
Fact Sheet

Ministry of Labour
www.labour.gov.on.ca/

Information for Farming Operations: Role of the Ontario Ministry of Labour Health and Safety Inspector

Introduction

As of June 30, 2006, Ontario's Occupational Health and Safety Act (OHSA) will apply, with some limitations and exceptions, to all farming operations that have paid workers.

The Ontario Ministry of Labour (MOL) Health and Safety Inspectors enforce the OHSA and regulations. These highly trained professionals have two main roles:

(1) Inspection

Ministry of Labour Inspectors inspect Ontario's workplaces to ensure compliance with the OHSA and associated regulations.

The OHSA clearly outlines the responsibilities of the workplace parties (i.e. Owner, Employer, Supervisor, Worker etc.) to keep workers safe. When a MOL Health and Safety Inspector conducts a workplace inspection, s/he may require the workplace parties to demonstrate that they have met the requirements of the OHSA and any associated regulation.

(2) Investigation

Ministry of Labour Inspectors investigate workplace accidents, complaints and work refusals.

Investigations of Accidents

All workplaces subject to the OHSA are required to immediately report¹ any critical injury² or fatality to the Ontario Ministry of Labour and to preserve the accident scene until the MOL Inspector arrives.³ Employers are also required to provide a written report (to the MOL Director) of the circumstances of the occurrence

¹ Section 51(1) of the OHSA

² Critical injury means an injury of serious nature that places life in jeopardy; produces unconsciousness; results in substantial loss of blood; involves the fracture of a leg or arm but not a finger or toe; involves the amputation of a leg, arm, hand or foot but not a finger or toe; consists of burns to a major portion of the body; or causes the loss of sight in an eye. R.R.O. 1990 Regulation 834

³ Section 51(2) of the OHSA

within 48 hours. Upon notification of a critical injury or fatality, a Ministry Inspector is sent to the scene to begin the investigation.

A MOL investigation may involve viewing the incident location, taking photographs and measurements, interviewing eyewitnesses, co-workers, supervisors, employers and anyone else the Inspector determines might have relevant information (e.g. equipment manufacturers) and examining and testing the equipment involved. Part of the investigation may focus on identifying preventative measures to ensure this type of incident does not repeat itself. Once risk to other workers has been reduced or eliminated, the investigation may continue to determine cause and level of compliance with the OHS Act and associated regulations.

The MOL Inspector may, when necessary, be assisted by experts (ie. MOL engineers, occupational hygienists or physicians and/or OMAFRA or other representatives with knowledge of the industry).

Upon completion of an investigation, MOL inspectors may initiate prosecution when there has been a contravention related to a fatal, critical or other injury to a worker. The intent of prosecution is deterrence: deterrence specific to an offender and general deterrence for other potential offenders.

What you can expect when an MOL Inspector arrives at the farm

Identification and Authority

Upon arrival at a farming operation, a Ministry of Labour Health and Safety Inspector will introduce and identify her/himself, explain the purpose of her/his visit and inquire about specific farm protocols. S/he carries a badge and warrant card with photo ID that indicates her/his designation as a *Provincial Offences Officer* and appointment under the Occupational Health and Safety Act.

A Ministry of Labour Health and Safety Inspector may enter any workplace without warrant or notice.⁴ However, Inspectors will do their best to accommodate farm schedules (i.e. milking time, cropping).

Adherence to Biosecurity Protocols

All MOL Inspectors receive regular training on biosecurity and respect the protocols of each individual farm.

⁴ Section 54 of the OHS Act sets the powers of the MOL Inspector. Entering any workplace at anytime without warrant or notice is one of them. Inspectors will do their best to accommodate farming schedules (ie. milking time, cropping) and may pre-arrange their visits when necessary.

Professionalism and Competence

Besides training in legislation, policy and procedures and technical requirements, all MOL Inspectors are trained and conduct themselves according to the MOL Code of Professionalism. The Code requires an MOL Inspector to demonstrate the following behaviours:

- ✓ Honesty and Integrity
- ✓ Confidentiality
- ✓ Respect
- ✓ Timeliness
- ✓ Knowledge and Competence
- ✓ Objectivity
- ✓ Consideration to Compliance and Risk Factors when making enforcement decisions

Furthermore, MOL Inspectors who visit farms have received additional training specific to farm operations.

MOL Inspection of the Farm

During a MOL health and safety inspection, the MOL Inspector's activities on the farm may include but are not limited to:

- Meeting with a manager/supervisor and a worker.
- Asking questions of the manager/supervisor(s) and worker(s) to determine the farm operation's current compliance levels with the administrative requirements⁵ of the OHSA.
- Advising the workplace parties of their responsibilities should they be unaware of them.
- Conducting an inspection (in the company of the workplace parties) to identify hazards and determine compliance with the OHSA and related regulations.
- Identifying and discussing non-compliance issues with the workplace parties.
- Asking questions of workers.
- Asking for demonstrations of certain pieces of equipment.
- Asking for the production of records (i.e. training records of workers, inspection and maintenance records of machines/equipment).
- Preparing and providing a written "Premise Project" report.

⁵ Part II of the Occupational Health and Safety Act

The MOL "Premise Project" Report

The Inspector's written report is called a "Premise Project" report and generally contains information about the purpose of the visit, the people s/he met with and may include a narrative description of the visit. The narrative may include information about what was discussed and what recommendations the MOL Inspector made to the workplace parties. The employer is required to post this report in a conspicuous location in the workplace ⁶.

Where non-compliance is observed, the MOL Inspector may issue orders under the OHSA and/or applicable regulations. These orders may be forthwith, requiring the employer to achieve compliance before the Inspector leaves the premises; or time based, giving the employer a deadline date, on which s/he must provide written notification to the Ministry of Labour of compliance.

Where a requirement of the Act or the regulations has been contravened, and where immediate measures are required to protect the health or safety of a worker, the MOL Inspector may consult with the workplace parties to determine what can be done to provide immediate protection for workers. The MOL Inspector may issue a forthwith or time based order under the appropriate section of the legislation, directing the employer or worker to correct the contravention where there may be immediate and/or interim measures that are possible or adequate to address the hazard.

In addition to any other orders, there may be situations as well where the Inspector will write a Stop Use/Stop Work order requiring specific work or specific use of equipment to stop until compliance with the OHSA and associated regulations has been achieved. For example where a contravention poses an immediate hazard to workers with no immediate interim measures possible to protect the workers, a Stop Use/Stop Work order may be issued. Once the Inspector is satisfied that compliance has been achieved, s/he would withdraw or cancel the Stop Use/Stop Work order.

In Summary

In Ontario, the Occupational Health and Safety Act outlines the responsibilities of workplace parties to keep workers safe and healthy. The role of the MOL Health and Safety Inspector is to ensure compliance with the OHSA and associated regulations. MOL Inspectors carry identification, conduct themselves according to the MOL Code of Professionalism, and provide the farm operation with a detailed written premise project report at the conclusion of their visit. When MOL Inspectors observe non-compliance with the legislation, orders may be issued and recommendations may be provided.

This Fact Sheet is provided for your information and convenience only. It is not a legal document. For further information and the exact wording in the OHSA, please refer to the Occupational Health and Safety Act (OHSA) and regulations.

⁶ Section 57(10) of the Occupational Health and Safety Act