

Employers, Are you Ready? Ontario Continues to Ramp up Workplace Inspection Efforts

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In January 2021, the Ontario government announced that it was ramping up workplace health and safety inspections in an effort to combat COVID-19.^[1] With COVID-19 cases again on the rise, the Ontario government announced in March that it had hired over 100 new occupational health and safety inspectors, who will be fully trained by July 1, 2021.^[2] Clearly, workplace health and safety is and will remain a priority for the provincial government as it works towards achieving an inoculated population and a fully reopened economy. Accordingly, it is essential that employers understand their occupational health and safety obligations as well as the consequences of failing to meet them.

In addition to safety measures required in the workplace specific to COVID-19, employers have a number of health and safety obligations prescribed by Ontario's *Occupational Health and Safety Act* (OHSA). The following are some of the key health and safety OHSA requirements for employers :

- instruct workers to protect their health and safety, to inform them of any hazard in the work, and train workers accordingly;
- ensure that workers and supervisors have completed an occupational health and safety awareness training program;
- post a copy of the OHSA in the workplace, together with explanatory material prepared by the Ministry of Labour, Training and Skills Development that outlines the rights, responsibilities and duties of workers in both English and in the majority language in the workplace;
- employers with workplaces of more than five workers must prepare a written occupational health and safety policy, to review it at least annually, and to set up and maintain a program to implement it;
- prepare policies with respect to workplace violence and workplace harassment and review them at least once a year, set up and maintain programs to implement the workplace violence and workplace harassment policies, and provide appropriate information and instruction to workers on the contents of the workplace violence and harassment policies and programs and
- take every precaution reasonable in the circumstances for the protection of a worker.

Employer compliance with occupational health and safety requirements is important, and failure to take appropriate steps can result in significant liability. Under Ontario's emergency COVID-19 legislation, corporations can be fined up to \$1,000 for non-compliance, and individuals (including employees and patrons) can face fines of up to \$750. More generally, serious breaches of the OHSA can expose individuals to fines of up to \$100,000 and imprisonment for up to one year and can expose corporations to fines of up to \$1,500,000.

WeirFoulds has developed a flexible and targeted **Employer Compliance Audit Program** to assist employers with their efforts to achieve and maintain compliance with their obligations under the applicable employment laws and regulations including obligations under occupational health and safety legislation. For more information about the Employer Compliance Audit Program, please contact Daniel Wong, Partner and Chair of WeirFoulds' Employment Law Group.

[1] <https://www.weirfoulds.com/ontario-ramps-up-workplace-inspections-to-combat-covid-19>

[2] <https://news.ontario.ca/en/release/60530/ontario-hires-100-additional-health-and-safety-inspectors>

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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