

## Safe At Work Ontario

This CD provides general information on how the Occupational Health & Safety Act applies to you as an owner or small contractor undertaking a construction, renovation/addition or demolition project.

The Ministry of Labour (MOL) has produced this BETA CD to provide general information with the goal of better protecting the Health & Safety of workers in Ontario.

As a PILOT project you have the opportunity to provide feedback to assist us in better serving you.

**Safe At Work Ontario**  
Enforcement > Compliance > Partnership >

**Click on keyboard  
arrow key to advance**

## Navigating This CD

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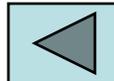
This CD is designed to guide you through a series of slides based on certain questions or topics. This is the recommended approach to viewing this CD.

- Clicking on one of these symbols will:

- Advance to next slide:



- Go back one slide:

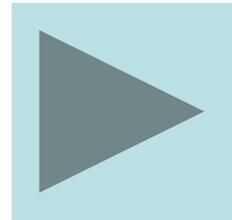


- Return to the previous topic:



- Words that are underlined are hyperlinked either to a specific topic in the presentation or to a web site (as indicated when you move your mouse over the hyperlink).

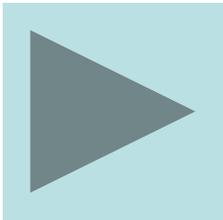
If you prefer you can also navigate through each slide one at a time by clicking on the arrow keys on your keyboard.



## CD Disclaimer

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- This CD is designed as a guide for an owner or small contractor to specific information on this CD or the internet via hyperlinks.
- The information contained in this CD or hyperlinks is for information and reference purposes only and is not intended as legal advice and it may not meet all the needs, requirements or obligations of individual workplaces. Please refer to the specific legislation for further information.
- Legislative changes may have occurred after February 2015 that would render this CD out of date. Please contact the appropriate ministry or agency to ensure you have the most current information.
- A version of this CD is also available in French.



## INDEX

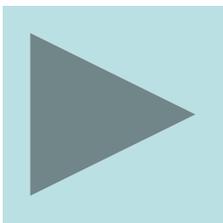
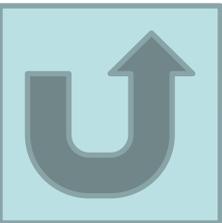
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- [Frequently Asked Questions \(FAQs\)](#)
- [Designated Substances](#) (e.g. asbestos)
- [Role of a Ministry of Labour \(MOL\) Inspector](#)
- [Sample Projects](#) (interactive tool)
- [Ontario Health & Safety Forms](#) (on-line)
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- [Resources](#) (list of on-line links)
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## FAQs

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1. [What is the Occupational Health & Safety Act?](#)
2. [Is there a Guide to the Occupational Health & Safety Act \(on-line\)?](#)
3. [How does the Occupational Health & Safety Act apply to me since all I thought I needed was a building permit?](#)
4. [What are regulations \(on-line\)?](#)
5. [How are the Occupational Health & Safety Act and Regulations enforced?](#)
6. [How do I identify my role in a project and my responsibilities \(duties\)?](#)
7. [What are designated substances?](#)
8. [Where can I find the latest Ministry of Labour news \(on-line\)?](#)



## What is the Act?

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- The [Occupational Health and Safety Act](#) (Act) is Ontario's cornerstone legislation for workplace health and safety.
- The main purpose of the Act is to protect workers from health and safety [hazards](#) on the job.
- It sets out [duties](#) for all workplace parties and rights for workers.
- It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily.
- Fundamental to the successful working of Occupational Health and Safety Act is the workplace [Internal Responsibility System](#) (IRS).



## How does the Act apply to me?

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- There are a number of laws or codes that may govern specific aspects of your residential project (e.g.: Zoning by-laws, Ontario Building Code, Electrical Act, etc).
- The [Occupational Health and Safety Act](#)'s purpose is to protect workers against health and safety hazards on the job.
- The Act imposes duties on those who have any degree of control over the workplace, the materials and equipment in the workplace and the direction of the work force.
- Those duties are based on your specific role.
- [Tell me more about roles.](#)



## Identify Your Role in this Project

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- I am an [Owner / Agent](#)
- I am a [General Contractor](#)
- I am a [Sub Contractor](#)
- Clarification of [Role](#) on a project



