

# Steve Woloz & Assoc. Inc.

Consultants en Génie industriel et en Gestion  
Consultants En Certification ISC  
Certifiés par le Gouvernement



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Établi / Established 1974

## CSST : Case Study in Progress

October 19, 2011

### 1 Historical Background

In March 2011, we were asked to meet with a client resulting from an unplanned inspection by the CSST, which visit was followed by a strong AVIS to immediately make improvements to production machinery and the physical facilities. The CSST Notice stated that there were risks for injury which had to be corrected within a 30 day period ( this notice was also followed by a \$ 1,500 fine.) , and then a second visit would occur to assure that the corrections were either complete , or well under way.

### 2 Fast Forward Approximately 6 Months

SWA made a complete Risk Assessment report and subsequently working with the client while having several progress meetings with the CSST inspector, one of which included his boss, 11 out of 12 corrections have been implemented. But, the CSST is still not satisfied, stating that their policy is ZERO TOLERANCE. The last item is really difficult to achieve, since the client claims that installing further safety guards were uncalled for and that additional shields would seriously diminish the productivity and competitiveness of the company. Furthermore a 40 year accident free record implied that the perceived risks were not serious enough to merit further changes as required by the CSST.

### 3 Current Impasse

The inspector, together with his superior are still adamant that further improvements need to be made, and the CSST threatens closure of the machine, an entire department and ultimately it would result in the stoppage of the business.

### 4 Client's Right to Contest

According to article 183 of the CSST ACT a client has the right to contest CSST decisions if they can prove that the required changes would

**rendre raisonnablement impraticable la fonction**

see articles # 182 and # 183 below.



## 5 The Regrettable Situation

Under this circumstance, our client is now obliged to hire a civil or mechanical engineer, to make a further study with respect to this one outstanding point in order to confirm the point that further design changes to the machine would render it impractical in its working condition. The client has also had to hire a lawyer to demand his rights under article 183 and suspend further intended action by the CSST . We cannot state how long it will take to resolve, nor how much additional professional fees will be required to win the point.

## 6 Not All Cases Are Equally Difficult

We would like the readers to know that currently we are working on several other CSST files. Not all cases, nor all inspectors, are so difficult. Perhaps the client has not told us all that happened during the first visit. Or , it may be just bad luck, somewhat like border or customs inspectors. Some can go smoothly , or in other cases there can be a total shakedown.

## 7 The Conclusion And Recommendation

We believe that had the client been more proactive in assuring risk detection, prevention, and correction, well before the inspector ever arrived, he would not have been in his current difficulty.

It is our belief, and client experience, that with respect to dealing with issues of worker health and safety, the ounce of prevention is well worth the pound of cure.

DO NOT LEAVE THINGS TO CHANCE.;ACCIDENTS ARE NOT PLANNED; CSST VISITS ARE.

To start the PREVENTION process, we strongly suggest that all clients conduct a risk assessment study. Please do not hesitate to contact us to know more how to protect your clients from these potential pitfalls.

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**182. Contrôle de la zone dangereuse** : Sous réserve de l'article 183, une machine doit être conçue et construite de manière à rendre sa zone dangereuse inaccessible, à défaut de quoi celle-ci doit être munie d'au moins un des protecteurs ou des dispositifs de protection suivants :

1° dans le cas où aucune personne n'a accès à la zone dangereuse de la machine durant son fonctionnement :

- a) un protecteur fixe ;
- b) un protecteur muni d'un dispositif d'interverrouillage ;
- c) un protecteur à enclenchement muni d'un dispositif d'interverrouillage ;
- d) un dispositif sensible ;

2° dans le cas où au moins une personne a accès à la zone dangereuse de la machine durant son fonctionnement :

- a) un protecteur muni d'un dispositif d'interverrouillage ;
- b) un protecteur à enclenchement muni d'un dispositif d'interverrouillage ;
- c) un protecteur à fermeture automatique ;
- d) un protecteur réglable ;
- e) un dispositif sensible ;
- f) une commande bimanuelle.

D. 885-2001, a. 182.

**183.** Mesures de sécurité équivalente : L'article 182 ne s'applique pas lorsqu'il est prévisible que l'installation d'un protecteur ou d'un dispositif de protection sur une machine aura pour résultat de **rendre raisonnablement impraticable la fonction** même pour laquelle cette machine a été conçue, notamment une souffleuse à neige, un aiguillage de voie ferrée ou un appareil médical destiné à intervenir directement sur le patient.

Dans ce cas, l'employeur doit prendre des mesures qui assurent une sécurité équivalente aux travailleurs, notamment quant à l'organisation du travail, à la formation des travailleurs, aux conditions de fonctionnement et aux modes opératoires de la machine, et aux moyens et aux équipements de protection individuels, qui tiennent compte de l'absence de protecteur ou de dispositif de protection.

D. 885-2001, a. 183.