ABCs of OH&S – Ontario
Dilys Robertson
This supplemented publication offers you definitions and information on everything from accidents to X-rays, including: Certification and other health and safety training • Designated substances • Fire and Building Code requirements • Joint health and safety committee duties and responsibilities • Personal protective equipment • Regulations affecting the health care, construction, mining, and industrial sectors • WHMIS.

ABCs of OH&S compiles Occupational Health and Safety information from 20 Acts and more than 50 regulations into handy, concise sections for the busy manager or health and safety professional. Also included is the full text of the Ontario Occupational Health and Safety Act.

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**Canadian Labour Reporter Special Report: Violence in the Workplace, Fourth Edition**

Eric M. Roher

Employers are legally responsible for ensuring that their premises are safe and secure and their employees remain safe from the threat of workplace violence. This means they may be held responsible for the criminal behaviour of employees and other individuals. The costs to employers, both direct and indirect, can be high. The fourth edition of Canadian Labour Reporter Special Report: Violence in the Workplace is a fully updated and concise discussion of leading cases in workplace violence (including physical and mental harassment) and the various laws that apply to them, including human rights, health and safety, workplace insurance and the Criminal Code of Canada. This edition will help you identify what constitutes workplace violence, what obligations are created by legislation and the common law and what employers need to do to be proactive and protect their workers and themselves.

**New updates for the fourth edition include:**

- A review and update of the legal and regulatory impact of Bill 168, which amended Ontario’s Occupational Health and Safety Act (OHSA) by introducing provisions requiring employers to adopt policies and programs on workplace violence and harassment, to take measures protecting employees from acts of domestic violence in the workplace, and to warn employees where there is a likelihood of them coming into contact with an individual with a history of violence
- An analysis of some of the recent case law and arbitrations referencing Bill 168, including *City of Kingston and CUPE Local 109 (Hudson Grievance)* (determining the appropriate penalties for acts of workplace violence), *National Steel Car (Faizza Grievance)* (the duty of employers to investigate allegations of violence and harassment in the workplace), *Shakur v. Mitchel Plastics* (the potential seriousness of even an isolated incident of workplace violence) and *General Motors of Canada Limited v. Johnson* (the threshold for constructive dismissal due to a highly poisoned work environment)
- New Guidelines Governing Bullying and Harassment, as approved by the Board of Directors of WorkSafeBC, which came into force on November 1, 2013. These Guidelines have the force of law in British Columbia
- Tips for Preventing and Managing Incidents of Violence or Harassment, as outlined by Work Safe Alberta

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**CLV Special Report – Accident Investigation in the Workplace**

Dilys Robertson

This Special Report presents a prevention-oriented and practical approach to accident and incident investigation and is designed to give employers a concise guide to the legalities and best practices around accident investigation in the workplace. Practical tools are presented throughout to help train staff and ensure that a sound accident investigation process is in place and is executed properly.

**Table of Contents:** Introduction • Accident Reporting and Investigation and the Law in Canada • Why do Accidents Happen? - The Key Question • Objectives of Accident Investigation • The “Causes” of Accidents • Policies, Procedures, Roles and Responsibilities • The Accident Investigation Process • Practical Tools - Sample Accident Investigation Policy Statement • Template for an Accident Investigation Procedure • Sample Seminar Outline • Sample Participant Learning Objectives • Case Study Exercises • Sample Accident Investigation Follow-up Form • Appendix: References.

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Employers are legally responsible to ensure that their premises are safe and that their organization's policies comply with the Occupational Health and Safety Act. This means that they may be held responsible for workplace policies that do not strictly comply with regulatory requirements. The resulting charges can be costly and disruptive.

This CLV Special Report provides a table of concordance for common OHS legal topics, such as training, safe working practices, violence, and harassment for each Canadian jurisdiction. References to relevant OHS Act and/or regulation are provided.

New sections include: Regulatory Prevention Structures, Legal Functions of JHSCs.

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This Special Report consists of a series of articles on OHS issues of topical interest written in the past couple of years, which have been selected and edited with the aim of providing an overview of critical and emerging OHS issues; a reference source on topical OHS issues; a degree of international coverage to heighten awareness of OHS issues in other countries as well as new and helpful information and tools from those countries. The articles are organized into four topical categories: The management of OH&S, OHS Programs, New and Emerging OHS hazards and Regulatory Issues and Due Diligence.

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Disputes concerning the utilization of surveillance evidence, the disclosure of personal information, and the protection of privacy have become increasingly common in the Canadian workplace.

