

THE TURNING POINT

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The Vision of the Turning Point

This newsletter is to inform you of recent changes and trends regarding health and safety. The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding Raising the Standard Consulting Inc. (RTSC).

Construction Sites - The Ultimate Industrial Hygiene Challenge

By: Lawrence Kurtz

The foundation for all economic activity is the construction industry. Without construction, there would be no roads, no factories, no airports, schools, or government. It is a necessity. However, construction is still one of the most hazardous industries from an occupational hygiene and safety perspective. Workers are exposed to chemical, physical, ergonomic, and biological factors that most industrialized workers would not accept. Examples are numerous, but here are some for consideration summer work under intense heat, ultraviolet sunlight and humidity, extreme cold heavy lifting and overhead work, confined space entry, noise, moving trucks and cranes, fall hazards, bird excrement, fibre, dust, and solvent exposures. Unfortunately, too often, worker health and safety is a balancing act between conflicting objectives of protecting against all risks, and getting the job done on time, and on

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Past Newsletters

Please feel free to pass our newsletter to anyone you feel may benefit from the information.

Also, if you are receiving *The Turning Point* for the first time, you may be interested in our last newsletters on Aggressive/violent behaviour, Machine Guarding Safety and Legislative Changes in WSIB Policy, Construction Safety Regulations. Please contact us for a copy.

Ministry Of Labour Update

COURT IMPOSES \$250,000 FINE AGAINST BOMBARDIER INC. FOR HEALTH AND SAFETY VIOLATION

NORTH BAY, Ont.--The Ontario Court of Justice on February 6, 2002 imposed a \$250,000 fine against Bombardier Inc., a Montreal-based company which operates an aerospace assembly plant in North Bay, Ont. The fine was for a violation of the *Occupational Health and Safety Act* that resulted in the death of an employee.

On June 8, 2000, a worker fell about 4.6 metres (15 feet) from an elevated work platform to a concrete floor below while the scaffolding was being moved from one location to another. The worker had been on top of the scaffolding to ensure the upper portion of the moving platform did not strike the delicate tail fin of an airplane. The worker died later that day in hospital. A Ministry of Labour investigation found there were guardrails with footboards around three of the four sides of the elevated platform. The fall occurred on the open fourth side as the worker, who was not wearing any fall protection, attempted to move from the upper to the lower platform. The accident occurred in an airplane hangar at Bombardier Inc.'s aerospace assembly plant on Airport Road in North Bay.

On Nov. 6, 2001, Bombardier Inc. pleaded guilty to failing to ensure there was a guardrail on the open side of the elevated platform, as required by Section 13(1) (b) (i) of the Regulations for Industrial Establishments. This was contrary to Section 25(1) (c) of the act.

Both the Ministry of Labour and defence counsel made a joint submission to Justice of the Peace Ben Sinai, of the

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budget. The origin of this problem is too difficult to tackle in the space of an article, and it is not this writer's place to assess blame. Nonetheless, the occupational health practitioner must adapt.

Construction sites are a challenging environment for hazard assessment and control for any industrial hygiene practitioner. Three characteristics make this industry so difficult:

- 1) Continuous change - construction activities and specific hazards change daily. One may plan to visit a site anticipating to assess a particular hazard, but upon arrival, the hygienist determines that the activity will not actually occur, or the specific process has changed. Construction takes place in stages, and hazards are specific to each stage (i.e. foundation forming vs. interior finishing)
- 2) Multiple stakeholders - workplace parties are not limited to the usual "employer - employee" relationship. Various interests must be considered - property owner/operator, contractor, sub-contractor, trades, regular employees (if construction takes place in a plant for instance).
- 3) Environmental factors - weather directs what activities take place and when. Factors such as humidity, temperature, wind velocity and direction have an impact upon the worker, exposures and activities, more so than the typical industrial environment.

From a worker health perspective, there are several reasons for conducting testing, but most common reason for sampling is usually an "upset" condition - workers refuse to work due to concern over a specific hazard or condition, such as excessive dustiness, too many idling trucks, new products, etc.

