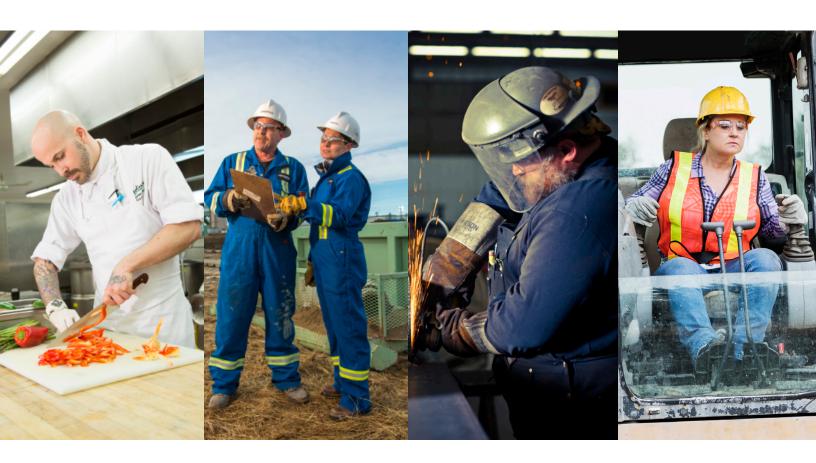
# Understanding Occupational Health and Safety in Saskatchewan

2022





NOTE
Please consult the current legislation for the purpose of interpreting and applying the law.

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#### Introduction

This document provides simple explanations about the legislated requirements for occupational health and safety. It will help employers and workers better understand their rights and responsibilities for preventing injuries and illnesses in the workplace.

# Occupational Health and Safety Provisions

Most workplaces in Saskatchewan are provincially regulated. The legislation that deals with occupational health and safety in these workplaces is as follows:

- The Saskatchewan Employment Act (the Act); and
- The Occupational Health and Safety Regulations, 2020; The Mines Regulations, 2018; and The Radiation Health and Safety Regulations, 2005.

The Act outlines the general, legislated safety standards and requirements for occupational health and safety in Saskatchewan, whereas the regulations give detailed provisions about how to meet the requirements of the Act.

Employers are required to have a copy of The Saskatchewan Employment Act and The Occupational Health and Safety Regulations located where workers and management can reference them at all times.

# Who is Covered by the Legislation

Certain workplaces in Saskatchewan are regulated federally by *The Canada Labour Code*.

Federally regulated businesses and industries include:

- Air transportation, including airlines, airports, aerodromes and aircraft operations
- Banks, including authorized foreign banks
- Grain elevators, feed and seed mills, feed warehouses and grain-seed cleaning plants
- First Nations Band Councils (including certain community services on reserve)
- Most federal Crown corporations, for example, Canada Post Corporation
- Port services, marine shipping, ferries, tunnels, canals, bridges and pipelines (oil and gas) that cross international or provincial borders
- Radio and television broadcasting
- Railways that cross provincial or international borders and some short-line railways
- Road transportation services, including trucks and buses, that cross provincial or international borders
- Telecommunications, such as, telephone, internet, telegraph and cable systems
- Uranium mining and processing and atomic energy
- Any business that is vital, essential or integral to the operation of one of the above activities

# Working Age and Age Restrictions

# **Occupational Health and Safety**

See Section 3-3 of The Occupational Health and Safety Regulations, 2020.

To prevent youth from working in occupations with high rates of injury or hazards, *The Occupational Health and Safety Regulations, 2020* lists workplaces where no persons under the ages of 16 or 18 years can be employed or permitted to work.

#### Workers under 16 cannot work:

- on a construction site;
- in a production process at a pulp mill, sawmill or woodworking establishment;
- in a production process at a smelter, foundry, refinery or metal processing or fabricating operation;
- in a production process in a meat, fish or poultry processing plant;
- in a confined space (such as a manhole);
- in a forestry or logging operation;
- on a drilling or servicing rig;
- as an operator of powered mobile equipment (e.g., a forklift), a crane or a hoist;
- where exposure to chemical or biological substances could endanger their health and safety; and
- in power line construction or maintenance.

#### Workers under 18 cannot work:

- underground or in an open pit at a mine;
- as a radiation worker;
- in an asbestos process;
- in a silica process; and
- in any activity that requires the use of an atmosphere-supplying respirator.

The <u>Young Worker Readiness Certificate</u>
<u>Course</u> teaches youth the basics about
workplace health and safety and the
rules for fair pay and working conditions.
It contains important information they
need to know before entering the job
market.

# Health and Safety Rights

See Act, Part III, Divisions 3, 4 & 5.

You have three basic rights under *The Saskatchewan Employment Act*.

- The right to know the hazards at work and how to control them.
- The right to participate in finding and controlling workplace hazards.
- The right to refuse work that you believe is unusually dangerous.

#### **Right to Know**

You have the right to know about any hazards, or potential hazards, which may be found in your place of employment. It is also your right to receive instruction, information, training and supervision necessary for

you to do your job safely.

A hazard is anything that is likely to cause harm or injury in certain circumstances.

Make sure you know what the hazards are at your workplace.

Other examples of information you have a right to know include:

- Safe work practices and procedures;
- emergency procedures (such as evacuations or first aid);
- policies that exist in your workplace (such as violence or harassment policies);
- how to safely use and handle chemicals and other substances found in your workplace;
   and
- how to raise a safety concern.

#### **Right to Participate**

You have the right to participate in workplace health and safety.

Every Saskatchewan workplace with 10 or more workers must have an occupational health committee (OHC). At least half of the committee members must represent workers who are not management.

Members representing workers need to be elected by the workers they represent or selected by their union. Members representing the employer are designated by the employer.

# **Right to Refuse**

You have the right to refuse to perform any specific job or task which you have reasonable grounds to believe is unusually dangerous. The danger may be to you or to any other person at your workplace.

An unusual danger could include:

- a danger that is not normal for the job (e.g., repairing a roof in dangerous winds);
- a danger that would normally stop work (e.g., operating a forklift with a flat tire); or
- a situation for which you are not properly trained, equipped, or experienced to do the work assigned (e.g., cleaning windows on a tall building with no fall protection equipment or training).

