

AMENDMENTS TO THE OHSA CONSOLIDATE REPORTING REQUIREMENTS FOR WORKPLACE ACCIDENTS EFFECTIVE JULY 1, 2021

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The Ontario government introduced amendments to Regulations under the *Occupational Health and Safety Act* (“OHSA”) which consolidate reporting requirements relating to workplace accidents into a single regulation that applies to all workplaces covered under the OHSA.

The new regulation, [Ontario Regulation 420/21: Notices and Reports under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents](#) (“O. Reg 420/21”), comes into effect on July 1, 2021 and implements the following changes to workplace accident reporting requirements:

Defines “Critically Injured”: O.Reg 420/21 revokes [Reg. 834: Critical Injury – Defined](#) (“Reg. 834”) and incorporates the definition of “critically injured” previously found in Reg. 834.

Consolidates Reporting Requirements: O.Reg 420/21 consolidates the section 51 – 53 reporting requirements for workplace death or critical injury previously found in several industry-specific regulations under the OHSA. Consequently, as of July 1, 2021, the sections relating to reporting in the following regulations have been revoked:

[Regulation 851 Industrial Establishments](#) (amended by [O. Reg 421/21](#))

[Regulation 854 Mines & Mining Plants](#) ([O. Reg 422/21](#))

[Regulation 855 Oil & Gas – Offshore](#) ([O. Reg 423/21](#))

[Regulation 859 Window Cleaning](#) ([O. Reg 424/21](#))

[Regulation 861 X-Ray Safety](#) ([O. Reg 425/21](#))

[O. Reg 213/91 Construction Projects](#) ([O. Reg 426/21](#))

[O. Reg 67/93 Health Care and Residential Facilities](#) ([O. Reg 427/21](#))

[O. Reg 629/94 Diving Operations \(O. Reg 428/21\)](#)

[O. Reg 414/05: Farming Operations \(O. Reg 429/21\)](#)

Prescribes Reporting Requirements: O. Reg 420/21 specifies the information that an employer must include in a written report or notice of a workplace accident sections 51 to 53 of the OHS Act. O. Reg 420/21 also specifies additional reporting requirements for mining and construction employers.

Prescribes Record Retention Requirements: O. Reg 420/21 requires that employers retain a copy of a written report or notice for three years.

O. Reg 420/21 does not apply to instances when a worker is killed, critically injured, or prevented from performing their usual work or requires medical attention as a result of a collision that occurs on a “highway”, as defined under the *Highway Traffic Act* or *Highway 407 Act*.

Other regulatory amendments include O. Reg 434/21, which comes into effect on January 1, 2022, and streamlines pre-start health and safety review requirements while maintaining existing worker health and safety precautions.

Key Takeaways

Employers should review their current workplace incident reporting policies, particularly those regarding critical injury or fatalities, and make appropriate changes to comply with the newly prescribed requirements.

Further, these reporting requirements will be subject to a new record retention period of three years. Ontario employers should consider the privacy and data security implications of the new record retention requirement. For more information about the privacy considerations in this respect, please contact a member of McMillan's [Privacy and Data Protection Group](#).

If you have any questions relating to the above, please do not hesitate to contact a member of the [Employment & Labour Relations Group](#).

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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