



Perspectives on Compliance Obligations  
for Municipal Fire Services  
Ministry of Labour and the Office of the Fire Marshal

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## General Purpose & Disclaimer

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- ❑ The purpose of today's presentation is to assist the workplace parties in understanding their obligations under the Occupational Health and Safety Act (OHSA) and the regulations and the Fire Protection and Prevention Act, 1997 (FPPA). It is not intended to replace the OHSA or the regulations, or the FPPA, and reference should always be made to the official versions of the legislation.
- ❑ It is the responsibility of the workplace parties to ensure compliance with the legislation and the presentation does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.
- ❑ While this presentation may also be available to Ministry of Labour inspectors, they will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This presentation does not affect their enforcement discretion in any way.

## Today's Presentation Topics

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- ❑ MOL/OFM Outreach Strategy
- ❑ Role of the Ministry of Labour and the Office of the Fire Marshal and Emergency Management
- ❑ Occupational Health and Safety Act (OHSA)
- ❑ Fire Protection and Prevention Act, 1997 (FPPA)
- ❑ Ontario Fire Service Health and Safety Advisory Committee (Fire Service Section 21 Committee)
- ❑ Safe At Work Ontario – MOL's Compliance Strategy
- ❑ What to expect during an MOL inspection
- ❑ What to anticipate as interaction with the OFM

## MOL/OFM Outreach Strategy

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- Background
  - Recent occupational health and safety prosecutions.
- Regional meetings with the Tri-County Delegation of South Western Ontario Mayors (representing Lambton, Huron and Middlesex Counties).
  - Held in May and December 2012, and March 2013.
- Provincial MOL/OFM outreach strategy developed to assist elected officials, municipal managers, and fire service leaders in further understanding the legislated responsibilities with respect to municipal fire services as mandated by the OHSA and the FPPA.

## Role of MOL

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- ❑ The Ministry of Labour's mission is to advance safe, fair and harmonious workplace practices that are essential to the social and economic well-being of the people of Ontario.
- ❑ The Ministry's mandate is to set, communicate and enforce workplace standards while encouraging greater workplace self-reliance. The Ministry also develops, coordinates and implements strategies to prevent workplace injuries and illnesses and can set standards for health and safety training.

## Role of OFM

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- On August 15, 2013, it was announced that Ontario is combining Emergency Management Ontario and the Office of the Fire Marshal into one organization called the Office of the Fire Marshal and Emergency Management, which will be dedicated to promoting safer communities.
- Led by Ted Wieclawek, this new, integrated organization will strengthen the co-ordination and delivery of community safety programs, without impacting front-line services.

## Role of OFM - continued

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- The new office will:
  - Work with municipal partners to deliver fire safety and emergency management programs and services;
  - Share expert advice with local decision-makers;
  - Support municipal response efforts when called upon in an emergency.

## Occupational Health and Safety Act

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- ❑ The OHSA came into force on October 1, 1979.
- ❑ The main purpose of the OHSA is to protect worker health and safety.
- ❑ It applies to all workplaces in Ontario except federally regulated workplaces (e.g. banks, post offices, etc.) and work in a private home, carried out by an owner/occupant or servant of an owner/occupant.
- ❑ Places specific duties on those who have any degree of control over the workplace (i.e. employers, supervisors, constructors, owners, directors and officers of a corporation).
- ❑ The OHSA and the 26 regulations made under the OHSA are enforced by the Ministry of Labour.
- ❑ The provisions of the OHSA and the regulations prevail.



