



# What's New in HR Law

## Ontario Announces Free Naloxone Kits and Provides Additional Guidance in Advance of New OHS Act Requirements

December 19, 2022 | By [Mark Van Ginkel](#)

### Bottom Line

As we detailed in [our previous update from March 2, 2022](#), the *Working for Workers Act, 2022* (“Bill 88”) will amend the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 (“OHS Act”), to require certain employers to make naloxone kits available in the workplace. These amendments were [recently proclaimed into force](#) and will be effective beginning June 1, 2023.

The Government has now released a [useful guidance document](#), which provides additional information regarding how employers can determine if they need to provide naloxone in the workplace, the number of naloxone kits that will be required, and how workers ought to be trained.

The Ontario Government has also announced that it will be providing free naloxone kits to businesses and free training related to naloxone administration. These resources will be provided by the Government for up to two years as part of its Workplace Naloxone Program.

*This article is for the purposes of only general information and does not constitute legal advice or opinion.*

## New Guidance and Key Considerations

According to the Government's guidance document, an employer will be required to comply with the OHS requirements to provide naloxone in the workplace if the employer becomes aware, or ought reasonably to be aware, that the three following scenarios exist:

1. **There is a risk of a worker opioid overdose.** An employer can become aware that there is a risk of one of their workers having an opioid overdose in any number of ways, including if an overdose has already occurred, if a worker who uses opioids voluntarily discloses this fact to the employer, or where evidence of opioid use is found.
2. **There is a risk of a worker opioid overdose happening in the workplace where the worker performs work for the employer.** The requirements do not apply if there is a risk of opioid overdose happening outside of the workplace.
3. **The risk of opioid overdose is posed by a worker who performs work for the employer.** The requirements do not apply to an employer if the risk is created by another worker who does not perform work for the employer.

If an employer is subject to the new OHS requirements, the employer must provide at least one naloxone kit in each workplace in which they are aware, or ought reasonably to be aware, of the risk of one of their workers having an opioid overdose.

Although there is no specific requirement to provide more than one naloxone kit in any workplace, employers may determine that they need to provide multiple naloxone kits in their workplace as a reasonable precaution to protect their workers. This may be the case where multiple workers are at risk of having an opioid overdose or where the employer's workplace is very large.

Affected employers must also ensure that, whenever workers are in the workplace, the naloxone kit is in the charge of a worker who works in the vicinity of the kit and who has received the required training. The required training can be provided by the employer itself or through an external training provider, but at a minimum it must allow the worker to recognize an opioid overdose, administer naloxone, and be acquainted with any hazards related to the administration of naloxone.

## Free Naloxone Training and Kits

The Ontario Government has launched the Workplace Naloxone Program to provide support to employers who are required to comply with the naloxone requirements. Starting immediately, the Government will provide free naloxone training for up to two workers per workplace and/or one free nasal spray naloxone kit per workplace.

Employers can contact the following participating program providers for more information on how to access free naloxone training and kits:

- [Canadian Red Cross](#)
- [St. John Ambulance](#)

## Check the Box

In advance of the naloxone requirements coming into force on June 1, 2023, consult the Ontario Government's guidance document to determine whether the requirements apply to you. If they do, or are likely to apply, consider accessing the resources provided by the Government to obtain free training and a free naloxone kit for your workplace.

Affected employers should also review the new statutory requirements to ensure that they understand what is necessary for compliance starting June 2023.

## Need More Information?

For more information or assistance with occupational health and safety matters, contact [Mark Van Ginkel](#) at [mvanginkel@filion.on.ca](mailto:mvanginkel@filion.on.ca) or your regular lawyer at the firm.



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