



## FAST FACT: MUNICIPAL COUNCILS' OCCUPATIONAL HEALTH & SAFETY ROLES AND RESPONSIBILITIES

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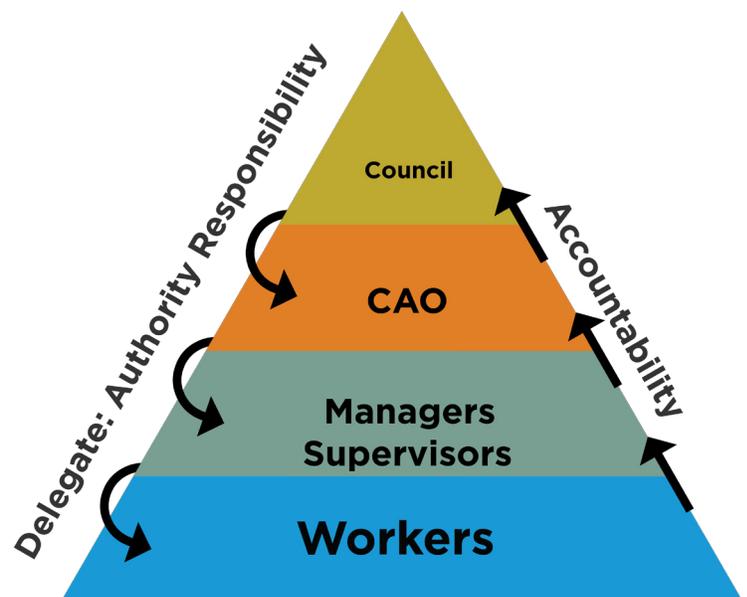
This Fast Fact has been developed to assist Municipal Councils (i.e. mayors, reeve, counsellors, or aldermen) to understand and comply with the Occupational Health and Safety Act (OHSA) and its regulations. Members of council have roles and responsibilities under the OHSA that they must comply with in order to support a safe and healthy workplace. Everyone in the workplace plays a role in the Internal Responsibility System and depending on the scenario, a member of council may be considered a Director or Officer of a Corporation, a Supervisor, or a Worker under the OHSA. Municipal Councils are encouraged to review the definitions and duties of workplace parties outlined in the OHSA.

### INTERNAL RESPONSIBILITY SYSTEM (IRS)

The IRS refers to a system, within an organization, where everyone in the workplace shares responsibility for health and safety. These responsibilities are outlined in the OHSA and should be an integral part of the job. Responsibilities for health and safety begin with the Council and should flow through all levels in the organization. The IRS is the underlying philosophy of the OHSA.

### A MEMBER OF COUNCIL AS DIRECTORS AND OFFICERS OF A CORPORATION

Council members must consider their health and safety responsibilities as Directors and Officers of a Corporation – as elected or



appointed officials they represent the public and make decisions about municipal financing and services.

If a council member is a director of a corporation, he or she has duties including to:

- Take all reasonable care to ensure that the municipality complies with the OHS Act and regulations, including any orders or requirements outlined by the Ministry of Labour, s. 32 OHS Act.

In order to demonstrate due diligence, corporations are required not only to prove that a safety program is in place, but to also demonstrate the steps taken to ensure the effective operation of such a program.

Council members can demonstrate this by supporting the health and safety program and initiatives, participating in occupational health and safety training and orientation, periodic reviews of occupational health and safety performance indicators and having knowledge of workplace specific hazards and risks in order to recognize their significance when giving direction to municipalities and approving municipal budgets and corporate policies.

For example, a municipal council may be required to approve (and comply with) a Workplace Violence and Harassment Policy or approve a budget for maintaining equipment (e.g. chiller system) in order to eliminate or mitigate the risk of workplace hazards.

## A MEMBER OF COUNCIL AS A SUPERVISOR

Council members must consider their health and safety responsibilities as Supervisors – where they have authority over a worker or charge of a workplace. For example, a Mayor or Councillor who supervises or directs the work of support staff.

If a member of council is a supervisor as defined in s. 1(1) of the OHS Act, he or she has duties, including to:

- Inform workers about hazards and dangers, and respond to their concerns.
- Show workers how to work safely, and make sure they follow the law and workplace health and safety policies and procedures.
- Make sure workers wear and use the appropriate protective equipment.
- Do everything reasonable in the circumstances to protect workers from being hurt or getting a work-related illness, s. 27 OHS Act.

## A MEMBER OF COUNCIL AS A WORKER

Council members must consider their health and safety responsibilities as workers – where they are receiving monetary compensation for performing work.

If a council member is a worker as defined in s. 1(1) of the OHS Act, he or she has duties including to:

- Comply with the OHS Act and its regulations and their workplace's health and safety policies and procedures.
- Work and act in a way that won't hurt themselves or anyone else.
- Report any hazards or injuries to their supervisor/employer.
- Wear and use the protective equipment required by their employer, s. 28 OHS Act.

## ADDITIONAL RESPONSIBILITIES

Examples of Regulations under the OHSA that may apply to members of council and/or their workplace:

- Industrial Establishments <https://www.ontario.ca/laws/regulation/900851>
- Occupational Health and Safety Awareness Training <https://www.ontario.ca/laws/regulation/130297>
- Workplace Hazardous Materials Information System (WHMIS) <https://www.ontario.ca/laws/regulation/900860>
- Control of Exposure to Biological or Chemical Agents <https://www.ontario.ca/laws/regulation/900833>
- Designated Substances <https://www.ontario.ca/laws/regulation/090490>

The following Regulation under the Workplace Safety and Insurance Act, 1997, may also apply:

- First Aid <https://www.ontario.ca/laws/regulation/901101>

Examples of reporting requirements that may apply to council members and/or their workplaces:

- Critical injuries and fatalities (Section 51 of OHSA)
- Non-Critical injuries and Occupational illnesses (Section 52 of OHSA)

## DEFINITIONS USED IN THE OHSA

A supervisor is a person who has charge of a workplace or authority over a worker - s. 1(1) OHSA. \*

\*Ministry of Labour's Guide: "Who is a Supervisor under the Occupational Health and Safety Act?" [https://www.labour.gov.on.ca/english/hs/pubs/gl\\_supervisor.php](https://www.labour.gov.on.ca/english/hs/pubs/gl_supervisor.php)

A worker is a person who is defined as any of the following:

- A person who performs work or supplies services for monetary compensation;
- 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;
- 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;
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation;

This definition 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 - s. 1(1) OHSA.