

# Industrial Accident Prevention Association Legislative Compliance Questionnaire

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## Workplace Information

Main Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

WSIB Firm Number: \_\_\_\_\_

Rate Group: \_\_\_\_\_

Number of Employees: \_\_\_\_\_

IAPA Consultant: \_\_\_\_\_

IAPA Region: \_\_\_\_\_

Date: \_\_\_\_\_

## COMMENTS:

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## Easy to Use Features

▶ **See non-compliance at a glance**

The “NO” (don't comply) boxes are not shaded, so after you're finished you can see at a glance where the workplace does not comply and action is required.

▶ **Guidelines, definitions and relevant IAPA products on every page**

- Questions with guidelines are indicated with a reference to the appropriate guideline number.
- Definitions are on every page and are also pointed out for you when required.
- Appropriate IAPA products are listed to help you help your clients.

▶ **A one page summary sheet**

Lets you see the complete results at a glance

▶ **All in one nice neat booklet for your file**

## Easy Instructions

### FIRST

Fill in all the details on the front cover so you'll have a detailed record for your files and for follow-up.

### SECOND

Notice that each section starts off with a qualifier based on what type of workplace the legislation questions apply to. All you do is answer the question in bold type with the ►. If the answer is “yes”, you check off the box and proceed, if “no”, go to the section specified.

- For example, in **Section 1** the first question is “Does the workplace have from 6 to 19 employees with no designated substance regulation applying?” If it does, check off “YES” and proceed with questions 1.1 through 1.8. If “no”, go to **Section 2**.
- On the other hand, **Section 3** applies to all workplaces, so it says “Apply to: All workplaces”.

### THIRD

Check off “YES”, “NO” or “n/a” for each question. All questions represent what the law says the workplace must have or do. You need to determine if the workplace does or does not comply. If you determine that the workplace does not comply, check off the “NO” box. If the workplace does comply, check off the “YES” box. In some cases a question may not apply; if so, check off “n/a”.

- If an answer is “no” you need to fill in what action is being proposed or undertaken to remedy the situation. Use the “Notes” space at the bottom of each Section to record these details.
- If a question does not apply because a given situation has never come up, you need to make sure those in the workplace would know how to comply or have procedures in place should the need arise. Again, record details under “Notes”.

That's it! You can now see at a glance where a workplace does or does not comply and what action is planned to deal with it.

Make sure that all follow-up action required is recorded and that your contact knows all the details.

## Important Notice

This questionnaire is based on requirements of complying with basic aspects of Ontario's *Occupational Health and Safety Act* and its related regulations.

The questionnaire does not cover all requirements of complying with such legislation, and contains interpretations of various aspects which may not be those of the applicable regulatory agencies or as determined by the courts in cases of prosecution.

For complete details of these requirements, the applicable Acts and regulations should be referred to.

## Legislative Compliance Questionnaire

<b>Section 1. Health and Safety Representative</b>	✓	NO	YES	n/a
▶ <b>Does the workplace have from 6 to 19 employees with no designated substance regulation applying?</b>		Go to Section 2	Proceed	
<b>OHS Act</b>				
<b>1.1</b> Is at least one H&S Rep selected from among the workers at the workplace who does not exercise managerial functions? (see definition of “managerial functions” on opposite page)	s.8(1)			
<b>1.2</b> Is the H&S Rep selected by the non-managerial workers he or she represents or, if trade union(s) represent these workers, by the trade union or unions? (see definition of “worker”)	s.8(5)			
<b>1.3</b> Does the H&S Rep inspect the physical condition of the workplace at least once a month? (see question guideline item 1.3; also definition of “physical condition”)	s.8(6)			
<b>1.4</b> Does the H&S Rep know that he/she has the power to make recommendations to the employer in writing? (see question guideline item 1.4)	s.8(10)			
<b>1.5</b> Does the employer respond to any written recommendations from the H&S Rep within 21 days in writing?	s.8(12)			
<b>1.6</b> Have these responses contained a timetable for implementing recommendations the employer agrees with, and given reasons why the employer disagrees with any recommendations the employer does not accept?	s.8(13)			
<b>1.7</b> Will a H&S Rep investigate a critical injury or fatality? (see question guideline item 1.7; also definition of “critical injury”)	s.8(13)			
<b>1.8</b> Does the employer consult with the H&S Rep with respect to proposed testing strategies for investigating industrial hygiene? (see question guideline item 1.8)	s.11(1)			

