

# 1 LEGAL RESPONSIBILITIES

## General

The health and safety responsibilities of all parties on a construction project are specified in the current *Occupational Health and Safety Act and Regulations for Construction Projects*.

Responsibilities are prescribed in particular for constructor, employer, supervisor, and worker. Each party has specific responsibilities to fulfill on a construction project.

For more detailed information, consult the current Act and Regulations.

Remember – safety begins with you!

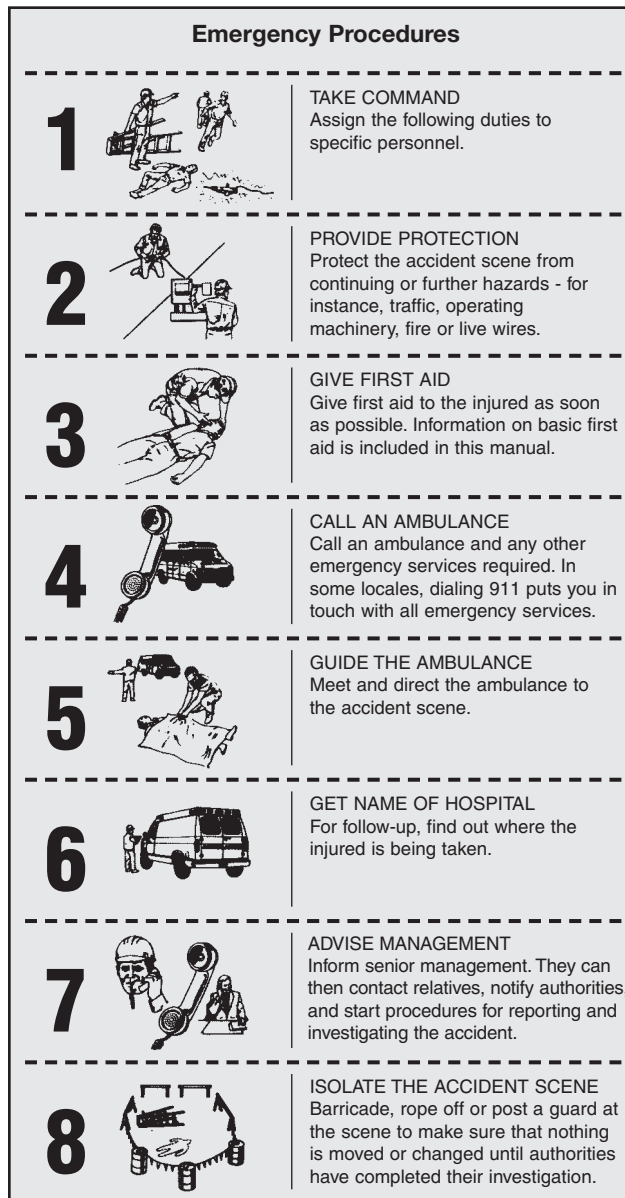


Figure 1

## Health and Safety Representative

The health and safety representative must be familiar with

- the current *Occupational Health and Safety Act and Regulations for Construction Projects*
- procedures in the event of an emergency (Figure 1)
- procedures for refusal to work where health and safety are in danger (Figure 2).

