



DEMELIS
TAKING CARE OF BUSINESS

Construction. Maintenance. Management

DE MELIS SAFETY NEWSLETTER NOVEMBER 2018 ISSUE

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Ontario's Bill 47 has received Royal Assent



On November 21, 2018, Bill 47, the *Making Ontario Open for Business Act, 2018*, received Royal Assent. The legislation is designed to repeal many of the amendments to the *Employment Standards Act, 2000* and the *Labour Relations Act, 1995* introduced by the previous provincial government last year.

As a recap, the following changes to the Employment Standards Act, 2000 will come into force on January 1, 2019:

1. The personal emergency leave provisions will be repealed and replaced by:
 - three unpaid personal illness days;
 - two unpaid bereavement days; and
 - three unpaid family responsibility days.
2. Employers will be permitted to request evidence of eligibility for the leave taken, which is reasonable to the leave taken and the circumstances surrounding it. The prohibition on requesting doctor's notes will be repealed;
3. The reverse onus on employers in misclassifying employees as independent contractors will be repealed;
4. The formula for calculating public holiday pay will be returned to pre-Bill 148 methodology.
5. The equal pay for equal work provisions based on employment status (i.e. part-time, casual, and temporary) and based on temporary help agency employment status will be repealed; and
6. The penalties for contravention of the ESA will all be returned to pre-Bill 148 levels.

Bill 47 also repealed scheduled changes to the Employment Standards Act, 2000 that were set to come into force on January 1, 2019:

1. The minimum wage will remain at \$14.00/hour (rather than rising to \$15.00/hour) and will continue for 33 months until increases tied to inflation resume in 2020; and
2. The scheduling provisions contained in the previous legislation will no longer come into force, meaning that: employees will not have the right to request schedule and work location changes after three months of employment; employees who are on-call and called in for less than three hours or who are on-call but not called in will not be eligible for a minimum of three hours' pay; employees who have a shift (or on-call shift) cancelled with less than 48 hours' notice will not be eligible for three hours' pay; employees who are scheduled to work a shift with less than 96 hours of notice will not be entitled to refuse the shift; and employers' record keeping obligations are returned to pre-Bill 148 requirements.



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Amendments to the Industrial Establishments Regulation (Reg. 851)



The Industrial Establishments Regulation (Reg. 851) under the Occupational Health and Safety Act, sets out requirements in section 13 for where guardrails must be installed. Section 13 also states that the guardrail requirements do not apply to certain areas in the workplace, namely, loading docks, roofs that are accessed only for maintenance purposes, or pits used for work on an assembly line or for vehicle maintenance.

Section 13 of Reg. 851 was recently amended to add a new exemption for a conveyor or similar system that transports a vehicle or vehicle part and any raised platform used with the conveyor or similar system. The exemption is limited to situations in which a guardrail would obstruct the passage of the vehicle or vehicle part, prevent workers from performing work, or pose a hazard to a worker.

In situations where any of the exemptions to the guardrail requirements apply and there is no guardrail, an additional amendment now requires employers to develop and implement other measures and procedures to protect workers from the hazard of falling.

The amendments came into force on October 26, 2018. For more information on the amendments please visit:

- the consolidated version of the Industrial Establishments Regulation, [section 13](#).
- the Source Law section of the e-Laws website for the amending regulation, [O. Reg. 456/18](#)



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Signs for Smoke and Vape-Free Spaces

Businesses must post these signs where people cannot smoke tobacco or cannabis or vape anything.

In the coming months, some of these signs will be updated to reflect where you can and cannot smoke or vape cannabis.

If you are **an employer or owner** (proprietor) of an enclosed workplace, an enclosed public place or other smoke-free and vape-free places as described in the *Smoke-Free Ontario Act, 2017* or Ontario Regulation 268/18, you **must post enough of** the individual (tobacco/e-cigarette) signs **OR** combined (tobacco *and* e-cigarette) signs at **each entrance, exit and washroom** to ensure that employees and the public know that they cannot smoke tobacco or cannabis (medical or recreational) or vape anything there.