**Go to Section 3 when Done**

**Notes:**

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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>1.3</b> Reports should be in writing.</p> <p><b>1.4</b> It should be evident that the Health and Safety Rep has exercised these powers or has knowledge of these powers.</p> <p><b>1.7</b> If a critical injury or fatality has occurred, it should be evident that an investigation took place. If no critical injury or fatality has occurred, appropriate procedures should exist.</p> <p><b>1.8</b> Proposed testing strategies could include air sampling, sound level testing, biological testing, etc.</p> <p>Industrial hygiene is devoted to the recognition, assessment and control of health hazards in the workplace.</p>	<p><b>Critical injury</b> – Critical injury means an injury of a serious nature that:</p> <ul style="list-style-type: none"> <li>a. places life in jeopardy</li> <li>b. produces unconsciousness</li> <li>c. results in substantial loss of blood</li> <li>d. involves the fracture of a leg or arm but not a finger or toe</li> <li>e. involves the amputation of a leg or arm but not a finger or toe</li> <li>f. consists of burns to a major portion of the body</li> <li>g. causes the loss of sight in an eye</li> </ul> <p><b>Designated substance</b> – Designated substance means a biological, chemical or physical agent or a combination of these specified as a designated substance by a regulation under the <i>Occupational Health and Safety Act</i>. Designated substances are known to be particularly hazardous to which exposure of a worker is prohibited, regulated, restricted, limited or controlled.</p> <p><b>Employer</b> – Includes a person who employs, or contracts the services of, one or more workers. If you pay a temporary agency for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Managerial functions</b> – Workers who exercise managerial functions would be those who have the authority to discipline, hire, fire or recommend discipline, hiring or firing.</p> <p><b>Physical conditions</b> – Physical conditions refers to general workplace conditions, facilities, materials, equipment, hazard controls, emergency systems, personal protective equipment compliance etc. that need to be examined to prepare for and conduct good general inspections and physical conditions audits of workplaces.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would <i>include</i> supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>Joint Health and Safety Committee Kit</p> <p>Inspecting Physical Conditions, Guidelines for Setting Standards</p> <p>Investigation Report Form</p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p><b>Training Courses</b></p> <p>Workplace Inspection</p> <p>Investigating Accidents</p> <p>WHMIS</p> <p><b>Consulting</b></p> <p>Occupational Hygiene</p> <p><b>Free Downloads</b></p> <p>Machinery/Equipment Inventory Form</p> <p>Workplace Hazard Assessment Form</p> <p>Workplace Inspection Recording Form</p> <p>How to Conduct Workplace Inspections</p>

## Legislative Compliance Questionnaire

<b>Section 2. Joint Health and Safety Committee (JHSC)</b>	<b>✓</b>	<b>NO</b>	<b>YES</b>	<b>n/a</b>
▶ <b>Does the workplace have 20 or more employees or does a designated substance regulation apply?</b>		Go to Section 3	Proceed	
↓				
<b>OHS Act</b>				
<b>2.1</b> Does the workplace have a Joint Health and Safety Committee?	s.9(2), (3), (3.1)			
<b>2.2</b> Does the JHSC consist of at least 2 persons where fewer than 50 workers are regularly employed, or at least 4 persons where 50 or more workers are regularly employed?	s.9(6)			
<b>2.3</b> Is at least half the JHSC made up of worker members who do not exercise managerial functions? (see definition of “worker” and “managerial functions” on opposite page)	s.9(7)			
<b>2.4</b> Are the non-managerial worker members selected by the workers they represent or, if a trade union(s) represents the workers, by the trade union(s)?	s.9(8)			
<b>2.5</b> Does the JHSC have two members as co-chairs?	s.9(11)			
<b>2.6</b> Was one co-chair selected by the non-managerial worker members, and the other selected by management members?	s.9(11)			
<b>2.7</b> Are at least one management member and at least one worker member certified? (see question guideline item 2.7; also definition of “certified”)	s.9(12)			
<b>2.8</b> Does the JHSC know it has the power to make recommendations to the employer? (see question guideline item 2.8)	s.9(18)			
<b>2.9</b> Does the employer respond to written recommendations from the JHSC within 21 days in writing?	s.9(20)			
<b>2.10</b> Do these responses contain a timetable for implementing recommendations the employer agrees with and give reasons why the employer disagrees with any recommendations the employer does not accept?	s.9(21)			

## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>2.7</b> Certified committee members must be certified by the Workplace Safety &amp; Insurance Board.</p> <p><b>2.8</b> It should be evident that the committee has exercised these powers or appropriate knowledge exists among members.</p>	<p><b>Certified</b> – A certified member means a committee member who is certified by the Workplace Safety &amp; Insurance Board.</p> <p><b>Designated substance</b> – Designated substance means a biological, chemical or physical agent or a combination of these specified as a designated substance by a regulation under the <i>Occupational Health and Safety Act</i>. Designated substances are substances known to be particularly hazardous to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.</p> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Managerial functions</b> – Workers who exercise managerial functions would be considered those who have the authority to discipline, hire, fire or recommend discipline, hiring or firing.</p> <p><b>Regularly employed</b> – Includes permanent full-time staff, permanent part time staff, contract staff, workers in a “dispersed workplace” (e.g., traveling sales people, home care nurses, school bus drivers), seasonal workers with a predictably recurring period of employment that exceeds three months (e.g., operating a ski lift, bicycle repair)</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would <i>include</i> supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p>Inspecting Physical Conditions, Guidelines for Setting Standards</p> <p>Joint Health and Safety Committee Kit</p> <p><b>Training Courses</b></p> <p>Workplace Inspection</p> <p>Investigating Accidents</p> <p>Joint Health and Safety Committees</p> <p>Safety, Health &amp; the Law</p> <p>Certification Training; Parts One and Two</p> <p><b>Free Downloads</b></p> <p>Determining Significant Hazards at Work: A Guide for Employers and JHSCs</p> <p>Workplace Inspection Recording Form</p> <p>WHMIS</p> <p>Health and Safety Action Plan Form</p> <p>Machinery/Equipment Inventory Form</p> <p>WHMIS Inventory Form</p> <p>Workplace Hazard Assessment Form</p> <p>H&amp;S Fastfacts: Joint Health and Safety Committees</p> <p>Meeting Agenda Form</p> <p>Meeting Minutes Recording Form</p> <p>Notice Board Sheet</p> <p>Notice of Recommendations Form</p>

