



This newsletter is to inform you of recent changes & 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.

## could this happen AT YOUR WORKPLACE?

**Sarnia, ON** Unitec Inc. and 629728 Ontario Limited, in a partnership carrying on business as Entropex Limited, a Sarnia plastics company, were fined \$410,000 total for violations of the Occupational Health and Safety Act after a worker was injured. On September 14, 2010, a worker operated a baling machine that compacted and strapped plastic. A second worker walked in front of the machine as compacted plastic was being ejected. The plastic struck the second worker and pinned that worker against a nearby forklift, causing injuries. The court found that the baler was not guarded to prevent worker access, not maintained in good condition, and that maintenance was performed on the baler while it was in motion. The court also found that Entropex had failed, as an employer, to provide information, instruction, and supervision to protect workers around the baler. 629728 Ontario Limited and Unitec Inc. were convicted on all counts and fined \$210,000 and \$200,000 respectively. (from [www.yowcanada.com](http://www.yowcanada.com))

**Sudbury, ON** Evans Lumber and Builders Supply Limited, a Sudbury wood and lumber store, was fined \$85,000 for two violations of the Occupational Health and Safety Act after a worker was fatally injured. On September 30, 2009, a worker arrived in a delivery truck at 2091 Madison Avenue in Sudbury. The worker used a boom crane operated by remote control to unload the truck. During the course of unloading, the boom came in contact with an overhead power line. The worker was fatally electrocuted. A Ministry of Labour investigation found that there was no signaller to assist the worker. Evans Lumber and Builders Supply Limited was convicted of failing to ensure that no object was brought within the specified safe distance from an overhead electrical conductor, and that a competent worker designated as a signaller was in place to warn the operator if an object came within that specified distance. The company was fined \$40,000 on the first count and \$45,000 on the second count. (from [www.yowcanada.com](http://www.yowcanada.com))

**Sault Ste Marie, ON** 1531147 Ontario Ltd., operating as Millennium Crane Rentals Ltd., a Sault Ste. Marie construction company, was fined \$70,000 for a violation of the Occupational Health and Safety Act after inspectors visited a worksite in response to a worker fatality. On April 16, 2009, Millennium Crane Rentals Ltd. was contracted at a construction project on Fifth Line East in Sault Ste. Marie. A worker was in an excavation when a crane owned by the company rolled into the excavation and pinned the worker to the wall. The worker was killed. A Ministry of Labour inspection following the incident found that the crane was in a state of disrepair. The braking components of the crane were not fully functional. Parts of the braking system were found to be broken and deteriorated, including seized calipers and worn out brake pads and drums. One brake fluid reservoir was found to be empty and corroded inside. The crane had only 25% brake function in its four rear wheels, and only 31.25% brake function in its four front wheels. These defects ought to have been noticed by a competent worker inspecting the crane. Millennium Crane Rentals Ltd. was found guilty of failing to ensure that the crane was maintained in a condition that would not endanger a worker. The Crown, however, could not prove that the lack of maintenance on the crane caused the crane to roll into the excavation and fatally injure the worker. (from [www.yowcanada.com](http://www.yowcanada.com))

**London, ON** Genfry Enterprises Inc., a London corporation carrying on business as New York Fries, was fined \$26,000 for a violation of the Occupational Health and Safety Act after a worker was injured. On June 2, 2012, a worker cleaned a deep fryer in the cooking area of New York Fries located at 1680 Richmond Street in London. The fryer being cleaned was next to another fryer that contained hot oil. The worker dropped a cleaning cloth and quickly reached out to catch it. In doing so, the worker's arm came into contact with the hot oil in the next fryer and suffered burns. Genfry Enterprises Inc. pleaded guilty to failing to ensure that a worker exposed to the hazard of injury with hot liquid was protected by personal protective equipment. (from [www.yowcanada.com](http://www.yowcanada.com))

## SAFETY blitzzzzz

This year, the ministry is coordinating the proactive enforcement blitz schedules for the Occupational Health and Safety Program and the Employment Standards Program. Coordinating the schedules highlights the importance the ministry places on protecting workers' rights under both the Occupational Health and Safety Act (OHSA) and the Employment Standards Act (ESA), and enhancing employers' awareness of their responsibilities.

Blitz findings are generally reported soon after completion. The ministry tracks each sector to determine if the blitzes result in long-lasting improvements in compliance and fewer injuries and fewer breaches of employment standards.

Workplace injuries and fatalities can usually be traced to a few root causes that may vary by sector. Occupational health and safety inspectors conduct proactive blitzes on sector-specific hazards; these are also designed to raise awareness and increase compliance with the OHSA.

