



Regulation changes mean **more protection for Ontario workers**

On July 1, 2016, many changes to regulations under Ontario's *Occupational Health and Safety Act* (OHSA) came into effect. Most of the changes involved occupational health hazards, such as exposure to noise and chemicals. The health effects of these hazards often take time to develop. However, they are the cause of more illness and deaths than more immediate safety hazards such as falls and motor-vehicle incidents. For example, between 2005 and 2014, Ontario construction experienced 202 fatalities from traumatic events but 495 fatalities from occupational diseases.*



equipment, installing noise barriers or sound absorbers, and rotating workers between job tasks.

If no other controls are practical or if certain circumstances exist (see O. Reg. 381, s.6), the employer can require workers to wear hearing protection devices (HPDs). Workers who have to wear HPDs must receive training that includes instruction on the limitations of HPDs, proper fitting, inspection, maintenance, and cleaning and disinfection, if applicable.



Below you'll find a summary of the changes to the existing regulations, as well as an outline of the new regulation. To view and download the most up-to-date version of the OHSA

and the regulations under it, visit the e-laws website at ontario.ca/laws

Noise—Regulation 381

Noise-induced hearing loss (NIHL) is the most common occupational disease suffered by workers in Ontario. It is also 100% preventable if the proper precautions are taken. Regulation 381 applies to any workplace that falls under Ontario's OHSA. It requires employers to take all measures reasonably necessary to protect workers from exposure to hazardous noise levels.

The maximum noise exposure level is a time-weighted average of 85 decibels (dBA) over an 8-hour shift. For noise levels above this exposure limit, the employer must determine if engineering or administrative controls can reduce the noise level. These controls may include such things as using quieter tools and

Workplace Hazardous Material Information System—Regulation 860

You may have heard of the Globally Harmonized System (GHS) for Classification and Labelling of Chemicals. It's an internationally recognized system to ensure that the labels, safety data sheets, and classifications used for hazardous products will be recognized and understood across borders. In February 2015, Health Canada introduced changes to the federal *Hazardous Products Act* (HPA) and regulations that helped Canada better align with the requirements of the GHS. These changes specified new hazard classes, new pictograms used to communicate the hazards, new required elements on labels, and a new format for safety data sheets (formerly called material safety data sheets).

On July 1, 2016, changes to Ontario's provincial Workplace Hazardous Materials Information System (WHMIS) legislation took effect. The changes to this provincial regulation align with the new federal requirements of WHMIS 2015. They specify the duties of workers and employers as they relate to the new WHMIS 2015. IHSA has created a *WHMIS 2015 Poster* (PO03) showing the new pictograms and hazard classes. It's a helpful resource to post at your workplace.

Regulation 860 now specifies two time periods for transitioning to WHMIS 2015:

1. **First Transition Period**
(July 1, 2016 to May 31, 2018)
Employers may receive and use hazardous products with labels and safety data sheets (SDSs) that comply with WHMIS 1988 or WHMIS 2015. However, workplaces are encouraged to change over to the new WHMIS 2015 labels and SDSs before this transition period ends.
2. **Second Transition Period**
(June 1 to Nov 30, 2018)
Employers may continue to use products that are already in the workplace with WHMIS 1998 labels and MSDSs. However, new products received must have WHMIS 2015 labels and SDSs. After November 30, 2018, only products that comply with WHMIS 2015 rules can be used.

Employers are required to educate their workers on whichever system is used at their workplace. So until all suppliers and all hazardous products already in the workplace meet the WHMIS 2015 requirements, workers should be trained on both systems.

IHSA's current half-day in-class WHMIS training program covers both the old WHMIS 1988 and new WHMIS 2015 systems. The program will remain this way throughout the transition periods. For more information about our WHMIS course, visit ihsa.ca/training

Control of Exposure to Biological or Chemical Agents—Regulation 833

Regulation 833 sets out requirements for protecting workers against chemical exposure. This regulation has applied to various workplaces, such as mines and industrial projects, for many years. However, construction projects were exempt from the requirements of this regulation. The Ministry of Labour (MOL) removed this exemption to better protect workers in the construction industry against exposure to hazardous chemicals. This change came into effect on July 1, 2016.

Under Regulation 833, construction employers have an explicit duty to ensure that workers are protected from dangerous levels of various chemical agents. The occupational exposure limits (OELs) of these agents are set out in the regulation.



IHSA's WHMIS 2015 Poster (P003) can help reinforce the training workers have received on the new system

Before using personal protective equipment to protect workers from overexposure to hazardous agents “at the worker”, employers should consider engineering controls “at the source” or “along the path”. For example, if using a diesel generator, place it far away from workers and ensure that the work area is properly ventilated.

Protecting construction workers from these types of exposures could significantly reduce the number of workers who will develop an occupational disease.

Construction Projects—Regulation 213/91

Section 47 of the Construction Projects regulation (213/91) was amended to protect workers from exposure to dangerous levels of carbon monoxide (CO) gas. The changes prohibit operating internal combustion engines in excavations, buildings, or other enclosed structures (excluding tunnels) unless:

- Exhaust gases and fumes are discharged directly outside
- Adequate natural or mechanical ventilation is used to ensure gas doesn't accumulate
- Air testing is done by a competent worker to ensure that airborne concentrations of CO do not exceed the exposure limits.

Air testing must be done in accordance with a written strategy developed by the employer in consultation with the Joint Health and Safety Committee (JHSC) or Health and Safety Representative. The time-weighted average exposure limit of CO gas is 25 parts per million (ppm) for an 8-hour shift, 75 ppm for any period of 30 minutes, and 125 ppm at any time.

Another amendment to the Construction Projects regulation was the addition of a section on rotary foundation drill rigs (sections 156.1 to 156.9). Besides a new definition, changes include new requirements for the use of drill rigs, new technical and operational requirements for certain elements of a drilling operation, and mandatory health and safety measures and procedures.

These changes will help reduce the number of injuries and fatalities related to working with this type of heavy equipment. In addition, new training requirements will help ensure that only qualified workers operate drill rigs and that proper pre-planning takes place.

*Source: WSIB/EIW Snapshot Current to March 2016