

BE SAFE NEWS

The Latest and Safest NEWS - February 2017

February **OSG BE SAFE** NEWSLETTER

In this issue, Tushar Anandasagar of LeClair & Associates discusses the legalization of cannabis and its effect on workplace safety, OSG's Jennifer Miller discusses the human rights code in the workplace and more!

Is there a topic you want to learn more about in a future Be Safe Newsletter? Let me know!

Nick Hollinger - nhollinger@osg.ca

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BE INFORMED

Written by Jennifer Miller | Curriculum Development Coordinator

The Human Rights Code in the Workplace

In Ontario, employers are bound by certain legislation including, but not limited to, the Employment Standard Act, the Ontario Human Rights Code, the Ontario Occupational Health and Safety Act and Regulations, a collective bargaining agreement if applicable, and any other employment contracts in force. Under the Ontario Human Rights code, Canadians are protected from discrimination based on:

- Race, colour, ancestry
- Creed or religion
- Place of origin or ethnic origin
- Citizenship
- Sex including pregnancy and gender identify
- Sexual orientation
- Age
- Marital or family status
- Disability
- Receipt of public assistance

The Human Rights Code protects all Canadians from discrimination based on one or any combination of any of the above grounds. These grounds are known as prohibited grounds or protected grounds. Because the Human Rights Code applies to all Canadians, it means that all Canadian workers are protected.

HUMAN RIGHTS IN THE WORKPLACE

Canadian employers are bound by human rights legislation protecting all Canadians, including those under their employ. That means that hiring practices, workplace policies and procedures, treatment of staff and coworkers, or anything else, cannot discriminate against any of the protected grounds. This includes refusing to employ, refusing to continue to employ, or treating a worker unfairly because they identify with one or more prohibited ground.

WHAT IS DISCRIMINATION?

Discrimination takes many forms. The most obvious, easy to identify, and easy to prove is blatant, overt discrimination. This form of discrimination is intentional. The perpetrator chooses to discriminate based on a bias or negative attitude. An example of this would be not accepting resumes from members of a certain ethnic group, or not hiring women in the typical child-bearing age groups because you don't want to hire anyone who might get pregnant.



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Most discrimination is not as easy to identify. Sometimes, discrimination – even intentional discrimination – hides in policies or practices. Intentional discrimination that is more hidden might be found in a performance review that was skewed based on a prohibited ground, or a hiring practice that is purposely not inclusive, but not obviously discriminatory. However, most of the time, this type of discrimination is unintentional. A building that isn't accessible automatically disqualifies job candidates in wheelchairs without necessarily meaning to. A company that institutes a strict punishment for going over a set number of sick days may be discriminating against workers with family status without being aware that this is, indeed, discrimination.

WHERE DISCRIMINATION AND HEALTH AND SAFETY INTERSECT

Sometimes, the line between a healthy and safe workplace and discrimination is unclear. Take the following under consideration: a construction site has some loose and fixed overhead hazards, such as shelving that could strike a worker's head if they walk into it, or objects that may fall from above and hit a worker's head. For this reason, and in following with legislation, it is mandatory that hard hats be worn on the site at all times - so, what about an employee that wears a turban for religious observances? Should he or she be allowed to enter the site without a hard hat? It depends on whether or not the hard hat is found to be a bona fide work requirement.

THE CONCEPT OF BONA FIDE WORK REQUIREMENTS

Where the line between health and safety and discrimination is unclear, it often comes down to determining bona fide work requirements.

The Ontario Human Rights Commission states the following about determining bona fide work requirements:

“To be upheld as non-discriminatory, or a bona fide (bona fide means “good faith” or “genuine”) occupational requirement, an employer must show that the standard, factor, requirement or rule:[6]

was adopted for a purpose or goal that is rationally connected to the function being performed
was adopted in good faith, in the belief that it is necessary to fulfill the purpose or goal
is reasonably necessary to accomplish its purpose or goal, because it is not possible to accommodate the person without undue hardship.”

An airline likely has a requirement that pilots are not blind. Blindness is a disability, and so under Human Rights legislation, it is discriminatory to have sight listed as a job requirement for pilots. However, sight qualifies as a bona fide work requirement. Discrimination against the blind, in this instance, is justified. Sight is necessary to fulfill the purpose or goal being performed.

How about the same blind applicant, applying for a job as a grocery store cashier instead of an airline? Where accommodation up to the point of undue hardship can be made, employers are prohibited from discriminating. This may include making accommodations such as adding braille buttons to cash registers. Undue hardship is the point at which accommodating an employee requires an action significantly difficult, expensive, or disruptive to the nature of the business. Any employer accused of discrimination must be able to prove that they made every effort to accommodate the worker up to that point.

