

Legislative Update: Occupational Health and Safety Statute Law Amendment Act, 2011

June 1, 2011

S.O. 2011, c. 11 (Royal Assent June 1, 2011)

Various amendments are made to the *Occupational Health and Safety Act* and the *Workplace Safety and Insurance Act, 1997*. The following is not an exhaustive list of the amendments, but rather highlights some of the changes made.

The *Occupational Health and Safety Act* (the “**Act**”) is amended to set out the Minister’s powers in administering the *Act*. It is further amended to allow the Chief Protection Officer to establish standards for training programs and approve programs that meet the standards. Constructors and employers are now required to ensure health and safety representatives receive approved training to enable them to effectively exercise the powers and perform the duties of representatives.

Added to the *Act* is Part II.1 (Prevention Council, Chief Prevention Officer and Designated Entities). Apart from outlining duties and powers of appointment, it allows for the designation of entities as a safe workplace association or a medical clinic or training centre specializing in occupational health and safety matters. Part III.1 has been amended to give the Minister the ability to approve codes of practice respecting statutory and regulatory requirements. The *Act* has also been amended to allow an inspector to refer a matter to the Board, on the workers’ consent, where a worker alleges that his or her employer has violated the prohibition against reprisals and where circumstances warrant, so long as it has not been otherwise dealt with by binding arbitration under a collective agreement or the worker filing a complaint to the Board.

The *Workplace Safety and Insurance Act, 1997*, has been amended to repeal Part II (Injury and Disease Prevention), though the sections dealing with payments to constructions workers and first aid requirements that may be set by the Board were re-enacted elsewhere in the *Act*.