

# 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).

### OCCUPATIONAL HEALTH HAZARDS: ASSESSING THE RISK Craig Charrington- Associate

Do I have hazards in my workplace that pose a health risk to the workers?

A potential health hazard exists when a person comes into contact with any agent whose properties can cause harm to the body when excessive exposure takes place. Illnesses, diseases or other conditions arising from health hazards result from either short-term exposure to high concentrations or more frequent exposures over a long duration.

In dealing with various health hazards in the workplace the employer must consider these three key steps:

1. Recognition
2. Assessment
3. Control

Recognition involves the identification of agents in the workplace conditions that can cause adverse health effects if exposure or over exposure occurs. The first step in determining whether a health hazard exists in the workplace

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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 UPDATES

### EXCAVATING COMPANY OFFICIAL FINED \$50,000 FOR HEALTH AND SAFETY VIOLATIONS

GUELPH, Ont.--An officer/director of Don Burns Excavating Ltd., an excavating company based in Fergus, Ont., was fined \$50,000 today for two violations of the Occupational Health & Safety Act that resulted in the deaths of two individuals. It was the highest fine ever imposed against a company officer or director under the act.

On November 9, 2000, a farm owner and an independent contractor, who was hired by the farm owner, entered a two-metre (6.5-foot) deep trench to install a conduit (a tube used to house electrical wires) when the trench wall suddenly collapsed on them. Both individuals died. The incident occurred on a farm in the Township of Wellington. The trench had been dug by Don Burns Excavating Ltd.

A Don Burns Excavating Ltd. official, who is both an officer and director of the company, was found guilty of:

1. Failing, as an officer or director, to take all reasonable care to ensure the company shored or sloped the trench in accordance with Section 234 of the Regulations for Construction Projects. This was contrary to Section 32(a) of the act; and
  2. Failing, as an officer or director, to take all reasonable care to ensure the company provided information, instruction and supervision to a worker as required by Section 25(2)(a) of the act. This was contrary to Section 32(a) of the act.
- Justice of the Peace Avis Rodney, of the Ontario Court of Justice in Guelph, fined the company official \$25,000 on each count.

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is to determine what chemical, physical or biological agents and stressors are present in the workplace. This inventory is actually a requirement under the Occupational health and safety act under section 36.

Once the potential health risk has been identified an employer must determine if it is possible for any worker to be adversely affected by their exposure to the particular agent. In order to determine the potential health risk to the worker the exposure level must be determined. Opinions on the level of risk may vary, but in order to determine the actual degree of risk, industrial hygiene testing must be carried out. The industrial hygienist although basically trained in engineering, physics, chemistry or biology, has acquired by post-graduate study and experiences, a knowledge of the effects upon health of chemical and physical agents under various levels of exposure. The industrial hygiene specialist is involved with the monitoring and analytical methods required to detect the extent of exposure. A specialist can thus give an expert opinion as to the degree of risk posed by the environmental stress.

Once the exposure level has been determined, it can be compared with standards and guidelines to determine if the exposure of the worker is within acceptable limits. These limits, sometimes called occupational exposure limits (OEL), are set out in Ontario Regulation 833/90 for more than 600 chemical and biological agents. The purpose of these limits is to provide standards for assessing the quality of workplace air. Employers must ensure compliance to these regulations when determining exposure risk.

Once an agent has been assessed and found to be above the acceptable limit for exposure, then it must be controlled.

Controls must be effective in that they must:

- Eliminate the danger to the worker
- Protect all workers likely to be exposed
- Not create a new hazard in the workplace
- Not create an environmental hazard outside of the workplace

Diligent employers understand that occupational health illnesses/conditions can result in 1) lost time from work and 2) impair worker comfort and efficiency. Both are undesirable and both are preventable. Determining whether a health hazard exists in your workplace can be both a science and an art. Fortunately there are those that specialize in such a science, industrial hygiene that can help.

#### **FALL ARREST**

Effective June 12, 2002, Ontario Construction Regulation 213/91 was amended.

The Regulation now requires that:

1) employers ensure that workers using a fall protection system are given oral and written training in its use by a competent person.

