

Occupational Illness: Requirements to Report to the Ministry of Labour

This OSACH Fast Fact is intended to inform employers of their obligation to report Occupational Illnesses to the Ministry of Labour and the joint health and safety committee or a health and safety representative, and to the trade union, if any. Healthcare-associated infections in an employee, acquired as the result of an occupational exposure, are an occupational illness.

An occupational illness as defined in the Occupational Health and Safety Act (section 1(1)) is “a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an occupational disease for which a worker is entitled to benefits under the Workplace Safety and Insurance Act, 1997”.

Examples of Occupational Illnesses

- Asbestosis
- Dermatitis (skin rashes and inflammation)
- Occupational asthma
- Infectious diseases (tuberculosis, hepatitis, norovirus, influenza, chicken pox)
- Certain types of cancer
- Noise-induced hearing loss
- Chronic obstructive pulmonary disease
- Silicosis

What are the Employer’s Responsibilities?

To current workers

The employer’s responsibilities as outlined in Section 52(2) of the Occupational Health and Safety Act are:

“If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as are prescribed.”

To former workers

The employer’s responsibilities as outlined in section 52(3) of the Occupational Health and Safety Act are:

“Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker.”

The requirement to submit a report does not necessitate confirmation of an occupational illness, but simply that the employer has been notified about an illness by or on behalf of an employee or Workplace Safety and Insurance Board.

Workplaces in the health and community care sectors may experience outbreaks of illnesses such as norovirus (stomach flu) or influenza during which employees become ill. If the employer receives notification that an employee has an infection acquired as a result of a workplace exposure, the illness should be considered to be an occupational illness. As such the

reporting requirements must be completed within four calendar days. Laboratory confirmation is not required. Prompt identification of these outbreaks/illnesses should result in an investigation by the JHSC or H&S representative and by Infection Prevention and Control to decrease the risk of further transmission.

The Occupational Illness Report

For workplaces to which the Health Care and Residential Facilities Regulation applies, the report must contain all information outlined in section 5(5) of the regulation:

- the name and address of the employer;
- the nature of the occupational illness and the circumstances which gave rise to such illness;
- a description of the cause or suspected cause of the occupational illness;
- the period when the worker was affected;
- the name and address of the worker who is suffering from the occupational illness;
- the name and address of the physician, if any, who is attending to or attended to the worker for the illness; and
- the steps taken to prevent further illness.

For workplaces to which the Industrial Establishments Regulation applies, the report must contain all information outlined in section 5(2) of the regulation:

- the name, address and type of business of the employer;
- the nature and the circumstances of the occurrence and the bodily injury or illness sustained;
- a description of the machinery or equipment involved;
- the time and place of the occurrence;
- the name and address of the person suffering the injury or illness;
- the names and addresses of all witnesses to the occurrence;
- the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury or illness; and
- the steps taken to prevent a recurrence.

For more information:

Contact your regional OSACH consultant at www.osach.ca

Copies of the Occupational Health and Safety Act and its regulations may be downloaded from <http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>

A listing of the Ministry of Labour offices may be found at www.labour.gov.on.ca



The information contained in Fast Facts is correct at the time of publication.

The Fast Facts series is copyrighted by the Ontario Safety Association for Community Healthcare (OSACH). Individual Fast Facts can be copied freely provided appropriate credit is given to OSACH.

For more information, please contact:

Ontario Safety Association for Community & Healthcare

4950 Yonge Street, Suite 1505, Toronto, Ontario Canada M2N 6K1

Tel. (416) 250-7444 • Toll Free 1-877-250-7444 • Fax (416) 250-7484 • Web Site: www.osach.ca

1-894878-67-1 FOHSE524 • Rev. 09/08