Identifier - Brand name & code number, chemical name, generic name & trade name
2. Supplier Identifier - The name of the manufacturer or supplier
3. A statement - That the Material Safety Data Sheet is to be referred to for more information
4. Hazard Symbol(s) - Corresponding to the class & division that allocated the product as a controlled substance
5. Risk Phrases - Corresponding to the class & division to which the product is allocated
6. Precautionary Measures - To be followed when handling or using the controlled product
7. First-Aid Measures - To be taken in the event of an exposure to a controlled product

WORKPLACE LABELS:

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MOHS - Chapter 2: LEGISLATIVE FRAMEWORK

When the product is removed from its original container to be used or distributed or stored at the workplace, it must be re-labeled as follows:

1. Product Identifier
2. Safe-Handling Instructions, and
3. The Location of the Material Safety Data Sheet

MATERIAL SAFETY DATA SHEETS, MSDS:

Its purpose is to identify potentially harmful ingredients in products that the worker may be handling.

It gives facts about the nature of the harmful ingredients & advice on proper use & disposal of the product.

The Hazardous Products Act Details 9 Requirements For The Contents Of A MSDS:

1. Product Information - The name, address, phone number of supplier/manufacturer & the product identifier & use
2. A list of the hazardous ingredients & their concentrations including, the Chemical Abstract Number Threshold Limit Values, TLV, of maximum allowable concentration levels & the lethal-dose range & routes of entry
3. Physical Data - Its appearance, colour, odour, density, boiling point, corrosiveness, etc

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4. Flammability - Fire & Explosion Information
5. Reactivity Information - How the substance reacts with other substances, chemicals, materials and decomposition by fire/burning
6. Toxicological Data - Due to chronic or acute exposure
7. Preventative Measures - While dealing with & using the product like protective gear, ventilation, storage, handling & waste disposal
8. First-Aid Measures - How to handle treatment for exposure to the hazardous material
9. Preparation Information - Who prepared the MSDS Document, contact's name, & phone number and when, the issue date of the MSDS

Every manufacturer/supplier must prepare
And, keep currently updated within 3 years
a MSDS for each product supplied to the workplace.

The buyer--- before product delivery--- must receive the MSDS Information Sheet(s).

The Federal Government under the Controlled Products Act regulates
Manufacturer/Suppliers.

Employers as End-users are controlled by Provincial Acts.

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And, if the Employer is also the Manufacturer/Supplier of its own research products not intended for re-sale, then the employer is responsible for documenting the MSDS.

TRAINING

The problem with Training is Education...

Education in WHMIS is the process of getting information through systematic instruction.

Training, on the other hand, is getting the worker to a point of proficiency by instruction & practice. In plain English, the worker may know what to do but not what it means.

Education is the pursuit of knowledge & knowing.
Training is the practice of repeated experience...

After WHMIS Training a worker should Understand (Know)...

And Be Able to (Practice):

1. Identifying Hazard Symbols

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MOHS - Chapter 3: WORKERS' COMPENSATION

The Average-Wage Method is the most representative of the worker's weekly earnings. Thus, it seems to be the more equitable approach to determining amounts of compensable benefits.

When work is available & the worker suffers an earnings loss as a result of taking the new job, the payment for continuing disability may be adjusted upward, whether the worker takes the job or not.

Some WCBs also allow for compensation payments for non-economic or functional impairment losses taking into account the worker's age, degree of impairment, number of dependents, etc.

Compensation Comes In 2 Forms:

1. Cash Benefits - Based on the degree of severity of the injury/impairment, and
2. Wage/Earnings Loss - Based on the worker's inability to earn the same amount of money that they earned before the accident due to the impairment

In the event of the worker's death, the spouse may get a pension & children may get an allowance.

Additionally, lump-sum payments & variable expenses may be allowed by some WCBs.

MEDICAL AID & ACCIDENT PREVENTION:

Medical Aid includes:

- Medical Care
- Surgical Care
- Nursing Care

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MOHS - Chapter 3: WORKERS' COMPENSATION

- Hospitalization
- Drugs
- Supplies
- Physical Therapy
- Occupational Therapy
- Provision & Maintenance Of Prostheses

Compensation is available for loss of functional capacity where a worker has now limited ability or dexterity as a result of the accident.

The amount of the compensation will depend, in part, on the degree & extent of the loss of functional capacity.

Employers may form Safety Associations & create rules, with the approval of the WCB & the Lieutenant Governor In Council, for accident prevention that may bind all employers in that industry.

The WCB funds these Employers' Associations from the Accident Fund in the belief that Prevention is a Cheaper form of Insurance than is Compensation.

