



## OHSA Reports to the MOL, JHSC and Union

Robert England

416.595.8566

[rengland@millerthomson.com](mailto:rengland@millerthomson.com)

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# Reporting to the MOL, JHSC and Union

- Certain occurrences must be reported to the MOL, JHSC and Union
  - Fatality/Critical Injury
  - Non-Critical Injury/Lost Time
  - Occupational Illness

# Reporting to the MOL, JHSC and Union

## – Fatality/Critical Injury

- Where a person is killed or critically injured the Constructor and the Employer must:
  - (a) immediately notify the MOL, JHSC and Union; and,
  - (b) within 48 hours after the occurrence, the Employer must send a Fatality/Critical Injury Report to the MOL.
- It is fatality or critical injury of a “person” not a “worker”

# Reporting to the MOL, JHSC and Union

- Fatality/Critical Injury (cont'd)
  - The phrase “critical injury” is defined by regulation to be an injury of a 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

# Reporting to the MOL, JHSC and Union

- Fatality/Critical Injury Report
  - The Fatality/Critical Injury Report does not need (technically) to go to the JHSC or Union unless collective agreement provides otherwise.
  - The Fatality/Critical Injury Report must meet the requirements of the applicable sectoral regulation.

# Reporting to the MOL, JHSC and Union (Cont'd)

- Fatality/Critical Injury Report (cont'd)
  - for Health Care the Fatality/Critical Injury Report must provide:
    - (a) the name and address of the employer;
    - (b) the nature and the circumstances of the occurrence and of the bodily injury sustained;
    - (c) a description of the machinery or equipment involved, if any;
    - (d) the time and place of the occurrence;
    - (e) the name and address of the person who was critically injured or killed;
    - (f) the names and addresses of all witnesses to the occurrence; and
    - (g) the name and address of the physician or surgeon, if any, who is or attended to the injured or deceased person.

# Reporting to the MOL, JHSC and Union (Cont'd)

- Fatality/Critical Injury Report (cont'd)
  - Report is within 48 straight hours not two business days.
  - All Fatality/Critical Injury Reports should be vetted by senior management.
  - If the occurrence giving rise to the fatality or critical injury involved the collapse or failure of a temporary or permanent structure that was designed by an engineer or architect, the employer within 14 days has to supplement the Fatality/Critical Injury Report with a written opinion of a professional engineer as to the cause of the collapse or failure

# Reporting to the MOL, JHSC and Union (Cont'd)

## – Fatality/Critical Injury Report (cont'd)

- Worker member of JHSC “may” investigate place of occurrence and equipment and if he or she does “shall” report findings to MOL.
- That is not the same as management investigation which in any serious case is done through lawyers so it can be privileged.
- The critical injury or fatality scene must be preserved unless it is necessary to disturb the scene to save life, relieve suffering, maintain an essential service or prevent unnecessary damage to other property.
- This exception to preservation of scene will be narrowly interpreted.



# Reporting to the MOL, JHSC and Union (Cont'd)

- Duty to Report Non-Critical Injury/Lost Time to JHSC and Union
  - Non-Critical Injury
    - this Report required if person disabled from performing work or requires medical attention because of accident, explosion, fire or incident of workplace violence but no fatality or critical injury report required.
    - report is to JHSC and Union
    - these reports are only made to the MOL if an Inspector so requires
    - the report must be made within 4 straight days
    - report must meet requirements of the applicable sectoral regulation

# Reporting to the MOL, JHSC and Union (Cont'd)

- Duty to Report Non-Critical Injury/Lost Time to JHSC and Union (cont'd)

- for Health Care that report must include:
  - (a) the name and address of the employer;
  - (b) the nature and circumstances of the occurrence and of the bodily injury sustained by the worker;
  - (c) a description of the machinery or thing involved, if any;
  - (d) the time and place of the occurrence;
  - (e) the name and address of the worker who was injured;
  - (f) the names and addresses of all witnesses to the occurrence;
  - (g) the name and address of the physician or surgeon, if any, who is attending to or attended to the worker for the injury; and
  - (h) the steps taken to prevent a recurrence.

# Reporting to the MOL, JHSC and Union (Cont'd)

## –Duty to Report Non-Critical Injury/Lost Time to JHSC and Union (cont'd)

- If the occurrence giving rise to the non-critical injury or lost time incident involved the collapse or failure of a temporary or permanent structure that was designed by an engineer or architect, the employer within 14 days has to supplement the Non-Critical Injury/Lost Time Report with a written opinion of a professional engineer as to the cause of the collapse or failure
- Be very careful about “steps taken to prevent a reoccurrence” – you do not want to make premature statements that will amount to admissions

# Reporting to the MOL, JHSC and Union (Cont'd)

- Duty to Report Non-Critical Injury/Lost Time to JHSC and Union (cont'd)
  - Lost Time Occurrence
    - If accident, explosion or fire requires medical attention but worker not disabled from performing work Employer must also keep record of occurrence which must include:
      - (a) nature and circumstances of the occurrence and of the injury sustained;
      - (b) the time and place of the occurrence;
      - (c) the name and place of the occurrence;
      - (d) the name and address of the injured worker;
      - (e) the steps taken to prevent a reoccurrence
    - This report does not need to be provided to MOL, JHSC or Union

# Reporting to the MOL, JHSC and Union (Cont'd)

- Duty to Report Occupational Illness
  - Employer must notify MOL, JSHC and Union if a worker advises that he or she has an occupational illness or is filing a claim with the WSIB for an occupational illness.
  - The report has to be made within 4 days of being advised.
  - The Regulations set out the content of any such report.

# Reporting to the MOL, JHSC and Union (Cont'd)

- Duty to Report Occupational Illness
  - For Health Care that report must include:
    - (a) the name and address of the employer;
    - (b) the nature of the occupational illness and the circumstances which gave rise to such illness;
    - (c) a description of the cause or the suspected cause of the occupational illness;
    - (d) the period when the worker was affected;
    - (e) the name and address of the worker who is suffering from the occupational illness;
    - (f) the name and address of the physician, if any, who is attending to or attended to the worker for the illness; and
    - (g) the steps taken to prevent further illness.
  - Again be careful about “steps taken to prevent illness”.
  - You do not want to make promises based upon a 4 day investigation or make promises that you cannot keep.

# Reporting to the MOL, JHSC and Union (Cont'd)

- Proposed Change to Reporting Requirements

Thank you



Robert England  
416.595.8566  
[rengland@millerthomson.com](mailto:rengland@millerthomson.com)



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