Canadian Health and Safety Law Quarterly Update

by Norm Keith, B.A., J.D., LL.M., C.R.S.P

October to December 2017*

The Canadian Health and Safety Law Quarterly Update provides legislative, regulatory and case law developments that took place in the reporting period. Coordinated by Norm Keith, Canada’s first practicing lawyer to achieve the designation of a Canadian Registered Safety Professional (CRSP) and the author of Canadian Health and Safety Law, this report is not intended to provide legal advice.

This report consists of three parts. Click on the following links to go to the parts you wish to view:

Articles and Events | Legislative Updates | Cases based on Chapter Topics

*This report covers up to the 15th day of the last month in the quarter.
Part 1: Articles and Events

Landmark Legislation Triples Penalties for Corporations under the OHSA
Ontario has passed legislation bringing significant changes to the Occupational Health and Safety Act. Bill 177, Stronger, Fairer Ontario Act (Budget Measures), 2017 is in force as of December 14, 2017. The landmark legislation is an important turning point in the history of Ontario's OHSA, which has not seen such ... Fasken - Bulletins on Dec 16, 2017

Disability and Absenteeism Management
Overview Managing workplace absenteeism is one of the most difficult human resources issues facing employers today. Employers who fail to properly manage absenteeism expose their organization to a myriad of liabilities, including union grievances, complaints of human rights violations, and even regulatory investigation and/or prosecution. Fasken can help your organization ... Fasken - Events on Dec 7, 2017

Environmental, Health and Safety 2017 Year In Review
Environmental, Health and Safety 2017 Year In Review Register Labour, Employment & Human Rights Group, Occupational, Health and Safety Prevention Services, Occupational Health and Safety & Workers' Compensation Group November 15, 2017 Fasken Martineau 333 Bay Street, Suite 2400 Bay Adelaide Centre Toronto, ON, Canada Event participants: Norm Keith, Rosalind ... Fasken - Events on Nov 15, 2017

Constitutional Breach Denies Justice to the Victims of Radiohead Stage Collapse | The HR Space
Constitutional Breach Denies Justice to the Victims of Radiohead Stage Collapse | The HR Space Labour, Employment and Human Rights Bulletin Nearly five years after the deadly stage collapse at the Radiohead concert at Downsview Park in Toronto, Ontario, a Superior Court Justice has stayed all charges under the Occupational ... Fasken - Bulletins on Nov 1, 2017

WorkSafeBC Investigating Death of Stunt Driver on Movie Set
WorkSafeBC Investigating Death of Stunt Driver on Movie Set "Do" Diligence: OHS/WSIB Newsletter On August 14, 2017, a worker employed as a stunt driver, was working on the movie, "Deadpool 2", when she suffered fatal injuries after a crash on a movie set in Vancouver, British Columbia. The worker died ... Fasken - Bulletins on Oct 23, 2017

No Injury, Does Not Mean, No Charges
No Injury, Does Not Mean, No Charges "Do" Diligence: OHS/WSIB Newsletter A recent conviction under the Occupational Health and Safety Act ("OHSA") in Ontario confirms the far reaching powers of the Ministry of Labour with regards to laying charges for violations of the OHSA and prescribed Regulations. Generally the thought ... Fasken - Articles on Oct 23, 2017
Justice system failed the victims of Radiohead stage collapse
by Norm Keith On September 5, 2017, Justice Nelson of the Ontario Court of Justice stayed all charges against the accused in the deadly stage collapse at the Radiohead concert in Downsview Park on June 16, 2012. These charges under the Occupational Health & Safety Act (OHSA) are the latest ...
HR Hero - Northern Exposure on Oct 8, 2017
Part 2: Legislative Updates

Both amending bills and regulations associated with these statutes have been checked. Relevant updates have been provided below. New updates of this reporting period are highlighted.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Statute Title</th>
<th>Summary</th>
</tr>
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<tbody>
<tr>
<td>Federal</td>
<td>Canada Labour Code, R.S.C. 1985, c. L-2. (Monitor <em>Part II - Occupational Health and Safety</em> only, that is, ss. 122 - 165)</td>
<td><strong>Bill C-44 Budget Implementation Act, 2017, No. 1</strong>&lt;br&gt;&lt;br&gt;<strong>Bill Status:</strong> Royal Assent June 22, 2017 (S.C. 2017, c. 20)&lt;br&gt;&lt;br&gt;<strong>Summary:</strong>&lt;br&gt;&lt;br&gt;<em>Division 17 of Part 4</em> amends the <em>Canada Labour Code</em> to, among other things,&lt;br&gt;&lt;br&gt;<strong>(a)</strong> transfer to the Canada Industrial Relations Board the powers, duties and functions of appeals officers under Part II of that Act and of referees and adjudicators under Part III of that Act;&lt;br&gt;&lt;br&gt;<strong>(b)</strong> provide a complaint mechanism under Part III of that Act for employer reprisals;&lt;br&gt;&lt;br&gt;<strong>(c)</strong> permit the Minister of Labour to order an employer to determine, following an internal audit, whether it is in compliance with a provision of Part III of that Act and to provide the Minister with a corresponding report;&lt;br&gt;&lt;br&gt;<strong>(d)</strong> permit inspectors to order an employer to cease the contravention of a provision of Part III of that Act;&lt;br&gt;&lt;br&gt;<strong>(e)</strong> extend the period with respect to which a payment order to recover unpaid wages or other amounts may be issued;&lt;br&gt;&lt;br&gt;<strong>(f)</strong> impose administrative fees on employers to whom payment orders are issued; and&lt;br&gt;&lt;br&gt;<strong>(g)</strong> establish an administrative monetary penalty scheme to supplement existing enforcement measures under Parts II and III of that Act.&lt;br&gt;&lt;br&gt;See ss. 338 - 352 in <em>Division 17 of Part 4</em> for detailed amendments to Part II of the <em>Canada Labour Code</em>. ss. 338 - 352 are not yet in force.</td>
</tr>
</tbody>
</table>
Commencement:
Order in council
402 (1) Subsections 318(1), 320(1) and 322(1), section 323, subsections 324(2) and 325(1) and (2), sections 326 to 328, subsections 329(1) and (2), sections 330 to 337, subsection 338(1), sections 339 to 349 and 351 to 355, subsections 356(2) and (3), 363(8) and 364(2), section 365, subsection 368(1) and sections 370, 378 to 383, 387 and 391 to 397 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the days fixed in accordance with subsections (2) and (6).

Order in council
(2) Subsection 318(2), section 319, subsections 338(2) and 356(1) and section 384 come into force on a day to be fixed by order of the Governor in Council.

Order in council
(6) Section 358, subsection 361(2) and sections 369, 372 and 375 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day fixed in accordance with subsection (5).

*Bill C-65* An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1

*Bill Status:* 1st Reading November 7, 2017

*Summary:*
- Part 1 of this enactment amends the *Canada Labour Code* to strengthen the existing framework for the prevention of harassment and violence, including sexual harassment and sexual violence, in the workplace.

