

1 LEGAL RESPONSIBILITIES

General

The health and safety responsibilities of all parties on a construction project are specified in the current *Occupational Health and Safety Act and Regulations for Construction Projects*.

Responsibilities are prescribed in particular for constructor, employer, supervisor, and worker. Each party has specific responsibilities to fulfill on a construction project.

For more detailed information, consult the current Act and Regulations.

Remember — safety begins with you!

Constructor

- Appoint a supervisor if 5 or more workers are on the project at the same time. Ensure that the project is supervised at all times.
- A project that lasts more than 3 months and has 20 or more workers must have a Joint Health and Safety Committee.
- If a Joint Health and Safety Committee is not required and there are more than 5 workers, the workers must select a Health and Safety Representative.
- Complete a Ministry of Labour (MOL) registration form.
- Keep a copy of all employer-approved registration forms on site while employers are on the project.
- Send a notification of project to the MOL.
- Develop written emergency procedures, make sure your employees know what they are, and post them on site.
- Ensure ready access to a telephone, two-way radio, or other system in the event of an emergency.
- Report a fatality, critical injury, or other prescribed incident such as a critical injury to the MOL.
- Ensure all workers on site are at least 16 years of age.

Employer

- Read Sections 25 and 26 of the *Occupational Health and Safety Act*. It lists many of your responsibilities.
- Appoint a supervisor if 5 or more of the employer's workers are on the project at the same time. Ensure that they are supervised at all times.
- Provide workers with training as required by law (e.g., fall protection systems, WHMIS, etc.).
- Ensure workers are qualified to do work which must be done only by qualified workers (e.g., electricians, pipe fitters, etc.).
- Develop written procedures for rescuing a worker whose fall has been arrested (a worker hanging by a harness).

Supervisor

Supervisors must ensure that workers

- use the methods, procedures, and equipment required by the *Occupational Health and Safety Act and Regulations for Construction Projects*.

- use or wear the equipment or clothing that the employer requires
- Supervisors must also
- tell workers about actual or potential dangers
 - give workers written instructions when required
 - take every precaution reasonable to protect workers.

Worker

- Select worker representatives for the Joint Health and Safety Committee.
- Tell your supervisor or employer about equipment problems or other hazards that could hurt you or other workers.
- You have the right to refuse work that you believe endangers your health or safety — or the health or safety of others. See Section 43 of the *Occupational Health and Safety Act*.
- Follow your employer's instructions to use or wear equipment, protective devices, or clothing.
- Never engage in horseplay on site (pranks, competitions, showing off your strength, roughhousing, or unnecessary running).

Health and Safety Representative

The health and safety representative must be familiar with

- the current *Occupational Health and Safety Act and Regulations for Construction Projects*
- procedures in the event of an emergency (see chapter on Emergency Procedures in this manual)
- procedures for refusal to work where health and safety are in danger (Figure 1).

Right to Refuse Work where Health or Safety in Danger
(Occupational Health and Safety Act, Part V)

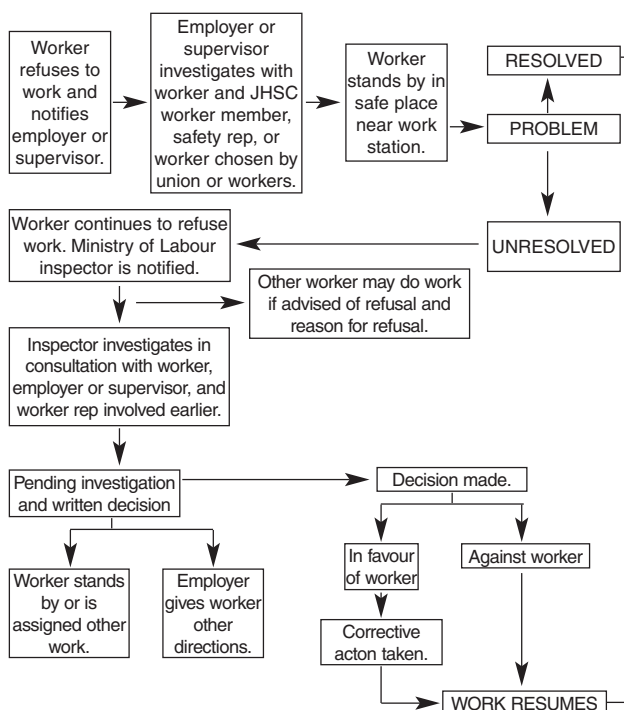


Figure 1

Accidents and Injuries

All accidents and injuries, regardless of severity, must be reported immediately.

