

Ministry of Labour, Training and Skills Development
Health & Safety

Excavation Safety and Regulatory Compliance

Dig Safe Workshops

Construction Program Presentation

Matthew Neundorf



Note:

This presentation has been prepared to assist workplace parties in understanding their rights and duties under the Occupational Health and Safety Act (OHSA) and its regulations.

This presentation does not constitute legal advice.

To determine your rights and duties under OHSA, please contact your legal counsel or refer to the legislation.

Mission Statement

Working to prevent workplace injuries and illnesses, promoting and enforcing employment standards, helping settle workplace disputes and collective agreements, supporting apprenticeships, the skilled trades, industry training and employment services in Ontario.

Internal Responsibility System

The Internal Responsibility System (IRS) is the underlying philosophy in the OHSA.



Every individual, worker, supervisor, manager, senior executive, etc. is responsible for health and safety and has specific roles to maintain a safe and healthy workplace as well as improve unsafe working conditions where necessary.



The Internal Responsibility System does the following:

Establishes responsibility sharing systems;	Promotes a safety culture;	Promotes best practices;	Helps develop self reliance; and,	Ensures compliance.
---	----------------------------	--------------------------	-----------------------------------	---------------------

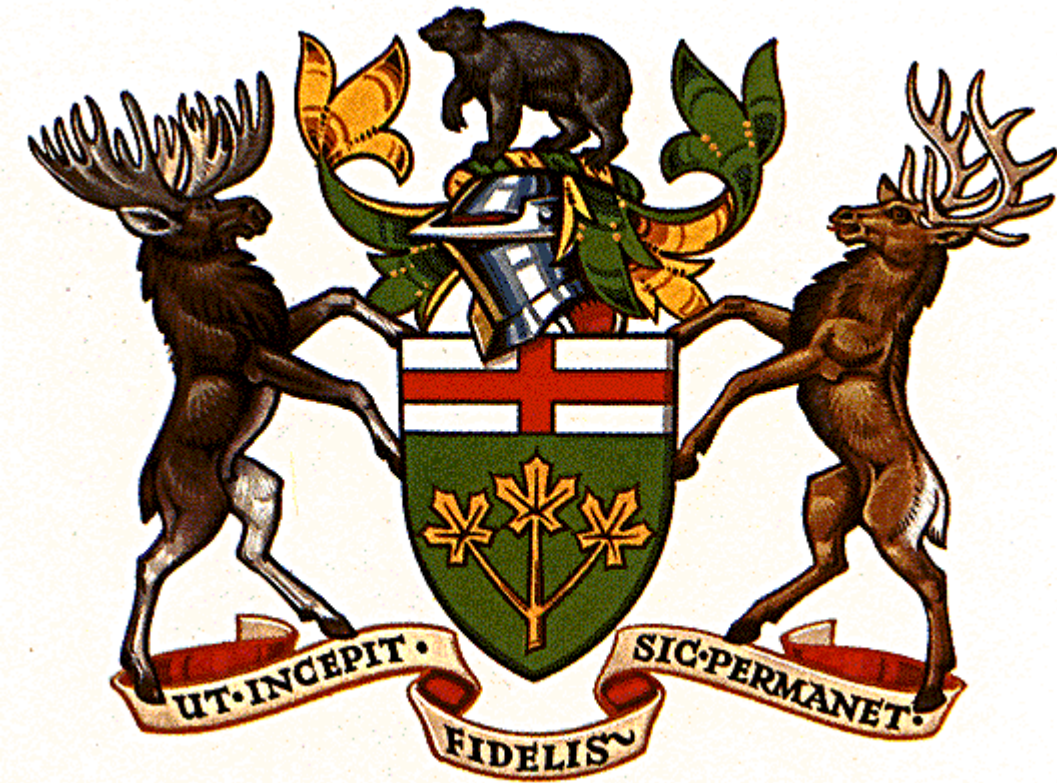


Penalties for Non-Compliance

A successful prosecution could, for each conviction, result in:

- A fine of up to \$100,000 for an individual person and/or up to 12 months imprisonment;
- A fine of up to \$1,500,000 for a corporation.
- More scheduled offences(tickets) with increased fine amounts.

