

# Machine Guarding and Electrical Hazards: Ministry of Labour Kicks off 2018 with Industrial Sector Inspection Blitz

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Each year, the Ministry of Labour (**MOL**) schedules inspection blitzes in specific sectors as part of its overall *Occupational Health and Safety Act (OHSA)* enforcement strategy. Although the focus of the blitzes is announced ahead of time, individual workplaces are not identified in advance.

The first round of blitzes for this year will run from **January 15 to February 28, 2018**, with a focus on **Machine Guarding and Electrical Hazards** - two areas that have plagued the manufacturing sector for years. MOL Inspectors will be visiting industrial facilities across Ontario in connection with this blitz to inspect for compliance with the OHSA.

When Inspectors identify deficiencies, they apply a zero-tolerance policy and issue orders or lay charges. Orders can require a workplace to rectify a deficiency and/or to stop work altogether. As we explained in our last *Workplace Law Bulletin*, recent changes to the OHSA mean that charges can now result in fines of up to \$100,000 for individuals and up to \$1.5 million for companies. In extreme cases, individuals can even be imprisoned.

When the last blitz of this kind was conducted in 2016, 803 workplaces were visited and 3,828 orders were issued. Of those orders, 91 were stop-work orders that required employers to shut down production while deficiencies were addressed. Statistics related to the number of charges that were laid, and to the total fine amounts that were imposed, haven't been released. However, publicly-reported fine amounts run well into the millions of dollars.

## What is the MOL looking for on this blitz?

Industrial machinery can expose workers to significant hazards. For example, fingers, hands and limbs can get caught in exposed pinch points within the moving parts of machinery, and/or workers can be exposed to electrically energized parts of machinery or equipment. If that happens, the injuries can be devastating.

As a result, the OHSA obligates employers to put appropriate guards or other devices in place on machines so as to protect workers from dangerous or potentially dangerous moving parts. This applies both when machines are being run, and when they are being cleaned or maintained.

On this upcoming blitz, the MOL will be checking to see that physical guards that prevent access to pinch points are in place, and that blocks are in place that ensure that stopped moving parts cannot unintentionally restart. Inspectors will also be checking for procedures that require that energized equipment be locked out when machinery is being maintained or cleaned, and that appropriate training has been delivered.

The MOL will also likely be looking for pre-start health and safety review reports (**PSR Reports**). These reports need to be completed by a Professional Engineer in specific circumstances under the OHSA. For example, when new or modified engineering controls or procedures have been implemented on modified industrial machinery that uses interlocking protections, or the like.

## What should businesses do to prepare for this blitz?

Before January 15, employers should ensure that:

1. all of the machinery in their plant has been identified;
2. the machinery has been assessed for pinch points and in-running nip hazards;
3. appropriate guarding is in place, and has not been disabled;
4. all workers have been properly trained on the equipment they use and the related training records are readily available; and
5. all necessary PSR Reports have been completed, any recommendations have been implemented and copies are readily available.

Also, because MOL Inspectors will be attending unannounced, employers should appoint one worker in advance to be the Inspector's point of contact on the blitz. That person should be familiar with the powers that Inspectors have, with the machinery that is being used in the plant (and by whom), as well as with where all available training and PSR Reports can be found. This will enable employers to avoid miscommunications, which in turn will help to develop the Inspector's confidence in the operation.

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