



## Official Opposition • l'Opposition officielle

Ontario NDP Caucus • Groupe parlementaire du NPD de l'Ontario

May 5th 2020

Office of the Premier,  
Legislative Bldg,  
Queen's Park, Toronto,  
M7A 1A1

Premier Ford,

As you know the cornerstone of the Occupational Health and Safety Act (OHSA) is the Internal Responsibility System (IRS). The IRS helps support a safe and healthy workplace. Simply put, IRS means that everyone in the workplace has a role to play in keeping workplaces safe and healthy.

- Workers in the workplace, who recognize a Health and Safety hazard, or a contravention of the Occupational Health and Safety Act in the workplace have a statutory duty to report their concern to their Employer or Supervisor to resolve the matter internally.
- Employers and Supervisors both have statutory duties under the Occupational Health and Safety Act, and its Regulations, to protect workers from hazards in the workplace, including infectious diseases. For example, Employers are required to "take every precaution reasonable in the circumstances for the protection of workers." (Sec. 25(2)(h)).
- The Ministry of Labour has a responsibility to enforce the Occupational Health and Safety Act and Regulations when: the Internal Responsibility System fails; and/or when there are concerns or disagreements between workplace parties.

With this in mind, it is with great concern that we are writing to you, on behalf of Workers from across Ontario, who have raised many concerns with our offices regarding workplace health and safety in Ontario; and the lack of resources available to ensure their safety.

In particular, we have heard complaints of the following:

1. Workers not able to get through to the 1-877-202-0008 Ministry of Labour Health and Safety Contact Centre for several hours.
2. Workers Covid-19-related workplace safety complaints deferred away by the Ministry of Labour Health and Safety Contact Centre.
3. Ministry of Labour Inspectors or Safety Contact Centre employees encouraging Workers to downgrade "work-refusal" to "complaints".
4. Ministry of Labour Inspections not being done in person.
5. Ministry of Labour Inspection Orders not being written on field visit reports, and instead writing workplace safety requirements as non-enforceable narratives.
6. Ministry of Labour Field Visit Reports with Occupational Health and Safety legislation wording in the narrative, but ending with: "No orders issued"; and/or "No requirements issued".

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**Ontario NDP Caucus Services**

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It is very unsettling to hear workers describe that the Ministry of Labour believes that these workplaces are not safe enough to inspect in person, but somehow safe enough that no orders are required when workers file health and safety complaints or work refusals with the Ministry of Labour. If the Ministry is unable to visit in person, they should put the safety of workers first and respond to the concerns of the workers.

We are writing to you today to recommend immediate action to better-protect Ontario's workers – especially during the COVID-19 pandemic. Too many workers have already died and are putting their safety at risk.

In order to ensure world-class workplace safety, the provincial government must immediately provide Employers, Supervisors and Workers with the tools to be safe in their workplace. This means:

1. Workers, Supervisors and Employers must be made aware of their statutory obligations under the Occupational Safety Act.
2. Employers and Supervisors must be reminded that the primary responsibility for workplace health and Safety falls on the Employer.
3. Ministry of Labour Inspectors must be supported and have the ability to enforce the OHS Act and its regulations.
4. The Precautionary Principle must be fully implemented and supported so that risk is managed effectively.
5. Ongoing training and promotion of the Hierarchy of Controls, so that hazards are effectively managed at the Source, along the path, and at the Worker.
6. Ontario-wide resources, such as safety professionals, to contact for guidance and advice.
7. The collecting and sharing of best practices from Ontario workplaces.

Due to the severity of these concerns during the COVID-19 pandemic, we are requesting a written update on what the Ministry of Labour is doing to immediately address the 6 workplace safety complaints listed above.

As always, we remain willing to help you ensure that Ontario's workplaces are safe.

Sincerely,



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A black ink signature of Jamie West, consisting of a stylized 'J' followed by a large, sweeping flourish.

Jamie West, MPP  
Labour Relations  
Critic for the Official Opposition

A blue ink signature of Wayne Gates, written in a cursive style.

Wayne Gates, MPP  
Workplace Health & Safety  
Critic for the Official Opposition

CC:  
Hon. Monte McNaughton  
Minister of Labour, Training and Skills Development