Supervisors, Employers and Constructors can be ticketed!



Initiatives

Occupational health and safety inspectors carry out their initiatives to:

- ✓ raise awareness of hazards
- ✓ increase compliance with the *Occupational Health and Safety Act* and its regulations

Provincial health and safety compliance initiatives focus on specific hazards or topics and have two phases:

During **phase 1** of the initiatives the ministry focuses **on education, outreach, and awareness**



During **phase 2** the ministry conducts a focused **inspection blitz**

OHS System Priorities

OHS System Priorities cross all programs and influence the focus of all inspections.

Health and Safety Associations (HSAs) & MLTSD's Prevention Office support MLTSD enforcement activities (so do the Occupational Health and Safety Branch [OHSB] and Policy) and provide information to workers and employers.

Healthy Workers, Healthy Workplaces:

Provincial Initiatives: Excavations and Utility Contacts

September 5, 2022 – November 4, 2022 ~ Tentatively

Focus :

Cave in prevention, precautions concerning underground services and safe limits of approach to energized overhead electrical conductors.

Education, Outreach and Awareness Phase :

September 5, 2022 – November 4, 2022

Proactive Inspection Phase :

October 3, 2022 – November 4, 2022

www.ontario.ca/page/workplace-inspection-blitzes-and-initiatives

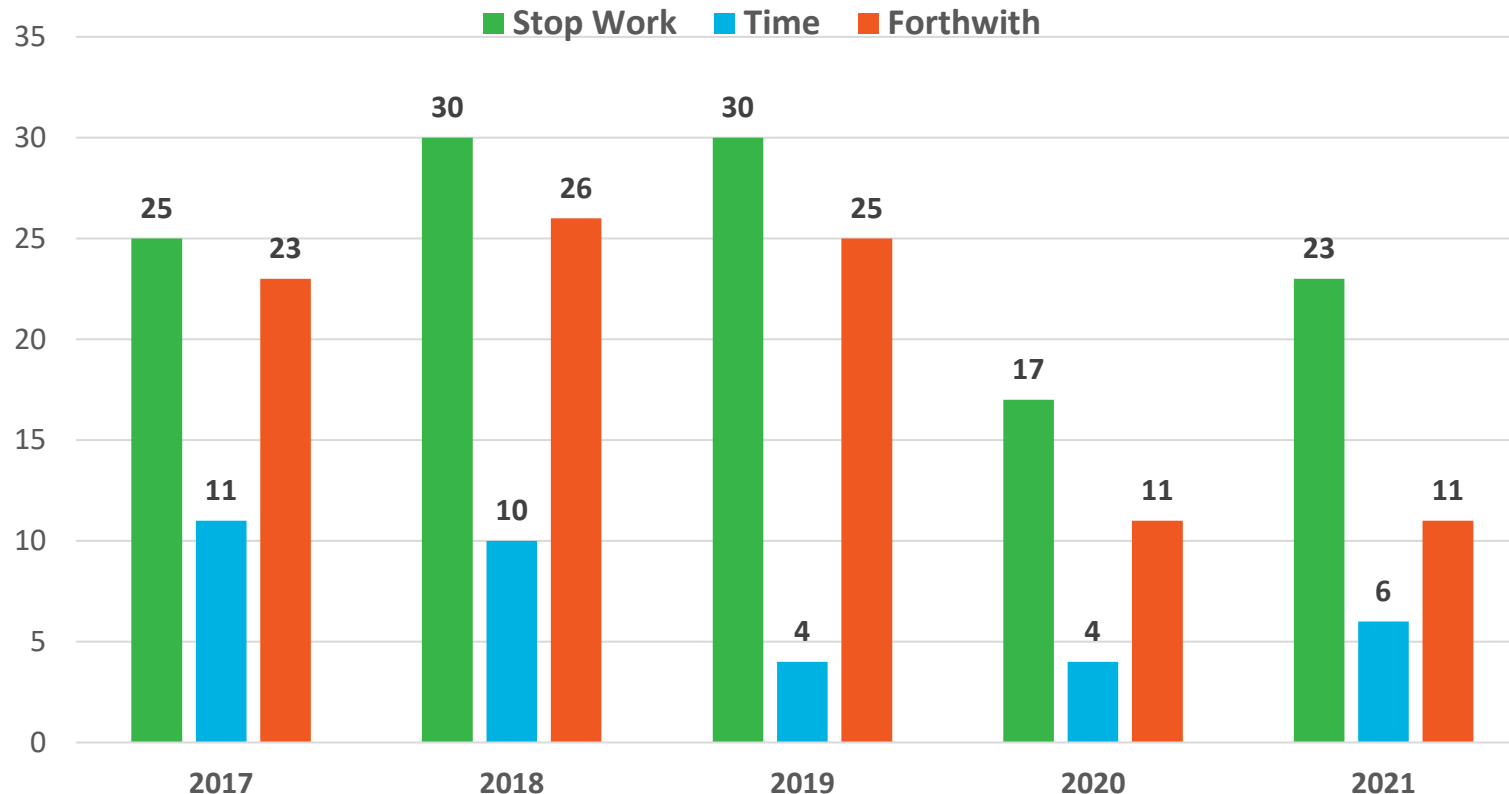


Excavation Compliance Industry Trends

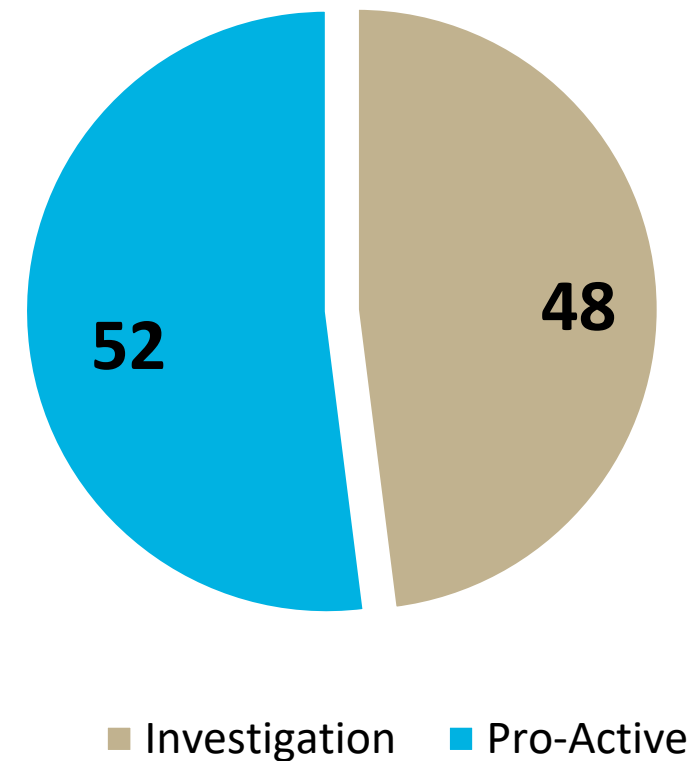
Locates and Underground Services – s. 228 January 1, 2017 ~ December 31, 2021

- 256 orders were issued.
- Most orders issued were **stop work orders (125)**
- A balance in terms of proactive (inspection 54%) and reactive (investigation 46%)
- **Order frequency increased from 2020** – But this is still below the average!