## Key Features of the OHSA

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- ❑ Sets out the basic duties of employers, constructors, supervisors
- ❑ Sets out the basic duties and rights of workers.
- ❑ Sets out requirements to address workplace violence and harassment (WPVH)
- ❑ Establishes MOL's mandate to prevent occupational injuries and diseases
- ❑ Prohibits reprisals by employers
- ❑ Provides for enforcement by inspectors
- ❑ Establishes offences and penalties
- ❑ Provides the authority to make regulations

## OHSA – Duties of Employers

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- ❑ Take every precaution reasonable in the circumstances for the protection of workers.
- ❑ Provide, maintain and ensure proper use of equipment, materials and protective devices.
- ❑ Ensure prescribed measures and procedures are carried out.
- ❑ Provide information, instruction and supervision to workers.
- ❑ Acquaint workers and supervisors with hazards in workplace.
- ❑ Notify MOL of workplace fatalities, critical injuries and occupational illnesses.
- ❑ Co-operate with the joint health and safety committee or worker health and safety representative and respond to recommendations.
- ❑ Develop an occupational health and safety policy and program (where 6 or more workers), and a WPVH policy and program.

## OHSA – Duties of Supervisors

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- ❑ Ensure that a worker works in the manner and with the protective devices, measures and procedures required by the OHSA and regulations.
- ❑ Ensure that a worker uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.
- ❑ Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware.
- ❑ Provide, where prescribed, a worker with written instructions as to the measures and procedures to be taken for protection of the worker.
- ❑ Take every precaution reasonable in the circumstances for the protection of a worker.

## OHSA – Duties of Workers

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### □ Key Duties of Workers

- Work in compliance with the OHSA and regulations
- Use or wear required equipment, protective devices or clothing
- Report hazards and contraventions to the supervisor or employer
- Operate equipment and work in a safe manner so that no worker is endangered
- Engage in pranks, contests, rough or boisterous conduct

### □ Key Rights of Workers

- Right to Participate in decisions about health and safety
- Right to Know about workplace hazards
- Right to Refuse unsafe work
- Right to Stop Work (certified members of JHSC)

## OHSA – Duties of Directors/Officers of a Corp.

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- Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with:
  - The OHSA and the regulations;
  - Orders and requirements of inspectors and Directors; and
  - Orders of the Minister.

## Powers of MOL Inspectors

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- MOL health and safety inspectors have broad powers to:
  - Enter any workplace without appointment and inspect for compliance with the OHS and regulations
  - Handle or use any equipment/machinery; take away samples
  - Interview workplace parties
  - Look at documents, records, take photographs
  - Require expert testing of equipment, workplace environment and production of reports
  - Issue orders (e.g., immediate or time-based compliance; stop-work) and use other enforcement tools (i.e. Part I tickets, Part I summons, Part III prosecution).
- Inspectors investigate complaints, critical injuries, fatalities, reports of occupational illness and work refusals.
- Decisions of inspectors can be appealed to the Ontario Labour Relations Board.

## Fire Protection and Prevention Act, 1997

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- The OFM is responsible for the administration of the following provincial legislation that promotes fire protection, fire prevention and public safety in Ontario:
  - the Fire Protection and Prevention Act, 1997 (FPPA), and
  - the Fire Code, a regulation made under the act that governs fire safety standards for equipment, systems, buildings, structures, land and premises in Ontario.
  
- The FPPA is an act to promote fire prevention and public safety; it defines the role of the Office of the Fire Marshal and the responsibilities of municipalities to determine the service level for fire protection services.

## Fire Service Section 21 Committee

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- ❑ Established on February 6, 1989, under Section 21 of the Occupational Health and Safety Act.
- ❑ To advise and make recommendations relating to the occupational health and safety of all firefighters in the Province of Ontario.
- ❑ Develops guidance material as needed to clarify the requirements of the OHSA and regulations made under the OHSA as they apply to protect workers in the sector.



## Guidance Notes

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- ❑ Provide clarification on the requirements of the OHSA and regulations that apply to a particular hazard, type of work, type of workplace or workplace party in the sector.
- ❑ Contain additional information to assist the workplace parties in improving health and safety through recommended best practices.
- ❑ The guidance notes and other compliance assistance material disseminated by the Ministry and committee do not derogate from employers' obligations under the OHSA, including the duty to take every reasonable precaution in the circumstances to protect workers (Section 25(2)(h) OHSA) where specific legal requirements do not address a specific hazard.

