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MECHANICAL CONTRACTORS ASSOCIATION OF TORONTO

SAFETY

UPDATE FROM THE MCA TORONTO SAFETY COMMITTEE



WSIB Experience Rating Fully Operational in 2024

Effective January 1, 2020, the WSIB introduced a new classification and premium rate setting model for Schedule 1 employers. Gone are CAD-7 and MAP, and in is the rate-setting model.

Most of us in the mechanical contracting business were aware of the shortfalls of CAD-7 and MAP. For smaller employers (those who typically paid less than \$25,000 in premiums), there was the annual lump sum surcharge or rebate in the fall, lost time injuries which had a very large impact on that rebate or surcharge and lastly, the fact that everyone paid the same basic premium, even the new start-up contractor. I will oversimplify the new, complex

experience rating, so please note that my numbers may not be exact.

Before 2020, our WSIB premiums were dependent on the rate group we were in with very little to no control over the premiums we paid. The only control we had was over the cost of the injuries that could impact our rebate or surcharge. Each year, however, brought a new start.

From 1985 to 1990, we paid 6.25 per cent of our payroll to the WSIB for insurance. In 2024, we pay 1.3 per cent with a twist (more on the twist later). One good feature of the CAD-7 or MAP was the rebates and surcharg-

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OUR VISION IS:

To provide awareness, education and training, creating positive work environments with reduced risk.

OUR MISSION IS:

To improve the health and safety of all members of the Mechanical Contractors Association of Toronto

Ontario what's new

MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT

What to Expect When a Ministry Inspector Comes to Your Workplace

When an inspector from the Ministry of Labour, Immigration, Training, and Skills Development (MLITSD) arrives at your workplace, how the visit will go depends on why the inspector is there. "There are two types of inspector visits," explains Kristin Onorato, Health and Safety Consultant with WSPS. "There are proactive visits and reactive visits. For proactive visits, the inspector is there to complete an inspection. For reactive visits, the inspector is there to investigate."

A few scenarios require the MLITSD to come into the workplace to investigate. The one we're most familiar with is when a fatality or critical injury occurs; however, an inspector also investigates when someone reports legislative violation and when there is an escalated (stage 2) work refusal. "In the case of an incident or if someone reports a contravention, the inspector's job is to determine if the organization violated health and safety legislation, which includes workplace violence and harassment laws," says Onorato.

The inspector may ask to see relevant documentation – such as maintenance records, policies and procedures, meeting minutes or training records – as they try to understand what happened. They may also interview employees, take photographs, use or test machinery and equipment, and more. If enough evidence supports that a company has committed an offence, a prosecution may be initiated by the inspector.

A prosecution may also be initiated if an order was previously issued by an inspector but hasn't been addressed, or if a notice of compliance was not filed in accordance with the timeline identified in the field visitation report," says Onorato. "The inspector does not give fines. The case will go to a judge and



the judge will impose a fine or charges if the company is guilty of a violation."

"In the case of a work refusal, the inspector's job is to determine if the work is likely or not likely to endanger a worker," Onorato added. When an inspector is brought in to deal with a work refusal, it's because the organization and the employee are at an impasse. They are unable to settle it internally, so a third party needs to investigate and make the decision.

When an inspector comes to investigate a reported incident, the company knows they will be coming and knows the reason. That's not the case with a proactive visit. "A proactive visit is when an MLITSD inspector comes in to do a workplace inspection, not an investigation," says Onorato. "They are there to determine if the company complies with applicable health and safety legislation. They generally don't give notice that they are coming."

An inspector may choose to visit a workplace proactively for several reasons. It could be because they noticed that the company's injury rate has increased. Maybe the company's operation has grown and they have a significant number of new employees. Or it could simply be because they haven't visited in a while. "If your workplace is

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es. A \$250,000 surcharge quickly caught the attention of the CEO, as did the \$1,000,000 rebate. Each year, safety got senior management's attention, and everyone clearly understood that a lost time injury was very costly and a bad thing. In turn, money and resources were often committed to making a better and safer workplace. In fact, it was the large surcharge that got me hired in my first job in the mechanical industry.

