

The History of Health and Safety Legislation in Ontario

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The quilted mural is permanently installed at the Toronto York Mills subway station, which is the closest station to the scene of the actual accident.

Present day Health and Safety Legislation has taken over a century to evolve. The first industrial legislation, the Ontario Factories Act of 1884, was modeled after the British Factory Act of the early 1800's. This Act set up a system of inspection to ensure safety and health standards in factories but was vague, unenforceable and biased toward production and the employer.

A turning point for Ontario labour reform came in 1964 when a new provincial Industrial Safety Act was passed as an aftermath to the "Hogg's Hollow" disaster, which occurred on March 17th, 1960. Five Canadian workers were killed while constructing a tunnel at Hogg's Hollow, an area near Old York Mills Road and Yonge Street. According to newspaper reports at the time, these workers were sent down into a virtual death trap. In response to the tragedy, the Ontario government formed a Royal Commission (McAndrew Commission) to study and modernize all worker safety regulations.

Yet another turning point occurred in 1974 when another Royal Commission led by Dr. James Ham was established to investigate health and safety in the uranium mines in Elliot Lake after the miners, who were alarmed about the high incidence of lung cancer and silicosis, went on strike in protest. The Ham Commission Report, which was published in 1976, contained many recommendations, one of which was to increase workers knowledge of health and safety in the workplace. Another recommendation that was incorporated into the act was the formation of an Internal Responsibility System (IRS), which means that the responsibility for workplace health and safety is shared among management and workers. The institution of the Joint Health and Safety Committee (JHSC), an advisory group of worker and management representatives at the workplace, was a key support mechanism in the operation of the IRS. As a result of the Ham report, the first Occupational Health and Safety Act was passed in 1978.

By the mid 1980's, job-related death and injury rates were still increasing, indicating that more changes in the legislation were needed. Bill 208 was introduced in 1988 and put into effect on January 1, 1991. The purpose of this bill was to strengthen partnerships between employers and workers and expand the responsibilities of the JHSC. One of the key requirements that was introduced was that at least two members on the JHSC must be certified by completing a Workplace Safety and Insurance Board (WSIB) Basic Certification Training Program.

On January 1, 1998, Bill 99 came into effect, enacting the Workplace

Safety and Insurance Act and repealing the Workers Compensation Act of 1984. One of the purposes of this act, as stated in Part I, Section 1, is "To promote health and safety in workplaces and to prevent and reduce the occurrence of workplace injuries and occupational diseases". This act reflects the expanded focus of the WSIB, formerly the Workers Compensation Board (WCB). The WSIB oversees certification training and coordinates the provinces Health and Safety organizations and Occupational Health Clinics. It has programs to rehabilitate injured workers, promote early and safe return to work and to pay those injured workers, who cannot return to work, compensation.

The Occupational Health and Safety Act, with its emphasis on the Internal Responsibility System, has introduced a revolutionary approach to legislating occupational health and safety in Ontario. Over the past 20 years, Ontario's fatality rate has been cut in half and lost-time injuries have shown a significant and ongoing decline. During the past decade, however, the costs of occupational injuries and illnesses have risen substantially. Subsequently, the mandate of the WSIB is to make its programs and services more effective in preventing injury and industrial disease and in achieving early return to work of injured workers.

Visit www.e-laws.gov.on.ca to view the current statutes that govern workers in Ontario: Occupational Health and Safety Act R.S.O. 1990, CHAPTER O.1 and the Workplace Safety and Insurance Act, 1997 S.O. 1997, CHAPTER 16 Schedule A.

In Case of Injury at Work

- 1** **Worker:** Tell your employer about the injury. **Get first aid immediately, if needed.**
- 2** **Employer:** Arrange and pay for transportation to get medical care, if needed.
- 3** **Employer:** Pay worker's wages for day of injury.
- 4** **Employer:** Report injury to WSIB within 3 days if it involves:
 - health care treatment, or
 - time away from work, or
 - lost wages

WSIB CSHWAT
Questions? Call 1-800-387-0750
www.wsib.on.ca