



Executive Director's Report

Happy Holidays

Wishing All a Prosperous 2019

The holiday season is fast approaching and 2018 is drawing to a close. I would like to take this opportunity to thank everyone for their efforts. We accomplished a lot in 2018. I look forward to continuing to work with you.

I wish you the joy of family, the gift of friends and a healthy, happy and prosperous 2019.

Bob Grassing
AAO President



WORKING AT HEIGHTS

Refresher Training Reminder



The MOL is reminding workplaces that those who took mandatory working at heights training in 2015 must take refresher training, as the training is valid for three years. If the training has expired and a worker hasn't taken refresher training, they cannot work at heights.

The program must be approved by the Chief Prevention Officer (CPO) and must be delivered by a training provider approved by the CPO.

Working at heights training is valid for three (3) years from the date of successful completion of an approved program. In order to maintain the validity of training, learners must take refresher training within three (3) years of the date of successfully completing a CPO-approved working at heights program.

Refresher training will reinforce key learning outcomes for workers and will also keep learners up-to-date on any legislative, regulatory or equipment (technological) changes which may impact working at heights in construction.

Only learners who have previously successfully completed a CPO-approved working at heights training program delivered by a CPO-approved working at heights training provider are eligible to take refresher training.

Learners who have lost their CPO-issued proof of training card can request a replacement card by calling the Ministry of Labour Health & Safety Contact Centre at 1-877-202-0008.

After a learner successfully completes their refresher training, an approved training provider must issue a proof of completion to successful learners and notify the CPO. Upon receipt of these learner records, the CPO will issue a new proof of training card to the learner.

WHMIS

Changes to WHMIS 2015



Under WHMIS, information on hazardous products must be delivered in three ways:

1. Labels on the containers of hazardous products.
2. safety data sheets in addition to the label with detailed hazard and precautionary information.
3. Worker education programs.

Suppliers of hazardous products must label their products and give safety data sheets before they sell or import them. Employers must pass the information about workplace hazardous products on to their employees and provide worker education programs.

WHMIS is changing to:

- adopt new international standards for classifying hazardous workplace chemicals and giving information and safety data sheets,
- update the information on labels to include pictograms, instead of symbols, to match hazard classes and make them easier to understand,
- update the format of safety data sheets,
- classify hazardous products into two broad hazard groups, physical hazards and health hazards
- update the term “controlled products” to “hazardous products” to be consistent with federal WHMIS legislation,
- present information in a consistent manner in all safety data sheets, regardless of supplier,
- ensure that the information that workers and emergency responders need most appears first on labels and safety data sheets.

These new standards are part of the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS) and are **being phased in across Canada between February 2015 and December 2018.**

What happened During Phase 1 - February 11, 2015 to May 31, 2018 ?

During Phase 1:

- suppliers who were chemical manufacturers or importers could sell hazardous products with either the old WHMIS labels and safety data sheets or the new ones,
- employers could receive and use hazardous products with either the old WHMIS labels and safety data sheets or the new ones,

What Happened During Phase 2 - June 1, 2018 to August 31, 2018 ?

By June 1, 2018, chemical manufacturers and importers had to sell hazardous products with labels and safety data sheets that comply with the new WHMIS 2015 requirements.

During Phase 2:

- suppliers who are chemical **distributors could continue to sell** hazardous products with **either the old WHMIS labels and safety data sheets or the new ones,**
- employers could continue to receive and use hazardous products with either the old WHMIS labels and safety data sheets or the new ones,

WHMIS

Changes to WHMIS 2015 (Continued)



What Happened During Phase 3 - September 1, 2018 to November 30, 2018 ?

By September 1, 2018, distributors had to sell hazardous products that comply with WHMIS 2015 requirements only. The transition to WHMIS 2015 must be complete for all suppliers.

During Phase 3:

- employers should only be receiving hazardous products with WHMIS 2015 labels and safety data sheets,
- employers will have the final three months to bring their existing inventories of hazardous products into compliance with WHMIS 2015,

What Is Required by December 1, 2018 ?

- The transition to WHMIS 2015 must be complete for all manufacturers, importers distributors, suppliers and employers,
- There should be no hazardous products in the workplace with old WHMIS labels and safety data sheets.

Make sure your workplace is compliant by December 1, 2018.

Mathews Minute

Bill 47



This article is a follow up to our article issued from November on the introduction of Bill 47 repealing many of the labour and employment law changes implemented in the fall of 2017 by the Wynn government. On November 21, 2018, Bill 47 (titled the “*Making Ontario Open for Business Act*”) passed its third reading and received royal assent.

The majority of the *Employment Standards Act* changes in Bill 47 are effective January 1, 2019 and most changes to the *Labour Relations Act* and the *Ontario College of Trades and Apprentices Act* were effective November 21, 2018.

We listed a number of the changes in our article last month (including those to the scheduled minimum wage increase and reducing and reclassifying Personal Emergency Leave days) and won't repeat those here. However, some other important changes include:

- repealing scheduling provisions including employee rights to refuse “call-ins” on less than 96 hours’ notice, establishing minimum pay for time “on call” irrespective of whether an employee is called in;
- implementing a “three hour rule” where an employee who regularly works more than three hours but is required to attend at work and works less than three hours will get three hours pay, unless the reason the workday was shorted is because of whether or factors beyond the employer’s control;
- the new personal leave provisions explicitly state that if employees are entitled to comparable leave under a collective agreement and take it they are deemed to have taken the leave available under the ESA, thereby explicitly preventing double dipping;

Mathews Minute



Bill 47 (Continued)

- restoring the 6 month limit on a striking worker's unilateral right to "surrender" and return to work;
- restoring lower maximum fines for failing to adhere to Board orders;
- repealing, on a date to be identified later, the *Ontario College of Trades and Apprenticeship Act*;
- granting the Minister of Labour the authority to dissolve the College of Trades without further legislative provision;
- eliminating journeymen to apprentice review panels and setting the journeyman to apprentice ratio for every trade at 1:1 unless varied by ministerial regulation;
- imposing a moratorium on trade classification reviews.

It is early in the mandate of the Ford government, so it seems likely that this will be the status of our labour and employment regulation for the foreseeable future.

Separately, Mathews Dinsdale takes this opportunity to wish all of you a Happy Holiday Season and a prosperous 2019.

Upcoming Events



DECEMBER 2018

COCA COO/BOARD MEETING - TORONTO - December 4, 2018, (Paul Gunning attending)

IHSA LEGISLATIVE REVIEW COMMITTEE MEETING - TORONTO - December 5, 2018, (Paul Gunning attending)

IFSTC MEETING - TORONTO- December 10, 2018, (Nat Figliano and Paul Gunning attending)

CARPENTERS EBA MANPOWER/DEMOGRAPHIC COMMITTEE MEETING -TORONTO - December 19, 2018 (Bob Grassing, Doug Smith, Paul Gunning attending)

DECEMBER 2018



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)

Webinar : Bye – Bye Bill 148: A Review of Ontario's Proposed Changes to Workplace Laws

Tuesday December 11, 2018, 8:30 am – 10:00 am

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

Paul Gunning, Executive Director