



Achieving Excellence

New Confined Space Regulations



By John Ford

The new Confined Space Regulations may be a step closer to reality. The Ministry hoped to harmonize requirements across all sectors. This idea has met with some opposition. We may see versions of the earlier drafts. The new Regulations, if passed, will require all workplaces to identify and assess their confined spaces. This should be done periodically, whether the new Regulations pass or not. The new Regulations require a plan, procedure, permit system, training, record keeping, and rescue considerations, and was to be standardized for several industry sectors.



John Ford was honoured to represent the Canadian Federation of Independent Businesses to the Ministry of Labour during the consultation process. Training Services is now training and consulting based on the anticipated requirements of the new Regulation. We see many positive aspects to the changes. For more information, please contact your Training Services Associate, or call our head office at (905) 873-3031, or email us at info@cybertrain.on.ca.

Confined Space Training

2005 Update Seminar

Objective: To assist employers to identify their confined spaces, and update and upgrade their confined space awareness and safety procedures for entry in order to ensure compliance.

Content Includes:

- Introduction & Case Histories.
- Comparing Confined Space Regulations.
- Assessments:
 - A systematic approach for identifying and recognizing all confined spaces.
 - Methods and checklists for assessing confined space hazards.
- Plan:
 - Development of specific confined space entry plans which include duties of workers, training, records of training, and enforcement, entry permit system requirements.
- Training for all workers, and for different confined spaces.
- Permits:
 - Entry permit system containing the measures and procedures required.
 - Required elements of a permit.
- Rescue
- Personal Protective Equipment

Who Should Attend:

Everyone who supervises or works in, around, near or supervises work in confined spaces.

Length: 1 Day

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Ministry of Labour News

Vquip Inc. fined \$80,000 for a violation of the Occupational Health & Safety Act in connection with the death of a user of its equipment.

On Dec. 22, 2001, a worker, who had been using a floor cleaning machine to clear a floor, was found slumped over the machine's steering wheel, deceased.

A Ministry of Labour investigation determined that Glycol Management Inc. had rented the machine from Vquip Inc. on Dec. 20, 2001. Carbon Monoxide testing of the machine found the emission readings were 10 times the maximum limit suggested by the ACGIH. The Ministry found Vquip Inc. had not tested the machine for exhaust emissions prior to the fatality.

Vquip Inc. pleaded guilty, as a supplier, of failing to ensure the machine was in good condition, contrary to Section 31(1) of the Act.

Village Masonry Construction Inc. fined \$55,000 and Supervisor fined \$6,000 for a violation of the Occupational Health & Safety Act which resulted in injuries to a worker.

On Oct. 6, 2003, a worker was attempting to climb down from a platform on a 'scaffold rigger' (a work platform that protrudes from a main scaffolding along side a building) when the worker fell approx 4.29m (14 feet).

A Ministry of Labour investigation found the worker was not using fall protection.

Village Masonry Construction Inc. pleaded guilty, as an employer, to failing to ensure the worker worked in a manner and with protective devices, measures and procedures to prevent a fall, as required by

Section 26.1 of the Construction Regulations, contrary to Section 25(1)(c) of the Act.

Toronto District School Board fined \$150,000 for a violation of the Occupational Health & Safety Act that resulted in the death of a worker.

On June 24, 2002 a part-time worker complained to a co-worker of being unable to breathe. The worker's condition deteriorated and the worker died later that evening in hospital. According to the police report, the fire captain advised that the worker might have mixed bleach with a toilet bowl cleaner. The fire captain seized 2 cleaners – a sanitizer/deodorizer identical in composition to household bleach that contained sodium hypochlorite and a liquid toilet bowl cleaner containing hydrochloric acid. When mixed together, the 2 cleaners would have created a dangerous, corrosive, chlorine gas. A Ministry of Labour Investigation found the worker had not received instruction on these products, as required by the Workplace Hazardous Materials Information System (WHMIS) Regulations.