Legislative Compliance Questionnaire

<b>Section 2. Joint Health and Safety Committee (JHSC)</b>	✓	NO	YES	n/a
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**Apply to: Workplaces with 20 or more employees or where a designated substance regulation applies.**

	<i>OHS Act</i>			
<b>2.11</b> Does at least one worker member inspect the physical condition of the workplace monthly? (see question guideline 2.11; also definition of “physical condition”)	s.9 (23-29)			
<b>2.12</b> Will a worker member investigate a critical injury or fatality? (see question guideline item 2.12; also definition of “critical injury”)	s.9(31)			
<b>2.13</b> Are the names and work locations of the JHSC members posted in a conspicuous place?	s.9(32)			
<b>2.14</b> Does the JHSC meet at least once every three months?	s.9(33)			
<b>2.15</b> Does the JHSC keep minutes of its proceedings?	s.9(22)			
<b>2.16</b> Does the JHSC keep these minutes on file?	s.9(22)			
<b>2.17</b> Does the employer consult the JHSC with respect to proposed testing strategies for investigating industrial hygiene, and is a worker member able to be present at the beginning of such testing? (see question guideline item 2.17)	s.11(1) & (3)			

**Notes:**

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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>2.11</b> Reports should be in writing.</p> <p><b>2.12</b> If a critical injury or fatality has occurred, it should be evident that an investigation took place. If no critical injury or fatality has occurred, appropriate procedures should exist.</p> <p><b>2.17</b> Proposed testing strategies could include air sampling, sound level testing, biological testing etc.</p> <p>Industrial hygiene is devoted to the recognition, assessment and control of health hazards in the workplace.</p>	<p><b>Critical injury</b> – Critical injury means an injury of a serious nature that:</p> <ol style="list-style-type: none"> <li>a. places life in jeopardy</li> <li>b. produces unconsciousness</li> <li>c. results in substantial loss of blood</li> <li>d. involves the fracture of a leg or arm but not a finger or toe</li> <li>e. involves the amputation of a leg or arm but not a finger or toe</li> <li>f. consists of burns to a major portion of the body</li> <li>g. causes the loss of sight in an eye</li> </ol> <p><b>Designated substance</b> – Designated substance means a biological, chemical or physical agent or a combination of these specified as a designated substance by a regulation under the <i>Occupational Health and Safety Act</i>. Designated substances are substances known to be particularly hazardous to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.</p> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency, for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Physical conditions</b> – Physical conditions refers to general workplace conditions, facilities, materials, equipment, hazard controls, emergency systems, personal protective equipment compliance etc. that need to be examined to prepare for and conduct good general inspections and physical conditions audits of workplaces.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would <i>include</i> supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>Joint Health and Safety Committee Kit</p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p>Inspecting Physical Conditions, Guidelines for Setting Standards</p> <p><b>Training Courses</b></p> <p>Workplace Inspections</p> <p>Investigating Accidents</p> <p>Joint Health and Safety Committees</p> <p>Safety, Health &amp; the Law</p> <p>Certification Training; Parts One and Two</p> <p>WHMIS</p> <p><b>Consulting</b></p> <p>Occupational Hygiene</p> <p><b>Free Downloads</b></p> <p>Determining Significant Hazards at Work: A Guide for Employers and JHSCs</p> <p>Workplace Inspection Recording Form</p> <p>Health and Safety Action Plan Form</p> <p>Machinery/Equipment Inventory Form</p> <p>WHMIS Inventory Form</p> <p>Workplace Hazard Assessment Form</p> <p>H&amp;S Fastfacts: Joint Health and Safety Committees</p> <p>Meeting Agenda Form</p> <p>Meeting Minutes Recording Form</p> <p>Notice Board Sheet</p> <p>Notice of Recommendations Form</p>

## Legislative Compliance Questionnaire

Section 3. Duties of Employers and Other Persons	✓	NO	YES	n/a
<b>► Apply to: All workplaces</b>				
<b>Does the employer: (see definition of “employer”)</b>				
	<b>OHS Act</b>			
<b>3.1</b> Ensure that equipment, materials and protective devices as prescribed are provided? (see question guideline items 3.1-3.3; also definition of “prescribed”)	s.25(1)(a)			
<b>3.2</b> Ensure that equipment, materials and protective devices are used as prescribed? (see question guideline item 3.1-3.3; also definition of “protective devices”)	s.25(1)(d)			
<b>3.3</b> Ensure that the prescribed measures and procedures are carried out in the workplace? (see question guideline item 3.1-3.3; also definition of “procedures”)	s.25(1)(c)			
<b>3.3</b> Ensure that the prescribed measures and procedures are carried out in the workplace? (see question guideline item 3.1-3.3; also definition of “procedures”)	s.25(1)(c)			
<b>3.4</b> Ensure that equipment, materials and protective devices provided are maintained in good condition? (see question guideline item 3.4)	s.25(1)(b)			
<b>3.5</b> Provide information, instruction and supervision to a worker to protect the health and safety of the worker?	s.25(2)(a)			
<b>3.6</b> Appoint competent supervisors? (see question guideline item 3.6; also definition of “competent” and “supervisor”)	s.25(2)(c) & s.1(1)			
<b>3.7</b> Acquaint a worker or person in authority over a worker with any hazard in the work? (see question guideline item 3.7)	s.25(2)(d)			
<b>3.8</b> Only employ or permit persons over the age of 14 (or 15 in a factory) to be in or about the workplace?	s.25(2)(f)(g) & *IER, s.4			
<b>3.9</b> Post a copy of the Act and explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers? (see question guideline item 3.9)	s.25(2)(i)			
<b>3.10</b> Prepare and review a written occupational health and safety policy at least annually? (Note: Does not apply to workplaces with 5 or fewer workers) (see question guideline item 3.10)	c.25(2)(j)			

