



Executive Director's Report

Health & Safety Training

Voluntary Health and Safety Representative (HSR) Basic Training Resources



The Ministry of Labour, in collaboration with health and safety system partners, has developed new one-day training resources for Health and Safety Representatives (HSRs) in small businesses.

The Occupational Health and Safety Act (OHSA) requires employers to ensure that workplaces with 6-19 workers have an HSR.

HSRs play an important role in ensuring workplaces are kept safe and healthy. To be effective in carrying out their duties, HSRs should have broad, basic occupational health and safety knowledge and be aware of their specific role in the workplace. To support voluntary HSR training, the Ministry, in collaboration with health and safety partners, has created the following:

1. HSR Basic Training Program Guideline, which provides guidance on the development of training program content;
2. HSR Basic Training Provider Guideline, which provide guidance on the delivery of a training program; and
3. An HSR Basic eLearning training program, which consists of a one-day training program for HSRs.

For additional information on HSRs and these resources, please visit the MOL website at <https://www.labour.gov.on/english/atwork/smallbusiness.php>.

MOL Safety Blitz

Ministry of Labour 2018–2019 Blitz Schedule



Each year the MOL schedules inspection blitzes and initiatives in specific sectors to protect workers' rights under both the Occupational Health and Safety Act and the Employment Standards Act, and enhance employers' awareness of their responsibilities.

The next round takes place April 1, 2018 to March 31, 2019 – the fiscal year. Following is a summary of those blitzes and initiatives.

Provincial Blitzes in Construction 2018-19

Blitz focus	Program	Date
Working at heights – fall protection training <ul style="list-style-type: none"> Phase 1: compliance support and prevention education (Ministry of Labour and Infrastructure Health and Safety Association) Phase 2: Ministry of Labour enforcement campaign 	Health and safety	Phase 1: May 1 - May 31, 2018 Phase 2: June 1 – June 30, 2018
Reversing equipment on construction projects <ul style="list-style-type: none"> Phase 1: compliance support and prevention education (Ministry of Labour and Infrastructure Health and Safety Association) Phase 2: Ministry of Labour enforcement campaign 	Health and safety	Phase 1: September 1 – September 30, 2018 Phase 2: October 1 - October 31, 2018
Construction	Employment standards	May 1 - August 31, 2018

Provincial initiatives 2018-19

Construction initiative

Initiative focus	Program	Date
Internal responsibility system	Health and safety	June 1, 2018 – March 31, 2019

Mathews Minute



Legislative Change

This month we are going to discuss what happens when legislative change is not particularly well thought out, using the example of holiday pay under Bill 148 and the *Employment Standards Act, 2000*.

Prior to the enactment of Bill 148 holiday pay was calculated as follows:

The employee's public holiday pay for a given public holiday shall be equal to the total amount of regular wages earned and vacation pay payable to the employee in the four weeks before the work week in which the public holiday occurred, divided by 20.

What this provision did was average a person's wages earned as if they were a full time employee by dividing those earnings over 4 weeks by 20 (the number of shifts a five day a week full time employee would work in four weeks). This reduced holiday pay if employees work only sporadically and/or if they are absent from work. This averaging was introduced in conjunction with the removal of certain qualifiers to receiving holiday pay that existed in the ESA at the time.

Effective January 1, 2018 Bill 148 changed the calculation of holiday pay as follows:

An employee's holiday pay for a given public holiday shall be equal to... the amount of regular wages earned in the pay period immediately preceding the public holiday, divided by the number of days the employee worked in that period.

The issue is that, for example, an employee who works sporadically but works only one very long shift in the prior pay period could receive more holiday pay than an employee who works 10 shifts in that pay period of consistent length. There was no room for averaging... and none of the departed qualifiers were reintroduced.

It isn't clear how much analysis the government did prior to introducing this change but what is clear is they must have faced some serious complaints. On May 7th, rather quietly, the government issued Ontario Regulation 375/18 which provides for a return to holiday pay calculation based on the pre-Bill 148 method. Someone growing cynical of the decision making process might make note of the fact that the statute was not changed, that the Regulation was effective July 1, 2018 (making it take effect after the upcoming election) and is temporary, expiring on December 31, 2019 which would result in a return to the new calculation method absent further legislative intervention.

It appears that the only constant we have is change. In any event, for your non-union staff who receive holiday pay, take note that as of July 1st and until the end of 2019, you should calculate holiday pay under the ESA by the old method, as described in the regulation... and not by the method outlined in the statute... unless of course this all changes again.

EVENTS

June 2018



IHSA CONSTRUCTION LEGISLATIVE REVIEW COMMITTEE MEETING

June 6, 2018 (Paul Gunning attending)

COCA COO/BOARD MEETING June 13, 2018 (Paul Gunning attending)

JUNE 2018



UPCOMING - Mathews Dinsdale Seminars/Webinars

Copy the following URL to your browser to register for new sessions or to review archived session:
<http://www.mathewsdinsdale.com> (see right side)

Medical (and Ergonomic) Terminology & Disability Management for Non-Medical Professionals

June 7, 2018 8:30 am – 4:30 pm

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

Paul Gunning
Executive Director