- Part 2 amends Part III of the *Parliamentary Employment and Staff Relations Act* with respect to the application of Part II of the *Canada Labour Code* to parliamentary employers and employees, without
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<td></td>
<td><strong>Bill C-44 Budget Implementation Act, 2017, No. 1</strong></td>
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<tr>
<td></td>
<td><strong>Bill Status:</strong> Royal Assent June 22, 2017 (S.C. 2017, c. 20)</td>
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<td><strong>Summary:</strong> Division 17 of Part 4, s. 395 amends the Hazardous Materials Information Review Act as follows. This section is not yet in force.</td>
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<td>Paragraph 46(2)(c) of the Hazardous Materials Information Review Act is replaced by the following:</td>
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<td>(c) any official of the Department of Employment and Social Development, the Canada Industrial Relations Board in the exercise of its powers or the performance of its duties or functions under Part II of the Canada Labour Code, other than the powers, duties and functions set out in sections 133 and</td>
</tr>
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</table>
134 of that Act, or any person to whom powers, duties or functions have been delegated by the Minister of Labour under subsection 140(1) of that Act, or under an agreement entered into under subsection 140(2) of that Act, for the purposes of the administration or enforcement of Part II of that Act;

**Commencement:**
Sections 391 to 397 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the days fixed in accordance with subsections (2) and (6).

Order in council
(2) Subsection 318(2), section 319, subsections 338(2) and 356(1) and section 384 come into force on a day to be fixed by order of the Governor in Council.

Order in council
(6) Section 358, subsection 361(2) and sections 369, 372 and 375 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day fixed in accordance with subsection (5).

**NOTICES:**

Published in the Canada Gazette, Part I, Vol. 151, No. 42, October 21, 2017: Notice of intent for possible amendments to the Hazardous Materials Information Review Act and the Hazardous Products Act

Health Canada is seeking written comments from all interested parties on questions relating to possible amendments to the Hazardous Materials Information Review Act (HMIRA) and the exclusion for consumer products under the Hazardous Products Act (HPA).

**PROPOSED REGULATIONS:**
<table>
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<tr>
<th>Federal</th>
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<tr>
<td></td>
<td></td>
<td>Published in the Canada Gazette, Part I, Vol. 151, No. 42, October 21, 2017: Regulations Amending the Hazardous Products Regulations</td>
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<td>The objective of this amendment of the HPR is to provide industry with the option to use prescribed concentration ranges rather than actual chemical ingredient concentrations or concentration ranges on SDSs for hazardous workplace products in Canada rather than requiring CBI applications under the HMIRA.</td>
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<td></td>
<td>Bill C-45 An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (Short Title: Cannabis Act) Bill Status: Senate 1st Reading November 28, 2017</td>
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<td></td>
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<td>Summary: ss. 162 – 164 of the bill amend the Non-smokers’ Health Act to prohibit the smoking and vaping of cannabis in federally regulated places and conveyances.</td>
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<td>Commencement: The provisions of this Act, except sections 161, 188 to 194, 199 to 202, 206 and 225, come into force on a day or days to be fixed by order of the Governor in Council.</td>
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</tbody>
</table>
|  |  | Summary: Subs. 74(1) - (4) make coordinating amendments to An Act to amend the Tobacco Act and the Non-smokers’ Health Act and to make consequential amendments to other Acts as follows: 74 (1) Subsections (2) to (4) apply if Bill S-5, introduced in the 1st session of the 42nd Parliament and entitled An Act to amend the Tobacco Act and the Non-smokers’ Health Act and to make consequential amendments to other Acts (referred to in this section as the “other Act”) receives royal
| **Bill S-5 Tobacco and Vaping Products Act**  
| **Bill Status:** House of Commons First Reading June 15, 2017 |
| **Summary:**  
Part 2 of this enactment amends the *Non-smokers’ Health Act* to regulate the use of vaping products in the federal workplace and on certain modes of transportation.  
See ss. 81 - 85 of the bill or the EXPLANATORY NOTES for details. |

| **Federal**  
| **REGULATIONS:**  
Published in the Canada Gazette, Part II, Vol. 151, No. 25, December 13, 2017:  
SOR/2017-253 Regulations Amending the Transportation of Dangerous Goods Regulations (Marine Provisions) (to be published in Gazette Part II Dec. 13)  
Regulations Amending the TRANSPORTATION OF DANGEROUS GOODS REGULATIONS (MARINE PROVISIONS) (TGDR) in order to (1) update the marine provisions in the TDGR to reflect the terminology and definitions used in the current version of the Canada Shipping Act, 2001 and in regulations; (2) update certain marine requirements to align with those in the Cargo, Fumigation, and Tackle Regulations and the 49 Code of Federal Regulations; (3) eliminate discrepancies |
between the definitions of short-run ferry and amend the exemption for short-run ferries; 4) allow the transport of gasoline and propane in highway tanks on passenger carrying ferries; (5) allow the transport of UN3156 COMPRESSED GAS, OXIDIZING, N.O.S. in quantities up to 25 L on passenger carrying vessels; and (6) correct several typographical and minor miscellaneous errors to improve the clarity of the TDGR.

These regulations come into force on December 13, 2017.

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**Bill 19** An Act to Protect Gas and Convenience Store Workers  
**Bill Status:** Royal Assent December 15, 2017 (S.A. 2017, c. 24)

**Summary:**  
This bill amends the *Occupational Health and Safety Code, 2009* by adding ss. 392.1 - 392.6 after section 392 re: Retail Fuel and Convenience Store Worker Safety.

**Commencement:**  
The Act comes into force on June 1, 2018.

**Bill 30** An Act to Protect the Health and Well-being of Working Albertans  
**Bill Status:** Royal Assent December 15, 2017 (S.A. 2017, c. 25)

**Summary:**  
The *Occupational Health and Safety Act* as set out in Schedule 1 is enacted and may be cited as Chapter O-2.1 of the Statutes of Alberta, 2017.

**Coming into force:**  
102 This Act, except for sections 38, 39, 93, 94, 96, 97 and 98, comes into force on June 1, 2018.

**Bill 208** Occupational Health and Safety (Protection from Workplace Harassment) Amendment Act, 2016 [Private Members’ Public Bills]
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Status</th>
<th>Summary</th>
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</table>
| Bill 10     | Health Professions Amendment Act, 2017 | Royal Assent November 2, 2017 (S.B.C. 2017, c. 15) | Section 19 amends the *Workers Compensation Act* as follows:
19 Section 5.1 (4) of the *Workers Compensation Act, R.S.B.C. 1996, c. 492,* is amended by repealing the definition of "psychologist" and substituting the following:
"psychologist" means a person who is
(a) a registrant of the college responsible for carrying out the objects of the *Health Professions Act* in respect of the health profession of psychology, or
(b) entitled to practise as a psychologist under the laws of another province. |
| Bill M233   | Workers Compensation Amendment Act, 2017 (Private Member’s Bill) | 1st Reading March 2, 2017 | This Bill amends the *Workers Compensation Act* in order to provide support and care for British Columbia’s first responders. The Bill creates a presumptive clause |
for first responders suffering from post-traumatic stress disorder. In recognition of the crucial role paramedics, firefighters, police officers, and others play in ensuring the health and safety of British Columbians, this Bill guarantees that they will receive timely support and treatment when they are suffering from exposure to traumatic events.