2 MAIN SOCIAL GOALS OF WORKERS' COMPENSATION:

1. To provide services intended to prevent injuries or reduce the psychological impact of injuries when they do happen, and
2. To provide training & development necessary to prepare an injured worker to return to work

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MOHS - Chapter 3: WORKERS' COMPENSATION

Compensation is a means for society to share the burden & consequences of the worker's accident & to ensure that the worker is restored to work & the community.

The focus is largely on restoring the worker's earning power rather than paying for his injury-related loss(es). It's hardly a reward for injury.

The Social Concept of Workers' Compensation includes:

1. Unlimited Medical Aid
2. Artificial Protheses
3. Second Injury & Enhancement Fund, SIEF, to encourage re-employment
4. Liberal Compensation, and
5. Rehabilitation Maintenance Income

Canada is a world leader in the comprehensiveness & exclusivity of its Compensation Policies & Programmes.

It also ensures that earnings don't prejudice benefits after rehabilitation. Permanently injured workers draw compensation for life & may keep their pensions...even if the combined amounts of pensions & supplements are higher than their wages were before the accident!

This is in stark contrast to Compensation Systems in the USA....

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MOHS - Chapter 3: WORKERS' COMPENSATION

PROVISION FOR SECOND INJURIES:

This Fund is used to facilitate re-employment for the disabled worker.

Regardless of laws against discrimination & even because of them, this Fund helps defuse the fear that an employer may have when faced with the prospect of hiring an already disabled person where another, 2nd injury, could put the employer at a severe level of liability than if the worker hadn't been previously injured.

The Disaster Reserve Fund bears the cost of this unfavorable burden distributed throughout workplaces industry-wide. Thus, employers are relieved of the extra risks associated with hiring workers with disabilities.

3 TYPES OF REHABILITATION - WORKERS' COMPENSATION AT WORK:

1. Vocational Rehabilitation - The Steps Undertaken By WCBs To Help Injured Workers Return To Work
2. Physical Rehabilitation - The Steps Taken To Restore, Fully Or Partially, The Worker's Physical Function

And,

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MOHS - Chapter 3: WORKERS' COMPENSATION

3. Social Rehabilitation - The Psychological & Practical Services That Help Workers With Severe Disabilities Cope With Daily Life

OCCUPATIONAL DISEASES & WORKPLACE STRESS:

The singular, most important issue facing Workers' Compensation today is Occupational Diseases & the degree to which they are work related.

3 TYPES OF STRESS-RELATED DISABILITIES:

1. Physical Injury Or Occupational Disease Leading To A Mental Disability
2. Mental Stress Resulting In A Physical Disability, Traumatic Condition Or Series Of Conditions
3. Mental Stress Resulting In A Mental Condition

HOW ORGANIZATIONS CAN MANAGE DISABILITY:

Strategies for Managing Disabilities include:

1. Creating & running an effective Corporate Culture that values Employees & establishes them as an integral part of the Workforce:
 - 1) Regular Collaborative Communication between Supervisors & Workers
 - 2) Helpful Cooperative Relationships among Coworkers

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MOHS - Chapter 3: WORKERS' COMPENSATION

- 3) Training for New Managers on how to handle personnel issues effectively, including Evaluating Employee Performance
 - 4) Favourable Work Conditions
 - 5) Opportunities for Career Growth &/or Change
 - 6) Clearly defined & flexible Work Roles
 - 7) A willingness on the part of Senior Management to Invest Money up front in order to Save Money (and Lives) in the near & distant future
 - 8) Giving Local Managers Incentives to make Disability Management an important part of their Decision-Making Processes
2. Ensure Senior Management support & cooperation from Staff at all levels
 3. Intervene early & regularly throughout the disability absence.
Contacting Workers sooner than later has 3 Benefits:
 - a) Workers tend to return to work faster
 - b) Workers who return to work tend to stay at work
 - c) Workers generally return to earn a higher wage
 4. Develop Case Management capacities coordinating health & social services so that injuries or disabilities receive care that's appropriate, timely & efficient. The goal of Case Management is to enhance the Injured Worker's quality of life &, if possible, to reduce the costs associated with care
 5. Creating a Modified & Light-Duty Job to allow an Early Return to Work when the Worker can at least perform part or some of his tasks is cost-efficient. It speeds up recovery by giving the worker a practical goal to achieve during his rehabilitation

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MOHS - Chapter 3: WORKERS' COMPENSATION

6. Train Supervisors to encourage & facilitate an Early Return to Work by expanding the role of Supervisors to include assistance for Disabled Workers
7. Create Data Base Systems that include identifying problem areas, creating a baseline for measuring improvements & increasing the efficiency with which compensation absences are tracked

ASSESSMENTS:

Employers are grouped together according to the type of operation or industry in which they work & are assessed on that basis.