Procedures for reporting accidents — and the type of accidents that must be reported — are spelled out in the *Occupational Health and Safety Act and Regulations for Construction Projects*.

Further information is available from the Workplace Safety and Insurance Board and Ministry of Labour.

Certified Committee Members

Where a project regularly employs 50 or more workers, the health and safety committee on the project must have at least one member representing workers and one member representing the constructor who are certified by the Workplace Safety and Insurance Board (Figure 2).

If no members of a health and safety committee are

certified, the workers and constructor must each select one member of the committee to become certified.

A certified member who receives a complaint regarding a dangerous circumstance can investigate the complaint under the authority of the *Occupational Health and Safety Act*. The member may also ask a supervisor to investigate a situation where the member “has reason to believe” that a dangerous circumstance may exist.

The supervisor must investigate the situation promptly in the presence of the certified member.

The certified member may also request that another certified member representing the other party at the workplace investigate the situation if the first certified member “has reason to believe” that the dangerous circumstance still exists after the supervisor’s investigation and remedial action, if any, has been taken.

The second certified member must promptly investigate the situation in the presence of the first certified member

Health and Safety Representatives and Committee Requirements Under the *Occupational Health and Safety Act*

Size and Duration of Project	Representative or Committee	Who Creates Committee	Number of Members	Membership Requirements	Selection of Members	Powers and Rights
5 Workers or Less						
6-19 workers and more than 3 months or 6+ workers and less than 3 months	One Health and Safety Representative				Representative selected by workers or union(s)	<ul style="list-style-type: none"> Obtain information from a constructor or employer regarding the testing of equipment, materials, or chemicals in the workplace. Inspect the workplace at least once a month, with the full cooperation of constructor, employers, and workers. Ask for and obtain information regarding existing or potential hazards in the workplace. Make health and safety recommendations to a constructor or employer, who must respond in writing within 21 days, either giving a timetable for implementation or giving reasons for disagreeing with the recommendations. Where a person has been killed or critically injured in the workplace, investigate the circumstances of the accident and report findings to a director of the Ministry of Labour. Exercise all the powers granted to the health and safety representative by virtue of a collective agreement.
20-49 workers and more than 3 months	Joint Health and Safety Committee	Constructor	At least two	At least one non-management worker at the project and one management representative from the project if possible.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> Identify situations that may be a source of danger or hazard to workers. Make recommendations regarding health and safety matters. Recommend the establishment, maintenance, and monitoring of programs.
50+ workers and more than 3 months	Joint Health and Safety Committee	Constructor	At least four	Half non-management workers from the workplace with at least one certified. Half management representatives from the workplace if possible with at least one certified.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> Obtain information from constructors or employers regarding testing of equipment or environments and be present when testing is initiated.
	Worker Trades Committee	Health and Safety Committee	At least one worker representative from each trade	One worker representative from each trade.	Members to be selected by trade workers or trade union(s) at the site. Members do not have to be workers at the site.	Advise the joint health and safety committee of the health and safety concerns of the workers in the trades at the workplace.

Figure 2

and, if both certified members agree, they may direct the constructor or employer to stop work or stop the use of any part of the workplace, including machines and other equipment. The constructor or employer must immediately comply with the order.

If both certified members do not agree that a dangerous circumstance exists, either may request that a Ministry of Labour inspector investigate the situation. The inspector must investigate and provide both members with a written report.

Ministry of Labour Inspectors

The inspector can visit a site at any time and exercise fairly broad powers to inspect, ask questions, and give orders. If the inspector approaches a worker directly, the worker must answer questions and cooperate. The supervisor must be informed of any orders given or recommendations made.

