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 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 Guide for JHSC and Representatives in the Workplace - http://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 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 OHSA, 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 OHSA, he or she has duties including to:

• Comply with the OHSA 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 OHSA that may apply to physicians and/or their workplace:

• Needle Safety Regulation http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070474_e.htm

• Control of Exposure to Biological or Chemical Agents http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900833_e.htm


• Designated Substances (Ethylene Oxide) http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_090490_e.htm


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

• First Aid http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_901101_e.htm

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

• Critical injuries and fatalities (Section 51 of OHSA and section 5 of the HCRFR)

• Non-Critical injuries and Occupational illnesses(Section 52 of OHSA 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) (l))

Resources

Ministry of Labour


Guides, Posters and Posting requirements http://www.labour.gov.on.ca/english/hs/


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• Report an Incident http://www.labour.gov.on.ca/english/hs/incident.php


• Health and Community Care http://www.labour.gov.on.ca/english/hs/topics/healthcare.php

PSHSA Training programs http://store.pshsa.ca/Category/121_1/Training.aspx

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 performs work or supply services for monetary compensation.

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.