

# MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT CONSULTATION NOTICE

## Updating reference to Engineers in Regulations under the *Occupational Health and Safety Act (OHSA)*

On December 2, 2021 the [Bill 13, Supporting People and Businesses Act, 2021](#) amended the [Occupational Health and Safety Act \(OHSA\)](#) to introduce a new definition for ‘engineer’ that will take effect upon a date to be proclaimed. The new definition provides:

*“engineer” means, subject to any prescribed requirements or restrictions, a person who is licensed as a professional engineer or who holds a limited licence under the Professional Engineers Act;*

The Ministry is proposing to update all references to “professional engineer” in the regulations made under OHSA and replace them with ‘engineer’ to reflect the new definition. The updates can be made subject to any prescribed requirements or restrictions. Amending the references in the regulations would authorize “engineers”, as defined, to provide certain reports, advice and certification required under those regulations.

Currently, the following regulations under the OHSA make reference to a ‘professional engineer’:

- [O. Reg. 420/21 - Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents](#)
- [O. Reg. 714/94 - Firefighters – Protective Equipment](#)
- [O. Reg. 67/93 - Health Care and Residential Facilities](#)
- [O. Reg. 213/91 - Construction Projects](#)
- [Regulation 859 - Window Cleaning](#)
- [Regulation 856 - Roll-Over Protective Structures](#)
- [Regulation 855 - Oil and Gas – Offshore](#)
- [Regulation 854 - Mines and Mining Plants](#)
- [Regulation 851 - Industrial Establishments](#)

### How to Participate

Stakeholders are invited to submit comments on this proposal to update the references in the regulations to reflect the new defined term for engineer.

The consultation period ends February 16, 2022. Submissions may be mailed, faxed, or sent electronically to the following addresses:

#### Email

[WebHSpolicy@ontario.ca](mailto:WebHSpolicy@ontario.ca)

#### Mail

Reference to Engineer in OHSA Regulations  
Health, Safety and Insurance Policy Branch,  
Ministry of Labour, Training & Skills Development  
400 University Avenue, 14th Floor  
Toronto ON M7A 1T7

### **NOTICE TO CONSULTATION PARTICIPANTS**

Submissions and comments provided to the Ministry of Labour, Training and Skills Development (the Ministry) are part of a public consultation process to solicit views on the proposal to update reference to Engineers in Regulations under the Occupational Health and Safety Act (OHSA). This process may involve the Ministry publishing or posting to the internet your submissions, comments, or summaries of them. In addition, the Ministry may also disclose your submissions, comments, or summaries of them, to other parties during and after the consultation period.

Therefore, you should not include the names of other parties (such as the names of employers or other employees) or any other information by which other parties could be identified in your submission.

Further, if you, as an individual, do not want your identity to be made public, you should not include your name or any other information by which you could be identified in the main body of the submission. If you do provide any information which could disclose your identity in the body of the submission, this information may be released with published material or made available to the public. However, your name and contact information provided outside of the body of the submission (such as that which may be found in a cover letter, on the outside of an envelope, or in the header or signature of an email) will not be disclosed by the Ministry unless required by law. An individual who provides a submission or comments and indicates a professional affiliation with an organization will be considered a representative of that organization and his or her identity in their professional capacity as the organization's representative may be disclosed.

Personal information collected during this consultation is under the authority of the *Occupational Health and Safety Act* and is in compliance with subsection 38(2) of the *Freedom of Information and Protection of Privacy Act*.

If you have any questions regarding the collection of personal information as a result of this consultation, you may contact the Ministry's Freedom of Information Office, 400 University Avenue, 10<sup>th</sup> Floor, Toronto, Ontario, M7A 1T7, or by calling 416-326-7786.