

Changes to Confined Spaces Requirements

Are You Prepared?

As of September 30, 2006, workplaces will need to comply with new Confined Space legislation. Not only has the government crafted a completely new Regulation (632/05) under the Occupational Health and Safety Act (OHSA); they have also amended existing Industrial, Construction, Health

Care, and Mining Regulations, so that all are similar. Some highlights of the new laws are outlined below:

- A definition of a 'Confined Space' has been updated.
- A written assessment of all suspected Confined Spaces must be completed by a competent person prior to anyone entering the Confined Space.
- Before anyone enters a confined space, the employer must develop a written plan and it must include provisions to protect the workers who will enter the space. These plans must be job and site specific.
- The Confined Space plan may be included as part of the Entry Permit, and must include the provisions listed in the Regulation.
- Environmental testing must be performed prior to entry and repeated as often as necessary to maintain a safe atmosphere.
- All employees who enter Confined Spaces must have adequate training in safe work practices, and this training must be documented.
- Rescue procedures must be written, as part of the plan. No worker is to enter a Confined Space unless a rescue plan is in place.
- Rescue personnel must be on-site and be trained in first aid and CPR, as well rescue procedures, and use of rescue equipment. This training must be documented.
- An attendant, who maintains communication with workers in the Confined Space at all times, must never enter the Confined Space and must remain outside the space whenever workers are inside. This person must have a reliable means to summon help if problems develop.

To understand what in your workplace would be defined as a confined space, consider how the area is laid out. It may be partially or completely enclosed, have limited access and egress (small or difficult to reach openings for entry and exit), and it may not be designed and constructed for continuous human occupancy. A confined space may contain a variety of atmospheric hazards (e.g. harmful gases, flammable and combustible materials, reduced oxygen).

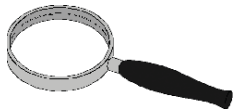
For some workplaces, the systems currently in place may be adequate to meet the new requirements. A complete review of the new regulations should be conducted to determine compliance. If you require assistance, Health & Safety Professionals Inc. can provide a comprehensive Confined Spaces Program. Our team has the qualifications to complete your assessment, write your program, and provide your workers and supervisors with the required training.
by Sandy Boudah, Associate and Patricia Story, RN, DOHN, COHN(C), Associate



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WHMIS ONLINE



Convenient Take your training at home or at work when you want. Employers can schedule blocks of time for training or use unexpected downtime in a productive manner. **Flexible** Work at your pace. Replay sections you feel you need to review. **Increased Retention** With reading, listening and questions during the course, there is something for all learning types. All material must be reviewed at least once to complete the course.

HSPI WHMIS INCLUDES ONLINE SUPPORT! Our participants can interact with an HSPI Instructor if they have specific questions. An email to whmis@hspinc.ca will get a direct response within two business days.

Register now at www.hspinc.ca

DUTY TO ACCOMMODATE

At the Superior Health and Safety Conference and Trade Show held in Sault Ste. Marie in May 2006, I had the opportunity to attend a session given by Neil Edwards, Director, Mediation and Investigation Branch, Ontario Human Rights Commission. It was entitled "The Ontario Human Rights Code: Your Responsibilities under the Code". The portion of the presentation which piqued my interest the most was the section on accommodating persons with disabilities. Anyone involved in accommodating work-related Workplace Safety and Insurance claims or non work-related claims would find it very interesting, and applicable to their day to day work.

The first important point to understand is the definition of "disability". It is very far reaching, and includes physical, mental, developmental, and learning disabilities as well as an injury or disability for which benefits were claimed or received under the Workplace Safety and Insurance Act, 1997. Drug and alcohol dependencies are also a form of disability under the Ontario Human Rights Code.

Next, one needs to understand the "duty to accommodate". Accommodations must be provided that respect the dignity of the person(s) involved. Employers need to look at employment practices, standards, rules, and the physical layout of their workplaces. The employer must accommodate employees to the point of "undue hardship".

The three considerations for undue hardship are cost, outside sources of funding, if any, and health and safety requirements, if any. Inconvenience on the part of the employer

or other employees, customer preference, or collective agreements are not considerations for undue hardship. It rests with the person responsible for making the accommodation to prove undue hardship.

In order to justify that cost is an undue hardship, the employer would need to show documented proof. The proof would have to show that the accommodations would alter the way one does business or put the business in jeopardy. A study in 1996 showed that over two-thirds of jobs can be accommodated for under \$500.00, with many of those having no cost at all. There are several sources of funding to consider when making accommodations: government programs; those that may be associated with the individual's particular disability; and the Workplace Safety and Insurance Board's Second Injury and



USB Mouse mover uses 5 switches to control mouse movement

Enhancement Fund. Health and safety risks may add up to undue hardship if one can show that the degree of risk left, after the accommodation has been made, overshadows the benefit of improving the rights for persons with disabilities. An example of a favourable accommodation would be an employer who chooses to purchase assistive technology that would allow a person with a disability to perform the essential duties of his or her job. An employer may be able to purchase text to voice software for a blind or visually impaired employee to assist with reading computerized text. There are specialized monitors available with settings for large-print reading.