**Bill M237 Workers Compensation Amendment Act, 2017** (Private Member’s Bill)
**Bill Status:** 1st Reading March 8, 2017

**Summary:**
This Bill amends the *Workers Compensation Act* to ensure that employers do not set varying footwear requirements for their employees based on gender, gender expression or gender identity. Consequently, this Bill would make employers unable to require select employees to wear high heels and instead give them the option of wearing other types of appropriate footwear.

**REGULATIONS:**

- **B.C. Reg. 143/2017** Amends B.C. Reg. 296/97 — Occupational Health and Safety Regulation, effective January 1, 2018
- **B.C. Reg. 211/2017** Adjustment to dollar amounts referred to in Act resulting from changes to Consumer Price Index (deemed amendments), effective January 1, 2018; Repeals B.C. Reg. 273/2016, effective January 1, 2018
- **B.C. Reg. 212/2017** Amends Schedule B to the Act, effective March 1, 2018

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**Manitoba**


**Bill 24 The Red Tape Reduction and Government Efficiency Act, 2017**
**Bill Status:** Royal Assent November 10, 2017

**Summary:**
Subs. 2(1) – (4) amend the *Dangerous Goods Handling and Transportation Act*. A hazardous waste disposal facility licence is not required
for used oil burners and used oil collection facilities that meet specified standards.

Commencement:
Subs. 2(1) – (4) come into force on a day to be fixed by proclamation.

<table>
<thead>
<tr>
<th>Manitoba</th>
<th>Non-Smokers Health Protection Act, S.M. 1989-90, c. 41 (C.C.S.M., c. N92)</th>
</tr>
</thead>
</table>

**Bill 11** The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended)

**Bill Status:** December 5, 2017

**Summary:**
Section 50 of the Bill makes a related and consequential amendment to the Non-Smokers Health Protection and Vapour Products Act as follows:

50 Subsection 1(1) of The Non-Smokers Health Protection and Vapour Products Act is amended in the definition "licensed premises" by striking out "The Liquor and Gaming Control Act" and substituting "The Liquor, Gaming and Cannabis Control Act".

**Bill 25** The Cannabis Harm Prevention Act (Various Acts Amended)

**Bill Status:** Royal Assent June 2, 2017 (SM 2017, c. 22)

**Summary:**
Part 5 (ss. 18 - 26) of the bill amends the Non-Smokers Health Protection Act to prohibit people from smoking cannabis in enclosed public places, including through the use of e-cigarettes.

See ss. 24 - 26 for some CONDITIONAL AMENDMENTS made to a couple of related but unproclaimed Acts:

- Non-Smokers Health Protection Amendment Act (Prohibitions on Flavoured Tobacco and Other Amendments), S.M. 2014, c. 18
- Non-Smokers Health Protection Amendment Act (E-Cigarettes), S.M. 2015, c. 36

**Commencement:**
<table>
<thead>
<tr>
<th>Manitoba</th>
<th>Workplace Safety and Health Act, R.S.M. 1987, c. W210 (C.C.S.M., c. W210)</th>
<th><strong>Bill 10</strong> The Boards, Committees, Councils and Commissions Streamlining Act (Various Acts Amended or Repealed)</th>
</tr>
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</table>

Part 5 of this Act comes into force on a day to be fixed by proclamation.

**PROCLAMATIONS:**

*Non-Smokers Health Protection Amendment Act (E-Cigarettes)*, SM 2015, c. 36
- Act proclaimed in force October 1, 2017. ([O.I.C. 240/2017](#))

**REGULATIONS:**

Two regulations under the *Non-Smokers Health Protection and Vapour Products Act*:
- **Man. Reg. 111/2017** Documentation for Verifying Age Regulation, amendment
  
  This regulation comes into force on the same day that *The Non-Smokers Health Protection Amendment Act (E-Cigarettes)*, S.M. 2015, c. 36, comes into force.
  
  Note: *The Non-Smokers Health Protection Amendment Act (E-Cigarettes)* comes into force on October 1, 2017.

- **Man. Reg. 112/2017** Non-Smokers Health Protection Regulation, amendment
  
  This regulation comes into force on the same day that *The Non-Smokers Health Protection Amendment Act (E-Cigarettes)*, S.M. 2015, c. 36, comes into force.
  
  Note: *The Non-Smokers Health Protection Amendment Act (E-Cigarettes)* comes into force on October 1, 2017.
Bill Status: 1st Reading December 4, 2017

Summary:
Subs. 28(1) - (6) amends the definition “advisory council” in the Workplace Safety and Health Act. A new provision (subs. 14.1 Review) is added after section 14.

Coming into Force:
Subs. 28(1) - (6) come into force on Royal Assent.

PROCLAMATIONS:

Non-Smokers Health Protection Amendment Act (E-Cigarettes), SM 2015, c. 36

Note: s. 20 of the Act amends Clause 18(1)(c.1) of the Workplace Safety and Health Act as follows:

(c.1) respecting the prohibition of smoking and e-cigarette use at workplaces, including deeming a contravention of The Non-Smokers Health Protection and Vapour Products Act relating to workplaces to be a contravention of this Act for the purpose of issuing an improvement order under section 26;

New Brunswick

Occupational Health and Safety Act, SNB 1983, c O-0.2

Bill 32 An Act Respecting Government Reorganization
Bill Status: 2nd Reading December 8, 2017

Summary:
Section 43 amends the definition “Minister” in the Occupational Health and Safety Act:

43 Section 1 of the Occupational Health and Safety Act, chapter O-0.2 of the

**Bill 46** An Act Respecting Local Governance and Community Planning  
**Bill Status:** Royal Assent May 5, 2017 (S.N.B. 2017, c. 20)

**Summary:**
Sections 121 - 122 amend the Occupational Health and Safety Act as follows:

121 *Subsection 4(2) of the Occupational Health and Safety Act, chapter O-0.2 of the Acts of New Brunswick, 1983, is amended by striking out “with municipalities or rural communities” and substituting “with local governments”.*

Regulation under the Occupational Health and Safety Act
122(1) *Section 2 of New Brunswick Regulation 91-191 under the Occupational Health and Safety Act is amended in the definition “firefighter” by striking out “a municipality, rural community” and substituting “a local government”.*

122(2) *Subsection 360(1) of the Regulation is amended in the definition “woods road” by striking out “a municipal road, rural community road” and substituting “a local government road”.*

