



BY-LAW NO. 330-2012

**A BY-LAW RESPECTING
OCCUPATIONAL HEALTH AND SAFETY**

1. PREAMBLE

- 1.1 WHEREAS section 31(1) of the *Police Services Act*, R.S.O. 1990, c.P.15 as amended, provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- (b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to the police services in the municipality;
 - (c) establish policies for the effective management of the police force; and
 - (e) direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas the Ministry of Labour under Section 21 of the *Occupational Health and Safety Act* has appointed the Ontario Police Health and Safety Committee for the purpose of making recommendations on occupational health and safety issues that affect police personnel across Ontario;
- 1.4 AND whereas the Ontario Police Health and Safety Committee has provided guidelines that support the *Police Services Act*, and its regulations, and the requirements of the *Occupational Health and Safety Act*, and its regulations, as they apply to police services across the province.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 "Act" means the *Police Services Act*, R.S.O. 1990 c.P. 15, as amended;
- 2.2 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.3 "Chief" means the Chief of Police of the Niagara Regional Police Service;
- 2.4 "Member" means a member of the Niagara Regional Police Service as defined in the *Act*;
- 2.5 "Service" means the Niagara Regional Police Service;
- 2.6 "Worker" means a person who performs work or supplies services to the Niagara Police Services Board or the Niagara Regional Police Service for monetary compensation.

3. BOARD POLICY

- 3.1 Subject to the risks inherent in policing, it is the policy of the Niagara Police Services Board to conduct all operations in a safe and healthy manner in order to prevent injury or illness to workers.
- 3.2 The elimination of hazards to workers and property shall be a prime consideration when planning any work activity.
- 3.3 All practical steps shall be taken to ensure that the work environment and work procedures comply with Federal and Provincial legislation and municipal by-laws pertaining to the health and safety of workers.

4. GUIDING PRINCIPLES

- 4.1 Subject to the risks inherent in policing, every worker has a right to work in a healthy and safe environment.
- 4.2 Workers are encouraged to be actively involved in maintaining a healthy and safe environment.
- 4.3 Cooperation between the employer and workers is desirable in developing and maintaining healthy and safe workplaces.
- 4.4 The prevention of accidents, injury and occupational illness should be an integral part of every job activity.
- 4.5 An internal responsibility system, recognizing the roles of everyone in the workplace including workers, supervisors, employers and owners, is the key to an effective health and safety program.

5. MANDATORY REQUIREMENTS

- 5.1 This By-law, along with a copy of the *Occupational Health and Safety Act*, and any explanatory material prepared by the Ministry of Labour, shall be posted in a conspicuous location in all Niagara Regional Police Service facilities as required by Section 25(2)(i) and (k) of the *Occupational Health and Safety Act*.
- 5.2 All reasonable precautions for the prevention of accidents and the promotion of safety and health of all workers shall be made in compliance with the *Occupational Health and Safety Act* and other relevant legislation that sets out minimum requirements for ensuring workers' health and safety. The need to supplement these minimum requirements must be determined in light of specific work situations.
- 5.3 Occupational health and safety programs specific to the Niagara Regional Police Services' operational needs shall be developed, implemented and communicated to all workers.
- 5.4 Managers, supervisors and workers shall receive information and training on safe work practices and their duties and responsibilities under applicable legislation.

6. DIRECTION TO THE CHIEF

- 6.1 The Chief of Police shall:
 - 6.1.1 Provide as safe and healthy a work environment as can reasonably be expected given the nature of police work and the resources and technology available.

- 6.1.2 Establish an effective internal responsibility system, whereby everyone clearly understands their responsibilities regarding the occupational health and safety of workers.
- 6.1.3 Provide ongoing training to heighten worker awareness of known safety hazards and maintain job skills and knowledge.
- 6.1.4 Develop and maintain open communication between all levels in the Police Service to encourage Member participation in the Service's Safety Program.
- 6.1.5 Involve all Members in safety through an effective Joint Health and Safety Committee accessible to all Service Members.
- 6.1.6 Ensure compliance with applicable Federal and Provincial legislations including Sections 25 and 26 of the *Occupational Health and Safety Act*, and municipal by-laws.
- 6.1.7 Periodically review the Police Services' health and safety policy, programs and operating procedures to maintain safety performance and ensure that the workplace health and safety policy is posted in a conspicuous place in the workplace.
- 6.1.8 Establish procedures that are consistent with this By-law and comply with Sections 25, 26, 27 and 28 of the *Occupational Health and Safety Act* (see Appendix A) which outline the duties of employers, supervisors and workers under the Act.