This updated version of the Special Report examines the evolution of the law over the last decade. The special report surveys all the recent case law, identifies emerging trends, and provides direction to employers in light of the evolving environment. In addition, the special report devotes particular attention to recent developments in the law pertaining to internet surveillance, where historical assumptions regarding an employer’s rights and an employee’s expectation of privacy appear to be under attack.

Table of Contents: Introduction • A Balancing of Interests • Video Surveillance Outside the Workplace • Electronic Surveillance at the Workplace • Practice Points for Employers Wanting to Use Surveillance • Discipline for Misuse of Technology • Enforceable Search Policies • Medical Examinations • Conclusion.

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This practical Special Report focuses exclusively on using contractors and development of best practices for contractor safety programs, in Ontario. The report offers detailed analysis of the issues and potential liabilities which arise, both in contracting for services, and contracting for construction projects. Clear, concise and effective management strategies are offered, in the hope that our knowledge and experience as both legal representatives and trainers in this area will assist Ontario employers to appreciate the risks in contracting, and to create appropriate contractor safety programs for their workplaces.

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This part contains a detailed Road to Excellence?

Part B: Where is Your Committee on the Assessment Chart?

This part deals with the factors that make for an effective heading from the Assessment Chart in Part B. All of the needs improvement.

Part A: What Makes an Effective Committee?

Part B: Where is Your Committee on the Road to Excellence?

This part contains a detailed assessment chart that allows you to assess the current effectiveness of your JHS committee. It is designed to allow you to identify where the committee needs improvement.

Part C: Moving Forward: Practical Tools and Guidelines.

This part contains a series of good practices, case examples and guidelines designed to help you address deficiencies identified in Part B. They are organized under each main heading from the Assessment Chart in Part B. All of the examples provided have been drawn from good practices from Canada, the U.S. and the U.K. To the extent possible, they have also been chosen to meet criteria for committee effectiveness identified by research.

The book is accompanied by a CD-ROM that contains a number of fill-in forms, including the assessment chart from Part B.

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CLV Special Report – Investigating Harassment in the Workplace, 2nd Edition
Malcolm J. MacKillop, LL.B., Jamie Knight, LL.B., and Meighan Ferris-Miles, LL.B.

The purpose of this Special Report is to provide the reader with a sound understanding of the legal principles that inherently come into play in every harassment complaint and investigation in the workplace, and to provide a practical and common sense approach to many of the complicated issues that typically arise during an investigation.

Since publication of the first edition, How to Conduct a Workplace Human Rights Investigation, there have been significant health and safety-related legislative and regulatory changes, which have introduced legal concepts such as psychological harassment, bullying, workplace harassment and workplace violence. As such, the second edition has been expanded (and the title changed) to include harassment investigations that start from a health and safety standpoint, as well as harassment investigations that are more traditionally based in human rights.

Table of Contents: Introduction • Harassment in the Workplace • Focus on Employer Responsibility • How to draft and implement Anti-Harassment Policies • What to do upon receipt of a complaint • How to select the investigator • How to conduct the interviews • How to write the investigation report • Deciding what course of action to take • Limiting liability • Taking action.

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CLV Special Report: Managing OH&S Inspections and Search Warrants
Landon P. Young, B.A., LL.B., and Ryan J. Conlin, B.A., LL.B.

This Special Report will help employers to be prepared for Ministry of Labour health and safety inspections and to understand what they should do to protect themselves when an accident occurs. Readers will find this guide to be a practical resource that ensures their organization is in compliance with the Occupational Health and Safety Act and ready for any health and safety inspection.

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Cheryl A. Edwards, LL.B., Ryan J. Conlin, B.A., LL.B. and Landon P. Young, LL.B.

The current OH&S environment in Ontario includes astounding high corporate and individual penalties and negative publicity for OH&S violators. Are your workers sufficiently protected by your OH&S programs? If a workplace accident occurred, would your programs withstand Ministry of Labour or court scrutiny? This Special Report will help your organization assess the effectiveness of your OH&S programs. It describes the concept of OH&S “due diligence” as developed in all of the key cases decided by Ontario courts. It provides a step-by-step description of court expectations along with practical commentary and invaluable tools.

Table of Contents: Due Diligence • OHSA Fines • Criminal Liability • Liability of Employers, Workers, Supervisors, Officers and Directors, and Others • Proving Due Diligence • Burden of Proof • Foreseeability of Harm • Gravity of Potential Harm • Systems for Preventing Accident • Reasonable Belief in Mistaken Facts • Remedial Action • External Standards • Proper Systems for Due Diligence • Requirements of the OHSA • General Duties • Specific Duties and Regulations • Safety Policies and Programs • Implementing Health and Safety Programs • Identification of Workplace Hazards • Formulation of Policies, Practices and Procedures • Training • Remedial Action • Monitoring • Enforcement and Employee Discipline.