Orders Concerning Locates and Underground Services

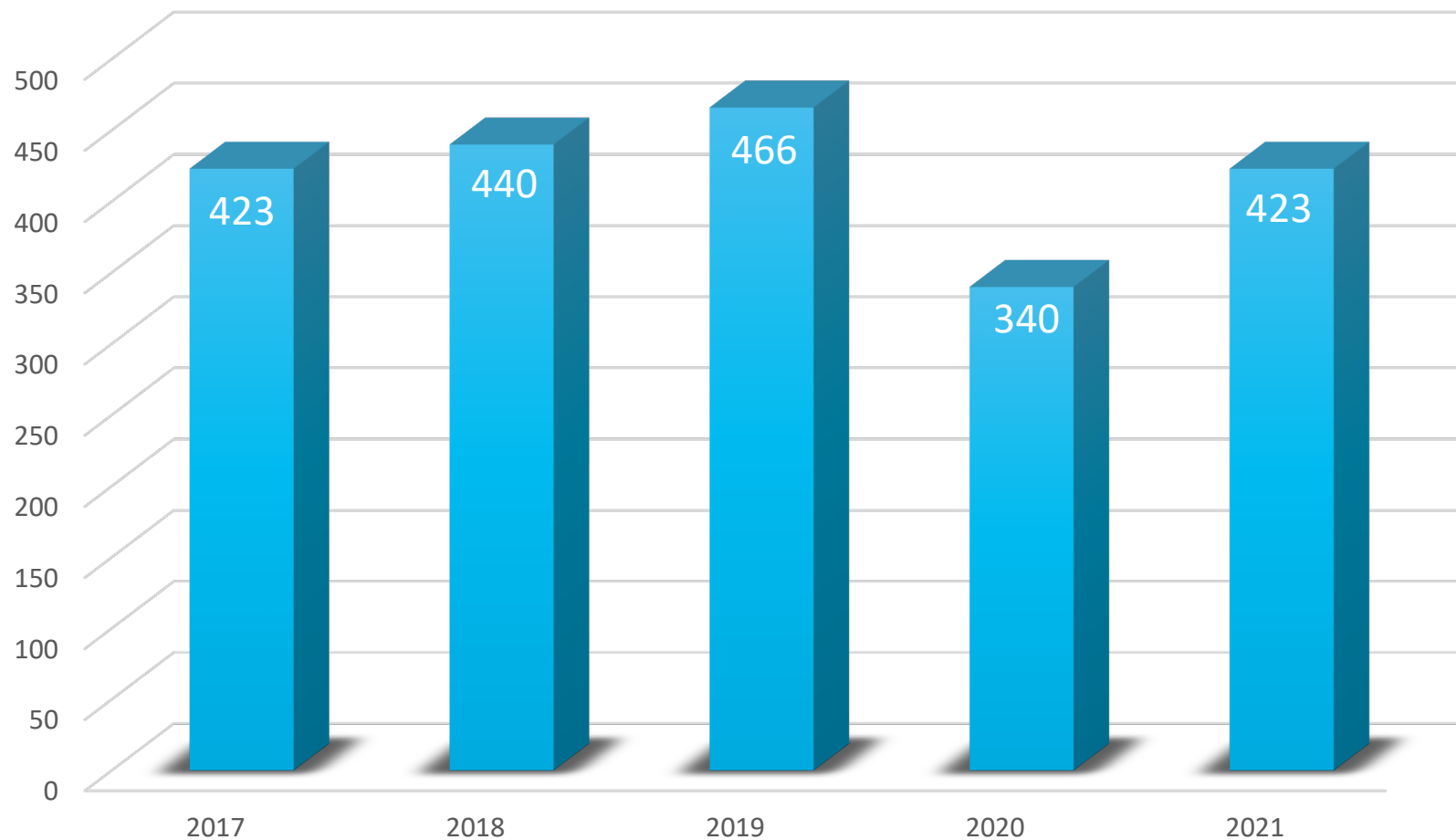


Reason for MLTSD Presence



Excavation Compliance Industry Trends

Orders Issued to Require Excavation Wall Support