#### **Steps for Refusing Unusually Dangerous Work**

If your supervisor/employer asks you to perform a specific job or task that you have grounds to believe is unusually dangerous, you have the right to refuse to do the task.

Follow these steps to resolve a work refusal:

- 1. The employee should inform their employer/supervisor that they are refusing work because of a health or safety concern. The supervisor should ask the employee what task or tasks they are refusing and why they believe the work is unusually dangerous.
- 2. The employee should not leave the worksite without their employer's permission.
- 3. If the worker and supervisor cannot resolve the concern, they should contact their workplace occupational health committee (OHC).
- 4. The OHC will investigate the refusal to determine if there are reasonable grounds to refuse the work. The OHC's decision must be unanimous.
- 5. If the concern cannot be resolved within the workplace, contact the Occupational Health and Safety Branch at the Ministry of Labour Relations and Workplace Safety by calling 1-800-567-7233.
- 6. An occupational health officer will investigate the refusal and provide a written decision on the matter.
- 7. For additional information about recommended processes for resolving work refusals, refer to WorkSafe Saskatchewan's OHC committee manual.
- 8. Refer to Part III, Division 5 of *The Saskatchewan Employment Act* for the right to refuse dangerous work; discriminatory action.

# Health and Safety Responsibilities

See Act, sections 3-8 to 3-15.

In the workplace, health and safety is a shared responsibility. All workplace parties are responsible for ensuring healthy and safe working conditions to the extent of their authority, knowledge and ability.

#### The Act outlines:

- duties of employers;
- duties of workers;
- duties of supervisors;
- duties of self-employed persons;
- duties of contractors:
- duties of prime contractors at certain multi-employer worksites;
- duties of owners; and
- duties of suppliers.

# **Duties of Employers**

Employers have the most care and control in the workplace, and therefore have the most responsibility for health and safety.

An employer is a person/business who operates a place of employment and employs the service of one or more workers.

An employer's health and safety duties include:

- understanding and following health and safety requirements in the Act and regulations;
- ensuring the health, safety and welfare of workers;
- making sure that managers and supervisors are trained, supported and held accountable for fulfilling their workplace health and safety responsibilities;
- ensuring workers have the information, training, certification, supervision and experience to do their jobs safely;
- providing medical/first aid facilities as needed; and
- ensuring workers are not exposed to harassment in the workplace.

Employers are required to meet the minimum health and safety requirements described in legislation.

#### **Duties of Workers**

While at work, workers have a responsibility to work and act safely.

A worker is an individual, or supervisor, who is engaged in the service of an employer.

A worker's health and safety duties include:

- understanding and following health and safety requirements outlined in the Act and regulations;
- using safety equipment, machine guards, safety devices and personal protective equipment;
- co-operating with anyone exercising a duty as described in the Act or regulations; and
- not causing or participating in the harassment of others in the workplace.

# **Duties of Supervisors**

Supervisors are the individuals who have the authority to oversee the work of others at a place of employment.

A supervisor's health and safety duties include:

- ensuring the health and safety of workers who work under the supervisor's direct supervision and direction;
- co-operating with anyone exercising a duty as outlined in the Act;
- understanding and following health and safety requirements in the Act; and
- ensuring that workers under their direct supervision are not harassed

Encouraging workers to bring their health and safety concerns forward and working together to resolve concerns will help supervisors fulfill their duty to keep the workplace healthy and safe and prevent costly injuries and illnesses.

# **Duties of Self-Employed Persons**

A self-employed person is anyone engaged in an occupation, but works for themselves and does not employ others.

A self-employed person's health and safety duties include:

- knowing and complying with the health and safety requirements in the Act and regulations;
- co-operating with anyone exercising a duty outlined in the Act; and
- conducting their work in a way that does not endanger anyone's health and safety.

#### **Duties of Contractors**

Contractors are typically those entities that direct the activities of one or more employers or self-employed persons at a place of employment.

A contractor's health and safety duties include:

- ensuring the safety of a workplace or work process where the contractor has a degree of control:
- posting any notice required by occupational health and safety provisions in the Act in a conspicuous place; and
- knowing and complying with health and safety requirements in the Act.

#### **Duties of Prime Contractors**

Certain multi-employer worksites will be required to have a prime contractor, while others will not.

A prime contractor is required if:

- there are 10 or more self-employed persons or workers under the direction of two or more employers who are engaged at the worksite in the following industries
  - construction (excluding construction or renovation to residential dwellings consisting less than four units);
  - > forestry; and
  - > oil and gas.

The prime contractor will also have prescribed activities (roles and responsibilities). The duties include, but are not limited to:

- identifying and informing employers and self-employed persons about hazards for which the prime contractor is responsible;
- ensuring insofar as reasonably practicable that the employers or self-employed persons at a worksite eliminate hazards identified by the prime contractor before activities or operations begin on the worksite and after they have commenced;
- ensuring that the employers of self-employed persons at a worksite reduce or control hazards that cannot be reasonably eliminated;
- ensuring the prime contractor's contact information is posted in a conspicuous location at the worksite;
- ensuring all activities that may affect workers' health and safety at the worksite are coordinated;
- ensuring, as far as reasonably practicable, that all employers and self-employed persons have adequate and appropriate occupational health and safety policies and procedures, safe work practices and equipment, and competent and informed workers;

- identifying a competent person to oversee and direct, on behalf of the prime contractor, the activities of employers and self-employed persons at the worksite; and
- preparing a written plan that explains how the requirements are to be met and delivering a copy of the written plan to all employers and self-employed persons before any work commences.

#### **Duties of Owners**

An owner is any person who owns or rents a plant to be used as a place of employment. Plant is a term that describes all locations where work could take place. This includes any premises, site, land, mine, water, structure, fixture, or equipment used in the carrying out of any occupation.

An owner's health and safety duties include:

- understanding and following the health and safety requirements in the Act and regulations; and
- ensuring that their plant is maintained and that it does not endanger the health and safety of anyone working in, on, or near the plant.

