

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).

SAFETY MANAGERS: NEW OH&S ENFORCEMENT TARGETS? By: Cheryl A. Edwards and Nadia Pazzano

Historically, safety managers have flown under the radar when decisions respecting OH&S prosecution after a workplace accident are made. Normally prosecution and potential liability is seen as limited to those who have explicit duties for ensuring the safety of workers under the legislation: employers, constructors, supervisors, workers, and a few other parties.

R v. Bernard Richard (Dick) Dearing, a recent Nova Scotia OH&S prosecution, represents a historic departure from this norm. On May 8, 2007, Mr. Dearing pled guilty, in his personal capacity as "safety manager", to failing to establish and maintain a health and safety program in consultation with the joint health and safety committee. This Update comments on the case and discusses ways to offset the risk of health and safety managers being seen as potential new targets for OH&S enforcement.

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MINISTRY OF LABOUR UPDATES

SCARBOROUGH - The Board of Governors of Exhibition Place, a local board of the City of Toronto that oversees Exhibition Place, was fined \$100,000 on September 10, 2007 for a violation of the Occupational Health and Safety Act that resulted in serious burn injuries to two employees. On August 17, 2005, two electrical workers were investigating the source of a partial power loss to a concession stand when there was an electrical explosion and the workers' clothing caught on fire. Fire extinguishers were used to put out the fire. Both workers suffered second and third degree burns. At the time of the incident one of the workers had been using a screwdriver trying to pry a fuse from a switch terminal. The incident occurred at an electrical substation at Exhibition Place at the Canadian National Exhibition (CNE) grounds in downtown Toronto.

A Ministry of Labour investigation found the worker who was using the screwdriver had turned an external switch door handle to the "off" position, but the internal switch mechanism was still in the "on" position. There was a live electrical path at the switch terminal resulting in the explosion when the screwdriver contacted the fuse. Neither of the workers had been provided with, or were wearing any, personal protective equipment. The Board of Governors of Exhibition Place pleaded guilty, as an employer, to failing to take the reasonable precaution of ensuring the two workers were provided with personal protective equipment to protect them from the hazard of electrical shock and burn. This was contrary to Section 25(2)(h) of the act.

KITCHENER - Process Group Inc., a Cambridge-based supplier of engineering, procurement, construction, and maintenance services to manufacturing plants, process equipment vendors, engineering firms and industrial design builders, pleaded guilty in the Ontario Court of Justice on September 11, 2007, and was fined \$90,000 in relation to an incident that injured a worker in 2005. Process Group Inc., contracted with Gerdau Ameristeel Corporation to perform maintenance work at the Gerdau plant. On May 21, 2005, a Process Group Inc., employee fell more than 4.5 metres through an opening at the side of a work platform resulting in spinal injuries and paralysis. Process Group Inc., pleaded guilty, as an employer, to failing to ensure the worker was wearing a serviceable safety belt or harness to prevent a fall of more than three metres, as required by section 85 of Ontario Regulation 851, contrary to paragraph 25(1)(c) of the Occupational Health and Safety Act.

RAISING THE STANDARD CONSULTING INC.

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To view this *Update* go to:

http://www.sbhlawyers.com/media/Safety%20Managers%20Sept_07.pdf

Let RTS Consulting Inc. manage this liability for you through our Health & Safety Maintenance Program or our CRSP Preparatory Training Course. See details below.

CANADIAN REGISTERED SAFETY PROFESSIONAL PREPARATORY TRAINING COURSE

We are inviting you to our CRSP Preparatory Training Course. This course is a three day course and will focus on some of the following key elements: ergonomics, environmental practices, risk management, occupational health, safety and environmental systems, safety techniques and technology, fire prevention and protection, accident theory, occupational hygiene, law & ethics, health promotion, and HSE Auditing.

We will review example examination questions to highlight principles of preparing/planning for the exam, studying for the exam and taking the exam. We will initiate a study group to assist the participants in preparing for the examination. The study group will receive access to our electronic bulletin board where you may post your concerns, establish meeting dates for group studies and receive important information regarding the examination.

To register for our next 3-day course November 20-22, 2007 please contact us.

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.

To view a demonstration of one of our web-based training courses, please click on the link below.

<http://www.rtsconsulting.com/bin/flash-demos.php>

Below are the web-based courses we offer.

Hand Tools and Automotive Lifts

Identify the Hazards and Controls Regarding: Hand Tools, Hoists, Fixed, Power, Electrical and Pneumatic Tools, Guarding, Powered Lifting Equipment, Automotive Lifts. Register to access the complete training material.

Health, Safety and The Law

Provide participants with a working knowledge of the Occupational Health and Safety Act and related legislation and more. Register to access the complete training material.

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HEALTH & SAFETY MAINTENANCE PROGRAM

With continuing changes in health and safety laws and regulations it is nearly impossible to keep up with health & safety issues while dealing with global competition and day-to-day activities at the workplace.

Most importantly the increased personal liability regarding health & safety compliance is rising at an alarming rate with individuals receiving personal fines and jail terms as well as corporations being fined hundreds of thousands of dollars and being publicly disgraced in the media.

To raise the health and safety culture of your organization, we will conduct the following services:

- Conduct an annual Hazard assessment and accident analysis, compliance audit that complies with Workwell and develop a yearly health & safety objectives/action plan
- Provide an Annual training needs analysis
- Attend meetings with the safety committee
- Provide reviews of your Health and Safety program
- Monthly contact with workers, supervisors and senior staff to raise the awareness of Health and Safety
- We will also provide you with immediate response to health and safety questions and a free 1 year subscription to our monthly health & safety newsletter.

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 15 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 saved the last ten organizations over one million dollars in levied surcharges. That is an average savings of \$100,000.00 per client. You will be in good hands under our direction.

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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. Register to access the complete training material.

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. Register to access the complete training material.

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.

Material Handling

This course is designed to teach workers about proper material handling techniques. On 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.

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. Register to access the complete training material.

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. Register to access the complete training material. 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... Register to access the complete training material.

NOTICE: WSIB CONDUCTING SURVEY

W.S.I.B. will be conducting a telephone survey of employer accounts estimated to have 20 or more workers province-wide to verify their compliance with the Part One (JHSC) – Basic Certification requirement under the Occupation Health and Safety Act.

RTS Consulting Inc. is a WSIB Approved Provider of Part One Certification Training. Please see below for upcoming training dates.

PUBLIC TRAINING COURSES

The following is an example of a few of the training courses we offer. For a full list, please contact us.

JHSC Certification Part 1 Training (2-day course)

\$349.00 +GST - 2-day Course

Nov. 7-8, Dec. 5-6

JHSC Certification Part 2 Training (length depends on industry)

Service Sector (office, hotels/restaurants, retail, etc.)

\$245.00 +GST – Nov. 13, Dec. 11

Healthcare, Warehouse/Distribution, Manufacturing

\$350.00 +GST – 2 days – Nov. 13-14, Dec. 11-12

Construction (including 1 day fall Protection)

\$475.00 +GST – 3 days – Nov. 13-15, Dec. 11-13