■ S. 234

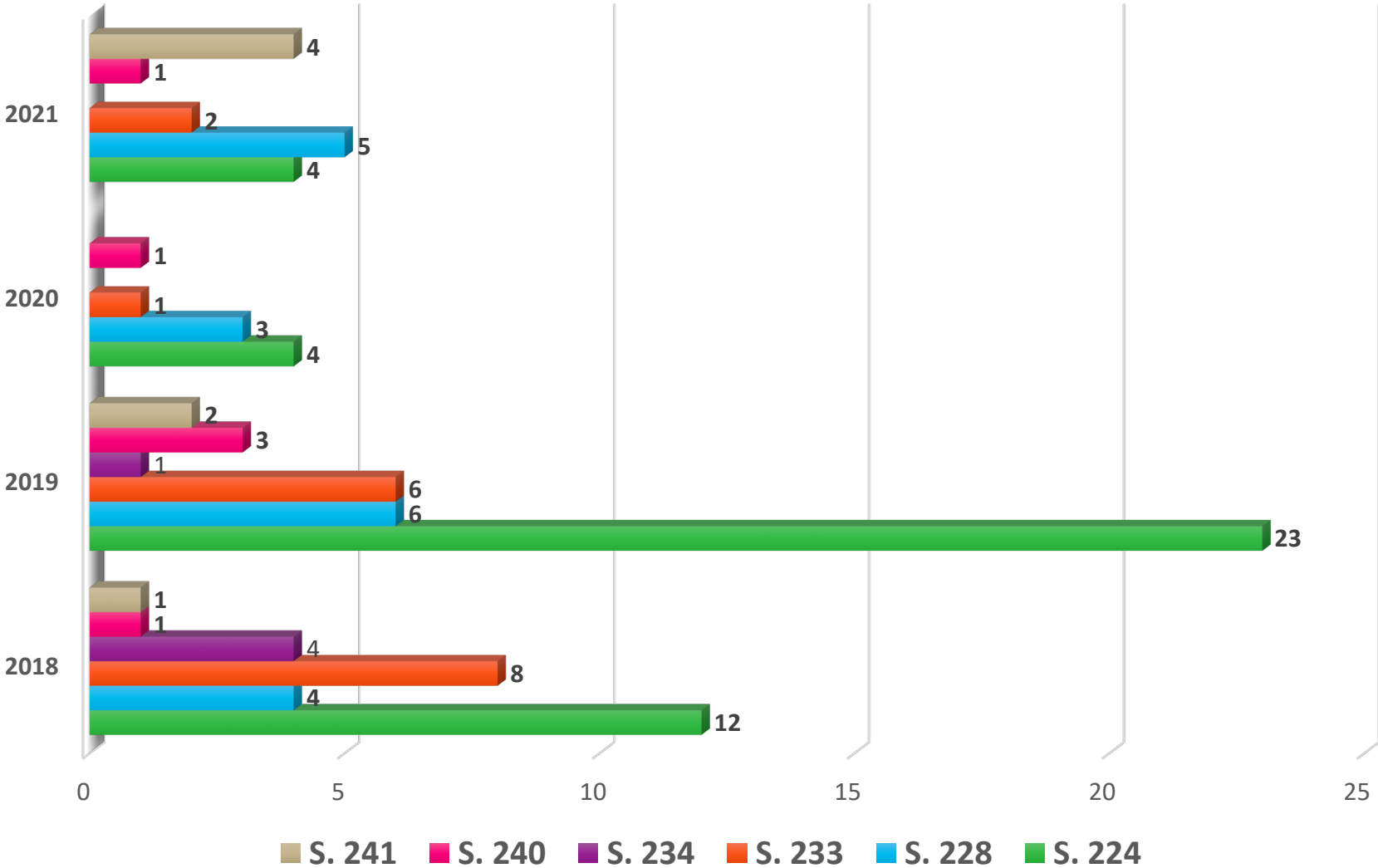
Trench Work and The Need for Shoring – s. 234 (1) January 1, 2017 ~ December 31, 2021

2,095 orders were issued.

