

# Occupational Health & Safety in the Physician's Office

---

*Presented to the Mississauga Halton Infection Control Network*

Leon Genesove MD DIH FCBOM FRCPC  
Chief Physician  
Ontario Ministry of Labour  
March 2010

**Safe At Work Ontario**  
Enforcement > Compliance > Partnership >

**Ministry of Labour**

## Disclaimer

---

The material in this presentation is being provided as information only. Reference should always be made to the *Occupational Health and Safety Act* and the regulations to ascertain one's rights and duties under the law. It is the responsibility of all workplace parties to ensure compliance with the *Occupational Health and Safety Act* and the regulations and to seek independent legal advice where questions remain.

We cannot provide legal advice, interpret the law or conduct research. For such assistance, we recommend contacting a lawyer.

## Learning Objectives

---

Participants will:

Distinguish requirements of the Occupational Health and Safety Act as they apply to the Physicians' role as employer

Implement improved OH&S programs within their offices

## Overview of Topics

---

1. Safe at Work Ontario
2. Occupational Health and Safety Act basics
3. Common Health Care Workplace Hazards and Applicable Legislation
  - a) Musculoskeletal Disorders
  - b) Needlestick Injuries
  - c) Infectious Disease
  - d) Slips, Trips and Falls
  - e) Workplace Violence – new legislation

## Safe at Work Ontario Ontario's Occupational Health and Safety System

---

**Ministry of Labour** -Occupational Health and Safety Act enforcement

**Workplace Safety and Insurance Board (WSIB)** -Prevention focus

**Health and Safety Associations (HSAs)** -Training and education focus

**The Occupational Health and Safety Council of Ontario (OHSCO)**

## Safe at Work Ontario

---

- Launched June 2008
  - Built on the Ministry's 2004-2008 strategy
  - Modern regulatory approach
- Enforcement strategy
  - LTI and WSIB claims costs, and
  - Focus on sector hazards and improving the health and safety culture of workplaces
- Number of factors used to identify workplaces for proactive inspection
  - Health and safety record
  - History of non-compliance
  - Presence of health and safety hazards inherent to activities of the business

## Safe At Work Ontario

# The Internal Responsibility System

---

The key to workplace health and safety in Ontario is the Internal Responsibility System (IRS). Employers, supervisors, workers, their health and safety associations and the government all have key roles to play in taking responsibility for health and safety in the workplace, leading to the elimination of workplace injuries and deaths.

### **Workplace Health and Safety Culture**

A strong health and safety workplace culture consists of:

- **Competence**
- **Commitment**
- **Capacity**

A strong IRS can lead to a strong culture of health and safety. Strong leadership by senior executives and other managers sets the tone and establishes a corporate culture that nurtures the IRS. A health and safety culture requires all workplace parties to pay constant, appropriate attention to workplace health and safety.

## Partnerships

---

The MOL works with our system partners to develop our sector plans and determine key areas of enforcement.

In the Health Care sector, key partnerships include:

- Ministry of Health and Long-Term Care (MOHLTC)
- Ontario Agency for Health Protection and Promotion (OAHPP)
- Regional Infection Control Networks (RICN)
- Health and Safety Association for Government Services (HSAGS, formerly OSACH)

## Occupational Health and Safety Act – The Basics

---

Employers are required to provide:

- **information,**
- **instruction** and
- **supervision**

to a worker to protect the health or safety of the worker.

(from the *Occupational Health and Safety Act*, s.25)

## Health Care Workplace Hazards and Applicable Legislation

---

- Hazard: **Musculoskeletal Disorders**
  - Caused by: repetitive activities, poor ergonomics, heavy lifting, awkward postures, etc.
- Applicable Legislation:
  - **s.25(2)(h) of the Occupational Health and Safety Act:** the employer shall take every precaution reasonable in the circumstances for the protection of the worker

## Health Care Workplace Hazards and Applicable Legislation

---

- Hazard: **Needlestick Injuries**

- Applicable Legislation:

