



## **Occupational Health and Safety Act (OHS) Notice Provisions**

### **Section 25 (2) l and m—sections that give the JHSC and/or H&S rep and workers the right to receive H&S reports:**

An employer shall:

(l) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety

(m) advise workers of the results of a report referred to in clause (l) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.

### **Section 51—the right of the JHSC/H&S rep and the union to receive notices of critical injury and/or fatality**

Where a person is killed or critically injured from any cause at a workplace, the constructor, if any and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram, or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe.

### **Section 52—the right of the JHSC/H&S rep and the union to receive notices of workplace injury and/or occupational disease**

(1) If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion or fire at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the director, JHSC, and the trade union.

(2) If the employer is advised by or on behalf of a worker that a worker has an occupational illness or that a claim in respect of an occupational illness has been filed with WSIB by or on behalf of the worker, the employer shall give notice in writing, within 4 days of being advised, to a director, JHSC, rep, and trade union, containing such information and particulars as are prescribed.

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an

occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker.

**Industrial /Health Care Regulation Section 5—What notices MUST contain\*\***

(1) The written report required by Section 51 of the Act shall include:

- a) name and address of the constructor and employer
- b) nature and circumstances of the occurrence and the bodily injury sustained
- c) a description of the machinery and equipment involved
- d) time and place of the occurrence
- e) name and address of the person who was killed or critically injured
- f) names and addresses of all witnesses to the occurrence
- g) name and address of the physician or surgeon, if any, who the person was or is being attended by

(2) For the purposes of Section 52 of the act, notice of,

- a) an accident, explosion or fire which disables a worker from performing his or her usual work, or
- b) an occupational illness

shall include:

- c) name, address and type of business of the employer
- d) nature and circumstances of the occurrence and the bodily injury sustained
- e) a description of the machinery and equipment involved
- f) time and place of the occurrence
- g) name and address of the person suffering the injury or illness
- h) names and addresses of all witnesses to the occurrence
- i) name and address of the physician or surgeon, if any, who the person was or is being attended by
- j) the steps taken to prevent a recurrence

(3) A record of an accident, explosion or fire causing injury requiring medical attention but not disabling a worker from performing his or her usual work shall be kept in the permanent records of the employer and include particulars of:

- a) the nature and circumstances of the occurrence and the injury sustained
- b) the time and place of the occurrence
- c) the name and address of the injured person

**\*\* Note: At the time of printing, the Ministry of Labour was actively considering consolidating existing regulatory requirements to report accidents, incidents and occupational injuries into one consolidated regulation for all workplaces. Until a new regulation becomes law, reporting requirements as described above are the law.**