\* *IER: Industrial Establishments Regulation*

## Legislative Compliance Questionnaire

Question Guidelines	Definitions
<p><b>3.1-3.3</b> The employer should be able to demonstrate that means exist to ensure that all applicable prescribed requirements have been identified and complied with. This would include reviewing applicable regulations and identifying applicable sections and ensuring compliance. Examples of prescribed equipment, materials, protective devices, measures and procedures from the for Industrial Establishments Regulations include:</p> <ul style="list-style-type: none"> <li>▶ floors free of hazards (s.11)</li> <li>▶ storage and dispensing of flammable liquids (s.22, 23)</li> <li>▶ machine guarding (s.24-26)</li> <li>▶ electrical equipment (s.40)</li> <li>▶ maintenance and use of lifting devices and mobile equipment (e.g., forklifts, hoists, cranes) (s.51-62)</li> <li>▶ confined space (s.119.1-119.20))</li> <li>▶ lockout procedures (s.42, 42.1, 75, 76)</li> <li>▶ head, eye, foot, hearing and other personal protective equipment (s.36, 42.1, 45, 50, 52, 79, 80-86, 93, 130, 137-139)</li> <li>▶ structural adequacy of building and exits (s.120)</li> <li>▶ fire extinguishers and protection (s.123)</li> </ul> <p><b>3.4</b> A maintenance program should include requirements identified by:</p> <ul style="list-style-type: none"> <li>▶ regulations (e.g., lifting devices in IER 90. s.51)</li> <li>▶ equipment manufacturers' operation and maintenance manuals</li> <li>▶ CSA Standards.</li> </ul> <p><b>3.5</b> The employer should have a means of demonstrating that appropriate information (i.e., written procedures), instruction (i.e., orientation and training programs) and the appropriate degree of supervision is provided.</p> <p><b>3.6</b> The employer should have means of demonstrating that supervisors are competent as defined in s.1(1) of the <i>Act</i>. Supervisors are to:</p> <ul style="list-style-type: none"> <li>▶ have knowledge, training and experience to organize the work and its performance</li> <li>▶ be familiar with the <i>Act</i> and the regulations that apply to the work</li> <li>▶ have knowledge of any potential or actual danger to health and safety in the workplace.</li> </ul> <p><b>3.7</b> The employer should have means of identifying hazards (e.g., job/task analysis) and acquainting supervisors and workers with these hazards (e.g., orientation and training programs).</p> <p><b>3.9</b> Explanatory material required is the “Extracts of the <i>Occupational Health and Safety Act</i>” available from the Ministry of Labour in English, French, Italian, Spanish, Portuguese, Greek and Chinese.</p> <p><b>3.10</b> Policy should provide a clear indication of the company's health and safety objectives, establish overall responsibilities and accountabilities, and refer to the health and safety program and its related procedures for implementing the policy. The policy should be dated and signed by the senior operating manager.</p>	<p><b>Competent</b> – competent person means a person who:</p> <ol style="list-style-type: none"> <li>a) is qualified because of knowledge, training and experience to organize the work and its performance</li> <li>b) is familiar with this <i>Act</i> and the regulations that apply to the work</li> <li>c) has knowledge of any potential or actual danger to health or safety in the workplace.</li> </ol> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Prescribed</b> – Means prescribed by a regulation made under the <i>Act</i>. When the word prescribed appears in the <i>Act</i>, applicable regulations must be examined to determine what (if any) "prescribed" requirements exist.</p> <p><b>Procedure</b> – A step-by-step description of how to do a task, job, or activity properly.</p> <p><b>Protective devices</b> – Any device worn or used by a worker to protect against hazards. Some examples are dust masks, gloves, ear plugs, hard hats and safety goggles.</p> <p><b>Supervisor</b> – A person who has charge of a workplace or authority over any worker.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>

Legislative Compliance Questionnaire

<b>Section 3. Duties of Employers and Other Persons</b>	✓	NO	YES	n/a
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▶ **Apply to: All workplaces**

**Does the employer: (see definition of “employer”)**

*OHS Act*

<p><b>3.11</b> Develop and maintain a program to implement the occupational health and safety policy? (<b>Note: Does not apply to workplaces with 5 or fewer workers</b>) (see question guideline item 3.11)</p>	s.25(2)(j)			
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<p><b>3.12</b> Post a copy of the occupational health and safety policy? (<b>Note: Does not apply to workplaces with 5 or fewer workers</b>)</p>	s.25(2)(k)			
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<p><b>3.13</b> Provide to the JHSC or H&amp;S Rep copies of the results of any reports concerning occupational health and safety that are in the employer’s possession?</p>	s.25(2)(l)			
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<p><b>3.14</b> Advise workers of the existence of such reports and make available on request copies of the portions of those reports concerning occupational health and safety?</p>	s.25(2)(m)			
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**Do supervisors: (see definition of “supervisor”)**

<p><b>3.15</b> Ensure that workers work in a manner and with the protective devices, measures and procedures required by the <i>Act</i>, the regulations, and the employer? (see question guideline item 3.15)</p>	s.27(1)			
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<p><b>3.16</b> Advise workers of the existence of any potential or actual danger to the health or safety of a worker and take every precaution reasonable in the circumstances for the protection of a worker? (see question guideline item 3.16)</p>	s.27(2)(a)(c)			
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**Do workers: (see definition of “worker”)**