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CLV Special Report – Joint Health and Safety Committees – The Road to Excellence
Dilys Robertson

This CLV Special Report is intended to help organizations assess the current effectiveness of their JHS Committees and then provide guidelines and tools to facilitate movement from one stage of the continuum to the next.

The book is divided into three sections:

Part A: What Makes an Effective Committee?

This part deals with the factors that make for an effective committee, including pointers from available research.

Part B: Where is Your Committee on the Road to Excellence?

This part contains a detailed assessment chart that allows you to assess the current effectiveness of your JHS committee. It is designed to allow you to identify where the committee needs improvement.

Part C: Moving Forward: Practical Tools and Guidelines.

This part contains a series of good practices, case examples and guidelines designed to help you address deficiencies identified in Part B. They are organized under each main heading from the Assessment Chart in Part B. All of the examples provided have been drawn from good practices from Canada, the U.S. and the U.K. To the extent possible,
CLV Special Report – Ontario Confined Space Regulations Compliance Handbook
John Murphy, B.Sc., M.H.Sc., M.B.A., ROH, CIH

Ontario Confined Space Regulations Compliance Handbook has been designed to be used primarily by health and safety personnel charged with responsibility for confined space program development and implementation. The Handbook provides an explanation of regulatory requirements, offers interpretations and analysis of some of the ambiguous parts of the regulations, suggests methodologies for carrying out compliance activities, and provides a variety of sample documents that can be used to undertake and record compliance activities.

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CLV Special Report – Psychological Illness, Mental Health and the Workplace: Canadian Trends and Return to Work Challenges
Jane E. Sleeth, Hon. B.P. & H.E.(Kin), B.Sc. P.T., CPT

Psychological illnesses are present, and have been present in various forms and manifestations in the workplace for as long as there have been workplaces. It is only recently that employers are starting to understand the size of the challenge and the potential costs, both human and financial. This book is intended to specifically address psychological illnesses and disabilities so that the employer, the manager or the union representative is able to understand the size and scope of the problem and be able to differentiate performance issues from bona fide psychological impairments. Most importantly this book is intended to help the HR professional, manager or supervisor to ensure that Disability Management Programs and Return to Work processes are integrated such that these illnesses are taken into account.

This CLV Special Report features the following key topics:
• Canadian Trends and Return to Work Challenges
• The Legal Climate in Canada
• Definitions Related to Psychological Illness & Health
• Myths & Truths about Psychological Illness in the Workplace
• Why a Gap Exists between Psychological Healthcare Practices & the Workplace
• Psychological Illness and Poor Performance; Poor Performance and Psychological Illness – The Chicken & the Egg Dilemma for HR and Managers
• The Return to Work Program – Strategies for Successful Outcomes
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• Checklist Sample in Predicting Depression for Managers and HR Professionals

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CLV Special Report – Public Health in the Workplace, 3rd Edition
Jamie Knight, LL.B. and Laura Karabulut, LL.B.

The SARS crisis in 2003 made many of us think about how workplaces should respond to public health emergencies that affect the workplace. Indeed, terrorist attacks in supposedly “safe” cities like New York, Madrid and London, along with the power blackout in the summer of 2003 widened our perspective about public health in the workplace in the early part of the 21st century to include a full range of external events that could have immediate and often dramatic impacts on our ability to carry on with the routines of work and life. Although we have not been seriously impacted in recent decades, world health authorities continue to warn us about the potential for a worldwide influenza pandemic. If we have a full-blown flu pandemic, SARS will be remembered as the “good old days”.

This book is meant for employers and their representatives, as well as for employees, including unionized employees, and their representatives. The purpose of this book is to review the various legal and moral obligations of an employer, and to discuss the many employment issues that are affected by medical Emergencies, providing guidance for all types of workplaces on how to be better prepared for the next public health emergency. As a final note, although this book is written with reference largely to Ontario legislation, it should be of general application in all Canadian jurisdictions.

