



Employment Update

Labour and Employment Group

Elizabeth J. Forster
(Co-editor)
Direct 416.593.3919
eforster@blaney.com

Maria Kotsopoulos
(Co-editor)
Direct 416.593.2987
mkotsopoulos@blaney.com

William D. Anderson
Direct 416.593.3901
wanderson@blaney.com

Melanie I. Francis
Direct 416.597.4895
mifrancis@blaney.com

Mark E. Geiger, Chair
Direct 416.593.3926
mgeiger@blaney.com

David E. Greenwood
Direct 416.596.2879
dgreenwood@blaney.com

John-Edward C. Hyde
Direct 416.596.2884
jhyde@blaney.com

Christopher McClelland
Direct 416.597.4882
cmcclelland@blaney.com

Michael J. Penman
Direct 416.593.3966
mpenman@blaney.com

D. Barry Prentice
Direct 416.593.3953
bprentice@blaney.com

Jack B. Siegel
Direct 416.593.2958
jsiegel@blaney.com

David S. Wilson
Direct 416.593.3970
dwilson@blaney.com

“After almost a year of review, the Expert Advisory Panel on Occupational Health and Safety has released a 62-page report containing 46 recommendations aimed at overhauling Ontario’s occupational health and safety system.”

MOVING TOWARDS ZERO: RECOMMENDATIONS RELEASED ON ONTARIO’S OCCUPATIONAL HEALTH AND SAFETY SYSTEM

Melanie Francis

After almost a year of review, the Expert Advisory Panel on Occupational Health and Safety has released a 62-page report containing 46 recommendations aimed at overhauling Ontario’s occupational health and safety (OHS) system.

The Panel was established in early 2010 with a mandate to provide recommendations to the Minister of Labour on how the various partners in the OHS system could best work together to achieve the common goal of zero workplace injuries. The Panel’s Report, released on December 16, 2010, can be read in its entirety at: www.labour.gov.on.ca/english/hs/pdf/eap_report.pdf. We encourage you to take a look.

While it is impossible to fully discuss each recommendation in the Report here, the Panel has identified 11 of its recommendations as priorities for implementation. These 11 recommendations fit within four themes or categories.

1. Streamlining the System

While health and safety in the workplace is a shared responsibility amongst many stakeholders, the Panel has recommended that a single authority be appointed “to drive and be accountable for integration and direction” of the OHS system. As part of this recommendation, the “Chief Prevention Officer” would be assisted by a new “Provincial Prevention Office” within the Ministry of Labour.

2. Assisting Small Businesses

The Panel has suggested that small businesses present a unique challenge and has accordingly recommended the appointment of a small business advisory committee and the assignment of specific staff dedicated to enforcement and prevention activities for small businesses.

3. Improved Protection from Reprisals

The Panel has also determined that changes are required within the system to deal with complaints of reprisal made by employees in order to improve access and better protect those engaged in the process. The Panel has recommended that the Ministry and the Ontario Labour Relations Board (OLRB) work together to develop an expedited process for the resolution of reprisal complaints and that improved support be made available for those involved.

EMPLOYMENT UPDATE



Melanie obtained her L.L.B. from the University of Ottawa, graduating from its English Common Law program. While attending law school she worked as a Student Caseworker at the University's Community Legal Clinic and as a Teaching Assistant to first year law students.

Melanie articulated with Blaney McMurtry in 2009-2010 and returned to the firm as an associate after her call to the Bar in 2010.

Melanie can be reached at 416.597.4895 or mifrancis@blaney.com.

4. Mandatory Training

The Panel has focused heavily on increased training. If all of the Panel's recommendations are put in place, mandatory training would be implemented for all Health and Safety Representatives (required for workplaces of 6-19 employees). Health and safety awareness training would also be implemented for all workers and supervisors responsible for front-line workers. Further, specific training for sectors like the construction industry, workers working at heights and other high-hazard activities would also be developed.

Conclusion

The extent to which the recommendations in the Report will be implemented remain to be seen. Regardless, understanding workplace safety issues is integral for employers and employees alike. The Panel's Report provides some insight into the potential changes that may be put in place in the future.

If you have any questions arising from the Report or in respect of an occupational health and safety matter, please contact one of the members of our Labour and Employment group. ■

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**Blaney
McMurtry**
BARRISTERS & SOLICITORS LLP

2 Queen St. East, Suite 1500
Toronto, Canada M5C 3G5
416.593.1221 TEL
416.593.5437 FAX
www.blaney.com

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We welcome your comments. Address changes, mailing instructions or requests for additional copies should be directed to Chris Jones at 416 593.7221 ext. 3030 or by email to cjones@blaney.com. Legal questions should be addressed to the specified author.