As mechanical contractors, we soon got smart and figured out the WSIB's policies, the connections to the buttons that triggered large rebates and surcharges, injury dates, calendar dates, SIEF, appeals, modified work, etc. All of these things could be manipulated to give a better outcome. Lost time frequency lasted two years, the right to employment lasted two years, injury costs ended after five years, even though the final claim costs were not determined until year six or later. Some of these actions put the WSIB into an unfunded liability.

Well, in 2020, the WSIB started the "Rate Framework." Although the concept is simple, the math is so complex that I have found no one person who understands it, and that includes WSIB employees.

In simple terms, the Rate Framework adjusts your premiums each year by a percentage. If the rate group is paying \$1.30 per \$100 of insured payroll, you might be paying \$1.55 or \$1.20. The bad news is a few cents in premiums won't hit the desk of the CEO, so a bad accident year may only increase your WSIB premiums by 15 cents. Given the fluctuation of the WSIB earning ceiling of \$10,000, for example, someone in accounts payable will get a bill and pay it without much thought. This is a trap. Why? If you have 100 employees all earning the maximum

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What to Expect When a Ministry Inspector Comes to Your Workplace

aligned with the Ministry's current inspection campaign or initiative, that could also trigger a visit," Onorato says.

If the inspector finds areas of non-compliance, they will likely issue an order.

- The most common type of order is a **time-bound order**. These types of orders may be issued when required policies are not in place or if the inspector finds that a safety meeting hasn't been held in several months. "The inspector will issue the order with a deadline to complete the procedure or the meeting," says Onorato.

- Another type of order is a **comply-forthwith order**, which means the hazard must be fixed right away. The example Onorato provides is a machine missing a guard. "An inspector may issue a comply-forthwith order in this case, meaning that they expect the guard to be put in place before they leave the facility," she says.

- The third type of order is a **stop-work order**. "When a stop-work order is issued, the work cannot continue until the problem is fixed," says Onorato. "These are similar to comply-forthwith orders in that the work must stop until the problem is fixed. However, with a stop-work order, the problem is likely not something that can be fixed immediately." For example, if a painting booth doesn't have proper ventilation, workers cannot use it until the ventilation is repaired and tested. The inspector must come back and review before the stop work order can be released.

Regardless of what brought an inspector to your workplace, they are there to work with you to ensure everyone is safe. "Their ultimate goal is truly to raise awareness of health and safety hazards," reminds Onorato. "When an inspector arrives, there's no need to panic. Use it as an opportunity to learn and improve."

Ontario 

what's new

MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT

Higher OSHA Fines Make Health and Safety Due Diligence More Important Than Ever

The enactment of the *Working for Workers Act, 2023*, by the Ontario Provincial Government has ushered in a significant escalation in fines for companies found in violation of the Occupational Health and Safety Act (OSHA). Effective October 26, the maximum corporate fines for a single OSHA infraction have surged by \$500,000, reaching a pinnacle of \$2 million. This substantial penalty, now the highest in Canada for a single offense, underscores the imperative for businesses to scrutinize their occupational health and safety management systems (OHSMS) or health and safety plans.

An efficient OHSMS serves a multifaceted role, prompting workplaces to meticulously document all affirmative

actions taken to ensure worker safety. This documented evidence can be pivotal in providing a robust defense if the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) initiates an investigation into a company.

To alleviate the financial impact of investing in health and safety, businesses can potentially earn substantial rebates from the Workplace Safety and Insurance Board (WSIB) by enhancing their OHSMS through the Health and Safety Excellence Program (HSEP). This program guides companies through various health and safety topics, aligning with COR® 2020, the nationally accredited OHSMS standard overseen by the Infrastructure Health and Safety Association (IHSA).

Legislative Changes Coming in 2024: OSHA Requirements to Improve Crane Safety

Ontario has made updates to several crane-related provisions within O.Reg. 213/91 (Construction Projects) under the Occupational Health and Safety Act (OSHA) in an effort to enhance crane safety at construction sites. These modifications involve clarifications or additions to design, installation, maintenance, inspection and record-keeping requirements, among other aspects.