# **Duties of Suppliers**

A supplier is an individual who supplies, sells, leases, distributes or installs a plant or any biological/chemical substances to be used at a place of employment.

A supplier's health and safety duties include:

- knowing and complying with the health and safety requirements in the Act and Regulations;
- supplying a plant (workplaces, sites, equipment), in safe condition;
- supplying chemical and biological substances that are safe when instructions are followed correctly;
- providing written instructions about how to use equipment safely; and
- maintaining equipment in safe condition.

# Occupational Health Committees and Worker Health and Safety Representatives

Occupational health committees (OHCs) and worker health and safety representatives help employers communicate and cooperate with workers in identifying and resolving health and safety concerns.

#### Committees

See Act, Part III, Division 4.

Committees are required in workplaces with 10 or more workers. Their role is to monitor the workplace, give advice and make recommendations to their employer for eliminating/controlling hazards to keep their working environment safe. They do not have a direct responsibility for correcting hazards at their workplaces.

Their health and safety duties include:

- participating in the identification and control of health and safety hazards in or at the place of employment;
- co-operating with the occupational health and safety service, if any, established for the place of employment;
- establishing, promoting and recommending the means of delivery of occupational health and safety programs for the education and information of workers;
- maintaining records with respect to the duties of the committee pursuant to the Act, section 3-27;
- investigating any matter mentioned in the Act, section 3-31 (right to refuse dangerous work);
- receiving, considering and resolving matters respecting the health and safety of workers; and
- carrying out any other duties that are specified in the Part III, Division 4 of the Act, or the regulations made pursuant to this Part.

Employers are required to consult and cooperate with their committees and respond to the concerns or recommendations raised in a timely manner. When the concerns are not resolved, the employer is responsible to prepare a written response with reasons for not resolving the concerns or accepting the recommendations.

Responding in a timely manner means promptly; without serious delay.

#### **Structure of Committees**

A committee must have between two and 12 members; at least half must be worker members and the rest can be employer members. Employer members cannot outnumber worker members. There must be a worker and employer co-chair. The worker co-chair is selected by the committee at their first meeting. The employer appoints the employer co-chair. The co-chairs share equal power and have the right to call and chair emergency meetings.

Committees must meet once every three months. They can hold extra meetings to address concerns as needed.

Committees are governed and operated by consensus. Members discuss issues and concerns as equals and seek resolutions through agreement reached by mutual consent.

Committees must keep meeting minutes. Meeting minutes are summaries of the items discussed such as the hazards identified and the corrective actions taken or to be taken.

There must be a quorum at every committee meeting. Quorum is the minimum number of members required to be present to constitute an official OHC meeting. To ensure quorum:

- half of the committee members must be present;
- half the members present must be workers; and
- at least one employer member must be present.

The committee can select alternate members to guarantee there is quorum at every meeting.

Within two weeks of each meeting, the employer must ensure that the meeting's minutes are filed for future reference and available to workers and occupational health officers upon request. A copy of the minutes must also be posted in a location where all workers can easily access them (e.g., in the lunchroom).

#### Representatives

See Act, section 3-28.

Employers are required to designate worker health and safety representatives in high hazard workplaces with between five and nine workers at the prescribed places of employment.

For a list of the prescribed places of employment, see <u>Appedix A: Table 7 of The Occupational Health and Safety Regulations</u>, 2020.

Representatives share the same duties as committees, except they **are not** required to investigate refusals to work.

Employers and representatives must meet once every three months. Like committees, they can hold extra meeting to address and resolve health and safety concerns as needed.

The employer must keep written records of their meetings and ensure the records are available to workers and occupational health officers upon request.

# Training

# **Training for Workers**

See Section 3-8 of The Occupational Health and Safety Regulations, 2020.

Employers are responsible for ensuring workers are trained when they are hired and retrained when their duties change, new equipment is introduced or they are moved to a different worksite.

Training involves giving information and explanation to a worker about a specific subject and requiring a demonstration that the knowledge or skill has been learned.

Employers must retain copies of workers' training certificates and keep them readily available in the event of a serious injury or fatality. During an incident, an employers' ability to produce this information is of key importance.

Training is available from a number of different sources. WorkSafe Saskatchewan provides a list of Saskatchewan safety associations who can either offer worker training or direct you to other credible businesses/organizations who offer training. For more information, visit www.worksafesask.ca.

#### **Training for Supervisors**

See Section 3-6 of The Occupational health and Safety Regulations, 2020.

WorkSafe Saskatchewan offers a one-day supervision and safety workshop that introduces supervisors to their legal responsibilities for health and safety in the workplace. By the end of the course, supervisors will know:

- how to locate information relevant to their workplace in the Act;
- the roles, duties and competencies of everyone within the OHS workplace responsibility system;
- their specific role and duties for health and safety at the workplace, such as:
- hazard identification, risk assessment and hazard control;
  - workplace inspections;
  - incident Investigations;
  - refusals to work; and
  - worker training and orientation.

**Note**: The Workers' Compensation Board is an approved training agency for delivering occupational health committee training and supervision and safety training courses under the WorkSafe partnership.

# **Training for OHCs and Representatives**

See Section 4-9 of The Occupational Health and Safety Regulations, 2020.

Employers must ensure that co-chairs of the committee receive training in the duties and functions of the committee. Committee members may take five days of educational leave each year for health and safety training. Time spent at training courses must be treated as paid work time.

WorkSafe Saskatchewan provides Level 1 and Level 2 courses free of charge. Visit <u>www.</u> worksafesask.ca for more information.

#### **Course Descriptions**

#### **Level 1 OHC Training**

This is an introductory course for committee members and representatives. By the end of this course, OHC members and OHS representatives will know:

- how to locate information that is relevant to their workplace in the Act and regulations;
- the requirements for establishing and operating an effective OHC;
- the role of the OHC and its duties within the OHS workplace responsibility system;
- how to identify and assess workplace hazards;
- how to identify and recommend corrective actions to control workplace hazards; and
- how to handle OHS concerns and investigate refusals to work.

#### **Level 2 OHC Training**

Course participants must complete Level 1 training prior to attending Level 2. Level 2 is divided into two parts, Workplace inspection training and workplace incident investigation training.