<p><b>3.17</b> Work in compliance with the provisions of the <i>Act</i>, regulations and the requirements of the employer?</p>	s.28(1)(a)(b)			
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<p><b>3.18</b> Report to the employer or supervisor any contravention of the <i>Act</i> or regulations and any hazards they are aware of? (see question guideline item 3.18)</p>	s.28(1)(c)(d)			
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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p>3.11 The health and safety program should be documented and include elements related to the identification, assessment and control of hazards. This may include procedures and standards related to:</p> <ul style="list-style-type: none"> <li>▶ supervisor, management and JHSC/H&amp;S Rep training programs, worker training programs (orientation, job specific, WHMIS)</li> <li>▶ JHSC/H&amp;S Rep functions (workplace inspections, meetings, guidelines)</li> <li>▶ job/task analysis</li> <li>▶ health hazard assessments</li> <li>▶ investigation and analysis of accidents and illnesses</li> <li>▶ hazard reporting and follow-up</li> <li>▶ general health and safety rules</li> <li>▶ emergency planning, fire prevention and first aid</li> <li>▶ lockout procedures</li> <li>▶ work instructions/procedures specific to jobs/tasks which include relevant hazard controls</li> <li>▶ maintenance and inspection</li> <li>▶ responsibility and accountability system (job descriptions, performance appraisal, discipline)</li> </ul> <p>3.15 Supervisors are required to be competent, familiar with employer requirements, and ensure compliance.</p> <p>3.16 The employer and supervisors should have means of ensuring that workers have the required knowledge, skill, equipment, etc., to perform their jobs safely.</p> <p>3.18 Hazard reporting procedures should be established. Workers should be aware of general legal requirements to report hazards to their supervisor.</p>	<p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency, for the services of workers, you are the employer of those workers while they are under your direction.</p> <p>Supervisor – A person who has charge of a workplace or authority over any worker.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>Due Diligence at Work, A Checklist for Action</p> <p>A Guide to Ontario’s <i>Occupational Health &amp; Safety Act</i></p> <p><i>Occupational Health &amp; Safety Act</i> and Regulations for Industrial Establishments</p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p>Inspecting Physical Conditions, guidelines for Setting Standards</p> <p>Joint Health and Safety Kit</p> <p>Lockout/Tagout: VHS or DVD based training</p> <p>First 4 Weeks</p> <p>Safety, Health, Environmental and Quality Management, A Practitioner’s Guide</p> <p>Safety, Health, Environmental and Quality Management, Independent Study</p> <p>Safety Talks</p> <p><b>Training Courses</b></p> <p>Safety, Health &amp; the Law</p> <p>Safeguarding of Machinery</p> <p>Inspecting and Maintaining Steel Storage Racks</p> <p>Lockout</p> <p>Interlocking Devices: Selection and Use Training Course</p> <p>Confined Space Entry</p> <p>Confined Space Legislation</p> <p>Workplace Inspection</p> <p>Effective Supervision</p> <p>Conveyor Safeguarding</p>

Legislative Compliance Questionnaire

<b>Section 3. Duties of Employers and Other Persons</b>	✓	NO	YES	n/a
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► **Does every director and officer of the corporation:**  
(see definition of “director” and “officer”)

**3.19** Take all reasonable care to ensure that the corporation complies with the Act and regulations? (see question guideline item 3.19)

*OHS Act*

s.32(a)			
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**Notes:**

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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>3.19</b> Directors and officers should exercise due diligence in ensuring all applicable laws have been complied with. This would include:</p> <ul style="list-style-type: none"> <li>▶ ensuring establishment and maintenance of health and safety program</li> <li>▶ receive regular reports at meetings.</li> </ul>	<p><b>Director</b> – Director means a person(s) with the duty of managing the general affairs of the organization. This includes commissioners, governors or other officials with comparable responsibilities, whether or not they are called directors.</p> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency, for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Officer</b> – A person invested with the authority of a particular position or office (e.g., president, vice-president, treasurer, controller, general manager, managing director) or any other person who performs functions similar to those performed by someone holding such a position.</p>	<p><b>Products</b></p> <p>A Guide to Ontario’s <i>Occupational Health and Safety Act</i></p> <p>Due Diligence at Work, A Checklist for Action</p> <p>Joint Health and Safety Committee Kit</p> <p>Safety Talks</p> <p>First 4 Weeks</p> <p>Safe-Lift on DVD</p> <p>Safety, Health, Environmental and Quality Management, A Practitioner's Guide</p> <p>Safety, Health, Environmental and Quality Management, Independent Study</p> <p>WHMIS for Workers: VHS or DVD based Training</p> <p>A User’s Guide to MSDSs</p> <p>Lockout/Tagout Video based training</p> <p>SAFE-Lift Counterbalance Rider Video-based training</p> <p>Inspecting Physical Conditions, Guidelines for Setting Standards</p> <p><b>Training Courses</b></p> <p>Safety, Health &amp; the Law</p> <p>Safeguarding of Machinery</p> <p>Inspecting and Maintaining Steel</p> <p>Storage Racks</p> <p>Confined Space Entry</p> <p>Confined Space Legislation</p> <p>Workplace Inspection</p> <p>Conveyor Safety</p> <p>Crane, Hoist and Rigging Safety</p> <p>Lift Truck Operators’ Safety</p> <p>Lift Truck Operator's Evaluation On-Site</p> <p>WHMIS</p> <p>WHMIS – Train the Trainer</p>