The majority of these revisions came into effect on January 1, 2024. However, certain requirements, potentially necessitating equipment upgrades, are scheduled to come into force on January 1, 2025, allowing stakeholders additional time for compliance.

Additionally, approved changes to O. Reg. 420/21 (Notices and Reports under Sections 51 to 53.1 of the Act - Facilities, Critical Injuries, Occupational Illnesses and Other Incidents) under the OSHA introduce a new obligation to notify the ministry of any failure to control a crane or a load, including rigging failures. Furthermore, there is now a requirement for an engineer's report on the incident's cause.

For more detailed information on the amendments, please refer to the amending regulations O. Reg. 241/23 and O. Reg. 242/23. The amendments have been consolidated into the e-Law versions of O. Reg. 213/91 and O. Reg. 420/21.

Last year, the Infrastructure Health & Safety Association (IHSA) trained a total of 54,090 workers in 7,155 instructor-led courses. The organization also had 30,514 participants take its eLearning courses – many of which remain FREE until March 31, 2024.

IHSA's numerous training programs are designed and taught by industry experts with years of real-world experience. They equip workers with the knowledge they need to stay safe on the job and return home at the end of the day. Book your 2024 [in-class training](#) and [eLearning](#) now.

Get to Know the **Fleet Safety Council**

Want to make an impact on health and safety in the transportation industry? Consider joining the Fleet Safety Council. IHSA's new video tells you what you need to know about the

FSC, a province-wide network of more than 500 driver trainers, and health and safety professionals who work to improve driver and road safety. [WATCH THE VIDEO NOW](#)



A Message Worth Repeating: Take Action to Prevent Repetitive Strain Injuries

On International Repetitive Strain Injury Awareness (RSI) Day, February 29, the Canadian Centre for Occupational Health and Safety (CCOHS) reminded workplaces to take action to prevent one of the leading causes of workplace injuries in Canada.

Work that requires the continual repetition of movements – such as lifting, typing or twisting – can potentially lead to RSI. These injuries develop slowly over time, and can be painful and debilitating, affecting the tendons, muscles, nerves, and joints in the back, shoulder, neck, hands, arms and other parts of the body. As well as worker's ability to perform duties, they can impact mental wellness and quality of life.

According to the Association of Workers' Compensation Boards of Canada (AWCBC) National Work Injury, Disease and Fatality Statistics report, there were 10,211 accepted lost-time injuries due to musculoskeletal system and con-



nective tissue diseases and disorders in Canada in 2022 (up 2.5 per cent from 2021).

Many repetitive strain injuries, however, can be prevented by implementing the following measures:

- **Eliminating repetitive work:**

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New IHSA Safety Podcasts Episodes

The IHSA Safety Podcast is a free podcast that explores best practices, resources and training to control and eliminate health and safety hazards in the industries that IHSA serves.

Episode 74 collects the health and safety wisdom of Tom Nicholls, a veteran of the electrical utilities industry and many ISHA Labour-Management Network committees. [LISTEN NOW](#)

Episode 75 highlights the basics of hazards, risks, assessment and controls within an occupational health and safety management systems. [LISTEN NOW](#)

Access the [IHSA Safety Podcast online](#) or find it using your preferred podcast app.



The Right Fit for Your Respiratory and Hearing Protection

Personal protective equipment (PPE) helps protect you from safety and/or health hazards. But it's not just the hard hat, boots, glasses and vest you wear everyday. Respirators, for example, help limit your exposure to harmful gases, particles, bacteria and viruses, while earplugs are essential to preventing the neg-

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The Right Fit for Your Respiratory and Hearing Protection

ative health effects associated with high levels of noise. All companies should have clear policies and procedures regarding the provision and use of job-specific PPE. These requirements should be communicated to all affected employees, and a program should be in place to ensure that PPE requirements are being met.

It's also important to remember that PPE is only one layer of protection in an overall occupational health and safety management system. PPE does not eliminate the hazard, it only reduces your risk. And it won't do that very well if it doesn't fit properly.

For more information, please [click here](#).

