

History of Occupational Health & Safety

Legislation in Ontario

This PSHSA Fast Fact is intended to help JHSC members, workers, supervisor, managers and OH&S professionals understand how OH&S legislation has developed over the past century.

Ontario's Occupational Health And Safety (OH&S) legislation was originally modeled after the British Factory Act of the 17th century. The first industrial safety legislation in this province was the Factory Act of 1884. Workplaces that fit the definition of "factory" were included. Health care organizations, however, were not covered by OH&S legislation until 1980.

Factory Act of 1884

The Factory Act of 1884 defined "child", "young girl" and "women", as well as "factory". It restricted the hours of work for these "more sensitive" workers but did nothing to limit accidents or injuries on the job.

The legislation was vague but clearly favoured the employer. It was clear to all that the Act was not meant to inhibit production. The Factory Act of Ontario remained vague, unenforceable and biased toward production and the employer for the next 80 years.

Industrial Safety Act of 1964

In 1964, a new industrial Safety Act was passed as an aftermath to a disastrous accident that killed five workers at Hoggs Hollow. For the first time, the safety of the worker was its focus. Safety was defined as "freedom from injury to the body or freedom from damage to health". Despite the focus on workers' safety, workers were not given any opportunity to participate in developing or enforcing the law until 14 years later.

The Ham Royal Commission

Following further public criticism about inadequate protection for workers involved with uranium mines, asbestos, lead and mercury, the Ontario provincial government established a Royal Commission under James Ham. This commission investigated the health

and safety of workers in mines and recommended improvements. The Ham Commission report, published in 1976, contained a series of recommendations to increase workers' knowledge and experience of health and safety in the workplace. Most notably, Ham introduced the Internal Responsibility System (IRS). The institution of the JHSC was the cornerstone of the IRS.

Occupational Health & Safety Act of 1980

In brief, the passage of the Occupational Health and Safety Act (OHSA) in 1980 gave workers "the right to participate" in occupational health and safety, "the right to know" about on-the-job hazards and "the right to refuse" work that they believe to be unsafe. Thus, the Act gave workers a voice in how OH&S is approached in the workplace. It established a comprehensive set of legislative requirements for workers and workplaces in Ontario. Since then, provisions have been added in the form of Regulations, but the Act itself was not amended until 1990. Although Ham's work was the basis of this Act, many of his recommendations about the role of the JHSC were not included in that version. However, the committee was given the role of an advisory, monitoring body and overseer of an organization's OH&S program.

Bill 208 and the Amendment of the OHSA in 1990

By the mid 1980s, with job-related death and injury rates still increasing, it was apparent that more changes were needed. Two bills presented in the legislature in late 1986 and early 1987 proposed that workplaces previously exempt from the legislation be included and that workers be given greater control over the risks they faced.

Although the bills were abandoned when the provincial election was called in 1987, business and labour leaders continued to discuss the next steps with government. There was broad agreement on the need for better training in OH&S for the workforce to allow workers

to exercise more control over workplace risks. However, there was disagreement on workers' rights provisions.

In 1989, the Minister of Labour introduced Bill 208. After extensive discussions with the private sector and debate in the legislature, the Bill received Royal Assent on June 21, 1990. Most provisions of the Bill took effect on January 1, 1991.

The principles of this legislation included strengthened partnerships between employers and workers, and expanded responsibilities for the JHSC. A requirement for certified members on the JHSC was also introduced. These certification requirements were phased in over several years. Currently, at least two members of the JHSC (one employer representative and one worker representative) must have completed the Workplace Safety and Insurance Board (WSIB) approved Basic Certification Training Program. The second part of the certificate process (Workplace-Specific Hazard Training) requires certified members to complete workplace specific training. The compliance date for completion of this workplace specific was December 31, 2001.

Health Care and Residential Facilities Regulation

This Regulation came into effect June 1, 1993 and introduced requirements relating to hazards that are specific to health care. One requirement contained in this Regulation requires employers, in consultation with the JHSC, to establish and implement health and safety measures and provide training relating to 13 broad topics.

Although this Regulation draws attention to some of the hazards in health care facilities, there are a number of issues which the Regulation does not address, such as patient handling, violent patients, manual material handling and specifications for items such as carts, stretchers, beds and lifting devices.

Workplace Safety and Insurance Act (Bill 99)

On January 1, 1998, Bill 99 came into effect, enacting the Workplace Safety and Insurance Act and repealing the former Workers' Compensation Act. Although this legislation still includes provisions for compensation to workers whose injuries or illnesses are caused by their work, this Act reflects the expanded focus of the WSIB (formerly the Workmen's Compensation Board; WCB). The new mandate of the WSIB includes the prevention of workplace injury and disease and the promotion of health and safety. This includes WSIB overseeing certification training and coordinating the province's Health and Safety Associations and Occupational Health Clinics for Ontario Workers.

According to the Ministry of Labour's document, Preventing Illness and Injury: A Better Health and Safety System for Ontario Workplaces (January 1998), for the first time, a common strategy to prevent injury and illness in Ontario workplaces has been developed which both coordinates and optimizes the roles of the WSIB, the Ministry of Labour and other organizations in the occupational health and safety system.

What is Next for OH&S Legislation?

Consultations on possible changes to the OHSA have been conducted. The results of these consultations are being reviewed. No doubt the shape and direction of any changes in legislation will be driven by the government's goal to make Ontario workplaces among the safest in the world."