The Toronto District School Board **pleaded guilty, as an employer, to failing to ensure, as required by Section 7(1) of the WHMIS Regulations, that the worker was instructed:**

- ▶ On the contents, purpose and significance of the information on the labels for the 2 cleaning products;
- ▶ On the contents of the Material Safety Data Sheets and their purpose and significance;

- ▶ On procedures for the safe use and handling of these products; and
- ▶ On procedures in case of an emergency involving these products.

Contrary to Section 25(1)(c) of the Act.

The Great Atlantic & Pacific Company of Canada Limited fined \$150,000 for a violation of the Occupational Health & Safety Act that resulted in critical injuries to a worker.

On May 12, 2003, a worker was driving a forklift in a warehouse and attempted to jump off the truck to avoid a collision when he noticed the truck would not slow down or stop. The worker was pinned between the lift truck and a wall.

A Ministry of Labour investigation found a brake pedal on the truck was not functioning properly.

The Great Atlantic & Pacific Company of Canada Limited pleaded guilty, as an employer, to failing to ensure the lift truck was maintained in good condition, contrary to Section 25(1)(c) of the Act.

Talon Systems Inc. fined \$90,000 for a violation of the Occupational Health & Safety Act that resulted in serious injuries to a worker.

On Feb. 3, 2003, a worker entered a fenced-in area surrounding a large, "L" shaped automated saw when the worker was struck by a "rake."

A Ministry of Labour investigation found the worker had entered the fenced-in area through a gate which had no interlock device to automatically cut power to the saw

when the gate was opened.

Talon System Inc. pleaded guilty, as an employer, to failing to ensure the saw was shut off and the control switch locked out while the worker had access to moving parts of the saw, as required by Section 76 of the Industrial Regulations, contrary to Section 25(1)(c) of the Act.

Colour Smart Painting, Supervisor fined \$15,000 for a violation of the Occupational Health & Safety Act which resulted in the death of a worker.

On June 21, 2003, a supervisor and a worker were in a 'basket' (an elevated basket-shaped platform) on a boom lift truck when the worker's head came in contact with a 27,000-volt power line. The supervisor had failed to keep sight of the worker, who was directly behind, while repositioning the basket using the lift's controls.

The supervisor pleaded guilty to failing to ensure the equipment was kept a minimum distance from the live power line, as required by Section 60 of the Industrial Regulations, contrary to Section 27(1)(a) of the Act.

Increased Number of Ministry of Labour Inspectors Effective April 2005!

- ▶ 10 new inspectors to join the Ottawa office
- ▶ 7 new inspectors to join the Hamilton office
- ▶ 12 new inspectors to join the London office

"This marks an important new investment by this government in the health and safety of workers in the Ottawa area--and across Ontario," said MPP Phil McNeely.

"Increased enforcement will promote safer workplaces and provide Ontarians with a quality of work life second to none."

The inspectors are now undergoing a combination of hands-on and classroom-based instruction before graduation in April 2005.

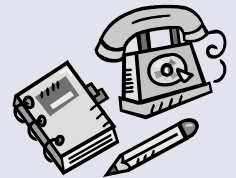
An additional 100 inspectors will be hired over the next year to fulfill the government's July 8, 2004 commitment to hire 200 new health and safety enforcement staff across Ontario to reduce workplace injuries by 20 per cent by 2008.

The new inspectors will:

- ◆ Allow the government to initially target 6,000 workplaces with the highest lost-time injury rates;
- ◆ Visit these sites four times a year;
- ◆ Focus on workplace hazards to help firms reduce on-the-job injuries.

"We are taking decisive action to make a real difference in the lives of Ontario workers and boost the competitiveness of Ontario businesses," said McNeely.

For more information, please visit the Ministry of Labour website: <http://www.gov.on.ca/LAB/english/> or call the toll free Information Line for Inspector Recruitment at 1-866-627-7991.