Articles have been published, which describe a Task Based Exposure Assessment Model (T-BEAM) for assessing occupational exposures in construction^{1,2,3}. Elements of this model can be employed successfully in any occupational exposure evaluation. Here are some suggestions as a start. Talk to the trades people - they are an excellent resource for obtaining information on products, chemical use, construction processes, activities, and likely causal factors. Review the Material Safety Data Sheets to identify potential issues and confirm if exposure controls, such as personal protective equipment, are selected appropriately. Time-weighted-average sampling (full shift sampling) is inappropriate since it does not accurately reflect what occurs on the average day. Instead, sample different tasks to identify the "at risk" exposures. Compare the task-based sample results with the controls used to determine appropriateness. Don't overlook environmental factors - sometimes the culprit is a factor that is outside the

Ontario Court of Justice in North Bay, to impose a fine of \$250,000. Instead, the Justice of the Peace fined the company \$100,000.

The Ministry of Labour appealed the sentence to the Ontario Court of Justice. Justice Joseph Wilson, of the court in North Bay, allowed the appeal and imposed a fine of \$250,000.

NORBORD INDUSTRIES INC. FINED \$85,000 FOR HEALTH AND SAFETY VIOLATION

COCHRANE, Ont.--Norbord Industries Inc., a Toronto-based manufacturer and marketer of lumber and panel board products, with a plywood plant in Cochrane, was fined \$85,000 today for a violation of the *Occupational Health & Safety Act* that resulted in serious injuries to an employee.

On Aug. 22, 2000, a worker was cleaning glue deposits from a machine using a metal, hand-held scraping tool when the scraper struck the worker in the face breaking the worker's jaw. The incident occurred when the end of the tool touched a moving part of the machine and came loose from the worker's grip. The incident occurred at Norbord's plant on Boisvert Crescent in Cochrane.

Norbord Industries Inc. pleaded guilty, as an employer, to failing to ensure the cleaning of a machine was performed only when motion that could endanger a worker had stopped, as required by Section 75 of the Regulations for Industrial Establishments. This was contrary to Section 25(1) (c) of the act.

The fine was imposed by Justice of the Peace Delores Boyuk of the Ontario Court of Justice in Cochrane.

Want to Pass Workwell? Be Proactive

The Workplace Safety and Insurance Board's Workwell Program is designed to promote health and safety in Ontario workplaces. Workwell focuses on employers that have poor accident cost and frequency experience and/or sub-standard compliance with the Occupational Health and Safety Act.

The Workwell program is an audit tool used by the Board to implement section 82(1) of the Workplace Safety & Insurance Act. The purpose of the auditing tool is to identify organizations that unfairly add to the assessment burden of their rate group through high claim costs or frequency. The intention is to regain some of the excessive claim costs through fines. The fines are actually based on the extent to which the employer fails their second audit. The amount depends on the actual final score.

An employer qualifies to be audited if, for 2 of 3 years, they experience a higher frequency rate (25%) than the industry standard, excessive claim costs and/or a complaint is

worker's or contractor's control. Be flexible. Employ multiple sampling techniques such as direct reading instrumentation, bulk sampling, dosimeter sampling, in addition to filter/tube sampling. Planning a sampling campaign on one day only is a recipe for failure. Expect to have three tries before obtaining one useful sample. Most importantly, make sure that the lines of communication are open for feedback and adequate stakeholder input in order to improve upon the acceptance of your results.

Resources

- 1) Methner M, McKernan J, Dennison J. (2000) Task-Based Exposure Assessment of Hazards Associated with New Residential Construction. *Journal of Applied Environmental Occupational Hygiene* 15:811-819
- 2) Susi P, Goldberg M, Barnes P, Stafford E. (2000) The Use of a Task-Based Exposure Assessment Model (T-BEAM) for Assessment of Metal Fume Exposures During Welding and Thermal Cutting. *Journal of Applied Environmental Occupational Hygiene* 15:26-38
- 3) Susi P, Schneider S. (1995) Database Needs for a Task-Based Exposure Assessment Model for Construction. *Journal of Applied Environmental Occupational Hygiene* 10:394-399

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No penalty is levied until after a second audit is conducted and only if a passing grade has not been achieved.

The Board's Workwell statistics indicate that from September 1998 to December 1998 72% of companies failed their first audit and 20% failed their second audit. From September 1999 to December 1999 however, **80% of companies failed their first audit and 20% failed their second.**

These statistics indicate that there has been an increase in the number of companies failing their first audit. Either many employers are choosing not to be pro-active, or simply don't appreciate the extent of obligations for occupational health and safety.

