



Bill 18 – What You Need to Know

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Who We Are

Public Services Health and Safety Association (PSHSA) is a funded partner of the Ministry of Labour responsible for collaborating with Ontario public service sector employers & workers, offering training, resources and consulting to reduce workplace risks and prevent occupational injuries & illnesses.

Bill 18 – What You Need to Know

- Background
- Definition of Worker
- Implications





Bill 18 - Background

- Bill 146 – under previous government
- Bill 18 – reintroduced in July 16, 2014, new government
- November 6, 2014 – passed final reading
- November 20, 2014 – received Royal Assent



Purpose of Bill 18

- Protect vulnerable workers
- Address concerns with temporary help agencies
- Expand occupational health and safety coverage to unpaid learners, students and trainees



Workplace Parties

- **Employer** - a person who employs or contracts for the services of one or more workers.
- **Supervisor** - a person who is in charge of a workplace or has authority over any worker.
- **Worker*** - a person who is paid to perform work or supply services; unpaid secondary student under work experience program; unpaid post-secondary co-op student; and unpaid trainee (i.e. intern). *as of Nov 2014



Previous Definition of 'Worker'

- A person who performs work or supplies services for monetary compensation
 - but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program

New Definition of 'Worker'

Any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
4. A person who receives training from an employer, but who, under the *Employment Standards Act, 2000*, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.
5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation



Examples of 'New' Workers Under the Act

Secondary School

- Cooperative Education
- Work Experience Program
- Project-based Learning Program
- Specialist High Skills Major
- Ontario Youth Apprenticeship Program

Post-Secondary School

- Student Placements
- Internship Programs
 - Paid or unpaid
- Practica
- International Students/Researchers



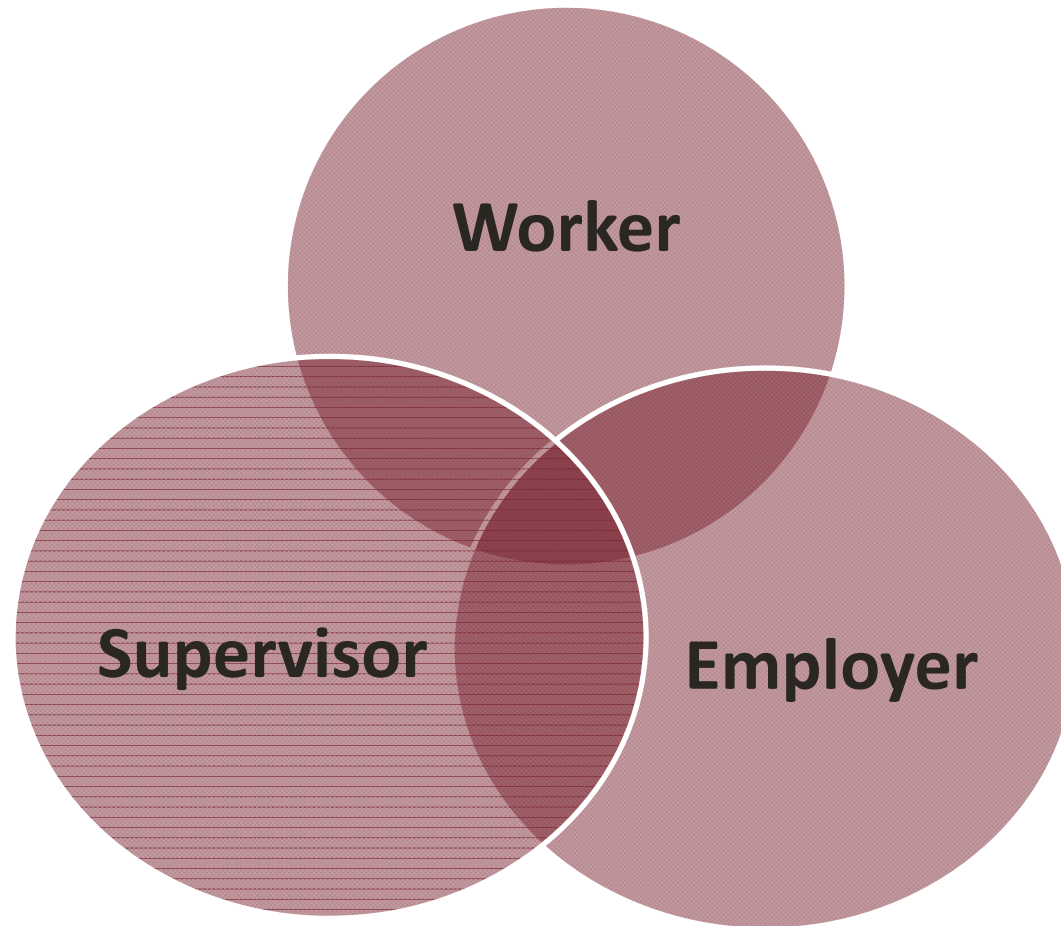
Significance of Definition of Worker

- Students performing unpaid work in a workplace are exposed to the same hazards as other workers
- Serious injuries and deaths have occurred to students on work placements
- Changes to definition guarantees protection for unpaid workers in workplaces