You can:

- Order these signs from your local public health unit
- Download and print the PDF from the following links:
 - https://files.ontario.ca/en_tobaccosign.pdf
 - https://files.ontario.ca/en_ecigarettesign.pdf
- Get more detail about posting these signs in the legislation



Official sign names:

- Electronic Cigarette Sign for Employers
- Electronic Cigarette Sign for Proprietors
- Electronic Cigarette Sign for Hotels, Motels, and Inns

Official sign names:

- Tobacco Sign for Employers
- Tobacco Sign for Proprietors
- Tobacco Sign for Hotels, Motels, and Inns



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Ontario's New Distracted Driving Law to Start in 2019



New distracted driving law starts January 1, is a part of Ontario's Bill 174 cannabis legislation

A section of the Ontario cannabis legislation, which was passed in 2017, is expected to affect drivers in the province starting on January 1, 2019, according to the Ministry of Transportation (MTO).

On December 12, 2017, Ontario passed Bill 174, which regulates the sale of recreational marijuana in the province, following its legalization across Canada

According to a written email from MTO officials, the distracted driving changes made under the Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act will come into effect in the new year to "strengthen the existing road safety laws."

Drivers convicted of distracted driving under the new laws will be punished with a licence suspension, a hefty fine and demerit points. The severity of the punishment increases with the number of subsequent offences committed:

- **First offence:** 3 days suspension and \$1,000 fine
- **Second offence:** 7 days suspension and \$2,000 fine
- **Three or more offences:** 30 days suspension, \$3,000 fine and six demerit points



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Distracted driving is no longer limited to just texting and making phone calls. The Government of Ontario has posted a list of activities that counts as distracted driving and it includes anything from simply holding an electronic device in one's hand to eating while behind the wheel.

Using your phone to talk, text, check maps or choose a playlist while you're behind the wheel all count as distracted driving – and they put you and others at risk.

Other activities like eating, reading or typing a destination into a GPS are also dangerous when you're behind the wheel. It doesn't matter if you're on a highway or stopped at a red light – distracted driving could cost you.

Tips to avoid distracted driving

Use any of these tips to avoid distracted driving and its penalties:

- turn off your phone or switch it to silent mode before you get in the car
- put it in the glove compartment (lock it, if you have to) or in a bag on the back seat
- before you leave the house, record an outgoing message that tells callers you're driving and you'll get back to them when you're off the road
- some apps can block incoming calls and texts, or send automatic replies to people trying to call or text you
- ask a passenger to take a call or respond to a text for you
- if you must respond, or have to make a call or send a text, carefully pull over to a safe area
- silence notifications that tempt you to check your phone



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POST Safety Bulletin: Worker Injured on Jobsite



Recently a petroleum construction company owner and experienced Petroleum Mechanic was seriously injured while working on a submersible pump.

Because the pump was not properly grounded, he suffered an electrocution resulting in hospitalization. Thankfully he did not suffer serious damage and hopefully will make a full recovery.

The POST committee is awaiting the final report from the Ministry of Labour and expect to work in conjunction with them as well as the OPCA, TSSA and ESA to prevent this incident in the future.

In the meantime, it is recommended that all contractors ensure all equipment is properly grounded and take all necessary precautions before handling any energized equipment.

It is also important to have a Licenced Electrician confirm the site has proper grounding and to test for live voltage before touching any electrical component, like an STP or dispenser.

All learnings from this incident will be shared once investigations are complete.



Protecting Yourself From Cold Stress



Protecting Yourself from Cold Stress

Workers who are exposed to extreme cold or work in cold environments may be at risk of cold stress. Extremely cold or wet weather is a dangerous situation that can cause occupational illness and injuries such as hypothermia, frostbite, trench foot, and chilblains.

Hypothermia

A condition in which the body uses up its stored energy and can no longer produce heat. Often occurs after prolonged exposure to cold temperature.

Early symptoms

- Shivering
- Fatigue
- Loss of coordination
- Confusion and disorientation

Late symptoms

- No shivering
- Blue skin
- Dilated pupils
- Slowed pulse and breathing
- Loss of consciousness

First Aid

- Request immediate medical assistance.
- Move the victim into a warm room or shelter.
- Remove wet clothing.
- Warm the center of their body first—chest, neck, head, and groin—using an electric blanket; or use skin-to-skin contact under loose, dry layers of blankets, clothing, or towels.
- If conscious, warm beverages may help increase the body temperature. Do not give alcohol.
- Once temperature has increased keep them dry and wrapped in a warm blanket, including the head and neck.
- If no pulse, begin CPR.