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CLV Special Report – Understanding, Preventing and Controlling Back and Neck Pain
Jane E. Sleeth, Hon. B.P. & H.E.(Kin), B.Sc. P.T., CPT

This CLV Special Report provides managers, union representatives, employees and HR managers with a full understanding of back and neck injuries. The workplace can have a positive impact and play a critical role in preventing back/neck injury and, should injury occur, ensuring a successful return to the pre-injury job on a timely and effective basis. Managers and supervisors can have a role in the following areas: Fitness and prevention programs • Ergonomics through an internal ergonomic process and using highly qualified ergonomists where indicated • Disability prevention and return to work and stay at work processes • Early on-site intervention following back/neck pain and/or injury.

Each of these processes has been extensively studied and proven to improve health outcomes, prevent disability and improve the financial bottom lines for organizations which have instituted them.

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**Canadian Safety Reporter**

A newsletter from two of the most renowned names in Canadian Occupational Health and Safety publishing – *Carswell* and *Canadian HR Reporter*. The monthly print newsletter includes an e-newsletter linked to the publication’s website www.safety-reporter.com.

*Canadian Safety Reporter* is an essential resource for health and safety managers and human resources professionals involved in workplace safety. The publication provides up-to-date information on new legislation, trends, best practices, and legal developments in H&S, as well as expert commentary. The publication’s website includes daily news updates, blogs, video, webinars and more.

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**Employers’ Guide to Ontario Workplace Safety & Insurance**

Ryan J. Conlin, B.A., LL.B.

This publication is well respected for its insights and practical advice on the management of workers’ compensation claims and the appeals system in Ontario under the *Workplace Safety and Insurance Act, 1997* (WSIA). It includes information for employers on how to comply with the provisions of WSIA and associated regulations, as well as practical advice relating to claims management, adjudication, appeals, return to work/ rehabilitation, prevention and what to do in the event of a workplace accident.

**Table of Contents:**  
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Charles E. Humphrey, B.A., LL.B. and Ryan J. Conlin

This manual has the complete text of the Ontario *Occupational Health and Safety Act*, plus vital information on meeting OH&S responsibilities and obligations. Checklists and sample forms for supervisors and front-line managers are provided for use in inspections, order appeals, safety-related work refusals and workplace accidents.

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Chrim Middleton

The GHS (Globally Harmonized System) is a uniform international standard for the description, labelling and documentation of chemicals and other dangerous products, currently regulated by WHMIS (Workplace Hazardous Materials Information System), TDG (Transportation of Dangerous Goods), CCCR (Consumer Chemicals and Containers Regulations), and PCPR (Pest Control Products Regulation) and other Canadian legislation. It is well on its way to being implemented in other areas of the world, particularly Europe and Asia. Canadian suppliers and shippers are already being asked to provide product information based on GHS requirements. Thus while the GHS standard in Canada is still undergoing a regulatory review process, industry is already moving to enact it, out of competitive necessity. Transport Canada has already passed amendments to the *Transportation of Dangerous Goods Act*, which brings that regime into partial compliance with GHS. *The GHS Compliance Manual* is a companion to our existing WHMIS and TDG Compliance Manuals.

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HANDI-GUIDE to Alberta’s OH & S Act, Regulation and Code – 2014 Edition
HATSCAN, Don Buchanan

Stiff fines for workers and employers caught violating workplace safety codes is the new reality under historic changes to Alberta’s Occupational Health and Safety Act legislation. Avoid on-site fines under Alberta’s new OH&S Ticketing and Administrative Penalties System with the HANDI-GUIDE to Alberta’s OH&S Act, Regulation and Code – 2014 Edition.

New in this edition
- As of October 1, 2013, OHS officials can issue administrative penalties for OHS violations, up to a maximum of $10,000 per contravention per day
- As of January 1, 2014, OHS officials can issue tickets to workers or employers for more than 60 different contraventions. Ticket amounts range from $100 to $500
- In addition to the administrative penalties amendments, other amendments to the OH&S Act made by Bill 6 (S.A. 2012, c. 7) (in force December 10, 2012)
- Addition of Administrative Penalty (Occupational Health and Safety Act) Regulation, AR 165/2013 (in force October 1, 2013)
- Amendments to the Occupational Health and Safety Regulation made by AR 182/13 (in force October 1, 2013)

This practical guide includes the current version of the Act and regulation as well as the Occupational Health and Safety Code plus five interpretative chapters that will help you understand and interpret the law. Also includes a handy chart listing all the new OH&S ticketable contraventions.

The Orange Book is a powerful safety tool for worker training and for increasing worker and supervisor awareness of their responsibilities under workplace safety law.

This up-to-date, in-the-field reference to Alberta’s workplace health and safety requirements is durable, light-weight, practical – it’s perfect at the office or on any worksite.