A Message Worth Repeating: Take Action to Prevent Repetitive Strain Injuries

structure jobs so workers can rotate through different tasks using different muscle groups. Mechanize certain tasks, where possible. Encourage workers to take short, frequent rest breaks.

- **Improving workstation design:** create workstations that fit the worker, and allow for standing, sitting or sitting-standing positions. Provide appropriate tools and equipment to reduce the force needed to complete tasks, and to avoid muscle strain or awkward postures or positions.
- **Providing education and training:** train workers on the causes, how to best prevent these injuries, and how to recognize early signs and symptoms.

To help workplaces create awareness about RSIs and prevent injuries, CCOHS has free resources available on the [Repetitive Strain Injury Awareness Day](#) website.

WSIB Experience Rating Fully Operational in 2024

\$112,500 with a rate of \$1.30, you will have to pay \$1,462.50 per employee or \$146,250 in total WSIB premiums in 2024. However, if your injury costs moved your premiums to \$1.37, this would now cost you \$1,535.63 per employee or \$153,562.50. It's a \$7,312.50 increase that no one will notice, except the fact that you can own the costs of that injury for 11 years – and it can take six years to reduce your premiums – that minor premium adjustment could look more like an \$80,000 problem. It's just hidden and no one notices. However, you are essentially dying a death of a thousand cuts. To make matters even worse, your next injury will compound your WSIB rates.

The WSIB Rate Transition program capped the increases and decreases, but that ended in 2023. Starting in 2024, the WSIB premium rate setting will be fully in effect. Businesses with projected premium rate increases or decreases will see their rates move up or down a maximum of three risk bands each year from their prior year risk band (approximately 15 per cent), until they reach their projected premium rate. So, in my example, your next injury will compound the costs of the last injury (taking about six years to stabilize the injury and 11 years to remove it completely). The \$80,000 problem could end up as a \$270,000 problem at the end of 11 years.

Now, for worse news. Your new rate of \$1.37 is paid on all employees, so if you get a big job and your payroll goes to 150 employees, you're now paying \$1.37 on each of the 150. Of course,

the flip side also applies. If you shrink to 50 employees, you will only pay the \$1.37 on the 50, not the 100. Starting in 2024, you can go up or down three rate bands per year (a five per cent increase or decrease per band).

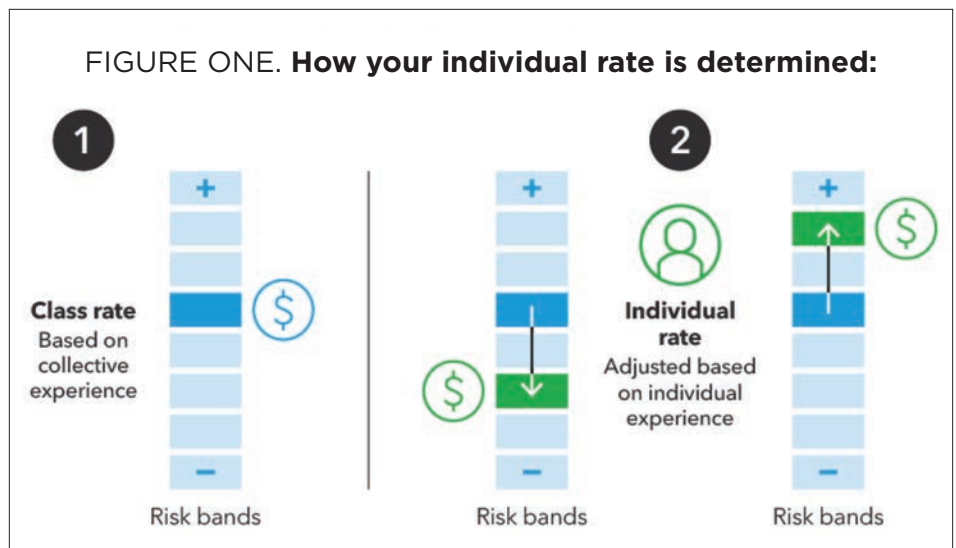
HOW YOUR INDIVIDUAL RATE IS DETERMINED

First, we have the "class" rate, which is what we call the rate group (G4 in our case). The class rate represents the premium rate a business would pay based on the collective risk profile for all the businesses within the class and your class's shared responsibility to maintain the insurance fund. The rate for G4 in 2024 is \$1.52. As shown in *Figure One* in column one, this \$1.52 applies to all of us.