Legislative Compliance Questionnaire

Section 4. Workplace Hazardous Materials Information System (WHMIS)	✓	NO	YES	n/a
<p>▶ <b>Does the workplace have hazardous materials or hazardous physical agents?</b> (see question guideline item 4. Overall; also definitions of “hazardous material” and “hazardous physical agent”)</p>		Go to Section 5	Proceed	
<b>OHS Act</b>				
4.1 Are all hazardous materials identified in the prescribed manner? (see question guideline 4.0)	s.37(1)(a)			
4.2 Are unexpired material safety data sheets prepared or obtained as may be prescribed for hazardous materials? (see question guideline 4.2)	s.37(1)(b)			
4.3 Are the material safety data sheets available in such a manner to allow examination by the workers?	s.38(1)(a)			
4.4 Are prominent notices posted which identify and warn of any hazardous physical agents in the workplace?	s.41(3)			
4.5 Does any worker who is exposed or likely to be exposed to a hazardous material or hazardous physical agent receive and participate in such instruction as may be prescribed? (see question guideline item 4.5)	s.42(1)			
4.6 Is this training (referred to above) developed and implemented in consultation with the JHSC/H&S Rep?	s.42(2)			
4.7 Does the employer review the training and instruction provided to a worker and the worker’s familiarity therewith at least annually, in consultation with the JHSC/H&S Rep?	s.42(3)			

**Notes:**

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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>4. Overall:</b> Hazardous materials include any “controlled product” determined in accordance with the Controlled Products Regulations under the <i>Hazardous Products Act (Canada)</i>. These include compressed gases, flammable and combustible materials, oxidizing materials, poisonous and infectious materials, corrosive materials, and dangerously reactive materials. These products may be identifiable by warning symbols on their WHMIS, consumer product or other labels.</p> <p>Physical agents include noise, temperature, radiation and vibration.</p> <p><b>4.2</b> Material safety data sheets expire 3 years after date of publication.</p> <p><b>4.5</b> Prescribed instruction outlined in s.7 of RRO 860/90 (WHMIS) include requirements that every worker who works with or in proximity to a controlled product is instructed in:</p> <ul style="list-style-type: none"> <li>▶ contents and significance of information on supplier and workplace labels,</li> <li>▶ contents and significance of information on material safety data sheets,</li> <li>▶ procedures for safe use, storage, handling and disposal of a controlled product, and</li> <li>▶ procedures to be followed in case of fugitive emissions or emergency involving a controlled product.</li> </ul> <p>The training is to be specific to the employer's workplace and result in the workers being able to use the information to protect their health and safety.</p>	<p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency, for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Hazardous material</b> – Hazardous material means a biological or chemical agent named or described in the regulations as “hazardous materials”. A hazardous material is one that has the potential of causing harm by reason of it being a compressed gas, or a flammable, oxidizing, poisonous, corrosive or reactive material.</p> <p><b>Hazardous physical agent</b> – Hazardous physical agent means a physical agent named or described in the regulations as a hazardous physical agent. Hazardous physical agents refer to any source of energy or influence (e.g., noise, radiation, heat, vibration) which affects the body or any of its functions.</p> <p><b>Prescribed</b> – Means prescribed by a regulation made under the <i>Act</i>. When the word prescribed appears in the act, applicable regulations must be examined to determine what (if any) “prescribed” requirements exist.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p><b>Training Courses</b></p> <p>Workplace Inspection Certification Part Two</p> <p>Transportation of Dangerous Goods</p> <p>WHMIS</p> <p><b>Free Download</b></p> <p>WHMIS Inventory Form</p> <p>WHMIS Training Requirements</p> <p>WHMIS – General Information</p>

## Legislative Compliance Questionnaire

<b>Section 5. Right to Refuse Work</b>	✓	NO	YES	n/a
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▶ **Apply to: All workplaces**

**5.1** Are workers, supervisors and JHSC members/H&S Rep aware of the right to refuse unsafe work and the procedures to be followed? (see question guideline item 5.1)

*OHS Act*

s.43 (3)-(13)			
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**Notes:**

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<b>Section 6. Notices</b>
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▶ **Apply to: All workplaces**

**6.1** Will the MOL and JHSC/H&S Rep be appropriately notified in the case of a critical injury or fatality from any cause at the workplace? (see question guideline item 6.1; also definition of “critical injury”)

s.51(1)			
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**6.2** Will the MOL and JHSC/H&S Rep be appropriately notified where an accident, explosion or fire causes an injury which disable or requires medical attention? (see question guideline item 6.2-6.3; also definitions of “disabling injury” and “medical attention”)

s.52(1) (2)			
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**6.3** Will the MOL and JHSC/H&S Rep be appropriately notified in the case of a reported occupational illness? (see question guideline item 6.2-6.3)

s.52(1) (2)			
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**Notes:**

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<b>Section 7. Enforcement</b>
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▶ **Apply to: All workplaces**

**7.1** Does the employer post a copy of an inspector’s order or report in a conspicuous place?

s.57(10)			
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**7.2** Does the employer give a copy of an inspector’s order or report to the JHSC/H&S Rep?