**Commencement:**
This Act or any provision of it comes into force on a day or days to be fixed by proclamation.

|-------------|-----------------------------------------------------|
| **Bill 88** | **Occupational Safety General Regulations (amended)**  
**Bill Status:** 1st Reading April 26, 2017 |
<table>
<thead>
<tr>
<th>Province</th>
<th>Act</th>
<th>Bill Status</th>
<th>Summary</th>
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<tbody>
<tr>
<td>Nunavut</td>
<td>Transportation of Dangerous Goods Act, 1990, R.S.N.W.T. (Nu.) 1988, c. 81</td>
<td>Bill 29 An Act to Amend the Motor Vehicles Act</td>
<td>This Bill deems persons aboard commercial fishing vessels to be persons at risk of drowning for the purposes of the Occupational Safety General Regulations, which results in the wearing of a personal flotation device being mandatory while on deck.</td>
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<td>Section 2 amends the Occupational Health and Safety Act as follows: 2. The Occupational Health and Safety Act is amended by adding the following section: Information and instruction, domestic and sexual violence 32.0.5.1 An employer shall ensure that every manager, supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.</td>
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<tr>
<td>Summary:</td>
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<td>• SCHEDULE 1 makes related consequential amendments to the Occupational Health and Safety Act as follows:</td>
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<td>71 (1) Paragraph 3 in the definition of “worker” in subsection 1 (1) of the Occupational Health and Safety Act is amended by striking out “university or other post-secondary institution” at the end and substituting “university, private career college or other post-secondary institution”.</td>
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<td>(2) Paragraph 4 in the definition of “worker” in subsection 1 (1) of the Act is repealed.</td>
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<td>Coming into Force:</td>
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<td>Subs. 71(1) &amp; (2) come into force on January 1, 2018.</td>
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<td>• SCHEDULE 3 amends the Occupational Health and Safety Act by adding a new section that provides that an employer shall not require a worker to wear footwear with an elevated heel unless it is required for the worker to perform his or her work safely. An exception from this prohibition is made for employers of performers in the entertainment and advertising industry.</td>
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<td>Coming into Force:</td>
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<td>Schedule 3 comes into force on the day the Fair Workplaces, Better Jobs Act, 2017 receives Royal Assent [November 27, 2017].</td>
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Summary:
The Occupational Health and Safety Act is amended to require employers to ensure that every supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.

2 The Occupational Health and Safety Act is amended by adding the following section:
Information and instruction, domestic and sexual violence
32.0.5.1 An employer shall ensure that every supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.

Commencement:
3 This Act comes into force on the day it receives Royal Assent.

Bill 160 Strengthening Quality and Accountability for Patients Act, 2017
Bill Status: Royal Assent December 12, 2017 (S.O. 2017 c. 25)

Summary:
Schedule 9, s. 104 makes consequential amendments to the Occupational Health and Safety Act as follows:

104 Subclause (b) (i) of the definition of “factory” in subsection 1 (1) of the Occupational Health and Safety Act is repealed and the following substituted:

(i) a public hospital or a community health facility within the meaning of the Oversight of Health Facilities and Devices Act, 2017 that was formerly licensed under the Private Hospitals Act,

Commencement:
Schedule 9, s. 104 comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Bill 168 Putting Your Best Foot Forward Act, 2017** *(Private Member’s Bill)*

**Bill Status:** 2nd Reading and Ordered referred to Standing Committee on October 19, 2017

**Summary:**
The Bill amends the *Occupational Health and Safety Act* to prohibit employers from requiring an employee to wear footwear that is not appropriate to the protection required for the employee’s work or that does not allow the employee to safely perform his or her work.

**Commencement:**
This Act comes into force 90 days after the day it receives Royal Assent.

**Bill 175 Safer Ontario Act, 2017**

**Bill Status:** 2nd Reading and Ordered referred to Standing Committee on December 5, 2017

**Summary:**
Schedule 5, subs. 41(1) – (2) amend the *Occupational Health and Safety Act* as follows:

41 (1) Clause 43 (2) (a) of the *Occupational Health and Safety Act* is amended by striking out “a police force to which the Police Services Act applies” at the end and substituting “a police service to which the Police Services Act, 2017 applies”.

(2) Subsection 50 (8) of the Act is repealed and the following substituted:

**Exception**
(8) Despite subsections (2) and (2.1), a police officer under the Police Services Act, 2017 shall have his or her complaint in relation to an alleged contravention of subsection (1) dealt with under section 136 of that Act.
<table>
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<tr>
<th>Bill 177</th>
<th>Stronger, Fairer Ontario Act (Budget Measures), 2017</th>
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<tr>
<td>Bill Status:</td>
<td>Royal Assent December 14, 2017 (S.O. 2017, c. 34)</td>
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**Summary:**
Schedule 30 amends the *Occupational Health and Safety Act* to do the following:

1. Require an employer to notify a Director under the Act if a committee or a health and safety representative has identified potential structural inadequacies of a workplace as a source of danger or hazard to workers.
2. Allow for regulations to expand the circumstances in which persons are required to report an accident or other incident under section 53 of the Act and to require additional notices to be provided in the circumstances described in sections 51, 52 and 53 of the Act.
3. Increase the maximum fine under section 66 of the Act payable by a person upon conviction of an offence under the Act.
4. Amend the limitation period for bringing a prosecution under the Act or the regulations.

**Commencement:**
This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

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<thead>
<tr>
<th>Bill 192</th>
<th>Speaking Out About Workplace Violence and Workplace Harassment Act, 2017</th>
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<tr>
<td>Bill Status:</td>
<td>1st Reading December 13, 2017</td>
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**Summary:**
The Bill amends the *Occupational Health and Safety Act*. The provisions of the Act protecting workers against reprisals are amended to include protections against reprisals against workers who speak out about workplace violence.
and workplace harassment. The amendments provide that a reprisal is any measure taken against a worker that adversely affects the worker’s employment. Examples of reprisals are provided.

**Commencement**
2 This Act comes into force on the day it receives Royal Assent.

**REGULATORY PROPOSALS:**

*Proposed Changes Affecting the Control of Hazardous Substances under the Occupational Health and Safety Act*

The Ministry of Labour (MOL) is proposing to consult on updates to the occupational exposure limits (OELs) under Regulation 833 (Control of Exposure to Biological or Chemical Agents) of the *Occupational Health and Safety Act* (OHSA). The MOL is also proposing to consult on amendments that will, if approved, introduce new respiratory protection and measuring provisions, as well as updating and harmonizing a number of other provisions.

**Effective Date:** January 1, 2018

**REGULATIONS:**

Published in the Ontario Gazette, *Vol. 150-32, August 12, 2017*:

**O. Reg. 287/17** Amending Reg. 833 of R.R.O. 1990 (CONTROL OF EXPOSURE TO BIOLOGICAL OR CHEMICAL AGENTS)
- This Regulation comes into force on January 1, 2018.

**O. Reg. 288/17** Amending O. Reg. 490/09 (DESIGNATED SUBSTANCES)
- This Regulation comes into force on January 1, 2018.