The Workplace Safety & Insurance Board has enhanced its policies on Workwell. Effective June 1, 2000, there were five changes to the existing policy, which are obviously intended to create motivation while providing employers every opportunity to succeed:

- The WSIB will now endorse the development of sector specific evaluations, including small business audits.
- The passing grade for evaluation has been increased from 65% to 75%.
- The penalty is still an absolute maximum of 75% of the employer's premium (if evaluation score is zero), but the cap is now \$500,000 instead of \$100,000.

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- Employers now have six as opposed to three months to make improvements if they fail the first evaluation.
- If a company fails the first evaluation (as most do), it must now work with a health and safety provider to develop and monitor its improvement program. Failure to cooperate may result in immediate levying of the relevant surcharge.

A safety consultant is crucial to the process of implementing complex and individualized programs. If you believe you are at risk of failing or have already suffered your initial audit by the WSIB, do not jeopardize your success by waiting until a few months or weeks before the 2nd audit to contact a safety consultant for assistance.

Generally, a professional safety consultant will assist you by conducting our own evaluation which will consist of a review of your health and safety programs, training and the physical condition of your organization. Their evaluation tool should be comparable to the Workwell audit, to allow them to determine the effectiveness of your occupational health and safety programs through a documentation review, observations of practices and procedures in action, with interviews with senior staff, middle management, supervisors and workers for verification. Key elements of the evaluation must include:

- Health and safety policies and procedures
- Health and safety program development
- Health and safety program implementation
- Health and safety program promotion/communication

The consultant should then facilitate your activities to prepare you for the Workwell audit. The result should be to raise the level of safety in your organization on a long-term basis through in-depth evaluation and implementation techniques.

Industrial Commutator Company Ltd. (ICC), located in Barrie Ontario, had their first Workwell audit conducted on June 26, 2001 and they received an unprecedented score of 82%. I asked David Simpson (ICC President) what suggestions he would give to companies who are currently in a position similar to the one that ICC found themselves in last year and he felt that there were **three keys to their success:**

The first was that **"the Health and Safety program has to be supported quite seriously from the top down"**. Senior management commitment is a must in the implementation of any new program and this is especially true for new and improved health and safety programs.

The second was that companies need to act **"on a proactive basis** and don't wait until there is a serious health and safety situation. An ounce of prevention is worth a pound of cure".

And finally, “*companies need to set aside the appropriate funding and financial commitment and get a professional consulting firm to set out the guidelines, instruct management and set a proper vision*”.

If you want to pass your first Audit and contain WSIB costs before accidents happen, be pro-active.

Certification 2 for the JHSC

By Stanford Brown

You may be one of those managers that sat down at your desk this morning and received the disturbing letter from the Workplace Safety and Insurance Board (WSIB) stating that Workplace-Specific Hazard Training was required for your Joint Health and Safety Committee (JHSC) certified members *by December 31, 2001*. Or, if you were having a really great day you experienced the pleasure of having a worker representative of the JHSC come into your office and demand that the required hazard assessment and training be completed ASAP. Or even better, your boss dropped into your office and said, “Since you are in charge of safety you had better get on this” as he put the expired WSIB notice on your desk. Regardless of how you heard about it, it is now your responsibility to get up-to-speed with the requirements, develop a plan to comply with it, and implement it.

First let’s review some background information. This has been inevitable since the adoption of the internal responsibility system (IRS) and Joint Health and Safety Committees. Ontario’s approach to workplace health and safety is now built on the principle of self-reliance. This requires a team of workers and managers in each workplace, and certain construction projects, to become knowledgeable in health and safety so that they can in turn manage the health and safety concerns of their workplace. Certification of the certified JHSC members was always intended to have two parts. The second part just took its time in coming, but it’s here now.

Part Two or Workplace Specific Hazard Training focuses on significant hazards in your workplace. It requires assessing those hazards and providing training in ways to control and/or eliminate them. Workplace-Specific Hazard Training is specific to the needs of individual workplaces.

With Part Two, employers have the following specific responsibilities:

- Conduct a workplace hazard assessment.
- Determine significant hazards.
- Determine training needs.
- Ensure that at least two designated members complete the workplace specific training by the deadline of December 31, 2001.

The first step is to determine what your workplace hazards are. It is usually beneficial to use the JHSC and a health and safety professional at this stage of the task. The goal is to determine all sources of potential injury, and illness. Using the JHSC not only assists in determining the issues specific to the workplace but also encourages buy-in for the training that will be conducted in the future. The health and safety professional gives you the perspective of an expert that is familiar with the legislation and the industry on a larger scale. This will ensure that you have not overlooked issues that you may not have dealt with at your location that are potential concerns in your industry.