A FAIR AND RESPECTFUL WORKPLACE FOR ALL

To keep your workplace free of discriminatory behaviours, try the following strategies:

Create and Follow Job Descriptions

One of the most solid foundations for a fair and respectful workplace is to have a set of job descriptions created by your HR team or outside specialists.

Institute Training

The more training and information available to workers, the more prepared they are to handle diversity in the workplace.

Use a Standard Set of Questions for Interviews

This does not mean that no follow-up questions or questions based on the candidate's specific resume or work history can be asked, but preparing a standard set of questions to accompany individual question will ensure fair hiring practices.

Embrace Differences

New ideas, fresh talent, and different ways of considering persistent problems are just a few of the many benefits that bringing a new perspective on board can offer. Take advantage of this.

Respond to Complaints Quickly and Professionally

Ensure that your HR team and management team are prepared to deal with any discrimination claims that may be filed.

FUTURE TRENDS FOR HUMAN RIGHTS AND HEALTH AND SAFETY IN CANADA

The Human Rights Code is challenged on the working landscape every day. Although it was intended to protect Canadians from mistreatment, it is sometimes too loosely interpreted, and employers find themselves in difficult situations, trying to determine where the line between human rights and the right safe work is drawn. One example of the ever-evolving human rights/safe work landscape is the increased use of medicinal marijuana in the workplace. Another debate is emerging about the rights of Canadians to wear religious dress like turbans, nose jewellery, or burkas, even where those garments may pose health hazards such as not being able to fit appropriate head protection over top, having jewellery on during food prep activities, or having the end of a burka get tangled in a machine on a shop floor. As Canada's multi-cultural identity continues to form and grow, so too does the need for diverse and creative solutions to issues.



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BE COMPLIANT

Written by Tushar Anandasagar | Associate Lawyer at LeClair and Associates

Legalization of Cannabis and its Effect on Workplace Safety

Throughout 2016, the Liberal Government's Federal Task Force on Cannabis Legalization and Regulation ("Task Force") consulted with stakeholders across the nation regarding issues raised by the legalization of cannabis. The Task Force presented its Final Report on Cannabis Legalization and Regulation ("Final Report") to Parliament on November 30, 2016.

The Final Report contains eighty (80) recommendations to the federal government, including a proposed regulatory framework and commentary regarding workplace safety issues related to the legalization of cannabis. Though it remains open to the Trudeau government to accept or reject any of the Task Force's recommendations, the Final Report provides some insight into what the government's regulatory and/or enforcement framework might look like.

Highlights from the Final Report are discussed below.

GENERAL FRAMEWORK/RECOMMENDATIONS

The Final Report contains the following general guidelines and recommendations regarding the safe distribution and regulation of cannabis:

- Recreational cannabis should be made available only to Canadians over the age of eighteen (18);
- Adult Canadians should be authorized to possess up to thirty (30) grams of cannabis;
- Cannabis should be made available from regulated retail establishments (i.e. storefronts), or via mail order;
- Adult Canadians should be permitted to grow up to four (4) cannabis plants in their residence;
- Advertising of cannabis and cannabis-based products should be heavily regulated, like advertisement of tobacco and alcohol products;
- Rules should be established regarding acceptable drug potency, along with testing and compliance mechanisms; and
- The federal government should dedicate additional funding to public education about the dangers of drug impairment.

HIGHLIGHTS: CHAPTER 2:9 – WORKPLACE SAFETY

In preparing the Final Report, the Task Force heard concerns from a range of experts and industry stakeholders regarding the impact of cannabis in the workplace, including commentary from experts in the medical and scientific communities regarding the side effects of cannabis consumption. The Final Report acknowledges that the potential impacts of cannabis in the workplace are particularly concerning in safety-sensitive industries, such as health care, law enforcement, transportation, resource extraction.

Mandatory Drug Testing

The Final Report confirms that there is no Canadian law in place which permits or regulates mandatory drug testing of employees. Court decisions, including those by the Supreme Court of Canada, provide some guidance and suggest that random drug and alcohol testing is not permitted except in limited circumstances.

One of the key issues raised by employers was the need for research to reliably determine when individuals are impaired. The Task Force established (see specifically Chapter 4 of the Final Report) that the ability to determine impairment with cannabis, through technology or specialized training, is significantly lacking as compared to the ability to measure the relationship between consumption and impairment with alcohol.