**O. Reg. 289/17** Amending Reg. 851 of R.R.O. 1990 (INDUSTRIAL ESTABLISHMENTS)
| Ontario | Smoke-Free Ontario Act, S.O. 1994, c. 10 |

**Bill 41 Patients First Act, 2016**
*Bill Status:* Royal Assent December 8, 2016 *(S.O. 2016, c. 30)*

**Summary:**
Section 49 amends the *Smoke-Free Ontario Act* as follows:

49. (1) Clause (a) of the definition of “home health-care worker” in subsection 9.1 (5) of the *Smoke-Free Ontario Act* is repealed.

(2) The definition of “home health-care worker” in subsection 9.1 (5) of the Act is amended by adding the following clause:
(a.1) a local health integration network as defined in subsection 2 (1) of the *Local Health System Integration Act, 2006*; or

**Commencement:**
- Subsection 49 (1) come into force on a day to be named by proclamation of the Lieutenant Governor. It is not in force yet.
- Subsection 49 (2) comes into force on the day it receives Royal Assent on December 8, 2016.

**Proclamations:**
The following provisions proclaimed in force on November 1, 2017 *(Ontario Gazette, November 11, 2017)*:
- a) s. 35 (2), which amends the *Electronic Cigarettes Act, 2015*.
- b) s. 49(1), which amends the *Smoke-Free Ontario Act, S.O. 1994*.

**Bill 154 Cutting Unnecessary Red Tape Act, 2017**
*Bill Status:* Royal Assent November 14, 2017 *(S.O. 2017, c. 20)*

**Summary:**
Schedule 11, ss. 38-40 make technical French and accessibility amendments to the *Smoke-Free Ontario Act*.
38 The French version of paragraph 7 of subsection 9 (2) of the Smoke-Free Ontario Act is repealed and the following substituted:

7. Les lieux ou endroits prescrits.

39 The French version of subsection 14 (16) of the Act is amended by striking out “ou de fournir à l’inspecteur” and substituting “ou fournir à l’inspecteur”.

40 The Table to section 15 of the Act is amended by,

(a) adding a numbered item column to the left of Column 1; and
(b) adding “not applicable” in every blank cell.

Commencement:
Schedule 11, ss. 38-40 come into force on the day the Cutting Unnecessary Red Tape Act, 2017 receives Royal Assent.

Bill 160 Strengthening Quality and Accountability for Patients Act, 2017

Bill Status: Royal Assent December 12, 2017 (S.O. 2017 c. 25)

Summary:
Schedule 9, s. 118 makes consequential amendments to the Smoke-Free Ontario Act as follows:

118 (1) Paragraph 2 of subsection 4 (2) of the Smoke-Free Ontario Act is repealed and the following substituted:

2. A community health facility within the meaning of the Oversight of Health Facilities and Devices Act, 2017 that was formerly licensed under the Private Hospitals Act.

(2) Paragraph 2 of subsection 13 (4) of the Act is repealed and the following substituted:

2. A community health facility within the meaning of the Oversight of Health Facilities and Devices Act, 2017 that was formerly licensed under the Private Hospitals Act.

Commencement:
Schedule 9, s. 118 comes into force on a day to be named by proclamation of
<table>
<thead>
<tr>
<th>Bill 174</th>
<th>Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017</th>
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<tbody>
<tr>
<td>Bill Status:</td>
<td>Royal Assent December 12, 2017 (S.O. 2017, c. 26)</td>
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<tr>
<td>Summary:</td>
<td>The Bill enacts the Cannabis Act, 2017 (Schedule 1) and the Ontario Cannabis Retail Corporation Act, 2017 (Schedule 2). It also repeals the Smoke-Free Ontario Act and the Electronic Cigarettes Act, 2015 and replaces them with the Smoke-Free Ontario Act, 2017 (Schedule 3). The new Smoke-Free Ontario Act, 2017 applies to tobacco products, vapour products and medical cannabis, and to other products and substances that may be prescribed in the regulations. Please see the EXPLANATORY NOTE for details.</td>
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<tr>
<td>Commencement:</td>
<td>Schedule 1</td>
</tr>
<tr>
<td>33 (1)</td>
<td>Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor. (2) Section 4 comes into force on the day subsection 16 (2) of Schedule 2 (Ontario Cannabis Retail Corporation Act, 2017) to the Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017 comes into force.</td>
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<tr>
<td>Schedule 3</td>
<td>30 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.</td>
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<tr>
<th>Bill 77</th>
<th>An Act to Amend the Provincial Court Act</th>
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<tr>
<td>Bill Status:</td>
<td>Royal Assent May 12, 2017 (S.P.E.I. 2017, c. 70)</td>
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<tr>
<td>Summary:</td>
<td>Section 10 makes a brief amendment to the Dangerous Goods</td>
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<td>Bill 48</td>
<td>Private Training Schools Act</td>
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<td><strong>Bill Status:</strong> Royal Assent December 15, 2016 (S.P.E.I. 2016, c. 49)</td>
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<tr>
<td><strong>Summary:</strong> Section 55 amends the Occupational Health and Safety Act:</td>
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<tr>
<td><strong>Commencement:</strong> This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council. <strong>It is not in force yet.</strong></td>
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<tr>
<th>Bill 77</th>
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<tbody>
<tr>
<td><strong>Bill Status:</strong> Royal Assent May 12, 2017 (S.P.E.I. 2017, c. 70)</td>
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<tr>
<td><strong>Summary:</strong> Section 26 amends the Occupational Health and Safety Act:</td>
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<tr>
<td>Quebec</td>
<td>An Act Respecting Industrial Accidents and Occupational Diseases, CQLR c A-3.001</td>
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<td><strong>Bill 70</strong> An Act to allow a better match between training and jobs and to facilitate labour market entry</td>
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<td></td>
<td><strong>Bill Status:</strong> Royal Assent November 10, 2016 (S.Q. 2016, c. 25)</td>
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<td><strong>Summary:</strong> s. 23 (in Part II) amends the <em>Act Respecting Industrial Accidents and Occupational Diseases</em> as follows:</td>
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<td><strong>23.</strong> Section 11 of the <em>Act respecting industrial accidents and occupational diseases</em> (chapter A-3.001) is amended by replacing “the Youth Alternative Program or a specific program established under Chapter III or Chapter IV”</td>
</tr>
</tbody>
</table>

|        | **26.** Subsection 7(4) of the Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1.01, is amended by the deletion of the words “justice of the peace” wherever they occur and the substitution of the words “judicial justice of the peace”. |
|        | **Commencement:** This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council. **It is not in force yet.** |
|        | **REGULATIONS:** Published in the *Royal Gazette, October 28, 2017: EC2017-605 Scaffolding Regulations Amendment* |
|        | **SECTION 1** amends subsection 17(4) of the Scaffolding Regulations (EC44/06) to update the reference to the CSA Standard cited there. |
|        | **SECTION 2** amends subsection 19(4) of the regulations by revoking clauses (b) to (e) and substituting new clauses (b) to (e) to update the references to the CSA Standards cited in those clauses. |
|        | These regulations come into force on October 28, 2017. |
in paragraph 4 by “a specific program established under Chapter IV”.