Frostbite

An injury to the body that is caused by freezing, which most often affects the nose, ears, cheeks, chin, fingers, or toes.

Symptoms

- Reduced blood flow to hands and feet
- Numbness
- Aching
- Tingling or stinging
- Bluish or pale, waxy skin

First Aid

- Get into a warm room as soon as possible.
- Unless necessary, do not walk on frostbitten feet or toes.
- Immerse the affected area in warm (not hot) water, or warm the affected area using body heat. Do not use a heating pad, fireplace, or radiator for warming.
- Do not massage the frostbitten area; doing so may cause more damage.

Trench Foot

An injury of the feet resulting from prolonged exposure to wet and cold conditions that can occur at temperatures as high as 60 °F if the feet are constantly wet.

Symptoms

- Reddening of the skin
- Numbness
- Leg cramps
- Swelling
- Tingling pain
- Blisters or ulcers
- Bleeding under the skin
- Gangrene (foot may turn dark purple, blue, or gray)

First Aid

- Remove shoes/boots and wet socks.
- Dry feet.
- Avoid walking on feet, as this may cause tissue damage.



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Protecting Yourself From Cold Stress

Chilblains

Ulcers formed by damaged small blood vessels in the skin, caused by the repeated exposure of skin to temperatures just above freezing to as high as 60 °F.

Symptoms

- Redness
- Itching
- Possible blistering
- Inflammation
- Possible ulceration in severe cases

First Aid

- Avoid scratching.
- Slowly warm the skin.
- Use corticosteroid creams to relieve itching and swelling
- Keep blisters and ulcers clean and covered.



Protect Yourself

- Monitor your physical condition and that of your coworkers.
- Wear appropriate clothing.
 - Wear several layers of loose clothing for insulation.
 - Tight clothing reduces blood circulation to the extremities.
- Be aware that some clothing may restrict movement resulting in a hazardous situation.
- Protect the ears, face, hands and feet in extremely cold or wet weather.
 - Boots should be waterproof and insulated.
 - Wear a hat to reduce the loss of body heat from your head.
- Move into warm locations during breaks; limit the amount of time outside.
- Carry extra socks, gloves, hats, jacket, blankets, a change of clothes and a thermos of hot liquid.
- Include chemical hot packs in your first aid kit.
- Avoid touching cold metal surfaces with bare skin.



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Flu Season



Yes, it's that time of the year again. Flu season generally starts in the fall as the weather gets colder. You can play an active role in staying healthy and preventing the spread of the seasonal flu by following the safety tips below:

1. Get your flu shot. You can protect yourself and others by getting an annual flu shot.
2. Wash your hands frequently: Wash your hands with soap and warm water for at least 20-30 seconds. You should wash your hands before and after eating; after you have been in a public place; after using the washroom; after coughing and sneezing and after touching common surfaces.
3. Cough and sneeze into your arm, not your hand. If you use a tissue, dispose of it as soon as possible and wash your hands.
4. Keep your hands away from your face. In most cases, the flu virus enters the body through the eyes, nose or mouth.
5. Keep common surface areas clean and disinfected. Doorknobs, light switches, telephones, keyboards and other surfaces can become contaminated with all kinds of bacteria and viruses which can live on hard surfaces for up to 48 hours. Regularly cleaning and disinfecting these surfaces with normal household disinfectants can help prevent the spread of viruses.



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The Importance of Handwashing



Washing hands prevents illnesses and spread of infections to others. Handwashing with soap removes germs from hands. This helps prevent infections because:

- People frequently touch their eyes, nose, and mouth without even realizing it. Germs can get into the body through the eyes, nose and mouth and make us sick. Feces (poop) from people or animals is an important source of germs like *Salmonella*, *E. coli* and norovirus that cause diarrhea, and it can spread some respiratory infections like adenovirus and hand-foot-mouth disease.
- Germs from unwashed hands can get into foods and drinks while people prepare or consume them. Germs can multiply in some types of foods or drinks, under certain conditions, and make people sick.
- Germs from unwashed hands can be transferred to other objects, like handrails, table tops, or toys, and then transferred to another person's hands.
- Removing germs through handwashing therefore helps prevent diarrhea and respiratory infections and may even help prevent skin and eye infections.

Source: Taken from center for disease control and prevention – handwashing safety

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