MCGUINTY GOVERNMENT ENDING 60-HOUR WORK WEEK

Employers Reminded New Law Now In Effect



As of March 1, 2005, employers who want their employees to work more than 48 hours a week must meet the requirements of the newly amended law, which include written agreements with their employees and approval from the Ministry of Labour.

"We are protecting vulnerable workers by strengthening their right to decide whether or not to work excess hours," said Labour Minister Chris Bentley. *"At the same time, we are ensuring Ontario businesses have the ability to adapt quickly to compete in today's economy."*

Employers are reminded they should immediately apply to ministry for approval if they wish their employees to work more than 48 hours. There is no fee and applications may be made in writing or on-line through the ministry website at www.gov.on.ca/LAB/. Employers can also call the Employment Standards Call Centre at 416-326-7160 or 1-800-531-5551.

Ticketing in the Workplace



By Barbara Ford



The Ontario government's plan to reduce workplace injuries by 20% over the next 4 years has brought expanded powers to provincial health and safety inspectors. Inspectors may now issue "tickets" (on-the-spot offence notices) for unsafe workplace practices in the industrial sector. This sector includes automotive,

logging, restaurants, and retail. Previously, ticketing was limited to construction, mining, and diving sectors. Alternative measures, such as stop-work orders, orders to comply and other prosecution processes under the Provincial Offences Act will remain available to the inspectors.

Who Can Be Ticketed?

Currently, Health and Safety inspectors are targeting workplaces with the highest lost-time injury rates and higher than average claim costs.

Employers, Supervisors, **AND** Workers can **ALL** be issued tickets for violations of the Occupational Health and Safety Act's Industrial Regulations. Inspectors may issue tickets in the course of proactive workplace inspections or while investigating a complaint, an injury or a work refusal.

Currently, tickets can be issued for 81 workplace health and safety violations in the industrial sector that are considered an immediate and potentially serious hazard to the worker. The violations must be immediately observable by the inspector and not raise complex legal or factual issues.

Targeted Activities Include:

- ▶ Use of chainsaws;
- ▶ Work on or near electrical installations or electrical tools;
- ▶ Use of lifting devices;
- ▶ Use of portable ladders;
- ▶ Logging.

Three Options

Tickets will be issued under the Provincial Offences Act and carry set fines. Additional charges will include

court costs and victim fine surcharges. When issued, a party can choose either to pay the fine or to appear in a provincial court to dispute the offence.

If you receive a ticket, you have three options.

1. Plead guilty by signing the guilty plea on the ticket, and pay the set fine as specified on the ticket.
2. Give notice of intention to appear in court, and request a trial. At trial, you may plead guilty and make submissions respecting the fine. The judge may impose the set fine or reduce it.
3. Plead not guilty by giving notice of intention to appear in court and request a trial.

Examples Of Tickets And Related Fines.

- ▶ Operator of lifting device failing to work safely. *Section 51(2)(b) of Reg. 851 28(1)(a): \$195.00*
- ▶ Worker failing to immobilize and secure unattended vehicle. *Section 57 of Reg. 851 28 (1)(a): \$195.00*
- ▶ Supervisor failing to ensure worker uses a machine with adequate guarding. *Section 24 of Reg. 851 27(1)(a): \$295.00*
- ▶ Employer failing to ensure protective clothing provided is worn to protect from hazards caused by molten metal. *Section 93 of Reg. 851 25(1) (d): \$295.00*

By expanding the ticketing system, the government hopes to raise awareness of Health and Safety Requirements, to increase accountability, and to decrease workplace injuries and deaths in the workplace.

For a complete list of the tickets and corresponding fines, please contact Training Services at (905) 873-3031, email info@cybertrain.on.ca, or visit the Ontario Court of Justice website at www.ontariocourts.on.ca/ocj.htm.

"Health and safety is everyone's responsibility. Ticketing gives our inspectors more flexibility to deal immediately with those who violate health and safety requirements in the workplace.

This initiative will also discourage anyone from trying to gain an unfair advantage over law-abiding competitors by ignoring workplace health and safety."