**Commencement:**
Part II of this Act comes into force on the date or dates to be set by the Government.

**Proclamation:**

**Bill 118** An Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution
Bill Status: 2nd Reading February 23, 2017

**Summary:**
ss. 55 - 56 amends the *Act Respecting Industrial Accidents and Occupational Diseases*. An EXPLANATORY NOTES is available at the beginning of the bill.

**Commencement:**
The provisions of this Act come into force on the date or dates to be set by the Government.

**Bill 891** An Act to amend the Act respecting labour standards in order to amend the minimum wage setting and review procedure (Private Member’s Bill)
Bill Status: 1st Reading October 4, 2017

**Summary:**
Section 5 of Bill 891 amends *An Act Respecting Industrial Accidents and Occupational Diseases* as follows:

5. Section 6 of the *Act respecting industrial accidents and occupational diseases* (chapter A-3.001) is amended by replacing the second paragraph by the following paragraph:
“In the case of a worker having no remunerated employment or for whose employment no minimum wage is fixed by regulation, the Commission shall apply the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the workweek referred to in section 52 of that Act, on the day they are to be applied.”

NOTICES:

Two notices were published in the Gazette Officielle Du Québec, Part 2, Vol. 149, No. 40, October 4, 2017:

1. **Regulation respecting the applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits for 2018**

   The purpose of this regulation is to determine the applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits to defray the costs for the administration of Chapter X of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) under Section 343 of said act.

2. **Regulation to amend the Regulation respecting financing**

   Schedules 1, 2, 3, 4 and 7 of the Regulation respecting financing (chapter A-3.001, r. 7) are respectively replaced by Schedules 1, 2, 3, 4 and 7 attached to this Regulation.

Two notices were published in the Gazette Officielle Du Québec, Part 2, Vol. 149, No. 48, November 29, 2017:

1. **Table of gross annual income from suitable employments for 2018**
<table>
<thead>
<tr>
<th>Quebec</th>
<th>An Act respecting occupational health and safety, CQLR, c. S-2.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. <strong>Table of income replacement indemnities payable under the Act respecting industrial accidents and occupational diseases and of indemnities payable under the Workers’ Compensation Act for 2018</strong></td>
<td></td>
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</tbody>
</table>

Notice is hereby given that the Commission des normes, de l’équité, de la santé et de la sécurité du travail, at its meeting of 16 November 2017, adopted the Regulation respecting the table of income replacement indemnities payable under the Act respecting industrial accidents and occupational diseases and of indemnities payable under the Workers’ Compensation Act for 2018.

This Regulation comes into force on the fifteenth day following the date of its publication in the Gazette officielle du Québec.
Under the bill, public recognized clients are required to report any demonstrations of violence or intimidation in connection with the construction work they carry out or cause to be carried out to the Commission de la construction du Québec (Commission). The penal provision prohibiting the use of intimidation or threats is broadened to include any intimidating or threatening behaviour likely to disrupt activities on a job site. New offences are added to the list of offences disqualifying a convicted person from leading

Please see the EXPLANATORY NOTES for further details.

Sections 24 - 25 amend the *Act respecting occupational health and safety*.

**DRAFT REGULATIONS:**

Published in the Gazette Officielle Du Québec, *Part 2, Vol. 149, No. 44, November 1, 2017*:

*Regulation to amend the Regulation respecting occupational health and safety in mines*

The draft Regulation provides for the requirement to be trained on the characteristics of a hoist. It also sets out new conditions to be met to board a locomotive or mechanical haulage equipment.

<table>
<thead>
<tr>
<th>Saskatchewan</th>
<th>Dangerous Goods Transportation Act, S.S. 1984-85-86, c. D-1.2</th>
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</thead>
<tbody>
<tr>
<td><strong>Bill</strong></td>
<td><strong>Statute Law Amendment Act, 2017</strong></td>
</tr>
<tr>
<td><strong>Bill Status:</strong></td>
<td>First Reading November 23, 2017</td>
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<tr>
<td><strong>Summary:</strong></td>
<td>Section 20 amends the <em>Dangerous Goods Transportation Act</em> as follows:</td>
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<tr>
<td></td>
<td>SS 1984-85-86, c D-1.2, section 2 amended</td>
</tr>
<tr>
<td></td>
<td>20 Clause 2(d) of The <em>Dangerous Goods Transportation Act</em> is repealed and</td>
</tr>
<tr>
<td>Yukon</td>
<td>Occupational Health and Safety Act, R.S.Y. 2002, c. 159</td>
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Bill 8 Act to Amend the Workers’ Compensation Act and the Occupational Health and Safety Act (2017)
Bill Status: Royal Assent November 27, 2017 (S.Y. 2017, c. 17)

Summary:

Part 1 amends the Workers’ Compensation Act to:
- establish a presumption that certain emergency response workers who have been diagnosed with post-traumatic stress disorder have a work-related injury and are therefore entitled to compensation; and
- establish that the emergency response workers to whom the presumption applies are firefighters, paramedics and police officers.

Part 2 amends the Occupational Health and Safety Act to:
- permit the making of regulations respecting the prevention and treatment of occupational injury; and
- replace the definition of “occupational illness” with the definition of “occupational injury”, which would include both physical and psychological illness or injury.

Coming into Force:
This Act comes into force Royal Assent.
Part 3: Cases based on Chapter** Topics

** The Chapter references are to Canadian Health and Safety Law, Canada Law Book, Norm Keith.

Chapter 1-A - Cases for Introduction to Occupational Safety and Health Law, Regulation and Enforcement and International Development

OSHA Cites Chicago Container Manufacturer After 4 Workers Suffer Injuries
Sept. 25, 2017 OSHA Cites Chicago Container Manufacturer After 4 Workers Suffer Injuries
OSHA News Release on Sep 25, 2017

Chapter 1-B - News for Introduction to Occupational Safety and Health Law, Regulation and Enforcement and International Development

OSHwiki article in the spotlight: Anthropometry
13/12/2017 OSHwiki article in the spotlight: Anthropometry Anthropometry is the science of measurement of the human body. It can be applied to occupational safety and health to ensure that workers have sufficient space to perform their tasks, that they can reach necessary equipment, tools and controls, that...
EU-OSHA News on Dec 13, 2017

Company fined £3m following death at recycling site
A principal contractor has been fined a total of £3m following the death of a worker at a site in Wales. Porvi Construcciones y Contratas was sentenced alongside Befesa Salt Slags following the incident on 14 July 2015, at the plant in Fenns Bank, just inside the Welsh border. Befesa ...
Health and Safety Executive (HSE) - Press Releases on Nov 30, 2017