By the end of workplace inspection training, OHC members and OHS representatives will:

- understand the purpose of workplace inspections and the regulatory requirements for them;
- be able to plan workplace inspections;
- be able to conduct workplace inspections;
- be able to use the findings of workplace inspections to improve health and safety within the workplace; and
- be able to review and revise the workplace inspection system

By the end of workplace incident investigation training, OHC members and OHS representatives will:

- understand the requirements for investigating incidents and dangerous occurrences;
- be able to collect and analyze evidence collected during investigations;
- be able to develop an investigation report; and
- know how to recommend corrective actions to prevent the recurrence of incidents.

# Programs and Policies

# **Occupational Health and Safety Program**

See Act, section 3-20.

Certain prescribed places of employment are required to establish and maintain an occupational health and safety program.

An occupational health and safety program (OHS program) is a systematic plan to identify and control hazards and respond to emergencies. The program lays out responsibilities, resources and procedures for keeping the workers healthy and safe. Its purpose is to integrate health and safety into all work practices and conditions.

See <u>Appendix A: Table</u>
<u>7 of The Occupational</u>
<u>Health and Safety</u>
<u>Regulations, 2020</u> for a list of the prescribed places of employment.

The specific requirements of an OHS program are stated within section 3-11 of *The Occupational Health and Safety Regulations*, 2020.

To be effective, a program must:

- be in writing (other documents can be referenced in the main document);
- be workplace specific;
- have commitment from the employer and senior management;
- have input from the workers;
- assign clear responsibilities and accountabilities;
- have an evaluation mechanism; and
- be available and effectively communicated.

Refer to the WorkSafe Saskatchewan publication, Elements of an Occupational Health and Safety Program for more information.

## **Violence Policy Statement and Prevention Plan**

See Section 3-26 of The Occupational Health and Safety Regulations, 2020.

Violence is the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behavior that gives a worker reasonable cause to believe that the worker is at risk of injury.

Prescribed places of employment are required to develop and implement a written policy statement on violence policy and prevention plan to protect workers and to eliminate and minimize the risk of violence within their workplace.

#### **Prescribed Workplaces**

The prescribed workplaces that must have a policy statement on violence and prevention plan include:

- a) services provided by health care facilities [see regulations, section 31-1];
- b) parmaceutical-dispensing services;
- c) education services;
- d) police services;
- e) corrections services;
- f) other law enforcement services;
- g) security services;
- h) crisis counseling and intervention services;
- i) late night retail premises as defined in the regulations [see regulations, section 3-27]
- j) financial services;
- k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages;
- l) taxi services; and
- m) transit services.

#### **Contents of Statement and Plan**

The policy statement on violence and prevention plan must be in writing and must include

- the employer's commitment to minimize or eliminate the risk;
- the identification of the worksites where violent situations have occurred or may reasonably be expected to occur;
- the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations;
- the procedure to be followed by the employer to inform workers of the nature and
  extent of risk from violence, including, except if the disclosure is prohibited by law, any
  information in the employer's possession related to the risk of violence from persons
  who have a history of violent behaviour and whom workers are likely to encounter in
  the course of their work;
- the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;
- the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;
- the procedure the employer will follow to document and investigate a violent incident that has been reported;
- a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post incident counselling; and

- the employer's commitment to provide a training program for workers that includes:
  - > the means to recognize potentially violent situations
  - procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers;
  - the appropriate responses of workers to incidents of violence, including how to obtain assistance; and
  - > procedures for reporting violent incidents.

To prepare the policy statement of violence and prevention plan, employers are required to consult and cooperate with their OHC, representative or - where there is no OHC or representative - the workers.

The policy statement on violence and prevention plans must be in writing and readily available to all employees.

#### **Harassment Policy**

See Section 3-25 of The Occupational Health and Safety Regulations, 2020.

Saskatchewan workers have a right to a healthy and safe work environment, free from harassment. Employers are required to take reasonable steps to prevent and stop harassment connected to a worker's employment.

*The Saskatchewan Employment Act* places harassment into three categories:

- 1. harassment based on prohibited grounds;
- 2. personal harassment; and
- 3. sexual harassment.

#### **Harassment Based on Prohibited Grounds**

Harassment based on <u>prohibited grounds</u> includes any inappropriate conduct, comment, display, action or gesture by a person that:

- is based on any prohibited grounds defined in *The Saskatchewan Human Rights Code*, 2018, or physical weight or size; or
- constitutes a threat to the health or safety of the worker.

This type of harassment is prohibited in the Act and *The Saskatchewan Human Rights Code*.

Note: For the purposes of the definition of harassment, worker includes secondary and post-secondary students, volunteers, and independent and dependent contractors.

#### **Personal Harassment**

<u>Personal harassment</u> includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well being;
- the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated; and
- constitute a threat to the health and safety of a worker

Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

#### **Sexual Harassment**

<u>Sexual harassment</u> may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can take many forms, including but not limited to:

- sexual remarks;
- jokes with sexual overtones;
- a sexual advance or invitation;
- displaying offensive pictures or photographs;
- threats;
- leering;
- physical contact like touching, patting, pinching or brushing against; and
- sexual and physical assault.

#### Responsibilities of employers and workers

All workers, including independent contractors, secondary and post-secondary students, and volunteers have a responsibility to ensure appropriate conduct in the workplace.

Note: Videos depicting each of the three types of harassment are available at saskatchewan.ca.

Workers are required to refrain from causing or participating in the harassment of another worker. They must also co-operate with harassment complaint investigations.

Employers also have the responsibility in ensuring a harassment-free workplace. By law, an employer must:

- develop and implement a written harassment policy that meets the requirements of the law; and
- ensure, as much as reasonably practicable, that workers are not exposed to harassment in the workplace. This may include harassment that occurs outside of regular work hours and locations (i.e., employer-sponsored social event or conference) or is perpetrated by a third-party client (i.e., customer or client).

#### **Reporting Harassment**

If you have experienced or observed harassment in your workplace, you must report it to your employer to first try to resolve the issue internally. Reference the organization's harassment policy for information on reporting options and investigation process.

