

OCTOBER 2024 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

Housekeeping & Sanitation

Oct 18: October 18th is the deadline [to comment](#) on proposed OHS regulations that would require employers at construction projects, industrial establishments, mines, farming operations, healthcare facilities, and other workplaces to ensure that cleaning records for washroom facilities are posted at the site.

Action Point: Find out how to implement a [Sanitation and Toilets Compliance Game Plan](#) at your site.

Transportation Safety

Oct 7: [Comments](#) closed on [proposed changes](#) to Ontario insurance regulations that would raise the minor accident property damage threshold for automobiles from \$2,000 to \$5,000, while also allowing insurers to provide, with the insured's consent, electronic notice of termination of Accident and Sickness Insurance and Property and Casualty Insurance contracts.

Transportation Safety

Oct 15: Believing that bike lanes are getting out of hand, the government says it plans to propose legislation that would require municipalities to get approval from the province before installing new bike lanes that would result in the removal of lanes for traffic by demonstrating that the proposed bike lanes won't have a negative impact on vehicle traffic.

Incident Reporting

Oct 1: The Office of the Employer Adviser published a new [Tip Sheet](#) to help Ontario employers fill out the WSIB Form 7, aka, the Employer's Report of Injury/Disease. Employers must submit Form 7 to the WSIB within 3 days of learning about the injury or illness.

Action Point: Use the resources on the OHSI Incident Reporting [Compliance Centre](#)

to ensure proper incident investigation and reporting at your workplace.

Asbestos

Oct 1: The WSIB updated Operational Policy Manual (OPM) document [16-02-11 Gastrointestinal Cancer-Asbestos Exposure](#) to reflect current scientific evidence on the association between occupational exposure to asbestos and the risk of gastrointestinal cancer. The agency commissioned a research team to look into the issue in 2021.

Action Point: Find out how to implement an [Asbestos Exposure Control Plan](#) at your workplace.

Environmental

Oct 21: October 21st is the final day to submit [comments](#) to the Ontario Ministry of Natural Resources and Forestry on [proposed changes](#) to improve the effectiveness of the process it uses to conduct independent audits of managed forests across the province.

Environmental

Oct 20: October 20th is the deadline to [comment](#) on [proposed amendments](#) to 4 recycling regulations under the *Resource Recovery and Circular Economy Act* setting out environmental responsibilities for producers of tires, batteries, electrical and electronic equipment, and hazardous and special products.

CASES

Safety Training: Failing to Document Driver Training Results in \$160,000 Fine

A waste collection truck tipped over and fell into a ditch, killing the driver who was operating the vehicle from the right side. While the company had a training program for drivers, trainers didn't have a checklist to document that new drivers met all the required competencies before being allowed to operate the vehicle from the right side. As a result, the company was fined \$160,000 after pleading guilty to failing to provide information, instruction, and supervision to ensure workers were able to operate the vehicle safely [*Norfolk Disposal Services Limited*, [MOL Press Release](#), September 27, 2024].

Action Point: Avoid citations like these by implementing an [OHS Safety Training Records & Documentation Compliance Game Plan](#).

Work Injuries: Wrongfully Ending Supervisor's LTD Benefits Costs Company \$360,000

You can imagine the shock a construction supervisor felt upon learning that the company had terminated his long-term disability (LTD) benefits. The company took

the position that the supervisor had quit his job by taking leave for hernia surgery and thus pulled the plug on his coverage. After a 5 day trial, the court ruled that the company's decision to pull the supervisor's LTD coverage was a contract violation and awarded him \$360,000 in total damages. The case went all the way to the Ontario Court of Appeal, which upheld the ruling and damage award. The case didn't make an error in finding that the supervisor was disabled when he took leave, even though he was involved in a car accident a couple of months later, reasoned the high court [[Soave v. Stahle Construction Inc.](#), 2024 ONCA 706 (CanLII), September 23, 2024].

Machine Guarding: Farm Operator Fined \$125,000 for Conveyor Fatality

A trainee got killed while lubricating the Potato Line, a custom-designed system of hoppers, conveyors, cleaners, and packaging equipment, with the machinery running. The incident occurred after the lead millwright went home for the night. The farm was fined \$125,000 for failing to ensure that uptake conveyor was equipped with a guard to prevent access to the pinch point [[Gwillimdale Farms Ltd., MOL Press Release](#), October 8, 2024].

Action Point: Find out how to implement a [Conveyor Safety and Compliance Game Plan](#) at your workplace.

Workplace Harassment: Company Jumps the Gun in Dismissing Worker's Harassment Complaint

A worker got an earful from her manager after sending him an email complaining about lack of management support. He "trivialized and ridiculed" my concerns and used a "condescending and harsh" tone, the worker complained to company higher-ups. In reply, she received a verbal and written warning. A month later, she got fired. So, she filed a reprisal claim contending that she got fired for complaining of workplace harassment. The company denied the charge, insisting that the manager's conduct didn't rise to the level of harassment. But the Ontario Board refused to toss the case. Maybe the manager committed harassment or maybe he didn't. The point wasn't the characterization of the conduct but that the worker suffered adverse action as a result of **raising the issue** of workplace harassment and thus seeking to enforce the company's OHS duty to prevent it from occurring. Firing her without investigating the allegation was thus enough to make out a valid legal claim for harassment warranting a hearing [[Catherine Sapone v Chanel Canada ULC](#), 2024 CanLII 96745 (ON LRB), September 19, 2024].

Action Point: Find out how to implement an effective [Workplace Violence and Harassment Compliance Game Plan](#) at your site.