

Chapter 2—Legislative Framework

MULTIPLE CHOICE

1. What are the two types of WHMIS labels?
 - a. supplier and manufactured labels
 - b. supplier and workplace labels
 - c. consumer and manufactured labels
 - d. consumer and workplace labels

ANS: b

PTS: 1

REF: p. 36

BLM: Remember

2. WHMIS contains class and division hazard symbols for different types of hazards. What hazard is represented by a circle containing a skull and crossbones?
 - a! Class C (oxidizing material)
 - b! Class D (poisonous and infectious material)
 - c! Class E (corrosive material)
 - d! Class F (dangerously reactive material)

ANS: b

PTS: 1

REF: p. 37

BLM: Remember

3. Which of the following pieces of federal legislation sets guidelines for the presentation of information in the material safety data sheet?
 - a. the Hazardous Products Act
 - b. the Workplace Hazardous Materials Act
 - c. the Workers' Compensation Act
 - d. the Hazardous Materials Act

ANS: a

PTS: 1

REF: p. 40

BLM: Remember

4. What is the main difference between WHMIS hazards represented by a circle containing a large T with a dot on the end from WHMIS hazards represented by the skull and crossbones?
 - a. They involve different means of exposure.
 - b. They are different WHMIS classes of material.
 - c. They produce radiation injury rather than corrosive injury.
 - d. They need repeated versus single exposure for injury/illness.

ANS: d

PTS: 1

REF: p. 36–37

BLM: Higher order

5. What is the difference between WHMIS education and WHMIS training?
- a. Training takes place on the job.
 - b. Education involves systematic instruction.
 - c. Training is more focused on application.
 - d. Education is shorter while training is longer.

ANS: c

PTS: 1

REF: p. 40–41

BLM: Higher order

6. Which of the following WHMIS requirements must employers follow?
- a. Ensure MSDSs are onsite for all controlled products and all controlled products are properly labelled.
 - b. Ensure MSDSs are written in either English or French depending on province.
 - c. Ensure the hiring of only those candidates who have MSDS and WHMIS training.
 - d. Ensure MSDS labels are attached to all hazardous material containers.

ANS: a

PTS: 1

REF: p. 36

BLM: Remember

7. Gearing Automotive bought a controlled substance on February 1, 2013 and took delivery on March 15, 2013. What is the oldest date that can be on the MSDS?
- a February 1, 2012
!
 - b March 15, 2011
!
 - c March 15, 2010
!
 - d February 1, 2010
!

ANS: d

PTS: 1

REF: p. 40

BLM: Higher order

8. A CSA standard would be most similar to which of the following?
- a. acts
 - b. regulations
 - c. enforcements
 - d. guidelines

ANS: d

PTS: 1

REF: p. 26

BLM: Remember

9. In Ontario, front-line supervisors who have knowledge of OH&S acts and regulations, and are familiar with potential hazards are deemed to be what?
- a. trained
 - b. certified
 - c. competent
 - d. experienced

ANS: c

PTS: 1

REF: p. 29

BLM: Remember

10. On the way to a service call, Alan notices his friend and coworker Tom is driving the company truck while drowsy from cold medication. What duty does he have under OH&S legislation?
- a. Tell their supervisor about what he observed.
 - b. Try to get him to switch seats so Alan can drive.
 - c. Get him to take a break and have a coffee.
 - d. None, unless there is an accident.

ANS: a

PTS: 1

REF: p. 32

BLM: Higher order

11. An employee expressed her concerns to her supervisor that fumes emitting from her computer were causing her headaches. She requested the supervisor's permission to stop working immediately. However, the supervisor insisted that she continue working. What employee right did the supervisor's behaviour violate?
- a. the employee's right to refuse unsafe work
 - b. the employee's right to report unsafe conditions
 - c. the employee's right to participate in health and safety programs
 - d. the employee's right to a safe workplace

ANS: a

PTS: 1

REF: p. 32 & 34

BLM: Remember

12. What workers' rights are included in federal and provincial legislation?
- a. the right to know, the right to rehabilitation, and the right to refuse unsafe work
 - b. the right to participate, the right to rehabilitation, and the right to refuse unsafe work
 - c. the right to know, the right to participate, and the right to refuse unsafe work
 - d. the right to know, the right to be compensated for injury, and the right to refuse unsafe work

