

 <p><b>Jarvis Community Christian School</b> SCHOOL POLICY BINDER</p>		POLICY NUMBER 413	PAGE NUMBER 1 of 5
		TITLE: Health & Safety	
		DATE OF APPROVAL: August 16, 2011	
PREVIOUS REVISION DATES: None – New Policy		SIGNATURE OF CHAIRMAN:  Andrew Bergsma	
LAST REVIEWED: 2016	REVIEW MONTH: February of even numbered years		

## Background

Jarvis Community Christian School, as a Christian community, is devoted to the welfare of its employees and students, and recognizes its responsibility to promote their health and safety. In keeping with its mission, JCCS undertakes to provide a healthy and safe work environment. The Board of Directors (“BOD”) gives its promise that every reasonable precaution will be taken to protect all workers and students from violence, harassment, injury or occupational disease.

As employer, the BOD is ultimately responsible for the health and safety of its employees; as owner and operator of the school, the BOD is also ultimately responsible for the health and safety of the students. All the workplace parties must be dedicated to the continuing objective of improving workplace health and safety. The BOD requires the ongoing cooperation of its employees in the exercise of their responsibilities.

Jarvis Community Christian School will be held responsible for the health and safety of its workers and all others under its supervision. This includes the responsibility to ensure that all machinery, equipment and resources are safe and that workers work in compliance with established safe work practices and procedures. Workers will receive adequate training in their specific work tasks to protect their personal health and safety and that of their students.

Every worker must protect his or her own health and safety by working in compliance with the law and safe work practices and procedures established by Jarvis Community Christian School. Every worker is responsible to bring to the attention of the BOD or the principal or other supervisors, the existence of any unhealthy or unsafe conditions or practices.

It is in the best interest of all the workplace parties to consider health and safety in every activity. Commitment to health and safety must form an integral part of all positions at Jarvis Community Christian School.

TITLE	POLICY NUMBER	PAGE 2 of 5
Health & Safety	413	Effective 16/08/2011

Jarvis Community Christian School has a Joint Health and Safety Committee (JHSC) consisting of the COO/Principal, the custodian, and a teacher representative. Workplace inspections are conducted regularly and the minutes are posted for your information. Please do not hesitate to contact a JHSC representative if you have any concerns regarding your health and safety at Jarvis Community Christian School.

## INTRODUCING OHSA

The Ontario *Occupational Health and Safety Act* (OHSA), first introduced in 1990, is the minimum standard for health and safety in the workplace. The Act gives the Government of Ontario broad powers to make regulations for specific circumstances.

The OHSA was recently amended (Dec. 2009, Bill 168) to strengthen protections for workers from workplace violence and address workplace harassment. The implementation of such amendments means an increasing number of statutes and regulations now have an increasing impact on health and safety related diligence and practices. Furthermore, definitions have been broadened. For example, harassment is no longer confined to the Ontario Human Rights Code but now involves situations or behaviours that explicitly or implicitly cause, or would reasonably tend to cause offence, humiliation, discomfort or embarrassment. The Human Rights Code only requires a complainant to establish harassment based on prohibited ground of discrimination (e.g. race, gender, religion, etc.). Furthermore, Bill 168 also gives the workers the right to refuse work if workplace violence is likely to endanger the worker. The Bill sets out rules governing the investigation of such work refusals.

The OHSA contains instruction for the administration of occupational health and safety measures regarding these key areas:

- the duties of the employer, supervisor and worker
- workers' rights
- participation in health and safety programs
- control of toxic substances
- delivery of information

The OHSA provisions are contained within ten parts:

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm)

- Part 1: application
- Part II: administration
- Part III: duties of employers and others
- Part IV: toxic substances
- Part V: right to refuse
- Part VI: reprisals
- Part VII: notices
- Part VIII: enforcement
- Part IX: offenses and penalties
- Part X: regulations

The OHSA creates an interlocking set of duties and obligations on the part of employers,

TITLE	POLICY NUMBER	PAGE 3 of 5
Health & Safety	413	Effective 16/08/2011

supervisors and workers. This is designed to ensure compliance with government regulations. The Joint Health and Safety Committee serves to ensure that employers and workers are meeting their responsibilities and are in position to exercise their rights. Our school falls within the definition of “workplace” under this Act and therefore the Act and its regulations apply. More specifically, the OHSA applies to all persons who are employed as teachers as defined in the *Education Act* – including any member of the Ontario College of Teachers.

Other related legislation which apply to schools are listed below.