### Right to Refuse Work where Health or Safety in Danger (Occupational Health and Safety Act, Part V)

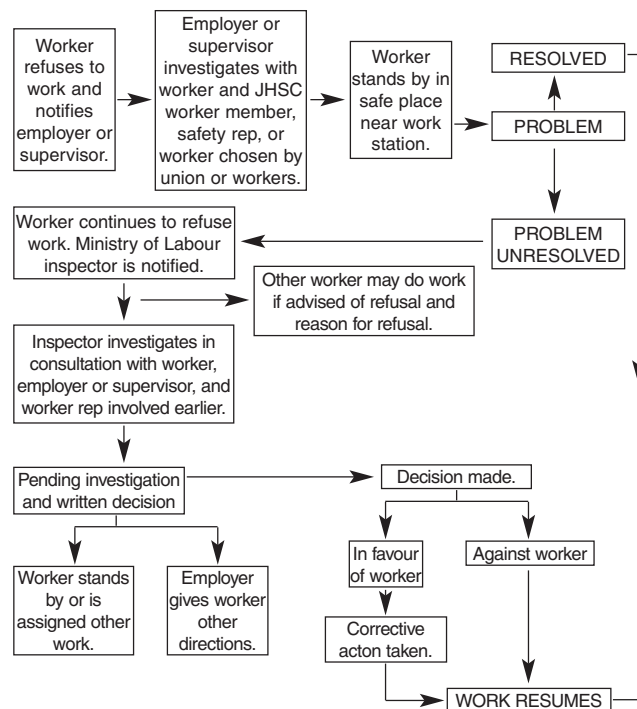


Figure 2

## Accidents and Injuries

All accidents and injuries, regardless of severity, must be reported immediately.

Procedures for reporting accidents – and the type of accidents that must be reported – are spelled out in the *Occupational Health and Safety Act and Regulations for Construction Projects*.

Further information is available from the Workplace Safety and Insurance Board and Ministry of Labour.

## Certified Committee Members

Where a project regularly employs 50 or more workers, the health and safety committee on the project must have at least one member representing workers and one member representing the constructor who are certified by the Workplace Safety and Insurance Board (Figure 3).

If no members of a health and safety committee are certified, the workers and constructor must each select one member of the committee to become certified.

A certified member who receives a complaint regarding a dangerous circumstance can investigate the complaint under the authority of the *Occupational Health and Safety Act*. The member may also ask a supervisor to investigate a situation where the member “has reason to believe” that a dangerous circumstance may exist.

The supervisor must investigate the situation promptly in the presence of the certified member.

The certified member may also request that another certified member representing the other party at the workplace investigate the situation if the first certified member “has reason to believe” that the dangerous circumstance still exists after the supervisor’s investigation and remedial action, if any, has been taken.

The second certified member must promptly investigate the situation in the presence of the first certified member and, if both certified members agree, they may direct the constructor or employer to stop work or stop the use of any

part of the workplace, including machines and other equipment. The constructor or employer must immediately comply with the order.

If both certified members do not agree that a dangerous circumstance exists, either may request that a Ministry of Labour inspector investigate the situation. The inspector must investigate and provide both members with a written report.

## Ministry of Labour Inspectors

The inspector can visit a site at any time and exercise fairly broad powers to inspect, ask questions, and give orders. If the inspector approaches a worker directly, the worker must answer questions and cooperate. The supervisor must be informed of any orders given or recommendations made.

### Health and Safety Representatives and Committee Requirements Under the Occupational Health and Safety Act

Size and Duration of Project	Representative or Committee	Who Creates Committee	Number of Members	Membership Requirements	Selection of Members	Powers and Rights
5 Workers or Less						
6-19 workers and more than 3 months  or 6+ workers and less than 3 months	One Health and Safety Representative				Representative selected by workers or union(s)	<ul style="list-style-type: none"> <li>Obtain information from a constructor or employer regarding the testing of equipment, materials, or chemicals in the workplace.</li> <li>Inspect the workplace at least once a month, with the full cooperation of constructor, employers, and workers.</li> <li>Ask for and obtain information regarding existing or potential hazards in the workplace.</li> <li>Make health and safety recommendations to a constructor or employer, who must respond in writing within 21 days, either giving a timetable for implementation or giving reasons for disagreeing with the recommendations.</li> <li>Where a person has been killed or critically injured in the workplace, investigate the circumstances of the accident and report findings to a director of the Ministry of Labour.</li> <li>Exercise all the powers granted to the health and safety representative by virtue of a collective agreement.</li> </ul>
20-49 workers and more than 3 months	Joint Health and Safety Committee	Constructor	At least two	At least one non-management worker at the project and one management representative from the project if possible.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> <li>Identify situations that may be a source of danger or hazard to workers.</li> <li>Make recommendations regarding health and safety matters.</li> <li>Recommend the establishment, maintenance, and monitoring of programs.</li> </ul>
50+ workers and more than 3 months	Joint Health and Safety Committee	Constructor	At least four	Half non-management workers from the workplace with at least one certified. Half management representatives from the workplace if possible with at least one certified.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> <li>Obtain information from constructors or employers regarding testing of equipment or environments and be present when testing is initiated.</li> </ul>
	Worker Trades Committee	Health and Safety Committee	At least one worker representative from each trade	One worker representative from each trade.	Members to be selected by trade workers or trade union(s) at the site. Members do not have to be workers at the site.	Advise the joint health and safety committee of the health and safety concerns of the workers in the trades at the workplace.

