LEGISLATIVE DEVELOPMENTS IMPACTING PETROLEUM CONTRACTORS

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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.

*WSIB EIW, 2014
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 1/3 and 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
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
<table>
<thead>
<tr>
<th>Icon</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exploding bomb</td>
<td>(for explosion or reactivity hazards)</td>
</tr>
<tr>
<td>Flame</td>
<td>(for fire hazards)</td>
</tr>
<tr>
<td>Flame over circle</td>
<td>(for oxidizing hazards)</td>
</tr>
<tr>
<td>Gas cylinder</td>
<td>(for gases under pressure)</td>
</tr>
<tr>
<td>Corrosion</td>
<td>(for corrosive damage to metals, as well as skin, eyes)</td>
</tr>
<tr>
<td>Skull and Crossbones</td>
<td>(can cause death or toxicity with short exposure to small amounts)</td>
</tr>
<tr>
<td>Health hazard</td>
<td>(may cause or suspected of causing serious health effects)</td>
</tr>
<tr>
<td>Exclamation mark</td>
<td>(may cause less serious health effects or damage the ozone layer*)</td>
</tr>
<tr>
<td>Environment*</td>
<td>(may cause damage to the aquatic environment)</td>
</tr>
<tr>
<td>Biohazardous Infectious Materials</td>
<td>(for organisms or toxins that can cause diseases in people or animals)</td>
</tr>
</tbody>
</table>

*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
<table>
<thead>
<tr>
<th>Physical Hazard Classes</th>
<th>Health Hazard Classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flammable gases</td>
<td>Acute toxicity</td>
</tr>
<tr>
<td>Flammable aerosols</td>
<td>Skin corrosion/irritation</td>
</tr>
<tr>
<td>Oxidizing gases</td>
<td>Serious eye damage/eye irritation</td>
</tr>
<tr>
<td>Gases under pressure</td>
<td>Respiratory or skin sensitization</td>
</tr>
<tr>
<td>Flammable liquids</td>
<td>Germ cell mutagenicity</td>
</tr>
<tr>
<td>Flammable solids</td>
<td>Carcinogenicity</td>
</tr>
<tr>
<td>Pyrophoric liquids</td>
<td>Reproductive toxicity</td>
</tr>
<tr>
<td>Pyrophoric solids</td>
<td>Specific target organ toxicity – single exposure</td>
</tr>
<tr>
<td>Oxidizing liquids</td>
<td>Specific target organ toxicity – repeated exposure</td>
</tr>
<tr>
<td>Oxidizing solids</td>
<td>Biohazardous infectious materials</td>
</tr>
<tr>
<td>Organic peroxides</td>
<td></td>
</tr>
<tr>
<td>Corrosive to metals</td>
<td></td>
</tr>
<tr>
<td>Combustible dusts</td>
<td></td>
</tr>
<tr>
<td>Pyrophoric gases</td>
<td></td>
</tr>
</tbody>
</table>
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.

Compagnie XYZ, 123 rue Machin St, Mytown, ON, N0N 0N0 (123) 456-7890
<table>
<thead>
<tr>
<th>Phase</th>
<th>Timing</th>
<th>Suppliers</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td>From February 11, 2015 to May 31, 2017</td>
<td>WHMIS 1988 or WHMIS 2015</td>
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<td>Consult F/P/T regulator</td>
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<tr>
<td>Phase 2</td>
<td>From June 1, 2017 to May 31, 2018</td>
<td>WHMIS 2015</td>
<td>WHMIS 1988 or WHMIS 2015</td>
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<tr>
<td>Phase 3</td>
<td>From June 1, 2018 to November 30, 2018</td>
<td>WHMIS 2015</td>
<td>WHMIS 2015</td>
<td>WHMIS 2015</td>
<td>WHMIS 1988 or WHMIS 2015</td>
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<tr>
<td>Completion</td>
<td>December 1, 2018</td>
<td>WHMIS 2015</td>
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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