



April 2009

ONTARIO FATALITIES AND CRITICAL INJURIES

	(January 1 st to March 31 st)	
	2009	2008
Fatalities	1	2
Critical Injuries	25	36

Note: these figures represent preliminary data and are not to be considered official statistics from the Ministry of Labour. Official statistics will be issued quarterly by the Occupational Health and Safety Branch of the Ministry of Labour.

This month there has been one fatality where a young 19 year-old worker in Eastern region was killed while he walked between a backhoe and a parked machine. When the backhoe swung, he was crushed between the two pieces of equipment. Two men also died from carbon monoxide poisoning in Eastern region while sleeping in a home under renovation, however this event has not been determined to fall within OHSA jurisdiction at this time

MINISTRY OF LABOUR – BLITZES

Ergonomic Blitz: April 2009

MOL is planning a blitz on ergonomic hazards across all sectors of workplaces including construction. This is the first MOL cross program coordinated blitz that will target the same hazard in all workplaces at the same time.

Musculoskeletal disorders (MSDs) currently account for 43% of all WSIB lost time injuries. Over the past five years, the proportion of MSD claims: total claims have increased from 40% to 43%. In this period of time (2003-2007), the direct claim costs associated with MSDs is over \$640 million and the days lost from work are over 6 million.

MINISTRY OF LABOUR – ELECTRONIC NOTICE OF PROJECT

The constructor must provide a Notice of Project (NOP) to the Ministry of Labour (MOL) prior to starting projects that meet the standards set out in section 6(1) of the Construction Regulations. The MOL has made it easier to complete and submit the form with their online NOP application system.

Please make sure that you have read and understand the following information:

- Notice of Project requirements
- Privacy Information
 - This information is collected under the authority of the *Occupational Health and Safety Act, 1990, (OHSA)* and will be used by the Ministry of Labour (MOL) to

administer the OHSA. Collection, use and disclosure of the information in this form is regulated by the *Freedom of Information and Protection of Privacy Act* R.S.O. 1990F31 (as amended).

- If you have any questions related to the OHSA you may contact your nearest Ministry of Labour office.
- If you have any questions regarding Freedom of Information (FOI) matters, you may contact the Ministry of Labour FOI Coordinator at 416-326-7786.
- Notification requirements of O.Reg 213/91 Sec.6
- You can also download a copy of the Registration of Constructors and Employers Engaged in Construction form - PDF Form-1000. (Requirement to meet O.Reg 213/91 Sec.5.)

WSIB – RETURN TO WORK PROGRAM

Re-employing injured workers in the construction industry

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 to September 1, 2008
- 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 Policies

Three WSIB operational policies were created to support the re-employment provisions of the regulation. These policies took effect on September 1, 2008, and apply to workers who are injured or become ill on or after this date. Operational policies 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 a work-related injury. They do not apply to a construction employer's non-construction workers (i.e., office staff who do not work at a construction workplace). (Please see general Re-employment Fact Sheet on the WSIB website at www.wsib.on.ca.) 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
- suitable non-construction work

Following notification, 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.

The employer's offer of work must take into account its obligation to accommodate the work and the workplace to the needs of the worker, to the extent that the accommodation does not cause the employer undue hardship. An employer is required to accommodate the workplace if it has “control over the workplace” - it has the authority to order or implement non-permanent physical changes to any structure(s) on the workplace to meet the needs of the worker (e.g., building a

temporary ramp). Even though a construction employer may not have an obligation to accommodate the workplace because it does not have control over the workplace, it still has an obligation to accommodate the worker's work if such a need exists. In all cases where the worker is medically able to perform some type of construction work, an employer who has more than one construction job available must offer to re-employ the worker in the construction job that is most similar in nature and earnings to the one the worker had on the date of injury.

Duration of the Requirements

The employer's obligation to re-employ continues until the earliest of:

- two years from the date of injury
- one year after the worker is medically able to do the essential duties of the pre-injury job
- the date the worker declines an offer of work, or
- the date the worker reaches age 65

Other Items Covered by the Operational Policies

The three WSIB operational policies created to support the re-employment provisions of the regulation cover issues such as:

- the differences between a unionized and a non-unionized environment
- the definition of suitable work
- breaches of the re-employment obligation
- re-employment penalties and payments

The WSIB considered the input of both worker and employer stakeholders in arriving at the regulation and the operational policies.

2009 Premium Rates

The 2009 Premium Rates were approved and finalized on July 24, 2008. 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.

The WSIB **maximum insurable earnings ceiling** for 2009 is **\$74,600**. The maximum insurable earnings ceiling was based on the April preliminary average weekly earnings aggregate, which was published by Statistics Canada.

WSIB – 2009 PREMIUM RATE TABLE

Rate Group	Description	2009 Premium Rate (\$)	2008 Premium Rate (\$)	Percent Change
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704	Electrical and incidental construction services	3.25	3.29	-1.2%
707	Mechanical and sheet metal work	3.98	4.02	-1.0%
711	Roadbuilding and excavating	4.68	4.55	2.9%
719	Inside finishing	6.75	6.75	0.0%
723	Industrial, commercial & institutional construction	4.35	4.35	0.0%
728	Roofing	12.98	12.98	0.0%
732	Heavy civil construction	6.34	6.34	0.0%
737	Millwrighting and welding	6.25	6.32	-1.1%
741	Masonry	11.15	11.15	0.0%
748	Form work and demolition	15.86	16.02	-1.0%
751	Siding and outside finishing	9.14	8.90	2.7%
764	Homebuilding	8.71	8.80	-1.0%

CSAO – SAFETY TALKS – BACKING VEHICLES

Every year construction workers are killed and injured by backing vehicles and machinery. Blind spots are a serious problem. The hazards increase in congested areas where vehicles and heavy equipment are backing up all the time. On most projects, trucks and equipment have to operate in reverse at some point. That's when a signaler is necessary. If you are the signaler use the following:

- use hand signals
- wear high-visibility clothing
- know driver and operator blind spots
- stand where the operator can see you at all times and where you have full view of the intended path of travel
- make eye contact with driver or operator before you signal or change position
- concentrate

CSAO – ANNUAL MEETING

CSAO's Annual Meeting will be held on Monday April 27, 2009 at the Inter Continental Toronto Yorkville Hotel, 220 Bloor Street West, at 9:00 am.

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 June 15th 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 .

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