Alberta’s Occupational Health and Safety Code, Part 1, Section 2.1 states: “Availability of legislation 2.1 An employer must ensure that a current paper or electronic copy of each of the Occupational Health and Safety Act, the Occupational Health and Safety Regulation and the Occupational Health and Safety Code is readily available for reference by workers.”

Alberta Employment and Immigration, responsible for administering the OHS Act, has advised that they recognize the acceptability of the official published versions from Alberta’s Queen’s Printer, as well as copies as published by Carswell in the HANDI-GUIDE.

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HANDI-GUIDE to Atlantic Canada’s Workplace Health and Safety Legislation – 2013 Edition
HATSCAN, Don Buchanan

This handy, up-to-date, in-the-field reference contains the full text of the Workplace Health and Safety legislation of New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland and Labrador, plus six interpretive chapters. It is a great safety tool for supervisors, workers and safety leaders. It helps with worker training and increases worker and supervisor awareness of their responsibilities under workplace safety law. It is current to June 2013.

Nova Scotia
Amendments in force June 12, 2013
- New Workplace Health and Safety Regulations (WHSR): these replace the former Fall Protection and Scaffolding Regulations; Temporary Workplace Traffic Control Regulations, and Occupational Health Regulations.
- Amendments to the Occupational Safety General Regulations (OSGR) and Blasting Safety Regulations to make them consistent with the WHSR.

Prince Edward Island
Amendments to the First Aid Regulation, effective January 31, 2013 with respect to first aid kits, first aid providers, first aid rooms and first aid records.

Newfoundland
Amendment to the Occupational Health and Safety Act, effective December 22, 2012, with respect to the OHS Council.
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Jurisdiction: Canada (Atlantic Provinces)
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HANDI-GUIDE to British Columbia’s OHS Regulation – 2013 Edition
HATSCAN, Don Buchanan

This handy, up-to-date, in-the-field reference contains the full text of Part 3 of the Workers’ Compensation Act and the Occupational Health and Safety Regulation plus six interpretive chapters. It is a great safety tool for supervisors, workers and safety leaders. It helps with worker training and increases worker and supervisor awareness of their responsibilities under workplace safety law.

New in this edition
- Amendments to the Regulation made by B.C. Reg. 305/2012, effective October 16, 2012, B.C. Reg. 312/2012, effective February 1, 2013, and B.C. Reg. 404/2012, effective April 1, 2013, affecting:
  - Part 1 – Definitions, relating to resource roads,
  - Part 11 – Fall Protection, relating to anchors
  - Part 12 – Tools, Machinery and Equipment, relating to woodworking tools and equipment and pressure vessel relief devices
  - Part 13 – Ladders, relating to movable work platforms
  - Part 16 – Mobile Equipment, relating to operations and maintenance

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– Part 19 – Electrical Safety, relating to elevating work platforms, low voltage equipment and tree pruning and falling
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New Edition

HATSCAN, Don Buchanan

This handy, up-to-date, in-the-field reference contains the full text of the workplace health and safety legislation applicable to federally-regulated employers, plus six interpretive chapters. Durable, light-weight, practical – it’s perfect at the office or on any worksite. It is a great safety tool for supervisors, workers and safety leaders. It helps with worker training and increases worker and supervisor awareness of their responsibilities under workplace safety law.

It is current to October 2014 and contains:
• Part II, Occupational Health and Safety, Canada Labour Code
• Canada Occupational Health and Safety Regulations
• Aviation Occupational Safety and Health Regulations
• Coal Mining Occupational Health and Safety Regulations
• Coal Mining Safety Commission Regulations
• Maritime Occupational Health and Safety Regulations
• Oil and Gas Occupational Safety and Health Regulations
• On Board Trains Occupational Safety and Health Regulations
• Safety and Health Committees and Representation Regulations

New in this edition
A number of amendments to Part II of the Canada Labour Code came into force on October 31, 2014. The most significant changes include:
• A new statutory definition of “danger”; and
• Modifications to the work refusal process and the investigation of continuing work refusals.

Other amendments that also came into force in October 2014 included the removal of multiple references to health and safety officers in Part II, which were changed to refer to the Minister of Labour. The Second Edition includes these changes and explains the effects of the changes, including the Minister of Labour’s continuing oversight and enforcement of the Canada Labour Code and associated regulations.

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- Working at Heights Training – O. Regs. 252/14 and 253/14 amending O. Regs. 213/91 and 297/13, making training
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Martin Shain, S.J.D., and Mary Baynton, M.S.W., R.S.W.

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