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PHYSICIANS' OCCUPATIONAL HEALTH & SAFETY ROLES AND RESPONSIBILITIES

This Fast Fact has been developed to assist physicians to understand and comply with the Occupational Health and Safety Act (OHSA) and its regulations to protect themselves, their co-workers and their employees from work-related illnesses and injuries. Depending on the setting in which they are working, a physician may have different roles and responsibilities under the OHSA. He or she may be an employer, a supervisor or a worker under the OHSA. In some instances, a physician may even be an employer and a worker at the same time. See Appendix A for how these terms are defined under the OHSA. The OHSA sets out roles and responsibilities for employers, supervisors and workers so that they can work together to make workplaces safer.

PHYSICIANS AS EMPLOYERS

Physicians must consider their health and safety responsibilities as employers—where they are the employer of staff (i.e. their private practice office, CEO or owner/partner of a family health team, or a clinic, etc.)

Employers have a general duty to take every precaution reasonable to protect the health and safety of all workers at their workplace.

A physician who is considered to be “self-employed” is still responsible for the employer duties set out in section 4 of the OHSA.

If a physician is an employer as defined by the OHSA, he or she has other duties, including to:

- Make sure workers know about hazards and dangers by providing information, instruction and supervision on how to work safely.
- Appoint a “competent person” as defined by the OHSA to be a supervisor.
- Make sure supervisors know what is required to protect workers' health and safety on the job.
- Create workplace health and safety policies and procedures (where more than 5 workers are regularly employed).
- Make sure everyone follows the workplace health and safety policies and procedures.
- Where required, establish a joint health and safety committee (JHSC) or have the workers select a worker

health and safety representative (HSR) and help them carry out their duties under the OHSA (See the Guide for JHSC and Representatives in the Workplace <https://www.labour.gov.on.ca/english/hs/pubs/jhsc/index.php>).

- Make sure workers wear and use the appropriate protective equipment.
- Maintain their equipment, material and protective devices in good condition.
- Comply with applicable legislation and reporting requirements (see Additional Responsibilities on next page)

In summary, employer must do everything reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

Scenario:

Dr. Brown is a joint owner of a family health clinic and works with two physicians and nine employees. She teaches family medicine residents in her office and they join her on hospital rounds and assist with procedures in the ambulatory clinic. Dr. Brown is also employed part-time by the university student health centre. Dr. Brown is thus an employer, a supervisor and an employee. She has differing responsibilities in each of these roles. Employer: employees in her health care team; Supervisor: of employees in her office and the family medicine residents in her office, and at the hospital; and as an employee at the university.

PHYSICIANS AS SUPERVISORS

Physicians must consider their health and safety responsibilities as supervisors—where they are the supervising staff or directing the work of staff (i.e. in an operating room, clinic, professional office, treatment facility, or community health centre, etc.)

If a physician is a supervisor as defined by the OHS Act, he or she has duties including to:

- Inform workers about hazards and dangers, and respond to their concerns.
- Show workers how to work safely, and make sure they follow the law and workplace health and safety policies and procedures.
- Make sure workers wear and use the appropriate protective equipment.
- Do everything reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

PHYSICIANS AS WORKERS

Physicians must consider their health and safety responsibilities as workers—where they are working in a facility as employees or independent contractors (e.g. providing services in a hospital, nursing home, private clinic, etc.). Physicians with staff privileges in a health care facility must comply with the facility's workplace health and safety measures and procedures.

If a physician is a worker as defined by the OHS Act, he or she has duties including to:

- Comply with the OHS Act and its regulations and their workplace's health and safety policies and procedures.
- Work and act in a way that won't hurt themselves or anyone else.
- Report any hazards or injuries to their supervisor/ employer.
- Wear and use the protective equipment required by their employer.

ADDITIONAL RESPONSIBILITIES

Examples of Regulations under the OHS Act that may apply to physicians and/or their workplace:

- Workplace Hazardous Materials Information System (WHMIS) <https://www.ontario.ca/laws/regulation/900860>
- Needle Safety Regulation <https://www.ontario.ca/laws/regulation/070474>
- Control of Exposure to Biological or Chemical Agents <https://www.ontario.ca/laws/regulation/900833>
- Health Care and Residential Facilities Regulation (HCRFR) <https://www.ontario.ca/laws/regulation/930067>
- Designated Substances (Ethylene Oxide) <https://www.ontario.ca/laws/regulation/090490>
- Asbestos on Construction Projects and in Buildings and Repair Operations <https://www.ontario.ca/laws/regulation/050278>
- X-ray Safety <https://www.ontario.ca/laws/regulation/900861>

The following Regulation under the Workplace Safety and Insurance Act, 1997, may also apply:

- First Aid <https://www.ontario.ca/laws/regulation/901101>

Examples of reporting requirements that may apply to physicians and/or their workplaces:

- Critical injuries and fatalities (Section 51 of OHS Act and section 5 of the HCRFR)
- Non-Critical injuries and Occupational illnesses (Section 52 of OHS Act and section 5 of the HCRFR- see PSHSA Fact Sheet under Resources)
- Occupational health and safety reports to the JHSC or HSR (clause 25(2) (1))

PUBLIC SERVICES HEALTH & SAFETY ASSOCIATION (PSHSA)

- PSHSA Small Business Manual <http://www.pshsa.ca/sbrm/>

Examples of Fast Facts that may apply to physicians and/or their work setting:

- Workplace Hazardous Materials Information System (WHMIS) <http://www.pshsa.ca/article/whmis-training/>
- First Aid <http://www.pshsa.ca/products/first-aid/>
- Occupational Illness: Requirements to Report to the Ministry of Labour <http://www.pshsa.ca/products/occupational-illness-requirements-to-report-to-the-ministry-of-labour/>

PSHSA Training programs <http://www.pshsa.ca/pshsa-training/>

RESOURCES

Ministry of Labour

OHSA and Regulations <https://www.labour.gov.on.ca/english/hs/laws/index.php>

Guides, Posters and Posting requirements https://www.labour.gov.on.ca/english/atwork/posting_training.php

- Guide to the OHS <https://www.labour.gov.on.ca/english/hs/pubs/ohsa/>
- Guide for JHSC and Representatives in the Workplace <http://www.labour.gov.on.ca/english/hs/pubs/jhsc/index.php>
- Guide to WHMIS <https://www.labour.gov.on.ca/english/hs/pubs/whmis/>
- Workplace Violence and Harassment: Understanding the Law <https://www.labour.gov.on.ca/english/hs/pubs/wpvh/>
- New Health and Safety Awareness Poster <https://www.labour.gov.on.ca/english/hs/pubs/posterinfo.php>
- Report an Incident <https://www.labour.gov.on.ca/english/hs/incident.php>
- Health and Community Care <https://www.labour.gov.on.ca/english/hs/topics/healthcare.php>

APPENDIX A

DEFINITIONS USED IN THE OHSA

An employer: is a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

A supervisor is: a person who has charge of a workplace or authority over any worker.

A worker is: a person who is defined as any of the following:

- A person who performs work or supplies services for monetary compensation;
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution;
- A person who receives training from an employer, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that Act because the conditions set out in subsection 1(2) of that Act have been met;
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation;

This definition does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program.

A competent person is: a person who,

- (a) is qualified because of knowledge, training and experience to organize the work and its performance,
- (b) is familiar with this Act and the regulations that apply to the work, and
- (c) has knowledge of any potential or actual danger to health or safety in the workplace.