



Executive Director's Report

UPDATE - MOL ACCREDITATION

Consultations continued in May and June on the MOL's Occupational Health and Safety Management Systems (OHSMS) and Employer Recognition Programs. AAO and COCA have been actively participating.



It is important to keep in mind that this will be a voluntary accreditation AND for all employers (construction, mining, manufacturing, hospitals, retail etc.)

The MOL is seeking to include common elements from existing OHSMS Standards. Such Standards include:

- Leadership, including commitment of management/accountability and authority, health and safety policy, health and safety program objectives, and adherence to legal requirements,
- Organization, including workplace party responsibilities,
- Hazard recognition/identification and assessment,
- Control activities/operational control), including preventative measures & controls, procurement and contractor safety, and return to work requirements and emergency management/preparedness,
- Documentation & Records, including control of documents and control of records,
- Communication, Participation and Consultation System,
- Competency, Training & Awareness,
- System Evaluation/Performance Measurement & Monitoring, including evaluation of compliance, and incident investigation, nonconformity, corrective and preventative action,.
- Internal Audit,
- Management Review.

Many of your existing Health and Safety Programs will contain some to many of the above elements.

Some of the questions now being asked by the Ministry are:

- What elements would you like to see included?
- What elements would you like to see omitted?
- How would you ensure employee participation for the establishment and implementation of an OHSMS?
- In addition to OHSMS certification, are there additional criteria do you think organizations should meet for MOL employer recognition?

Executive Director's Report (continued)

UPDATE - MOL ACCREDITATION (Continued)

- What barriers do you anticipate for establishing and implementing an OHSMS?
- What types of support would you find valuable to help your organization implement an OHSMS?
- What elements do you think could make an organization ineligible for OHSMS accreditation or employer recognition?
- What should be considered evidence of successful OHSMS implementation?
- What benefits do you see for your organization to participate in the accreditation and recognition program?
- What limitations do you see for your organization?
- How do you see the OHSMS being implemented?

AAO is seeking input from its members to address the questions posed above. Anyone having any comments should address them to Paul Gunning.

The Ministry will consider any additional feedback and produce a final draft standard sometime in July. AAO and COCA will then be reviewing the document and providing comments back to the Ministry. As currently planned, the process will close in the fall and the Accreditation Standard will be posted in Spring of 2018.



UPDATE-WSIB EXTENDS BENEFITS TO CHRONIC MENTAL STRESS

In our last newsletter, The Mathews Dinsdale Minute brought to everyone's attention that the WSIB has developed a draft policy to support the legislation (**Bill 127**) passed by the Ontario government on May 17, 2017 as part of its 2017 Budget, that allows compensation for work-related chronic mental stress as of January 1, 2018.

COCA's WSIB-OH&S Committee, which AAO now chairs, met June 27th to review and discuss this new policy in detail. A presentation was given by expert Michael Zacks of the Office of the Employer Advisor and member of the committee. Michael brought forward several concerns with this policy such as its vagueness, predominant vs significant applications, need for accurate diagnosis, how return to work can/cannot be accomplished and effect on experience rating. As the largest and most representative group of ICI and heavy civil construction employers in Ontario, COCA will be preparing a response letter to the WSIB regarding these and other concerns prior to the July 7, 2017 deadline for feedback.

Executive Director's Report (continued)

UPCOMING JULY 2017 EVENTS

COCA CLA Review Committee Meeting

July 2017 (Date forthcoming)

(Paul Gunning attending)

UPCOMING Mathews Dinsdale Seminars/Webinars

Copy the following URL to your browser to register for new sessions or review archived session videos:

<http://www.mathewsdinsdale.com> (see right side)

Canadian Immigration: Changes and Updates...Sunny Days Ahead?

July 17, 2017

WSIB Rate Framework

September 14, 2017

An Update on Ontario's Proposed Changes to Employment and Labour Laws

September 20, 2017

Wrongful Dismissal Update

October 17, 2017

CAD-7 Experience Rating for Employers

November 8, 2017

OHS in Canada: The Year in Review 2017

November 16, 2017

If you have any questions, please call me at 519-671-5930.

Paul Gunning
Executive Director



CANADA 150



CANADA 150



CANADA 150

**Happy 150th
Birthday Canada!**

The Mathews Dinsdale Minute



RANDOM DRUG & ALCOHOL TESTING: WHAT DOES THE NEW TTC CASE TELL US?

This month in the Mathews Dinsdale Minute we are going to discuss some recent developments in the law around drug and alcohol testing.

Since early May 2017, the Toronto Transit Commission (“TTC”) has been requiring employees in safety-sensitive jobs, as well as in designated management and executive positions, to undergo random testing for drugs and alcohol. **But is this testing lawful?** In order to understand this question one must understand the history of drug and alcohol testing at the TTC.

In 2010, the TTC introduced a Policy to guard against drug and alcohol use that could endanger safety. The Union challenged the Policy in an arbitration that started in 2011. That arbitration continues to this day and remains far from conclusion.

In 2016 the TTC approved the implementation of random drug and alcohol testing despite the ongoing arbitration. In response, the Union sought an order from the Courts prohibiting testing until the arbitration is completed. The Court refused this request.

Why?

In reaching its decision, the Court considered a number of factors. Most notably

- the TTC had significant evidence of a workplace drug and alcohol problem;
- the TTC uses state-of-the-art testing procedures and methods, such as oral fluid and breathalyser testing, that are minimally intrusive on employee privacy;
- the Policy, as a whole, is aimed at protecting health and safety, employee privacy, and human rights; and
- as TTC employees are required to pass pre-employment testing it is reasonable to assume that if you have to pass a test to *start* working that you may have to pass a test to *keep* working.

Takeaways?

Whether the TTC can continue random testing will depend on the outcome of the arbitration. Therefore, this case doesn’t end the debate on random testing, but it is encouraging. While we await guidance from higher levels of court, this case seems to recognize what many employers have been saying for years: drug and alcohol impairment has no place on-the-job.