

## OCCUPATIONAL HEALTH AND SAFETY ACT

# Do the New OHSA Poster Requirements Apply to Your Workplace?

Damien M. E. Buntsma



Jagdeep and Mahesh Gupta run a family business employing 11 people, all of whom speak English as a second language. They received notification from the Ontario Ministry of Labour about the new requirement to post workplace health and safety information prominently on their premises. Jagdeep believes the requirement applies only to larger workplaces, but Mahesh says it applies to “provincially regulated workplaces”

and they must post it in both English and the first language for most of their employees, which is Hindi. Neither of them knows whether their business is provincially regulated and they are unsure how to find out.

Many smaller employers are unsure about whether they are provincially or federally regulated. In very simplified terms, employers are *federally* regulated if they operate within these sectors: air and water transport, federal crown corporations, energy, mining, banking, federal public service, pipelines, bridges and tunnels, feed, flour and seed mills, postal contractors, broadcasting, grain elevators, rail transport, communications, longshoring and interprovincial road transport. Employers are *provincially* regulated if they operate outside these sectors.

As of October 1, 2012, all provincially regulated Ontario employers are required to post a new workplace poster, “Health & Safety at Work – Prevention Starts Here”, in a conspicuous location within their workplaces, together with the *Occupational Health and Safety Act* (the “OHSA”) and any explanatory materials prepared by the Ministry. The poster size must be at least 8.5 x 11 inches, in English and the predominant language within the workplace. Copies are available at [www.labour.gov.on.ca](http://www.labour.gov.on.ca).

The poster was created on the recommendation of the Minister of Labour’s Expert Advisory Panel, which has been studying ways to help prevent workplace injuries, illnesses, and fatalities.

Since October 1, 2012, Ministry of Labour inspectors have been auditing workplaces for compliance. Failure to display the poster can result in compliance orders from the Ministry and/or fines for repeated contraventions of the OHSA or ignored orders. Fines for offences under the OHSA can be up to \$25,000 for individuals and up to \$500,000 for corporations. For most employers, the most practical risk of non-compliance is increased scrutiny from the Ministry in relation to other statutory obligations.

### Other Statutory Obligations

Some other requirements for provincially regulated employers include:

### Other OHSA posting requirements

- All provincially regulated employers must post full copies of the OHSA in the workplace.
- Employers with five or more workers must develop and post policies in relation to: occupational health and safety policy, workplace harassment, and workplace violence.
- Employers with 20 or more workers must post information about the established Joint Health and Safety Committee.
- **Employment Standards Act** Employers must display the “What You Should Know About the Ontario Standards Act” poster.
- **Workplace Safety and Insurance Act** Employers must display the “In Case of Injury at Work” poster (also known as the “1,2,3,4” poster).
- **Smoke-Free Ontario Act** Employers must post “No Smoking” signs at all entrances and exits.

Lawrences’ Employment & Labour Group has extensive experience advising both provincially and federally regulated employers. Call us to find out how we can help you develop comprehensive workplace policies and deliver on-site training for your managers and employees.



Damien Buntsma is an associate in Lawrences’ Employment & Labour Law Group. He represents and advises public and private sector employers, unionized and non-unionized, in all areas of labour and employment law. Damien can be reached at 905-452-6876 or [dbuntsma@lawrences.com](mailto:dbuntsma@lawrences.com).

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