## Role on a Construction Project

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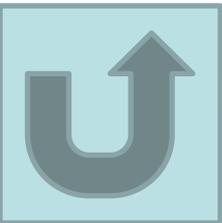
- The Act defines a constructor (aka general contractor) as a person who undertakes a construction project for an owner. In some cases, the owner of the project is the constructor as well.
- When an owner undertakes all or part of a project, either by himself or herself, or by contracting work out to more than one contractor or employer, the owner becomes the constructor.
- If the owner hires only one contractor to do all the work, then that contractor may be the constructor, depending on the contractual arrangements with the owner.
- The contractor may, in turn, subcontract work to other people, but he or she remains the constructor for the project, as long as he or she is the only party the owner had contracted to do the work.
- For further details on the constructor see our [Constructor Guideline](#) (on-line).



## Owner / Agent

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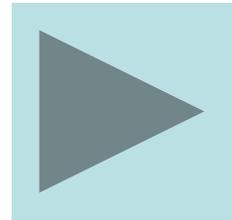
- Before beginning any work, the owner must first determine if there are any designated substances present at the project site. If there are, the owner must prepare a complete list. This list must be included as part of any tendering information on a project.
- Before the owner can enter into a binding contract with a constructor to work on a site where there are designated substances, the owner must ensure that the constructor has a copy of the list.
- An owner is liable to a constructor and every contractor and subcontractor who suffers any loss or damages as a result of the presence of designated substances that were not on the list. This liability does not apply if the owner could not reasonably have known about the presence of the designated substances.
- In some cases, the owner of the project is also the constructor:
  - When an owner undertakes all or part of a project, either by himself or herself, or by contracting work out to more than one contractor or employer, the owner becomes the constructor.



## General Contractor

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- Under the Act, a "constructor" (aka general contractor) is a party (a person or company) who oversees the construction of a project and who is ultimately responsible for the health and safety of all workers.
- The constructor must ensure that all the employers (aka subcontractors) and workers on the project comply with the Act and Regulations.



## Constructor Duties

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- A constructor is to ensure that:
  - the measures and procedures prescribed by the Act and the regulations (Regs) for construction projects are carried out on the project;
  - every employer and every worker on the project complies with this Act and the [Regulations for Construction Projects](#) (Regs);
  - the health and safety of workers on the project is protected;
  - a [health and safety representative or a Joint Health and Safety Committee](#) (JHSC) is selected as prescribed;
  - the Ministry of Labour is [notified of a project](#) as prescribed;
  - the Ministry of Labour is [notified of an accident or occurrence](#) as prescribed; and
  - every contractor or subcontractor receives a list of all designated substances present at the project before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

**This means a constructor has overall responsibility for worker health and safety on a project.**

## How does the Act affect me as a General Contractor?

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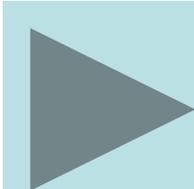
- The Act refers to the term Constructor (aka General Contractor). See on-line links listed below for more information:
- [Legal Duties of the Constructor](#)
- [Construction Health & Safety](#) (getting started)



## Sub Contractor

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- A contractor or subcontractor who performs work or supplies services for an owner, constructor, contractor or subcontractor is also an employer if he or she in turn employs workers.
- A person who employs one or more workers is also an employer. This includes someone who contracts for a worker's services. For example, if you pay a temporary help agency for the services of workers supplied by the agency, you are the employer of those workers while they are under your direction.



## How does the Act affect me as a Sub Contractor?

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- The general duties require an employer (aka sub contractor) to:
  - Take all reasonable precautions to protect the health and safety of workers;
  - Ensure that equipment, materials and protective equipment are maintained in good condition;
  - Provide information, instruction and supervision to protect worker health and safety; and to co-operate with the Joint Health and Safety Committee (JHSC).
- The specific duties require an employer to:
  - Comply with all Regulations made under Act;
  - Develop and implement a health and safety program and policy;
  - Post a copy of Act in the workplace; and
  - Provide health and safety reports to the JHSC.
- **Legislative changes do occur on a regular basis. Please refer to the current version of the [OHSA or Regulations](#) to ensure you have the most up to date information.**



## Designated Substances

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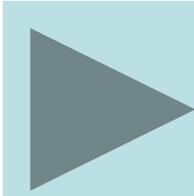
- Eleven substances have been designated under the Act, including asbestos, lead, mercury and arsenic.
- Long recognized as a serious occupational health hazard, asbestos was one of the first designated substances to be regulated under the Act.
- In addition to the requirement for a designated substance report, there is a requirement for an asbestos report under section 10 of Reg. 278/05.
- On-line resources:
- [Owner's Duties: Designated Substances on construction projects](#)
- [Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations](#) (Reg. 278/05)
- [Lead on construction projects](#)
- [Silica on construction projects](#)