-Labour Minister Chris Bentley-

Ask The Expert...

Q. Regarding the new proposed confined space regulations: can we comply with all the documentation requirements in one document?

A. The new “proposed” Confined Space Regulations in Ontario will make some significant changes to the way companies manage confined space entries. These changes will require each workplace to identify their confined spaces, conduct an assessment, develop a plan and entry permit system, and provide specific training and procedures.

For some employers, one of the new requirements is new documentation. There is a simple way to make this easier: put all the required information into one document. A comprehensive Entry Permit should not only give people the information they need to stay safe while performing Confined Space Entry work. If done correctly, an Entry Permit should take care of most documentation needs. The key is to develop a permit with all the information you need and to keep that permit for your records.

The Confined Space Plan required in the new Regulations must include a number of things. If we are careful to include *everything* required in this plan on the Entry Permit, it becomes the primary record.

Many permits that we have seen do not meet this Standard. Training Services has developed a number of Entry Permits for different workplaces that include all the relevant information included in the plan, as well as the mandatory Rescue Procedures and Equipment.

We would be happy to help you develop the Plan and all the permits needed for your workplace. For more information, please contact Frank Keegan by phone at (905) 873-3031, or by email at fkeegan@cybertrain.on.ca.



Frank Keegan
Training Consultant

Before joining Training Services in 2003, Frank owned an independent business since 1989. He is a member of the C.S.S.E. (Canadian Society of Safety Engineers) and provides valuable training programs all across Ontario. He specializes in competency based training with a technical component such as Confined Space Training, Fall Protection, Lift Truck Operator Training, Crane Training, Transportation of Dangerous Goods, and Snow Plow Operator training just to name a few. Frank also conducts Safety Audits and has had many articles published in the Achieving Excellence Newsletter regarding Health and Safety issues.

? Did you know....

Training Services maintains a record of training for the last 7 years? This means, we have the capability to provide you with detailed information, including course names, content, participants' names, instructor info, and dates of training. Knowing what you have done in the past is key to building a better future. For more information on the training provided at your facility, please contact your Training Services Associate, or our head office at (905) 873-3031, or email at info@cybertrain.on.ca.

The Most, The Greatest & The Best

The greatest joy..... Giving
 The most satisfying work..... Helping others
 The most endangered species..... Dedicated leaders
 The greatest problem to overcome . Fear
 The most effective sleeping pill..... Peace of mind
 The most powerful force in life..... Love
 The most incredible computer..... The brain
 The worst thing to be without..... Hope
 The deadliest weapon..... The tongue
 The greatest asset..... Faith
 The 2 most power-filled words "I Can"
 The most beautiful attire SMILE!
 The most prized possession..... Integrity
 The most contagious spirit..... Enthusiasm

May we all Learn from this list
 and live a happy life



If at first you
 don't succeed,
 have your
 10-year-old
 program it!

When you dream
 in colour,
 it's a pigment of your
 imagination!



Yard sales are
 fascinating. People
 spend \$20 on gas,
 driving around in air-
 conditioned Lincolns,
 to stand in the sun and
 argue about getting a
 \$4.00 lamp for \$3.25!



Doing nothing is very hard to do...
 you never know when
 you're finished.
 - Leslie Nielsen -

ERROR MESSAGES

"THE WORLD WILL END IN 5 MINUTES.
 PLEASE LOG OUT..."

"WARNING: KEYBOARD NOT ATTACHED.
 PRESS F10 TO CONTINUE."

"COFFEE.EXE MISSING.
 INSERT CUP AND PRESS ANY KEY."

"BAD COMMAND OR FILE NAME. GOOD TRY, THOUGH."

"PRESS ANY KEY... NO, NO, NO, NOT THAT ONE!"

"HIT ANY USER TO CONTINUE."

"SCANDISK IS NOW CHECKING YOUR HARD DISK.
 YOU CAN START PRAYING."

"SMASH FOREHEAD ON KEYBOARD TO CONTINUE."

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