

# e2r Alert!

## Occupational Health and Safety – Shifting the Focus to Prevention

On June 1, 2011, Bill 160 received Royal Assent, amending Ontario's *Occupational Health and Safety Act* (the "Act"). Bill 160 arose out of recommendations set out in a December 2010 Ontario Government-appointed Expert Advisory Panel. The Expert Advisory Panel was put together in response to a tragic accident that occurred in Ontario on Christmas Eve, 2009, which resulted in 4 workers losing their lives. The 4 individuals fell to their deaths after scaffolding collapsed at a Toronto highrise apartment where they were performing construction work.

Bill 160 focuses primarily on the prevention of workplace accidents. Over the course of the next year, various changes to the *Act* will be rolled out including, but not limited to, the creation of a Prevention Council responsible for providing advice to the Minister of Labour, the establishment of standards for training programs and approved programs, additional training provisions, shifting the prevention mandate from the Workplace Safety & Insurance Board to the Ministry of Labour, and enhancing the *Act's* reprisal provisions to allow the Ministry of Labour to take carriage of such matters.

As it stands, there are a limited number of Bill 160 provisions that are currently in force. As a result, the implications for employers at this juncture are minimal. Additionally, the provisions which are currently in force require further work on the part of the Ministry of Labour before their effect will be fully realized.

One noteworthy provision that is currently in force requires the Ministry of Labour to appoint a Chief Prevention Officer ("CPO") responsible for overseeing the province-wide prevention mandate that was initiated by Bill 160. The new CPO will oversee the development of an occupational health and safety strategy, coordinate and align the workplace health and safety system, and provide advice on preventing workplace injuries and occupational diseases. Of particular importance to employers, the CPO will have the power to establish training standards. Employers can look forward to the development of new regulations by the CPO with respect to bolstering current workplace training requirements. These regulations will have a direct effect on the way in which employers in Ontario manage their workplace health and safety obligations.

Although employers in Ontario do not need to act immediately with respect to these amendments, upcoming changes to workplace training standards and requirements will undoubtedly require attention in the coming months. As is often the case, the themes of legislative changes in one jurisdiction often serve as a trigger for similar reform in other jurisdictions. All employers, regardless of the province in which they operate, should continue to enforce employee training policies and remain vigilant in the prevention of workplace injuries. Stay tuned for more updates regarding how Bill 160 will affect your workplace.

We encourage you to contact an e2r Solutions® Service Provider should you have any questions regarding the foregoing.

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