The Task Force indicated that such new evidence, if obtained, could merit changes to workplace safety policies and legislation, and recommended that the federal government work closely with industry stakeholders, the provincial and territorial governments to consider and respond to the implications of new medical evidence.

Human Rights Concerns

The Final Report also states that federal and provincial Human Rights Commissions have existing policies explaining how drug and alcohol testing must not discriminate, including against those with disabilities, and/or perceived disabilities. In this respect, the Task Force appears to have reinforced the status quo: existing policies and directives suggest that drug testing in workplaces can only be used if it is to satisfy bona fide occupational requirements.

Considerations and Advice to Parliament

The Final Report indicates that during the Task Force's consultations, employer groups called for significant increases in guidance from federal, provincial and territorial governments regarding appropriate workplace drug use, zero tolerance policies and drug testing policies. To that end, the Task Force made the following recommendations to Parliament:

Advice to Ministers

- Facilitate and monitor ongoing research on cannabis and impairment, considering implications for occupational health and safety policies
- Work with existing federal, provincial and territorial bodies to better understand potential occupational health and safety issues related to cannabis impairment
- Work with provinces, territories, employers and labour representatives to facilitate the development of workplace impairment policies.

CONCLUDING REMARKS: MAINTAIN THE STATUS QUO (FOR NOW)

The Federal government has yet to confirm the effective date of its controversial legislation, indicating only that cannabis will be legalized in the "Spring of 2017". Until then, employers and industry stakeholders are eagerly awaiting a formal response to the Final Report from the federal and provincial governments. It is also anticipated that the Ontario Ministry of Labour and/or other affected administrative bodies will publish materials on workplace issues arising because of the legalization of cannabis.

At this point in time, employers are expected to maintain the status quo with respect to their workplace policies and documentation. Organizations are best advised to hold off on implementing changes to their policies until further guidance is provided by the government.

BE KNOWLEDGEABLE

Written by Jeff Thorne | Manager of Training and Consulting

Ask the Expert: Are You Using the Correct Lifeline?

As of July 1st 2016, O. Reg. 345/15 amended many parts of regulation 213/91 – Construction Projects. Many of the changes were aimed at strengthening and clarifying existing requirements relating to working at heights and the use of suspended access equipment. It also focused on correcting errors, inconsistencies, and updating outdated references.

One of the updated references was the CSA Standard pertaining to Fall Arresters and Vertical Lifelines. Section 26.1(3) was updated and now references the more recent CSA Standard CSA-Z259.2.5-12. The previous standard was CSA-Z259.2.1-98 (R2008).

You may be saying to yourself, so what, the standard was updated? What's the big deal?

Section 26.1(3) requires that each component of a fall protection system meet the requirements of the CSA Standards listed in the regulation. Therefore, lifelines used in vertical and sloped (roofing) applications need to meet and bear the updated CSA Standard Z259.2.5 marking on the label. This is also a requirement of section 7.2(h) of the CSA Standard.

Synthetic rope fall arresters shall have a connector not longer than 30 inches attached to the D-ring on the harness. So make sure that workers are not using a 6ft energy absorber attached to a rope grab on the lifeline, as this is not acceptable.

With the working at heights construction training deadline (April 1st 2017) fast approaching, and the onset of spring like weather, construction projects across Ontario will be busy. Make sure your lifelines are in good condition and bear the updated marking. Stay safe everyone!



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BE WELL

Written by Jenna Kressler | Curriculum Developer

EMPLOYEES: NATURAL MENTAL HEALTH COPING

With the Bell Let's Talk initiative raising over \$6.5 million this past January for mental health programs, the discussions and openness surrounding mental illness is becoming less stigmatized in Canada. However, there still is a great deal of discrimination and difficulties surrounding these types of illnesses, especially in the workplace.

Mental illnesses are health problems that affect the way we operate, think about ourselves, and relate and interact with others. They affect our thoughts, feelings, behaviours and abilities to perform routine tasks. Mental illnesses may cause doubt in our ability to perform at work, can cause strain in our professional relationships, and impede on working efficiently and making sound decisions.

Each year, employers lose billions of dollars due to absenteeism, sick days, and presenteeism (at work, but does not work well). However, by law workplaces have to provide reasonable accommodations for any employee who experiences a disability, which includes mental illness. Employees do not have to disclose their diagnosis to their employer, but they may choose to share that they are enduring health challenges and communicate what they need in order to work well, whether it's taking time off or working shorter days.

Aside from taking medicinal remedies to help alleviate symptoms of stress and anxiety, there are natural coping mechanisms individuals can utilize to feel a sense of relief and calm. However, if you are experiencing signs and symptoms of any mental illnesses, please contact your health provider to determine the best course of action; you don't have to do this on your own.