Figure 3

In some cases the health and safety representative, worker member of a health and safety committee, or worker selected by fellow workers or union has a right to take part in accident investigation.

The results of accident investigation and reporting should be made known to all personnel on site. Recommendations should be implemented to prevent the accident from happening again.

- In all cases of injury, the **EMPLOYER** must do the following.
1. Make sure that first aid is given immediately, as required by law.
  2. Record the first aid treatment or advice given to the worker.
  3. Complete and give to the worker a Treatment Memorandum (Form 156) if health care is needed.
  4. Provide immediate transportation to a hospital or a physician's office, if necessary.
  5. Submit to the Workplace Safety and Insurance Board (WSIB), within three days of learning of an accident, an Employer's Report of an Accident/Injury/Industrial Disease (Form 7) and any other information that may be required.
  6. Pay full wages and benefits for the day or shift on which the injury occurred when compensation is payable for loss of earnings.
  7. Notify the Ministry of Labour, health and safety representative and/or committee, and union as required by legislation.

- The **WORKER** must do the following.
1. Promptly obtain first aid.
  2. Notify the employer, foreman, supervisor, and worker safety representative immediately of an injury requiring health care and obtain from the employer a completed Treatment Memorandum (Form 156) to take to the physician or the hospital. Failure to report promptly can affect your benefits and subject your employer to fines.
  3. Choose a physician or other qualified practitioner with the understanding that a change of physician cannot be made without permission of the WSIB.
  4. Complete and promptly return all report forms received from the WSIB.

## 2 WHMIS

Frequently construction trades are required to work with new hazardous materials or previously installed hazardous materials requiring repair, maintenance, or removal. Some materials used for many years and thought harmless are now known to be hazardous.

Proper handling requires careful planning, training, and use of personal protective equipment or controls.

Some hazardous materials common in construction are

- compressed gas (acetylene, nitrogen, oxygen)
- flammable and combustible materials (solvents)
- oxidizing materials (epoxy hardeners)
- solvents, coatings, and sealers
- asbestos and silica
- acids and alkalis.

### Right to Know

The **Workplace Hazardous Materials Information System (WHMIS)** gives everyone the right to know about the hazards of materials they work with and provides the means to find out that information. It does this through

- labels
- material safety data sheets
- worker training and education.

All employers are required by law to provide WHMIS training for specific controlled products the worker will be working with or near. Training should be provided as new products are introduced – with a general updating on new products at least annually.

Controlled products under WHMIS include six classes, identified by symbols (Figure 6).

The requirements for supplier and workplace labels are shown in Figure 7.

CLASS	SYMBOL	EXAMPLE
<b>Class A:</b> Compressed Gas		oxygen
<b>Class B:</b> Flammable and Combustible Material		acetone
<b>Class C:</b> Oxidizing Material		chromic acid
<b>Class D:</b> Poisonous and Infectious material		
1. Materials causing immediate and serious toxic effects		ammonia
2. Materials causing other toxic effects		asbestos
3. Biohazardous Infectious Material		contaminated blood products
<b>Class E:</b> Corrosive Material		hydrochloric acid sodium hydroxide
<b>Class F:</b> Dangerously Reactive Material		acetylene

Figure 6

**Supplier labels** are required on controlled products with a volume of more than 100 millilitres and must include

- product identifier
- appropriate hazard symbol(s)
- risk phrases (such as “dangerous if inhaled”)
- precautions (such as “wear rubber gloves”)
- first aid measures
- supplier identifier
- statement that a material safety data sheet (MSDS) is available for the product.