#### **GATEWAY INTERMODAL FREIGHTLINES INCORPORATED FINED \$300,000 FOR HEALTH AND SAFETY VIOLATIONS**

WINDSOR, Ont.--Gateway Intermodal Freightlines Incorporated, a Windsor-based lumber storage and handling company, was fined \$300,000 on May 22, 2002, for two violations of the Occupational Health & Safety Act that resulted in the death of an employee.

On January 19, 2001, a forklift operator was unloading lumber bundles from a boxcar when a steel band holding together three of the bundles was cut. The worker was found dead under two of the bundles, each of which weighed about 408 kilograms (900 pounds). The incident occurred in a lumber yard at Gateway's lumber handling and receiving facility on Sydney Street in Windsor.

Following a trial, Gateway Intermodal Freightlines Incorporated was found guilty of:

1. Failing, as an employer, to ensure the measures and procedures prescribed by Section 45(a) of the Regulations for Industrial Establishments were carried out at the workplace. This was contrary to Section 25(1)(c) of the act;
2. Failing, as an employer, to ensure the measures and procedures prescribed by Section 45(c) of the Regulations for Industrial Establishments were carried out at the workplace. This was contrary to Section 25(1)(c) of the act; and
3. Failing, as an employer, to provide information, instruction and supervision to the worker to protect the worker's health and safety at the workplace. This was contrary to Section 25(2)(a) of the act.

Justice of the Peace Ronald Trachy, of the Ontario Court of Justice in Windsor, fined the company \$150,000 on each of the first and third counts. He suspended sentence on the second count.

#### **Transportation of Dangerous Goods and Clear Language Regulations.**

After several years of deliberation and consultation with industry stakeholders, the clear language revision of the Regulations for the transportation of Dangerous Goods was published in Part 2 Canada Gazette on August 15, 2001. The new regulations will be effective on August 15, 2002.

Every person or company that offers transport, handles or transports dangerous goods in Canada must still be trained on and abide by the old regulations until August 15, 2002.

- 2) training records are kept - records must include training dates and participants' names.
- 3) employers must make training records available to MOL inspectors on request.

Falls are the number one leading cause of accidental death in construction and incidents in the industrial and services sector. The consequences of not having adequate fall protection are serious: financial ruin, lost production, work refusals, fines, even imprisonment.

## **TRAINING**

### **Please register for Fall Arrest Training**

*\$70.00 +GST per person, min. of 15 people, can be conducted after hours at your worksite if you prefer.*

### **Transportation of Dangerous Goods**

*\$80.00 +GST per person, min. of 10 people, to be conducted on-site.*

## **PROTECTING THE BOTTOM LINE THROUGH PROPER MANAGEMENT OF HEALTH AND SAFETY SYSTEMS**

**Stanford Brown, President**

There is no mystery regarding how to control costs and suffering related to workplace injuries. Studies have been conducted for years regarding the prevention of injuries. Management systems have been developed and refined from the days of the industrial revolution. Individuals and organizations have also dedicated their very existence to the development of methods to prevent work related injuries and illness. In recent years, outstanding developments have also been made in methodologies focused on the reduction of costs after an incident has occurred.

Key factors in any methods that are used to prevent incidents and reduce the severity of accident costs must include such elements as: hazard identification methods, communication systems and effective Worker's Safety and Insurance (formally known as the Worker's Compensation Board), management systems.

Hazard identification is essential to the proper management of work related injuries and illness. The systematic identification of all known hazards in the workplace is required by law. The Occupational Health and Safety Act Section 25 (2) d, states "The employer must acquaint a worker, or a person in authority over a worker, with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent." To control a problem you must identify it. The problem with many organizations is that they attempt to correct their health and safety problems with sophisticated solutions before they have

clearly identified their problems. The hazards in any workplace can be controlled easily if a systematic approach is used that involves people who understand the operations and the analytical tools or methods being used to identify them. There are many methods on the market, but the key factors that are clear in all of them are:

1. A complete initial inventory of all processes and equipment (including maintenance and occasional activities).
2. A cursory review through observations, interviews and team discussions of the key elements of each of the activities previously identified.
3. A priority plan that identifies which activities will be assessed in more detail.
4. Documentation of hazards identified and control measures that must be taken.
5. A systematic method to review the effect of controls to the work process to ensure they are effective and have minimal negative ramifications.

