



## REPORT TO

GOVERNANCE AND POLICY  
COMMITTEEUPDATE TO OCCUPATIONAL HEALTH AND  
SAFETY H.M.17

*For surely I know the plans I have for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope (Jeremiah 29:11)*

## Drafted

September 26, 2022

## Meeting Date

October 4, 2022

Corrado Maltese, Coordinator, Occupational Health and Safety

Lynda Coulter, Executive Superintendent, Human Resources, Leadership, Equity

## RECOMMENDATION REPORT

**Vision:** *IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope.*

**Mission:** *Nurturing the faith development and academic excellence of our Catholic learning community through the love of God, neighbour, and self.*



MULTI-YEAR STRATEGIC PLAN  
2022 - 2025

IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope



Brendan Browne  
Director of Education

Adrian Della Mora  
Associate Director of Academic  
Affairs & Chief Operating Officer

Derek Boyce  
Associate Director of Corporate  
Services and Chief Commercial Officer

Ryan Putnam  
Chief Financial Officer and Treasurer

## **A. EXECUTIVE SUMMARY**

This report recommends updating the current Policy on Policy H.M. 17, Occupational Health and Safety, to reflect amendments in safety legislation that took effect on July 1, 2022 with respect to provincial fines for safety violations. This revised Policy also aligns with the 2022-2025 MYSP and current Meta Policy Template.

**The cumulative staff time required to prepare this report was 3 hours**

## **B. PURPOSE**

1. This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends policy revision due to amendments to Ontario's Occupational Health and Safety Act (OHSA) that came into effect on July 1, 2022.

## **C. BACKGROUND**

1. The OHSA legislates worker safety and requires that the employer prepare and review annually a written occupational health and safety policy.
2. This policy was first approved in April 2009 and has not been amended since May 2014.
3. Changes to this policy reflect alignment with OHSA. On July 1, 2022, amendments to OHSA came into effect that dramatically increased Ontario's occupational health and safety fines for workplace safety violations, making these fines the highest in Canada.
4. If convicted, the maximum fine that may be imposed on a corporation is \$1,500,000.00, an increase from the previous fine of \$500,000.00.
5. The maximum fine that can be imposed on individuals is \$500,000.00 and / or imprisonment for a term of not more than 12 months. The previous fine for individuals was a maximum of \$25,000.00 and / or jail term up to 12 months.
6. The maximum fine for directors and officers of a corporation has increased from a maximum of \$100,000.00 to a maximum of \$1,500,000.00 and / or up to 12 months imprisonment.
7. Ten aggravating factors were added to OHSA, which the courts shall consider when determining the appropriate penalty for workplace safety violations. Typically, these new fines will be levied for egregious offences for employers and

individuals who are reckless, deviate from a reasonable standard of care, show wanton disregard for the safety of their employees and lack remorse, particularly if the negligent behaviour contributed to a workplace fatality or serious injury or illness.

8. TCDSB has not been fined under OHSA. The highest fine imposed on an Ontario school board for a safety violation was \$250,000.00.
9. Limitations for the Ministry of Labour to prosecute has also increased from one to two years of when the safety infraction occurred or when the Ministry of Labour was aware of the infraction.

#### **D. EVIDENCE/RESEARCH/ANALYSIS**

1. This policy has been amended in consultation with staff from the Facilities and Communications Departments, Field Superintendents and Legal Services. Staff also consulted with various labour partners on the Board's three Multisite Joint Health and Safety Committees.

#### **E. METRICS AND ACCOUNTABILITY**

1. There is a requirement under OHSA to review this policy annually. As such, staff will review this policy in consultation with the three Multisite Joint Health and Safety Committees.
2. There is also a requirement under OHSA to post this policy on the Health and Safety Bulletin Board in every school and TCDSB workplace.

#### **F. IMPLEMENTATION**

The updated policy as approved will be posted on the TCDSB policy register

#### **G. STAFF RECOMMENDATION**

Staff recommends to the Governance and Policy Committee that the revised Policy H.M. 17, Occupational Health and Safety provided in this Report, Appendix A be adopted.