ANS: c

PTS: 1

REF: p. 32–35

BLM: Remember

13. When does a ministry inspector/officer get involved in a work refusal situation?

- a. when a worker identifies an unsafe work situation
- b. when a worker refuses to return to work after an internal investigation
- c. when a worker is told by the certified worker that he or she is endangered
- d. when a number of workers refuse to work

ANS: b

PTS: 1

REF: p. 34

BLM: Remember

14. Under OH&S legislation, what *prescribed* duty does a constructor have in most jurisdictions?
- a. outline the scope and cost of the project
 - b. describe the scope and duration of the project
 - c. notify authorities about the commencement date of the project
 - d. report on how many and what type of workers will be on the project

ANS: c

PTS: 1

REF: p. 30

BLM: Higher order

15. What is the relationship between provincial/territorial regulations and federal OH&S regulations?
- a. Provincial regulations add to the federal ones.
 - b. Provincial regulations replace the federal ones.
 - c. Provincial regulations are more specific.
 - d. Provincial regulations contradict federal regulations.

ANS: a

PTS: 1

REF: p. 26

BLM: Remember

16. Which of the following acronyms represents an American association that is most similar in function to the Canadian Standards Association?
- a. ACGIH
 - b. NIOSH
 - c. ISO
 - d. ANSI

ANS: d

PTS: 1

REF: p. 26

BLM: Higher order

NARRBEGIN: Scenario 2-1

Read the following scenario and answer questions 17–20. Sobeys is a large Canadian supermarket chain that has stores in 10 Canadian provinces. In addition to the usual grocery and household items, a typical Sobeys store contains an in-store bakery, an in-store delicatessen with hot and cold takeout food, and an in-store meat packaging operation.

NARREND

17. What is the legal element of OH&S that could vary the most across the provinces in which Sobeys operates?
- powers of enforcement
 - accident-prevention programs
 - protection of workers from reprisals
 - duties of employers
- ANS: b
NAR: Scenario 2-1
PTS: 1
REF: p. 26–27
BLM: Higher order
18. What is the most commonly found provincial requirement that would result in most Sobeys stores having a Joint Health and Safety Committee?
- workplaces with 10 or more employees
 - workplaces with 15 or more employees
 - workplaces with 20 or more employees
 - workplaces with 25 or more employees
- ANS: c
NAR: Scenario 1-1
PTS: 1
REF: p. 32–33
BLM: Higher order
19. Sharon Nelson is the bakery manager and is a certified member of the JHSC at the new Sobeys store where she works. According to legislation, what other member of the JHSC must be certified?
- Phillipe Gagnon, the store manager
 - Michelle Strickland, a full-time cashier
 - Asmin Zahid, the accounting manager
 - Brock Sutherland, the produce manager
- ANS: b
NAR: Scenario 2-1
PTS: 1
REF: p. 32
BLM: Higher order
20. What label must be on any compressed gas cylinder brought to a Sobeys store by an outside service technician who is fixing one or more of their refrigerated/freezer units?
- a workplace label with a black and white border
 - a supplier label with a red and white border
 - a manufacturer label with a blue and white border
 - a supplier label with a black and white border
- ANS: d
NAR: Scenario 2-1
PTS: 1
REF: p. 36–37

BLM: Higher order

21. Before the case of *R. v. Bata Industries Limited* was heard, who would most likely have been held accountable by the courts for environmental pollution, and who was actually convicted in this case?
- a. the plant manager; the company directors
 - b. the plant manager; the shift supervisor
 - c. the workers; the plant manager
 - d. the company directors; the plant manager

ANS: a

PTS: 1

REF: p. 44–46

BLM: Higher order

22. A cleaning firm worker carelessly mixes bleach and a cleaning product while cleaning office tower washrooms. The mix results in toxic fumes that cause throat irritation to other cleaners. Which authority has jurisdiction over this incident?
- a. Workplace Safety Board
 - b. Ministry of Environment
 - c. Ministry of Labour
 - d. Workers' Compensation Board

ANS: c

PTS: 1

REF: p. 44

BLM: Higher order

23. What option should a certified worker member of the blueberry farm JHSC pursue if the owner of the blueberry farm mentioned in the opening story fails to remedy unsafe working conditions?
- a. bilateral refusal to work
 - b. bilateral stop work provision
 - c. unilateral stop work provision
 - d. call to the Ministry of Labour