Similarly, employment standards officers visit employers to check compliance with core ESA standards, such as displaying the Employment Standards poster, wage statements, unauthorized deductions, record keeping, hours of work, eating periods, overtime pay, minimum wage, public holidays and vacation with pay. They focus particularly on sectors where there is a history of employment standards violations and where vulnerable workers are employed.

FOCUS/PROGRAM	SECTOR	DATES
<b>Vulnerable Workers</b> Occupational Health and Safety	Industrial, Health Care: New and Young Workers	May – Aug 2013
<b>Vulnerable Workers</b> Employment Standards	Salons, spas, nail salons Manufacturing & distribution Fast food, restaurants Construction sites, Farming Recreation: gyms, pools, bowling	May – Aug 2013
<b>Excavation</b> Health and Safety	Construction	May 2013
<b>Internal Responsibility System</b> Health and Safety	Mining	July - Aug 2013
<b>Musculoskeletal Disorders</b> Health and Safety	Health Care	Sept – Oct 2013
<b>Fall Hazards</b> Health and Safety	Construction	Sept – Oct 2013
<b>Retail Services</b> Employment Standards	Gas stations, Retail chains Convenience store franchises Other retail/grocery	Oct - Dec 2013
<b>Ground Control</b> Health and Safety	Mining	Oct 2013
<b>Recycling &amp; Waste Management</b> Health and Safety	Industrial Health Care	Nov - Dec 2013
<b>Locking and Tagging in Mine Hoisting Plants</b> Health and Safety	Mining	Jan - Feb 2014
<b>Construction in Active Work-places</b> Health and Safety	Industrial Construction	Jan 2014
<b>Warehousing</b> Health and Safety	Industrial	Feb - Mar 2014

## CRSP Examination PREPARATION WORKSHOP

### About the Workshop

The CRSP exam has a failure rate of 40%. This is because candidates are overwhelmed with the volume of information from which the exam questions are drawn. The objective of **RTS Consulting** CRSP Examination Preparation Workshop is to help you prepare your personal study plan and focus on the competencies that you need to master before the exam.

### 2- Day Workshop Outline

- Discussion on the registration process, the application, the interview, what to expect on exam day, the time-lines for obtaining the designation, and the mandatory maintenance requirements to retain the designation.
- A skill and knowledge evaluation of the eleven subject matter domains: Ergonomics; Environment Practices; Fire Prevention & Protection; Safety Techniques & Technology; Accident Theory; Occupational Health Safety & Environmental Systems; Risk Management; Occupational Hygiene; Health Promotion; Laws & Ethics; HSE Auditing.
- Exam preparation strategies - study sessions, study groups, texts & timing.
- Domain discussions - marking guidelines.
- Evaluation of your current knowledge level, practice exams, sample questions.
- Great group discussions & networking opportunities with your peers in the profession.
- A copy of the BCRSP Guide to Registration (ordered separately from the course)

LOCATION: Brampton      DATE: October 19 - 20, 2013  
COST: \$600.00 +hst      TIME: 9:00-4:30 (Lunch provided 12:00-12:30)

## Supervisor Health & Safety Awareness in 5 Steps

In 2010, the Expert Advisory Panel on Occupational Health & Safety recommended the development of a health & safety awareness training program for Ontario workplaces. In response to this recommendation, a Worker Health and Safety Awareness in 4 Steps workbook and associated employer guide was developed and made available free of charge from Service Ontario or downloaded from the Ministry of Labour website. Like the Worker workbook and employer guide, the Supervisor workbook and employer guide are now available free of charge from Service Ontario or downloaded from the Ministry of Labour website. For more information on supervisor health and safety awareness and training, please contact us at [rtsc@rtsconsulting.com](mailto:rtsc@rtsconsulting.com)

[Contact RTS Today!](#)

## Alberta Flood Cleanup Volunteers told to Protect Their Health

Experts say volunteers need to take precautions and wear masks, and that some flood volunteers may be putting their own safety at risk. Many Calgarians rushing to help don't have the proper gear.

Volunteer Matt Johnson says he wore gloves, safety goggles and boots to clean up a basement. But, he didn't have a mask. And that, says Andrew Crook of Clean Air Services, is essential. "I'd say there is definitely a good chance that there is mould there. So when they're removing that drywall, the mould is going to produce spores," he said. Crook advised Calgarians helping with flood cleanup to wear coveralls, gloves and eye protection as well as a respirator mask. Ed Wendlandt, president of Emergency Response Management Consulting, said people should be wearing rubber boots, masks and latex gloves at a minimum. "Consider any flood water as contaminated water. We don't know what's in it, it hasn't been tested, so assume it's contaminated," said Wendlandt. Calgary father David Tims said he wishes he and his family had taken precautions before his son developed stomach problems after helping clean up their basement. "He had some cuts on his hands and that kind of thing, so we don't know whether he picked up some kind of virus or bacterial infection." Alberta Health Services is advising anyone with a home built before 1990, to get professional help to check for asbestos before taking down any walls. (from CBC News, Posted: Jun 26, 2013)

**RTS Consulting Inc.** is qualified to assist your company in disaster management, planning, response and recovery program development and training. Please contact us to see how we can be of assistance to you.