In some cases the health and safety representative, worker member of a health and safety committee, or worker selected by fellow workers or the union has a right to take part in accident investigation.

The results of accident investigation and reporting should be made known to all personnel on site. Recommendations should be implemented to prevent the accident from happening again.

In all cases of injury, the **EMPLOYER** must do the following.

1. Make sure that first aid is given immediately, as required by law.
2. Record the first aid treatment or advice given to the worker.
3. Complete and give to the worker a Treatment Memorandum (Form 156) if health care is needed.
4. Provide immediate transportation to a hospital or a physician's office, if necessary.
5. Submit to the Workplace Safety and Insurance Board (WSIB), within three days of learning of an accident, an Employer's Report of an Accident/Injury/Industrial Disease (Form 7) and any other information that may be required.
6. Pay full wages and benefits for the day or shift on which the injury occurred when compensation is payable for loss of earnings.
7. Notify the Ministry of Labour, health and safety representative and/or committee, and union as required by legislation.

The **WORKER** must do the following.

1. Promptly obtain first aid.
2. Notify the employer, foreman, supervisor, and worker safety representative immediately of an injury requiring health care and obtain from the employer a completed Treatment Memorandum (Form 156) to take to the physician or the hospital. Failure to report promptly can affect your benefits and subject your employer to fines.

3. Choose a physician or other qualified practitioner with the understanding that a change of physician cannot be made without permission of the WSIB.
4. Complete and promptly return all report forms received from the WSIB.

New Hires

Statistics show that about 20% of all injuries to workers occur within their first 30 days on the job. This fact highlights the importance of orientation.

The new hire may be young or old, male or female, experienced or inexperienced in construction. The worker may be new to the site, new to the type of work, or new to the company. A worker coming to any project for the first time should be considered a "new hire."

New employees must be told and, if necessary, trained and shown what is expected of them in

- work performance
- safe operation of tools and equipment
- procedures around hazardous materials
- proper use of any required personal protective clothing and equipment.

They must also be told, and preferably shown, the location of

- first aid kit or first aid station
- fire alarms and exits
- fire extinguishers and standpipes
- emergency telephones
- eyewash station
- supervisor's office
- tool crib
- washrooms
- lunchroom.

These locations can be pointed out during a tour of the workplace when the new hire is introduced to co-workers, supervision, and the health and safety representative. To make orientation successful, supervisors should follow some simple steps.

- Talk to new hires. Put them at ease. Find out how much they know already. Explain why their job must be done right, how it relates to the rest of the operation, and what hazards may be involved.
- Explain assignments carefully to new workers. Tell them, show them, ask questions to make sure they understand. Cover one step at a time. Make key operations and safety points clear. Be patient and go slowly.
- Test the new hire's performance. Watch while the job is being done. Commend good work. When necessary, show how the job can be done more safely and efficiently.
- Let new workers continue on their own. Tell them who to contact for help and encourage them to get help when needed.
- Follow up. Check on work frequently at first. Look for any bad habits, unnecessary motions, or unsafe acts that need correcting. Ease off when you're convinced that workers are doing the job safely and correctly.

Jobsite Safety Talks

Jobsite talks can help prevent accidents and injuries by promoting hazard awareness in the workplace. Supervisors should present safety talks on a regular basis and follow these guidelines.

- Before presenting a prepared talk, look it over. Instead of reading the talk to your crew, use your own words. Personnel will more likely accept your natural manner than a formal presentation.
- Choose subjects that are directly related to site conditions or the company's health and safety policy and program.
- Encourage participation. Get the crew to talk about close calls and hazards. Solutions to these problems can become the subject of future talks.
- Make a note of any hazards the crew may mention as well as any suggestions for improving health and safety. Subjects requiring management attention should be referred to management.
- Always follow up. Tell the crew what has been done to correct problems and improve conditions on the job.

Safety Tips and **Safety Talks** are available from the Construction Safety Association of Ontario. Check them out at www.csao.org.