Most orders issued were **stop work orders (1,322)**

After a dip in 2020, it appears things have unfortunately returned to previous levels

Part I Ticketing and Summons



S. 224 – No person shall enter a non-compliant excavation:
43 Tickets/Summons

S. 228 – Valid Locates are required:
18 Tickets/Summons

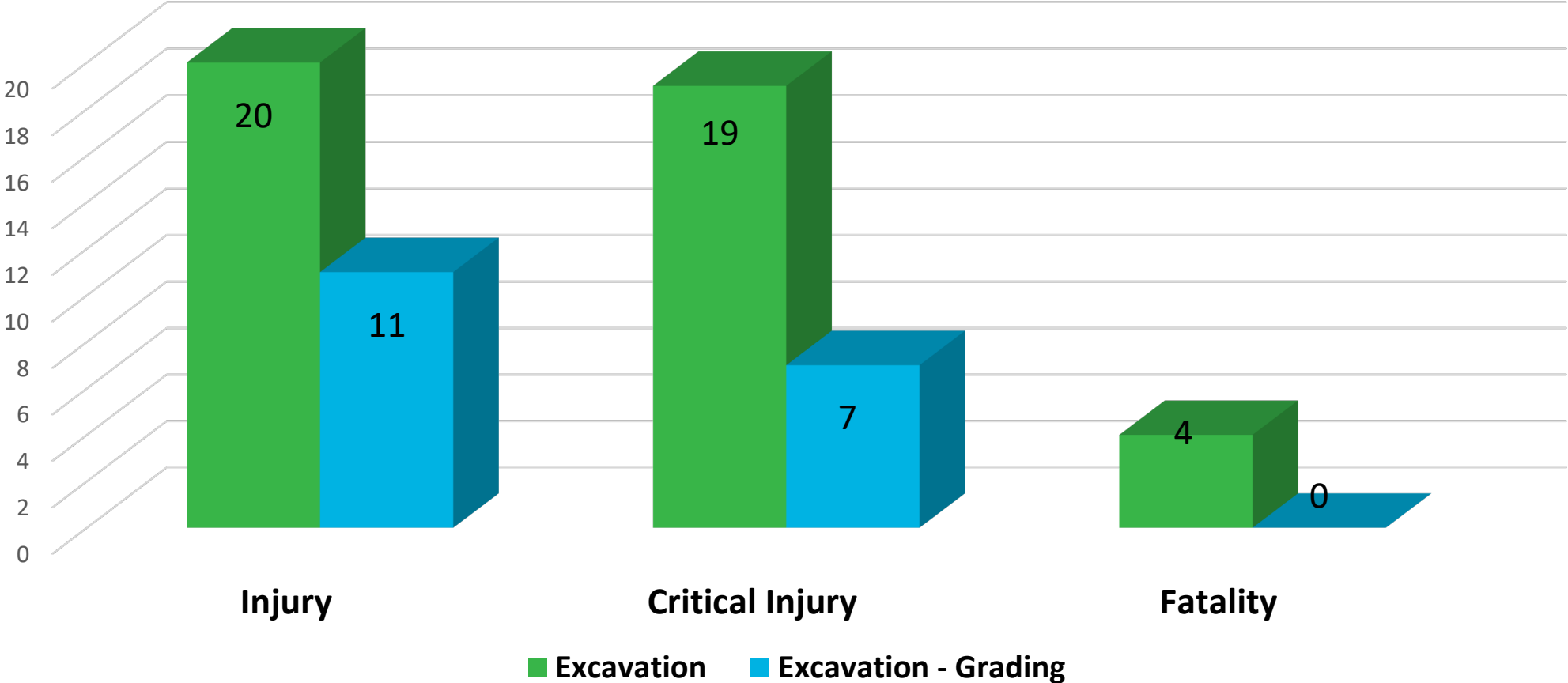
S.233 – The top of the excavation must be kept clear:
17 Tickets/Summons