EFFECTS OF BILL 18 ON WORKPLACES

Internal Responsibility System



Information, Instruction, and Training

- Unpaid learners must be provided with the same training as any other worker:
 - Orientation
 - Health and Safety Awareness Training
 - Training on Violence in the Workplace Policy
 - Hazardous Materials / WHMIS Training / GHS
 - Training on measures and procedures in the workplace
 - Machinery or equipment training
 - PPE training
 - Any other required training for the work being completed
- Employers can choose to exclude unpaid learners from specialized tasks requiring additional training
 - i.e. restrict nursing student from going in isolation rooms



Supervisors

- Definition:
 - A person who is in charge of a workplace or has authority over a worker.
- Workers overseeing unpaid learners could now be considered a supervisor



Competent Person

- A person who,
 - a) is qualified because of knowledge, training and experience to organize the work and its performance,
 - b) is familiar with this Act and the regulations that apply to the work, and
 - c) has knowledge of any potential or actual danger to health or safety in the workplace
- Employer has obligation to ensure all supervisors meet this definition



Rights of Workers

- All workers under new definition guaranteed rights under Act
 - Right to Know
 - Right to Participate
 - Right to Refuse Unsafe Work*

*the same limitations that apply to some workers under s41(1) of the Act would apply to unpaid learners in the same situation



Compliance

- Certain threshold requires certain compliance, (e.g., number of workers to have a HSR or a JHSC)



Training New Workers and Supervisors

- Will involve a large resource investment
- No difference between unpaid learners who perform work for 1 day or for 1 year
- “performs work or supplies services” vs “training”
- Reduce the number of people overseeing unpaid learners




Bill 18 Highlights


- On Nov 20, 2014, OHSA was amended to expand the definition of worker
- Now includes:
 - Unpaid co-op students (post-secondary)
 - Unpaid secondary students on work experience program
 - Other unpaid learners
- What does this mean? These workers have the same rights and duties as those that are paid
 - right to participate on JHSC/HSR
 - right to know (training, etc) and
 - right to refuse unsafe work



Bill 18 Highlights

- Also are there now more supervisors?
 - Do they meet competency requirements under the Act?
- Has the number of employees increased that workplace now requires a JHSC vs H&S Rep?
- Implications of Bill 18 free recorded [webinar](#)





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FAST FACTS
Bill 18, Stronger Workplaces for a Stronger Economy Act, 2014

FAST FACTS

On November 6, 2014, the government passed Bill 18, Stronger Workplaces for a Stronger Economy Act, 2014. The Bill amends a number of Ontario's labour and employment statutes, with meaningful changes including:

- Expanding the definition of worker to ensure Occupational Health and Safety Act coverage for unpaid co-op students and other unpaid learners, which will give them protection under the OHS Act such as the right to know about workplace hazards and the right to refuse unsafe work
- Holding temporary help agencies and their employer clients accountable for certain employment standards violations, such as failure to pay regular wages, overtime pay, and public holiday entitlements
- Expanding employment protections to cover all foreign employees who come to Ontario under an immigration or foreign temporary employee program

For access to Bill 18, please visit http://www.ontla.on.ca/web/bills/ontla_detail.do?locale=en&intramet=8&billID=3010

Amendments to OHS Act (Schedule 4 of Bill 18)

Currently, the OHS Act includes the following definition of worker: "a person who performs work or supplies services for monetary compensation."

Bill 18 replaces this definition with an expanded list of individuals that would be considered workers for the purposes of the OHS Act.


- Individuals who are currently included as workers under the OHS Act, that is, persons performing work or supplying services for monetary compensation. This part of the definition retains the current language in the OHS Act;
- High school students volunteering as part of a work experience program authorized by the school board operating the student's school;
- Persons performing work or supplying services without compensation as part of an approved post-secondary program (for e.g., co-op program);
- Persons receiving training but that are not considered employees under the ESA because they fall within a specific exclusion set out in the ESA. (This exclusion captures some unpaid internships for example); and
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation; ("travailleur")


Implications


This new definition of a worker for the purposes of the OHS Act will require employers to provide the education/training requirements for these individuals including worker and supervisor awareness, and workplace violence/workplace harassment training.


Amendments to WSIA (Schedule 5 of Bill 18)


Bill 18 amends the WSIA in relation to temporary employment agencies and employers who contract with those agencies. Specifically, the Bill provides

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Resources

- **Legislative Assembly of Ontario – Bill 18**

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=3010

- **Bill 18 – webinar**

<http://www.pshsa.ca/products/implications-of-bill-18-recorded-webinar/>

- **Bill 18 – PSHSA Fast Facts**

<http://www.pshsa.ca/wp-content/uploads/2014/11/PSHSA-Fast-Facts-Bill-18-Stronger-Workplaces-for-a-Stronger-Economy-Act-2014.pdf>



Resources – cont'd

- **The 7-Step Assessment to New or Young Worker Placement**

http://www.pshsa.ca/wp-content/uploads/2013/06/7Step_Assessment1.pdf

- **Student Placement Resource Manual**

<http://www.pshsa.ca/products/student-placement-resource-book/>

PSHSA e-consulting model



- Available, on-demand health & safety assistance
- Live chat/off-line messaging through website
- www.pshsa.ca

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Community Care



Community Care: A Tool to Reduce Workplace Hazards



OCSCA
Ontario Community Safety Council of Associations



Public Services Health



Health Services Ontario





Free Web Tutorials and Tool

Community Care Hazards

- <http://www.pshsa.ca/elearning/>
- Click on the particular hazard topic to view video

Link to Tool (pdf)

- <http://www.pshsa.ca/products/community-care-a-tool-to-reduce-workplace-hazards-2/>




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