## Enforcement

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- The Ministry's occupational health and safety mandate is to set, communicate and enforce occupational health and safety legislation.
- The Ministry's goal is for all workplaces to achieve self-compliance with the Act and Regulations through a well-functioning [Internal Responsibility System](#) (IRS).
- Where this does not happen, progressive enforcement results. Enforcement begins with the issuing of orders and may proceed to prosecution.
- In 2011, Ontario released the [Regulator's Code of Practice](#) to help guide the activities of Ontario's regulatory ministries and organizations that are involved in regulatory compliance.
- Inspectors are the [enforcement](#) arm of the Ministry of Labour; their role includes the following:
  - inspection of workplaces
  - issuing of orders where there is a contravention of the Act or its Regulations
  - investigation of accidents and work refusals
  - resolution of disputes
  - recommendation of prosecution.



## Prosecution Penalties

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- The maximum penalties for a contravention of the Act or its Regulations are set out in Section 66 of the Act.
- A successful prosecution could, for each conviction, result in:
  - A fine of up to \$25,000 for an individual person and/or up to 12 months imprisonment; or
  - A fine of up to \$500,000 for a corporation.
- [Court Bulletins are available online.](#)



## Sample Projects / Interactive Tool

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- Two homeowners undertaking renovation projects may seem very similar from a layperson's viewpoint.
- With regards to the Occupational Health & Safety Act there are several different factors to consider.
- These factors will have an impact on your project, the role that you play and your respective duties.
- The interactive tool that follows is intended to highlight some of the factors that will affect your role and duties under the OHSA.
- At the end of this section sample projects are listed to prompt you into recognizing common projects where the application of the OHSA needs to be examined carefully to ensure worker health & safety.



## Interactive Tool – click on the appropriate selection

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- [I am an owner of a property or building where the project will take place](#)
- [I am a contractor hired by an owner to do some work](#)



## Interactive Tool – Owner - click on the appropriate selection

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- As an owner I am undertaking a project by:
- [Hiring a General Contractor to complete my whole project](#)
- [Hiring various Contractors to complete my project](#)
- [Doing some of the work myself \(or with friends\), but also hiring a few Contractors to help out \(e.g.: electrician and roofer\)](#)



## Interactive Tool – Owner

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- If the General Contractor has care and control of the project and the various contractors then the General Contractor has overall responsibility for the health and safety of the workers on the project. Under the OHSA the General Contractor is known as the Constructor.
- You as owner must fulfil your obligations under the OHSA.
- [Link to Sample Projects](#)



## Interactive Tool – Owner

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- As an owner, you have hired multiple contractors (employers) to complete your project and as such you meet the definition of a Constructor (aka General Contractor) under the OHSA.
- As such you have overall responsibility for the health and safety of the workers on your project.
- In addition, as an owner, you must fulfil your obligations under the OHSA.
- [Link to Sample Projects](#)



## Interactive Tool – Owner

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- As an owner, you have hired multiple contractors (employers) to assist you in completing your project and as such you meet the definition of a Constructor (aka General Contractor) under the OHSA.
- As such you have overall responsibility for the health and safety of the workers on your project.
- In addition, as an owner, you must fulfil your obligations under the OHSA.
- [Link to Sample Projects](#)



## Interactive Tool - Contractor - click on the appropriate selection

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- As a Contractor the owner has hired me to:
- Oversee the project from start to finish. I will have care and control of the project
- Complete only certain aspects of the project. The owner is hiring other Contractors to do the rest.
- Complete only one aspect of the project and other Contractors are being hired by the owner. The owner is also doing some of the work.