If your employer has failed to take reasonable steps to address the harassment, as a worker you can request the assistance of the Ministry of Labour Relations and Workplace Safety's Occupational Health and Safety Branch.

For information about preventing harassment and creating a harassment policy, see <u>The</u> Harassment Prevention Guide

# **Discriminatory Action**

See Act, section 3-35.

Workers, occupational health committee members and worker health and safety representatives who practice their safety rights are legally protected. The act of disciplining or punishing a worker for exercising their health and safety rights is called discriminatory action.

Discriminatory action is an action or threat of action applied to a person seeking to exercise or enforce an OHS right or duty. It could be anything from a firing, verbal warning, written warning, suspension, demotion, loss of wages or termination of employment.

The Act prohibits an employer from taking discriminatory action when a worker:

- complies with the OHS legislation or a notice of contravention;
- tries to have the legislation enforced;
- tries to establish an OHC or designate a representative;
- helps, gives information to or serves on the workplace's OHC;
- refuses to do work when a worker has reasonable grounds to believe that it is unusually dangerous to themselves or others; or
- otherwise seeks to exercise or enforce a right or carry out a duty in accordance with OHS provisions in the Act and regulations.

# Reporting Serious Injuries, Fatalities and Dangerous Occurrences

See Sections 2-2 and 2-3 of The Occupational Health and Safety Regulations, 2020.

Under the regulations, employers and contractors are required to notify the OHS Branch about incidents that are injuries, fatalities and dangerous occurrences at their place of employment.

# **Serious Injuries or Fatalities**

A serious injury is bodily harm that causes or may cause the death of a worker and will require a worker to be admitted to a hospital as an in-patient for a period of 72-hours or more.

The employer/contractor must notify the OHS Branch to report a serious injury or fatality.

In the notification, the employer/contractor must provide the:

- name of the injured or deceased worker;
- name of the employer of each injured worker or deceased worker;
- date, time and location of the accident;
- circumstances related to the accident;
- apparent injuries; and
- name, telephone and fax number of the employer/contractor or another person designated by the employer/contractor.

In addition to notifying OHS about the accident, a copy of the notice must be given to the OHC or representative.

# **Dangerous Occurrences**

A dangerous occurrence is any situation that did not cause, but could have caused, an injury to a worker or a fatality. Some examples include: the structural failure or collapse of a scaffold, accidental contact with an energized electrical conductor and an uncontrolled spill of a toxic substance.

If a dangerous occurrence occurs at a place of employment, the employer/contractor (regardless of whether a worker is injured) must contact the OHS Branch to report the:

- name of each employer, contractor and owner at the place of employment;
- date, time and location of the dangerous occurrence;
- circumstances related to the dangerous occurrence; and
- name, telephone and fax number of the employer/contractor/owner or another person designated by the employer/contractor/owner.

In addition to notifying OHS about the incident, a copy of the notice must be given to the OHC or representative.

# Asbestos and the Asbestos Registry

#### **Asbestos**

See Part 23 of The Occupational Health and Safety Regulations, 2020.

Older buildings, especially those constructed before 1980, may contain asbestos. Asbestos is a naturally occurring fibrous material that was widely used as insulation and fireproofing in building products (e.g., ceiling tiles, floor tiles, pipe insulation).

It is not always obvious which structural materials contain asbestos and workers could unintentionally disturb them during repairs, maintenance, renovations and other processes.

When asbestos-containing materials (ACM) are disturbed, dangerous fibres are released into the air. Workers who inhale them could develop chronic, irreversible and life-threatening lung diseases. These illnesses, which appear several decades after exposure, include asbestosis (a lung scarring disease), lung cancer and mesothelioma.

# **Safely Handling and Removing Asbestos**

As long as asbestos is well maintained and not disturbed or disintegrating, it does not present an immediate risk to workers' health.

To control exposure to asbestos in the workplace *The Occupational Health and Safety Regulations, 2020* requires building owners, employers and contractors to:

- 1. Ensure that a competent person identifies and creates an inventory of all ACM in the building.
- 2. Regularly inspect and maintain all ACM identified in the inventory list and determine if any damage exists. If damage exists, building owners and employers must decide on the safest method to address the damage (e.g., abatement, encapsulation or enclosure).
- 3. Train all staff who are expected to work near or with ACM about safe work procedures before they begin work that could disturb asbestos.
- 4. Develop written control plans to prevent the release of asbestos fibres into occupied areas when maintenance, repairs, renovation or other work may disturb ACM.
- 5. Notify the Occupational Health and Safety Branch, by completing a Notification of High Risk Asbestos Form, and submitting it no less than 14 days before a high-risk asbestos process starts (see section 2-1(2) and 2-1(3) of the regulations). Completed forms can be sent to OHSAsbestosNotification@gov.sk.ca.

For a more detailed explanation of the steps to take when handling asbestos, see WorkSafe Saskatchewan's publication *Guidelines for Managing Asbestos in Buildings*.

# Saskatchewan Asbestos Registry of Public Buildings

The Public Health Act, 1994 requires buildings owned by the provincial government, Crown Corporations, Treasury Board Crowns, Regional Health Authorities (or affiliates) and buildings used as schools (as defined by *The Education Act, 1995*) to assess and then submit information about the presence of asbestos-containing material (ACM) to the Saskatchewan Asbestos Registry of Public Buildings.

A safety professional, consultant or person who has asbestos knowledge, experience and training can do the assessment.

The Occupational Health and Safety Regulations, 2020 stipulates the items to be assessed and the information to be submitted to the registry.

Compliance and enforcement of the amendments to *The Public Health Act* and OHS regulations came into effect on June 1, 2014.

A submission to the registry must include the:

• **Type of Asbestos-Containing Material** (e.g., insulation, boiler and pipe insulation, ceiling stipple, ceiling or floor tile)

**Note**: Only materials or groups of materials that meet the definition of an 'asbestos-containing material' are to be listed in the registry. Any material that is likely to contain asbestos is deemed to be ACM until the material is tested and determined to be asbestosfree.