## Irving Pulp+Paper Decision

The Union brought a grievance challenging the mandatory random alcohol testing aspect of a policy on alcohol and drug use that the employer, Irving, unilaterally implemented at a paper mill. Under the policy, 10% of employees in safety sensitive positions were to be randomly selected for unannounced breathalyser testing over the course of a year. A positive test for alcohol attracted significant disciplinary action, including dismissal.

The arbitration board allowed the grievance. Weighing the employer's interest in random alcohol testing as a workplace safety measure against the harm to the privacy interests of the employees, a majority of the board concluded that the random testing policy was unjustified because of the absence of evidence of an existing problem with alcohol use in the workplace. On judicial review, the board's award was set aside as unreasonable. The New Brunswick Court of Appeal dismissed the appeal.

The legal issue at the heart of this case is the interpretation of the management rights clause of a collective agreement. The scope of management's unilateral rule-making authority under a collective agreement is that any rule or policy unilaterally imposed by an employer and not subsequently agreed to by the union must be consistent with the collective agreement and be reasonable.

A substantial body of arbitral jurisprudence has developed around the unilateral exercise of management rights in a safety context resulting in a carefully calibrated "balancing of interests" proportionality approach. Under it, and built around the hallmark collective bargaining tenet that an employee can only be disciplined for reasonable cause, an employer can impose a rule with disciplinary consequences only if the need for the rule outweighs the harmful impact on employees' privacy rights. This approach has resulted in a consistent arbitral jurisprudence whereby arbitrators have found that when a workplace is dangerous, an employer can test an individual employee if there is reasonable cause to believe that the employee was impaired while on duty, was involved in a workplace accident or incident, or was returning to work after treatment for substance abuse.

In this case, the expected safety gains to the employer were found by the board to range from uncertain to minimal, while the impact on employee privacy was severe. The board concluded that 8 alcohol-related incidents at the Irving mill over a 15-year period did not reflect the requisite problem with workplace alcohol use.

Consequently, the employer had not demonstrated the requisite safety concerns that would justify universal random testing. As a result, the employer exceeded the scope of its rights under the collective agreement.

## Why Inspect Your Ladders?

Two roofing technicians were going on to a flat roof to perform an inspection and repair. The first technician set up a 30 foot extension ladder to access the roof. The ladder was a Type I A Fiberglass ladder rated for a load capacity of 300 pounds. The technician weighed approximately 160 pounds. The ladder had been inspected and was less than 2 months old. The ladder had not been damaged or subjected to any harsh conditions. As the technician was climbing the ladder he felt the ladder start to give from underneath him. He was able to reach and hold on to the roof edge as the ladder collapsed. The second technician was able to get another ladder from their service truck, set the ladder up, and get the first technician down safely without incident. Currently it is believed the fiberglass may have been damaged or fatigued during the manufacturing process when the rungs were crimped into the side rail of the ladder. Any fiberglass ladder with these small cracks should be removed from service.

# 2013 Course Calendar



## Workplace Safety and Insurance Board Certification Training Program Courses

The Joint Health and Safety Committee Member Certification program is a 2-part process requiring completion of (Basic) Part 1 and (Workplace-Specific) Part 2. Employers of participants seeking Part 2 Certification are expected to conduct a hazard assessment to determine the hazards present in their workplace. Upon completion of the training, participants must submit a completed copy of the Workplace-Specific Hazard Training Confirmation (Form 3189A) to WSIB in order to receive their final certification. (The RTS safety consultant will assist with completion of this form during the Part 2 training).

### Joint Health and Safety Committee Part 1 (Basic) Training

The Occupational Health and Safety Act requires an employer to establish a Joint Health and Safety Committee (JHSC) at a workplace with 20 or more workers. If you are required to have a JHSC, you are also required, by law, to have at least two "certified members": one representing workers and the other management.

RTS offers a two-day JHSC Certification Part 1 course, which has been approved by WSIB and provides participants with the basic knowledge and skills necessary to become certified JHSC members.

**Cost:** Public \$395 + HST | In-House \$350 + HST

**Schedule:** Sept. 11 & 12 | Dec. 3 & 5

### Joint Health and Safety Committee Part 2 Training

This course has been designed to provide participants with an understanding of the hazards commonly found in offices, restaurants, hotel, retail, warehouse/distribution, manufacturing, healthcare, and construction workplaces.