S. 234 – Shoring and sloping is required: **5 Tickets/Summons**

S. 240 – Ladder access for workers:
6 Tickets/Summons

S. 241 – Positioning of the support system above the excavation walls:
7 Tickets/Summons

Injury, Critical Injury and Fatalities
January 1, 2017 ~ December 31, 2021
Excavation and Grading Sectors



We Are Here to Help

Ministry of Labour Health & Safety Contact Centre

- Toll-free: 1-877-202-0008
Fax: 905-577-1316
- Call any time to report critical injuries, fatalities or work refusals.
- Call 8:30 a.m. – 5:00 p.m., Monday – Friday, for general inquiries about workplace health and safety.
- webOHS@Ontario.ca
- In an emergency, always call 911.

Employment Standards Information Centre

- GTA: 416-326-7160
Canada-wide: 1-800-531-5551
TTY: 1-866-567-8893

Need other languages?

- The Employment Standards Information Centre (1-800-531-5551) provides service in 23 different languages – from Arabic to Vietnamese.

Health and Safety Associations



Infrastructure Health & Safety Association (IHSA)

Serves: construction, electrical and utilities, aggregates, natural gas, ready-mix concrete and transportation.

Toll-free: 1-800-263-5024

<http://www.ihsa.ca/>
[on Twitter @IHSAnews](#)



Workplace Safety & Prevention Services (WSPS)

Serves: agriculture, manufacturing, and service sectors.

Toll-free: 1-877-494-9777

<http://www.wsps.ca/>



Workplace Safety North (WSN)

Serves (province wide): forestry, mining, smelters, refineries, paper, printing and converting.

Toll-free (Ontario): 1-888-730-7821

<http://www.workplacesafetynorth.ca/>
[on Twitter @WSN_News](#)



Public Services Health & Safety Association (PSHSA)

Serves: hospitals, nursing and retirement homes, residential and community care, universities and colleges, school boards, libraries and museums, municipalities, provincial government and agencies, police, fire and paramedics and First Nations.

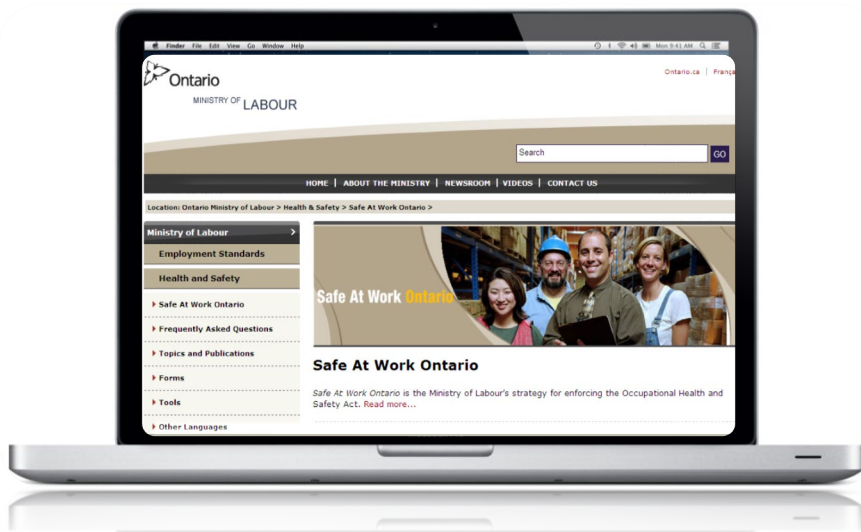
Toll-free: 1-877-250-7444 | Toronto: 416-250-2131

<http://www.pshsa.ca/>
[on Twitter @pshsa1](#)

Ministry of Labour, Training and Skills Development Website

The MLTSD website is the source for the latest news on:

- ✓ Sector plans
- ✓ Hazard alerts
- ✓ Compliance tools
- ✓ Prosecution activity



Questions?



Thank you!