7. REPORT TO THE BOARD

- 7.1 The Chief shall make an annual written report to the Board. The report shall include:
 - (a) a summary of the procedures as required by this By-law; and
 - (b) the status of Service compliance with said procedures;

8. IMPLEMENTATION

- 8.1 By-law No. 133-1992, as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 8.2 This By-law shall come into force upon the date of its enactment.
- 8.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 20th day of December, 2012.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File

Chairperson

Signed Original on File

Executive Director

**Occupational Health and Safety Act
R.S.O. 1990, CHAPTER O.1**

Duties of employers

- 25. (1)** An employer shall ensure that,
- (a) the equipment, materials and protective devices as prescribed are provided;
 - (b) the equipment, materials and protective devices provided by the employer are maintained in good condition;
 - (c) the measures and procedures prescribed are carried out in the workplace;
 - (d) the equipment, materials and protective devices provided by the employer are used as prescribed; and
 - (e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,
 - (i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,
 - (ii) in accordance with such other requirements as may be prescribed, or
 - (iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply. R.S.O. 1990, c. O.1, s. 25 (1); 2011, c. 11, s. 9.

Idem

- (2)** Without limiting the strict duty imposed by subsection (1), an employer shall,
- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;
 - (b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;
 - (c) when appointing a supervisor, appoint a competent person;
 - (d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
 - (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
 - (f) only employ in or about a workplace a person over such age as may be prescribed;
 - (g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
 - (h) take every precaution reasonable in the circumstances for the protection of a worker;
 - (i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
 - (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
 - (k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
 - (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; and
- (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. R.S.O. 1990, c. O.1, s. 25 (2).

Idem

(3) For the purposes of clause (2)(c), an employer may appoint himself or herself as a supervisor where the employer is a competent person. R.S.O. 1990, c. O.1, s. 25 (3).

Same

(3.1) Any explanatory material referred to under clause (2) (i) may be published as part of the poster required under section 2 of the *Employment Standards Act, 2000*. 2009, c. 23, s. 2.

Idem

(4) Clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed. R.S.O. 1990, c. O.1, s. 25 (4); 2011, c. 1, Sched. 7, s. 2 (2).

Additional duties of employers

26. (1) In addition to the duties imposed by section 25, an employer shall,

- (a) establish an occupational health service for workers as prescribed;
- (b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
- (c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
- (d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
- (e) notify a Director of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;
- (f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;
- (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
- (h) establish a medical surveillance program for the benefit of workers as prescribed;
- (i) provide for safety-related medical examinations and tests for workers as prescribed;
- (j) where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;
- (k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and
- (l) carry out such training programs for workers, supervisors and committee members as may be prescribed.

Idem

(2) For the purposes of clause (1)(a), a group of employers, with the approval of a Director, may act as an employer. R.S.O. 1990, c. O.1, s. 26 (1, 2).

Idem

(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

- (a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;
- (b) the worker's reasonable travel costs respecting the examinations or tests; and

- (c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 26 (3); 1994, c. 27, s. 120 (3).

Duties of supervisor

27. (1) A supervisor shall ensure that a worker,
- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
 - (b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

- (2) Without limiting the duty imposed by subsection (1), a supervisor shall,
- (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
 - (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
 - (c) take every precaution reasonable in the circumstances for the protection of a worker.
- R.S.O. 1990, c. O.1, s. 27.

Duties of workers

28. (1) A worker shall,
- (a) work in compliance with the provisions of this Act and the regulations;
 - (b) use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;
 - (c) report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and
 - (d) report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

Idem

- (2) No worker shall,
- (a) remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;
 - (b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker; or
 - (c) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

Consent to medical surveillance

(3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so. R.S.O. 1990, c. O.1, s. 28.