- Exercise – releases endorphins = elevates and stabilizes mood and improves sleep
- Eat healthy – complex carbs are metabolized more slowly = even blood sugar levels = calmer feeling
- Get adequate sleep – body temperature and heart rate decreases, and breathing is slowed down
- Talk to someone! Counselling and support groups (online or in-person) are available
- Click to locate the nearest Canadian Mental Health Association to you!
- Herbal remedies - kava, passion flower, lavender, chamomile
- Keep a journal – assists with keeping track and identifying triggers and symptoms
- Meditate/ Deep breathing / Mindfulness – can reduce reactivity in the amygdala (part of the brain that regulates emotions, including fear)

CALM BREATHING TECHNIQUES - TRY IT FOR YOURSELF

Calm breathing involves taking smooth, slow, and regular breaths. Sitting upright is usually better than lying down or slouching, because it can increase the capacity of your lungs to fill with air. It is best to 'take the weight' off your shoulders by supporting your arms on the side arms of a chair, or on your lap

1. Take a slow breath in through the nose, breathing into your lower belly (for about 4 seconds)
2. Hold your breath for 1 or 2 seconds
3. Exhale slowly through the mouth (for about 4 seconds)
4. Wait a few seconds before taking another breath
- 5.

Now that you know some techniques for dealing with mental health illness, don't be afraid to try them out and always seek help if you are feeling too overwhelmed!



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BE A LEADER

Written by Jennifer Miller | Curriculum Development Coordinator

Jenna Kressler & Cory Hanley

At OSG, all of our staff are Health and Safety Leaders. This month, we are featuring two outstanding leaders: Jenna Kressler and Cory Hanley.

JENNA KRESSLER

Jenna started at OSG's front desk as a temporary Operations Assistant, and in the past 1.5 years, she's grown and advanced into a curriculum development role. Now a permanent employee with OSG, Jenna is a Curriculum Developer in the Curriculum Development Dept. She strives to capture her clients' vision of customized health and safety training programs. Jenna is in charge of the creation of all customized course content at all levels. Outside of OSG, Jenna is a dedicated and hard-working synchronized swimming coach. She is an award-winning synchronized swimmer, which naturally evolved into a coaching role within the sport. Jenna also volunteers with the Canadian Cancer Society's health promotions dept., and last year she organized a team, called Notorious CURE with a few of her OSG colleagues, at London's Relay 4 Life fundraiser. When she has time, Jenna also enjoys cooking delicious and healthy meals.

*"Take breaks to re-set your mind and restore your focus."
-Jenna Kressler*

CORY HANLEY

Cory has been part of the OSG training team for two years. He brings with him years of workplace training experience, including past experience as a Site Expert Trainer for a steel foundry/forge shop. He holds an honors degree in basic and advanced safety management, and he has earned his CTDP (Certified Training and Development Professional) designation. He trains confined space awareness, train-the-trainer programs, and all of OSG's lifting device titles. In the future, Cory hopes to earn his CRSP designation and CHSC designation. He likes meeting new people in all industries and hearing about their workplace safety experiences. When he isn't on the road and training in workplaces all over Ontario for OSG, Cory enjoys playing baseball, coaching a little league team and a hockey team, and spending time with friends and family. He also plays pool at the competitive level.

*"Safety check your equipment and devices! Once you know it will work as intended... you know!"
-Cory Hanley*

Next time you are in OSG's London office, say hello to Jenna or Cory. They are OSG Safety Leaders who embody safety culture in the workplace.

BE SUCCESSFUL

Written by Jennifer Miller | Curriculum Development Coordinator

Be a Health and Safety Champion

OSG prides itself on celebrating clients who embody the spirit of what it means to be a Health and Safety Champion. We celebrate our Health and Safety Champions in our monthly Be Safe Newsletter, and we feature them on our website.

Company Name: Nortex Roofing Ltd.

