

Legal Issues in Sun Safety for Workplaces in Ontario

This fact sheet provides an overview of legal issues in sun safety for workplaces in Ontario. This covers jurisdiction-specific occupational health and safety (OHS) legislation for both solar UV radiation and heat stress. The focus is on OHS legislation, workers compensation legislation has not been covered. The purpose of the fact sheet is to provide an overview of the OHS laws as they apply to sun safety at the time of writing (August 2016), the purpose is not to provide legal advice or opinion. This jurisdiction-specific information should be read with our fact sheet on *Legal Issues in Sun Safety for Canadian Workplaces* which provides an introduction to legal issues associated with implementing a sun safety program.

The Ontario *Occupational Health and Safety Act* (ON OHSA), RSO 1990, c O.1, has general duties for the employer and supervisors as well as some broad duties to advise workers of hazards. The three main sectoral regulations are the *Construction Projects*, O Reg 213/91, *Industrial Establishments*, RRO 1990, Reg 851, and the *Mines and Mining Plants*, RRO 1990, Reg 854.

Key terms in the ON OHSA:

- joint health and safety committee;
- constructor;
- employer includes an entity which engages a contractor;
- health and safety representative;
- inspector;
- order;
- supervisor;
- worker; and
- workplace.

Both the employer and supervisors have a general duty phrased as “take every precaution reasonable in the circumstances for the protection of a worker” (s. 25 and s. 27). Both the employer and supervisors have broad “duties to tell” about hazards. Section 23 has a general duty for constructors who shall ensure, on a project undertaken by the constructor that the health and safety of workers on the project is protected. There is a similar duty for licensees who are responsible for forestry operation (s. 24). Ontario lacks a general duty for workers. Section 32 provides that every director and every officer of a corporation “shall take all reasonable care to ensure that the corporation complies with this Act and the regulations...”

A committee is required where there are 20 or more workers. The committee’s powers are largely advisory. A health and safety representative is required in a workplace with between 5 to 19 workers. The representative’s functions are similar to those of the committee.

The *Construction Projects* regulation under the ON OHSA states in section 24 that: a worker shall use protection appropriate in the circumstances when there is a risk of eye injury to the worker. As well, section 25 states that a worker shall use protection appropriate in the

circumstances when there is a risk of injury on a project from contact between the worker's skin and ... radiant heat.

The *Industrial Establishments* regulation under the ON OHSA states in section 81 that: a worker exposed to the hazard of eye injury shall wear eye protection appropriate in the circumstances. As well, section 84 states that a worker exposed to the hazard of injury from contact of the worker's skin with ... radiant heat, shall be protected by wearing apparel sufficient to protect the worker from injury or a shield, screen or similar barrier, appropriate in the circumstances.

Extreme sun injuries may be reportable under the definition of "critical injury" in the Critical Injury regulation.

A "mine" includes pits and quarries. Section 280 of the *Mines and Mining Plant* regulation provides for drinking water.