



September/October 2008

WORKPLACE SAFETY AND INSURANCE BOARD – MANDATORY WSIB COVERAGE

Minister Fonseca announced on October 17, 2008 that the government's intention to bring forward legislation to make WSIB coverage mandatory in this session. The legislation will go through the required legislative process.

OHBA **does not support** legislated mandatory WSIB coverage for independent operators, sole proprietors, partners in a partnership and executive officers carrying on business in construction.

Legislated mandatory WSIB coverage **will not** serve to promote health and safety in the construction industry and will **increase** underground economic activity in the residential construction sector.

ONTARIO FATALITIES AND CRITICAL INJURIES

	(January 1 to August 31)	
	2008	2007
Fatalities	12	11
Critical Injuries	78	116

MINISTRY OF LABOUR FATALITIES TO DATE

No construction related fatalities occurred in August. Two workers passed away on August 27, 2008. A worker installing windows at a residence in Toronto succumbed to a heart attack. A worker died while doing maintenance on a kiln at a cement factory being investigated by the Industrial program.

The numbers of critical injuries have been adjusted after removing the reference to injuries that do not meet the definition of critical in Reg. 834/90

MINISTRY OF LABOUR – PROVINCIAL BLITZ

November will see MOL inspectors concentrating on industrial workplace hazards that can cause workers to fall and electrical hazards. The province-wide blitz will target health and safety hazards at demolition and renovation projects. The inspections are part of the province's new four year plan – Safe at Work Ontario launched in June.

MINISTRY OF LABOUR – UPDATE ON SUNRISE PROPANE

MOL is continuing to audit the site; the construction program is inspecting the demolition and rehabilitation work.

MINISTRY OF LABOUR – WASHROOMS ON CONSTRUCTION SITES

MOL continues to receive complaints from stakeholders about the consistency and quality of portable washrooms, including the question of whether hot and cold running water needs to be supplied or if warm water is sufficient. The regulation allows some latitude for employer's in deciding the appropriate facilities to be used based on the wording of section 29 of the regulation. The word "reasonably possible" causes confusion regarding the need to supply hot and cold running water. In order to decide please see the guidelines below.

1. Is there a local supplier of this equipment?
2. How long will it take to put them in place and how long will the job last?
3. Is there a better alternative, such as indoor plumbing?
4. What is the bio-hazard to workers and are they protected?

MINISTRY OF LABOUR – UPDATE OF MEETING WITH TSSA

During the summer MOL met with TSSA and several stakeholders about perceived enforcement overlap in the erection and use of "mast climber" scaffolds. TSSA will be confirming their enforcement position directly with the PLMHSC, however it is MOL's position that these devices can be used to raise and lower material, equipment and workers, provided the platform is not overloaded and is used in accordance with manufacturer's instructions and all workers are protected from exposure to hazards in compliance with regulation 213/91. This will likely include fall protection through the use of guardrails or other means and may include overhead protection.

The use of man/material hoists is under the jurisdiction of TSSA and the use of material transport platform will be evaluated by MOL and TSSA to determine jurisdiction once technical specifications and procedures for use have been provided by the manufacturers.

WORKPLACE SAFETY AND INSURANCE BOARD – THE NEW SERVICE DELIVERY MODEL

The WSIB is launching a New Service Delivery Model (NSDM) to improve return to work and recovery outcomes and assist in creating safer and healthier workplaces. The NSDM is a critical part of our Road to Zero commitment and together with the Prevention Strategy will accelerate drive to zero workplace fatalities, injuries and illnesses in Ontario.

Breaking Through Barriers for Return to Work and Recovery

Profound emotional, physical and economic losses are experienced when injured or ill workers have not yet returned to work and recovery. These losses are felt in the home, at the workplace, and throughout the community. Everyone benefits when workers return to work and recover as quickly as possible.

Due to a number of complex issues, rates of return to work in Ontario have declined over the past 10 years. The WSIB is committed to turning this trend around through the future-focused NSDM -- a service delivery initiative that introduces new and redesigned jobs, better ways of working and technologies for improvements in prevention, return to work and recovery outcomes. This new approach to service excellence and financial sustainability builds on the knowledge and relationships we have developed with our workplace partners. It also reflects feedback from workers, employers, staff and best practices research. The NSDM ensures the right people provide the right service at the right time in the right way.