U.S. Department of Labor Fines US Environmental Inc. for Safety Violations and Proposes Penalties Totaling $333,756
Nov. 29, 2017 U.S. Department of Labor Fines US Environmental Inc. for Safety Violations and Proposes Penalties Totaling $333,756
OSHA News Release on Nov 29, 2017

U.S. Department of Labor Proposes Over $1.8 Million in Fines Against a Wisconsin Corn Milling Facility After Fatal Grain Dust Explosion
Nov. 17, 2017
OSHA News Release on Nov 17, 2017
Understanding how workplaces across Europe manage health and safety
15/11/2017 Understanding how workplaces across Europe manage health and safety Download in: EN
EU-OSHA Publications on Nov 15, 2017

ICOH newsletter - Volume XV - Number 2 - October 2017 - ISSN 1795-0260
ICOH newsletter - Volume XV - Number 2 - October 2017 - ISSN 1795-0260
International Commission on Occupational Health - Newsletters on Nov 4, 2017

What impact does a lack of good OSH have on the economy?
09/10/2017 What impact does a lack of good OSH have on the economy? “The economic case for good occupational safety and health (OSH) is stronger than ever”, EU-OSHA’s Director Dr Christa Sedlatschek says in an article published in the Parliament Magazine. “Every effort invested in OSH, by public ...
EU-OSHA News on Oct 9, 2017

EU-OSHA presents results of a project on prevention of work-related diseases due to biological agents exposure
06/10/2017 EU-OSHA presents results of a project on prevention of work-related diseases due to biological agents exposure EU-OSHA has carried out a project to raise awareness on exposures to biological agents and the related health problems, and the lack of a systematic approach to workplace prevention regarding these risk factors ...
EU-OSHA News on Oct 6, 2017

Follow the 4 essential steps of risk assessment with a new OiRA infographic
27/09/2017 Follow the 4 essential steps of risk assessment with a new OiRA infographic A new infographic produced within the framework of the Online interactive Risk Assessment (OiRA) project is now available in English. The 'Risk assessment with OiRA in 4 steps' visual provides an eye-catching description of the 4 ...
EU-OSHA News on Sep 26, 2017

EU to set up a European Labour Authority
13/09/2017 EU to set up a European Labour Authority In his State of the Union Address 2017 at the European Parliament, President Juncker announced plans for a European Labour Authority. The authority will build on existing agencies, including EU-OSHA, and structures to manage better cross-border and...
EU-OSHA News on Sep 13, 2017

“Safer and healthier work at any age” information sheets available in various languages
12/09/2017 “Safer and healthier work at any age” information sheets available in various languages Brief summaries of the main findings of the 3-year project “Safer and healthier work at any age – occupational safety and health in the context of an ageing workforce” are now available in 19 languages. The ...
EU-OSHA News on Sep 11, 2017
Chapter 2 Health and Safety Committees and Representatives

United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 663 v Aecon Industrial, 2017 CanLII 78780 (ON LRB) — 2017-11-15
Ontario Labour Relations Board — Ontario trench — grievor — lay-off — safety — pipefitters
CanLII Labour Cases (All) - Chapter 2 Health and Safety Committees and Representatives on Nov 23, 2017

Dan Cooper v Essar Steel Algoma Inc., 2017 CanLII 72908 (ON LRB) — 2017-10-25
Ontario Labour Relations Board — Ontario email — prima facie — safety representatives — applications — discipline
CanLII Labour Cases (All) - Chapter 8 Government Health and Safety Inspectors on Nov 1, 2017

The Carpenters’ District Council of Ontario, United Brotherhood of Carpenters and Joiners of America v MCA Contracting Ltd., 2017 CanLII 65153 (ON LRB) — 2017-09-27
Ontario Labour Relations Board — Ontario work — site — project — employees — bridge
CanLII Labour Cases (All) - Chapter 2 Health and Safety Committees and Representatives on Oct 4, 2017

Chapter 3 Workplace Stakeholder Duties

Quisias v British Columbia, 2017 CanLII 75755 (BC LRB) — 2017-11-09
Labour Relations Board — British Columbia emails — disciplinary — medical — meeting — confidentiality
CanLII Labour Cases (All) - Chapter 3 Workplace Stakeholder Duties on Nov 13, 2017

Chapter 4 Workplace Hazardous Material Information System

United Scaffold Supply Company Inc. v Construction Maintenance And Allied Workers Canada, 2017 CanLII 62835 (BC LRB) — 2017-09-22
Labour Relations Board — British Columbia yard — scaffolders — field — craft bargaining unit — employees
CanLII Labour Cases (All) - Chapter 4 Workplace Hazardous Material Information System on Sep 26, 2017

Chapter 5 Right to Refuse to Do Unsafe Work

Sampson v Irving Shipbuilding Inc., 2017 NSLB 108 (CanLII) — 2017-09-21
Nova Scotia Labour Board — Nova Scotia work refusals — employees — subcontractors — discriminatory — no-hire list
Chapter 6 Reporting Workplace Accidents

J.B. v Comox Pacific Express, 2017 CanLII 74153 (BC LRB) — 2017-11-01
Labour Relations Board — British Columbia grievance — email — information — will — quit
CanLII Labour Cases (All) - Chapter 6 Reporting Workplace Accidents on Nov 7, 2017

Chapter 7 Workplace Violence and Harassment

Complainant v NorQuest College Faculty Association, 2017 CanLII 77098 (AB LRB) — 2017-11-17
Alberta Labour Relations Board — Alberta legal — harassment report — complaint — bullying — grievance
CanLII Labour Cases (All) - Chapter 7 Workplace Violence and Harassment on Nov 17, 2017

Wieler v Saskatoon Convalescent Home, 2017 SKCA 90 (CanLII)
special adjudicator — occupational health — release — complaint — discriminatory
CanLII Court of Appeal for Saskatchewan on Oct 20, 2017

Alicia R. Allen v Eamon Park Housing Co-Operative Inc., 2017 CanLII 67969 (ON LRB) — 2017-10-10
Ontario Labour Relations Board — Ontario probationary period — meeting — performance — board of directors — harassment
CanLII Labour Cases (All) - Chapter 7 Workplace Violence and Harassment on Oct 18, 2017

Chapter 8 Government Health and Safety Inspectors

The Corporation of the Municipality of Chatham-Kent v A Director under the Occupational Health and Safety Act, 2017 CanLII 74130 (ON LRB) — 2017-10-30
Ontario Labour Relations Board — Ontario suspension — documents — firefighters — field visit — training
CanLII Labour Cases (All) - Chapter 8 Government Health and Safety Inspectors on Nov 6, 2017
Chapter 9 Appealing Inspectors and Orders

Ontario Public Service Employees Union v The City of Hamilton, 2017 CanLII 78348 (ON LRB) — 2017-11-15
Ontario Labour Relations Board — Ontario idling — stations — solicitor-client — scope of the appeal appears — request for production of documents
CanLII Labour Cases (All) - Chapter 9 Appealing Inspectors and Orders on Nov 22, 2017