ANS: b

PTS: 1

REF: p. 34–35

BLM: Higher order

24. In *R. v. Midland Transport Ltd.* (1991), the New Brunswick Provincial Court held that the Transportation of Dangerous Goods Act is primarily for the protection of whom?
- a. workers
 - b. shippers
 - c. the general public
 - d. carriers

ANS: c

PTS: 1

REF: p. 46

BLM: Remember

25. Since Bill C-45 (Westray legislation) was passed, the lack of due diligence by company officers and directors that results in a workplace fatality is referred to as what?
- a. corporate negligence
 - b. corporate homicide
 - c. corporate incompetence
 - d. corporate manslaughter

ANS: b

PTS: 1

REF: p. 47

BLM: Remember

TRUE/FALSE

1. The Hazardous Materials Review Act defines a hazardous product and controls its use by requiring disclosure of the substance(s) and its concentration in a manufactured product.

ANS: F

PTS: 1

REF: p. 35

2. Material Safety Data Sheets are less effective in protecting workers than workplace labels.

ANS: F

PTS: 1

REF: p. 36–40

3. A workplace label must be attached to the container holding a hazardous product when it is delivered to the workplace.

ANS: F

PTS: 1

REF: p. 36–37

4. Flammable liquids and flammable gases are two different divisions of Class B.

ANS: T

PTS: 1

REF: p. 36

5. The Ministry of Labour and the Ministry of the Environment can investigate the same incident involving release of a controlled substance.

ANS: T

PTS: 1

REF: p. 44

6. Complying with standards, such as CSA Z1000-06, may help to reduce an organization's legal liability.
- ANS: T
PTS: 1
REF: p. 28
7. The primary function of a Joint Health and Safety Committee is to provide a collaborative atmosphere where labour and management can work together to create a safer and healthier workplace.
- ANS: T
PTS: 1
REF: p. 32
8. While they are out doing practice teaching, the responsibility for advising student teachers of possible safety hazards and ensuring they comply with the OH & S Act and regulations falls on the Board of Education for the school district where they will be working.
- ANS: F
PTS: 1
REF: p. 31
9. Police, firefighters, teachers, and healthcare workers are the only occupations with a limited right of refusal.
- ANS: F
PTS: 1
REF: p. 34
10. Employers can allow a certified worker member of the JHSC to unilaterally stop work without asking a supervisor or getting a certified management member involved.
- ANS: T
PTS: 1
REF: p. 34–35

SHORT ANSWER

1. Compare and contrast the duties of employers/owners/contractors with the duties of supervisors when it comes to occupational health and safety in their workplace.
- ANS:
Compare = similarities
Both share the general duty to take every reasonable precaution to ensure the protection of workers and both are responsible for informing workers of possible hazards and ensuring education,

training, written instructions, and protective equipment are provided. Both are responsible for ensuring compliance with the OH & S Act and regulations. The involvement of supervisors in this general duty does not lessen the employer/owner/contractor's responsibility for worker safety.

Contrast = differences

In addition to the general duties, employers/owners/contractors have the primary duty for establishing and regularly reviewing an occupational health and safety policy, posting OH&S information, ensuring that supervisors are competent, and contacting the appropriate authorities as necessary (medical emergency, commencement of a project).

In addition to the general duty, supervisors have the duty to supervise workers to ensure compliance with the OH & S Act and regulations and ensuring that they use/wear the provided safety equipment, devices, and clothing.

PTS: 1

REF: p. 29–31

2. Describe CSA standard Z1000-6, then explain how it differs from a regulation and what is unique about it compared to previous CSA standards.

ANS:

CSA Z100-06: Occupational Health and Safety Management provides organizations with a model for implementing a health and safety program. Standards do not have the force of legislation but provide organizations with “best practices” and may provide the basis for a due diligence defence in the case of legal action. CSA Z1000-06 is unique because for the first time, wide consultation and a consensus-based approach was used to develop an OH&S standard.

PTS: 1

REF: p. 26–28

3. What does WHMIS stand for? List and describe the three central elements of a WHMIS program.

ANS:

WHMIS is the Workplace Hazardous Materials Information System, a nationwide program providing information about the use of hazardous materials (controlled products) in the workplace. The three central elements of WHMIS are labels, Material Safety Data Sheets (MSDSs), and worker training. Workplace and supplier labels on controlled products alert workers to potentially hazardous products, MSDSs provide workers with detailed information on the hazardous ingredients and safe handling of the product, and training provides employees with the information and practices that they need to know to work safely with controlled products.

