



# What's New in HR Law

## Ontario Government Announces Occupational Health and Safety Incentive Program

December 9, 2019

### Bottom Line

Through the new Supporting Ontario's Safe Employers program and/or Health and Safety Excellence Program, employers may receive recognition of their health and safety efforts and receive Workplace Safety and Insurance Board ("WSIB") premium rebates if they successfully implement occupational health and safety management systems ("OHSMS").

### Supporting Ontario's Safe Employers: A Program to Reward Effective Workplace Health and Safety Practices

On November 22, 2019, the Ontario Government announced the Supporting Ontario's Safe Employers program, which will come into effect in 2020. The program aims to promote positive health and safety culture in workplaces and reduce work-related injuries and illnesses across Ontario. The program is comprised of two parts:

1. **Accreditation** of an OHSMS; and
2. **Recognition** of employers who successfully implement an accredited OHSMS.

Filion Wakely Thorup Angeletti LLP [www.filion.on.ca](http://www.filion.on.ca)

#### Toronto

Bay Adelaide Centre  
333 Bay Street, Suite 2500, PO Box 44  
Toronto, Ontario M5H 2R2

#### London

620A Richmond Street, 2nd Floor  
London, Ontario N6A 5J9  
tel 519.433.7270 | fax 519.433.4453

#### Hamilton

1 King Street West, Suite 1201, Box 57030  
Hamilton, Ontario L8P 4W9  
tel 905.526.8904 | fax 905.577.0805

Participation in the program is voluntary. All Ontario employers are eligible to participate, regardless of their operational size or industry sector.

The Supporting Ontario's Safe Employers program will not affect Ministry of Labour inspections under the *Occupational Health and Safety Act* (the "*OHSA*").

## 1. Accreditation of an Occupational Health and Safety Management System

An OHSMS is a tool that provides an employer with a systematic approach to managing and continuously improving workplace health and safety. Thus far, the Government's Chief Prevention Officer ("CPO") has accredited four existing OHSMS standards and/or programs, which employers are likely already familiar with:

- [ISO 45001:2018 – OHSMS – Requirements with guidance for use](#);
- [CSA ZA5001-19 – OHSMS – Requirements with guidance for use](#);
- [BS OHSAS 18001:2007 – OHSMS – Requirements](#); and
- [COR 2020 Updated Standard](#).

If an employer fully implements one of these standards, they do not need to apply for accreditation of their OHSMS.

Alternatively, an employer may develop its own OHSMS and apply to have it accredited by the CPO. For employers who already have a non-accredited OHSMS in place, applications for accreditation can be submitted as early as January 2020.

## 2. Employer Recognition by the Chief Prevention Officer

Once it has implemented an OHSMS, an employer can apply for CPO recognition. Recognition will be given if the employer meets the CPO's Employer Recognition Criteria, which include:

- Providing the CPO with the result of a third-party audit verifying the employer's successful OHSMS implementation;
- Meeting performance requirements that demonstrate the employer's compliance with the *OHSA*;
- Demonstrating worker participation in occupational health and safety, including having not reprimed against workers for exercising their *OHSA* rights; and
- Demonstrating a commitment to an internal responsibility system at the workplace, including compliance with *OHSA* requirements in respect of the establishment and training of health and safety representatives and joint health and safety committees.

The Supporting Ontario's Safe Employers program incorporates an ongoing quality assurance process, which will be used to ensure that CPO-recognized employers maintain their accredited OHSMS and continue to meet the Employer Recognition Criteria.

The CPO can revoke recognition from any employer who fails to comply with third-party audit requirements, comply with the *OHSA*, or demonstrate commitment to internal responsibility systems or meaningful worker participation in workplace health and safety. Revocation of

recognition may also occur if the CPO becomes aware that an employer has submitted fraudulent information to the Ministry of Labour or has not met reporting requirements.

### 3. Program Benefits

Employers who receive CPO recognition may be eligible to receive WSIB premium rebates for up to three years. The WSIB will invest approximately \$140 million in rebates to the Supporting Ontario's Safe Employers program.

Recognized employers will also have their names published on the Ministry of Labour's website and be able to brand themselves as "CPO-recognized" businesses.

#### **WSIB's Health and Safety Excellence Program**

In addition, the WSIB has launched a parallel Health and Safety Excellence program to encourage employers to develop an OHSMS if they do not already have one in place.

The Health and Safety Excellence program tracks an employer's progress based on the development of OHSMS topics that focus on eliminating or controlling specific workplace hazards. The WSIB has identified 38 standard topics under the Health and Safety Excellence program.

Larger employers can receive between 1.4% to 2% rebates per topic that they successfully complete. Small businesses may receive rebates equal to \$1000 or more per completed topic. A WSIB-approved program provider must validate the employer's completion of each topic. For some employers, these rebates may amount to considerable savings.

Employers will also receive digital badges in recognition of their progress through program steps, including for successfully implementing topics and completing a year in the program. These digital badges may be displayed on an employer's website or print materials.

Only Schedule 1 employers may participate in the Health and Safety Excellence program.

#### **Check the Box**

Participation in the Supporting Ontario's Safe Employers program and/or Health and Safety Excellence Program is an effective way to lower WSIB claims costs.

Employers should:

- Assess their workplace practices to ensure that there are measures and processes for minimizing workplace hazards and continuously improving occupational health and safety.
- Review the CPO-accredited standards and WSIB-approved topics to identify areas of strength or needed improvement in respect of workplace health and safety.

## Need more information?

Contact [Cassandra Ma](#) at 416-408-5508 or speak to your regular lawyer at the firm.



### Toronto

Bay Adelaide Centre  
333 Bay Street, Suite 2500,  
PO Box 44  
Toronto, Ontario M5H 2R2  
tel: 416.408.3221  
fax: 416.408.4814  
toronto@filion.on.ca

### London

620A Richmond Street, 2<sup>nd</sup> Floor  
London, Ontario N6A 5J9  
tel: 519.433.7270  
fax: 519.433.4453  
london@filion.on.ca

### Hamilton

1 King Street West, Suite 1201  
Box 57030  
Hamilton, Ontario L8P 4W9  
tel: 905.526.8904  
fax: 905.577.0805  
hamilton@filion.on.ca