Ontario Public Service Employees Union v The City of Hamilton, 2017 CanLII 72269 (ON LRB) — 2017-10-23
Ontario Labour Relations Board — Ontario idling — documents — producing — ambulances — fire
CanLII Labour Cases (All) - Chapter 9 Appealing Inspectors and Orders on Oct 30, 2017

Jude Fernandez v City of Mississauga, 2017 CanLII 70603 (ON LRB) — 2017-10-17
Ontario Labour Relations Board — Ontario relieve against the strict application — inspector — filing — advisable — form
CanLII Labour Cases (All) - Chapter 9 Appealing Inspectors and Orders on Oct 25, 2017

Ontario Labour Relations Board — Ontario provide will-say statements in accordance — inspector — will provide its statements — schedule — directs
CanLII Labour Cases (All) - Chapter 8 Government Health and Safety Inspectors on Oct 20, 2017

Teleperformance Canada v A Director under the Occupational Health and Safety Act, 2017 CanLII 67202 (ON LRB) — 2017-09-28
Ontario Labour Relations Board — Ontario application — timeliness — remedy — time limit imposed — ordered to comply
CanLII Labour Cases (All) - Chapter 9 Appealing Inspectors and Orders on Oct 16, 2017

Chapter 10 Health and Safety Prosecutions

R. v The Royal Canadian Mounted Police, 2017 NBPC 6 (CanLII) — 2017-09-29
Provincial Court — New Brunswick front-line members — patrol carbine — rollout — active shooter — training
CanLII Labour Cases (All) - Chapter 10 Health and Safety Prosecutions: on Dec 14, 2017
Provincial Court of Nova Scotia — Nova Scotia pre-charge delay — defence — days — dates — time
CanLII Labour Cases (All) - Chapter 10 Health and Safety Prosecutions: on Dec 8, 2017

R. v St. John's (City), 2017 NLCA 71 (CanLII) — 2017-12-05
Supreme Court of Newfoundland and Labrador, Court of Appeal — Newfoundland and Labrador actus reus of the offences — appellate — defence of due diligence — employees — counts
CanLII Labour Cases (All) - Chapter 10 Health and Safety Prosecutions: on Dec 7, 2017

Superior Court of Justice — Ontario propane — truck to truck transfers — actus reus of the offence — explosions — facility
CanLII - All - Case Law (Courts) - Emp 1 (Western) on Dec 1, 2017

R v The Driving Force Inc., 2017 ABPC 265 (CanLII) — 2017-11-08
Provincial Court — Alberta particulars — identify — transaction alleged — count — specific
CanLII Labour Cases (All) - Chapter 10 Health and Safety Prosecutions: on Nov 23, 2017

Ontario (Ministry of Labour) v Thomson Metals and Disposal GP Inc., 2017 ONCJ 764 (CanLII) — 2017-11-14
Ontario Court of Justice — Ontario washers — seat belt — bolts — actus reus — excavator
CanLII - All - Case Law (Courts) - Empl 1 (Western) on Nov 20, 2017

Ontario (Ministry of Labour) v. Cobra Float Service Inc., 2017 ONCJ 763 (CanLII) — 2017-11-15
Ontario Court of Justice — Ontario curb machine — trailer — ramp — unloading — offset wheel
CanLII - All - Case Law (Courts) - Global Mining 1 (Western) on Nov 20, 2017

Chapter 11 Officer and Director Duties and Liability

M Crouse & Sons Construction Limited (Re), 2017 NSLB 131 (CanLII) — 2017-10-02
Nova Scotia Labour Board — Nova Scotia administrative penalty — untimely — mailed — served — compliance
CanLII Labour Cases (All) - Chapter 11 Officer and Director Duties and Liability on Oct 5, 2017

Chapter 12 Health and Safety Hazards

Teamsters Local Union 847 v Gilbert Steel Limited, 2017 CanLII 77294 (ON LA) — 2017-11-20
Labour Arbitration Awards — Ontario grievor — safety boots — termination — wear — sunset
CanLII Labour Cases (All) - Chapter 12 Health and Safety Hazards on Nov 20, 2017
Chapter 13 Workplace Smoking Restrictions

Thomas v. Marcone, 2017 HRTO 1607 (CanLII) — 2017-12-04
Human Rights Tribunal of Ontario — Ontario harassment — allegations — evidence — reply — union
CanLII - All Search on Dec 20, 2017

Peel (Region, Department of Public Health) v. Le Royal Resto and Lounge Inc., 2017 ONCJ 767 (CanLII) — 2017-11-16
Ontario Court of Justice — Ontario shisha — minimis non curat lex — maxim — tobacco — hookah
CanLII - All Search on Dec 20, 2017

Dunn v. Indigenous and Northern Affairs Canada and Lecompte, 2017 PSDPT 3 (CanLII) — 2017-10-03
Public Servants Disclosure Protection Tribunal — Canada (Federal) loyalty — reprisal complaint — smoke breaks — assignment — retaliation
CanLII - All Search on Dec 20, 2017

Decision No. 1535/16, 2017 ONWSIAT 2969 (CanLII) — 2017-09-28
Ontario Workplace Safety and Insurance Appeals Tribunal — Ontario lung cancer — exposures — worker — exposure to hexavalent chromium — smoking
CanLII - All Search on Dec 20, 2017

Chapter 14 Alcohol and Drugs in the Workplace

Canadian National Railway Company v Teamsters Canada Rail Conference, 2017 CanLII 81916 (CA LA) — 2017-01-23
Labour Arbitration Awards — Canada (Federal) disability — grievor — medical evidence — incident — facing challenges
CanLII Labour Cases (All) - Chapter 14 Alcohol and Drugs in the Workplace on Dec 6, 2017

Decision No. 2664/17, 2017 ONWSIAT 2867 (CanLII) — 2017-09-19
Ontario Workplace Safety and Insurance Appeals Tribunal — Ontario pre-existing condition — severity — pre-existing vulnerability — accident — worker
CanLII Labour Cases (All) - Chapter 14 Alcohol and Drugs in the Workplace on Dec 1, 2017

Tolko Industries Ltd. v United Steel, Paper And Forestry, Rubber, Manufacturing, Energy,allied Industrial And Service Workers International Union, Local 1-425, 2017 CanLII 79297 (BC LA) — 2017-08-03
Labour Arbitration Awards — British Columbia log loader — testing — test — alcohol — discipline
CanLII Labour Cases (All) - Chapter 14 Alcohol and Drugs in the Workplace on Nov 29, 2017
Chapter 15 Transportation of Dangerous Goods

R v Dockman, 2017 ABPC 310 (CanLII) — 2017-12-12
Provincial Court — Alberta contraventions — water — fluoride — offender — sentencing

Fauceglia v. Canada Border Services Agency, 2017 OHSTC 22 (CanLII) — 2017-11-15
Occupational Health and Safety Tribunal Canada — Canada (Federal) containers — inland sufferance warehouses — concentrations of fumigants — hazard — examinations
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