New Roles Support Workers and Employers

Workers and employers will benefit from the experience and expertise of frontline service delivery staff in new or redesigned roles with a more specialized focus:

- Eligibility Adjudicator determines eligibility upon receiving a claim for benefits;
- Case Manager concentrates on the opportunities and obstacles to return to work, determines ongoing benefits to be paid to the worker, and arranges and monitors Labour Market Re-entry services wherever and whenever needed;
- Nurse Consultant coordinates specific medical interventions and improved timelines aimed at resolving health care barriers and decides what health care services and benefits are allowable;
- Account Specialist and Account Analyst provide employers with access to dedicated revenue decision-making services within the Employer Service Centre;

- Return to Work Specialist facilitates return to work and case resolution at the workplace;
- Disability Prevention Specialist assists employers (in-house as needed) to build new or improved prevention, disability management and compliance programs and practices for their entire workplace.

A Plan for Return to Work and Recovery

Frontline service delivery staff will use a consistent and standardized case management approach to identifying, assessing and coordinating services required for eligibility decisions and to achieve return to work and recovery. The approach involves procedures to significantly reduce the time it takes for workers to receive key services such as eligibility decisions and access to health care and Labour Market Re-entry programs. A plan for return to work will be set in collaboration with all workplace parties at the outset of each case. Employers will have improved access to prevention and return to work services at the worksite.

NSDM Launches in September 2008

The NSDM will be implemented in phases to minimize service disruption and ensure continuity of services. Ottawa will be the first to launch in September 2008 followed by Toronto and the regional offices completing our transition by mid 2009. In the coming months, Occupational Disease, Serious Injury and Pre-1990 Programs will be implementing new service delivery models that incorporate the principles of the NSDM, but reflect the unique needs in these areas.

Several NSDM Changes Already Initiated

Several changes within the NSDM that streamline service delivery have already been initiated. Bringing together our revenue activities through the Employer Service Centre has already improved accessibility, consistency and decision-making on account issues for employers. A new eServices online subscription service allows employers and injured workers across the province to electronically submit their Form 7 and Form 6 report of injury or illness online.

WORKPLACE SAFETY AND INSURANCE BOARD – FINAL PREMIUM RATES RELEASED

The WSIB has announced that the 2009 average premium rate for Schedule 1 employers. The decision to keep the 2009 average premium rate at \$2.26 unchanged from 2007 and 2008, is based on careful financial analysis and an expectation that improvements will occur in health and safety and return to work outcomes consistent with the WSIB's Road to Zero and Prevention Strategies.

WORKPLACE SAFETY AND INSURANCE BOARD – RE-EMPLOYMENT POLICIES

On September 1, 2008, a new regulation took effect for the construction industry with regard to re-employment.

The regulation provides several benefits including:

- Return to work co-operation rules for construction employers and workers that didn't exist prior
- Re-employment obligations for construction employers that are more clearly articulated
- Improved return to work outcomes for the construction industry
- A reasonable balance between the interests of employers, workers and the system.

New Re-employment Polices

Three WSIB operational obligations polices were created to support the re-employment provisions of the regulation and apply to workers who are injured or become ill on or after September 1, 2008. Operational polices to support the return to work provisions of the regulation will take effect at a later date.

The re-employment obligations set out in the regulation and in the policies apply to all construction employers even those with less than 20 workers. More specifically they apply to any employer whose predominant business activity – as determined by the WSIB - is classified within Schedule 1, Class G-Construction.

The policies therefore apply to any worker who has entered into a contract of service or apprenticeship with a construction employer for the performance of construction work and who has been “unable to work” as a result of work-related injury.

There is no requirement that the construction worker must have worked for the employer for one year prior to the injury.

New Requirements

A construction employer's obligation to re-employ begins when it is notified that an injured construction worker, who has been “unable to work”, is medically able to perform:

- The essential duties of his or her pre-injury job
- Suitable construction work or
- Suitable non-construction work.