To conduct a workplace hazard assessment you must inspect your workplace for hazards that may affect a worker’s health and safety. This activity should include at least:

- Conducting a physical inspection of the workplace focusing on behaviours of workers and conditions.
- Benchmarking with other related industries.
- Identifying Ministry of Labour standards that apply to your workplace and ensuring past orders have been complied with.
- Identifying the occupational health and safety legislation that applies to your workplace.
- Obtaining and evaluating manufactures’ and suppliers’ guidelines and data books.
- Reviewing and applying the requirements of Canadian Standards Association (CSA) standards and other governing bodies.
- Consulting all personal and environmental exposure sampling tests and evaluating their results.
- Reviewing appropriate health and safety policies and procedures.
- Consulting a Workplace Hazardous Materials Information (WHMIS) inventory.
- Ensure that you have all relevant Material Safety Data Sheets.
- Reviewing WSIB reports.
- Incident/illness records are reviewed.
- JHSC minutes and previous inspection reports are reviewed.
- General observations about your workplace.
- Obtaining valuable input from knowledgeable workers.

The next step is usually termed the analysis stage. Here you are deciding which hazards are “significant” to your workplace. This involves the determination of what issues are most likely to be of concern in your workplace (probability) and would lead to the most severe consequences (severity).

- Has the hazard contributed to a workplace injury or illness?

- What is its potential for future injury or illness?
- What types or severity of injury/illness could occur from exposure to the hazard?
- Has the hazard contributed to "near misses"? How likely will these cause injury or illness now or in the future?
- How many workers are exposed to or likely to come into contact with the hazard?

After this exercise you will be ready to determine your training needs. You must train your workers on the significant hazards identified. There are specific goals of the Workplace-Specific Hazard Training.

Workplace-Specific Hazard Training should provide an overview of the hazards. Specifically, for every significant hazard in your workplace, the certified members must be able to:

- Describe the hazard and how it may cause injury or illness.
- Identify the relevant legislation, standards and guidelines for the hazard.
- Describe how to identify and assess the hazard.
- Describe ways of controlling the hazard.
- Prepare an action plan to identify, assess and control the hazard, based on an actual workplace situation.

When Workplace-Specific Training is completed you must inform the WSIB of the training needs identified by the hazard assessment and confirm that the training is complete. WSIB can be notified by the completion of the Workplace-Specific Hazard Training Confirmation form provided by the WSIB. Then you will finally be able to state that your certified members have received as WSIB states "Final Certification".

As you can imagine, the process will raise many questions and lots of activity. But you can no longer avoid the issue.



RAISING THE STANDARD CONSULTING INC.

UPCOMING TRAINING COURSES:

JHSC Certification Part 2 Training

May 13, 15, 21, 22 \$75.00 +GST per Module

JHSC Certification Part 1 Training

June 3, 4 \$375.00 +GST pp

The President of RTSC, Stanford Brown, has a B.Sc. from the State University of New York - Empire State College, a Diploma in Safety Engineering Technology and a Certificate of Occupational Hygiene and Safety from Humber College of Applied Arts and Technology. He is also one of the only safety professionals in Canada that holds the Canadian Registered Safety Professional designation (CRSP), the Certified Health and Safety Consultant designation (CHSC) and the international Certified Safety Professional designation (CSP) from the Board of Certified Safety Professionals in Savoy, Illinois.

Raising the Standard Consulting Inc. has a proven record of excellence in providing cost-effective solutions in a spectrum of EH&S issues through the development of exceptional policies and programs. We have attained excellence in various industries including retail product distribution, food industry, construction, dry chemical manufacturing and, mining and steel manufacturing over the last 10 years. We have managed over TWENTY Workwell audit compliance projects in the last year. We have maintained a 100% pass rate in businesses ranging from educational institutions to steel manufacturing plants.

We have received recognition from various businesses such as: The Document Company Xerox, Ingram Micro, Canpar, Industrial Accident Prevention Association, Kaneff Group of Companies and Ford.

We would be honored to assist you in "raising the standard" of the EH&S systems in your organization.

For assistance in 'raising the standard' of environment, health and safety in your organization contact us at (905) 840-1918 or email rtsc@rogers.com

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