**Cost:** Service Sector (1 day) \$195 + HST  
Healthcare, Warehouse/Distribution, Manufacturing (2 days) - \$295 + HST  
Construction (3 days) \* Including Fall Protection - \$590 + HST

**Schedule:** Sept. 24,26,27 | Dec. 17,18,20

### JHSC Refresher Training

This half day JHSC Refresher Training is designed for JHSC certified members who would like to refresh their certification training and revitalize their committee. This training is also valuable for non-certified JHSC members who would like to obtain basic knowledge regarding committee duties.

The training focuses on the following:

- Occupational Health and Safety Act and duties of the JHSC.
- Conducting effective workplace inspections and accident investigations.
- Roles and responsibilities of the JHSC
- How to influence change within your organization

**Cost:** Public \$275 + HST

**Schedule:** Sept. 18 | Nov. 13

### Supervisor Health and Safety Awareness Training

When a person is hired or promoted to the position of a supervisor, it usually means a pay raise. But it also means more responsibilities, including legal responsibilities relating to the health and safety of the workers under your supervision. As a supervisor, you are a crucial part of your workplace's Internal Responsibility System. This is a very important concept for workplace health and safety and you will learn more about this throughout this one day of training.

The training will focus on:

- How the Occupational Health and Safety Act works
- Rights and responsibilities of workers and supervisors under the OHS Act
- Roles of workplaces parties, health & safety representatives, and joint health & safety committees
- Roles of the Ministry of Labour and Workplace Safety and Insurance Board
- Recognition, assessment, control and evaluation of hazards
- Getting the help you need

**Cost:** \$295 + HST

**Schedule:** Oct. 10 | Nov. 21

## Worker Health and Safety Awareness Training

Everyone in the workplace, from the employer to the newest worker, has different but important duties to keep the workplace safe. This one day of training will explain your rights and responsibilities on the job, and help you understand so that you can be safe at work every day.

This training will focus on:

- How the Occupational Health and Safety Act works
- Rights and responsibilities of workers and supervisors under the OHS Act
- Common workplace hazards and protecting you from hazards
- How you can get involved in safety
- Getting the help you need
- The right to refuse unsafe work and getting the help you need

**Cost:** \$195 + HST

**Schedule:** Oct. 24 | Nov. 28

## WEB-BASED training

Raise the safety, health, and productivity of your employees to the top of your agenda and provide training solutions that deliver real results. We provide web-based training programs for the convenience of your organization. Please visit our web-site to register.

### Hand Tools and Automotive Lifts

Identify the Hazards and Controls Regarding: Hand Tools, Hoists, Fixed, Power, Electrical and Pneumatic Tools, Guarding, Power Lifting Equipment, Automotive Lifts.

### Joint Health and Safety Committee

Participants will be able to: know the legislative requirements for establishing a JHSC, describe the powers, functions and duties of JHSCs and their members, describe the activities of an effective JHSC, etc.

### Machine Safety and Lockout / Tagout Procedure

Learn about Workplace Responsibilities, Machine Guarding and the Law, Understanding Machine Related Hazards Lockout / Tagout, Applicable Legislation, Hazard Identification, Lockout Procedures.

### Health, Safety and The Law

Provide participants with a working knowledge of the Occupational Health and Safety Act and related legislation and more.

### Manager and Supervisor Safety Orientation

Learn about Management Responsibilities, Right to Refuse, JHSC, Hazard Recognition, Workplace Accidents, Emergency Procedures, New Employee Orientation, Transfer and Promotion, etc.

### Material Handling

This course is designed to teach workers about proper material handling techniques. Upon completion of this course, workers should be able to: describe what factors contribute to back injuries, explain proper lifting techniques, etc.

### Accident Investigation

The goal of this module is to ensure you will be able to: recognize the need for an investigation, investigate the scene of the accident, interview victims & witnesses, determine root causes, compile data and prepare reports, make recommendations, etc.

### Health Hazards: Recognition, Assessment and Control

The goal of this module is to ensure you will be able to: understand the law pertaining to health and safety hazards, define occupational injury and illness, understand the four types of workplace health hazards, etc.

### Workplace Inspection

Provide participants with an understanding of their legal rights and responsibilities with regard to workplace inspections and to prepare them for carrying out effective workplace inspections.

### Slips, Trips and Falls

Objective of this training is to: understand the causes and effects of falls in the workplace, to understand legislation relating to slip, trip and fall hazards, to be able to identify potential slip, trip and fall hazards, etc.

### WHMIS

Explain how WHMIS is implemented in law, explain how the law defines a controlled product, explain how the law defines hazardous ingredients, identify the exclusions, etc. Register to access the complete training material.

### Worker Safety Orientation

Worker Responsibilities, Right to Refuse, Joint Health and Safety Committee, Hazard Recognition, First Aid, Workplace Accidents and more.