## Interactive Tool - Contractor

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- If you as Contractor have care and control of the project and the various contractors then you are the General Contractor. Under the OHSA the General Contractor is known as the Constructor who has overall responsibility for the health and safety of the workers on the project.
- [Link to Sample Projects](#)



## Interactive Tool - Contractor

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- The owner, by hiring various Contractors, may have taken on the role of the General Contractor (aka Constructor) depending on the specifics of each situation. As a Contractor or Employer on this project, you have the duties of an Employer.
- [Link to Sample Projects](#)



## Interactive Tool - Contractor

---

- The owner, by hiring various Contractors, may have taken on the role of the General Contractor (aka Constructor) depending on the specifics of each situation. As a Contractor or Employer on this project, you have the duties of an Employer.
- [Link to Sample Projects](#)



## Sample Project List

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1. As an Owner you hired a general contractor to build your dream project.
2. As an Owner you are renovating your home using the help of various sub contractors.
3. As an Owner you have been told by a heating contractor that your old furnace that you want to replace is insulated with asbestos.
4. As a General Contractor you bid on a project that involves a project in a home built several decades ago.
5. As a General Contractor you bid on a project and once the work is underway asbestos is discovered.



## E-mail Alerts & Social Media

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- Subscribe to [What's New](#), a monthly e-newsletter, to read the ministry's latest news on workplace health and safety, employment standards and labour relations. Keep up to date on Ministry of Labour legislation, operations and resources – all directly from your e-mail inbox.
- Subscribe to [Safe At Work Ontario TODAY](#). Four times a year we'll send you an update on the ministry occupational health and safety enforcement strategy, reports from our enforcement blitzes, information on new compliance tools and more.

[Follow us on Twitter](#)

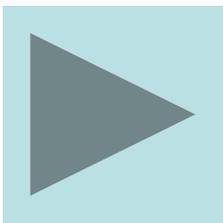
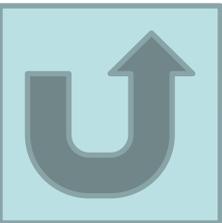
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## Contact Us

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**WARNING:** If you have a health and safety concern that should immediately be brought to the attention of the Ministry of Labour, please contact the Health & Safety Contact Centre directly to report the issue.

**If this is an emergency, contact 9-1-1 immediately.**

Ministry of Labour Health & Safety Contact Centre  
1-877-202-0008

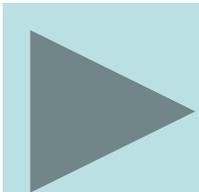
<http://www.labour.gov.on.ca/english/feedback/#>



## Resources & Links

Alphabetical Listing Page 1 of 3

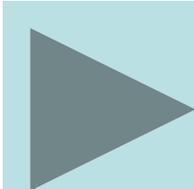
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- [Call Before You Dig – Ontario One Call](#)
  - [Canada Mortgage & Housing Corporation – CMHC](#)
  - [Consumer Beware List – Ministry of Consumer Services](#)
  - [E-Laws – Ontario Provincial Legislation](#)
  - [Electrical Safety Authority – ESA](#)
  - [Employment Standards – Ministry of Labour](#)
  - [Health and Safety – Ministry of Labour](#)
  - [Hiring a Contractor – Get It In Writing Campaign](#)



## Resources & Links

Alphabetical Listing Page 2 of 3

- 
- [HST & Construction Projects – Canada Revenue Agency](#)
  - [Infrastructure Health & Safety Association – IHSA Safety Partner](#)
  - [Know Your Rights](#) - Consumer Protection Ontario
  - [ONe Source for Business – Services for Business](#)
  - [Ontario College of Trades](#) - OCOT
  - [Ontario Building Code](#) – Municipal Affairs and Housing
  - [Ontario’s Occupational Health and Safety System Partners](#)
  - [Prevention Starts Here](#) – Ontario



## Resources & Links

Alphabetical Listing Page 3 of 3

- 
- [Service Ontario Centres](#) – Services for Residents
  - [Tarion Warranty Corporation](#) – Protecting New Home Buyers
  - [Technical Standards & Safety Authority](#) – TSSA
  - [Will You Do It For Cash](#) – Canada Revenue Agency
  - [WorkSmartOntario!](#) – Young Workers & New Workers
  - [Workplace Safety Insurance Board](#) – WSIB Safety Partner
  - [Young Workers Zone](#) – Canadian Centre for Health & Safety



## End of Presentation

- If your role is that of constructor, employer or supervisor here is a [Project Checklist](#) (on-line) to help you get started.
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- To review some of this material again, please use the return button below to go back to the index.
  - Your input and feedback are key to improving this information and it's effectiveness in protecting workers in Ontario. Comments should be sent to [jean.justa@ontario.ca](mailto:jean.justa@ontario.ca)

**Safe At Work Ontario**  
Enforcement > Compliance > Partnership >

