

Occupational Health and Safety Act

Bill 190 - Amendments in force October 28, 2024

The definition of “industrial establishment” in subsection 1 (1) of the Act is amended by adding “other than an office located in a private residence” after “office”.

Clause (a) of the definition of “workplace harassment” in subsection 1 (1) of the Act is amended by adding “including virtually through the use of information and communications technology” after “workplace”.

Clause (a) of the definition of “workplace sexual harassment” in subsection 1 (1) of the Act is amended by adding “including virtually through the use of information and communications technology” after “workplace”.

Section 1 of the Act is amended by adding the following subsection:

Electronic posting

(5) For the purposes of this Act and the regulations, information is posted in a readily accessible electronic format if the following requirements are met:

1. The employer provides workers with direction on where and how to access the information.
2. The information is posted in an electronic format that can be readily accessed by workers in the workplace.

Subsection 3 (1) of the Act is amended by adding “Except as is prescribed and subject to the conditions and limitations prescribed” at the beginning.

Section 3 of the Act is amended by adding the following subsection:

Same

(1.1) Despite subsection (1), this Act applies to telework performed in or about a private residence or the lands and appurtenances used in connection therewith.

Subsection 9 (32) of the Act is repealed and the following substituted:

Posting of names and work locations

(32) A constructor or an employer required to establish a committee under this section shall post and keep posted the names and work locations of the committee members,

- (a) in a conspicuous place or places at the workplace where they are most likely to come to the attention of the workers; or
- (b) in a readily accessible electronic format.

Subsection 9 (33) of the Act is amended by striking out “at the workplace”.

Subsection 12 (2) of the Act is repealed and the following substituted:

Posting of copy of summary

- (2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted,
 - (a) in a conspicuous place or places at the workplace where it is most likely to come to the attention of the workers; or
 - (b) in a readily accessible electronic format.

Clause 25 (2) (i) of the Act is repealed and the following substituted:

- (i) post, in a conspicuous place at the workplace, or in a readily accessible electronic format, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;

Clause 25 (2) (k) of the Act is repealed and the following substituted:

- (k) post, in a conspicuous place at the workplace, or in a readily accessible electronic format, a copy of the occupational health and safety policy;

Subsection 32.0.1 (2) of the Act is amended by adding “or in a readily accessible electronic format” at the end.

Section 55.1 of the Act is amended by adding “or in a readily accessible electronic format” at the end.

Amendments in force July 1, 2025

Subsection 1 (1) of the Act is amended by adding the following definition:

“washroom facility” includes a washroom, toilet facility, clean-up facility, urinal, shower or other similar facility, but does not include an eye wash station or emergency shower; (“salle de toilette”)

The Act is amended by adding the following section:

Washroom facilities

23.1 (1) A constructor shall ensure, on a project, that the washroom facilities, if any, that are provided by the constructor for the use of workers are maintained in a clean and sanitary condition.

Records

(2) The constructor shall keep, maintain and make available records of the cleaning of washroom facilities as prescribed.

Regulations

(3) The regulations may modify or supplement this section and may establish new or modified requirements with respect to washroom facilities.

The Act is amended by adding the following section:

Washroom facilities

25.3 (1) An employer shall ensure that the washroom facilities, if any, that are provided by the employer for the use of workers are maintained in a clean and sanitary condition.

Same, exception

(2) For greater certainty, subsection (1) does not apply if the washroom facilities are provided by a constructor on a project and subsection 23.1 (1) applies instead with respect to those facilities.

Records

(3) The employer shall keep, maintain and make available records of the cleaning of washroom facilities as prescribed.

Regulations

(4) The regulations may modify or supplement this section and may establish new or modified requirements with respect to washroom facilities.

Subsection 70 (2) of the Act is amended by adding the following paragraphs:

43.0.1 modifying or supplementing section 23.1 with respect to a constructor's duty to maintain washroom facilities in a clean and sanitary condition;

43.2 modifying or supplementing section 25.3 with respect to an employer's duty to maintain washroom facilities in a clean and sanitary condition;

43.3 establishing new or modified requirements with respect to washroom facilities;

Bill 229 - Amendments in force December 19, 2024

Section 7.1 of the Act is amended by adding the following subsection:

Adoption of codes

(3) If the Chief Prevention Officer establishes a standard under this section or amends a standard under subsection 7.3 (1), the Chief Prevention Officer may adopt by reference, in whole or in part, with such changes as the Chief Prevention Officer considers necessary, any code, standard, criteria or guide.

The Act is amended by adding the following section:

Equivalent training

7.2.1 (1) The Chief Prevention Officer may establish criteria to be used to assess whether a training program delivered outside Ontario is equivalent to a program that is approved under section 7.1 and delivered by a provider approved under section 7.2.

Application for equivalency

(2) The Chief Prevention Officer may approve a training provider approved under section 7.2 to assess whether a training program delivered outside Ontario is equivalent to a program that is approved under section 7.1 and delivered by a provider approved under section 7.2, using the criteria established under subsection (1).

Deemed approval

(3) If a training program delivered outside Ontario is determined to be equivalent to a program that is approved under section 7.1 and delivered by a provider approved under section 7.2, that training program is deemed to be an approved training program for the purposes of this Act.

Section 7.7 of the Act is repealed and the following substituted:

Delegation

7.7 The Chief Prevention Officer may delegate, in writing, any of the Chief Prevention Officer's powers or duties under subsections 7.1 (2), 7.2 (2), 7.2.1 (1) and (2), sections 7.4 and 7.5, clause 7.6 (1) (b), subsections 7.6 (5) and (6), 7.6.1 (1) and 7.6.2 (1), sections 7.6.3 and 7.6.4 and subsection 7.6.5 (1) to any person, including any person outside the Ministry, subject to such limitations, restrictions, conditions and requirements as the Chief Prevention Officer may set out in the delegation.

