



OHSA Compliance Checklist for Locals in the Municipal (non-health care)/School Board/Post-Secondary sector

LOCAL _____ **NAME:** _____ **DATE:** _____

This checklist considers important legal requirements under the Occupational Health and Safety Act (OHSA) and the Regulations. It is intended to be filled out by the worker side of the Joint Health and Safety Committee (JHSC) or the Health and Safety Representative (HSR), as applicable. Any answer that results in a “no” or “unsure” should be discussed at a JHSC meeting or between the HSR and the employer.

For greater clarity, HSR powers, rights and activities are described in section 8 and JHSC powers, rights and activities are described in section 9.

Legislative functions, powers, and rights of the JHSC/HSR in the OHSA (not an exhaustive list)			
	YES	NO	Unsure/ Not applicable
Is the JHSC meeting at least every three (3) months or as set out in the terms of reference? s. 9 (33)			
Does the JHSC keep minutes of the meetings? s. 9 (22)			
Are workers provided with a copy of those minutes for their own records?			
Are the members of the JHSC permitted at least one (1) hour of paid time to prepare before a meeting and such time to attend a meeting? 9 (34) (a)			
Does the JHSC have two (2) co-chairpersons (1 worker, one management) who share chairing responsibilities? s. 9 (11)			
Does the JHSC have at least one (1) certified worker representative? s. 9 (12)			
Is the workplace inspected at least monthly by the HSR or designated worker member of the JHSC? s. 8 (6) or 9 (26)			
Is the JHSC/HSR afforded such (paid) time as necessary to inspect the workplace and investigate critical injuries/fatalities? s. s. 8 (15) or 9 (34) (c)			
Does the JHSC/HSR and the trade union receive immediate notification when a worker is killed or critically injured, followed by a report within 48 hours? s.51			
- In the case where a worker is killed or critically injured, is there a worker-led investigation (s.9(31)) and an inspection of the physical location of the incident? (s.8(14) or s.9(31))			
Does the JHSC/HSR and Union receive notice of workplace accidents or workplace violence incidents that disables a worker from their usual work or requires the worker to seek medical attention <u>within four (4) days</u> ? s. 52 (1)			
Does the JHSC/HSR and Union receive notice of a worker who has suffered an occupational illness OR the filing of a claim of occupational illness with the WSIB by a worker or on behalf of the worker <u>within four (4) days</u> ? s. 52 (2)			
Do the above notices include the prescribed details so that JHSC/HSR can be appropriately consulted to identify situations that may pose a hazard to workers? s.8(10) or s.9(18 (a)) see also Ontario Regulation 420/21			

Comments:			
<u>Legislative duties of the employer under the OHSA (Not an exhaustive list)</u>			
Does the employer...	YES	NO	Unsure/ Not applicable
- have at least one (1) certified management representative on the JHSC? s. 9 (12)			
- advise the JHSC/HSR of OHS reports and provide a copy of the report if the report is in writing? s. 25 (2) (l)			
- provide a written response to JHSC/HSR/co-chair recommendations, which include: <ul style="list-style-type: none"> • an implementation plan, or • reasons for disagreeing with the recommendation within 21 days? (s. 8(12-13) or s.9(19.1-21)			
- post the most recent version of the Occupation Health and Safety Act in a place visible to all workers? s. 25 (2) (i)			
- post a copy of the Health and Safety Policy in a place visible to all workers? s. 25 (2) (k)			
- review the occupational health and safety policy annually? s. 25 (2) (j) <i>NOTE: All OHS policies and programs (new or revised) should be brought to the HSR/JHSC before implementation.</i>			
- maintain an occupational health and safety program and ensure its implementation? S. 25(2)(j)			
- provide instruction and training on the use and care of personal protective equipment and protective clothing, equipment and devices before using or wearing? s. 79 (reg. 851)			
- provide to workers information and instruction on the contents of the Workplace Violence Policy & Program? s. 32.0.5			
- assess/reassess the risks of workplace violence and provide a copy of the assessment to the JHSC? s. 32.0.3 (1)(2)(3)			
- post a copy of the Workplace Harassment Policy in a place visible to all workers? s. 32.0.1 (2)			
- have a written program for Workplace Harassment with measures and procedures that set out: <ol style="list-style-type: none"> 1. how a worker will report incidents of workplace harassment? 2. how a worker will report incidents of workplace harassment to a person other than their supervisor, when the supervisor is the alleged harasser? 3. how the employer will investigate and deal with allegations of workplace harassment? 4. how the employer will inform the person who made the complaint and the alleged harasser the results of the investigation and of the corrective steps taken or will be taken? s. 32.0.7 (1) 			

- review the Workplace Harassment Program, in consultation with the JHSC, at least annually? s. 32.0.6 (1)			
- provide workers with information and instruction on the contents of the Workplace Harassment Policy & Program? s. 32.0.8			
<u>Legislative duties of the Employer - WHMIS and Hazardous Chemical, Biological and Physical Agents* under the OHS Act and Regulation 860</u>			
Is there a program to review worker's familiarity with WHMIS at least annually? s. 42 (3)			
Is the worker education program for WHMIS developed in consultation with the JHSC? s. 42 (2)			
Is the WHMIS program updated to reflect the changes in WHMIS 2015 (GHS)? s. 7 (1) (Reg. 860)			
Has the employer removed products in the workplace with WHMIS 1988 supplier labels? s. 8 (1) – (11) (Reg. 860)			
Has the employer updated safety data sheets to reflect the changes required under WHMIS 2015? s. 17 (1) – (3) (Reg. 860)			
Is there training provided to new workers who work with or in proximity to hazardous materials on the storage, use, handling and disposal of those materials (chemical & biological)? s. 42 (1), s. 6, 7 (c) (Reg. 860)			
Is there ongoing training for current workers who work with or in proximity to hazardous materials on the storage, use, handling and disposal of those materials (chemical & biological)? s. 42(1), s. 6, 7 (1) (c) (Reg. 860)			
Are workers familiar with the contents required on supplier and workplace label and the significance and information on the labels? s. 7 (1) (a) (Reg. 860)			
Are workers familiar with the contents required on supplier and workplace labels and the significance and information on the labels? s. 7 (1) (a) (Reg. 860)			
Are workers familiar with the contents required on a safety data sheet and the purpose and significance of the information contained on a safety data sheet? s. 7 (b) (Reg. 860)			
Are safety data sheets accessible to all workers? s. 38. (1.1)			
Is information made available to workers about physical agents* produced or emitted in the workplace? s. 40 (2)			
Are identifying/warning signs about hazardous physical agents* posted in the workplace? s. 40 (3)			
Comments:			

* **Hazardous Physical Agents** include: noise, vibration, radiation (X-rays), electromagnetic fields (high voltage, computer monitors), radiofrequency energy (cell towers), high heat and extreme cold

Please note that the information provided on this sheet does not constitute legal advice. If you have any questions about health and safety law, speak to your Local Executive, CUPE National Servicing representative, or CUPE National Health and Safety Specialist.