The groups are called:

- 1) Industries
- 2) Classes
- 3) Subclasses
- 4) Classifications
- 5) Units
- 6) Sectors

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MOHS - Chapter 3: WORKERS' COMPENSATION

Employers Are Divided Into 3 Broad Categories For Compensation Purposes:

1. Those who contribute to the Accident Fund & benefit from its Collective Liability
2. Those who are Individually Liable for their own employees' accidents
3. Those in certain Low-Risk industries who are Excluded under the various Workers' Compensation Acts which include Provincial & Municipal Governments, some transportation & communication firms within Crown Corporations

EXPERIENCE RATING:

Experience Rating in Workers' Compensation refers to an accident insurance premium-pricing scheme that takes into account the cost of compensation of the individual employer.

The assessment for each firm may be higher or lower than the basic rate for the industry group.

Companies with lower-than-average accident costs per worker will pay lower premiums than firms with higher-than-average accident costs.

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MOHS - Chapter 3: WORKERS' COMPENSATION

Thus, each employer is relieved of individual liability.

And, most Provinces have a Disaster Reserve Fund that is used to further distribute/dilute collective liability in cases of far-reaching industrial catastrophes.

Some large companies, railways, shipping & telegraph companies and public authorities may be individually liable for compensation due to their own liability-compensation schemes but regardless of these material differences, disputes are all determined by the WSIB.

Prior to the 1970s, most provincial WCBs had the combined responsibility for the accident-prevention or OH&S aspects of Workers' Compensation. But the combined role was deemed to be a conflict of interest & these dual functions were split up & divested under a Government Department, usually the Ministry Or Department of Labour. Thus, with the sole exception of British Columbia, the OH&S function is under the auspices of the Ministry of Labour. But, all WCBs cooperate with that branch of Government through shared information.

COMPENSATION RATES & METHODS:

There are 2 Standard Approaches used to Determine Compensation Payment Rates:

1. Payments based on 90% of the Worker's Net Earnings, or
2. Payments based on 75% of the Worker's Average Earnings During the Prior 12 Months

There's also a maximum amount of earnings that can be used to determine the maximum amount of compensation due to a worker that is set out in the Act.

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6. Deciding whether an individual is classified as a worker, a subcontractor or employer since each class has different conditions, and
7. Making benefit payment if a worker is affected by an industrial disease that resulted from his job.

In 1998, under Bill 99, the Workers' Compensation Reform Act was passed & the WCB became the Workplace Safety & Insurance Board, WSIB.

The WSIB now has an expanded mandate that encompasses both the traditional functions of the WCB & an emphasis on Prevention & Promotion of OH&S.

The Workers' Compensation System is one of Compulsory & Collective Liability.

Under Collective Liability, Industries are classified according to Size & End Product. Each employer is assessed, as a percentage rate of its payroll, which is determined by the injury cost of its classification. The total of all these monies is the Accident Fund.

From the Accident Fund, Compensation Payments are made for:

1. Medical Bills
2. Rehabilitation
3. Accident Prevention
4. Administrative Expenses, and
5. Education & Information

Each employer is liable for assessment & contributions to the Fund regardless of the cost of injuries sustained by its workers or not.

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In each Province, the provincial Acts are administered by Workers' Compensation Board, WCB, members charged by appointment under the Lieutenant Governor.

The WCB is Empowered to:

1. Fix & Collect Assessment Money
2. Determine The Worker's Right To Compensation, and
3. Payout Compensation Money

The WCB has Absolute, Exclusive & Ultimate Jurisdiction over these Matters that have no avenue for Appealing Decisions of the Board.

The Regulations & Responsibilities of the WCB include:

1. Making payments to the injured worker while off work & all medical bills paid for if the injury happened at work or because of work
2. Making pension payments to the injured worker if his disability worsens or becomes permanent
3. Making benefit payments to the injured worker if he can't earn the same money at work as he did prior to the injury
4. Making benefit payments to the injured worker's family & dependants if the worker is killed as a result of the job-related injury
5. Classifying employers to ensure consistency

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INTRODUCTION:

Workers' Compensation is a Type of Insurance that is created by Parliamentary Law, under Statute, for the purpose of helping workers, who've been injured on the job, return to work.

Workers' Compensation ensures that the 'injured-on-the-job' worker gets:

1. First-Aid Treatment On Site
2. Benefits While Recovering
3. Proper Treatment For Injuries, And
4. Rehabilitation Services

HISTORICAL ROOTS OF WORKERS' COMPENSATION:

In Western Europe, Workers' Compensation practices originated in Germany.

The notion traversed the Atlantic Ocean and settled in the Nation of Canada, in the Province of Ontario, at the beginning of World War 1 in 1914 under the Ontario Workers' Compensation Act.