Please note that the employer must offer to re-employ the injured worker in the first job that becomes available and is consistent with the worker's medical ability to return to work.

CONSTRUCTION SAFETY ASSOCIATION OF ONTARIO – NEW CSO CERTIFICATE

CSAO will soon launch a new Construction Safety Officer (CSO) certificate. The requirements for this certificate involve a combination of classroom and field experience.

CSAO has compared other CSO programs to what was available in Ontario, the main gap identified was auditing. CSAO will offer a new course called *Basic Auditing Principles* starting in 2009. This new course will be one of the courses required for the CSO certificate.

In addition to the course requirements for the CSO certificate, workers must also have at least five years of practical onsite experience before they can apply.

CONSTRUCTION SAFETY ASSOCIATION OF ONTARIO – MOCK TRIALS IN EASTERN ONTARIO

On October 22, the Ottawa committee will host a mock trial in conjunction with the Ottawa Construction Association. This mock trial will show what happens in court when a general contractor, subcontractor and supervisor face charges after one of the subcontractor's employees fall. For more detail about the Ottawa and Kingston mock trial please contact John Sinclair at the CSAO office. 1-800-781-2726 ext 4031.

CONSTRUCTION SAFETY ASSOCIATION OF ONTARIO

TRAINING COULD PREVENT STRUCK-BY INJURIES

Struck-by/against injuries occur when workers are hit by work tools, construction materials, vehicles, flying debris, or any other object.

According to Ontario's WSIB statistics (1998-2007), most struck-by/against injuries involve work with construction materials such as metal, lumber, pipe, masonry materials, walls, and doors. Such struck-by injuries can be quite serious. These injuries are also very preventable.

Here are a few things you can do to help prevent these types of injuries.

- *Make sure your workers receive proper training on how to transport and handle all the materials they will use.

- *Plan where to store and how to transport materials. Make sure everyone on site is aware of elements of this plan (e.g., pathways, use of forklifts).

- *Provide your workers with more oversight and feedback on material handling and tool use, especially if a worker is new.

*Follow good housekeeping practices so that there is no debris in pathways that are used to transport material.

GET READY FOR THE NEW CANADIAN ELECTRICAL CODE

The Canadian Standards Association (CSA) is hosting a conference series on workplace electrical safety. The purpose is to help electrical workers and employers prepare for the new 2009 Canadian Electrical Code and the CSA Z462

Standard: Electrical Workplace Safety.

The event will take place in Toronto on November 5 and 6. Visit www.csa.ca/ceconference for details.

TECHNICAL STANDARDS AND SAFETY AUTHORITY - TSSA

For the latest edition of the Boilers and Pressure Vessels/Operating Engineers Update newsletter, please visit the site below. Or you can contact Sajida Jiwani at the OHBA office for a copy.

<http://www.tssa.org/CorpLibrary/ArticleFile.asp?Instance=136&ID=94EAFEFF82E04DD9939CBDF757E96244>

ADDITIONAL INFORMATION

THE ROAD TO ZERO: A PREVENTION STRATEGY FOR WORKPLACE HEALTH AND SAFETY IN ONTARIO 2008-2012 – WSIB

For a copy of this document please visit the WSIB website or contact Sajida Jiwani, Manager of Operations at the OHBA office – (416) 443-1545, sjiwani@ohba.ca

OHBA HEALTH AND SAFETY COMMITTEE MEETING

Our next committee meeting is scheduled for Monday December 8/08 at 1:00 p.m. at the OHBA office at 20 Upjohn Road Suite 101, North York. You are invited to attend our meeting. For further information please contact Sajida Jiwani, Manager of Operations at the OHBA office – (416) 443-1545, sjiwani@ohba.ca

THE BULLETIN - KEEPING MEMBERS INFORMED

The Bulletin is not a comprehensive document, but the Committee believes you will find value in receiving a monthly update to health and safety related issues that will affect the residential construction industry and your business.

E-SCRIPTION LIST

The Bulletin is automatically distributed to all 29 local associations. Individual members can be added to the e-scription list by request through email to healthandsafety@ohba.ca .

Ontario Home Builders' Association

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