Industry: Roofing

Number of Employees: 200+

Client Name: Felix Da Costa

Role: Health & Safety Manager

Website: www.nortexroofing.com

Phone: 416-236-6090

Courses taken with OSG:

- Train-the-Trainer Day
- Working at Heights Train-the-Trainer
- WHMIS 2015 Train-the-Trainer
- Worker Awareness Train-the-Trainer
- TDG Train-the-Trainer
- Overhead Crane Train-the-Trainer
- Aerial Work Platforms Train-the-Trainer
- Supervisor Competency Train-the-Trainer

About Nortex Roofing Ltd.:

Nortex Roofing Ltd. is one of Ontario's largest and most innovative roofing companies, specializing in all types of roofing systems, including inverted single-ply cold and hot applied, solar reflective, green, and ultra-violet resistant roofing. With a long history in commercial, industrial and institutional roofing - they now employ over 200 employees, many of whom speak English as a second language. Their health and safety manager, Felix Da Costa, has described his biggest health and safety challenge as overcoming language barriers and hurdles. In the past, language and communication issues have impacted the ability to effectively deliver the message of safety to workers in a way that makes it important to them. To remedy the problem, Felix took a number of OSG's Train-the-Trainer titles including WHMIS, Working at Heights, and Worker Awareness in order to become a workplace trainer. He credits his Client Relationship Manager, Bruno Urbani, for giving him direction and guidance along the way, and for being flexible when it comes to accommodating training requests. Felix also gives praise to OSG trainers Cory Hanley and Pat Lipscombe, for imparting their safety knowledge and practices in a down to earth manner that fits the Nortex Roofing culture. Given the flexibility to train at his own pace, Felix uses OSG's materials, and he translates them for workers in a way that facilitates understanding and retention. He has started encouraging workers to create and deliver their own "tool box talks" and complete JSAs in native languages, all in the name of empowering employees, increasing safety culture, and building understanding.

Nortex Roofing Ltd. is this month's health and safety champion because they have implemented innovative and effective solutions to overcome health and safety challenges in the workplace. Felix states that, "[With the help of OSG's Train-the-Trainer program], I can give workers the knowledge that they need to perform jobs efficiently while using the safety knowledge and tools they've been given." Felix makes it his personal mission to ensure that all workers return home at the end of their shifts in the same shape they arrived in the morning. He knows that their loved ones and friends depend on it. Felix and Nortex Roofing are an example of a company that does that what it takes to drive home the message of safety. OSG is proud to celebrate their safety successes.

For more information on Nortex Roofing Ltd., please visit them on the web at www.nortexroofing.com.



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BE PROACTIVE

Written by Sharon Thompson | Finance and Operations Manager

Ergonomics in the Workplace

Ergonomics is the act of assessing jobs and determining the risk of injury due to bending, twisting, flexing, etc. From this, you are able to identify major causes for back, shoulder, neck, wrist and arm pain or injury, as well as options for adjusting or rearranging work areas to provide a safer work space. A strong ergonomics integration prevents injuries and increases productivity, thus it makes the workplace safer and reduces costs.

BENEFITS OF ERGONOMICS IN THE WORKPLACE

1. Reduces Costs- By reducing ergonomic risk factors you can prevent costly MSD's.
2. Productivity Improves- By designing an ergonomic solution, the workplace becomes more efficient
3. Quality Improvement- When employees are not feeling frustrated or fatigued due to poor ergonomic conditions, they can perform the job they were trained in properly.
4. Employee Engagement Improves- An engaged employer ensures health and safety of their employees. This helps reduce turnover, absenteeism and can improve overall morale.
5. Healthy Safety Culture- Ergonomic programs in the workplace promotes a health and safety commitment to employees well-being. Healthy employees are an asset to any organization.

ERGONOMICS TRAINING

OSG offers several different ergonomic training courses, in a selection of different delivery methods.

BE CURRENT

Researched by Jeff Thorne | Manager of Training and Consulting

NEWS

[Scrap operation fined \\$105,000 for its role in worker death](#)

[Vaughan manufacturer fined \\$150K in death of worker, injury to another](#)

[Bailey bill would ban asbestos in Ontario](#)



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BE PREPARED

Researched by Jeff Thorne | Manager of Training and Consulting

MOL BLITZES

Health & Safety – Western Ontario, Farm Elevating Platforms Sector

Oct. 1st, 2016 – Mar. 31st, 2017

Health & Safety - Central Ontario, Landscapers & Snow removal

Nov. 1st, 2016 – Mar. 31st, 2017

Health & Safety - Central Ontario, Construction Toilets & Wash-up Facilities

Jan. 1st, 2017 – Feb. 28th, 2017

Safe Work Practices – Mining Sector

Feb. 1st, 2017 – Mar. 31st, 2017

BE INVOLVED

Provided by Nick Hollinger | Marketing Coordinator

UPCOMING HEALTH & SAFETY EVENTS

2017 PIP CONFERENCE & TRADESHOW

The Partners in Prevention Annual Conference and Trade Show is Canada's largest health and safety event. OSG is proud to announce that we will be exhibiting at the 2017 Trade Show on May 2nd & 3rd in Mississauga! This is surely an event you do not want to miss, come see us at booth 827!



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