#### Characteristics

- Friability (a material is 'friable' if it can be crushed using hand pressure);
- Concentration of asbestos in the material (if it is known); and
- ➤ Details about the material for easy identification (e.g., colour, shape, size and texture).

#### Location

The place where the ACM is situated within the building. For example, the ACM could be at Vicki's Happy Mart Groceries, Suite 110, floor tiles in storage room 2.

• **Accessibility** (e.g., enclosed by drywall, inside cindercrete block or encapsulated with non-asbestos cloth or metal).

# **How to Register and Submit Information**

Building owners who are required to submit information to the registry, must:

1. Set up a user account on the registry. Owners can manage, edit and delete information related to their building within the registry.

For help with setting up an account or with adding a building to the registry, see the Saskatchewan Asbestos Registry for Public Buildings User Guide - User Accounts and Submissions.

- 2. Deem material as asbestos-containing until it is tested anddetermined to be asbestos free.
- 3. Regularly review the information posted on the registry to ensure it is kept up-to-date. As asbestos changes occur, the registry must be updated. For example, if pipe insulation is removed, and it is listed as ACM, the change must be made to the registry.
- 4. If a public building is sold to or purchased by an owner who is not prescribed under *The Public Health Act*, *1994*, the information must be updated in the registry.

A competent person possesses the knowledge, experience and training to perform a specific duty.

# How to Search the Registry

See the Saskatchewan Asbestos Registry in Public Buildings User Guide - Searching for help with accessing and searching the Saskatchewan Asbestos Registry.

#### **Enforcement and Penalties**

# **Compliance Undertakings**

See Act, section 3-38.

When an occupational health officer encounters a person who is not complying with the Act or regulations, the officer will take one of two actions:

- 1. require the person to enter into a compliance undertaking; or
- 2. serve the person with a notice of contravention.

A compliance undertaking is a written agreement (not a warning) where a workplace party commits to comply with legislation by accomplishing specified tasks within a defined time period.

When a workplace party enters into a compliance undertaking, they must submit a progress report to show that they have completed the specified tasks.

#### **Notice of Contraventions**

See Act, section 3-38.

A notice of contravention is an enforcement tool that officers use to address non-compliance with the OHS provisions in the Act or regulations.

In a notice of contravention, officers:

- identify the section(s) of the legislation or regulation that have been contravened;
- require that corrective action(s) be taken and specify the date by which that action is to be completed; and
- require a progress report to be sent to the OHS Branch within five business days of the prescribed date for correction and to a workplace OHC or representative. Where neither a committee nor a representative exists at a workplace, the progress report is provided to the workers.

#### **Stop Work Orders**

When an officer has formed the opinion that there is a breach of the legislation that may pose serious risk to the health and safety of a worker(s), they will direct the cessation of work.

To prevent serious risk situations that could lead to a stop work order at your workplace, familiarize yourself with the examples below of conditions that are considered a serious risk.

The serious risk conditions are:

- 1. workers being exposed to falls in excess of three metres without appropriate fall protection;
- 2. the presence of floor or roof openings through which workers could fall;

- 3. workers working in confined spaces without atmosphere testing or other safety procedures;
- 4. workers working on equipment or machinery without lockout in place (when such lockout is required);
- 5. workers working in a trench that has not been cutback or adequately shored;
- 6. workers handling toxic, carcinogenic, or corrosive chemicals without the appropriate information or precautions in place;
- 7. workers working in an atmosphere that may pose a threat to heath from inhalation of harmful substances without respiratory equipment or other controls; and
- 8. workers leaving trees partially cut and standing or sit back trees while continuing to work in the area.

# **Summary Offence Tickets (SOTs)**

A summary offence ticket (SOT) is a ticket issued by a designated occupational health officer. The Ministry of Labour Relations and Workplace Safety and the Ministry of Justice have created summary offence tickets for certain occupational health and safety violations.

There are 12 ticketable offences (see the full list below). Offences include failure to comply with fall protection, excavation/trench, personal protective equipment, submission of progress report requirements, and submission of information requested by the director.

Fines range from \$250 to \$1,000 depending on the offence.

SOTs are like speeding tickets. They will be issued either in person or sent by mail. The officer will assess the situation and facts on the ground before issuing a ticket. Everyone who gets a ticket has the right to challenge it in court.

Employers, contractors, owners, self-employed persons, suppliers and workers can get tickets.

Officers will assess the severity of the situation and try to use other tools – such as compliance undertakings, officer's reports, notice of contraventions and stop work orders – before issuing a ticket.

In high risk situations (immediately dangerous to life and health), especially those involving fall protection and trenches, an officer may issue a ticket before using other tools.

The SOT will indicate how to pay the fine and surcharge online, by mail or in person. There are alternatives to paying the fine, which are:

- appear in court at the time and place specified if you wish to work the fine off; or
- plead guilty or not guilty and request an alternate court date in writing.

#### List of Offences and Fines

The fine for each offence is established within *The Summary Offence Procedures Regulations*, 1991. Note that these fine amounts are subject to a victim surcharge established pursuant to section 13 of *The Victims of Crime Act*, 1995.

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties	
1.	Failing to submit a written progress report <sup>1</sup>	Section 3-43(b) (Act)	\$600 Employers, self-employed persons, suppliers, contractors, owners	
2.	Failing to submit information requested by the director <sup>2</sup>	Section 3-64(1) (Act)	\$600 Employers, self-employed persons, suppliers, contractors, owners	
3.	Failing to supply approved personal protective equipment	Section 7-2(1)(a) (Regulations)	\$1,000 Employers, contractors	
4.	Failing to ensure that workers use personal protective equipment	Section 7-2(1)(b) (Regulations)	\$1,000 Employers, contractors	
5.	Worker failing to use provided personal protective equipment	Section 7-2(4)(a) (Regulations)	\$250 Workers	
6.	Failing to ensure that workers use a fall protection system where a worker may fall three metres or more	Section 9-2(2)(a) (Regulations)	\$1,000 Employers, contractors	
7.	Failure to ensure that workers use a fall protection system where there is a possibility of injury if a worker falls less than three metres	Section 9-2(2)(b) (Regulations)	\$1,000 Employers, contractors, owners	
8.	Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected	Section 9-13(1) (Regulations)	\$1,000 Employers, contractors, owners	
9.	Failing to provide an effective safeguard	Section 10-4(1) (Regulations)	\$1,000 Employers, contractors	
10.	Failing to ensure that workers are protected from caveins or sliding material in an excavation	Section 17-6(1) (Regulations)	\$1,000 Employers, contractors	
11.	Failing to ensure that workers are protected from cave-ins or sliding material in a trench	Section 17-7(1) (Regulations)	\$1,000 Employers, contractors	