Next, we have the North American Industry Classification System (NAICS) class which also has a series of risk bands. Each of these risk bands has an associated rate, either above or below the class rate. Ours has a NAICS number of 238220 for plumbing, heating and air conditioning. The risk band includes rate adjustments based on your individual experience. Businesses that fall under the same risk band rate have similar risk profiles and will pay the same rate. The difference between successive risk band rates is approximately five per cent. My rates based on our WSIB costs (only cost driven, nothing for lost time counts, but don't forget lost time is still recorded by WSIB and is used in your firm's profiles for bidding work) will be \$1.12. A savings of 47 cents, seems small (\$26,000

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FIGURE ONE. How your individual rate is determined:



WSIB Experience Rating Fully Operational in 2024

per year) but, as I demonstrated earlier, a few cents over 11 years has a large hidden dollar value of \$286,000.

Lastly, let's talk about "predictability."

A business's predictability is a measure of how much we can rely on past claims experience and insurable earnings to predict future outcomes. Your rate is calculated using the class rate, and the individual risk associated to your business which is influenced by your claims experience and insurable earnings over a six-year period. A low predictability means a business's insurable earnings and the number of allowed claims are quite low. In this case, your claims experience would not have a significant impact on your rate. Instead, the rates of your class will have more influence on your premium rate to protect against volatility and the dramatic effect one claim could have on your rate. Businesses with a higher number of allowed claims and larger insurable earnings, have a higher predictability. In this case, volatility is not as high, as each single claim likely will not have a significant impact on your rate.

WHAT ARE THE TAKEAWAYS?

1. Your WSIB premiums are impacted by the Earnings Ceiling (paid by the CPP method to add salt to the

wound).

2. You can only control the movement within your NAICS classification, up or down five per cent per band or 15 per cent per year.

3. It could take 11 years for the costs of an injury to be removed entirely from your experience rating.

4. The first six years of claim costs have the most impact on your WSIB rates.

5. The more predictable your claims are, the less likely the WSIB rates will dramatically change each year. The rates will be more stable.

6. Injuries cost more than under the old CAD-7 or MAP, but the costs are hidden in complex policy and math. Still offering modified work, etc., is the best tool you have in claim costs.

7. Rebates and surcharges are long gone. It is unlikely any CEO will now understand what the costs for WSIB really are and that is, in my view, part of the goal of the WSIB - less appeals.

8. Lost time are not a factor, but THEY ARE TRACKED, REPORTED AND USED FOR PREQUALIFICATION.

9. There is no fatality surcharge as there was under CAD-7.

- **Ian Bergeron**, B. Tech, CET, CRSP, Paralegal, VP Safety and Legal Affairs, Sprint Mechanical Inc.



10 Tips for Respect and Civility in the Workplace

Does your workplace pass the civility test? In a respectful workplace, employees are courteous, caring and considerate in their interactions with one another, as well as with customers, clients and the public.

For workers, a civil and respectful workplace can translate into greater job satisfaction, greater perceptions of fairness and a more positive attitude. The organization's bottom-line benefits from improved morale, better teamwork, enhanced supervisor-staff relationships, and reduction in sick leave and turnover. When people are treated with respect, they take a greater interest in personal development, engage in problem solving and generally enjoy their environment more.

So how do you get there? Here are 10 tips to help make respect and civility the standard in your workplace:

1. Train and develop staff.
2. Incorporate respect and civility in your communications.
3. Give your full attention.
4. Use respectful language.
5. Say 'hello.'
6. Be considerate when you speak.
7. Be inclusive.
8. Practice humility.
9. Be a role model.
10. Address uncivil behaviour.

To read the full article and access other resources, [click here](#).

AWARENESS

Respect everyone deserves it

This is a place of respect for clients, employees and visitors. Bullying or any threat of violence will not be tolerated.



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