

## Human Resources Legislative Update

### Ontario Health and Safety Regulations Amended

**Date:** June 14, 2019

On June 10, 2019, the Ontario government filed a number of amendments to regulations made under the *Occupational Health and Safety Act*.

[O. Reg. 186/19](#) replaces the “Equivalency” provision of Regulation 851 (Industrial Establishments) with a new provision entitled “Alternative methods and materials.” It now requires employers to provide written notice to the joint health and safety committee or the health and safety representative, as well as to the union, where the employer, owner or constructor intends to vary a procedure or the “composition, design, size or arrangement of a material, object, device or thing” set out in the Regulation in a manner such that the protection afforded for the health and safety of workers is at least equal to that under the Regulation.

O. Reg. 186/19 also amends Part III, Industrial Hygiene, of Regulation 851 to require employers to provide as many eye wash facilities, emergency showers and antidotes, flushing fluids or washes as may be needed for emergency treatment, where workers are required to work with or may be exposed to hazardous biological or chemical agents that could cause injury to the eyes or skin. Previously, only an eye wash fountain was required where there was risk of injury to eyes, and only a shower was required where there was risk to the skin.

These changes, among others in the Regulation, come into force July 1, 2019

[O. Reg. 185/19](#) amends Regulation 833 (Control of Exposure to Biological or Chemical Agents) to include, among other things, definitions relating to respirators and breathing apparatus, compliance requirements for measuring airborne concentrations, a requirement that employers provide (and workers use) respirators in specified circumstances and a new “Respiratory Protection Program.” Similar amendments to O. Reg. 490/09 (Designated Substances) are made by [O. Reg. 189/19](#). These changes come into force on January 1, 2020.

[O. Reg. 190/19](#) amends O. Reg. 213/91 (Construction Projects) to require constructors and employers engaged in a project taking place at a factory that manufactures or assembles automobiles to file a notice of project (NOP) with the Ministry of labour where construction costs for labour and materials are expected to exceed \$250,000 (previously, \$50,000). The \$50,000 threshold remains for those engaged in other construction projects. This change comes into force on July 1, 2019.

[O. Reg. 191/19](#) amends O. Reg. 297/13 (Occupational Health and Safety Awareness Training) to exempt employers from the working at heights training requirement where a worker works at a factory which manufactures or assembles automobiles (as defined) and is directly employed by the employer that operates the factory. This change comes into force on July 1, 2019.

Amendments were also made to Regulation 854 (Mines and Mining Plants) ([O. Reg. 187/19](#)) and Regulation 855 (Oil and Gas – Offshore) ([O. Reg. 188/19](#)).