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties	
12.		Section 18-7(3)	\$1,000	
	hazardous confined space entry plan	(Regulations)	Employers, contractors	

<sup>&</sup>lt;sup>1</sup> "Failing to submit a written progress report"

Act, section 3-43(b) requires the submission of a progress report to an officer explaining what actions have been taken to remedy each violation stated in a notice of contravention within the required timelines.

Act, section 3-64 allows the director of the OHS Branch to request information needed for the branch to perform its duties and exercise its powers.

#### **Penalties**

See Act, section 3-79.

The Saskatchewan Employment Act provides penalties as follows:

- The maximum fine for an individual(s) who a causes serious injury or fatality is \$500,000.
- The maximum fine for a corporation(s) who causes a serious injury or fatality is \$1,500,000.

While the maximum penalty is set by legislation, the actual amount charged to an individual or corporation is at the discretion of a judge.

<sup>&</sup>lt;sup>2</sup> "Failing to submit information requested by the director"

# **Appeals**

Part III and IV of the Act explain the process by which designated individuals and entities can appeal decisions of occupational health officers.

# **Persons Who Can Appeal**

The following individuals and entities can appeal decisions of occupational health officers:

- workers:
- employers;
- self-employed persons;
- contractors;
- prime contractors;
- owners;
- suppliers; or
- any other prescribed person or member or a category of prescribed persons.

# **Timeframe for Appeals**

A person can file a written notice of appeal to the director of the OHS Branch within 15 business days of the date the decision was served. The written notice of appeal must:

- identify and state the decision being appealed;
- state the names of all persons who are directly affected by the decision;
- set out the grounds of the appeal; and
- state what the appellant wants done to correct the situation.

# Appealing an Officer's Decision

See Act. section 3-53.

Appeals of officers' decisions are made to the director of the Occupational Health and Safety Branch. The director can conduct appeals internally or choose to forward them to an adjudicator. Certain appeals must be forwarded directly to an adjudicator.

The written notice of appeal must be made to the attention of the:

Director

Occupational Health and Safety Division Ministry of Labour Relations and Workplace Safety 300 - 1870 Albert Street REGINA SK S4P 4W1

**Note**: Mailed notices should be sent by registered or certified mail.

If the director of the OHS Branch conducts the appeal internally, the OHS Branch will provide notice of the appeal to the persons who are directly affected by the decision and will provide opportunity for those persons to make written representations about whether the decision should be affirmed, amended or cancelled. The director is not required to provide an oral hearing.

After conducting an appeal, the director of the OHS Branch will affirm, amend or cancel the original decision and will provide written reasons for the decision. The director will provide a copy of the decision to all persons who are directly affected by the decision.

# Appealing the Director's Decision

See Act, section 3-56.

The director's decision can be appealed and heard by an adjudicator.

Adjudicators are assigned to specific appeal hearings by the Saskatchewan Labour Relations Board.

Adjudicators may:

- require any party to provide testimony;
- require any party to testify under oath;
- require any party to provide documents relevant to the appeal;
- administer oaths or affirmations;
- decide questions of fact relevant to the appeal and may accept evidence even if it would not be admissible in a regular court;
- conduct any appeal using a means of simultaneous telecommunications; and
- adjourn or postpone the appeal.

The Saskatchewan Labour Relations Board will consult with the adjudicator to set a time, day and place for the appeal or hearing.

The adjudicator determines the procedures by which an appeal is conducted. Adjudicators are not bound by the normal rules of evidence law and may accept any evidence they consider appropriate.

If a person who is directly affected by an appeal has been given notice of the appeal, the adjudicator may proceed in their absence. Furthermore, adjudicators, at their discretion, may use simultaneous telecommunications to conduct a proceeding. This allows the process to proceed without everyone in the same physical location.

Each party in an appeal may represent themselves or choose to have someone else represent them during the appeal process. Typically, this could mean an employer representative or a lawyer.

Under the Act, section 4-4(5), a technical or procedural error during the appeal process will not nullify or void the outcome of an appeal. The adjudicator's decision will be based on the evidence presented during the hearings. When the hearings have ended, the adjudicator can choose to accept or dismiss the appeal, or revoke, change or accept the original decision as written.

# Appealing an Adjudicator's Decision

See Act, section 4-8.

If an appeal is pursuant to a question of the law, an adjudicator's decision can be appealed to the Saskatchewan Labour Relations Board. Also, under certain circumstances, the Saskatchewan Labour Board's decision can be appealed to the Saskatchewan Court of Appeal.

For more information about appealing a decision to the Saskatchewan Labour Relations Board, contact the Saskatchewan Labour Relations Board at 306-787-2406 (Regina), or visit their website at <a href="https://www.sasklabourrelationsboard.com">www.sasklabourrelationsboard.com</a>.

# Appendix A: Table 7 of *The Occupational Health and Safety Regulations*, 2020

[Subsections 3-11(2) and 4-8(1)]

Employers at the prescribed places of employment, listed in Table 7, are required to:

- establish and maintain an occupational health and safety program; and
- designate a worker occupational health and safety representative if they employ between five and nine workers and engage in activities that constitute high hazard work.

