

LEGISLATIVE DEVELOPMENTS IMPACTING PETROLEUM CONTRACTORS

John W. Aird
Workplace Safety & Prevention Services

Ontario Petroleum Contractors Association

March 8, 2016

Regulations Impacting your Businesses

- Working at Heights
- WHMIS 2015
- New JHSC Certification Standard
- New Noise regulation





Working at Heights - Could this happen to you?

- Greenhouse fined \$100,000 for worker fatality resulting from fall from ladder
- 8 foot ladder
- Reaching and foot missed a ladder rung
- Worker suffered head injuries and died in hospital several weeks later

Two Main Types of Falls

WSPS member firms had 22,878 lost-time injuries of which 21% were due to falls*

1. Falls on the same level
 - 70% of fall injuries
2. Falls from a higher level
 - Usually a fall from a height is more severe than one on the same level

In 2013 there were 11 work related deaths from falls in industrial workplaces.



Working at Heights

Selected Applicable Legislation and Standards

Act

Legal authority and General principles

Occupational Health and Safety Act

s. 25.(2(h))

Regulations

Specific rules

Industrial Regulations

s.11, 13,14,15, 18,19
52,73,79,85,86

Construction Regulations

Standards

No legal authority unless referenced

CSA standards on ladders, protective equipment

Industrial Establishments, Regulation 851



- Section 13 and 14: Guardrail requirements
- Section 15: Cover required on openings
- Section 52:
 - Equipment used to support, raise or lower a worker must meet specific requirements
 - Person must be attached to a separate lifeline

Ladders - Section 73 – Industrial Establishments

- Free from broken or loose members or other faults
- Have non-slip feet
- Placed on firm footing
- Held in place when:
 - Exceeds 6 meters and not fastened
 - Endangered by traffic
- Proper angle
 - Distance from top support to the foot of the ladder between $\frac{1}{3}$ and $\frac{1}{4}$ of height



Fall Protection – Industrial Establishments Reg.



- Section 79: **Training required** for workers required to use protective equipment or device
- Section 85: Worker shall use harness with shock absorber when exposed to hazard of falling more than 3 meters
- Section 86: Protective measures required when a worker may fall into a liquid

Construction Projects Regulation (O. Reg. 213/91) section 26

- Defines fall hazards situations requiring controls
 - Falling more than 3 metres
 - Falling more than 1.2 metres, if area used as a path
 - Falling into operating machinery
 - Falling into water or another liquid
 - Falling into or onto a hazardous substance or object
 - Falling through an opening on a work surface

Fall Protection Requirements - Section 26

- Requires/specifies guard rail and barrier protection
- If not practical - highest ranking fall protection
 1. Travel restraint system
 2. Fall restricting system
 3. Fall arrest system
 4. Safety net
- Training requirements including WAH
- Device design and installation - CSA standards
- Training records





Working at Heights Training requirements may affect you

- People working at heights & performing work covered under construction projects regulations
 - *moving or removing a building or structure*
 - *installing machinery*
 - *constructing or renovating a building, structure, trench, parking lot*
- Even if using a contractor the MOL considers you project owner and contractor's employer

**STOP
FALLS!**



Working at Heights Training Requirements (O. Reg. 297/13)

- Applies to workers on construction projects that use specified methods of fall protection
- Training from approved providers
- In force April 1, 2015 – 2 year transition
- In addition to training required under section 26.2 of Construction Projects Regulation (O. Reg. 213/91)
- Activity considered maintenance or construction determined on case-by-case basis
- Valid for three years



Working at Heights Training

■ Module 1 (Theory)

- rights & responsibilities
- identifying hazards
(focus on safety culture)
- hierarchy of controls
- limitations of (PPE)
- warning methods and physical barriers
- ladder safety
- introduction to PPE

■ Module 2 (Practical)

- barriers and other fixed equipment
- fall PPE (travel restraint, fall restricting, fall arrest systems)
- anchor points
- work access equipment and platforms
- rescue planning

Four steps to keep your people & business safe

- Conduct workplace hazard assessment
- Know which regulations apply
- Review your policy, procedures and training
- Review or implement a contractor safety program





WHMIS and Global Harmonization System

- Hazard classification criteria are more comprehensive
- New hazard classes are included
- Physical hazard criteria are consistent with TDG
- Standardized language (hazard and precautionary statements)
- Standardized SDS format and more comprehensive requirements













Transition to WHMIS 2015

- Changes to Hazardous Products Act and Regulations
- In force February 11, 2015
- Phased - final deadline December 1, 2018
- Proposed changes OHSA - Bill 85
- Period when federal and provincial WHMIS requirements not aligned
- MOL will use "interim operational approach"

What's changing?

- Pictograms
- Hazard Classes and Categories
- Safety Data Sheets - 9 to 16 sections
- Labels – supplier and workplace



	Exploding bomb (for explosion or reactivity hazards)		Flame (for fire hazards)		Flame over circle (for oxidizing hazards)
	Gas cylinder (for gases under pressure)		Corrosion (for corrosive damage to metals, as well as skin, eyes)		Skull and Crossbones (can cause death or toxicity with short exposure to small amounts)
	Health hazard (may cause or suspected of causing serious health effects)		Exclamation mark (may cause less serious health effects or damage the ozone layer*)		Environment* (may cause damage to the aquatic environment)
	Biohazardous Infectious Materials (for organisms or toxins that can cause diseases in people or animals)				

* The GHS system also defines an Environmental hazards group. This group (and its classes) was not adopted in WHMIS 2015. However, you may see the environmental classes listed on labels and Safety Data Sheets (SDSs). Including information about environmental hazards is allowed by WHMIS 2015.