The Act is amended by adding the following section:

Training requirements

7.8 (1) The Chief Prevention Officer may establish policies regarding general training requirements established under this Act.

Amendment or revocation

(2) The Chief Prevention Officer may amend or revoke a policy established under subsection (1).

Adoption of codes

(3) If the Chief Prevention Officer establishes or amends a policy under this section, the Chief Prevention Officer may adopt by reference, in whole or in part, with such changes as the Chief Prevention Officer considers necessary, any code, standard, criteria or guide.

Factors to consider

(4) The Chief Prevention Officer shall consider any relevant information when establishing, amending or revoking a policy, including but not limited to the following:

1. The specific workplace hazards to be addressed by the policy.
2. Learning outcomes of the training programs and requirements to be referenced in the policy.
3. The priorities identified in the provincial occupational health and safety strategy under section 22.3.
4. Whether the training programs and requirements referenced in the policy are adopted in other jurisdictions for similar workplace activities.
5. Training design requirements and delivery methods of training programs and whether those methods are appropriate for delivering relevant learning outcomes.
6. Whether an external body has developed related training programs or requirements in an existing standard.

Publication

(5) The Chief Prevention Officer shall ensure that any policy made or amended under this section is published promptly after it is made or amended.

Legislation Act, 2006

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy under this section.

Subsection 22.3 (1) of the Act is amended by adding the following clauses:

- (h.2) exercise the power and perform the duties with respect to training that are set out in section 7.8;
- (h.3) provide advice to the Minister on any proposed changes to this Act or the regulations regarding training programs that employers are required to provide, or the requirements that such training programs must meet;

Section 22.3 of the Act is amended by adding the following subsection:

Information and advice

(1.1) To assist the Chief Prevention Officer in performing the duties set out in subsection (1),

- (a) the Chief Prevention Officer may seek advice from a committee or person appointed under subsection 21 (1); and
- (b) a copy of any assistance, advice or report provided to the Minister by a committee appointed under subsection 21 (1) shall also be provided to the Chief Prevention Officer, unless the Minister specifies otherwise.

The Act is amended by adding the following section:

Collection of information by Chief Prevention Officer

22.3.1 (1) The Chief Prevention Officer may collect personal information, directly or indirectly, for purposes related to the following matters and may use it for those purposes:

1. To develop, monitor and evaluate a provincial occupational health and safety strategy.
2. To report on occupational health and safety.
3. To provide advice to the Minister on the prevention of workplace injuries and occupational diseases, including planning or delivering programs and services related to the prevention of workplace injuries.

Other information serves purpose

(2) The Chief Prevention Officer shall not collect or use personal information under subsection (1) if other information will serve the purpose of the collection or use.

Personal information limited to what is reasonably necessary

(3) The Chief Prevention Officer shall not collect or use more personal information under subsection (1) than is reasonably necessary to meet the purpose of the collection or use.

Limit on disclosure

- (4) Unless required to do so by law, the Chief Prevention Officer shall not disclose personal information collected indirectly under subsection (1) to any person.

Notice required by s. 39 (2) of FIPPA

- (5) If the Chief Prevention Officer collects personal information indirectly under subsection (1), without limiting the ability to give notice in other ways, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by a public notice posted on the Ministry's website.

Same

- (6) A notice given in the manner described in subsection (5) is deemed to comply with subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

Subsection 25 (1) of the Act is amended by adding the following clause:

- (b.1) any personal protective clothing and equipment that is provided, worn or used is a proper fit and is appropriate in the circumstances, having regard to all relevant factors, including such factors as may be prescribed;

Subsection 66 (2) of the Act is repealed and the following substituted:

Same

- (2) If a corporation is convicted of an offence under subsection (1),
- (a) the maximum fine that may be imposed upon the corporation is \$2,000,000; and
 - (b) for a second or subsequent offence that results in the death or serious injury of one or more workers in a two-year period, the minimum fine that may be imposed is \$500,000.

Subsection 70 (2) of the Act is amended by adding the following paragraph:

- 44.1 requiring the assessment of personal protective clothing and equipment and prescribing requirements related to the conduct of those assessments;

Amendments in force January 1, 2025

Section 10 of the Act is amended by adding the following subsections:

Minister's order

(1.1) Despite subsection (1), the Minister may, by order in writing, require a constructor to establish a worker trades committee for a project and may, in such order, provide for the composition, practice and procedure of any worker trades committee so established.

Same

(1.2) If a worker trades committee has been established under subsection (1), the Minister may, by order in writing, alter and otherwise provide for the composition, practice and procedure of the worker trades committee.

Same

(1.3) For greater certainty, for the purposes of subsections (1.1) and (1.2), in providing for the composition of a worker trades committee, an order made under those subsections may require that the constructor, one or more employers of workers employed in the trades or the owner of the project be represented on the worker trades committee.

Same

(1.4) If an order made under subsection (1.1) or (1.2) requires a constructor, employer or owner of a project to be represented on a worker trades committee, the constructor, employer or owner shall select their representative.

What Minister may consider

(1.5) In exercising the power conferred by subsection (1.1) or (1.2), the Minister may consider,

- (a) the nature of the work being done;
- (b) the frequency of illness or injury in the workplace or in the industry of which the constructor or employer is a part;
- (c) the existence of health and safety programs and procedures in the workplace and their effectiveness; and
- (d) such other matters as the Minister considers advisable.

Section 10 of the Act is amended by adding the following subsection:

Exception

(3.1) Subsections (2) and (3) do not apply with respect to a member of a worker trades committee who is a representative of a constructor, employer or owner of a project provided for in an order made under subsection (1.1) or (1.2).