PTS: 1

REF: p. 35–36

4. Describe the training that a worker must go through in order to become a certified worker member of a Joint Health and Safety Committee. Having passed the training, differentiate between their role in a work refusal situation and their role in a stop-work situation.

ANS:

The training, which may run from 1–3 weeks, includes law, general safety, hygiene, routes of entry (into the body), indoor air quality, chemical safety, certified workers' rights and duties, and

joint committees.

In a work refusal situation, after an employee has apprised their supervisor of a suspected work hazard, the certified worker member may be asked to be part of an investigation by the employee's supervisor. Participation by a certified worker member is not mandatory; the supervisor can ask another worker representative (union or coworker) to participate instead.

In a bilateral stop-work situation, the certified worker member may be the one who identifies a dangerous circumstance and initiates the process. If it is a certified management member who originally identifies the dangerous circumstances, then a certified worker member must be involved in the subsequent investigation and any direction to "stop work." In a unilateral stop-work situation, the certified worker member is the one who will issue the stop-work order if a government-appointed adjudicator finds that the employer has taken insufficient steps to protect workers from serious risk to their health and safety. Alternatively an employer may advise the JHSC, in writing, of their willingness to give unilateral power to stop work to the certified worker member.

PTS: 1

REF: p. 32–35

5. Explain how HR professionals working in the organization's human resource department can assist their employer and the organization's supervisors and employees in complying with legislation dealing with controlled substances and the transportation of dangerous goods?

ANS:

HR departments are most often called on to help to design and deliver WHMIS and TDG training to new and existing employees. They can also verify claims by job applicants that they have WHMIS and/or TDG training and experience in these areas by doing background and reference checks with training organizations and past employers. HR departments can work as part of an internal committee/task force to develop or update an occupational health and safety policy or policies for that specific workplace, which includes sections for WHMIS and TDG. They can keep WHMIS and TDG front of mind by creating/obtaining posters, videos, and other materials. HR professionals can serve on JHSC committees as management members, helping to investigate and remedy problems in these areas. In addition to supporting supervisors and employees, HR professionals should be aware of any WHMIS hazards in their own area, know how to read relevant labels, and read and act on relevant MSDSs. Finally, HR professionals have the same responsibility as all other employees to report any situation that is unsafe or where OH&S legislation pertaining to controlled substances or the transportation of dangerous goods is being contravened.

PTS: 1

REF: p. 36–46

PROBLEM

1. MERS-coV is a new coronavirus that emerged in late 2012/early 2013; it has severe respiratory symptoms and can cause death in humans, similar to but not the same as the SARS virus. The virus seems to be concentrated in the Middle East, hence the acronym. You are the HR Director of

a large international airline with flights to many destinations. A few of your flight attendants have refused to work on flights involving Middle East destinations, citing unsafe work conditions due to the closed circulatory air system of an airplane, which they believe increases the chance of getting the virus and becoming ill. They have asked to be given alternate assignments. What would you do?

ANS:

The employees have taken the right step in notifying the employer of a health and safety concern. Because this is such a new virus, the existing data cannot establish whether employees are being exposed to higher risk than usual or whether the risk of being exposed to the MERS-coV is likely to result in illness. Therefore they are not on solid ground in claiming that being on a Middle East flight is an “unduly hazardous.” Therefore, after reviewing and discussing the available information with them, you can refuse their request and compel them to return to work as assigned. You cannot fire, sanction, or discipline employees for raising health and safety concerns.

However, this does not mean that you should ignore their concerns. This new virus provides an opportunity to gather up-to-date information and review your existing health and safety control policies and procedures. As with any other virus, employees need to be educated and provided with specific information from specialists and experts concerning existing and emerging health and safety issues in their workplace. Employees need to be shown how to prevent unsafe conditions and provided with examples of safe work practices; this is a good opportunity to review existing procedures on minimizing transmission of any type of virus. Objective and immediate communication channels and staff forums need to be established to allow employees to talk about their concerns and the tasks they feel uncomfortable about carrying out. All fears, concerns, social issues, discomfort, biases, and beliefs need to be dealt with until the employees feel safe. The critical issue in this situation is that the employees were afraid to enter their workplace.

Additional twist: If you want to make this problem a bit more complicated, then make this a unionized workplace. This would then require the HR Director to coordinate information gathering and investigation with the union. In a unionized environment, you also run the risk of the problem spreading and the media learning about the work refusal.

PTS: 1

REF: p. 32–34