If you are as intrigued as I was after the presentation, you can find lots of helpful information on the Ontario Human Rights Commission website at <http://www.ohrc.on.ca/>. Reference Article: Policy and Guidelines on Disability and the Duty to Accommodate. by Louise Caicco Tett, RN, BScN, President

CONGRATULATIONS to Dennis Lachance, City of Elliot Lake, the WINNER of the Ergonomic Assessment at the 2006 Superior Health and Safety Conference and Trade Show.



Come visit us at our booth in 2007! May 1 & 2, 2007 at the Best Western, Great Northern Rd., Sault Ste. Marie, ON

DID YOU KNOW? Smoke-Free Ontario Act



The Smoke-Free Ontario Act came into effect on May 31, 2006:

1. Smoking is banned in all enclosed workplaces and enclosed public places in Ontario including: schools, common areas of condominiums, apartment buildings, university/college residences, places of entertainment etc.
2. "The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke" Enclosed workplace is defined as: the inside of any place/building/structure
 - (i) that has two walls and is covered by a roof
 - (ii) that employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time,
 - (iii) that is not a private dwelling.

Rules for Employers:

- Inform employees that smoking is prohibited in enclosed workplaces.
- Ensure employees obey the legislation.
- Post 'NO SMOKING' signs at entrances, exits and all appropriate locations.
- Remove ashtrays from the premises.
- Employers may not dismiss, suspend or penalize employees who have asked that the Smoke-Free legislation be enforced.

How will this be enforced?

- Workplaces will be randomly inspected by local public health units.
- Health units will also carry out investigations on complaints.
- **Penalties** - Individuals Max. fine \$1000. Workplaces Max. fine \$10,000.

For additional information regarding this Act:

Info line: 1-866-396-1760

For information about filing a complaint:

1-877-339-3335

By Lorena Bressan, RN, BScN, BSc, Associate

FINES: MINISTRY OF LABOUR

A northern Ontario restaurant was fined \$50,000 for health and safety violations.

Northern, ON. - 510487 Ontario Limited, a company operating as a Restaurant in Northern Ontario, was fined \$50,000 on May 24, 2006 for two violations of the Occupational Health and Safety Act that resulted in serious burns to a young employee.

On April 24, 2005, a worker slipped on a wet floor while walking past a deep fryer. The worker's left arm went into hot oil in the deep fryer resulting in second and third degree burns to the hand, arm and back. Just prior to the incident the worker had been mopping the floor of the kitchen area. The worker stopped mopping the floor after receiving a food order. At the time of the incident, the worker was walking through the kitchen to a cooler.

Following a trial, 510487 Ontario Limited was convicted, as an employer, of:

1. Failing to ensure a floor used by the worker was kept clear of a hazard, as prescribed by Section 11 of the Regulations for Industrial Establishments. This was contrary to Section 25(1)(c) of the act; and
2. Failing to provide adequate information, instruction and supervision to the injured worker on working safely around the deep fryers.

The company was fined \$25,000 on each count. In addition, the court imposed a 25-per-cent victim fine surcharge, as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

Learn More - Be Prepared Today for Tomorrow

2006 TRAINING SCHEDULE



2-DAY FORMAT BCT COURSE WHMIS Online

- **Basic Certification Training**
September 26, 27; October 24, 25;
November 28, 29

- **Stress in the Workplace**
- **Indoor Air Quality & Ventilation**
October 17

- **Prevention of Musculoskeletal Injury** October 18

- **Slips, Trips & Falls**
- **Violence in the Workplace**
October 19

- **Health & Safety Supervisor Training** November 7, 8

- **Heat Stress & Cold Stress**
- **Emergency Preparedness**
November 14

- **WHMIS**

- **Working at Heights**
November 15

- **Confined Spaces**
- **Lockout/Safe Machine Guarding**
November 16

- **Managing Organizational Change**
December 5

*Our full 2006 schedule is posted at www.hspinc.ca.
In-house sessions are available, please contact us
to make arrangements.*

Where is it on the Web?

WHMIS Online: www.hspinc.ca

Confined Spaces:

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/050632_e.htm

Ontario Human Rights Commission:

<http://www.ohrc.on.ca>

Smoke Free Ontario Act: http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp

Visit our website at www.hspinc.ca
for more information on our services.



The Christmas season will be fast approaching. Please be sure to drive sober and have a safe holiday season. In lieu of Christmas cards, HSPI will be making a donation to MADD (Mothers Against Drunk Drivers). We wish our clients and participants a very happy and prosperous New Year.



Health & Safety Professionals Inc. is a proud member of the following organizations:



PUBLICATION INFORMATION

This newsletter is intended as an information overview of health and safety issues. While we strive to publish accurate information, the contents of this publication are not intended as legal or professional advice.

The information and recommendations contained in Safety In Action have been compiled from sources believed to be reliable. However, HSPI makes no guarantee as to, and assumes no responsibility for, the correctness, sufficiency or completeness of such information or recommendations. Other or additional safety measures may be required under particular circumstances.

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COMPANY INFORMATION

Health and Safety Professionals Inc. is a Northern Ontario consulting and training firm. We are a WSIB approved provider of Basic Certification training; as well, our Supervisor Training Program meets Algoma Steel's requirements for Construction Supervision. We are committed to professionalism; excellence; timely and efficient service and customer satisfaction.

Safety in ACTION