If a systematic approach is not used to identify the hazards in your workplace then you run the risk of missing a critical hazard and not controlling a preventable incident. You will then automatically fall into potential liability under the famous section 25 (2) h, of the Occupational Health & Safety Act, "take every precaution reasonable under the circumstances for the protection of the worker". At this time a systematic approach is necessary to prove Due Diligence which will be your only defence.

The communication of your controls will also be a critical component of your defence. Communication systems involve many different forms depending on the organization's structure and culture. In many aspects, the key role of safety is effective communication. It is the means in which valuable information is transferred in such a fashion to ensure the receiver will understand and be able to use the information. Without an effective communication system that is geared to the culture of the organization, poor communication is inevitable. Again section 25 (2) d, directly speaks to communication. Organizations must develop management systems that ensure communications regarding health & safety controls are clear and comprehensive. Communication systems can be developed in many ways, however, looking at the organizations' established communication methods and using them as vehicles for safety related communications will always work best if the present method is effective. Established communication systems such as production meetings, ISO work instructions and shift talks are only a few of the methods easily modified to include health & safety communications. Health & Safety communications must also be structured, not in the type of methods used, but in the identification and evaluation of the methods used. There should be a documented communication system that identifies the company's philosophy regarding communicating health & safety related information and the methods in which the communications will take place. This documented communication system should include employee

participation and sign-off where required and encompass methods such as bulletin boards, posters, specific training and communication forums, and supervisor and senior manager meetings and organization's culture, a reward program. The methods mentioned previously are proven to create a culture of understanding and good communication.

Finally, an effective Worker's Safety and Insurance (WSI) management system is critical affecting the bottom line and generating returns for the company. The key is to manage your WSI claims. This means knowing the rules, developing a plan of action and continually monitoring and up-grading your management system. Some key elements to the system should include:

- Being familiar with the WSI policy manual or contact someone who does. Information regarding validation of claims or established methods of cost relief could prove to be rewarding if you know how the WSI evaluates claims.
- Do you have a written program for dealing with claims, from filling out the form 7's to offering modified duties? The protocol that is established could make the difference in establishing a fraudulent claim or providing the best modified duties possible.
- Are you in constant contact with the board? Keeping them informed can prove to be very beneficial. It is your responsibility to assist the Board and provide all the information possible.
- Ensure you inform your workforce that WSI claims are a direct cost to the company. Present examples of companies going out of business or not being able to bid on contracts because of high accident rates. This usually prevents casual malingerers from taking that week off in the summer if they feel they may not have a job to come back to.
- Always keep in touch with the worker. It is easy to forget injured workers and have them stay at home out of the way. However, the costs that are associated with an injured worker are too great to ignore. Keeping in constant contact with an employee shows the employee that he or she is valuable. It also reminds them of work so they realize their situation is only temporary and prevents them from developing a "sick-patient syndrome" in which case the injury migrates from being physical to psychological.
- Maintain an effective modified work program. Ensure the employee, the doctor and the WSIB are aware of your modified work program. Once you are aware of the worker's restrictions you can accommodate the worker and reduce your compensation claims substantially.

As you can see, there are many benefits to having an established WSI management system. The benefits must be clear and measurable just as any other part of the organization's business. Frank Bird Jr. in his book "Safety the Bottom Line" (1996)

refers to a chart that shows that an accident with a total cost of \$2000.00 in an industry having a modest 2% profit margin will require \$100,000.00 revenue to offset the total claim costs.

A systematic approach to hazard identification, communications and claims management are not only a company's legal responsibility but a necessity in these cost cutting, competitive times.

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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. They have attained excellence in various industries including retail product distribution, the food industry, construction, dry chemical manufacturing and, mining and steel manufacturing over the last 10 years. They have managed over TWENTY Workwell audit compliance projects in the last year. They have maintained a 100% pass rate in businesses ranging from educational institutions to steel manufacturing plants.

They 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.

They would be honoured 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 us at [rtsc@rtsconsulting.com](mailto:rtsc@rtsconsulting.com)**

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**RAISING THE STANDARD CONSULTING INC.**