Hazard Groups, Classes, Categories & Types

- Physical hazards group – based on physical or chemical properties
 - flammability, reactivity, or corrosivity to metals
- Health Hazards group - based on the ability of the product to cause a health effect
 - eye irritation, respiratory sensitization or carcinogenicity



Physical Hazard Classes

- Flammable gases
- Flammable aerosols
- Oxidizing gases
- Gases under pressure
- Flammable liquids
- Flammable solids
- Pyrophoric liquids
- Pyrophoric solids
- Oxidizing liquids
- Oxidizing solids
- Organic peroxides
- Corrosive to metals
- Combustible dusts
- Pyrophoric gases

Health Hazard Classes

- Acute toxicity
- Skin corrosion/irritation
- Serious eye damage/eye irritation
- Respiratory or skin sensitization
- Germ cell mutagenicity
- Carcinogenicity
- Reproductive toxicity
- Specific target organ toxicity – single exposure
- Specific target organ toxicity – repeated exposure
- Biohazardous infectious materials

Labels

- Product identifier
- Initial supplier identifier
- Pictogram(s)
- Signal word
- Hazard statement(s)
- Precautionary statement(s)
- Supplemental label information

Product K1 / Produit K1



Danger

Fatal if swallowed.
Causes skin irritation.

Precautions:

Wear protective gloves.
Wash hands thoroughly after handling.
Do not eat, drink or smoke when using this product.

Store locked up.
Dispose of contents/containers in accordance with local regulations.

IF ON SKIN: Wash with plenty of water.
If skin irritation occurs: Get medical advice or attention.
Take off contaminated clothing and wash it before reuse.
IF SWALLOWED: Immediately call a POISON CENTRE or doctor.
Rinse mouth.

Danger

Mortel en cas d'ingestion.
Provoque une irritation cutanée.

Conseils :

Porter des gants de protection.
Se laver les mains soigneusement après manipulation.
Ne pas manger, boire ou fumer en manipulant ce produit.

Garder sous clef.
Éliminer le contenu/récipient conformément aux règlements locaux en vigueur.

EN CAS DE CONTACT AVEC LA PEAU : Laver abondamment à l'eau.
En cas d'irritation cutanée : Demander un avis médical/consulter un médecin.
Enlever les vêtements contaminés et les laver avant réutilisation.
EN CAS D'INGESTION : Appeler immédiatement un CENTRE ANTIPOISON ou un médecin.
Rincer la bouche.

Compagnie XYZ, 123 rue Machin St, Mytown, ON, N0N 0N0 (123) 456-7890

Phase	Timing	Suppliers		
		Manufacturers and Importers	Distributors	Employer*
Phase 1	From February 11, 2015 to May 31, 2017	WHMIS 1988 or WHMIS 2015	WHMIS 1988 or WHMIS 2015	Consult F/P/T regulator
Phase 2	From June 1, 2017 to May 31, 2018	WHMIS 2015	WHMIS 1988 or WHMIS 2015	WHMIS 1988 or WHMIS 2015
Phase 3	From June 1, 2018 to November 30, 2018	WHMIS 2015	WHMIS 2015	WHMIS 1988 or WHMIS 2015
Completion	December 1, 2018	WHMIS 2015	WHMIS 2015	WHMIS 2015



How to handle WHMIS now?

- Products labelled WHMIS 1988
- Products labelled WHMIS 2015
- Workplace has products labelled under WHMIS 1988 and others under WHMIS 2015
- Training depends if product is new to workplace or newly classified as a hazardous product

WHMIS 2015 Does Not Change

- Requirement that all containers be properly labeled
- Safety Data Sheet distribution and availability in the workplace
- Requirement that all affected employees be trained to recognize hazards and take proper precautions
- Trade secrets protection



Roles and Responsibilities Under WHMIS 2015

- Current roles and responsibilities for suppliers, employers and workers will not change
- Suppliers, Importers and Producers duties will continue to include:
 - Classifying hazardous products
 - Preparing labels and SDSs
 - Providing these elements to customers



Under WHMIS 2015 Employers Must Continue To

- Train workers on the hazards and safe use of products
- Ensure that hazardous materials are properly labelled
- Provide access for workers to **up-to-date** SDSs
- Prepare workplace labels and SDSs as necessary
- Ensure appropriate control measures are in place to protect the health and safety of workers



New JHSC Certification Training Standard

Took effect March 1, 2016

Key Changes under the new standard:

- Requirements for training, delivery & training providers
- Part 1 training increased to 3 days
- Part 2 training increased to 2 days - must be taken within 6 months of Part 1
- 1 Day Refresher training will be required every 3 years for certified members to maintain their status
- Part 2 training must be completed through an approved MOL provider

New Noise Regulation O. Reg. 381

- In effect July 1, 2016
- requiring employers to reduce noise exposure by applying a "hierarchy of controls"
- ensuring employers select the right hearing protection devices in situations where other controls are not appropriate
- specifying the instruction and training employers must provide to workers wearing a device





4 things to have in place by July 1

- an up-to-date hazard assessment – know the noise exposure levels
- a hazard control program that identifies noise sources and the measures taken to control them
- if providing hearing protection, then include
 - a selection process
 - a training program for workers
- an up-to-date record of everything you've done

How we can help...

- Stay informed - timely information and resources
- Expert staff to guide, assess and advise
- MOL Approved training provider
- A variety of products to meet all your health and safety needs
- Conferences and workshops across the province
- *WSPS Network News* and *social media channels*
- www.wsps.ca over 250 downloadable resources available on our website at no additional cost





For help with your prevention program, contact:

Workplace Safety & Prevention Services

1 877 494 WSPS (9777)

info@wsps.ca

www.wsps.ca

CONNECT
WITH US



YouTube