- **O. Reg 474/07, Needle Safety:** This regulation applies when a worker is to do work requiring the use of a hollow-bore needle on a person for a therapeutic, preventative, palliative, diagnostic or cosmetic purpose, in most workplaces where health-related services are provided.
- As of July 1, 2010 the regulation coverage is expanded to additional workplaces including doctors' and dentists' offices, CHCs, Family Health Centres and independent health facilities

## Health Care Workplace Hazards and Applicable Legislation

---

- Hazard: Exposure to **Infectious Disease**
- Applicable Legislation:
  - **s.25(2)(h) of the Occupational Health and Safety Act**: the employer shall take every precaution reasonable in the circumstances for the protection of the worker
  - Using H1N1 as an example - staff safety obligations under **25(2)(h)** and **25(2)(a)** include: fit-testing, education and training on IP&C
  - HCR Facilities Reg. s. 8 & 9(1)4  
The control of infections
    - measures and procedures
    - education and training

## Health Care Workplace Hazards and Applicable Legislation

---

- Hazard: **Slips, trips and falls**
  - May be caused by: icy outdoor surfaces, wet floors, uneven flooring surfaces, items on floor, improper use of chairs to access high storage, etc.
- Applicable Legislation:
  - **s.25(2)(h) of the Occupational Health and Safety Act:** the employer shall take every precaution reasonable in the circumstances for the protection of the worker

## Health Care Workplace Hazards and Applicable Legislation

---

- Hazard: **Workplace Violence**
  - Possible causes: violence from patients or their family members towards staff, violence between staff members
- Applicable Legislation:
  - The **Bill 168** amendments to the Occupational Health and Safety Act will come into force on June 15, 2010. These amendments will strengthen protection for workers from **workplace violence** and address **harassment** at work, and will apply to all workplaces to which the OHSa currently applies.

## Key Elements of Bill 168

---

### 1. **Definitions** of workplace violence and workplace harassment in the OHSA:

**"workplace harassment"** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome

**"workplace violence"** means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

## Key Elements of Bill 168

---

2. Requirement for employers to prepare **policies** with respect to workplace violence and workplace harassment, and to develop and maintain **programs** to implement their policies (and provide information and instruction to workers on the contents of the policies and programs)
  - Workplace violence and workplace harassment programs would:
    - include measures and procedures for workers to report incidents of workplace violence/harassment, and
    - set out how the employer will investigate and deal with incidents or complaints
  - The workplace violence program would also include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur

## Key Elements of Bill 168

---

3. Requirement for employers to proactively **assess the risks** of workplace violence that may arise from:

- the nature of the workplace
- the type of work, or
- the conditions of work

and include measures and procedures to **control** the risks in the workplace violence program

4. Requirement for employers who are aware, or who ought reasonably to be aware, that **domestic violence** may occur in the workplace to take every precaution reasonable in the circumstances to protect a worker who is at risk of physical injury

## Key Elements of Bill 168

---

5. Specifies that existing duties on employers/supervisors to provide information/advise workers include providing personal information about a **risk of workplace violence from a person** with a history of violent behaviour
- if the worker can be expected to encounter that person in the course of work, and
  - if the risk of workplace violence is likely to expose the worker to physical injury

No more personal information shall be disclosed than is reasonably necessary to protect the worker from physical injury

## Key Elements of Bill 168

---

6. **Extends the right to refuse** work to a worker who has reason to believe that workplace violence is likely to endanger him/herself. The limited right to refuse of certain workers will continue. **Reprisals** by the employer will continue to be prohibited
7. Requires that the workplace **joint health and safety committee, etc. be notified** if a worker is disabled or needs medical attention due to workplace violence

## Summary

---

1. Safe At Work Ontario
  - The Ministry of Labour's strategy to reduce workplace injuries and illness
2. Occupational Health and Safety Act basics
  - Employers are required to provide **information, instruction** and **supervision** to a worker to protect the health or safety of the worker.
3. Workplace Hazards and Applicable Legislation
  - Know the hazards in your workplace, and the applicable legislation  
<http://www.labour.gov.on.ca/english/hs/laws/index.php>