

Workplace Safety Group

October 2008

Monthly News e-Letter

Ministry of Labour

Posting and Training Requirements

Under to the Occupational Health and Safety Act (OHSA), Employers are required to post a copy of the Occupational Health and Safety Act in their workplaces.

Health and Safety Policy

The OHSA also requires employers to prepare and review, at least once a year, a written **occupational health and safety policy**, and to develop and maintain a program to implement that policy. The policy must be posted in the workplace.

Posters sold by private companies DO NOT COMPLY with the requirements of the Employment Standards Act, 2000 (ESA) or the Occupational Health and Safety Act (OHSA) or the Workplace Safety and Insurance Act (WSIA).

Dealing With OHS Inspectors When an Inspector Shows Up

Often companies tell their workers to comply with all of OHS inspectors' demands without understanding that a company and its' workers have rights also. While there is a duty to cooperate with inspectors, they may ask for materials they are not entitled to without a valid search warrant. When protected material is handed over to an inspector who is not entitled to it, a company and its directors and officers could face charges for OHS violations that may never have been laid otherwise.

Managers and workers must be trained in how to respond when an OHS inspector shows up at the workplace. To protect the company's rights, every person who may have dealings with an inspector should know the following:



Who to alert when an inspector shows up. All workers, especially receptionists and front desk staff should know to contact the designated company representative **before** letting the inspector in, so that the rep can meet the inspector and determine why he is there and to accompany him through the facility.

What to ask for Supervisors and managers should be instructed to ask the inspector if he's gathering information to prosecute an actual OHS offence. They must also understand that inspectors are permitted to investigate all work-related incidents without a warrant; however, after the cause of the incident has been determined and corrected, further

inspections may need authorization through a search warrant.

What to say Cooperation with an OHS inspector is mandatory to a degree; however, an astute employee will ask for a warrant if an inspector demands documents or access to workers and company officials. When in doubt, it is advisable to provide the requested documents **after** stating that you believe a warrant is necessary; this avoids possible charges of obstruction. Seeking legal advice is recommended and detailed documentation of what was submitted to the inspector should be kept. If the inspector uses the information to lay charges, they may be dismissed.

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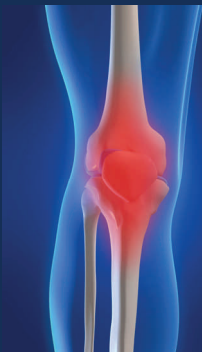


Half of all working days lost due to

injury are a result of workplace pains and strains. These injuries create huge financial costs for employers and can be serious and disabling for workers.

The good news is pains and strains can be prevented! In many cases, you can prevent pains and strains in your workplace by making simple modifications.

Don't ignore pains and strains. Take action and make your workplace healthy and safe.



Company and Workers' Rights Instruct workers and other company officials that they have the right to have a lawyer or company representative present when being interviewed by an inspector. This is important because it protects the company and discloses what information the inspector may use in a subsequent prosecution. In this way the company has time to prepare a response.

Inspectors carry out their jobs to ensure safer workplaces; a company that provides information, instruction and supervision to workers to protect the health or safety of the workers has no reason to fear a visit from an OHS inspector!

WORKPLACE SAFETY GROUP

IS ON THE MOVE

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