s.57(10)			
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**Notes:**

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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>5.1</b> Written procedures should exist. These procedures should specify what step-by-step actions need to be taken and should be communicated to the workers.</p> <p><b>6.1</b> Past practice should confirm or written procedures for notification should exist. Requirements include:</p> <ul style="list-style-type: none"> <li>▶ immediate notification of MOL inspector, JHSC/ H&amp;S Rep and trade union, if any</li> <li>▶ within 48 hours a written report to MOL Director, with prescribed information [IER, s.5(1)]</li> </ul> <p><b>6.2-6.3</b> Past practice should confirm or written procedures for notification should exist. Requirements include:</p> <ul style="list-style-type: none"> <li>▶ for disabling injuries or reports of occupational illness: within 4 days written notice to MOL Director, JHSC/H&amp;S Rep and trade union, if any, with prescribed information [IER, s.5(2)]</li> <li>▶ for non disabling injuries requiring medical attention: within 4 days to JHSC/H&amp;S Rep and trade union, if any, with prescribed information [IER, s.5(3)(4)]</li> </ul>	<p><b>Critical injury</b> – Critical injury means an injury of a serious nature that:</p> <ol style="list-style-type: none"> <li>a. places life in jeopardy</li> <li>b. produces unconsciousness</li> <li>c. results in substantial loss of blood</li> <li>d. involves the fracture of a leg or arm but not a finger or toe</li> <li>e. involves the amputation of a leg or arm but not a finger or toe</li> <li>f. consists of burns to a major portion of the body</li> <li>g. causes the loss of sight in an eye</li> </ol> <p><b>Disabling injury</b> – Under the Workplace Safety and Insurance Act, a disabling injury means an injury arising out of or in the course of employment that disables the worker from earning full wages in the work at which he or she was employed. Employers are responsible for paying the victims’ wages for the day of the accident.</p> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Medical attention (non disabling injury)</b> – If an injury requires medical attention but is non-disabling, the employer has to make a record of the accident, explosion or fire that caused the injury (Form 7) and file with the WSIB within 3 days.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>Joint Health and Safety Committee Kit</p> <p>Guide for Health and Safety Representatives</p> <p>Due Diligence at Work, A Checklist for Action</p> <p>Investigation Report Form</p> <p><b>Training Courses</b></p> <p>Joint Health and Safety Committees</p> <p>Investigating Accidents</p> <p>Safety, Health &amp; the Law</p>

Legislative Compliance Questionnaire

<b>Section 8. Regulation Respecting Control of Exposure to Biological or Chemical Agents (RRO 833/90)</b>	✓	NO	YES	n/a
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<b>▶ Does the workplace have potential for exposure to biological or chemical agents?</b> (see definitions of “exposure”, “biological agent”, and “chemical agent”)	Go to Section 9	Proceed		
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	<i>OHS Act</i>			
8.1 Does the employer take all measures reasonably necessary to protect workers from exposure, and to limit exposures to amounts specified in the regulations? (see question guideline item 8.1)	s.3, 4			

Notes:

<b>Section 9. Designated Substance Regulations</b>	✓	NO	YES	n/a
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<b>▶ Is there likely to be exposure to any designated substance at the workplace?</b> (The text referred to here is the regulation for asbestos, O.Reg. 837/90.) (See question guideline item 9.)	Go to Section 10	Proceed		
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9.1 Has an assessment been made, in writing, of exposure or likelihood of exposure to the designated substance, in consultation with the JHSC? (see question guideline item 9.1; also definition of “designated substance”)	s.6(1) & 6(3)			
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9.2 Has a control program been established?	s.7			
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Notes:

<b>Section 10. Workplace Safety and Insurance Act/First Aid Requirements (Reg. 1101)</b>	✓	NO	YES	n/a
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<b>▶ Apply to: All workplaces.</b>				
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10.1 Is there a first aid station(s) with contents required by the regulation? (see question guideline item 10.1.)	s.1(1)(a), s.8(1), 9(1), 10(1), 11(1)			
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## Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p><b>8.1</b> The employer should have means of assessing exposures and ensuring appropriate controls are in place. Reg. 833/90 contains exposure limits for about 600 chemicals.</p> <p><b>9</b> Designated substances include: acrylonitrile arsenic, asbestos, benzene, coke oven emissions, ethylene oxide, isocyanates, lead, mercury, silica and vinyl chloride.</p> <p><b>9.1</b> An assessment is performed to determine whether the health of a worker may be affected by exposure to the substance through inhalation, ingestion, or absorption. Assessment must evaluate present worker exposure and potential exposures.</p> <p><b>10.1</b> Required contents of first aid stations vary with the size of the workplace and are listed in regulation 1101 made under the <i>Workplace Safety &amp; Insurance Act</i>.</p>	<p><b>Absorption</b> – The passage of a substance through the lungs, stomach and intestines, skin or eyes into the blood, lymph and cells.</p> <p><b>Agent</b> – Any substance, force, organism or influence which affects the body, a part of the body, or any of its functions. The effects may be beneficial or harmful.</p> <p><b>Biological agents</b> – Biological agents are living things or products of living things causing illness or disease in humans. Most biological agents found in the workplace are microscopic organisms. They include bacteria, viruses and fungi, all of which feed on plant or animal tissue.</p> <p><b>Chemical agents</b> – A chemical substance which affects the body, a part of the body or any of its functions. Chemical agents take many forms. They can appear in the workplace as gases, liquids or solids. Chemicals may be the product of being manufactured. They may be an input to a process. Or, they may be a byproduct of a process.</p> <p><b>Designated substance</b> – Designated substance means a biological, chemical or physical agent or a combination thereof specified as a designated substance by a regulation made under the <i>Occupational Health and Safety Act</i>. Designated substances are substances that are known to be particularly hazardous to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled.</p> <p><b>Exposure</b> – absorption, ingestion or inhalation of a substance. See also definitions of absorption, ingestion and inhalation on this page.</p> <p><b>Ingestion</b> – The taking in of toxic materials through the mouth. To eat, swallow, drink or in some way take into the digestive system.</p> <p><b>Inhalation</b> – The process of absorbing toxic materials by breathing in through the nose or mouth, taking air into the lungs; breathing in.</p> <p><b>Employer</b> – Includes a person who employs, or contracts for the services of, one or more workers. If you pay a temporary agency for the services of workers, you are the employer of those workers while they are under your direction.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p>First Aid Report Form</p> <p><b>Training Courses</b></p> <p>WHMIS</p> <p>Certification Part Two</p> <p>Transportation of Dangerous Goods</p>