#### **Prescribed Places of Employment**

- 1. Types of places of employment:
  - a) hospitals, nursing homes and home care;
  - b) metal foundries and mills; and
  - c) mines.
- 2. Places of employment at which the following types of work are performed:
  - a) aerial crop spraying, operation of helicopters, water bombing;
  - b) auto-body and automotive paint repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fibre glassing boats and autos;
  - c) building construction;
  - d) camp catering;
  - e) farming and ranching;
  - f) forestry work other than pulp and paper production;
  - g) forwarding and warehousing as a business;
  - h) metal manufacturing and machining, marble works, concrete block and ready mix manufacturing;
  - i) oil well servicing;
  - j) oil and gas drilling, well servicing with a rig, water well drilling;
  - k) processing meat, poultry and fish;
  - l) road construction and earthwork, urban sewer and water construction, tunneling;
  - m) trucking; and
  - n) wholesale baking, dairy products, soft drinks and food preparation and packaging.

# Appendix B: How to Read Legislation

Knowing how to read and use the Act that contains OHS provisions will help employers, supervisors and workers:

- familiarize themselves with Saskatchewan's health and safety requirements; and
- take the correct actions to comply with the health and safety requirements for their specific workplaces.

Reading legislation is different than reading a textbook or manual. Information is organized and presented in a unique way.

#### How to Read the Act

The Saskatchewan Employment Act is 12 pieces of employment, labour relations and occupational health and safety requirements published and presented as one statute.

It is organized into Parts designated by roman numerals. The OHS provisions are located in Parts III, IV and V of the Act.

always remember to search by section number; not page number.

- Part III Occupational Health and Safety
- Part IV Appeals and Hearings
- Part V Radiation Health and Safety

When reading the Act, you will often be looking for one specific piece of information. It is best to go directly to the Table of Contents. Note that the Table of Contents is divided into Parts, as mentioned above, and the Parts are subdivided into Divisions. The OHS Divisions are then divided further into Sections. When trying to locate information in the Act,

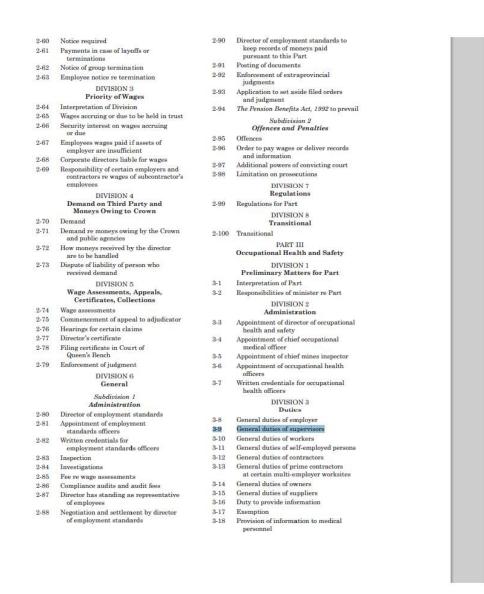
For example, if you needed to find information about the *General duties of supervisors*, you would follow these steps.

- 1. Go to the Table of Contents.
- 2. Find Part III- Occupational Health and Safety.
- 3. Scan to find the OHS Division heading Duties.
- 4. Finally, under Duties, you will see section 3-9, General duties of supervisors.

Note: Every section of Part III of the Act is preceded by the number 3. Similarly, if you were reading Part II of the Act, every section would be preceded by the number 2.

See the screen capture on the next page for a visual example of what the Act's Table of Contents looks like. The General duties of supervisors are highlighted. Notice that they are located in Part III, Division 3, section 3-9.

For more information on how to read legislation, you can view a <u>video</u> that will help you naviagate the Act and regulations



# How to Read the Regulations:

Reading the regulations is similar to reading the Act but, the regulations contain a few additional items. These items are an index and an appendix. Follow these steps to read the regulations.

- 1. Use the Table of Contents to find the Parts that pertain to your workplace.
- 2. Always remember to search by section number, not page number.
- 3. Look in the Preliminary Matters section to find definitions of terms, such as 'atmosphere supplying respirator'. See the screen capture on the next page for a visual example of what a Preliminary Matters section looks like. Notice that the definition for 'atmosphere supplying respirator' is highlighted and located in the regulations, Part 1, section 1-2(1).

#### PART 1 Preliminary Matters

Title

1-1 These regulations may be cited as The Occupational Health and Safety Regulations, 2020.

#### **Definitions and Interpretation**

1-2(1) In these regulations and in all other regulations made pursuant to the Act:

"Act" means The Saskatchewan Employment Act;

"air-purifying respirator" means a respirator that removes airborne contaminants from the air inhaled by a worker;

#### "approved" means:

- (a) approved by an agency acceptable to the director for use in accordance with any terms and conditions determined by the agency; or
- (b) approved by a certificate of the director subject to any terms and conditions the director considers appropriate;

"atmosphere-supplying respirator" means a respirator that delivers clean breathing air to a worker from:

- (a) a compressor or a cylinder;
- (b) an SCBA that is closed or open circuit; or
- (c) a combination of an SCBA and supplied air;

"borehole" means a mechanically drilled hole in the ground;

"building shaft" means a continuous vertical space substantially enclosed on all sides that extends for 2 or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;

"class A qualification" means a certificate that:

4. Use the appendix to locate reference tables. The appendix to the regulations contains tables of information that are referenced, but not included, in the regulations. See the screen capture for a visual example of a table in the appendix to the regulations. Notice that 'Table 11, *Minimum Training Requirements for Trained Operator of Powered Mobile Equipment*', is referenced in Section 11-2 of the regulations.

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TABLE 11 [Section 11-2]

#### Minimum Training Requirements for Trained Operator of Powered Mobile Equipment

In this Table, "PME" means Power Mobile Equipment

#### I Course Content:

- A. Occupational Health and Safety Regulations, 2020 Related to Power Mobile Equipment (PME):
  - 1. Duties of employers and operators
  - 2. Protection of workers, risk assessment and visual inspection
  - 3. Operation of PME

# Understanding Occupational Health and Safety in Saskatchewan

2022

For more information, please contact the Occupational Health and Safety Branch at the Ministry of Labour Relations and Workplace Safety at:

#### Regina

300-1870 Albert Street Regina, SK S4P 4W1

#### Saskatoon

8th Floor, 122 3rd Avenue North Saskatoon, SK S7K 2H6

Toll Free: 1-800-567-7233