## General MOL Expectations for Fire Services

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- ❑ The OHSA requires workers to be instructed, informed and supervised to perform their work in a manner that protects their health and safety.
- ❑ Fire departments should incorporate into their Standard Operating Procedures/Guidelines or Policy and Operational Guidelines the principles set out in the Guidance Notes, taking into account the fire department's response capabilities (per the municipality's Establishing and Regulating By-law).
- ❑ Firefighters should be trained using their department's Standard Operating Procedures/Guidelines.

## MOL's Compliance Strategy Safe At Work Ontario

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- Safe At Work Ontario is designed to:
  - improve the health and safety culture of workplaces,
  - reduce workplace injuries and illness,
  - lessen the burden on the health care system,
  - avoid costs for employers and the Workplace Safety and Insurance Board (WSIB), and
  - provide a level playing field for compliant companies.

## SAWO Workplace Inspection Criteria

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- ❑ The workplace inspection identification criteria used by the Ministry of Labour include:
  - injury rates and associated costs
  - compliance history
  - hazards inherent to the work
  - new businesses
  - size of businesses
  - specific events or incidents (e.g., critical or fatal injuries, or injuries due to violence) and
  - the presence of new and/or vulnerable workers.

➤ **Note:** The criteria are not limited to the above.

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## Sector Plans

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- ❑ A fundamental component of SAWO is the development of annual sector–specific plans that provide the flexibility to focus on sector specific hazards and characteristics.
  - ❑ MOL has developed strategies for the Industrial, Health Care, Construction and Mining sectors which specify how the selection criteria will be used. As a result of the selection criteria, MOL may be visiting many workplaces that have not had an injury.
  - ❑ SAWO seeks to improve the health and safety of Ontario’s workplaces. MOL inspections will focus on the Internal Responsibility System (IRS). The results of the inspection will determine the level of future Ministry engagement and frequency of subsequent inspections for that workplace.
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# Types of MOL Workplace Visits

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## Inspections

- Workplace inspections are proactive visits by an Inspector to review a workplaces compliance with the OHSA
- Workplaces may be identified for proactive inspection using SAWO criteria

## Investigations

- Investigations are reactive visits to a workplace in most cases because of a complaint, work refusal, injury, or fatality

## Consultations

- Consultation visits in many instances occur before an actual workplace inspection
- An Inspector discusses with the employer and/or Joint Health and Safety member the purpose of their visit and may request information for the workplace parties to prepare for their next visit

## What to Expect During an MOL Inspection

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- Among the many factors that MOL Inspectors will examine during proactive inspections are:
  - Compliance with the Occupational Health and Safety Act and its Regulations
  - Health and safety programs and policies
  - Internal Responsibility System — self reliance
  - Training requirements and any deficiencies
  - Record of injuries, including musculoskeletal disorders (MSDs)
  - Occurrence and record of workplace violence
  - Young worker health and safety
  - Workplace-specific sector hazards.

## What to Anticipate as Interaction with the OFM

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- There is a direct link between the OHS (firefighter health and safety) AND the delivery of effective and efficient fire protection services (Public Safety)
  - Fire Investigations
    - Comprehensive fire investigations – OHS considerations that may have impacted on the incident
  - Fire Protection Services
    - Monitoring and Review – Services provided in accordance with Establishing and Regulating By-Law
  - Ontario Fire College
    - Training requirements for fireground operations (safe and effective)
  - Emergency Preparedness and Response Unit
    - PPE requirements
    - Technical advice and expertise
    - Provincial Teams
  - Community Safety Enhancements Unit
    - PPE requirements
    - Training – Awareness Seminars – health and safety risks considerations



## Conclusion

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- ❑ The Ontario Government supports municipal decision makers and fire service leaders in becoming more knowledgeable regarding the acts and regulations that affect the operations and responsibilities of municipalities and their fire departments.
- ❑ MOL (1-877-202-0008) and the Public Services Health & Safety Association have resources available to employers to assist and support them in meeting the health and safety requirements of the OHSA.
- ❑ OFMEM (416-325-3100 or 1-800-461-2281).

Thank You!

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Questions ?