Workplace Safety and Insurance Act  
Smoking in the Workplace Act  
The Education Act  
The Child and Family Services Act  
The Youth Criminal Justice Act  
The Criminal Code of Canada  
The Charter of Rights and Freedoms  
Ontario Human Rights Code  
Safe Schools Act  
First Aid Regulation  
Ontario Fire Code  
Ontario Building Code  
Electrical Safety Code

Regardless of the size of the workplace or the number of employees, a health and safety program must be in place. The OHSA does not exempt smaller organizations from health and safety obligations. Having a functioning health and safety program in place can go a long way towards proving due diligence in case of a serious accident.

## WORKPLACE

A workplace, by definition, is any land, premise, location or thing at, upon, in or near which a worker works. A workplace could be a building, mine, construction site, vehicle, open field, road or forest. The test is: Is the worker being directed and paid to be there or to be near there? If the answer is “yes,” then it is a workplace.

## DUTIES

Employers:

For the OACS family of schools, the Board of Directors is considered the employer. An employer is a person who employs one or more workers, or contracts for the services of one or more worker. The COO/Principal of the school represents the BOD and as such acts on behalf of the employer. The COO/Principal may have to assume some of the BOD duties on site. The OHSA recognizes general and prescribed duties for employers. Prescribed duties means that a regulation must exist in order to put into effect the requirements of a section of the OHSA. The employers’ duties are spelled out in

TITLE	POLICY NUMBER	PAGE 4 of 5
Health & Safety	413	Effective 16/08/2011

sections 25 and 26 of the OHSA. It is up to the BOD to ensure that its officer, the COO/Principal, follows through on the employer's responsibilities. Here are some of the key duties and responsibilities of employers:

- ensure that the OHSA and the regulations are complied with
- ensure that measures and procedures, where "prescribed" are complied with
- provide prescribed protective equipment
- provide information, instruction and supervision to a worker to protect the health and safety of the worker
- conduct risk assessments
- assist in a medical emergency by providing all information
- inform a worker, or supervisor, about any hazard in the work and ensure that appropriate training is provided
- assist the JHSC
- post the workplace copy of the OHSA in the majority language
- prepare and post a written occupational health and safety policy, review the program once a year and develop a program for implementation
- post a copy of the Workplace Violence and Harassment Policy
- take every precaution reasonable in the circumstances for the protection of a worker
- notify appropriate authorities when required in case of workplace incidents

Supervisors:

The supervisor is in charge of the workplace and has authority over a worker. In schools, the supervisor may include the COO/Principal, the Vice Principal and department head. The supervisor's duties are spelled out in section 27 of the OHSA. Duties include:

- ensure that a worker complies with the OHSA and the regulations
- ensure that any equipment, protective devices or clothing required by the OHSA or the employer is used or worn by the worker
- advise a worker of any potential or actual danger known by the supervisor
- take every precaution reasonable in the circumstances for the protection of workers
- conduct risk assessments

Workers:

The workers' duties are detailed in section 28 of the OHSA. The worker, by definition, is a person who performs work or supplies services for monetary compensation. Duties include:

- work in compliance with the Act and regulations
- use or wear any equipment, protective devices or clothing required by the employer
- report any known missing or defective equipment or protective device to the supervisor or employer
- report any known hazard to the supervisor or employer
- report any known violation of the Act or regulations to the supervisor or employer
- not remove or make ineffective any protective device required by the regulations or the employer

TITLE	POLICY NUMBER	PAGE 5 of 5
Health & Safety	413	Effective 16/08/2011

- not use or operate any equipment or work in a way that may endanger a worker
- not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct
- contribute to risk assessments
- seek support when confronted with violence/threats of violence

## RIGHTS

The Act gives three basic rights to workers:

### *The Right to Participate*

Workers have the right to be part of the process of identifying and resolving workplace health and safety concerns. Participation can be exercised through membership on the Joint Health and Safety Committee and/or through fulfilling duties as listed in section 28.

### *The Right to Know*

The workers have the right to know about any potential hazards to which they may be exposed. This means the right to be trained and to have information on machinery, equipment, working conditions, processes and hazardous substances. The Act and WHMIS (Workplace Hazardous Materials Information System) play an important role in giving workers the right to know.

### *The Right to Refuse Unsafe Work*

Workers have the right to refuse work that they believe is dangerous to either their own health and safety or that of another worker. The Act describes the exact process for refusing dangerous work and the responsibilities of the employer in responding to such a refusal.

Teachers have a limited right to refuse unsafe work as they are bound to ensure the safety of their students. The teacher may refuse if the student(s) are not put in imminent jeopardy by the refusal. Support staff members have the unrestricted right to refuse unsafe work.

## Acknowledgements:

We acknowledge and thank Ted Postma and Calvin Christian School, Hamilton, Ontario for the original development of this policy and for allowing us to adapt this policy for use in our school.