ADMINISTRATION & RESPONSIBILITIES:

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CORPORATE LIABILITY:

Corporate Officers may not hide behind the veil of the Corporation for accountability for their Company's contribution, accidental or intentional, to hazardous materials & wastes in the environment. Corporate Liability includes:

1. Fines or Imprisonment
2. Clean-Up Costs, and
3. Stiff Fines for Repeatedly &/or Routinely Failing to Comply with Statutory Regulations and Court Orders & Injunctions

Legal Responsibility now resides uncomfortably & rests uneasily in the Corporate Boardroom.

No longer may Executives --- some morally bankrupt --- hide blindly & falsely... behind the veiled Laws of Incorporation.... without conscientious regard for & Absolute Protection of the Public Good & Ongoing Preservation of our Precious Environment.

The Citizens of Planet Earth ought to be able to count on their Government Judiciaries to enforce Accountability for often Irreparable Ecological Harm Environmental Damages & Global Disasters perpetrated by both Corporations and Nations...

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Problem Situations may complicate already complex jurisdictional demarcations where overlaps appear inevitable. To remedy the administration nightmares common to such matters the Law must tend to both broaden & widen the margins of safety for the Public Interest.

- If a release of a potentially hazardous substance occurs within a building (other than residential) it falls under the jurisdiction of the authority enforcing the health & safety legislation.
- If the release is outside of the building, or if the potentially hazardous substance is released into the sewer, storm system, water, or air, it falls under the jurisdiction of the authority enforcing the environmental legislation.
- Any single occurrence might involve both authorities.

TRANSPORTATION OF DANGEROUS GOODS:

Both Federal & Provincial Laws impact on the transportation of dangerous goods. 'Transportation' is taken to include:

1. Handling
2. Transporting
3. Importing
4. Exporting
5. Shipping Carrying
6. Forwarding
7. Customs Brokerage

The overall concern falls under the concern for the Public Welfare and ensuring Protection of the Public(s) & the Environment(s).

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2. Reading Supplier & Workplace Labels, and
3. Reading & Applying The MSDS Information Details

And, the Programme must be reviewed annually or as product-changes or production/handling processes warrant.

ENVIRONMENTAL LEGISLATION:

OH&S is bound together & overlaps with Environmental Legislation such that there are Environmental Health & Safety Departments in both the public & private sectors.

Chemicals that can harm a worker can also cause damage to the Ecosystem if released into the Environment:

- Environmental Assessment
- Public Health
- Waste Disposal
- Buried Fuel Tanks
- Pesticides Use & Storage
- Etc.
-

Impact Both OH&S & The Environment....

COMPLEXIONS & COMPLICATIONS:

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Thus, cross-subsidization inequities are removed & all firms have an equal incentive to foster safety at their workplaces.

Additionally, rebates are offered to firms for accident-free time periods, whereas firms with a great number of accidents are penalized & get demerit charges on top of their regular assessments.

In Ontario, The WCB Operates 3 Experience-Rating Plan:

1. The Voluntary Experience Rating Plan, VERP - since 1953, the Standard
2. The New Experimental Experience Rating Plan, NEER started in 1984 - it provides refunds or surcharges based on the differences between the firm's actual & expected claims costs, adjusted by a rating factor that varies by the size of the individual company. Thus, very small companies pay or get 10% of the difference while the largest companies get or pay up to 80% of the difference. So for a small company the NEER Plan resembles the traditional collective-liability insurance scheme

And,

3. The Council Amended Draft 7 Plan, CAD-7, also started in 1984

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It applies only to 11 construction industry groups & the Plan operates like the NEER Plan

All of these 3 plans require the entire rate group to participate as a whole, but individual employers within an industry group may opt out only from a VERP.

WORKWELL PROGRAMME:

The Workwell Programme puts a financial burden on Plants that fail to maintain safe & healthy working conditions.

Companies that fail to improve horrid working conditions must pay heavy penalties for their sloth.

Companies that demonstrate good working conditions & practices are rewarded with lump-sum money.

The Workwell Programme Criteria for Praise Or Punishment includes:

1. Confirming Injury Costs
2. Determining Experience Rating
3. Reviewing Orders Under OH&S Acts
4. Acquiring Documentation - Written Proof of the Firm's OH&S Policy
5. Interviewing Management & Workers
6. Site Visiting the Workplace
7. Observing Management & Workers in the Workplace Setting

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It's a Fact: The Workwell Programme Works Well!!

And, it's been proven, year after year, to be Cost-Efficient & People-Effective as Huge Rewards are Calculated:

- 1) Economically & Occupationally, and
- 2) Socially & Politically

And, the majority opinions of all of these Points of View consider the Workwell Programme to be Correct....