

September 18, 2023

Poor Outdoor Air Quality and Workplace Health and Safety Consultation
Health, Safety and Insurance Policy Branch
Ministry of Labour, Immigration, Training and Skills Development
400 University Avenue, 14th Floor
Toronto, ON M7A 1T7

Sent Via Email: webhspolicy@ontario.ca

RE: Poor Outdoor Air Quality and Workplace Health and Safety Consultation

Dear Sir/Madam,

Canadian Manufacturers & Exporters (CME) appreciates the opportunity to provide input to the Ministry of Labour, Immigration, Training and Skills Development's (the Ministry's) Poor Outdoor Air Quality and Workplace Health and Safety Consultation.

CME reiterates that, as the Government of Ontario moves to establish an Advanced Manufacturing Strategy this fall, we believe it must keep a strong focus on maintaining a balanced and evidence-based regulatory approach that minimizes undue burden and recognizes the work employers already do to maintain worker welfare in a competitive environment. The below reflect our suggestions for the proposed regulation.

Background:

The Occupational Health and Safety Act (OHSA) and its regulations do not specifically address poor outdoor air quality. Under the Act, employers have a general duty to take every precaution reasonable in the circumstances for the protection of a worker. This includes protecting workers from the hazards associated with poor outdoor air quality that could pose a risk to workers working outdoors. The consultation seeks feedback from businesses on whether poor outdoor air quality is an issue for them, and whether the OHSA and/or its regulations may need to be changed.

CME Response

CME does not feel that a new regulation is needed to address poor outdoor air quality. While acknowledging the importance of vigilance, we believe that current approaches effectively address this issue. While it is true that some organizations have outdoor workers, this issue certainly does not affect all workers/workplaces across the province. CME believes that the government should maintain current regulations within the OHSA and utilize already well-established resources to monitor air quality rather than implementing a new regulation for poor outdoor air quality.

Section 25(2)(h) of the OHSA already provides substantial safeguards for workers. In addition, Section 130 of the *Industrial Establishments Regulation* addresses this issue more specifically. With wordsmithing, Section 46 and Section 59 of the *Construction Projects Regulation* could address this issue as well. Finally, Regulation 833 sets out criteria and requirements for worker exposure to

airborne contaminants and could be edited to more clearly apply to outdoor air spaces. The training of workers to cope with outdoor air quality falls under the purview of the Act's section 25(2)(a), which outlines the provision of information and instruction.

The recent publication of well-established air quality due to smoke issues serves as a good example. Outdoor air quality is monitored by the Ministry of the Environment, Conservation and Parks (MECP). Concentrations of common air pollutants and the Air Quality Health Index are publicly reported 24 hours per day, 7 days a week through the MECP's air quality website. Addressing this issue could be effectively managed through heightened awareness, improved communication, and targeted dissemination campaigns. The need to address air quality is best handled by the Safe Workplace Associations (SWAs) who are well positioned to develop compendia of online resources/guidelines/best practices to help their members protect the safety of their workers. The SWAs could also contribute significantly by offering toolbox talks to employers engaged in outdoor activities, adding value to the initiative.

Perhaps there could be worker/workplace specific radio, social media, news communications reminding people to talk about the hazard at their workplace and address it in their safe work planning.

CME does not support moving forward with a specific regulation that could potentially add to the burden on employers in their efforts to align with any proposed methods concerning outdoor air quality. The current coverage is already sufficient. We maintain that there is room for communication and messaging improvements regarding safe work planning, exposure protection, health impacts, and symptom recognition.

Thank you again for the opportunity to provide input, and it our hope that the government will consider our comments along with the rationale we have provided for not moving forward with the creation of a new poor air quality regulation.

Regards,

Maria Marchese
Director
Workplace Safety & Compensation Policy