**Legislative Compliance Questionnaire**

<b>Section 10. Workplace Safety and Insurance Act/First Aid Requirements (Reg. 1101)</b>	<b>✓</b>	<b>NO</b>	<b>YES</b>	<b>n/a</b>
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**► Apply to: All workplaces**

*OHS Act*

<b>10.2</b> Is the first aid station(s) at all times in the charge of a worker(s) who is a holder of the required certificate and works in the immediate vicinity of the station(s)? (see question guideline item 10.2)	s.1(2), 8(2), 9(2), 10(2), 11(2)			
<b>10.3</b> Are the first aid boxes and their contents inspected at least quarterly and is the inspection card for each box marked with the date of the most recent inspection and the signature of the person making the inspection?	s.6 & s.1(1)(b) (iii)			
<b>10.4</b> Are the valid first aid certificates of the trained workers on duty posted at the first aid station? (see question guideline item 10.4)	s.1(1)(b) (ii)			
<b>10.5</b> Is the “Form 82” (In All Cases of Injury/Disease poster) posted where all workers can see it?	s.1(1)(b) (i)			
<b>10.6</b> Is there a record of all first aid treatment or any advice given to a worker?	s.5			
<b>10.7</b> Is the “Treatment Memorandum Form 156” completed and given to the worker if outside medical attention (e.g., doctor or hospital) is required? (see question guideline item 10.7)				
<b>10.8</b> Is a “Form 7” completed and sent to the Workplace Safety & Insurance Board within three days of learning of an accident that causes a worker to be any of: absent from their regular work; assume lighter duties; earn less than regular pay; obtain health care? (see question guideline item 10.8)				
<b>10.9</b> Is a “Form 9” completed and sent to the Workplace Safety & Insurance Board upon a worker’s return to work after a disabling injury? (see question guideline item 10.9; also definition of “disabling injury”)				

**Notes:**

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Legislative Compliance Questionnaire

Question Guidelines	Definitions	IAPA Products and Services
<p>10.2 Required first aid training qualifications are:</p> <ul style="list-style-type: none"> <li>▶ If not more than 5 workers in any one shift, a valid St. John Ambulance Emergency First Aid Certificate or its equivalent.</li> <li>▶ If more than 5 workers in any one shift, a valid St. John Ambulance Standard First Aid Certificate or its equivalent.</li> </ul> <p>10.4 A valid first aid certificate is one that is current and not outdated. A St. John's Ambulance first aid certificate must be renewed every 3 years; a Red Cross certificate every 2 years.</p> <p>10.7 Treatment Memorandum – Form 156, outlines the company's name, address, date and time injury occurred at work. Form 156 should be presented when seeking outside medical attention.</p> <p>10.8 Form 7 sent to WSIB within 3 days to eliminate chance of being fined for late filing.</p> <p>10.9 Statement of Return to Work Following Disabling Injury – Form 9, is to notify the WSIB that compensation benefits are no longer required.</p>	<p><b>Disabling injury</b> – Under the <i>Workplace Safety &amp; Insurance Act</i>, a disabling injury means an injury arising out of or in the course of employment that disables the worker from earning full wages in the work at which he or she was employed. Employers are responsible for paying the victims' wages for the day of the accident.</p> <p><b>Supervisor</b> – A person who has charge of a workplace or authority over any worker.</p> <p><b>Worker</b> – A person who is paid to perform work or supply services. This would include supervisors and management personnel.</p> <p><b>Workplace</b> – Any place in, on or near to where a worker works. A workplace could be a building, an open field or even a beach. The test is: Is the worker being directly paid to be there, or to be near there? If the answer is “yes”, then it is a workplace.</p>	<p><b>Products</b></p> <p>First Aid Report Form</p> <p>WHMIS for Workers: VHS or DVD based training</p> <p>A User’s Guide to MSDSs</p> <p><b>Training Courses</b></p> <p>WHMIS</p> <p>Certification Part Two</p> <p>Transportation of Dangerous Goods</p>

## References

### Obtaining Resources

To obtain IAPA products or register for IAPA courses call: **1-800-406-IAPA**

Web Site: [www.iapa.ca](http://www.iapa.ca)

To obtain copies of Ministry of Labour Publications, *Acts* and Regulations contact:

Publications Branch  
505 University Avenue, 19<sup>th</sup> Floor  
Toronto, ON M7A 1T7

Telephone: 416-326-7731  
Toll-free: 1-800-268-8013

**Ontario Ministry of Labour:** <http://www.labour.gov.on.ca/english/>

**Workplace Safety & Insurance Board:** <http://www.wsib.on.ca>

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Revised: June 2008

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